



# THE SECURITY SECTOR LEGISLATION OF UKRAINE



2013

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# **THE SECURITY SECTOR LEGISLATION OF UKRAINE**

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## ABBREVIATIONS

<b>BSEC</b>	Organisation of the Black Sea Economic Cooperation
<b>CIS</b>	Commonwealth of Independent States
<b>EU</b>	European Union
<b>GUAM</b>	Organisation for Democracy and Economic Development
<b>MOD</b>	Ministry of Defence
<b>NATO</b>	North Atlantic Treaty Organisation
<b>NGO</b>	Non-governmental organisation
<b>NPC</b>	National Contingent Point of Contact
<b>NSCDU</b>	National Security and Defence Council of Ukraine
<b>OSCE</b>	Organisation for Security and Co-operation in Europe
<b>RCO</b>	Regime-confidential organ
<b>RPE</b>	Respiratory protective equipment
<b>SMR</b>	Senior Military Representative
<b>SSR</b>	Soviet Socialist Republic
<b>UkrCEPRO</b>	System of Certification of Space Equipment of Ukraine operating under the framework of the State System of Certification
<b>UkrSCSE</b>	System of Certification of Space Equipment of Ukraine
<b>UN</b>	United Nations
<b>USSR</b>	Union of Soviet Socialist Republics

# INTRODUCTION

**Philipp Fluri, Ph.D.**  
**Executive Director DCAF Brussels**

Strengthening the role of parliaments and other democratic institutions in security sector governance is one of DCAF's main concerns and *raison d'être*. Much initial cooperation on this issue focused on the countries of the Former Soviet Union and South East Europe, but has increasingly shifted to parliaments across the world. Cooperation with the Inter-Parliamentary Union and regional parliamentary assemblies has also gained in momentum and importance.

Ukraine being a founding member of DCAF and an enthusiastic supporter of our organisation, cooperation with the Verkhovna Rada Security and Defence Committee and the Ministry of Defence has been voluminous and highly inspiring in recent years. The three preceding volumes to this collection – all made possible by funding from the the Swiss MoD and NATO – testify to that.

DCAF has found past cooperation with the Ukrainian security sector inspiring and rewarding and hopes to continue this in the future to the extent that new funding opportunities allow.

Brussels/Geneva, December 6, 2013

**Marcin Koziel,  
Director, the NATO Liaison Office, Ukraine**

Since 2010 NATO-Ukraine relations have developed in the context of the non-bloc policy of Ukraine. NATO and Ukraine continue their co-operation focused on practical support for NATO-led operations and defence reform which remains one of the key areas of work for NATO-Ukraine co-operation. The Annual National Programme (the ANP) remains the key instrument with which NATO and the Allies assist Ukraine in implementing policies in key reform areas. Being "roadmaps" for transformation and instruments of strategic communications with NATO, with its five comprehensive chapters, the ANPs are intended to support implementation of reforms in Ukraine including modernisation of Ukrainian defence and security sector.

Ukraine-NATO co-operation in defence and security sector reform is principally implemented in the framework of the NATO-Ukraine Joint Working Group on Defence Reform (JWGDR). It was established in 1998 and has worked to support Ukraine in implementing various aspects of defence and security sector reform. In 2013 the group continued its discussions on ways in which it could assist Ukraine in implementing defence reform policies which the Government of Ukraine had launched. These mainly extend to exchanges about NATO's support to implementation of

a legislative and policy framework for reforms in the Ukrainian Armed Forces including several important documents, such as the National Security Strategy, the Military Doctrine of Ukraine, the Strategic Defence Bulletin and the Comprehensive State Programme of Reforming and Development of the Armed Forces of Ukraine up to 2017 which are intended to guide reform efforts.

With all these in mind, we find it important to provide our support to the latest edition of the Ukrainian security sector legislation (2012-2013) with a view to facilitating Western expert audiences' access to the Ukrainian legislation on defence and security. The NATO Liaison Office in Ukraine is privileged to be part of this important project, aimed at facilitating the mutual understanding and fostering Ukraine's co-operation with the Alliance. We also greatly appreciate sustained efforts of the Geneva Centre for the Democratic Control of Armed Forces (DCAF) aimed at supporting defence and security sector reform in Ukraine and trust that we will take our joint co-operation in support of Ukraine into the future.

**Andrii Yermolaiev**  
**Director of the National Institute for Strategic Studies**

The Center for Army, Conversion and Disarmament Studies together with Geneva Centre for the Democratic Control of Armed Forces has prepared the next reference book *"The Security Sector Legislation of Ukraine. Second Edition"* for a wide range of readers.

Already seven years have passed since publication of the first edition. During this period the global financial-economic crisis has accelerated the formation of international relations system, development of the new global "centres of power" and changes in their interests. Deep transformations have taken place in geopolitical situation around Europe and in the Eurasian continent in general. The spectrum of problems, related to the competition for resources for development, became more dangerous. This crisis significantly reduced economic and other capabilities of the states, including Ukraine, to provide for their security and defence.

Radical transformations are observed in foreign and internal policies of Ukraine. Its non-aligned policy and European aspirations help to improve the political-military situation in the region and to strengthen partnership with Russia and other neighbouring countries. Besides, Ukraine has turned back to the Constitution of 1996 and presidential-parliamentary state. All these developments are reflected in the radical changes of the national legislation related to the issues of separation of powers, amendment of concepts, plans and programmes of reforms of the Armed Forces, law enforcement bodies and defence industrial complex of Ukraine.

Laws and decrees by the Verkhovna Rada of Ukraine and acts of the President of Ukraine included in this book offer systemic view on the fundamentals of amended foreign and domestic policies and legal frameworks of the state where the President of Ukraine conducts reforms of security sector and its basis – the Armed Forces of Ukraine.

This collection reflects also the evolution of participation of our country in the international efforts in support of the global and regional security and stability and fight against terrorism and piracy, as well as international military and military-technical cooperation.

This reference book will help domestic and foreign experts to familiarize with official documents on the national security and defence of Ukraine. I would avail myself of the opportunity to express my sincere gratitude to Geneva Centre for the Democratic Control of Armed Forces, which for many years supports Ukraine in bringing its legislation to European norms and standards.



## Part I

# The Constitutional Framework of Ukrainian National Security and Defence Policy

### **Declaration of Ukrainian State Sovereignty**

Adopted by the Verkhovna Rada of the Ukrainian Soviet Socialist Republic  
Kyiv (Kiev), July 16, 1990

#### ***THE VERKHOVNA RADA OF THE UKRAINIAN SSR:***

- expressing the will of the people of Ukraine;
- striving to create a democratic society;
- acting on the need for comprehensive guarantees of human rights and freedoms;
- respecting national rights of all nations;
- caring for the fully-fledged political, economic, social, and spiritual
- development of the people of Ukraine;
- recognising the necessity to develop a constitutional State;
- aiming to establish sovereignty and self-rule for the people of Ukraine.

#### ***PROCLAIMS THAT:***

The State Sovereignty of Ukraine shall be supreme, independent and transparent, assuring indivisibility of Ukraine's authority within its State boundaries and its independence and equality in foreign relations.

## **I. SELF-DETERMINATION OF THE UKRAINIAN NATION**

The Ukrainian SSR as a sovereign national State develops within its existing boundaries the inalienable right to exercise self-determination. The Ukrainian SSR stands to protect and defend the Statehood of the Ukrainian people. Any violent actions against Ukraine undertaken by political parties, non-governmental organisations, other groups or individuals shall be impeached.

## **II. RULE OF THE PEOPLE**

The citizens of all nationalities comprise the people of Ukraine. The people of Ukraine are the sole source of State authority. The absolute authority of the people of Ukraine is exercised directly through the Republic's Constitution, as well as via National Deputies elected to the Verkhovna Rada and Local Councils of the Ukrainian SSR. The Verkhovna Rada represents all the people. No political party, non-governmental organisation (NGO), other group or individual can represent all the people of Ukraine.

## **III. STATE POWER**

The Ukrainian SSR is independent in determining its State affairs. The Ukrainian SSR guarantees the supremacy of the Constitution and Laws. State power is exercised on the principle of its divisions into legislative, executive, and judicial branches. The Prosecutor General of the Ukrainian SSR, (appointed by, responsible and accountable to the Verkhovna Rada) – has the highest authority to ensure the precise and uniform application of law.

## **IV. CITIZENSHIP OF THE UKRAINIAN SSR**

The Ukrainian SSR has its own citizenship and guarantees each citizen the right to retain citizenship of the USSR. The citizenship of the Ukrainian SSR is acquired and lost on the grounds determined by the Laws on Citizenship of the Ukrainian SSR. All citizens of the Ukrainian SSR are guaranteed the rights and freedoms stipulated by the Constitution of the Ukrainian SSR and recognised standards of international law. The Ukrainian SSR guarantees the equal protection of the law to all citizens regardless of their origin, social or economic status, racial or national identity, sex, education, language, political views, religious beliefs, occupation, place of residence or any other circumstances.

The Ukrainian SSR regulates immigration procedures. The Ukrainian SSR acknowledges and undertakes measures to protect and defend the interests of Ukrainian citizens beyond its borders.

## **V. TERRITORIAL SUPREMACY**

The Ukrainian SSR has supremacy over all of its territory. The territory of the Ukrainian SSR within its existing borders is inviolable and cannot be changed or used without its consent. The Ukrainian SSR is independent in determining its administrative-territorial system and the procedures for establishing national and administrative units.

## **VI. ECONOMIC INDEPENDENCE**

The Ukrainian SSR independently determines its economic status guaranteed by law. The people of Ukraine have the exclusive right to control and directly use the national resources

of Ukraine. The land, mineral wealth, air space, water, natural resources within Ukraine and its continental shelf as well as its maritime economic zones including all economic and scientific-technical potential created locally are the property of its people.

These resources constitute the material basis of Ukraine's sovereignty, and are to be used to meet the material and spiritual needs of its citizens. The Ukrainian SSR has the right to its share of Soviet Union (USSR) wealth, especially in all-union (USSR) gemstone, hard currency stocks and gold reserves that were created through Ukrainian efforts. Issues concerning all-union (USSR) property (joint property of all Soviet Republics) are to be resolved through agreements between the Soviet Republics entitled to the aforementioned property. Businesses, institutions, organisations, and assets belonging to other States and their citizens, as well as international organisations located in Ukraine, may also use the natural resources of Ukraine in accordance with the law. The Ukrainian SSR independently establishes banking (including a foreign economic bank), pricing, financial, customs, and tax systems. It will develop a State

Budget, and, if necessary it will introduce its own currency. The National Bank of Ukraine is the chief credit institution in Ukraine and is accountable to the Verkhovna Rada. Businesses, institutions, organisations, and manufacturing companies based in Ukraine pay a fee for land use, natural and labour resources, and have tax deductions made from their foreign currency earnings creating taxes for local budgets. The Ukrainian SSR guarantees protection of all forms of private ownership.

## **VII. ENVIRONMENTAL SAFETY**

The Ukrainian SSR independently determines procedures to organise ecological protection in Ukraine to develop procedures for the rational use of natural resources. Ukraine has a national committee that organises protection for the population in case of radiation contamination. The Ukrainian SSR reserves the right to ban the construction and to halt the operation of any businesses, institutions, organisations and other objects that threaten environmental safety. The Ukrainian SSR is concerned for the environmental safety and lineage of its current citizens and future generations. The Ukrainian SSR has the right to compensation for the damages made to Ukrainian environment by the acts of the USSR union authorities.

## **VIII. CULTURAL DEVELOPMENT**

The Ukrainian SSR is autonomous when solving issues associated with science, education, as well as cultural and spiritual development of the nation and guarantees all nationalities living on the territory of the Republic the right to free national and cultural development. The Ukrainian SSR guarantees national and cultural recovery of the pre-USSR Ukrainian nation, its historical consciousness and traditions, national and ethnographic characteristics, and the use of Ukrainian language in all aspects of social activity. The Ukrainian SSR strives to meet the national, cultural, spiritual and linguistic needs of Ukrainians living outside its borders. The national, cultural, and historical values within Ukraine belong exclusively to the people. The Ukrainian SSR reserves the right to return into State ownership national, cultural, and historical values found outside the borders of the Ukrainian SSR.

### **IX. EXTERNAL AND INTERNAL SECURITY**

The Ukrainian SSR has the right to possess Armed Forces. The Ukrainian SSR retains internal State military and security organisations regulated by the Verkhovna Rada. The Ukrainian SSR determines procedures for military service. Citizens of Ukraine perform military service, as a rule on local territory and cannot be used for military purposes beyond its borders without the consent of the Verkhovna Rada. Ukraine solemnly declares its intention of becoming a permanently neutral State that does not participate in military blocs and adheres to three nuclear free principles: not to accept, produce or to purchase nuclear weapons.

### **X. INTERNATIONAL RELATIONS**

Ukraine as a subject of international law, maintains direct relations with other States, enters into agreements, exchanges diplomatic, consular and trade representation, and participates in the activity of international organisations to the full extent necessary to effectively guarantee national interests in political, economic, ecological, information, academic, technical, cultural fields.

The Ukrainian SSR acts as an equal participant in international affairs, actively promotes the reinforcement of general peace and international security, and directly participates in Eurocentric processes and structures. Ukraine recognises the importance of general human values over class ones and the precedence of generally accepted standards of international law over domestic law.

\* \* \*

Relations of the Ukrainian SSR with other Soviet Republics are built upon the basis of agreements concluded on the principles of equality, mutual respect, and non-interference in internal affairs.

This Declaration is the basis for a new Constitution and Legal Code for Ukraine that determines the position of the Republic for the purpose of international agreements. The principles of the Declaration of the Sovereignty of Ukraine are to be used for the preparation of a new Union agreement.

## **Verkhovna Rada of Ukraine Resolution “On Declaration of Independence of Ukraine”**

The Verkhovna Rada of the Ukrainian Soviet Socialist Republic resolves that:

Ukraine shall be declared an independent democratic state on August 24, 1991.

Upon declaration of its independence, only its Constitution, laws, orders of the Government, and other legislative acts of the republic are valid on the territory of Ukraine.

A republican referendum shall be organised on December 1, 1991, to confirm the act of declaration of independence.

Chairman of the Verkhovna Rada of the Ukrainian SSR Leonid Kravchuk

Kyiv, August 24, 1991

#1427-XII

## **Act of Declaration of Independence of Ukraine, August 24, 1991**

In view of the mortal danger surrounding Ukraine in connection with the state coup in the USSR on August 19, 1991,

Continuing the thousand-year tradition of state development in Ukraine,

Proceeding from the right of a nation to self-determination in accordance with the Charter of the United Nations and other international legal documents, and

Implementing the Declaration of State Sovereignty of Ukraine, the Verkhovna Rada of the Ukrainian Soviet Socialist Republic solemnly declares

**Independence of Ukraine and creation of the independent Ukrainian state – UKRAINE.**

The territory of Ukraine is indivisible and inviolable.

From this day forward, the Constitution and laws of Ukraine only are valid on the territory of Ukraine.

This act comes into force upon its approval.

## Constitution of Ukraine

The Verkhovna Rada (the Parliament) of Ukraine on behalf of the Ukrainian people – Ukrainian citizens of all nationalities,  
expressing the sovereign will of the people,  
relying on the centuries-old history of Ukrainian state-building and upon the right to self-determination realised by the Ukrainian nation, all the Ukrainian people,  
aspiring to ensure human rights and freedoms, and life conditions worthy of human dignity,  
supporting the strengthening of civil harmony on the Ukrainian soil,  
striving to develop and strengthen a democratic, social, law-based state,  
realising the responsibility in the eyes of God, before our own conscience, past, present and future generations,  
guided by the Act of Declaration of the Independence of Ukraine of August 24, 1991, approved by the national vote on December 1, 1991,  
adopts this Constitution as the Fundamental Law of Ukraine.

### **PART I. GENERAL PRINCIPLES**

*Article 1.* Ukraine shall be a sovereign and independent, democratic, social, law-based state.

*Article 2.* The sovereignty of Ukraine shall extend throughout its entire territory.

Ukraine shall be a unitary state.

The territory of Ukraine within its present borders shall be indivisible and inviolable.

*Article 3.* An individual, his life and health, honour and dignity, inviolability and security shall be recognised in Ukraine as the highest social value.

Human rights and freedoms, and guarantees thereof shall determine the essence and course of activities of the State. The State shall be responsible to the individual for its activities. Affirming and ensuring human rights and freedoms shall be the main duty of the State.

*Article 4.* There shall be a single form of citizenship in Ukraine. The grounds for the acquisition and termination of Ukrainian citizenship shall be determined by law.

*Article 5.* Ukraine shall be a republic.

The people shall be the bearer of sovereignty and the sole source of power in Ukraine. The people shall exercise power directly or through the state authorities and local self-government bodies.

The right to determine and change the constitutional order in Ukraine shall belong exclusively to the people and shall not be usurped by the State, its bodies, or officials.

No one shall usurp the State power.

*Article 6.* The State power in Ukraine shall be exercised with the consideration of its division into legislative, executive, and judicial branches.

Legislative, executive, and judicial bodies shall exercise their authority within the limits determined by this Constitution and in accordance with the laws of Ukraine.

*Article 7.* Local self-governance shall be recognised and guaranteed in Ukraine.

*Article 8.* The rule of law shall be recognised and effective in Ukraine.

The Constitution of Ukraine shall be regarded as superior law. Laws and other regulatory legal acts shall be adopted on the basis of the Constitution of Ukraine and shall conform to it.

Norms of the Constitution of Ukraine shall be the norms of direct effect. Recourse to the court for protection of constitutional rights and freedoms of an individual and citizen directly on basis of the Constitution of Ukraine shall be guaranteed.

*Article 9.* International treaties in force, consented by the Verkhovna Rada of Ukraine as binding, shall be an integral part of the national legislation of Ukraine.

Conclusion of international treaties, contravening the Constitution of Ukraine, shall be possible only after introducing relevant amendments to the Constitution of Ukraine.

*Article 10.* The State language of Ukraine shall be the Ukrainian language.

The State shall ensure comprehensive development and functioning of the Ukrainian language in all spheres of social life throughout the entire territory of Ukraine.

Free development, use, and protection of Russian and other languages of national minorities of Ukraine shall be guaranteed in Ukraine.

The State shall promote the learning of languages of international communication.

The use of languages in Ukraine shall be guaranteed by the Constitution of Ukraine and shall be determined by law.

*Article 11.* The State shall promote the consolidation and development of the Ukrainian nation, its historical consciousness, traditions, and culture, as well as development of ethnic, cultural, linguistic, and religious identity of all indigenous peoples and national minorities of Ukraine.

*Article 12.* Ukraine shall provide for meeting the national, cultural, and linguistic needs of Ukrainians residing beyond the borders of the State.

*Article 13.* The land, its subsoil, atmosphere, water and other natural resources within the territory of Ukraine, natural resources of its continental shelf and of the exclusive (maritime) economic zone shall be the objects of property rights of the Ukrainian people. State authorities and local self-government bodies shall exercise the ownership rights on behalf of the Ukrainian people within the limits determined by this Constitution.

Every citizen shall have the right to utilise the natural objects of the people's property rights in accordance with the law.

Property entails responsibility. Property shall not be used to the detriment of the individual or the society.

The State shall ensure protection of rights of all property rights holders and economic operators, and the social orientation of the economy. All the property rights holders shall be equal before the law.

*Article 14.* Land shall be the main national asset and as such shall be under special protection of the State.

The property right for the land shall be guaranteed. This right shall be acquired and realised by citizens, legal persons, and the State exclusively in accordance with the law.

*Article 15.* Social life in Ukraine shall be based on the principles of political, economic, and ideological diversity.

No ideology shall be recognised as mandatory by the State.

Censorship shall be prohibited.

The State shall guarantee the freedom of political activities, not prohibited by the Constitution and the laws of Ukraine.

*Article 16.* Ensuring environmental safety, maintaining ecological balance in the territory of Ukraine, overcoming the aftermath of the Chernobyl catastrophe – the catastrophe of global scale – and preserving the gene pool of the Ukrainian people, shall be the duty of the State.

*Article 17.* Protecting the sovereignty and territorial integrity of Ukraine, ensuring its economic and information security, shall be the most important function of the State and a matter of concern for all the Ukrainian people.

The defence of Ukraine and protection of its sovereignty, territorial integrity and inviolability shall be entrusted to the Armed Forces of Ukraine.

Ensuring the security of the State and protecting the State borders of Ukraine shall be entrusted to respective military formations and law enforcement bodies of the State, whose organisation and operational procedure shall be determined by law.

The Armed Forces of Ukraine and other military formations shall not be used by anyone to restrict the rights and freedoms of citizens or with the intent to overthrow the constitutional order, subvert the public authorities or obstruct their activity.

The State shall ensure social protection of citizens of Ukraine who serve in the Armed Forces of Ukraine and in other military formations as well as members of their families.

Establishment and operation of any armed formations not envisaged by law are prohibited in the territory of Ukraine.

The location of foreign military bases in the territory of Ukraine shall not be permitted.

*Article 18.* The foreign political activity of Ukraine shall be aimed at ensuring its national interests and security by maintaining peaceful and mutually beneficial co-operation with members of the international community in compliance with the generally acknowledged principles and norms of international law.

*Article 19.* The legal order in Ukraine shall be based on the principles according to which no one shall be forced to do what is not stipulated by law.

Public authorities and bodies of local self-government and their officials shall be obliged to act only on the grounds, within the powers, and in the way determined by the Constitution and the laws of Ukraine.

*Article 20.* The National Flag of Ukraine, the National Coat of Arms of Ukraine, and the National Anthem of Ukraine shall be the State symbols of Ukraine.

The National Flag of Ukraine shall be a banner of two equally sized horizontal stripes of blue and yellow.

The Great National Coat of Arms of Ukraine shall be established incorporating the elements of the Small National Coat of Arms of Ukraine and the Coat of Arms of the Zaporizhia Host, and shall be approved by the law, adopted by at least two-thirds of the constitutional membership of the Verkhovna Rada of Ukraine.

The Princely State Symbol of Vladimir the Great (the Small National Coat of Arms of Ukraine) shall be the main element of the Great National Coat of Arms of Ukraine.

The State Anthem of Ukraine shall be the national anthem to the music of M. Verbytskyi, with the words, approved by the law, adopted by at least two-thirds of the constitutional membership of the Verkhovna Rada of Ukraine.

The description of the State symbols of Ukraine and procedure for their use shall be determined by the law, adopted by at least two-thirds of the constitutional membership of the Verkhovna Rada of Ukraine.

The City of Kyiv shall be the capital of Ukraine.

## **PART II. HUMAN AND CITIZENS' RIGHTS, FREEDOMS AND DUTIES**

*Article 21.* All people shall be free and equal in their dignity and rights.

Human rights and freedoms shall be inalienable and inviolable.

*Article 22.* Human and citizen rights and freedoms affirmed by this Constitution shall not be exhaustive.

The constitutional rights and freedoms shall be guaranteed and shall not be abolished.

The content and scope of the existing rights and freedoms shall not be diminished by an adoption of new laws or by introducing amendments to the effective laws.

*Article 23.* Every person shall have the right to free development of his personality, provided that the rights and freedoms of other persons are not thus violated, and shall have duties to society, in which free and comprehensive development of his personality shall be guaranteed.

*Article 24.* Citizens shall have equal constitutional rights and freedoms and shall be equal before the law.

There shall be no privileges or restrictions based on race, skin colour, political, religious, and other beliefs, gender, ethnic and social origin, property status, place of residence, linguistic or other characteristics.

Equality of the rights of women and men shall be ensured by providing women with opportunities equal to those of men in public, political and cultural activities, in obtaining education and in professional training, in work and remuneration for it; by taking special measures for the protection of work and health of women; by establishing pension privileges; by creating conditions that make it possible for women to combine work and motherhood; by adopting legal protection, material and moral support of motherhood and childhood, including the provision of paid leave and other privileges to pregnant women and mothers.

*Article 25.* No citizen of Ukraine shall be deprived of citizenship or of the right to change citizenship.

No citizen of Ukraine shall be exiled from Ukraine or surrendered to another state.

Ukraine shall guarantee care and protection to its citizens staying abroad.

*Article 26.* Foreigners and stateless persons staying in Ukraine on legal grounds shall enjoy the same rights and freedoms and bear the same duties as citizens of Ukraine, except as restricted by the Constitution, laws, or international treaties of Ukraine.

Foreigners and stateless persons may be granted asylum under the procedure established by law.

*Article 27.* Every person shall have the inalienable right to life.

No one shall be arbitrarily deprived of life. Protection of human life shall be the duty of the State.

Everyone shall have the right to protect his life and health, and lives and health of other people against unlawful encroachments.

*Article 28.* Everyone shall have the right to have his dignity respected.

No one shall be subjected to torture, cruel, inhumane, or degrading treatment or punishment that violates his dignity.

No person shall be subjected to medical, scientific, or other experiments without his free consent.

*Article 29.* Every person shall have the right to freedom and personal inviolability.

No one shall be arrested or held in custody except under a substantiated court decision and on the grounds and in accordance with the procedure established by law.

In the event of an urgent necessity to prevent or stop a crime, bodies authorised by law may hold a person in custody as a temporary preventive measure, the reasonable grounds for which shall be verified by court within seventy-two hours. The detained person shall be immediately released if a substantiated court decision regarding his detention is not served to them within seventy-two hours.

Every person, arrested or detained, shall be informed without delay of the reasons for his arrest or detention, apprised of his rights, and from the moment of detention, shall be given an opportunity to personally defend himself/herself or to receive legal assistance from a defender.

Every person detained shall have the right to challenge his detention in court at any time.

Relatives of an arrested or detained person shall be informed immediately of such an arrest or detention.

*Article 30.* Everyone shall be guaranteed the inviolability of his domicile.

Intrusion into a person's domicile or other property, inspection or search thereof, shall not be permitted except when under a substantiated court decision.

In urgent cases related to preservation of human life and property or to the direct pursuit of persons suspected of committing a crime, other procedures of entering a person's domicile or other property, inspecting or searching thereof, determined by law, shall be allowed.

*Article 31.* Everyone shall be guaranteed privacy of his correspondence, telephone conversations, telegraph, and other communications. Exceptions shall be established only by court in cases stipulated by law for the purposes of preventing crime or ascertaining the truth during the investigation of a criminal case, if it is not possible to obtain information by other means.

*Article 32.* No one shall be subjected to interference in his private life and family matters, except when such interference is stipulated by the Constitution of Ukraine.

The collection, storage, use, and dissemination of confidential information about a person without his consent shall not be permitted, except for the cases determined by law and only in the interests of national security, economic welfare, and human rights.

Every citizen shall have the right to have access to the information about himself/herself possessed by public authorities and bodies of local self-government, institutions, and organisations unless such information is considered a state or other secret protected by law.

Everyone shall be guaranteed judicial protection of the right to rectify unauthentic information about himself/herself and members of his family, the right to demand the expungement of any type of information, as well as the right to compensation for material and moral damages caused by the collection, storage, use, and dissemination of such unauthentic information.

*Article 33.* Every person legally staying in the territory of Ukraine shall be guaranteed freedom of movement and travel, free choice of place of residence, and the right to freely leave the territory of Ukraine, with the exception of restrictions stipulated by law.

A citizen of Ukraine may not be deprived of the right to return to Ukraine at any time.

*Article 34.* Everyone shall be guaranteed the right to freedom of thought and speech, and to free expression of his views and beliefs.

Everyone shall have the right to freely collect, store, use, and disseminate information by oral, written, or other means at his discretion.

The exercise of such rights may be restricted by law in the interests of national security, territorial integrity, or public order, for the purposes of preventing disturbances or crimes, protecting the health of the population, protecting the reputation or rights of other persons, preventing the publication of information received confidentially, or supporting the authority and impartiality of justice.

*Article 35.* Everyone shall have right to freedom of beliefs and religion. This right shall include the freedom to profess any religion or profess no religion, to freely practice religious rites and ceremonial rituals, alone or collectively, and to pursue religious activities.

The exercise of this right may be restricted by law only in the interests of protection of the public order, health and morality of the population, or protection of the rights and freedoms of other persons.

The Church and religious organisations in Ukraine shall be separated from the State, and school shall be separated from the Church. No religion shall be recognised by the State as mandatory.

No one shall be exempt from his duties to the State or refuse to abide by laws on religious grounds. If the performance of military duty contradicts the religious beliefs of a citizen, the performance of this duty shall be replaced by alternative (non-military) service.

*Article 36.* Citizens of Ukraine shall have the right to freedom of association into political parties and public organisations for exercising and protecting their rights and freedoms and for satisfying their political, economic, social, cultural and other interests, with the exception of restrictions established by law in the interests of national security and public order, protection of public health, or protection of rights and freedoms of other persons.

Political parties in Ukraine shall promote the formation and expression of political will of citizens and shall participate in elections. Only citizens of Ukraine may be members of political parties. Restrictions on membership in political parties shall be determined exclusively by this Constitution and laws of Ukraine.

Citizens shall have the right to take part in trade unions with the purpose of protecting their labour and socio-economical rights and interests. Trade unions shall be public organisations uniting citizens bound by common interests in accordance with the nature of their professional activity. Trade unions shall be formed without prior permission on the basis of the free choice of their members. All trade unions shall have equal rights. Restrictions on membership in trade unions shall be determined exclusively by this Constitution and laws of Ukraine.

No one may be forced to join any association of citizens or be restricted in his right to belong or not to belong to political parties or public organisations.

All associations of citizens shall be equal before the law.

*Article 37.* Foundation and activity of political parties and public associations shall be prohibited if their programme goals or actions are aimed at the liquidation of the independence of Ukraine, change of the constitutional order by force, violation of the sovereignty and territorial indivisibility of the State, undermining national security, unlawful seizure of the state power, the propaganda of war or violence, fomentation of inter-ethnic, racial, or religious enmity, or infringement of human rights and freedoms or the health of the population.

Political parties and public associations shall not have paramilitary formations.

Foundation and activities of organisational structures of political parties shall not be permitted within the bodies of executive and judicial power or the executive bodies of local self-government, in military formations, as well as at state enterprises, educational establishments, or other state institutions and organisations.

Prohibition of the activities of associations of citizens shall be possible only through a judicial procedure.

*Article 38.* Citizens shall have the right to participate in the administration of state affairs, in All-Ukrainian and local referendums, to freely elect and to be elected to the bodies of State power and local self-government.

Citizens shall enjoy equal rights of access to the civil service and to the service in local self-government bodies.

*Article 39.* Citizens shall have the right to assemble peacefully without arms and to hold rallies, meetings, processions, and demonstrations upon notifying executive or local self-government bodies in advance.

Restrictions on the exercise of this right may be established by a court in accordance with law and only in the interests of national security and public order, for the purpose of prevention of disturbances or crimes, protection of the health of the population, or protection of the rights and freedoms of other persons.

*Article 40.* Everyone shall have the right to address individual or collective petitions, or to personally recourse to public authorities, local self-government bodies, officials, and officers of these bodies obliged to consider the petitions, and to provide a substantiated reply within the period determined by law.

*Article 41.* Everyone shall have the right to own, use, or dispose of his property and the results of his intellectual or creative activities.

The right for private property shall be acquired in compliance with the procedure established by law.

Citizens may use the objects of state or communal property in accordance with law in order to satisfy their needs.

No one shall be unlawfully deprived of the right for property. The right for private property shall be inviolable.

The expropriation of private property objects may be applied only as an exception for the reasons of social necessity, on the grounds of, and in the order established by law, and on terms of advance and complete compensation of the value of such objects. The expropriation of such objects with subsequent complete compensation of their value shall be permitted only under conditions of martial law or a state of emergency.

Confiscation of property may be applied only pursuant to a court decision, in the cases, to the extent, and in compliance with the procedure established by law.

The use of property shall not prejudice the rights, freedoms, and dignity of citizens, the interests of society or aggravate the environmental situation and the natural qualities of land.

*Article 42.* Everyone shall have the right to entrepreneurial activity that is not prohibited by law.

The entrepreneurial activity of deputies, officials, and officers of the bodies of State power and local self-government shall be restricted by law.

The State shall ensure the protection of competition in pursuit of entrepreneurial activity. The abuse of a monopolistic position in the market, unlawful restriction of competition, and unfair competition shall not be permitted. The types and limits of monopolies shall be determined by law.

The State shall protect the rights of consumers, exercise control over the quality and safety of products and all types of services and works, and promote the activities of public consumer associations.

*Article 43.* Everyone shall have the right to work, including a possibility to earn a living by labour that he freely chooses or to which he freely agrees.

The State shall create conditions for citizens that will make it possible to fully realise their right to work, guarantee equal opportunities in the choice of profession and of types of labour activities, and implement programmes for vocational education, training, and retraining of personnel according to the needs of society.

The use of forced labour shall be prohibited. Military or alternative (non-military) service, work or service carried out by a person in compliance with a verdict or other court decision, or in accordance with the martial or state of emergency laws, shall not be considered the forced labour.

Everyone shall have the right to proper, safe, and healthy labour conditions and to remuneration no less than the minimum wage determined by law.

The employment of women and minors for work hazardous to their health shall be prohibited.

Citizens shall be guaranteed protection from unlawful dismissal.

The right to timely payment for work performed shall be protected by law.

*Article 44.* Those who are employed shall have the right to strike in order to protect their economic and social interests.

A procedure for exercising the right to strike shall be established by law taking into account the necessity to ensure national security, public health protection, and rights and freedoms of others.

No one shall be forced to participate or not to participate in a strike.

The prohibition of a strike shall be possible only on the basis of the law.

*Article 45.* Everyone who is employed shall have the right to rest.

This right shall be ensured by providing weekly rest days, paid annual vacation, and by establishing a shorter working day for certain professions and industries, as well as reducing working hours at night.

The maximum duration of work time, the minimum duration of rest and of paid annual vacation, days off and holidays, as well as other conditions for exercising this right shall be determined by law.

*Article 46.* Citizens shall have the right to social protection including the right to financial security in cases of complete, partial, or temporary disability, loss of the principal wage earner, unemployment due to circumstances beyond their control, old age, and in other cases determined by law.

This right shall be guaranteed by the mandatory state social insurance based on insurance payments made by citizens, enterprises, institutions, and organisations, as well as by budgetary and other sources of social security; and by establishing a network of state, communal, and private institutions caring for incapacitated persons.

Pensions and other types of social payments and assistance that are the principal sources of subsistence shall ensure a standard of living not lower than the minimum living standard established by law.

*Article 47.* Everyone shall have the right to housing. The State shall create conditions enabling every citizen to build, purchase, or rent housing.

Citizens in need of social protection shall be provided with housing by the bodies of State power and local self-government, free of charge or at a price affordable for them in accordance with law.

No one shall be arbitrarily deprived of housing other than on the basis of the law pursuant to a court decision.

*Article 48.* Everyone shall have the right to a standard of living sufficient for themselves and their families including adequate nutrition, clothing, and housing.

*Article 49.* Everyone shall have the right to health protection, medical care and medical insurance.

Health protection shall be ensured through state funding of the relevant socio-economic, medical and sanitary, health improvement and prevention programmes.

The State shall create conditions for effective medical service accessible to all citizens. State and communal health protection institutions shall render medical care free of charge; the existing network of such institutions shall not be reduced. The State shall promote the development of medical institutions under all forms of ownership.

The State shall provide for the development of physical culture and sports, and ensure sanitary-epidemic welfare.

*Article 50.* Everyone shall have the right to an environment that is safe for life and health, and to compensation for damages caused by violation of this right.

Everyone shall be guaranteed the right of free access to information about the environmental situation, the quality of foodstuffs and consumer goods, as well as the right to disseminate such information. No one shall make such information secret.

*Article 51.* Marriage shall be based on free consent between a woman and a man. Each of the spouses shall have equal rights and duties in the marriage and family.

Parents shall be obliged to sustain their children until they are of full age. Adult children shall be obliged to care for their parents who are incapable to work.

The family, childhood, motherhood, and fatherhood shall be under the protection of the State.

*Article 52.* Children shall be equal in their rights regardless of their origin and whether they are born in or out of wedlock.

Any violence against a child or his exploitation shall be prosecuted by law.

The subsistence and upbringing of orphans and children deprived of parental care shall be entrusted to the State. The State shall encourage and support charitable activity in regard to children.

*Article 53.* Everyone shall have the right to education.

Complete general secondary education shall be compulsory.

The State shall ensure accessible and free pre-school, complete general secondary, vocational and higher education at the state and communal educational establishments; the development of pre-school, complete general secondary, extra-curricular, vocational, higher and post-graduate education, various forms of study; the provision of state scholarships and privileges to pupils and students.

Citizens shall have the right to obtain free higher education at the state and communal educational establishments on a competitive basis.

Citizens belonging to national minorities shall be guaranteed, in accordance with law, the right to education in their native language, or to study their native language at the state and communal educational establishments or through national cultural societies.

*Article 54.* Citizens shall be guaranteed the freedom of literary, artistic, scientific, and technical creative activities, protection of intellectual property, their copyright, moral and material interests arising in connection with various types of intellectual activity.

Every citizen shall have the right to the product of his intellectual, creative activity; no one shall use or distribute them without his consent, except for the cases established by law.

The State shall promote the development of science and the establishment of scientific relations of Ukraine with the world community.

Cultural heritage shall be protected by law.

The State shall ensure the preservation of historical monuments and other objects of cultural value, and take measures to return to Ukraine the cultural treasures of the nation located beyond its borders.

*Article 55.* Human and citizen rights and freedoms shall be protected by court.

Everyone shall be guaranteed the right to challenge in court the decisions, actions, or inactivity of State power, local self-government bodies, officials and officers.

Everyone shall have the right to appeal for the protection of his rights to the Authorised Human Rights Representative (Ombudsman) to the Verkhovna Rada of Ukraine.

After exhausting all domestic legal instruments, everyone shall have the right to appeal for the protection of his rights and freedoms to the relevant international judicial institutions or to the relevant bodies of international organisations of which Ukraine is a member or participant.

Everyone shall have the right to protect his rights and freedoms from violations and illegal encroachments by any means other than prohibited by law.

*Article 56.* Everyone shall have the right to compensation, at the expense of the State authorities or local self-government bodies, for material and moral damages caused by unlawful decisions, actions, or inactivity of State power, local self-government bodies, officials, or officers while exercising their powers.

*Article 57.* Everyone shall be guaranteed the right to know his rights and duties.

Laws and other regulatory legal acts defining the rights and duties of citizens shall be brought to the notice of the population in compliance with the procedure established by law.

Laws and other regulatory legal acts defining the rights and duties of citizens, which have not been brought to the notice of the population in compliance with the procedure established by law, shall be invalid.

*Article 58.* Laws and other regulatory legal acts shall have no retroactive force, unless they mitigate or nullify the responsibility of a person.

No one shall bear responsibility for acts that, at the time they were committed, were not deemed by law to be an offence.

*Article 59.* Everyone shall have the right to legal assistance. Such assistance shall be rendered free of charge in cases stipulated by law. Everyone shall be free to choose the defender of his rights.

In Ukraine, the advocate shall act to ensure the right to defence against accusations and to provide legal assistance during the hearing of cases in courts and other state bodies.

*Article 60.* No one shall be obliged to execute directions or orders that are manifestly criminal. For the issue or execution of a manifestly criminal ruling or order, legal liability shall arise.

*Article 61.* No person may be brought to legal liability of the same type for the same offence twice. The legal liability of a person shall be of an individual character.

*Article 62.* A person shall be presumed innocent of committing a crime and shall not be subjected to criminal punishment until his guilt is proved through a legal procedure and established by a court verdict of guilty.

No one shall be obliged to prove his innocence of committing a crime.

An accusation shall not be based on illegally obtained evidence or on assumptions. All doubts in regard to the proof of guilt of a person shall be interpreted in his favour.

In the event of revocation of a court verdict as unjust, the State shall compensate the material and moral damages caused by the groundless conviction.

*Article 63.* A person shall not bear responsibility for refusing to testify or to provide explanations about himself/herself, members of his/her family, or close relatives, the circle of whom is determined by law.

A suspect, an accused, or a defendant shall have the right to a defence.

A convicted person shall enjoy all human and civil rights, with the exception of restrictions determined by law and established by a court verdict.

*Article 64.* Constitutional human and civil rights and freedoms shall not be restricted, unless a restriction is stipulated by the Constitution of Ukraine.

Under the conditions of martial law or a state of emergency, specific restrictions on rights and freedoms may be established with the indication of the period of effect for such restrictions. The rights and freedoms stipulated in Articles 24, 25, 27, 28, 29, 40, 47, 51, 52, 55, 56, 57, 58, 59, 60, 61, 62 and 63 of this Constitution shall not be restricted.

*Article 65.* Defence of the Motherland, independence and territorial integrity of Ukraine, respect for its State symbols shall be the duty of the citizens of Ukraine.

Citizens shall perform military service in accordance with law.

*Article 66.* Everyone shall be obliged not to harm nature or cultural heritage, and to compensate for any damage he/she inflicted.

*Article 67.* Everyone shall be obliged to pay taxes and levies in accordance with the procedure and to the extent established by law.

All citizens shall annually file declarations to the tax authorities at their place of residence on their property status and income for the past year, in compliance with the procedure established by law.

*Article 68.* Everyone shall be obliged to strictly abide by the Constitution of Ukraine and laws of Ukraine, and not to encroach upon the rights, freedoms, honour, or dignity of other persons. Ignorance of laws shall not exempt one from legal liability.

### **PART III. ELECTIONS AND REFERENDA**

*Article 69.* The expression of the will by the people shall be exercised through elections, referenda and other forms of direct democracy.

*Article 70.* Citizens of Ukraine, who have attained to the age of eighteen as of the day of elections or referenda, shall have the right to vote.

Citizens found legally incapable by a court shall not have the right to vote.

*Article 71.* Elections to the State and local self-government bodies shall be free and shall be held on the basis of universal, equal and direct suffrage by secret ballot.

Voters shall be guaranteed the free expression of their will.

*Article 72.* The All-Ukrainian referendum shall be called by the Verkhovna Rada of Ukraine or by the President of Ukraine in accordance with their powers determined by this Constitution.

The All-Ukrainian referendum shall be convened as a popular initiative at the request of at least three million citizens of Ukraine eligible to vote, provided that the signatures in favour of the referendum have been collected in at least two-thirds of the oblasts with at least 100,000 signatures gathered in each oblast.

*Article 73.* Alterations to the territory of Ukraine shall be resolved exclusively by the All-Ukrainian referendum.

*Article 74.* A referendum shall not be permitted with regard to draft laws on taxation, budgetary or amnesty issues.

### **PART IV. THE VERKHOVNA RADA OF UKRAINE**

*Article 75.* The sole body of legislative power in Ukraine shall be the parliament – the Verkhovna Rada of Ukraine.

*Article 76.* The constitutional membership of the Verkhovna Rada of Ukraine shall comprise 450 people's deputies of Ukraine elected on the basis of universal, equal and direct suffrage by secret ballot for a five-year term.

A citizen of Ukraine having attained to the age of twenty-one as of the day of elections, having the right to vote, and having resided in the territory of Ukraine for the past five years, may be elected people's deputy of Ukraine.

A citizen who has a criminal record of committing an intentional crime shall not be elected to the Verkhovna Rada of Ukraine if the record has not been nullified in compliance with a procedure established by law.

The powers of the people's deputies of Ukraine shall be determined by the Constitution and the laws of Ukraine.

*Article 77.* Regular elections to the Verkhovna Rada of Ukraine shall be held on the last Sunday of October of the fifth year of the term of the Verkhovna Rada of Ukraine.

Early elections to the Verkhovna Rada of Ukraine shall be appointed by the President of Ukraine and shall be held within a sixty-day period from the day of publication of the decision on the early termination of the powers of the Verkhovna Rada of Ukraine.

The procedure for electing the people's deputies of Ukraine shall be established by law.

*Article 78.* The people's deputies of Ukraine shall exercise their powers on a permanent basis.

Requirements concerning the incompatibility of the mandate of the deputy with other types of activities shall be established by law.

Should any circumstances arise to be in breach with the requirements concerning the incompatibility of the mandate of the deputy with other types of activity, the people's deputy of Ukraine shall, within twenty days after the commencement of such circumstances, terminate his activities or file a personal application to abdicate his position as the people's deputy of Ukraine.

*Article 79.* Prior to assuming office, people's deputies of Ukraine shall take the following oath before the Verkhovna Rada of Ukraine:

"I swear allegiance to Ukraine. I commit myself with all my deeds to protect the sovereignty and independence of Ukraine, to provide for the good of the Motherland and for the welfare of the Ukrainian people.

"I swear to abide by the Constitution of Ukraine and the laws of Ukraine, to discharge my duties in the interests of all fellow-citizens".

The oath shall be read by the oldest people's deputy of Ukraine before the opening of the first session of the newly elected Verkhovna Rada of Ukraine, upon which the deputies shall affirm the oath with their signatures below the text of the oath.

A refusal to take the oath shall result in the loss of the deputy's mandate.

The powers of people's deputies of Ukraine shall commence immediately upon taking of the oath.

*Article 80.* The people's deputies of Ukraine shall be guaranteed immunity of a deputy.

The people's deputies of Ukraine shall not be held legally liable for the results of voting or for statements made in the parliament and in its bodies, save as the liability for an insult or defamation.

The people's deputies of Ukraine shall not be held criminally liable, detained or arrested without the consent of the Verkhovna Rada of Ukraine.

*Article 81.* The powers of the people's deputies of Ukraine shall terminate with the termination of the powers of the Verkhovna Rada of Ukraine.

The powers of a people's deputy of Ukraine shall be subject to early termination in the event of:

- 1) Resignation by virtue of a personal statement;
- 2) Guilty verdict against him/her entering into legal force;
- 3) Court declaring them legally incapable or missing;
- 4) Termination of his citizenship or his departure from Ukraine for permanent residence abroad;
- 5) His/her death.

A decision about early termination of a people's deputy's powers shall be adopted by the Verkhovna Rada of Ukraine.

In the event a requirement concerning the incompatibility of a deputy's mandate with other activity is not fulfilled, the people's deputy's powers terminate prior to the official expiry as defined by law and pursuant to a court decision.

*Article 82.* The Verkhovna Rada of Ukraine shall work in sessions.

The Verkhovna Rada of Ukraine shall be legally constituted provided that at least two-thirds of its constitutional membership has been elected.

The Verkhovna Rada of Ukraine shall convene its first session no later than on the thirtieth day after the official announcement of the election results.

The first meeting of the newly elected Verkhovna Rada of Ukraine shall be opened by the oldest people's deputy of Ukraine.

The Constitution and Law of Ukraine "On the Rules of Procedure of the Verkhovna Rada of Ukraine" establish the operational procedures of the Verkhovna Rada.

*Article 83.* Regular sessions of the Verkhovna Rada of Ukraine shall commence on the first Tuesday of February and on the first Tuesday of September each year.

Extraordinary sessions of the Verkhovna Rada of Ukraine shall be convened, mentioning the agenda, by the Chairman of the Verkhovna Rada of Ukraine, at the request of the President of Ukraine or at the request of at least one-third of the constitutional membership of the Verkhovna Rada of Ukraine.

Should a Decree of the President of Ukraine declare an introduction of martial law or a state of emergency in Ukraine or in certain regions of Ukraine, the Verkhovna Rada of Ukraine shall hold a meeting within two days without convocation.

If the term of powers of the Verkhovna Rada of Ukraine expires while martial law or a state of emergency is in effect, its powers shall be extended until the day of the first meeting of the first session of the Verkhovna Rada of Ukraine elected after the cancellation of martial law or of the state of emergency.

*Article 84.* Sittings of the Verkhovna Rada of Ukraine shall be held openly. A closed sitting shall be held subject to a decision of the majority of the constitutional membership of the Verkhovna Rada of Ukraine.

Decisions of the Verkhovna Rada of Ukraine shall be adopted exclusively at its plenary sittings by voting.

Voting at the meetings of the Verkhovna Rada of Ukraine shall be performed by a people's deputy of Ukraine in person.

*Article 85.* The Verkhovna Rada of Ukraine shall have the following powers:

- 1) To introduce amendments to the Constitution of Ukraine within the limits and in compliance with the procedure stipulated in Part XIII of this Constitution;
- 2) To call the All-Ukrainian referendum on issues indicated in Article 73 of this Constitution;
- 3) To adopt laws;
- 4) To approve the State Budget of Ukraine and amend it; to supervise the execution of the State Budget of Ukraine and adopt decisions on reporting concerning its execution;
- 5) To establish the principles of domestic and foreign policy;
- 6) To approve national programmes for economic, scientific, technical, social, national, and cultural development and protection of the environment;
- 7) To call elections for the President of Ukraine within the period stipulated by this Constitution;

- 8) To hear annual and extraordinary addresses of the President of Ukraine on the domestic and foreign situation of Ukraine;
- 9) To declare war, upon the recommendation made by the President of Ukraine, and make peace, approve a decision of the President of Ukraine on the use of the Armed Forces of Ukraine and other military formations in the event of armed aggression against Ukraine;
- 10) To remove the President of Ukraine from the office in accordance with a special procedure (impeachment) established by the Article 111 of this Constitution;
- 11) To consider and adopt decisions on the approval of the Programme of Activity of the Cabinet of Ministers of Ukraine;
- 12) To give the President consent to the appointment a Prime Minister of Ukraine;
- 13) To monitor the activities of the Cabinet of Ministers of Ukraine in accordance with this Constitution and law;
- 14) To approve decisions on granting loans and economic aid by Ukraine to foreign states and international organisations as well as decisions on receiving loans by Ukraine, other than those stipulated by the State Budget of Ukraine, from foreign countries, banks, and international financial organisations, and oversee the utilisation of such loans;
- 15) To appoint or elect, and to remove from the office of persons in cases pre-determined by this Constitution;
- 16) To appoint and remove from the office the Chairman and other members of the Chamber of Accounts;
- 17) To appoint and remove from the office the Authorised Human Rights Representative to the Verkhovna Rada of Ukraine; and to hear the Representative's annual reports on the state of affairs in the sphere of observance and protection of human rights and freedoms in Ukraine;
- 18) To appoint and remove from the office the Chairman of the National Bank of Ukraine upon the recommendation made by the President of Ukraine;
- 19) To appoint and remove from the office half the total members of the Council of the National Bank of Ukraine;
- 20) To appoint and remove from the office half the total members of the National Council of Ukraine on Television and Radio Broadcasting;
- 21) To appoint and remove from the office the members of the Central Election Commission on the recommendation made by the President of Ukraine;
- 22) To approve the general structure, and number of personnel of the Armed Forces of Ukraine, the Security Service of Ukraine, and other military formations established in accordance with the laws of Ukraine, as well as of the Ministry of the Interior of Ukraine, and specification of the functions of the same;
- 23) To approve decisions on military assistance to other states, on dispatching the Ukrainian Armed Forces units to another state or on admitting units of the armed forces of other states to the territory of Ukraine;
- 24) Granting consent for the appointment to or dismissal from office (on Presidential recommendation) the Chairman of the Antimonopoly Committee of Ukraine, the Chairman of the

- State Property Fund of Ukraine and the Chairman of the State Committee on Television and Radio Broadcasting of Ukraine;
- 25) To grant consent for the appointment and removal from the office by the President of Ukraine of the Prosecutor General of Ukraine; to declare no confidence in the Prosecutor General of Ukraine resulting in his resignation from the office;
  - 26) To appoint and remove from the office one-third of the members of the Constitutional Court of Ukraine;
  - 27) To elect judges for indefinite terms;
  - 28) To terminate early the powers of the Verkhovna Rada of the Autonomous Republic of Crimea on the basis of an opinion of the Constitutional Court of Ukraine concerning the violation of the Constitution or laws of Ukraine by the Verkhovna Rada of the Autonomous Republic of Crimea; to call extraordinary elections for the Verkhovna Rada of the Autonomous Republic of Crimea;
  - 29) To establish and abolish rayons (districts), to establish and alter rayons and cities boundaries, as well as to grant the status of city to inhabited localities, name and rename of inhabited localities and rayons;
  - 30) To call regular and extraordinary elections to local self-government bodies;
  - 31) To approve, within a two-day period from the date of submission by the President of Ukraine of the decrees on introduction of martial law or the state of emergency in Ukraine or in its particular areas, on total or partial mobilisation, and on declaring particular areas as zones of ecological emergency situations;
  - 32) To grant by the law the consent to the binding character of international treaties of Ukraine, and to denounce international treaties of Ukraine;
  - 33) To exercise parliamentary control within the limits established by this Constitution and law;
  - 34) To adopt decisions on forwarding an inquiry to the President of Ukraine at the request of a people's deputy of Ukraine, a group of people's deputies, or a Committee of the Verkhovna Rada of Ukraine previously supported by at least one-third of the constitutional members of the Verkhovna Rada of Ukraine;
  - 35) To appoint and remove from the office the Head of Staff of the Verkhovna Rada of Ukraine; approve the budget of the Verkhovna Rada of Ukraine and the structure of its staff;
  - 36) To adopt the list of objects of the state property not subject to privatisation and establish legal principles regarding the expropriation of private property.

The Verkhovna Rada of Ukraine shall exercise other powers specified within the frame of reference of the Verkhovna Rada in accordance with the Constitution of Ukraine.

*Article 86.* At a session of the Verkhovna Rada of Ukraine, a people's deputy of Ukraine shall have the right to make inquiries to bodies of the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, heads of other state and local self-government bodies, as well as heads of enterprises, institutions, and organisations located in the territory of Ukraine, irrespective of their subordination and forms of ownership.

Heads of state power and local self-government bodies, heads of enterprises, institutions, and organisations shall be obliged to notify a people's deputy of Ukraine of the results of their inquiry.

*Article 87.* The Verkhovna Rada of Ukraine, upon the proposal of at least one-third of the constitutional membership of the people's deputies of Ukraine, may consider an issue concerning responsibility of the Cabinet of Ministers of Ukraine or adopt a resolution of non-confidence in the Cabinet of Ministers of Ukraine by the majority of the constitutional membership of the Verkhovna Rada of Ukraine.

The issue of the responsibility of the Cabinet of Ministers of Ukraine shall not be considered by the Verkhovna Rada of Ukraine more than once during same regular session, or within one year after the approval of the Programme of Activity of the Cabinet of Ministers of Ukraine.

*Article 88.* The Verkhovna Rada of Ukraine shall elect from among its members the Chairman of the Verkhovna Rada of Ukraine, the First Vice-Chairman and the Vice-Chairman of the Verkhovna Rada of Ukraine, and shall recall them from their respective offices.

The Chairman of the Verkhovna Rada of Ukraine shall:

- 1) Preside at the meetings of the Verkhovna Rada of Ukraine;
- 2) Organise the operation and proceedings of the Verkhovna Rada of Ukraine;
- 3) Sign acts adopted by the Verkhovna Rada of Ukraine;
- 4) Represent the Verkhovna Rada of Ukraine in relations with other State power bodies of Ukraine and with the agencies of other states;
- 5) Organise the work of the staff of the Verkhovna Rada of Ukraine.

The Chairman of the Verkhovna Rada of Ukraine shall exercise the powers, stipulated by this Constitution in compliance with the procedure established by the law on the Rules of Procedure of the Verkhovna Rada of Ukraine.

*Article 89.* The Verkhovna Rada of Ukraine shall form the Committees of the Verkhovna Rada of Ukraine and shall elect the chairmen of such Committees.

The Committees of the Verkhovna Rada of Ukraine shall draft the laws and exercise preparation and preliminary consideration of issues within the frame of reference of the Verkhovna Rada.

The Verkhovna Rada of Ukraine, within the limits of its powers, may establish *ad hoc* Special Commissions for the preparation and preliminary consideration of issues.

To investigate issues of public interest, the Verkhovna Rada of Ukraine shall establish the *ad hoc* Commissions of Inquiry, provided that at least one-third of the constitutional membership of the Verkhovna Rada of Ukraine has voted in favour thereof.

The conclusions and proposals of the *ad hoc* Commissions of Inquiry shall not be decisive for investigation or court.

The organisation and operational procedure of Committees of the Verkhovna Rada of Ukraine, and its *ad hoc* Special Commissions and the *ad hoc* Commissions of Inquiry shall be determined by law.

*Article 90.* The powers of the Verkhovna Rada of Ukraine shall be terminated on the day of the opening of the first meeting of the Verkhovna Rada of Ukraine of a new convocation.

The President of Ukraine shall have the right to an early termination of powers of the Verkhovna Rada in case the plenary sessions fail to commence within thirty days of a single regular session.

The powers of the Verkhovna Rada of Ukraine elected at extraordinary elections held after the early termination of powers of the Verkhovna Rada of Ukraine of the previous convocation by the President of Ukraine shall not be terminated within one year from the date of its election.

The powers of the Verkhovna Rada of Ukraine may not be subject to an early termination at the initiative of the President of Ukraine within the last six months of the term of powers of the President of Ukraine.

*Article 91.* The Verkhovna Rada of Ukraine shall adopt laws, resolutions, and other acts by the majority of its constitutional membership, unless otherwise stipulated by this Constitution.

*Article 92.* The following matters shall be determined exclusively by laws of Ukraine:

- 1) Human and citizen rights and freedoms, the guarantees of these rights and freedoms; the main duties of the citizen;
- 2) Citizenship, the legal personality of citizens, the status of foreigners and stateless persons;
- 3) The rights of indigenous peoples and national minorities;
- 4) A procedure for the use of languages;
- 5) The principles of the use of natural resources, the exclusive (maritime) economic zone and the continental shelf, the exploration of outer space, the organisation and operation of power supply systems, transport, and communications;
- 6) The fundamentals of social protection, the forms and types of pension; the principles of the regulation of labour and employment, marriage, family, the protection of childhood, motherhood, and fatherhood; upbringing, education, culture, and health care; ecological safety;
- 7) The legal framework for property;
- 8) Legal principles and guarantees for entrepreneurship; rules of competition and provisions on antimonopoly regulation;
- 9) The principles of foreign relations, foreign economic activity, and customs practices;
- 10) The principles of demographic and migration processes regulation;
- 11) The principles of the establishment and activity of political parties, other associations of citizens, and the mass media;
- 12) The organisation and activity of executive power bodies, the fundamentals of civil service, the organisation of state statistics and information;
- 13) The territorial structure of Ukraine;
- 14) The judicial system, judiciary, the status of judges, the principles of judicial expertise, the organisation and operation of the prosecutor's office, the bodies of inquisition and investigation, the notary, the bodies and institutions for the enforcement of punishments; the fundamentals of the organisation and activity of advocates;
- 15) The principles of local self-governance;
- 16) The status of the capital of Ukraine; the special status of other cities;
- 17) The fundamentals of national security, the formation of the Armed Forces of Ukraine and ensuring public order;
- 18) The legal regime of the state border;
- 19) The legal regime of martial law and state of emergency, zones of ecological emergency situations;

- 20) The organisation and procedure for conducting elections and referendums;
- 21) The organisation and operational procedure of the Verkhovna Rada of Ukraine, the status of people's deputies of Ukraine;
- 22) The principles of civil legal liability; acts deemed crimes, administrative or disciplinary offences, and liability for the same.

The following matters shall be established exclusively by laws of Ukraine:

- 1) The State Budget of Ukraine and the budgetary system of Ukraine; the system of taxation, taxes and levies; the principles of the formation and operation of financial, monetary, credit, and investment markets; the status of the national currency and the status of foreign currencies on the territory of Ukraine; a procedure for the formation and settlement of state domestic and foreign debt; and a procedure for the issue and circulation of state securities, and their types and forms;
- 2) A procedure for dispatching units of the Armed Forces of Ukraine to other states; and a procedure for admitting and the terms for stationing units of armed forces of other states on the territory of Ukraine;
- 3) Units of weight, measure and time; a procedure for the establishment of state standards;
- 4) A procedure for the use and protection of State symbols;
- 5) State awards;
- 6) Military, diplomatic, and other special ranks;
- 7) Public holidays;
- 8) A procedure for the establishment and functioning of free and other special zones having an economic and migration regime other than the general regime.

Amnesty shall be declared by a law of Ukraine.

*Article 93.* The right of legislative initiative in the Verkhovna Rada of Ukraine shall be vested in the President of Ukraine, people's deputies of Ukraine, the Cabinet of Ministers of Ukraine, and the National Bank of Ukraine.

Draft laws defined by the President of Ukraine as urgent shall be considered out of turn by the Verkhovna Rada of Ukraine.

*Article 94.* The Chairman of the Verkhovna Rada of Ukraine shall sign a law and forward it without delay to the President of Ukraine.

The President of Ukraine shall sign such law within fifteen days of its receipt, accepting it for execution, and shall officially promulgate it or return to the Verkhovna Rada of Ukraine with substantiated and formulated proposals for reconsideration.

Should the President of Ukraine fail to return a law for reconsideration within the established period, such law shall be deemed approved by the President of Ukraine and shall be signed and officially promulgated.

Should the Verkhovna Rada of Ukraine adopt a law during its reconsideration by at least two-thirds of the constitutional membership of people's deputies, the President of Ukraine shall be obliged to sign and officially promulgate such law within ten days.

A law shall enter into force in ten days after the date of its official promulgation, unless otherwise stipulated by such law, provided that such other date shall not be earlier than the date of publication of such law.

*Article 95.* The budgetary system of Ukraine shall be based on the principles of fair and impartial distribution of social wealth among citizens and territorial communities.

Any state expenditure for the needs of the entire society, and the extent and purposes of such expenditures shall be determined exclusively by the law on the State Budget of Ukraine.

The State shall strive for balanced budget of Ukraine.

Regular reports on revenues and expenditures of the State Budget of Ukraine shall be made public.

*Article 96.* The State Budget of Ukraine shall be annually approved by the Verkhovna Rada of Ukraine for the period from the January 1 to December 31, or for a different period under special circumstances.

The Cabinet of Ministers of Ukraine shall submit a draft law on the State Budget of Ukraine for the succeeding year to the Verkhovna Rada of Ukraine not later than September 15 of each year. The report on the course of the execution of the State Budget of Ukraine in the current year shall be submitted along with the draft law.

*Article 97.* The Cabinet of Ministers of Ukraine shall submit a report on the execution of the State Budget of Ukraine to the Verkhovna Rada of Ukraine in accordance with law.

The submitted report shall be made public.

*Article 98.* The Chamber of Accounts shall, on behalf of the Verkhovna Rada of Ukraine, exercise the control over the use of the State Budget of Ukraine.

*Article 99.* The currency unit of Ukraine shall be hryvnia.

Ensuring the stability of the currency unit shall be the major function of the central bank of the State – the National Bank of Ukraine.

*Article 100.* The Council of the National Bank of Ukraine shall develop the basic principles of monetary and credit policy, and control its implementation.

The legal status of the Council of the National Bank of Ukraine shall be determined by law.

*Article 101.* Parliamentary oversight of the protection of human and citizen constitutional rights and freedoms shall be conducted by the Authorised Representative to the Verkhovna Rada of Ukraine on Human Rights.

## **PART V. THE PRESIDENT OF UKRAINE**

*Article 102.* The President of Ukraine shall be the Head of the State and shall act on behalf of the State.

The President of Ukraine shall be the guarantor of the state sovereignty and territorial integrity of Ukraine, the observance of the Constitution of Ukraine, human and citizen rights and freedoms.

*Article 103.* The President of Ukraine shall be elected by the citizens of Ukraine for a five-year period on the basis of universal, equal, and direct suffrage by secret ballot.

A citizen of Ukraine, having attained the age of thirty-five, having the right to vote, residing in Ukraine for the past ten years prior to the day of elections, and having command of the state language, may be elected the President of Ukraine.

The same person may not serve as the President of Ukraine for more than two consecutive terms.

The President of Ukraine shall not have another representative mandate, hold office in State power bodies or associations of citizens, perform any other paid or entrepreneurial activity, and shall not be a member of an administrative body or board of supervisors of an enterprise aimed at making profit.

Regular elections of the President of Ukraine shall be held on the last Sunday of March of the fifth year of authority of the President of Ukraine. In case of an early termination of the authority of the President of Ukraine, elections of the President of Ukraine shall be held within ninety days from the day of termination of the authority.

A procedure for holding elections for the President of Ukraine shall be established by law.

*Article 104.* The newly elected President of Ukraine shall assume office within thirty days after the official announcement of the results of the election upon taking the oath to the people at a ceremonial meeting of the Verkhovna Rada of Ukraine.

The Chairman of the Constitutional Court of Ukraine shall administer the oath to the President of Ukraine.

The President of Ukraine shall take the following oath:

*"I, (name and surname), elected by the will of the people as the President of Ukraine, assuming this high office, do solemnly swear allegiance to Ukraine. I pledge with all my undertakings to protect the sovereignty and independence of Ukraine, to provide for the good of the Motherland and the welfare of the Ukrainian people, to protect the rights and freedoms of citizens, to abide by the Constitution of Ukraine and laws of Ukraine, to exercise my duties in the interests of all compatriots, and to enhance the prestige of Ukraine in the world".*

The President of Ukraine elected by special election shall take the oath within five days after the official announcement of the election results.

*Article 105.* The President of Ukraine shall enjoy the right of immunity for the period of his authority.

Persons guilty of infringing upon the honour and dignity of the President of Ukraine shall be liable according to law.

The title of the President of Ukraine shall be protected by law and shall be reserved for the President for life, unless the President of Ukraine has been removed from the office in compliance with a procedure of impeachment.

*Article 106.* The President of Ukraine shall:

- 1) Ensure the independence, national security, and legal succession of the State;
- 2) Address the people, deliver annual and extraordinary speeches on the domestic and foreign situation of Ukraine to the Verkhovna Rada of Ukraine;
- 3) Represent the State in international relations, administer the foreign political activity of the State, conduct negotiations and conclude international treaties;
- 4) Adopt decisions on the recognition of foreign states;
- 5) Appoint and dismiss heads of diplomatic missions of Ukraine to other states and to international organisations; accept credentials and letters of recall of diplomatic representatives of foreign states;

- 6) Appoint the All-Ukrainian referendum regarding amendments to the Constitution of Ukraine in accordance with Article 156 of this Constitution, and proclaim the All-Ukrainian referendum initiated through the popular initiative;
- 7) Designate extraordinary elections to the Verkhovna Rada of Ukraine within the period determined by this Constitution;
- 8) Terminate the authority of the Verkhovna Rada of Ukraine in case the plenary sessions fail to commence within thirty days of a single regular session;
- 9) Appoint with the consent of the Verkhovna Rada of Ukraine the Prime Minister of Ukraine; terminate the powers of the Prime Minister of Ukraine and adopt decision on his resignation;
- 10) Appoint, on the basis of a proposal made by the Prime Minister of Ukraine, members of the Cabinet of Ministers of Ukraine, heads of other central bodies of executive power, as well as the heads of the local state administrations, and terminate their powers;
- 11) Appoint and dismiss, subject to an approval by the Verkhovna Rada of Ukraine, the Prosecutor General of Ukraine;
- 12) Appoint and dismiss one half of the membership of the Council of the National Bank of Ukraine;
- 13) Appoint and dismiss one half of the membership of the National Council of Ukraine on Television and Radio Broadcasting;
- 14) Appoint and dismiss, subject to an approval by the Verkhovna Rada of Ukraine, the Chairman of the Antimonopoly Committee of Ukraine, the Chairman of the State Property Fund of Ukraine and the Chairman of the State Committee on Television and Radio Broadcasting of Ukraine;
- 15) Create, restructure or liquidate, on the basis of a proposal made by the Prime Minister of Ukraine, central bodies of executive power, while acting within limits of the budgets of these bodies;
- 16) Revoke acts of the Cabinet of Ministers of Ukraine and acts of the Council of Ministers of the Autonomous Republic of Crimea;
- 17) Be the Commander-in-Chief of the Armed Forces of Ukraine; appoint and dismiss the high command of the Armed Forces of Ukraine and other military formations; administer the national security and defence of the State;
- 18) Be the Head of the National Security and Defence Council of Ukraine;
- 19) Submit to the Verkhovna Rada of Ukraine a declaration of a state of war, and adopt a decision on the use of the Armed Forces and other military formations established in compliance with laws of Ukraine in the event of armed aggression against Ukraine;
- 20) Adopt, in accordance with law, a decision on the general or partial mobilisation and the introduction of martial law in Ukraine or in its particular territories, in the event of a threat of aggression, or danger to the independence of Ukraine;
- 21) Adopt, if necessary, a decision on the introduction of a state of emergency in Ukraine or in its particular territories, or declare certain territories of Ukraine as zones of ecological

emergency situation with the subsequent confirmation of such decisions by the Verkhovna Rada of Ukraine;

- 22) Appoint one-third of the members of the Constitutional Court of Ukraine;
- 23) Establish courts in compliance with a procedure determined by law;
- 24) Confer high military, high diplomatic, and other high special ranks and class orders;
- 25) Confer state awards; establish presidential distinctions and confer them;
- 26) Adopt decisions on granting the citizenship of Ukraine, termination of the citizenship of Ukraine, and on granting asylum in Ukraine;
- 27) Grant pardons;
- 28) Create, within the limits of the funds stipulated in the State Budget of Ukraine, consultative, advisory, and other subsidiary bodies and services assisting in the exercise of Presidential authority;
- 29) Sign laws adopted by the Verkhovna Rada of Ukraine;
- 30) Have the right to veto laws adopted by the Verkhovna Rada of Ukraine with their subsequent return for reconsideration by the Verkhovna Rada of Ukraine;
- 31) Exercise other powers determined by the Constitution of Ukraine.

The President of Ukraine shall not delegate his powers to other persons or bodies.

The President of Ukraine shall issue decrees and directives mandatory for the execution on the territory of Ukraine on the basis and in pursuance of the Constitution and laws of Ukraine.

Acts of the President of Ukraine issued within the limits of authority stipulated in items 3, 4, 5, 10, 14, 15, 17, 18, 21, 22, 23 and 24 of this Article shall be countersigned by the Prime Minister of Ukraine and the Minister responsible for the act and its implementation.

*Article 107.* The National Security and Defence Council of Ukraine shall be the co-ordinating body to the President of Ukraine on the issues of national security and defence.

The National Security and Defence Council of Ukraine shall co-ordinate and control the activity of executive power bodies in the area of national security and defence.

The President of Ukraine shall be the Head of the National Security and Defence Council of Ukraine.

The President of Ukraine shall form the personal membership of the National Security and Defence Council of Ukraine.

The Prime Minister of Ukraine, the Minister of Defence of Ukraine, the Head of the Security Service of Ukraine, the Minister of Internal Affairs of Ukraine, and the Minister of Foreign Affairs of Ukraine, shall be ex officio members of the National Security and Defence Council of Ukraine.

The Chairman of the Verkhovna Rada of Ukraine may participate in the meetings of the National Security and Defence Council of Ukraine.

Decisions of the National Security and Defence Council of Ukraine shall be put into effect by decrees of the President of Ukraine.

The competence and functions of the National Security and Defence Council of Ukraine shall be determined by law.

*Article 108.* The President of Ukraine shall exercise his powers until the assumption of office by the newly elected President of Ukraine.

The authority of the President of Ukraine shall be subject to an early termination in cases of:

- 1) Resignation;
- 2) Inability to exercise presidential authority for health reasons;
- 3) Removal from office by the procedure of impeachment;
- 4) Death.

*Article 109.* The resignation of the President of Ukraine shall enter into force from the moment when he personally announces the statement of resignation at a meeting of the Verkhovna Rada of Ukraine.

*Article 110.* Incapability of the President of Ukraine to exercise his authority for health reasons shall be determined at a meeting of the Verkhovna Rada of Ukraine and confirmed by a decision adopted by the majority of its constitutional membership on the basis of a written petition of the Supreme Court of Ukraine, upon a recourse of the Verkhovna Rada of Ukraine and a medical opinion.

*Article 111.* The President of Ukraine may be removed from the office by the Verkhovna Rada of Ukraine in compliance with a procedure of impeachment if he commits treason or other crime.

The issue of the removal of the President of Ukraine from the office in compliance with a procedure of impeachment shall be initiated by the majority of the constitutional membership of the Verkhovna Rada of Ukraine.

The Verkhovna Rada of Ukraine shall establish a special ad hoc investigating commission, composed of special prosecutor and special investigators to conduct an investigation.

The conclusions and proposals of the ad hoc investigating commission shall be considered at the meeting of the Verkhovna Rada of Ukraine.

On the ground of evidence, the Verkhovna Rada of Ukraine shall, by at least two-thirds of its constitutional membership, adopt a decision to bring charges against the President of Ukraine.

The decision on the removal of the President of Ukraine from the office in compliance with the procedure of impeachment shall be adopted by the Verkhovna Rada of Ukraine by at least three-quarters of its constitutional membership upon a review of the case by the Constitutional Court of Ukraine, and receipt of its opinion on the observance of the constitutional procedure of investigation and consideration of the case of impeachment, and upon a receipt of the opinion of the Supreme Court of Ukraine to the effect that the acts, of which the President of Ukraine is accused, contain elements of treason or other crime.

*Article 112.* In the event of an early termination of the authority of the President of Ukraine in accordance with Articles 108, 109, 110 and 111 of this Constitution, the discharge of the duties of the President of Ukraine, for the period pending the elections and the assumption of the office by the next President of Ukraine, shall be vested in the Prime Minister of Ukraine. The Prime Minister of Ukraine, for the period of discharge of the duties of the President of Ukraine, shall not exercise the powers stipulated by items 2, 6, 8, 10, 11, 12, 14, 15, 22, 24, 25, and 27 of Article 106 of the Constitution of Ukraine.

**PART VI. THE CABINET OF MINISTERS OF UKRAINE AND OTHER EXECUTIVE AUTHORITIES**

*Article 113.* The Cabinet of Ministers of Ukraine shall be the highest body in the executive branch.

The Cabinet of Ministers of Ukraine shall be responsible to the President of Ukraine and be the subject of oversight and accountability by the Verkhovna Rada of Ukraine within the limits stipulated by Articles 85 and 87 of the Constitution.

The Cabinet of Ministers of Ukraine shall be guided in its activities by the Constitution and laws of Ukraine, as well as by acts of the President of Ukraine.

*Article 114.* The Cabinet of Ministers of Ukraine shall be comprised of the Prime Minister of Ukraine, the First Vice-Prime Minister, three Vice-Prime Ministers and Ministers.

The Prime Minister of Ukraine shall be appointed by the President of Ukraine with consent of no less than half of the constitutional membership of the Verkhovna Rada of Ukraine.

The members of the Cabinet of Ministers of Ukraine shall be appointed by the President of Ukraine upon the submission of proposal by the Prime Minister of Ukraine.

The Prime Minister of Ukraine shall manage the work of the Cabinet of Ministers of Ukraine and direct such work at the implementation of the Programme of Activity of the Cabinet of Ministers of Ukraine adopted by the Verkhovna Rada of Ukraine.

The Prime Minister of Ukraine shall submit a proposal to the President of Ukraine on creation, restructuring or liquidation of the central bodies of executive power, while acting within limits of the budgets of these bodies.

*Article 115.* The Cabinet of Ministers of Ukraine shall abdicate responsibility to the newly elected President of Ukraine.

The Prime Minister of Ukraine and other members of the Cabinet of Ministers of Ukraine shall have the right to announce their resignation to the President of Ukraine.

The resignation of the Prime Minister of Ukraine shall entail the resignation of the entire Cabinet of Ministers of Ukraine.

The adoption of the Cabinet of Ministers of Ukraine non-confidence resolution by the Verkhovna Rada of Ukraine shall entail the resignation of the Cabinet of Ministers of Ukraine.

The Cabinet of Ministers of Ukraine whose abdication of responsibility is accepted by the President of Ukraine shall continue to exercise its powers until a newly formed Cabinet of Ministers of Ukraine commences its activity, but not longer than sixty days.

The Prime Minister of Ukraine is obliged to submit a statement of resignation of the Cabinet of Ministers of Ukraine to the President of Ukraine following a decision by the President of Ukraine or in connection with the adoption of the resolution of no confidence by the Verkhovna Rada of Ukraine.

*Article 116.* The Cabinet of Ministers of Ukraine:

- 1) Ensures the state sovereignty and economic independence of Ukraine, the implementation of domestic and foreign policy of the State, the execution of the Constitution and the laws of Ukraine, and the acts of the President of Ukraine;
- 2) Takes measures to ensure human and citizens' rights and freedoms;
- 3) Ensures the implementation of financial, pricing, investment and taxation policy; the policy in the spheres of labour and employment of the population, social security, education, science and culture, environmental protection, ecological safety and the utilisation of nature;

- 4) Elaborates and implements national programmes of economic, scientific and technical, and social and cultural development of Ukraine;
- 5) Ensures equal conditions of development of all forms of ownership; administers the management of objects of state property in accordance with the law;
- 6) Elaborates the draft law on the State Budget of Ukraine and ensures the implementation of the State Budget of Ukraine approved by the Verkhovna Rada of Ukraine, and submits a report on its implementation to the Verkhovna Rada of Ukraine;
- 7) Takes measures to ensure the defence capability and national security of Ukraine, public order and to combat crime;
- 8) Organises and ensures the implementation of the foreign economic activity of Ukraine, and the operation of customs;
- 9) Directs and co-ordinates the operation of ministries and other bodies of executive power;
- 10) Performs other functions determined by the Constitution and the laws of Ukraine, and the acts of the President of Ukraine.

*Article 117.* The Cabinet of Ministers of Ukraine, within the limits of its competence, issues resolutions and orders that are mandatory for execution.

Acts of the Cabinet of Ministers of Ukraine are signed by the Prime Minister of Ukraine.

Normative legal acts of the Cabinet of Ministers of Ukraine, ministries and other central bodies of executive power, are subject to registration through the procedure established by law.

*Article 118.* The executive power in oblasts, districts, and in the Cities of Kyiv and Sevastopol is exercised by local state administrations.

Particular aspects of the exercise of executive power in the Cities of Kyiv and Sevastopol are determined by special laws of Ukraine.

The composition of local state administrations is formed by heads of local state administrations.

Heads of local state administrations are appointed to office and dismissed from office by the President of Ukraine upon the submission of the Cabinet of Ministers of Ukraine.

In the exercise of their duties, the heads of local state administrations are responsible to the President of Ukraine and to the Cabinet of Ministers of Ukraine, and are accountable to and under the control of bodies of executive power of a higher level.

Local state administrations are accountable to and under the control of councils in the part of the authority delegated to them by the respective district or oblast councils.

Local state administrations are accountable to and under the control of the bodies of executive power of a higher level.

Decisions of the heads of local state administrations that contravene the Constitution and the laws of Ukraine, other acts of legislation of Ukraine, may be revoked by the President of Ukraine or by the head of the local state administration of a higher level, in accordance with the law.

An oblast or district council may express no confidence in the head of the respective local state administration, on which grounds the President of Ukraine adopts a decision and provides a substantiated reply.

If two-thirds of the deputies of the composition of the respective council express no confidence in the head of a district or oblast state administration, the President of Ukraine adopts a decision on the resignation of the head of the local state administration.

*Article 119.* Local state administrations on their respective territory ensure:

- 1) The execution of the Constitution and the laws of Ukraine, acts of the President of Ukraine, acts of the Cabinet of Ministers of Ukraine and other bodies of executive power;
- 2) Legality and legal order; the observance of laws and freedoms of citizens;
- 3) The implementation of national and regional programmes for socio-economic and cultural development, programmes for environmental protection, and also – in places of compact residence of indigenous peoples and national minorities – programmes for their national and cultural development;
- 4) The preparation and implementation of respective oblast and district budgets;
- 5) The report on the implementation of respective budgets and programmes;
- 6) Interaction with bodies of local self-government;
- 7) The realisation of other powers vested by the state and also delegated by the respective councils.

*Article 120.* Members of the Cabinet of Ministers of Ukraine and chief officers of central and local bodies of executive power do not have the right to combine their official activity with other work, except teaching, scholarly and creative activity outside of working hours, or to be members of an administrative body or board of supervisors of an enterprise that is aimed at making profit.

The organisation, authority and operational procedure of the Cabinet of Ministers of Ukraine, and other central and local bodies of executive power, are determined by the Constitution and the laws of Ukraine.

## **PART VII. PROCURACY**

*Article 121.* The Procuracy of Ukraine constitutes a unified system that is entrusted with:

- Prosecution in court on behalf of the State;
- Representation of the interests of a citizen or of the State in court in cases determined by law;
- Supervision of the observance of laws by bodies that conduct detective and search activity, inquiry and pre-trial investigation;
- Supervision of the observance of laws in the execution of judicial decisions in criminal cases, and also in the application of other measures of coercion related to the restraint of personal liberty of citizens.

*Article 122.* The Procuracy of Ukraine is headed by the Procurator General of Ukraine, who is appointed to office with the consent of the Verkhovna Rada of Ukraine, and dismissed from office by the President of Ukraine. The Verkhovna Rada of Ukraine may express no confidence in the Procurator General of Ukraine that results in his or her resignation from office. The term of authority of the Procurator General of Ukraine is five years.

*Article 123.* The organisation and operational procedure for the bodies of the Procuracy of Ukraine are determined by law.

### **PART VIII. JUSTICE**

*Article 124.* Justice in Ukraine is administered exclusively by the courts. The delegation of the functions of the courts, and also the appropriation of these functions by other bodies or officials, shall not be permitted.

The jurisdiction of the courts extends to all legal relations that arise in the State.

Judicial proceedings are performed by the Constitutional Court of Ukraine and courts of general jurisdiction.

The people directly participate in the administration of justice through people's assessors and jurors.

Judicial decisions are adopted by the courts in the name of Ukraine and are mandatory for execution throughout the entire territory of Ukraine.

*Article 125.* In Ukraine, the system of courts of general jurisdiction is formed in accordance with the territorial principle and the principle of specialisation.

The Supreme Court of Ukraine is highest judicial body in the system of courts of general jurisdiction.

The respective high courts are the highest judicial bodies of specialised courts.

Courts of appeal and local courts operate in accordance with the law.

The creation of extraordinary and special courts shall not be permitted.

*Article 126.* The independence and immunity of judges are guaranteed by the Constitution and the laws of Ukraine.

Influencing judges in any manner is prohibited.

A judge shall not be detained or arrested without the consent of the Verkhovna Rada of Ukraine, until a verdict of guilty is rendered by a court.

Judges hold office for permanent terms, except judges of the Constitutional Court of Ukraine, and judges appointed to the office of judge for the first time.

A judge is dismissed from office by the body that elected or appointed him or her in the event of:

- 1) The expiration of the term for which he or she was elected or appointed;
- 2) The judge's attainment of the age of sixty-five;
- 3) The impossibility to exercise his or her authority for reasons of health;
- 4) The violation by the judge of requirements concerning incompatibility;
- 5) The breach of oath by the judge;
- 6) The entry into legal force of a verdict of guilty against him or her;
- 7) The termination of his or her citizenship;
- 8) The declaration that he or she is missing, or the pronouncement that he or she is dead;
- 9) The submission by the judge of a statement of resignation or of voluntary dismissal from office.

The authority of the judge terminates in the event of his or her death.

The State ensures the personal security of judges and their families.

*Article 127.* Justice is administered by professional judges and, in cases determined by law, people's assessors and jurors.

Professional judges shall not belong to political parties and trade unions, take part in any political activity, hold a representative mandate, occupy any other paid positions, perform other remunerated work except scholarly, teaching and creative activity.

A citizen of Ukraine, not younger than the age of twenty-five, who has a higher legal education and has work experience in the sphere of law for no less than three years, has resided in Ukraine for no less than ten years and has command of the state language, may be recommended for the office of judge by the Qualification Commission of Judges.

Persons with professional training in issues of jurisdiction of specialised courts may be judges of these courts. These judges administer justice only as members of a collegium of judges.

Additional requirements for certain categories of judges in terms of experience, age and their professional level are established by law.

Protection of the professional interests of judges is exercised by the procedure established by law.

*Article 128.* The first appointment of a professional judge to office for a five-year term is made by the President of Ukraine. All other judges, except the judges of the Constitutional Court of Ukraine, are elected by the Verkhovna Rada of Ukraine for permanent terms by the procedure established by law.

The Chairman of the Supreme Court of Ukraine is elected to office and dismissed from office by the Plenary Assembly of the Supreme Court of Ukraine by secret ballot, by the procedure established by law.

*Article 129.* In the administration of justice, judges are independent and subject only to the law. Judicial proceedings are conducted by a single judge, by a panel of judges, or by a court of the jury.

The main principles of judicial proceedings are:

- 1) Legality;
- 2) Equality before the law and the court of all participants in a trial;
- 3) Ensuring that the guilt is proved;
- 4) Adversarial procedure and freedom of the parties to present their evidence to the court and to prove the weight of evidence before the court;
- 5) Prosecution by the procurator in court on behalf of the State;
- 6) Ensuring the right of an accused person to a defence;
- 7) Openness of a trial and its complete recording by technical means;
- 8) Ensuring complaint of a court decision by appeal and cassation, except in cases established by law;
- 9) The mandatory nature of court decisions.

The law may also determine other principles of judicial proceedings in courts of specific judicial jurisdiction.

Persons guilty of contempt of court or of showing disrespect toward the judge are brought to legal liability.

*Article 130.* The State ensures funding and proper conditions for the operation of courts and the activity of judges. Expenditures for the maintenance of courts are allocated separately in the State Budget of Ukraine.

Judges' self-management operates to resolve issues of the internal affairs of courts.

*Article 131.* The High Council of Justice operates in Ukraine, whose competence comprises:

- Forwarding submissions on the appointment of judges to office or on their dismissal from office;
- Adopting decisions in regard to the violation by judges and procurators of the requirements concerning incompatibility;
- Exercising disciplinary procedure in regard to judges of the Supreme Court of Ukraine and judges of high specialised courts, and the consideration of complaints regarding decisions on bringing to disciplinary liability judges of courts of appeal and local courts, and also procurators.

The High Council of Justice consists of twenty members. The Verkhovna Rada of Ukraine, the President of Ukraine, the Congress of Judges of Ukraine, the Congress of Advocates of Ukraine, and the Congress of Representatives of Higher Legal Educational Establishments and Scientific Institutions, each appoint three members to the High Council of Justice, and the All-Ukrainian Conference of Employees of the Procuracy – two members of the High Council of Justice.

The Chairman of the Supreme Court of Ukraine, the Minister of Justice of Ukraine and the Procurator General of Ukraine are *ex officio* members of the High Council of Justice.

## **PART IX. TERRITORIAL STRUCTURE OF UKRAINE**

*Article 132.* The territorial structure of Ukraine is based on the principles of unity and indivisibility of the state territory, the combination of centralisation and decentralisation in the exercise of state power, and the balanced socio-economic development of regions that takes into account their historical, economic, ecological, geographical and demographic characteristics, and ethnic and cultural traditions.

*Article 133.* The system of the administrative and territorial structure of Ukraine is composed of the Autonomous Republic of Crimea, oblasts, districts, cities, city districts, settlements and villages.

Ukraine is composed of the Autonomous Republic of Crimea, Vinnytsia Oblast, Volyn Oblast, Dnipropetrovsk Oblast, Donetsk Oblast, Zhytomyr Oblast, Zakarpattia Oblast, Zaporizhia Oblast, Ivano-Frankivsk Oblast, Kyiv Oblast, Kirovohrad Oblast, Luhansk Oblast, Lviv Oblast, Mykolaiv Oblast, Odesa Oblast, Poltava Oblast, Rivne Oblast, Sumy Oblast, Ternopil Oblast, Kharkiv Oblast, Kherson Oblast, Khmelnytskyi Oblast, Cherkasy Oblast, Chernivtsi Oblast and Chernihiv Oblast, and the Cities of Kyiv and Sevastopol.

The Cities of Kyiv and Sevastopol have special status that is determined by the laws of Ukraine.

## **PART X. AUTONOMOUS REPUBLIC OF CRIMEA**

*Article 134.* The Autonomous Republic of Crimea is an inseparable constituent part of Ukraine and decides on the issues ascribed to its competence within the limits of authority determined by the Constitution of Ukraine.

*Article 135.* The Autonomous Republic of Crimea has the Constitution of the Autonomous Republic of Crimea that is adopted by the Verkhovna Rada of the Autonomous Republic of Crimea and approved by the Verkhovna Rada of Ukraine by no less than one-half of the constitutional composition of the Verkhovna Rada of Ukraine.

Normative legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea and decisions of the Council of Ministers of the Autonomous Republic of Crimea shall not contradict the Constitution and the laws of Ukraine and are adopted in accordance with the Constitution of Ukraine, the laws of Ukraine, acts of the President of Ukraine and the Cabinet of Ministers of Ukraine, and for their execution.

*Article 136.* The Verkhovna Rada of the Autonomous Republic of Crimea, within the limits of its authority, is the representative body of the Autonomous Republic of Crimea. Its deputies are elected on the basis of universal, equal and direct suffrage by secret ballot for a five-year term.

The powers of the deputies of the Verkhovna Rada of the Autonomous Republic of Crimea shall terminate with the termination of the powers of the Verkhovna Rada of the Autonomous Republic of Crimea.

Regular elections to the Verkhovna Rada of the Autonomous Republic of Crimea shall be held on the last Sunday of October of the fifth year of the term of the of the Autonomous Republic of Crimea elected at the regular elections.

The Verkhovna Rada of the Autonomous Republic of Crimea adopts decisions and resolutions that are mandatory for execution in the Autonomous Republic of Crimea.

The Council of Ministers of the Autonomous Republic of Crimea is the government of the Autonomous Republic of Crimea. The Head of the Council of Ministers of the Autonomous Republic of Crimea is appointed to office and dismissed from office by the Verkhovna Rada of the Autonomous Republic of Crimea with the consent of the President of Ukraine.

The authority, the procedure for the formation and operation of the Verkhovna Rada of the Autonomous Republic of Crimea and of the Council of Ministers of the Autonomous Republic of Crimea, are determined by the Constitution of Ukraine and the laws of Ukraine, and by normative legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea on issues ascribed to its competence.

In the Autonomous Republic of Crimea, justice is administered by courts that belong to the unified system of courts of Ukraine.

*Article 137.* The Autonomous Republic of Crimea exercises normative regulation on the following issues:

- 1) Agriculture and forestry;
- 2) Land reclamation and mining;
- 3) Public works, craft and trades; charity;

- 4) City construction and housing management;
- 5) Tourism, hotel business, fairs;
- 6) Museums, libraries, theatres, other cultural establishments, historical and cultural preserves;
- 7) Public transportation, roadways, water supply;
- 8) Hunting and fishing;
- 9) Sanitary and hospital services.

For reasons of nonconformity of normative legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea with the Constitution of Ukraine and the laws of Ukraine, the President of Ukraine may suspend these normative legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea with a simultaneous appeal to the Constitutional Court of Ukraine in regard to their constitutionality.

*Article 138.* The competence of the Autonomous Republic of Crimea comprises:

- 1) Designating elections of deputies to the Verkhovna Rada of the Autonomous Republic of Crimea, approving the composition of the electoral commission of the Autonomous Republic of Crimea;
- 2) Organising and conducting local referendums;
- 3) Managing property that belongs to the Autonomous Republic of Crimea;
- 4) Elaborating, approving and implementing the budget of the Autonomous Republic of Crimea on the basis of the uniform tax and budget policy of Ukraine;
- 5) Elaborating, approving and realising programmes of the Autonomous Republic of Crimea for socio-economic and cultural development, the rational utilisation of nature, and environmental protection in accordance with national programmes;
- 6) Recognising the status of localities as resorts; establishing zones for the sanitary protection of resorts;
- 7) Participating in ensuring the rights and freedoms of citizens, national harmony, the promotion of the protection of legal order and public security;
- 8) Ensuring the operation and development of the state language and national languages and cultures in the Autonomous Republic of Crimea; protection and use of historical monuments;
- 9) Participating in the development and realisation of state programmes for the return of deported peoples;
- 10) Initiating the introduction of a state of emergency and the establishment of zones of an ecological emergency situation in the Autonomous Republic of Crimea or in its particular areas.

Other powers may also be delegated to the Autonomous Republic of Crimea by the laws of Ukraine.

*Article 139.* The Representative Office of the President of Ukraine, whose status is determined by the law of Ukraine, operates in the Autonomous Republic of Crimea.

## **PART XI. LOCAL SELF-GOVERNMENT**

*Article 140.* Local self-government is the right of a territorial community – residents of a village or a voluntary association of residents of several villages into one village community, residents of a settlement, and of a city – to independently resolve issues of local character within the limits of the Constitution and the laws of Ukraine.

Special laws of Ukraine determine particular aspects of the exercise of local self-government in the Cities of Kyiv and Sevastopol.

Local self-government is exercised by a territorial community by the procedure established by law, both directly and through bodies of local self-government: village, settlement and city councils, and their executive bodies.

District and oblast councils are bodies of local self-government that represent the common interests of territorial communities of villages, settlements and cities.

The issue of organisation of the administration of city districts lies within the competence of city councils.

Village, settlement and city councils may permit, upon the initiative of residents, the creation of house, street, block and other bodies of popular self-organisation, and to assign them part of their own competence, finances and property.

*Article 141.* A village, settlement and city council is composed of deputies elected for a five-year term by residents of a village, settlement and city on the basis of universal, equal and direct suffrage, by secret ballot. The powers of the deputies of the council shall terminate with the termination of the powers of the council.

Territorial communities elect for a five-year-term on the basis of universal, equal and direct suffrage, by secret ballot, the head of the village, settlement and city, respectively, who leads the executive body of the council and presides at its meetings.

Regular elections to the council shall be held on the last Sunday of October of the fifth year of the term of the council elected at the regular elections.

The status of heads, deputies and executive bodies of a council and their authority, the procedure for their establishment, reorganisation and liquidation, are determined by law.

The chairman of a district council and the chairman of an oblast council are elected by the respective council and lead the executive staff of the council.

*Article 142.* The material and financial basis for local self-government is movable and immovable property, revenues of local budgets, other funds, land, natural resources owned by territorial communities of villages, settlements, cities, city districts, and also objects of their common property that are managed by district and oblast councils.

On the basis of agreement, territorial communities of villages, settlements and cities may join objects of communal property as well as budget funds, to implement joint projects or to jointly finance (maintain) communal enterprises, organisations and establishments, and create appropriate bodies and services for this purpose.

The State participates in the formation of revenues of the budget of local self-government and financially supports local self-government. Expenditures of bodies of local self-government, which arise from the decisions of bodies of state power, are compensated by the state.

*Article 143.* Territorial communities of a village, settlement and city, directly or through the bodies of local self-government established by them, manage the property that is in communal

ownership; approve programmes of socio-economic and cultural development, and control their implementation; approve budgets of the respective administrative and territorial units, and control their implementation; establish local taxes and levies in accordance with the law; ensure the holding of local referendums and the implementation of their results; establish, reorganise and liquidate communal enterprises, organisations and institutions, and also exercise control over their activity; resolve other issues of local importance ascribed to their competence by law.

Oblast and district councils approve programmes for socio-economic and cultural development of the respective oblasts and districts, and control their implementation; approve district and oblast budgets that are formed from the funds of the state budget for their appropriate distribution among territorial communities or for the implementation of joint projects, and from the funds drawn on the basis of agreement from local budgets for the realisation of joint socio-economic and cultural programmes, and control their implementation; resolve other issues ascribed to their competence by law.

Certain powers of executive power may be assigned by law to bodies of local self-government. The State finances the exercise of these powers from the State Budget of Ukraine in full or through the allocation of certain national taxes to the local budget, by the procedure established by law, transfers the relevant objects of state property to bodies of local self-government.

Bodies of local self-government, on issues of their exercise of powers of bodies of executive power, are under the control of the respective bodies of executive power.

*Article 144.* Bodies of local self-government, within the limits of authority determined by law, adopt decisions that are mandatory for execution throughout the respective territory.

Decisions of bodies of local self-government, for reasons of nonconformity with the Constitution or the laws of Ukraine, are suspended by the procedure established by law with a simultaneous appeal to a court.

*Article 145.* The rights of local self-government are protected by judicial procedure.

*Article 146.* Other issues of the organisation of local self-government, the formation, operation and responsibility of the bodies of local self-government, are determined by law.

## **PART XII. CONSTITUTIONAL COURT OF UKRAINE**

*Article 147.* The Constitutional Court of Ukraine is the sole body of constitutional jurisdiction in Ukraine.

The Constitutional Court of Ukraine decides on issues of conformity of laws and other legal acts with the Constitution of Ukraine and provides the official interpretation of the Constitution of Ukraine and the laws of Ukraine.

*Article 148.* The Constitutional Court of Ukraine is composed of eighteen judges of the Constitutional Court of Ukraine.

The President of Ukraine, the Verkhovna Rada of Ukraine and the Congress of Judges of Ukraine each appoint six judges to the Constitutional Court of Ukraine.

A citizen of Ukraine who has attained the age of forty on the day of appointment, has a higher legal education and professional experience of no less than ten years, has resided in Ukraine for the last twenty years, and has command of the state language, may be a judge of the Constitutional Court of Ukraine.

A judge of the Constitutional Court of Ukraine is appointed for nine years without the right of appointment to a repeat term.

The Chairman of the Constitutional Court of Ukraine is elected by secret ballot only for one three-year term at a special plenary meeting of the Constitutional Court of Ukraine from among the judges of the Constitutional Court of Ukraine.

*Article 149.* Judges of the Constitutional Court of Ukraine are subject to the guarantees of independence and immunity and to the grounds for dismissal from office envisaged by Article 126 of this Constitution, and the requirements concerning incompatibility as determined in Article 127, paragraph two of this Constitution.

*Article 150.* The authority of the Constitutional Court of Ukraine comprises:

- 1) Deciding on issues of conformity with the Constitution of Ukraine (constitutionality) of the following:
  - Laws and other legal acts of the Verkhovna Rada of Ukraine;
  - Acts of the President of Ukraine;
  - Acts of the Cabinet of Ministers of Ukraine;
  - Legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea.

These issues are considered on the appeals of: the President of Ukraine; no less than forty-five National Deputies of Ukraine; the Supreme Court of Ukraine; the Authorised Human Rights Representative of the Verkhovna Rada of Ukraine; the Verkhovna Rada of the Autonomous Republic of Crimea;

- 2) The official interpretation of the Constitution of Ukraine and the laws of Ukraine.

On issues envisaged by this Article, the Constitutional Court of Ukraine adopts decisions that are mandatory for execution throughout the territory of Ukraine, that are final and shall not be appealed.

*Article 151.* The Constitutional Court of Ukraine, on the appeal of the President of Ukraine or the Cabinet of Ministers of Ukraine, provides opinions on the conformity with the Constitution of Ukraine of international treaties of Ukraine that are in force, or the international treaties submitted to the Verkhovna Rada of Ukraine for granting agreement on their binding nature.

On the appeal of the Verkhovna Rada of Ukraine, the Constitutional Court of Ukraine provides an opinion on the observance of the constitutional procedure of investigation and consideration of the case of removing the President of Ukraine from office by the procedure of impeachment.

*Article 152.* Laws and other legal acts, by the decision of the Constitutional Court of Ukraine, are deemed to be unconstitutional, in whole or in part, in the event that they do not conform to the Constitution of Ukraine, or if there was a violation of the procedure established by the Constitution of Ukraine for their review, adoption or their entry into force.

Laws and other legal acts, or their separate provisions, that are deemed to be unconstitutional, lose legal force from the day the Constitutional Court of Ukraine adopts the decision on their unconstitutionality.

Material or moral damages, inflicted on physical and legal persons by the acts or actions deemed to be unconstitutional, are compensated by the State by the procedure established by law.

*Article 153.* The procedure for the organisation and operation of the Constitutional Court of Ukraine, and the procedure for its review of cases, are determined by law.

### **PART XIII. INTRODUCING AMENDMENTS TO THE CONSTITUTION OF UKRAINE**

*Article 154.* A draft law on introducing amendments to the Constitution of Ukraine may be submitted to the Verkhovna Rada of Ukraine by the President of Ukraine, or by no fewer National Deputies of Ukraine than one-third of the constitutional composition of the Verkhovna Rada of Ukraine.

*Article 155.* A draft law on introducing amendments to the Constitution of Ukraine, with the exception of Chapter I – “General Principles”, Chapter III – “Elections, Referendum”, and Chapter XIII – “Introducing Amendments to the Constitution of Ukraine”, previously adopted by the majority of the constitutional composition of the Verkhovna Rada of Ukraine, is deemed to be adopted, if at the next regular session of the Verkhovna Rada of Ukraine, no less than two-thirds of the constitutional composition of the Verkhovna Rada of Ukraine have voted in favour thereof.

*Article 156.* A draft law on introducing amendments to Chapter I – “General Principles”, Chapter III – “Elections, Referendum”, and Chapter XIII – “Introducing Amendments to the Constitution of Ukraine”, is submitted to the Verkhovna Rada of Ukraine by the President of Ukraine, or by no less than two-thirds of the constitutional composition of the Verkhovna Rada of Ukraine, and on the condition that it is adopted by no less than two-thirds of the constitutional composition of the Verkhovna Rada of Ukraine, and is approved by an All-Ukrainian referendum designated by the President of Ukraine.

The repeat submission of a draft law on introducing amendments to Chapters I, III and XIII of this Constitution on one and the same issue is possible only to the Verkhovna Rada of Ukraine of the next convocation.

*Article 157.* The Constitution of Ukraine shall not be amended, if the amendments foresee the abolition or restriction of human and citizens’ rights and freedoms, or if they are oriented toward the liquidation of the independence or violation of the territorial indivisibility of Ukraine.

The Constitution of Ukraine shall not be amended in conditions of martial law or a state of emergency.

*Article 158.* The draft law on introducing amendments to the Constitution of Ukraine, considered by the Verkhovna Rada of Ukraine and not adopted, may be submitted to the Verkhovna Rada of Ukraine no sooner than one year from the day of the adoption of the decision on this draft law.

Within the term of its authority, the Verkhovna Rada of Ukraine shall not amend twice the same provisions of the Constitution.

*Article 159.* A draft law on introducing amendments to the Constitution of Ukraine is considered by the Verkhovna Rada of Ukraine upon the availability of an opinion of the Constitutional Court of Ukraine on the conformity of the draft law with the requirements of Articles 157 and 158 of this Constitution.

### **PART XIV. FINAL PROVISIONS**

*Article 160.* The Constitution of Ukraine enters into force from the day of its adoption.

*Article 161.* The day of adoption of the Constitution of Ukraine is a national holiday – the Day of the Constitution of Ukraine.

## Part II

# The Legislative and Conceptual Framework for the Provision of National Security and Implementation of Defence Policy

### **Law of Ukraine “On Fundamentals of National Security of Ukraine”<sup>1</sup>**

In accordance with Article 92, paragraph 1, subparagraph 17 of the Constitution of Ukraine, the aforementioned law defines the fundamentals and interests of Ukrainian national state security policy, while guaranteeing society and the individual citizen protection from both internal and external threats.

#### *Article 1. Definition of Terms*

1. The terms used in this Law shall have the following meaning:
  - 1) National Security** is the safeguarding of vital interests pertaining to the citizen and State of Ukraine that insure the sustainable development of society; through the timely detection, prevention and neutralization of implicit and explicit threats to national interests in the following areas: law enforcement activity, fighting corruption, border control and defence, migration policy, health protection, education and science, research and innovation policy, cultural development of the population, provision of freedom of speech and information security, social support and pensions, housing and utilities, financial market, property rights protection, stock exchange and share market, taxation budgeting and customs policy,

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<sup>1</sup> N 964-IV, 19.06.2003; (*Bulletin of the Verkhovna Rada, 2003, No 39, p.351*) with changes introduced by Laws N 3200-IV of 15.12.2005, BVR, 2006, N 14, p. 116; N 2411-VI of 01.07.2010, BVR, 2010, N 40, p. 527.

trade and entrepreneurship, banking services, investment policy, auditing, monetary and currency policy, information protection, licensing, industry and agriculture, transportation and communication, information technologies, power generation and energy saving, natural monopolies, exploitation of natural land and water resources, protection of environment and in other areas of the state governance in case of emerging negative tendencies having potential to provoke implicit and explicit threats to national interests;

(with amendments introduced by the Law N 2411-VI of 01.07.2010)

- 2) **National Interests** are natural resources, intellectual, cultural and sovereign property belonging to and recognised by the state and citizens of Ukraine; as well as the recognition of needs from both state and society that guarantee autonomy and progress in the development of Ukraine;
- 3) **Threats to National Security** are clear and present factors that represent a danger to vital national interests of Ukraine;
- 4) **State Military Organisations** are state and military agencies (generically referred to as Armed Forces hereinafter) created and democratically regulated in accordance with the Laws of Ukraine whose purpose is to defend the national interests of Ukraine against both internal and external threats;
- 5) **Law Enforcement Agencies** are constitutionally assigned state organisations responsible for law enforcement.

#### Article 2. Legal Grounds for National Security

1. The Constitution and laws of Ukraine as well as international treaties and normative legislation subject to the agreement of parliament, the Verkhovna Rada, bind and provide a guarantee for the legal basis of the National Security of Ukraine.

Pursuant to this legal basis the President of Ukraine develops and approves the *Strategy of National Security* and *The Military Doctrine*; to include principles relating to the determining aims of military building as well as providing guidelines for agencies (under concrete circumstances), who with timely detection need to prevent and or neutralise implicit and explicit threats to the national interests of Ukraine.

The *Strategy of National Security of Ukraine* and the *Military Doctrine of Ukraine* are indispensable documents for the establishment, execution and development of concrete programs covering all elements of state policy relating to national security.

#### Article 3. Objects of National Security

1. Objects of National Security are:
  - A person and citizen – his/her constitutional human rights and freedoms;
  - Society and its spiritual, moral, ethical, cultural, historical, intellectual and material values, information media and environment as well as its natural resources;
  - The state and its constitutionally ordered system, sovereignty, territorial integrity and inviolability.

#### Article 4. Subjects of National Security

1. Subjects of National Security are:
  - The President of Ukraine;

- The Verkhovna Rada of Ukraine;
- The Cabinet of Ministers of Ukraine;
- The National Security and Defence Council of Ukraine;
- Ministries and other central organisations with Executive power;
- The National Bank of Ukraine;
- The Ukrainian general courts of jurisdiction;
- The Office of the Public Prosecutor of Ukraine;
- Local State Administrations and Local Self-Government Organisations;
- The Armed Forces of Ukraine, the Security Service of Ukraine, the Foreign Intelligence Service of Ukraine, the State Border Service of Ukraine and other Military Forces established in accordance with the Laws of Ukraine;  
(With amendments introduced by the Law N 3200-IV of 15.12.2005)
- Citizens and Trade/Workers Unions of Ukraine.

*Article 5. Principles of National Security*

1. The main principles of National Security are:
  - The priorities of human rights and freedoms;
  - The rule of law;
  - The priority of peaceful negotiations in conflict resolution;
  - The timely detection and necessary action to prevent and or neutralise implicit and explicit threats to the national interests of Ukraine;
  - The clear divisions of responsibility and coordination between all national security state bodies;
  - The democratic and civil control of all State Organisations, Military and Armed Forces responsible for the National Security of Ukraine;
  - The use of international security systems and collective international security doctrine in the interests of Ukraine;
2. National Security in Ukraine is provided for by elaborate state policy in accordance with adopted doctrines, strategies, concepts and programs encapsulating political, socioeconomic, military, ecological, scientific and technological information.
3. National Security in Ukraine is determined and deployed relative to the time, scale and nature of threats to national interests.

*Article 6. National Priority Interests*

National Priority Interests of Ukraine include:

- The protection of constitutional, human and freedom rights of every citizen;
- The development of democratic civil society and state institutions;
- The protection of state sovereignty, territorial integrity, inviolability of state borders, and protection from external intrusion into the domestic affairs of Ukraine;
- The strengthening of political and social stability in society;
- The provision for the development and promotion of Ukrainian as the official state language in public life, while guaranteeing free development, use and protection of Russian and other National Minorities' languages used in Ukraine;

- The creation of a competitive, socially orientated market economy that will ensure a constantly increasing standard of living and quality of life for the people of Ukraine;
- The preservation and strengthening of scientific and technological potential and the introduction of an innovative model for development;
- The provision for ecologically sound and safe living conditions for citizens and society; the preservation of the environment and the rational use of natural resources;
- The development of spiritual, moral values, intellectual potential and physical health for the nation in creating favourable conditions for population growth;
- The integration of Ukraine into the European political, economic, and legal space as well as developing mutually equitable and favourable relationships with other states that have a common interest in Ukraine.

*(With amendments introduced by the Law N 2411-VI of 01.07.2010)*

#### *Article 7. Threats to National Interests and Security*

Current concerns that threaten the national security and public stability of Ukraine are summarised accordingly:

##### International Concerns:

- Infringements on the state sovereignty of Ukraine, its territorial integrity, and territorial claims from other states;
- Interference in the domestic affairs of Ukraine by foreign states;
- Military and political instability, international, regional and local wars (conflicts) particularly concerning those close to sovereign Ukrainian borders.

##### Internal State Security Concerns:

- Subversive activity carried out by foreign intelligence services operating in Ukraine;
- Groups or individuals that threaten state sovereignty, the territorial integrity, economic, scientific, technical and defence potential of Ukraine as well as the rights and freedoms of its citizens;
- The spread of state corruption and bribery including the overlap of business, politics and organised crime;
- Criminal activities against the peace and security of humanity including the spread of international terrorism;
- The threat of use of nuclear powered and other weapons by terrorists on Ukrainian territory;
- The prospect of illegal arms imports, radioactive materials and illicit drugs;
- Attempts to create and sustain illegal paramilitary organisations that usurp official military and state bodies in the promotion of their individual causes;
- Manifestations of separatism and attempts to acquire nation-state sovereignty based on ethnicity in Ukraine.

##### Military & Border Control Concerns:

- Proliferation and supply of weapons of mass destruction;
- Ineffectiveness of existing structures that ensure international security and global stability;
- Illegal migration;

- The possibility of the involvement of Ukraine in regional armed conflicts or confrontations with other states;
- Military building by states close to Ukrainian borders that would contravene the current balance of forces;
- A dangerous decrease in the supply of military hardware and new generation specialized equipment for the Armed Forces that could incapacitate military efficiency;
- The slow implementation of reforms and insufficient funding of military programs and the Defence-Industrial Complex in Ukraine;
- The accumulation of sizeable quantities of dated and ineffective military hardware;
- Unclear legal statuses and insufficient infrastructure of Ukrainian borders;
- Unsatisfactory levels of social security benefits and protection for military servicemen, ex-military servicemen and their families.

Domestic Concerns:

- Violation of the Constitution and the Laws of Ukraine; human rights infringements; electoral campaign veracity; State and Local Executive accountability; insufficient control of compliance and responsibility requirements as prescribed by the Constitution and the correct implementation of the Laws of Ukraine;
- A possibility of interethnic and inter-confession conflicts, radicalization and manifestations of extremism in the activities of certain national minorities unions and religious communities;
- A threat of separatist trends and movements in Ukraine;
- Structural and functional imbalances of the socio-political system that facilitates a deficit in part, of the ability to sufficiently operate to threats to national security.

Economic Concerns:

- A significant reduction in GDP, investments and the innovation of scientific and technological research development;
- The weakening of state regulation and control in market economics;
- The instability of legal financial regulation and compliance including state financial policy as well as the absence of an effective programme for the prevention of a financial crisis and the increase of credit risks;
- Lack of funding for problems affecting main industry and agricultural sectors including the much needed technical maintenance of nuclear power installations;
- Insufficient economic growth and related infrastructure deficits;
- Critical national economy dependence on external markets and a low rate of internal market expansion;
- Erratic exports structure mainly of raw materials and marginally with high added value products;
- Critical levels of internal and external State debts and borrowing.
- Alarming growth in foreign capital share holdings in the hub industries of the local economy;
- Inadequate antimonopoly (anti-trust) State policy and regulation of local monopolies that thwart a competitive economic environment;

- Critical food quotas and supply for the population;
  - Ineffective use of fuel and energy resources, insufficient rates of diversification for their supply and an absence of an effective energy-saving policy that in turn could induce a state energy security crisis;
  - The “Black” or “Shadow Economy”;
  - A predisposition in government policy favouring individual, corporate and regional economic interests over national priorities;
- Social and Humanitarian Concerns:
- An inconsistency between national socio-economic reform programs and their results;
  - Inefficient state policy in increasing individual earnings to overcome poverty and rising unemployment;
  - Crisis in the healthcare and social security systems resulting in the deterioration of the population's health through the spread of drug abuse, alcoholism, and social disease;
  - Aggravation of the demographic crisis;
  - A reduction in access to education by the poor;
  - Loss of socio-moral fabric and spirituality;
  - Increase in child /adolescent vagrancy and homelessness.
- Science & Technology Concerns:
- The Ukrainian science and technology sector lags behind the developed world;
  - There is a lack of impetus in state policy to stimulate innovatory activity;
  - Ukrainian science and technology products are not competitive;
  - There is a lack of infrastructure and exposure of the internal market for high-tech products to foreign interest much needed to assist local expansion;
  - There has been a reduction of internal demand for the training of scientific and technical personnel in engineering, technology and related enterprise. Unsatisfactory levels of remuneration for work in the science and technology industry has caused a drop in appeal also aggravated by inadequate protection for intellectual property rights;
  - There has been a “brain drain” of highly skilled manpower;
- Ecological & Environmental Concerns:
- There is considerable anthropogenic damage to the ecology and environment in Ukraine;
  - There has been unreasonable and exhaustive use of natural resources, raw materials and minerals (both renewable and non-renewable);
  - The inability to overcome negative social and ecological consequences of the Chernobyl Disaster;
  - The deterioration of the ecological state of water basins and the intensification of cross-border pollution problems as well as worsening water quality;
  - Anthropogenic deterioration of the hydraulic works at the Dnieper River reservoir;
  - The uncontrolled import into Ukraine of ecologically dangerous technologies, substances, materials and transgenic plants, pathogenic agents, plants and organisms dangerous to humans and animals; as well as the ecologically unjustified use of genetically modified plants, organisms, substances and derivative products;

- There is fruitless action to overcome the negative ecological consequences of military and other unsound ecological activity;
  - Anthropogenic dangers including nuclear and bioterrorism;
  - Intensification of the impact of harmful genetic effects in populations of live organisms, in particular genetically modified organisms and biotechnologies;
  - The existence of many dated, ineffective, toxic and ecologically dangerous waste disposal systems;
- Information Media Concerns:
- Limitations to the freedom of speech and access of citizens to information;
  - Mass media proliferation of violence, brutality and pornography;
  - Cyber crime and terrorism;
  - The leaking of confidential national security and State Secret Official documents;
  - Attempts to manipulate the public conscience by spreading propaganda.

*Article 8. Core Directives of National Security Policy*

Taking into account the internal geopolitical situation in Ukraine, all State organisations are to focus on the timely identification, prevention and neutralisation of real and potential threats to national security to help protect the sovereignty and territorial integrity of Ukraine.

Border security, the improvement of the economy and the guaranteeing of civil security including the constitutional and human rights of the citizen are at the heart of national security directives.

Fighting organised crime syndicates, improving governance, strengthening the rule of law, radically improving the local ecological situation while preserving social and political stability will strengthen and improve Ukraine's reputation in the world.

The Core Directives of the National Security Policy are the following:

International Directives

Ukrainian foreign policy must be developed with the purpose of:

- Creating favourable foreign conditions for progressive economic and social development in Ukraine;
- Preventing interference in domestic affairs of Ukraine and the elimination of claims for its sovereignty and territorial integrity by other states;
- Participating in European and regional collective security systems, and becoming a member of the European Union while maintaining good relations and strategic partnerships with the Russian Federation, CIS countries and other foreign states; (*with amendments introduced by the Law N 2411-VI of 01.07.2010*)
- Preventing conflicts (with particular emphasis on neighbouring regions);
- Participating in international peacekeeping activities under the auspices of the UN, OSCE, NATO and other international security organisations;
- Participating in activities against international organised crime and terrorism groups, to counteract the proliferation and supply of nuclear and other weapons of mass destruction;
- Adapting Ukrainian Law to harmonise it with EU Law;

Internal State Security Directive:

- Reforming the law enforcement system to increase its efficiency by optimising and improving coordination between law enforcement Agencies, while improving financial, material, technical, organisational, legal, and personnel support;
- Concentrating resources on strengthening coordination between law enforcement and Counterintelligence Agencies to collectively fight organised crime and the drug trade;
- Participating in international co-operation to fight crime, terrorism, the drug trade and illegal migration;
- Introducing effective systems of control on the supply and use of defence products and technologies;

Military and Border Control Directive:

- Fast-tracking reform in the Armed Forces to maximise efficiency and the capability to successfully react to real or potential threats to Ukraine;
- Converting the Armed Forces to a contractually based manning system;
- Implementing state programs to modernise existing military hardware through the deployment and introduction of up-to-date military equipment;
- Enhancing control over the condition of armaments and the protection of military installations as well as the timely disposal of dated and surplus weapons;
- Introducing civil democratic controls of the Military and State law enforcement Agencies;
- Providing social protection for military and ex-servicemen and members of their families;
- Complying with agreements regarding the temporary stationing of the Black Sea Fleet of the Russian Federation on Ukraine territory;
- Fast-tracking the demarcation and delimitation of Ukrainian borders;
- Fighting organised local and international criminal groups, who operate in Ukraine and at crossing border points as well as in exclusive (maritime) economic zones;
- Enhancing trans-border co-operation with neighbouring states;

Domestic Directives:

- Protecting the Constitutional human rights and freedoms of a citizen;
- Protecting the Constitution to improve political power to strengthen democracy, the moral and spiritual foundations of society and to improve institutional efficiency;
- Establishing efficient judicial machinery to protect and enshrine constitutional human rights and fundamental freedoms;
- Establishing political stability, public peace and mutual understanding in society and preventing manifestations of extremism;
- Striving for transparency in the decision-making and public information activities of State organisations to improve and strengthen the peoples trust in institutional governance;
- Creating accountable and efficient autonomous Regional and Local Executives;
- Developing and improving the geo socio-economic and legal foundations of Ukraine to enhance spirituality, cultural ethnic tolerance and national stability;
- Providing for inter-religion stability and the prevention of religion based conflicts to particularly between distinct local churches who have specific influence in Ukraine;

Economic Directives:

- Creating favourable conditions for sustainable economic growth and a more competitive national economy;
  - Fast-tracking infrastructural and institutional change in the national economy;
  - Improving the investment climate and related processes;
  - Stimulating development for scientific high-tech industries.
  - Improving antimonopoly (anti-trust) policy and legislation; as well as creating efficient regulatory and compliance governance for existing monopolies;
  - Overcoming “shadow” (black) economy problems by reforming the tax system to enhance finance and investment as well as restraining international capital outflow while reducing unquantifiable extra-bank cash circulation;
  - Providing for an internal and external currency protection balance to encourage stability, protection for investor’s interests and financial markets growth;
  - Implementing an even-handed policy of internal and external borrowing;
  - Ensuring energy security and stability through the proper functioning of the fuel and energy complex, to include an active energy saving and diversification policy;
  - Providing food supply security;
  - Protecting the internal market from low-quality imports that could jeopardize national production markets, the health of citizens and or the environment;
  - Enhancing Ukraine’s participation in the international division of labour and developing its export potential for high-tech products; to facilitate full integration into the European Union and international economic system;
  - Intensifying Ukraine’s participation with international economic and financial organisations;
- Science and Technology Directives:
- Increasing state support for the growth of science and technology as a priority and a basis for the creation of high technologies and economic transition; through the development of an effective system that encourages innovatory activity in Ukraine;
  - Incrementally increasing budget expenditure for science and education, as well as creating conditions to attract further extra-budgetary funding for science and technology;
  - Improving the socio-economic and political conditions of the scientific and technical elite;
  - Providing the necessary conditions for the recognition and registration of intellectual property rights;
  - Providing a suitable security level to enhance the development of industry, agriculture, military installations and engineering works;
- Ecological and Environmental Directives:
- Implementing actions that will guarantee the ecological security of nuclear powered installations and equipment, as well as providing reliable protection for the Ukrainian population and environment from radiation exposure; while minimizing the on-going consequences of the Chernobyl disaster;
  - Introducing modern, ecologically sound, energy saving technologies within industry by making more efficient use of natural resources and developing environmentally friendly waste processing and disposal systems;

- Improving the ecological condition of Ukraine's rivers with particular attention to the Dnieper River basin, as well as improving the quality of available drinking water;
  - Preventing pollution and improving the ecology of the Black and Azov Seas;
  - Stabilising and improving the ecological and environmental conditions of cities and industrial zones particularly in the region of Donetsk-Prydniprovsky;
  - Preventing illegal imports into Ukraine of ecologically dangerous technologies, substances, materials, and pathogenic agents dangerous to humans, animals, plants and organisms;
  - Implementing actions to reduce the negative influence of global ecological (the Greenhouse Effect) problems on the Ukraine; while promoting Ukrainian participation in international ecological and environmental co-operation;
- Social and Humanitarian Directives:
- Implementing actions to strengthen the social dimension of economic policy to improve the living standards of the Ukrainian population primarily through the increase and prompt payment of wages, guaranteed state social security protection and a reduction in unemployment;
  - Creating conditions to help overcome poverty and excessive social strata division;
  - Protecting and strengthening the demographic and labour potential of Ukraine;
  - Creating effective social security and healthcare systems for the maintenance and regeneration of physical and moral health; and pursuing to eliminate endemic problems of alcoholism, drug abuse and other negative social phenomena;
  - Implementing actions to eradicate homelessness and vagrancy among children and the youth;
- Information and Media Directives:
- Creating and preserving the information sovereignty of Ukraine.
  - Improving state media regulations and awareness through the creation of normative, legal and economic prerequisites to aid the development of national information infrastructure and resources, by introducing modern communication technologies to promote the truthful dissemination of information relating to Ukraine both nationally and internationally;
  - Active involvement of the mass media in the fight against corruption, abuse of official power, and other phenomena that threaten national security;
  - Protecting the Constitutional rights of citizens to the freedom of speech and access to information;
  - Preventing the unlawful interference and influence of State bodies, autonomous State organisations and their representatives into the activities of the mass media;
  - Preventing political propaganda and the harassment of journalists for their political views;
  - Implementing comprehensive activities to protect national information media from invading corporate media and information monopolies.

*Article 9. Powers of the Subjects of National Security*

1. In accordance with the Constitution and the Laws of Ukraine:

- 2) The President of Ukraine**, as the Head of State, guarantor of state sovereignty, territorial integrity, compliance with the Constitution, rights and freedoms of a citizen, Commander-

- in-Chief of the Armed Forces of Ukraine and Head of the National Security and Defence Council of Ukraine, carries out the general management of national security and defence;
- 3) **The Verkhovna Rada of Ukraine**, within defined powers of the Constitution and the Laws of Ukraine, determines: the trends of internal and foreign policy, the fundamentals of national security, the adoption of national security legislation, the approval and decisions relating to “states of emergency”, martial law and troop mobilisation, the definitions and structures relating to the dimensions and functions of the Armed Forces;
  - 4) **The National Security and Defence Council of Ukraine** coordinates the activities of the Executive Authorities responsible for national security; and in turn submits to the President proposals for changes to National Security and Military Strategy taking into account the geopolitical situation of Ukraine;
  - 5) **The Cabinet of Ministers of Ukraine**, as the highest Executive body, guarantees state sovereignty and economic independence as well as enshrining measures to facilitate the protection of the rights and freedoms of an individual citizen, while ensuring the defence capability and national security of Ukraine is intact, as well as preserving public order and fighting criminal activity;
  - 6) **The National Bank of Ukraine**, in accordance with State monetary and credit regulation, determines and implements monetary and credit policy in the interests of national security of Ukraine;
  - 7) **Ministries, other central executive authorities, the Security Service of Ukraine and the Foreign Intelligence Service of Ukraine** within their constitutionally and legally defined, Presidential decreed and or Ministerial sanctioned powers: determine actions, concepts and programs for national security to ensure the preparedness for the use of force; *(with amendments introduced by the Law N 3200-IV of 15.12.2005)*
  - 8) **Local State Administrations and Autonomous Organisations** implement national security issues within their competences in accordance with the law;
  - 9) **State Military Organisations** guarantee the defence of Ukraine, and the protection of its sovereignty, territorial integrity and inviolability of borders as well as countering any internal military threats;
  - 10) **Law Enforcement Agencies** fight criminal activity and counteract terrorism, as well as offer civil protection and rescue from anthropogenic and natural disasters;
  - 11) **Ukraine Courts of General Jurisdiction** prosecute for crimes encroaching the national security of Ukraine;
  - 12) **Office of the Public Prosecutor of Ukraine** executes its powers within the national security framework in accordance with the Constitution and the Laws of Ukraine;
  - 13) **Citizens of Ukraine** fulfil their national interests through participating in elections, referendums and other forms of democracy. Elected State Authorities and Autonomous Local Executive voluntarily carry out their defined Constitutional and legal responsibilities to ensure national security that includes the alerting the general public and other State institutions (with the direct or indirect help of unions and citizens) to alert the general public to all dangerous phenomena affecting citizen rights, interests and personal security.

*Article 10. Main Functions of National Security Subjects*

1. The main functions of National Security Subjects are the following:

- To develop and periodically update the National Security Strategy and Military Doctrine of Ukraine to include doctrines, concepts and programs relating to national security as well as the planning and implementing of concrete actions to counteract and neutralize threats to the national interests of Ukraine;
- To create a normative-legal basis that facilitates a more effective national security system;
- To improve the organisational structure of the national security system by enlisting competent personnel, obtaining financial, material, technical and information support to regenerate the essential parts of this system;
- To prepare the Armed Forces adequately in their responsible use of national security powers;
- To constantly monitor the processes and arenas that influence national security namely socio-economics, ecology, science, technology, information media and the military; as well as observing religious and interethnic relations to anticipate and abate changes that potentially threaten national security;
- To systematically monitor all forms of international terrorism;
- To predict, detect and assess the causes and consequences of possible destabilising threats and conflicts;
- To develop scientifically proven proposals and recommendations on decision-making to assist the protection of Ukrainian national interests;
- To prevent and eliminate destabilising threats and factors that encroach national interests;
- To localise, minimise and find resolutions for influential and potentially destabilising conflicts;
- To assess and determine the cost effectiveness of activities relating to national security;
- To participate in bilateral and multilateral military security co-operation in the national interest of Ukraine;
- To assist regular and operational activities conducted by international organisations and agreements.

*Article 11. Control over the Implementation of National Security Activities*

1. Control over the implementation of activities relating to national security are executed by the President of Ukraine, Verkhovna Rada, Cabinet of Ministers, the National Security and Defence Council of Ukraine in accordance with their individual powers defined by the Constitution and the Laws of Ukraine.

*Article 12. Final provisions*

1. This Law enters into force from the date of publication.
1. On enforcement and application of this Law, the National Security Concept (the foundations of state policy), approved by the Decree of the Verkhovna Rada of Ukraine on January 16, 1997, (*Bulletin of the Verkhovna Rada*, 1997 No 10, p. 85; 2001 No 9 p. 38) are consequently repealed and inapplicable.

## Law of Ukraine “On Defence Planning”<sup>2</sup>

1. This law defines the tasks, principles, contents and procedures of defence planning including the coordination of actions by State organisations.

### *Article 1. Definition of Terms*

1. The terms used in this Law shall have the following meaning:
  - 1) National Security Strategy of Ukraine** is a comprehensive long-term programme of practical actions with a common purpose of safeguarding vital Ukrainian interests pertaining to citizen and state from external and internal threats. The National Security Strategy of Ukraine is a basis for comprehensive state planning for defence and national security;
  - 2) Military Security Strategy** is a component of the National Security Strategy of Ukraine, that determines ways of prevention and neutralization of real and potential threats to the national military security of Ukraine;
  - 3) Strategic Planning** is a function of government that determines the goals, tasks, priorities and actions required to fulfil military defence state policy;
  - 4) The Strategic Defence Bulletin** is chronological documentation on the reform and development of the Armed Forces and other Military organisations of Ukraine (summarised as the Armed Forces hereinafter);
  - 5) Defence Planning** is a component within the system of strategic planning and the management of state defence resources prescribed by law. The purpose of defence planning is to maintain an essential level of defence through the development of the Armed Forces in view of real and potential military threats that could endanger state economic resources;
  - 6) Defence Planning Directive** is a document that determines the main indices of defence planning;
  - 7) State Programs for the Development of the Armed Forces** are developed by the Central Executive. The Executive manages military development through programs that determine long-term practical/technical goals as well as organisational and socioeconomic activity taking into account the main indices of materials, finance and human resources (summarised hereinafter as State Resources). State programs can include multifactor target programs;
  - 8) Main Indices for Defence Planning** primarily include planned responsibilities for military development in peace and wartime; enveloping prioritised goals, a list of basic defence programs, analysis of estimated trends and patterns in the development of the military. Projected defence needs are calculated in terms of available State Resources contrasted with goals and sundry data relating to its terms of development, coordination and approval;
  - 9) Defence Budget** is expenditure allocated by the State Budget of Ukraine for defence spending.

<sup>2</sup> 2198-IV, 18.11.2004 (*Bulletin of the Verkhovna Rada, 2005, No 4, p.97*)

*Article 2. Subjects and Objects of Defence Planning*

1. Within the powers provided for under the Constitution and the Laws of Ukraine the Subjects of Defence Planning are:
  - The Verkhovna Rada (Parliament) of Ukraine;
  - The President of Ukraine;
  - The Cabinet of Ministers of Ukraine;
  - The National Security and Defence Council of Ukraine;
  - The Central Executive that manage the Armed Forces of Ukraine;
  - The Joint Chiefs of Staff of the Armed Forces of Ukraine;
  - Local State Administrations and Local Self-governing Organisations;
  - Government Commissions, Inter-Branch and Departmental Working Groups.
2. The Objects of Defence Planning are:
  - The Armed Forces of Ukraine;
  - The Central Executive, as well as enterprises, institutions and organisations, whose activity can influence the defence capacity of the state.

*Article 3. Main Principles of Defence Planning*

1. Defence Planning is carried out to ensure that both prospective and current plans, State Programs and the actions of national security State Organisations conform to the fundamentals of state defence policy through the:
  - Application of a programmed target plan to ensure the optimal and most effective use of State Resources;
  - Systematic and parallel processes for defence planning enshrining collective decision-making;
  - Impartiality and responsibility of the Subjects of Defence in defining the basic indices of defence planning;
  - Continuity of defence planning management;
  - Timely and sufficient actions aimed at the protection of national interests from external and internal military threats;
  - Provision of informative state organised plans and programs to envelope technical and scientific methods for the effective use of State Resources;
  - Establishment of the democratic civil control of the Armed Forces in Ukraine.

*Article 4. Primary Goals and Types of Defence Planning*

1. Primary goals for Defence Planning are:
  - The regular state policy based assessments of real and potential military threats; the defining of the interrelation between goals and tasks for the development of the Armed Forces of Ukraine;
  - Reviews of perspective and current plans for development of the Armed Forces based on programmed target plans;
  - The manufacture, maintenance and the efficient management of appropriate State Resources to ensure the development of the Armed Forces;

- The introduction of a market economy and defence products to attract international defence industry investments.
- 2. Defence Planning is divided into long, medium and short-term planning. Crucial documents for defence planning include:
  - Legislative acts on national security and defence, conceptual documents on social and economic development;
  - Official National Security Strategy and Military Security Strategy of Ukraine;
  - The Military Doctrine of Ukraine;
  - The State Programme for the Development of State Military Organisations;
  - The tasks of the Armed Forces of Ukraine;
  - The Strategic Defence Bulletin;
  - The State Programme for the Development of Arms and Military Technical Equipment;
  - The State Programme for the Reform and Development of an Industrial Defence Complex.

*Article 5. Long-term Defence Planning*

1. Long-term defence planning is carried out with a current purpose defined by the state defence policy while simultaneously providing a fundamental legal basis for medium and short-term defence planning.
2. Long-term defence State Programs are structured on a period of twelve years. In fulfilling long-term defence planning:
3. The National Security and Defence Council of Ukraine within its constitutional legal powers and on the basis of the National Security Strategy, submits proposals to the President relating to Military Security Strategy. Updates to these proposals are provided whenever required. General plan concepts are also supplied to highlight the activities and programs of the Armed Forces and Military Doctrine relating to national security and defence.
4. The Verkhovna Rada further develops consequent legislative bills.
5. The President of Ukraine, by addressing the Verkhovna Rada with a message on the internal and external situation in Ukraine helps determine the National Security Strategy of Ukraine and when necessary submits cases and proposals to amend and change laws relating to national security and defence.
6. The Ukrainian Cabinet of Ministers create macroeconomic indices for the development of the national economy, including the Industrial Defence Complex as well as State Resources needed for defence; determined by allocated expenditure from the State Budget. The Cabinet also develops large-scale procurement proposals on defence to include strategic State planning, mobilisation preparedness and territorial readiness in case of military threat. These draft concepts and State Programs for the development of the Armed Forces are submitted to the National Security and Defence Council of Ukraine for approval.
7. The Central Executive that manages the Armed Forces, also produce State Programme drafts for military development and submit these for approval in accordance with law. Long-term defence planning is a basis for medium and short-term planning.

*Article 6. Medium-term Defence Planning*

1. Medium-term defence planning defines technical-organisational and socio-economic measures that facilitate the maintenance of a necessary level of state defence capacity at any given time.
2. Medium-term state defence programs are structured on a period of six years.
3. In fulfilling medium-term defence planning:
4. The Cabinet of Ministers of Ukraine approve the main defence goals of the Central Executive that comprise of concepts, programmed target plans and State Budget calculations in light of large-scale defence procurement.
5. The Central Executive that manages the Armed Forces is sanctioned by the President of Ukraine to develop concepts and draft State Programs concerning the Armed Forces and to submit these proposals for approval in accordance with the law.
6. The Ministry of Defence joined with the Central Executive issue directives and normative documents on defence planning. Whenever necessary, the Central Executive also submits plans and schedules for state implementation of programs for the development and the provision of resources for the Armed Forces to the Cabinet of Ministers for approval.

*Article 7. Short-term Defence Planning*

1. Short-term defence planning covers annual maintenance plans for the Armed Forces structured on a two-year period framework. This planning cements essential details for the proper development of State Programs for the Armed Forces in accordance with established procedure.
2. In fulfilling short-term defence planning:
  - 1) The National Security and Defence Council of Ukraine tenders and considers drafts of new legal articles linked to national security and State Budget defence expenditure.
  - 2) The Council also submits proposals on State Resources and sundry actions relating to national security and defence to the President.
  - 3) The Cabinet of Ministers update and project defence expenditure to be allocated from the State Budget of Ukraine using a two-year forecast balanced against state defence procurement.
  - 4) This forecast is submitted to the Verkhovna Rada for approval, and expenditure on national defence is calculated for the proceeding fiscal year to match decisions affirmed by the National Security and Defence Council; that ultimately implements State Programs for the development of the Armed Forces.
  - 5) The Central Executive manages, maintains and develops plans for the Armed Forces. The Central Executive also collates a series of documents on state defence procurement for the proceeding fiscal year as well as submitting draft law proposals relating to the State Budget.
  - 6) The Head of the resultant Central Executive organisation in charge approves short-term plans of maintenance and development for the Armed Forces.

*Article 8. Coordination of Actions and Control of Defence Planning*

1. Coordinated actions and control of defence planning are carried out by the National Security and Defence Council of Ukraine.

2. The Accounting Chamber controls and regulates finance from the State Budget and in turn allocates funds for state defence on behalf of the Verkhovna Rada.
3. The Cabinet of Ministers produce, control and implement State Programs for the development for the Armed Forces.
4. The Central Executive that manages the Armed Forces annually submits to the Cabinet of Ministers, reports on state defence planning including budget issues and the implementation of State Programs.
5. The Cabinet of Ministers have executive power to create governmental commissions and inter branch/departmental working groups to develop a common ground for deploying defence planning tasks; to effect coordination and partnerships between Central and Local Executive.

*Article 9. Defence Reviews*

1. A Defence Review is a procedural assessment on the condition and preparedness of the Armed Forces to execute defence tasks. As a result of this assessment, the Strategic Defence Bulletin is developed, and direct action for strengthening state defence capability is taken.
2. A decision to conduct a Defence Review is made by the National Security and Defence Council; sanctioned by Presidential decree.
3. The Cabinet of Ministers organises and control the processes of Defence Reviews carried out by the Central Executive and other relevant state authorities.
4. The National Security and Defence Council are responsible for the development of the Strategic Defence Bulletin that is submitted to the President of Ukraine for approval.

*Article 10. Final Provisions*

1. This Law comes into force on the date of publication.
2. The Cabinet of Ministers of Ukraine are obliged to:
  - Ensure the development and introduction of a methodical budget and financing system to assist defence and strategic planning;
  - Submit a proposal within three months of the application of this Law to the Verkhovna Rada to facilitate compliance of the existing Laws of Ukraine with current Laws;
  - Bring about all normative-legislative acts into conformity with the current Law;
  - Review and guarantee abrogation through Ministerial and other Central Executive authority any normative-legislative act that contradicts the current Law.

## Law of Ukraine “On the Legal Regime of Martial Law”<sup>3</sup>

This law defines the content of the Martial Law legal regime (the procedure for its introduction and termination, the legal basis for the activities of State Executive, Local Self Government organs, the Military Command, enterprises, institutions and organisations under Martial Law, the guarantees of human and freedoms as well as the rights and legitimate interests of all legal persons) and the responsibility for any violation or failure to observe Martial Law legislation.

### **PART I. GENERAL PROVISIONS**

#### *Article 1. Definition of Martial Law*

1. Martial Law is a special legal regime that is introduced in Ukraine in case of an armed aggression or a threat of an attack, a threat to state sovereignty and territorial indivisibility of Ukraine. This rule involves granting the relevant State Executive, Local Self Government organs, and the Military Command necessary powers to prevent threats and to guarantee national security.
2. It also involves temporary, (threat determined) restrictions of human constitutional rights and freedoms as well as the rights and legitimate interests of all legal persons with an indication of the period of effectiveness for these restrictions.

#### *Article 2. The Purpose for the Introduction of Martial Law*

1. The purpose for the introduction of Martial Law is the creation of conditions permitting the State Executive, Local Self Government organs, and the Military Command, enterprises, institutions and organisations to exercise their authority in case of an armed aggression or a threat of an attack, a threat to state sovereignty and the territorial indivisibility of Ukraine.

#### *Article 3. The legal base of introduction of Martial Law*

1. The legal basis for the introduction of Martial Law is the Constitution of Ukraine, the present Law and other laws of Ukraine as well as Presidential Decrees approved by the Verkhovna Rada of Ukraine.

#### *Article 4. The Military Command*

1. The present Law gives the Military Command together with the State Executive, the Council of Ministers of the Autonomous Republic of Crimea and Local Self Government organs the right to introduce and undertake legal measures under Martial Law. The Military Command consists of the following components:
  - The General Staff of the Armed Forces of Ukraine;
  - The command of the services of the Armed Forces of Ukraine;

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<sup>3</sup> 1647-III, 06.04.2000; (Bulletin of the Verkhovna Rada, 2000, No 28, p.224), with changes introduced by Laws No 662-IV of 03.04.2003, BVR, 2003, No 27, p. 209; No 803-VI of 25.12.2008, BVR, 2009, No 19, p. 258; No 1836-VI of 21.01.2010, BVR, 2010, No 12, p. 119; No 2592-VI of 07.10.2010, BVR, 2011, No 10, p. 63.

- Joint operational command, headquarters of operational commands, territorial headquarters, commands of joint units, the troops of the Armed Forces and other State Military Organisations, created in accordance with the Laws of Ukraine.

## **PART II. THE PROCEDURES FOR THE INTRODUCTION AND TERMINATION OF MARTIAL LAW**

### *Article 5. The Procedure for the Introduction of Martial Law*

1. Martial Law in Ukraine is introduced by Presidential Decree subject to approval of the Verkhovna Rada of Ukraine within two days from an address made by the President.
2. A Presidential Decree introducing Martial Law, approved by the Verkhovna Rada of Ukraine, is made public (without delay) through the mass media.
3. The National Security and Defence Council of Ukraine submits proposals to introduce Martial Law to the President of Ukraine.

### *Article 6. Presidential Decree for the Introduction of Martial Law*

1. A Decree by the President of Ukraine on the introduction of Martial Law shall specify:
  - 1) A substantiation of the necessity for the introduction of Martial Law;
  - 2) A territorial boundary where Martial Law is introduced, a time of its introduction and its period of effectiveness;
  - 3) The responsibilities of the Military Command, State Executive and Local Self Government organs regarding the introduction and execution of measures relating to Martial Law;
  - 4) An exhaustive list of human and constitutional rights and freedoms that are to be provisionally restricted through the introduction of Martial Law as well as a list of provisional restrictions on the rights and legitimate interests of legal persons with an indication of the period of effectiveness of these restrictions;
  - 5) Other questions stipulated in the present Law.

### *Article 7. The Termination of Martial Law*

1. Martial Law in Ukraine is terminated by Presidential Decree at the proposal of the National Security and Defence Council of Ukraine after the elimination of armed attacks, threats to state sovereignty and or the territorial indivisibility of Ukraine, and this termination is to be made public without delay through the mass media.
2. A proposal to terminate Martial Law can be submitted to the President by the Verkhovna Rada of Ukraine.

## **PART III. THE ACTIVITIES OF THE STATE EXECUTIVE ORGANS UNDER MARTIAL LAW**

### *Article 8. State Executive Powers under Martial Law*

1. Under Martial Law, the President of Ukraine, the Verkhovna Rada, the State Executive Bodies, the Military Command, the Verkhovna Rada of the Autonomous Republic of Crimea, the Council of Ministers of the Autonomous Republic of Crimea, Local Self Government, enterprises, institutions and organisations who exercise their respective powers provided for by the Constitution and the Laws of Ukraine ensure the implementation of the measures prescribed by the present Law.

*Article 9. The Management of the Armed Forces of Ukraine and Other State Military Organisations under Martial Law*

1. The President of Ukraine, as the Supreme Commander-in-Chief of the Armed Forces of Ukraine, carries out the management for the strategic planning for the deployment of the Armed Forces and other State Military Organisations created in accordance with the Laws of Ukraine, as well as introducing and implementing measures under Martial Law through the working body Command Post of the Supreme Commander-in-Chief – the General Staff of the Armed Forces of Ukraine.
2. Under Martial Law, the Ministry of Defence for Ukraine acts in accordance with the Regulations on the Ministry of Defence for Ukraine approved by the President.

*Article 10. Illegality of the Termination of State Executive Authority under Martial Law*

1. During Martial Law, the authority of the Verkhovna Rada, the Human Rights Ombudsman to the Verkhovna Rada, the Verkhovna Rada of the Autonomous Republic of Crimea, Ministries, other Central and Local State Executive Organisations, Local Self Government, as well as the Courts, the Public Prosecutor's Office and State Investigation and Prosecution Organs cannot be terminated.

*Article 11. The Activities of the Verkhovna Rada of Ukraine under Martial Law*

1. In the event of the introduction of Martial Law in Ukraine, the Verkhovna Rada assembles within a period of two days without convocation and works in a session mode.
2. Heads of State Executive and Local Self Government organs, enterprises, institutions and organisations (owned both publicly and privately) are obliged to assist the Peoples' Deputies during the immediate session of the Verkhovna Rada of Ukraine and in the fulfilment of their individual authority.
3. In the event that a term of the Verkhovna Rada of Ukraine comes to an end during Martial Law, its authority is extended until the day of the first sitting of the first session of the Verkhovna Rada of Ukraine elected after the termination of Martial Law.
4. Under Martial Law, the authorities of the Verkhovna Rada of Ukraine determined by the Constitution of Ukraine cannot be restricted.

*Article 12. Peculiarities Relating to the Enforcement of Normative-Legal Acts under Martial Law*

1. The normative-legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea, decisions of the Council of Ministers for the Autonomous Republic of Crimea, decisions by Local Executive organs concerning human rights restricted under Martial Law, are provisionally inapplicable.

*Article 13. The Activities of the Military Command under Martial Law*

1. In Ukraine when Martial Law is effective, the provisions for defence, public order and security, the introduction of measures envisaged by Article 15 of this Law, are carried out by the Military Command in close co-operation with the State Executive, the Council of Ministers of the Autonomous Republic of Crimea and Local Self Government.
2. In the areas where combat operations take place, Martial Law measures are introduced and carried out directly by the Military Command.

3. While Martial Law is effective, the Military Command takes every measure to ensure the security of the civilian population and State interests, and is responsible for the introduction of these measures wherever territorially relevant.

*Article 14. Legal Acts Under Martial Law*

1. The organs mentioned in Article 10 of the present Law and the Military Command have the right to issue, (within their authority), authoritative decisions, instructions, orders and directives (including joint ones) concerning the introduction and implementation of Martial Law.

**PART IV. THE MEASURES INTRODUCED UNDER MARTIAL LAW**

*Article 15. The Content of Measures Introduced under the Legal Regime of Martial Law*

1. The Military Command is empowered to introduce in Ukraine, (where Martial Law is effective), jointly with the State Executive, the Council of Ministers of the Autonomous Republic of Crimea, and Local Self Government, (or if the above joint venture is impossible), unilaterally the following Martial Law measures:
  - 1) To introduce civilian duty provided by capable citizens, not involved in contemporaneous defence activities, defence support activities and not reserved for enterprises, institutions and organisations during a mobilisation period and that of wartime. Furthermore, civilian duty is required for defence works, resolving the consequences of natural disasters, accidents and other emergencies that emerged during Martial Law. Capable citizens can be called for public works to support the needs of the Armed Forces of Ukraine, other military formations and civic protection forces, to provide for the needs of the national economy and systems providing for vital population needs. Generally, these works do not require special professional training. Persons, called for these public works, shall be granted the previously held occupations, or, in case such option is not available, similar job at the same enterprise or organisation provided they accept the offer. The Cabinet of Ministers shall adopt the regulations for organising the public works under the Martial Law and provision of relevant compensation.<sup>4</sup>
  - 2) To use the capacities and manpower resources of enterprises, institutions and organisations (both publicly and privately owned) for defence needs to change the system of their work, and to introduce other changes within production activity and working conditions in accordance with the labour legislation;
  - 3) To temporarily expropriate (for defence needs) the property and assets of Ministries, other Central and Local State Executive organs, territorial communities, enterprises, institutions and organisations (both publicly and privately owned) and private citizens, including; and in accordance with the Regulations on the Military-Transport Duty, vehicles, installations, machines, mechanisms, equipment and other objects related to transport maintenance. Corresponding legal documentation relating to these appropriations are to be issued at the time of legal confiscation;
  - 4) To place guards at vitally important national economy installations;

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<sup>4</sup> P.1 of Article 15 includes changes made by N 1836-VI of 21.01.2010.

- 5) To impose a curfew (a prohibition to be out on the streets during a designated time of the day without special passes or identity cards) and a special light screening regime;
  - 6) To introduce a special entry-departure procedure, to restrict the freedom of movement of citizens, foreigners, stateless persons as well as their vehicles;
  - 7) To examine citizens' documents and, in case of necessity, their belongings, vehicles, luggage, cargo, office premises, dwellings, except within the limitations pre-determined by the Constitution of Ukraine;
  - 8) In accordance with procedures pre-determined by the Constitution and Laws of Ukraine, to raise an issue on the prohibition of the activity of political parties, public organisations, if it threatens the sovereignty, national security, independence, territorial indivisibility and the life of the citizens of Ukraine;
  - 9) To exercise control over the activity of communication, printing, TV-radio enterprises, publishing houses, theatre, concerts and other cultural enterprises, institutions and organisations; the use of local radio and TV broadcasting stations; usurping printing presses for military needs and the carrying out of educational work among the military and the population; to control the work of civil radio and TV broadcasting centres, to prohibit the activity of amateur transceiver radio stations of private or collective use and transmission of information over computer nets;
  - 10) In case of a violation of the requirements or a failure to perform the measures prescribed by a legal regime of Martial Law, to seize radio transmitters, TV, video, audio equipment, computers and if the need arises, other technical communication means from enterprises, organisations and institutions (both publicly and privately owned) as well as from private citizens;
  - 11) To prohibit the trade in arms, strong chemical and poisonous substances as well as alcoholic drinks and other substances produced with alcohol;
  - 12) To seize fire arms, ammunition, cold steel arms from citizens; to seize military and military-training equipment, explosive, radioactive substances and materials, strong chemical and poisonous substances from enterprises, organisations and institutions;
  - 13) To prohibit conscripts and citizens liable for military service to change their place of residence without informing the Military Command;
  - 14) To introduce a military-billet duty system that billets servicemen and facilitates the creation of quarter military units, sub-units and other related facilities;
  - 15) To establish procedures for the use of shelters and other installations for the protection of the civilian population and other defence needs;
  - 16) To evacuate the civilian population as well as the enterprises, organisations, institutions and material assets of national, economic and cultural importance from high risk areas;
  - 17) To provide the civilian population with basic food, non-food goods and medicines;
  - 18) To dismiss the heads of the State-owned enterprises, organisations and institutions for their failure to fulfil duties during a special period; and to appoint acting heads for the abovementioned enterprises, organisations and institutions.
2. The procedures for the introduction of restrictions on human rights as well as the rights and legitimate interests of legal entities under Martial Law are pre-determined by the Laws of Ukraine.

*Article 16. Assisting the Activities of the Military Command*

1. Ukrainian State Executive organs, the Verkhovna Rada of the Autonomous Republic of Crimea, the Council of Ministers of the Autonomous Republic of Crimea, Local Self Government organs, enterprises, organisations and institutions, citizen associations and private citizens are obliged to provide assistance to the Military Command during the introduction and execution of Martial Law.

*Article 17. Recruitment by State Military Organisations for Activities under Martial Law*

1. In accordance with the decisions of the National Security and Defence Council of Ukraine, enacted by Presidential Decree following established procedure, the State Military Organisations, created in accordance with the Laws of Ukraine, are recruited for the introduction and execution of activities under Martial Law depending on their functions and specialization.  
(Article 17 with changes as provided by the Law N 662-IV of 03.04.2003 and N 803-VI of 25.12.2008)

*Article 18. The Interaction of the Military Command with the State Executive under Martial Law*

1. While Martial Law is effective, the Military Command fulfils its tasks in close co-operation with the Security Service of Ukraine, other State Military Organisations, created in accordance with the Laws of Ukraine, and law enforcement bodies. It may also take command or operational command over other State Military Organisations or their joint units, military units, institutions and organisations.
2. The procedure for the co-operation between the Military Command, Ministries, other Central State Executive regarding the maintenance of Martial Law, ensuring the security of citizens, the protection of national interests as well as the command or operational command over other State Military Organisations or their joint units, military units, institutions and organisations are pre-determined by the Commander-in-Chief of the Armed Forces of Ukraine.

**PART V. GUARANTEES OF HUMAN RIGHTS AND FREEDOMS,  
AND THE LEGITIMATE INTERESTS OF LEGAL ENTITIES UNDER MARTIAL LAW**

*Article 19. The Guarantees of the Observance of the Legal Regime Under Martial Law*

1. Under Martial Law, the following is prohibited:
  - The introduction of amendments to the Constitution of Ukraine;
  - The introduction of amendments to the Constitution of the Autonomous Republic of Crimea;
  - The conducting of presidential elections;
  - The conducting of elections for the Verkhovna Rada of Ukraine, the Verkhovna Rada of the Autonomous Republic of Crimea and Local-Self-Government organs;
  - The conducting of an all-Ukraine and or local referendums;
  - The organising of strikes.

*Article 20. The Legal Status and the Restrictions on Human and Rights and Freedoms and the Rights and Legitimate Interests of Legal Entities under Martial Law*

1. The legal status and the restrictions on human rights and freedoms and the rights and the legitimate interests of legal entities under Martial Law are pre-determined in accordance with the Constitution of Ukraine, the present Law and other laws of Ukraine.

2. Under Martial Law, human rights and freedoms cited in Part 2 of Article 64 of the Constitution of Ukraine cannot be restricted.
3. Work of the persons, called for civil duty, shall correspond to such norms of labour, as minimal salary, minimal holidays and time to rest between the working shifts, maximal duration of working day, health protection etc. In case these persons do public works under the contract, their previous jobs and occupations shall be provided for them after the end of the term of civil duty.

*(Article 20 includes changes made by No 1836-VI of 21.01.2010)*

*Article 21. The Legal Status of Foreigners, Stateless Persons and Legal Entities of foreign countries under Martial Law*

1. The legal status of foreigners, stateless persons and legal entities of foreign states, situated in Ukraine while Martial Law is in effect, is pre-determined by the Constitution of Ukraine, the Laws of Ukraine and International Treaties, agreed to be binding by the Verkhovna Rada of Ukraine.

*Article 22. The Illegality of Using Martial Law for the Seizure of Power or the Violation of Human Rights and Freedoms, and or the Rights and Legitimate Interests of Legal Entities*

1. The introduction of Martial Law cannot be used as a justification for torture, cruel, inhumane or degrading treatment that violates a person's dignity. Any attempt to use Martial Law for the seizure of power entails legal liability.

*Article 23. The Indemnification of Damages Inflicted during Martial Law*

1. Forced alienation of private citizen property and legal entities for the purposes of Martial Law are subject to subsequent and complete compensation for total value in accordance with the procedure pre-determined by law.

*Article 24. Informing the UN Secretary General and Foreign States of the Introduction of a Legal Regime of Martial Law*

1. In accordance with the International Pact on Civil and Political Rights, any introduction of Martial Law in the Ukraine shall be immediately relayed and brought to the attention of all States and parties to this pact-through the UN Secretary General, of any restrictions on human rights and freedoms that are a departure from the responsibilities undertaken in this International Pact, as well as on the limits of these restrictions and the reasons for their introduction.
2. Any notification should also include information on the start date of any termination of the departure from the responsibilities undertaken by the ratification of the International Pact on Civil and Political Rights.
3. Should any limits of the departure from the responsibilities undertaken in the International Pact on Civil and Political Rights or the validity of the restrictions on human rights and freedoms change, the Ukraine must inform the UN Secretary General in accordance with the procedure established by Part I and Part II of this Article.

## **PART VI. THE LIABILITY FOR A VIOLATION OF THE REQUIREMENTS OR A FAILURE TO CARRY OUT MARTIAL LAW ORDERS**

### *Article 25. Liability for Violation of the Legal Regime of Martial Law*

1. Any person guilty of a violation of the requirements or a failure to carry out the measures prescribed by Martial Law are to be brought to account in accordance with law.

### *Article 26. The Administration of Justice under Martial Law*

1. When Martial Law is in effect, the courts still exclusively administer justice in Ukraine. Courts created in accordance with the Constitution of Ukraine continue to function and the introduction of extraordinary and special courts are not permitted.
2. The shortening or acceleration of judicial proceedings is strictly prohibited.

### *Article 27. The Control over the Activity of the State Executive*

1. The control over the activities of the State Executive under Martial Law is carried out by the National Security and Defence Council of Ukraine.

### *Article 28. Oversight over the Observance of Legislation under Martial Law*

1. Oversight over the observance of the laws of Ukraine under Martial Law is carried out in accordance with the Constitution and the laws of Ukraine.

## **PART VII. FINAL PROVISIONS**

1. This Law enters into force from the date of publication.
2. Cabinet Ministers are obliged to prepare:
  - A submission to the Verkhovna Rada of Ukraine within six months a proposal on introduction of amendments to the legislative acts that follow from the present Law;
  - To bring Cabinet's decisions into conformity with the present Law; and to ensure the bringing of the normative-legislative acts of Ministries, other Central and Local State Executive into conformity with the present Law.

## Law of Ukraine “On the Legal Regime of a State of Emergency”<sup>5</sup>

This Law defines the content of the legal regime for a state of emergency, the procedures for its introduction and termination, specifics relating to the operations of State authorities and Local Self-Government bodies, enterprises, institutions and organisations under a state of emergency, the protection of human rights and freedoms, as well as the rights and legitimate interests of legal entities, and the liability for the violation of these requirements or the failure to implement legal measures during a state of emergency.

### **PART I. GENERAL PROVISIONS**

#### *Article 1. Definition of a State of Emergency*

1. A state of emergency is a special legal regime, that can be introduced on a temporary basis throughout the Ukraine or in particular areas or regions where the emergence of extraordinary situations either of a technogenic or natural character occur that may result in human and material losses, the endangerment of life and to the health of citizens, an attempt to seize State power or to change the Ukrainian constitutional system through violent means; it provides and grants necessary powers to all relevant State authorities, the Military Command and Local Self-Government bodies to prevent threats and to ensure the security of the health of the population, the normal operation of the national economy, the Executive, the protection of the Constitutional system; and it also involves temporary threat determined restrictions of constitutional human rights and freedoms as well as over the legitimate interests of legal entities with a clear indication of the period of effectiveness for these restrictions.

#### *Article 2. Reasons for the Introduction of a State Emergency*

1. The purpose for introducing a state of emergency is to quickly eliminate any threats to national security and to dissolve the gravest technogenic or natural emergency situations, stabilising a situation and restoring the legal order in the case of an attempt to seize State power or to change the constitutional order by violent means; restoration of human constitutional rights and freedoms, the rights and legitimate interests of legal entities, the creation of conditions for the normal operation of the Executive and Local Self-Government bodies, and other institutions of civil society.

#### *Article 3. The Legal Basis for the Introduction of a State of Emergency*

1. The legal basis for introducing a state of emergency is the Constitution of Ukraine, this Law, as well as other Laws of Ukraine as well as Presidential Decrees subject to the approval by the Verkhovna Rada of Ukraine.

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<sup>5</sup> *Bulletin of the Verkhovna Rada (BVR)*, 2000, No 23, p.176); incorporating changes made by Laws N 662-IV of 03.04.2003, BVR, 2003, N 27, p. 209; N 743-IV of 15.05.2003, BVR, 2003, N29, p. 223.

## **PART II. THE CONDITIONS AND PROCEDURES FOR THE INTRODUCTION AND TERMINATION OF A STATE OF EMERGENCY**

### *Article 4. Conditions for the Introduction of a State of Emergency*

1. A state of emergency is only introduced in case of a real threat to the security of citizens and the constitutional system that cannot be averted by other means. A state of emergency may be introduced in case of:
  - 1) An emergence of especially serious technogenic or naturally occurring emergencies including natural disasters, catastrophes, infernos for the use and means of mass destruction, pandemics, or epizootics that endanger the life and health of a significant percentage of the population;
  - 2) A commitment to mass terrorist acts that could cause the deaths amongst the civilian population and the destruction of vitally important infrastructure facilities;
  - 3) An emergence of inter-ethnic or inter-religious conflicts, the blockade or seizure of vitally important facilities or areas that endanger the security of citizens and interfere with the proper functioning of the State Executive and Local Self-Government bodies;
  - 4) An emergence of mass disturbances leading to violence against citizens that restricts their human rights and freedoms;
  - 5) An attempt to seize State power or change the Ukrainian constitutional system by violent means;
  - 6) A mass crossing of Ukrainian State borders from neighbouring States populations;
  - 7) A need to restore the constitutional legal order and to restore the functioning of State authority.

### *Article 5. Procedures for Introducing a State of Emergency*

1. A state of emergency in Ukraine is introduced by Presidential Decree subject to an approval by the Verkhovna Rada within two days after a submission is made.
2. Before any introduction of a state of emergency, according to the provisions predetermined by Article 4, part II paragraphs 2-7 of this Law, the President through the mass media addresses groups of people, institutions, organisations that are potential catalysts or participants of actions that could ignite an introduction of a state of emergency, with the requirement for them to stop their unlawful actions within a determined period while issuing a warning of the possibility of an imminent introduction of a state of emergency.
3. Under the circumstances requiring immediate action for rescuing the population or preventing the loss of human lives, a state of emergency may be introduced without warning.
4. The National Security and Defence Council submit proposals for the introduction of a state of emergency to the President. In the case where a state of emergency is introduced on the grounds stipulated by paragraph 1 of part II of Article 4, proposals for an introduction of a state of emergency are submitted to the President by the Cabinet Ministers.
5. The introduction of a state of emergency in the Autonomous Republic of Crimea may be initiated by the Verkhovna Rada of the Autonomous Republic of Crimea.

### *Article 6. A Presidential Decree on the Introduction of a State of Emergency*

1. A Presidential Decree on the introduction of a state of emergency shall include the following points:

- 1) The justification of the necessity to introduce a state of emergency in accordance with Article 4;
  - 2) The specific boundaries and areas where a state of emergency is to be introduced;
  - 3) The timeline for the introduction of a state of emergency, and the period for which a state of emergency is to be introduced;
  - 4) A list of emergency measures, an exhaustive list of human constitutional rights and freedoms that are to be provisionally restricted because of the introduction of a state of emergency as well as a list of provisional restrictions on the rights and legitimate interests of legal entities with an indication of the period of effectiveness for these restrictions;
  - 5) A list of State authorities, Military Command and Local Self-Government bodies responsible for facilitating emergency measures and the limits of their extraordinary powers;
  - 6) Other issues arising from this present Law.
2. After signing a Decree for the introduction of a state of emergency, the President submits it to the Verkhovna Rada for approval. The President's submission is to be considered by the Verkhovna Rada without delay.
  3. A Decree for the introduction of a state of emergency approved by the Verkhovna Rada is made public without delay through the mass media.

#### *Article 7. Effective Periods for a State of Emergency*

1. A state of emergency can be introduced for no more than 30 days in Ukraine and for no more than 60 days in its particular areas. If necessary, the President of Ukraine can prolong a state of emergency an extra 30 days. A Presidential Decree on the prolongation of a state of emergency comes into force after Verkhovna Rada approval.

#### *Article 8. The Cancellation of a State of Emergency*

1. A state of emergency can be cancelled by a Presidential Decree prior to its official termination date when the reasons that necessitated its introduction are dissolved.
2. The Verkhovna Rada can address the President with a suggestion to cancel a state of emergency.
3. A state of emergency in the Autonomous Republic of Crimea can be cancelled by an initiative of the Verkhovna Rada of the Autonomous Republic of Crimea.
4. Proposals on the cancellation of a state of emergency as stipulated in paragraph 1 of part II of Article 4 of this Law are submitted by the Cabinet Ministers.
5. The cancellation of a state of emergency is made public without delay through the mass media or by other means, immediately after the issue of Presidential Decree to that effect.

### **PART III. THE ACTIVITIES OF STATE AUTHORITIES AND LOCAL SELF-GOVERNMENT BODIES DURING A STATE OF EMERGENCY**

#### *Article 9. The Exercise of Power by State Authorities and Local Self-Government Bodies during a State of Emergency*

1. During a state of emergency, the President, the Verkhovna Rada, the Cabinet Ministers, Ministries, other Central and Local Executive organs, the Verkhovna Rada of the Autonomous Republic of Crimea, the Council of Ministers of the Autonomous Republic of Crimea, Local Self-Government bodies, the Military Command and its representatives (hereinafter, Military Command), enterprises, institutions and organisations exercise their powers provided for

by the Constitution and Laws of Ukraine to ensure the correct implementation of measures stipulated by this Law.

*Article 10. The Military Command*

1. The Military Command, that is given powers to enforce legal measures during a state of emergency within the limits defined by this Law, does so jointly with the Executive, the Council of Ministers of the Autonomous Republic of Crimea and Local Self-Government bodies. The Military Command consists of:
  - The General Command of the Internal Forces of the Ministry of Internal Affairs of Ukraine;
  - The Security Service of Ukraine;
  - The Central Command of Civil Defence Forces of the Central Executive body for emergencies and the protection of the civilian population from the consequences of the Chernobyl accident and in the case of an introduction of a state of emergency on the grounds stipulated in paragraph 1 of part II of Article 4 of this Law;
  - The Military Law Enforcement Service in the Armed Forces of Ukraine.

*(Article 10 with changes made by Law N 743-IV of 15.05.2003)*

*Article 11. The Illegality of a Termination of the Authority of the State Executive and Local Self-Government Powers during a State of Emergency*

1. During a state of emergency, the authority of the President, the Verkhovna Rada, the Cabinet Ministers, the Ombudsman to the Verkhovna Rada of Ukraine for Human Rights, the Verkhovna Rada of the Autonomous Republic of Crimea, the Council of Ministers of the Autonomous Republic of Crimea, Ministries, other Central and Local Executive organs and Local Self-Government bodies, the courts, the organs of public prosecutions and investigations cannot be terminated or restricted.

*Article 12. The Activities of the Verkhovna Rada of Ukraine during a State of Emergency*

1. In the event of the introduction of a state of emergency, the Verkhovna Rada may take a decision to prolong its session or continue its work in plenary meetings during the whole period of a state of emergency. If a Presidential Decree on the introduction of a state of emergency is issued during the period between sessions of the Verkhovna Rada, it assembles within a period of two days without convocation and works in a session regime.
2. Heads of the Executive and Local Self-Government bodies, enterprises, institutions and organisations are obliged to assist National Deputies in getting to the meetings of the Verkhovna Rada for them to exercise their constitutional powers.
3. In the event that a term of authority of the Verkhovna Rada expires while a state of emergency is in effect, its powers are extended until the day of the first meeting of the first session of the Verkhovna Rada elected after the cancellation of a state of emergency.
4. This Article shall also apply to the activities of the Verkhovna Rada of the Autonomous Republic of Crimea, if a state of emergency has been introduced in the whole territory of the Autonomous Republic of Crimea or in its particular areas.

*Article 13. State Authorities Powers during a State of Emergency*

1. During a state of emergency, a Presidential Decree approved by a Law of Ukraine, shall specify the limits of additional powers granted to the bodies that take measures aimed at the

rapid stabilisation of the situation in affected areas, the restoration of the lawful constitutional order as well as the elimination of any threat to the security of citizens.

*Article 14. State Authorities, Military Command and Local Self-Government Bodies Activities during a State of Emergency*

1. The Executive, the Council of Ministers of the Autonomous Republic of Crimea, Local Self-Government bodies and the relevant Military Command are responsible for the implementation and enforcement of state of emergency measures pre-determined by this Law in accordance with a Presidential Decree.
2. During a state of emergency, the Executive, the Council of Ministers of the Autonomous Republic of Crimea and Local Self-Government bodies in co-operation with the relevant Military Command shall take measures pre-determined by the present Law and ensure the control over the maintenance of public order, constitutional rights and freedoms of citizens including their security, and the protection of State interests.
3. The Cabinet Ministers shall co-ordinate the activities of the Executive, the Council of Ministers of the Autonomous Republic of Crimea, the Military Command, Local Self-Government bodies, enterprises, institutions and organisations under a state of emergency that do not fall under the scope of the National Security and Defence Council.
4. In order to co-ordinate the activities of the bodies listed in part III of this Article, namely enterprises, institutions and organisations under a state of emergency situation aimed at maintaining the lawful order and ensuring the security of citizens, operative staff headed by Area Commandants consisting of representatives from the Security Service of Ukraine, Central Executive Agencies for extraordinary situations and the protection of the population against the consequences of the Chernobyl accident, internal affairs bodies, the Military Service of law enforcement in the Armed Forces, Local Executive and Local Self-Government bodies- may be established at a local level in accordance with a Presidential Decree on a state of emergency.
5. Within their powers, the bodies mentioned in parts I and IV of this Article have the right to issue binding individual or joint decisions, instructions, orders and directives relating to state of emergency measures.

*(Article 14 includes changes made by Law N 743-IV of 15.05.2003)*

*Article 15. The Peculiarities of Enforcing Normative-Legal Acts during a State of Emergency*

1. The normative-legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea, decisions made by the Council of Ministers of the Autonomous Republic of Crimea, decisions of the Local Executive and Local Self-Government bodies concerning human rights that are restricted under a state of emergency, are provisionally inapplicable.

#### **PART IV. MEASURES INTRODUCED UNDER A STATE OF EMERGENCY**

*Article 16. The Nature of State of Emergency Measures*

- 1) The following state of emergency measures can be introduced by Presidential Decree in the interests of national security and public order in order to prevent unrest or crimes, to protect the health of individuals, or to protect rights and freedoms of other people:
- 2) The introduction of a special entry-departure regime, restrictions on the freedom of movement within the Ukraine where a state of emergency is in effect;

- 3) The restriction on vehicle movements and their examination;
- 4) The reinforcement of public order and the protection of vitally important facilities that supports the livelihood of the population and the national economy;
- 5) The prohibition of mass gathering activities, except for those whose prohibition is established by a court;
- 6) The prohibition of strikes.

*Article 17. Additional Emergency Measures in Connection with the Extraordinary Situations of Technogenic or Natural Disasters*

1. During the introduction of a state of emergency on the grounds stipulated in subparagraph 1, part 2, Article 4 of this Law, the following measures may be enforced in addition to the measures pre-determined by Article 16:
  - 1) The temporary or permanent evacuations of people from dangerous areas with the mandatory provision of evacuees with stationary or temporary shelter;
  - 2) The introduction of a billeting obligation for legal entities for the purposes of temporary accommodation of the evacuated or temporarily displaced populations, for rescue teams and Military Formations involved in the elimination of an extraordinary situation;
  - 3) The temporary prohibition of the construction of new enterprises, expansion to existing enterprises and facilities that are not related to the elimination of an extraordinary situation, provisions for the support of the population and rescue formations;
  - 4) The introduction of quarantine and the implementation of other mandatory sanitary and counter-epidemic measures;
  - 5) The introduction of special procedures for food and essential goods distribution;
  - 6) The mobilisation and use of enterprises, institutions and organisations for the averting of danger and the elimination of an emergency situation with the consequent mandatory compensation for losses incurred;
  - 7) The alteration of working hours for enterprises, institutions and organisations, and their reorientation towards the manufacture of products needed under a state of emergency, and other changes in operations required for the implementation of emergency rescue and reconstruction activities;
  - 8) The dismissal of the heads of State enterprises, institutions and organisations, on whose operation the stabilisation of the situation in a state of emergency area depends, for the period of a state of emergency in cases of the improper fulfilment of their duties and their substitution by acting heads.
2. A special purpose mobilisation, whose scope and period must be defined in a Presidential Decree on the introduction of a state of emergency, may be introduced for the dissolving of the consequences of natural disasters or catastrophes during peacetime.
2. In exceptional cases related to the need to fulfil urgent emergency rescue activities, a temporary use or recruitment on a voluntary basis of capable citizens and vehicles may be allowed for the carrying out of these activities with express permission from the person managing the emergency rescue activities, provided that labour safety requirements are met. The recruitment of minors and pregnant women in these activities that could harm their health is prohibited.

*Article 18. Additional Emergency Measures relating to the Mass Violations of Public Order*

1. If a state of emergency is introduced on the grounds stipulated in subparagraphs 2-7, part 2, Article 4 of this Law, the following additional measures can be introduced:
  - 1) The introduction of a curfew;
  - 2) The inspection of citizens' documents and where necessary their belongings, vehicles, luggage, goods, office premises, and dwellings;
  - 3) The prohibition of conscripts and citizens liable for military service to change their place of residence without prior notification to the appropriate military registration and enlistment office;
  - 4) The restriction or temporary prohibition of the sale of arms, poisonous and strong chemical substances, as well as alcoholic beverages and alcohol-based substances;
  - 5) The temporary seizure of registered fire and cold arms and ammunition from citizens, as well as military training equipment, explosive and radioactive substances and materials, poisonous and strong chemical substances from enterprises, institutions and organisations;
  - 6) The prohibition of the production and the dissemination of information materials, which could destabilise the situation;
  - 7) The control of the works of civil radio and TV broadcasting centres; the prohibition over the activity of amateur and private transceiver radio stations used privately or collectively;
  - 8) The special rules for the use of communication facilities and the transmission of information via computer networks;
  - 9) In accordance with the procedures determined by the Constitution and the Laws of Ukraine, raising the issue on the prohibition of the activity of political parties, civic organisations in the interests of national security and public order, the protection of the health of the population, or the rights and freedoms of other persons.

*Article 19. Support for the Enforcement of Emergency Measures*

1. All state authorities, the Verkhovna Rada of the Autonomous Republic of Crimea, the Council of Ministers of the Autonomous Republic of Crimea, Local Self-Government bodies, enterprises, institutions, political parties and public organisations, as well as individuals affected by a state of emergency, are obliged to offer assistance to the bodies mentioned in Article 14 of this Law in the fulfilment of state of emergency measures.

*Article 20. The Involvement of Military Formations in the Enforcement of Emergency Measures*

1. The Ministry of Internal Affairs of Ukraine, including the internal forces, the civil defence forces, the Security Service of Ukraine, the Military Service of law enforcement in the Armed Forces are all responsible for ensuring that public order, the protection of life, health, rights, freedoms and the legitimate interests of citizens during a state of emergency in accordance with their powers defined by law, are intact.
2. If a state of emergency is introduced on the grounds stipulated in subparagraph 1, part 2, Article 4 of this Law, when technogenic and natural disasters threaten the life and health of a considerable number of citizens and where an extensive rescue and reconstruction task is required, the military units of the Armed Forces, the bodies and units of the State Border Service can also be recruited in accordance with a Presidential Decree on the introduction of a state of emergency, to assist.

3. In accordance with a Presidential Decree the introduction of a state of emergency on the grounds stipulated in subparagraph 6, part 2, Article 4 of this Law, military units of the Armed Forces and units of the State Border Service can be recruited for the fulfilment of state of emergency activities.
4. The procedures for the co-operation between Military Formations recruited for the enforcement of emergency measures with Ministries and other Central and Local Executive agencies, Local Self-Government bodies is defined by the Commander-in-Chief of the Armed Forces.  
*(Article 20 includes changes made by Laws N 743-IV of 15.05.2003; N 662-IV of 03.04.2003)*

#### **PART V. THE GUARANTEES OF HUMAN RIGHTS AND FREEDOMS, AND THE LEGITIMATE INTERESTS OF LEGAL ENTITIES DURING A STATE OF EMERGENCY**

##### *Article 21. The Guarantees of Law Observance during a State of Emergency*

1. The following is prohibited under a state of emergency:
  - Amendments to the Constitution of Ukraine;
  - Amendments to the Constitution of the Autonomous Republic of Crimea,
  - Amendments to electoral legislation;
  - The conducting of Presidential elections as well as elections to the Verkhovna Rada, the Verkhovna Rada of the Autonomous Republic of Crimea and or to Local Self-Government bodies;
  - The conducting of national and or local referendums;
  - The restriction of rights and powers of the People's Deputies.
2. If a term of authority of Local Self-Government bodies, the Verkhovna Rada of the Autonomous Republic of Crimea or the Verkhovna Rada of Ukraine expires while a state of emergency is in effect, this term shall be duly extended.

##### *Article 22. The Legal Status and Restriction of Rights and Freedoms of Individuals and the Legitimate Interests of Legal Entities during a State of Emergency*

1. The legal status, the restrictions on human rights and freedoms and the rights and the legitimate interests of legal entities under a state of emergency are determined in accordance with the Constitution, the present Law and other Laws of Ukraine.
2. The restrictions of human rights stipulated in this Law, that may be applied under a state of emergency, are exhaustive and cannot be subject to broader interpretation. The period of their application cannot exceed the period of a state of emergency. The introduction of other restrictions is prohibited.
3. During a state of emergency, human rights and freedoms as cited in part 2 of Article 64 of the Constitution of Ukraine cannot be restricted.

##### *Article 23. The Legal Status of Foreigners, Stateless Persons, and other States' Legal Entities during a State of Emergency*

1. The legal status for foreigners, stateless persons and legal entities of foreign states, present in Ukraine while martial law is in effect, is pre-determined by the Constitution and Laws of Ukraine, as well as by ratified International Treaties agreed to be binding by the Verkhovna Rada.

*Article 24. The Prohibition to Use the Legal Regime of a State of Emergency for the Seizure of Power and the Violation of Human Rights and Freedoms, and the Rights and Legitimate Interests of Legal Entities*

1. The introduction of a state of emergency cannot be used as grounds for performing tortures, cruel, inhumane or degrading punishment that violates a person's dignity as well as restricts the right to life, the freedom of thought, consciousness and religion as stipulated in the International Pact on Civil and Political Rights and in the Laws of Ukraine. Attempts to use a state of emergency for the seizure or abuse of power gives rise to legal liability.

*Article 25. The Indemnification for Damages Inflicted during a State of Emergency*

1. Individuals, who lost their homes as a result of a state of emergency, including the activities aimed at its prevention or elimination, shall be provided with a dwelling place according to the law. Individuals, who suffered from emergency situations, including emergency rescue activities, shall be reimbursed for material damages inflicted and be provided with other necessary assistance subject to conditions and procedures specified by law.
2. Legal entities, whose property and resources were used for the prevention or elimination of situations that brought about the introduction of a state of emergency, shall be fully reimbursed according to the procedures specified by law.

*Article 26. The Guarantees of Labour Rights during a State of Emergency*

1. Persons, temporarily employed without an employment contract, as well as those recruited for liquidation works in the cases envisaged by this Law, shall be guaranteed remuneration for labour in accordance with the existing legislation.

*Article 27. Informing Other States on the Introduction of a State of Emergency in Ukraine*

1. According to the International Pact of Civil and Political Rights, Ukraine shall notify foreign States a party to the pact on any restriction of human rights and freedoms deviating from its commitments under this Pact, to the extent of such deviations and the reasons for such a decision to be communicated through the UN Secretary General immediately after the introduction of a state of emergency.
2. This notification should also include information on the date of termination and departure from the responsibilities undertaken in the ratification of the International Pact on Civil and Political Rights.
3. Should the limits of this deviation from the responsibilities undertaken in the International Pact on Civil and Political Rights or the validity of the restrictions on human rights and freedoms change, Ukraine must inform the UN Secretary General in accordance with the same procedure.

## **PART VI. PARTICIPATION OF REPRESENTATIVES FROM OTHER COUNTRIES IN THE ELIMINATION OF CONSEQUENCES OF EMERGENCY SITUATIONS**

*Article 28. The Participation of Representatives from Other Countries in the Elimination of the Consequences of State of Emergency situations*

1. If necessary, emergency rescue teams from other countries may be recruited for the liquidation of especially serious consequences of natural disasters and catastrophes. These issues shall be solved on the basis of agreements with governments from respective countries, un-

less otherwise provided for by an existing International Treaty ratified by Ukraine, agreed to be binding by the Verkhovna Rada.

### **PART VII THE LIABILITY FOR A VIOLATION OF THE REQUIREMENTS OR FAILURE TO CARRY OUT THE MEASURES UNDER THE LEGAL REGIME OF A STATE OF EMERGENCY**

*Article 29. The Liability for the Violation of the Legal Regime during a State of Emergency*

1. Any violation of the requirements or the failure to carry out emergency measures gives rise to legal liability.

*Article 30. The Liability for the Abuse of Authority during a State of Emergency*

1. The abuse of authority by individuals participating in the enforcement of a state of emergency, as well as the use of illegitimate force while protecting public order, gives rise to legal liability.

*Article 31. Justice during a State of Emergency*

1. Only courts established in accordance with the Constitution of Ukraine can administer justice, during a state of emergency. The introduction of any summary or accelerated forms of judicial proceedings is prohibited.

*Article 32. The Control of the Verkhovna Rada of Ukraine over the Observance of this Law*

1. The control of the observance of constitutional human rights and freedoms during a state of emergency is exercised by the Ombudsman of the Verkhovna Rada for Human Rights.

*Article 33. The Control over the Activities of the Executive*

1. Cabinet Ministers and the National Security and Defence Council exercise control over the activities of the Executive during a state of emergency.

*Article 34. Oversight on the Observance of Laws under State of Emergency*

1. Any oversight on the observance of laws under a state of emergency is exercised in accordance with the Constitution and the Laws of Ukraine.

### **PART VIII. FINAL PROVISIONS**

1. This Law enters into force from the date of publication;
2. Once this Law enters into force, the following laws lose all legal force and are therefore repealed:
  - The Law of Ukraine "On State of Emergency" (*Bulletin of the Verkhovna Rada*, 1992, No 43, p.308; 1997, No 6, p.49); The Resolution of the Verkhovna Rada of Ukraine "On the Procedure of Implementation of the Law of Ukraine "On State of Emergency" (*Bulletin of the Verkhovna Rada*, 1992, No 37, p.539).
3. Cabinet is obliged to within six months of the passing of this law:
  - Draft and submit proposals to the Verkhovna Rada amendments to the legislative acts that follow from this Law; bring its decisions into conformity with the current Law; and ensure the bringing of all normative-legislative acts of individual Ministries, other Central and Local State Executive Organs into conformity with the present Law.

## Law of Ukraine “On the National Security and Defence Council of Ukraine”<sup>6</sup>

This law defines the legal basis for the organisation and activities of the National Security and Defence Council of Ukraine including its composition, structure, competences and functions.

### **PART I. GENERAL PROVISIONS**

#### *Article 1. The National Security and Defence Council of Ukraine*

1. In accordance with the Constitution of Ukraine, the National Security and Defence Council is a co-ordinating body for issues relating to national security and defence presided over by the President of Ukraine.

#### *Article 2. The Legal Basis for the Activities of the National Security and Defence Council of Ukraine*

1. The activity of the National Security and Defence Council of Ukraine is guided by the Constitution and laws of Ukraine, ratified international treaties agreed to be binding by the Verkhovna Rada and by Presidential decree.

#### *Article 3. The Functions of the National Security and Defence Council of Ukraine*

1. The functions of the National Security and Defence Council of Ukraine include the following:
  - 1) Submitting proposals to the President on the implementation of the fundamentals of foreign and domestic policy for national security and defence;
  - 2) Coordinating and controlling the activities of the Executive within the sphere of national security and defence during peacetime;
  - 3) Coordinating and controlling the activities of the Executive within the national security and defence sphere during martial law or a state of emergency and other crisis.

#### *Article 4. The Powers of the National Security and Defence Council of Ukraine*

1. In accordance with the functions defined by this law, the National Security and Defence Council of Ukraine:
  - 1) Develops and reviews questions in accordance with the Constitution and Laws of Ukraine, the Concept (the fundamentals of State policy)- of the National Security of Ukraine, the Military Doctrine of Ukraine, relating to national security and defence; and submits its proposals to the President of Ukraine on the following issues:
    - The strategic national interests of Ukraine, conceptual approaches and directions of ensuring national security and defence in the political, economic, social, military, scientific and technological, ecological, information and other spheres;
    - Drafts State Programmes, Doctrines, Laws of Ukraine, Acts of the President, Directives of the Supreme Commander-in Chief of the Armed Forces, International Treaties, other normative acts and documents relating to national security and defence;

<sup>6</sup> 183/98-BP, 15.03.1998; *Bulletin of the Verkhovna Rada*, 1998, No 35, p.237.

- Improves the system for national security and defence management; establishes, reorganises and dissolves Executive bodies;
- Drafts Laws for the State Budget of Ukraine in relation to national security and defence;
- Ensures the availability of adequate material, financial, personnel, organisational and other resources required for national security and defence;
- Assesses the political, economic, social, military, scientific, technological, ecological, informational and other activities selected in accordance with the scale of potential or real threats to the national interests of Ukraine;
- Commissions the Executive and scientific institutions to study concrete questions and to re-search topical issues relating to national security and defence;
- Recruits, controls, inspects and supervises Executive units to exercise control over the timeliness and quality of the implementation of National Security and Defence Council decisions approved by the President;
- Provides and controls the input and processes of necessary information, its preservation, confidentiality and use in the interests of national security, including its analysis in the light of State development and global trends in defining potential and real threats to the national interests of Ukraine;
- Declares a state of war; the total or partial mobilisation of troops; the introduction of martial law or a state of emergency (in full or in part); and announces ecological emergency zones;
  - 2) Monitors the national security and defence related activities of the Executive and submits relevant conclusions and proposals to the President;
  - 3) Recruits officials and experts from the Executive, public and scientific institutions, public and private enterprises and organisations for the analysis of information;
  - 4) Initiates the development of normative acts and documents on issues relating to national security and defence, processes data relating to the application and the results of their implementation;
  - 5) Coordinates and controls the transfer of Central and Local Executive authority and the national economy to special operations under martial law or a state of emergency;
- 2. Coordinates and controls the activities of Local Self-Government within the limits of authority granted under martial law and or a state of emergency;
- 3. Coordinates and controls the activities of the Executive aimed at rebuffing armed aggression and to ensure the defence and vitality of the population including the protection of life, health, constitutional rights, freedoms and legitimate interests of the citizen, the maintenance of public order under martial law or a state of emergency as well as during other national security crisis.

## **PART II. THE COMPOSITION AND STRUCTURE OF THE NATIONAL SECURITY AND DEFENCE COUNCIL OF UKRAINE**

### *Article 5. The Head of the National Security and Defence Council of Ukraine*

1. The Head of the National Security and Defence Council of Ukraine is the President of Ukraine.

2. In the event of a pre-term termination of Presidential authority in accordance with Articles 108, 109, 110 and 111 of the Constitution of Ukraine, the Prime Minister executes his or her duties as the Head of the National Security and Defence Council of Ukraine, for the period before fresh elections and the assumption of office by a new President.

*Article 6. The Composition of the National Security and Defence Council of Ukraine*

1. The President forms the personal composition of the National Security and Defence Council. The Prime Minister, the Minister of Defence, the Head of the Security Service, the Minister for Internal Affairs and the Minister for Foreign Affairs of Ukraine are ex officio members of the National Security and Defence Council.
2. The Heads of other Central Executive authorities can also be members of the National Security and Defence Council.

*Article 7. The Secretary of the National Security and Defence Council of Ukraine*

1. The Secretary to the National Security and Defence Council of Ukraine is appointed to and dismissed from office by the President of Ukraine and is directly accountable to him/her. The legal status of the Secretary of the National Security and Defence Council is that of a civil servant as defined by the President of Ukraine in accordance with the Law "On State Service".
2. The Secretary of the National Security and Defence Council ensures the organisation and the execution National Security and Defence Council decisions.
3. The Secretary of the National Security and Defence Council has under-Secretaries, who are appointed to and dismissed from office upon a submission by the President. Both civilians and servicemen can be appointed to the positions of the Secretary and or Undersecretary to the National Security and Defence Council.

*Article 8. The Staff of the National Security and Defence Council of Ukraine*

1. Employees who are managed by the Secretary of the National Security and Defence Council provide analytical and organisational support to the National Security and Defence Council. The functions, structure, and composition of staff at the National Security and Defence Council are defined by the President. The officials and employees of the National Security and Defence Council are all civil servants.

**PART III. THE PROCEDURES FOR THE FUNCTIONING OF THE NATIONAL SECURITY AND DEFENCE COUNCIL OF UKRAINE**

*Article 9. The Meeting Arrangements for the National Security and Defence Council of Ukraine*

1. Meetings held at the National Security and Defence Council provide the primary organisational arena for the Council's activities. Voting at these meetings is done by its members, in person. The delegation of a duty to be present at a meeting of the National Security and Defence Council to other persons shall not be permitted. The Chairman of the Verkhovna Rada may take part in meetings held at the National Security and Defence Council. Other persons namely the Head of the National Security and Defence Council, the Heads of the Committees of the Verkhovna Rada, other Peoples Deputies of Ukraine, Heads of the Central Executive authority, who are not members of the National Security and Defence Council may be pres-

ent at a aforementioned meeting subject to an invitation made by the National Security and Defence Council.

*Article 10. The Decisions of the National Security and Defence Council of Ukraine*

1. Decisions made by the National Security and Defence Council are adopted subject to agreement by no less than two-thirds of its voting members. The Chairman of the Verkhovna Rada may express his/her opinion on an adopted decision that is recorded in the minutes of a meeting. A Presidential Decree enables decisions adopted by the National Security and Defence Council.

*Article 11. The Authority of the Head of the National Security and Defence Council of Ukraine*

1. The Head of the National Security and Defence Council of Ukraine:  
Guides and supervises the activities of the National Security and Defence Council;
  - 1) Approves prospective and current plans for the activities of the National Security and Defence Council, as well as the dates and procedures for its meetings;
  - 2) Presides at National Security and Defence Council meetings;
  - 3) Entrusts the members of the National Security and Defence Council with tasks relating to the execution of the Council's functions;
  - 4) Receives current reports from the Secretary of the National Security and Defence Council on the execution of the Council's decisions; and where necessary, submits an issue on the execution of a National Security and Defence Council decision for consideration at a meeting;
  - 5) Approves the Regulations for the National Security and Defence Council staff including structure and personnel arrangements;
  - 6) Executes other authority pre-determined by this Law.

*Article 12. The Authority of Members of the National Security and Defence Council of Ukraine*

1. Members of the National Security and Defence Council of Ukraine:
  - 1) Submit proposals to the National Security and Defence Council for consideration of issues within the Council's powers;
  - 2) Develop issues and take part in the consideration processes made by the National Security and Defence Council;
  - 3) Submit comments and proposals, and votes on the issues under consideration by the National Security and Defence Council;
  - 4) Express, where necessary personal opinions on draft decisions of the National Security and Defence Council;
  - 5) Take part in the planning of the National Security and Defence Council activities;
  - 6) Coordinate and control, within the limits of their official powers, the execution of National Security and Defence Council decisions.

*Article 13. The Authority of the Secretary and Under-Secretaries  
of the National Security and Defence Council of Ukraine*

1. The Secretary of the National Security and Defence Council of Ukraine:
  - 1) Develops proposals for the prospective and current planning of the National Security and Defence Council activities;

- 2) Submits draft Acts of the President for enacting National Security and Defence Council decisions, including recommendations on the fundamental implementation of foreign and domestic policy for national security and defence to the President for consideration;
  - 3) Organises the work connected to the preparation of National Security and Defence Council meetings and the control over the execution of the decisions approved by it;
  - 4) Informs the President and members of the National Security and Defence Council on the processes of Council decision implementation;
  - 5) Coordinates the activities of the working and advisory bodies of the National Security and Defence Council;
  - 6) At the request of the Head of the National Security and Defence Council, represents the National Security and Defence Council at the Verkhovna Rada, when dealing with Executive authority and Local Self-Government bodies, political parties, public organisations, the mass media and international organisations.
2. The President determines the authority of the National Security and Defence Council Undersecretaries.

*Article 14. The Working and Advisory Bodies of the National Security and Defence Council of Ukraine*

1. With the purpose of developing and solving complex inter-sectoral problems, ensuring scientific-analysis and forecasts in support of the activities of the National Security and Defence Council, decisions are made, subject to State Budget allocation, to create ad hoc inter-departmental commissions and advisory bodies. The functions and authority of these bodies are determined by specific regulations subject to Presidential approval.

*Article 15. Financing the National Security and Defence Council of Ukraine*

1. Financing for the activities of the National Security and Defence Council is specifically provided for by the State Budget of Ukraine.

## Law of Ukraine “On Democratic Civilian Control of State Military Organisation and Law Enforcement Bodies”<sup>7</sup>

With the purpose of protecting the national interests of Ukraine, this law sets about to consolidate and strengthen constitutional grounds for democratic civil-military relations; in the protection of human rights and freedoms in accordance with international commitments undertaken by Ukraine. This law determines the legal basis for the organisation and implementation of Democratic Civilian Control – (hereinafter, Civil Control) of the Armed Forces created in accordance with the Laws of Ukraine and State law enforcement Organisations.

### **PART I. BASIC GROUNDS FOR DEMOCRATIC CIVILIAN CONTROL OF STATE MILITARY AND LAW ENFORCEMENT ORGANISATIONS**

#### *Article 1. Definition of basic terms*

1. The terms used in this Law shall have the following meaning:
  - 1) **Civil-military relations** are the legal relations between society and the functions of State Military Organisations that consists of political, financial, economic, social and other processes for national security and defence.
  - 2) **State Military Organisations** are centrally managed and created by the Constitution and the Laws of Ukraine. These organisations activities are under Civil Control and are directed in accordance with the Constitution and Law for the protection of State interests from internal and external threats.
  - 3) The **Civil Control of State Military and Law Enforcement Organisations** is a set of legal, organisational and information measures that enshrine the adherence to the rule of law and transparency in the activities of all components of these organisations.
  - 4) **Civil Control** facilitates the functioning, discipline and strengthening of State and Military Organisations in accordance with protections under the Constitutions and Laws of Ukraine.

#### *Article 2. Main Objectives of Civil Control*

1. Civil Control should ensure:
  - A prioritised political approach to the issues of military development; the guidance of State Military and law enforcement Organisations activities directed at the implementation of domestic and foreign policy objectives for national security and defence. State Military and law enforcement Organisations activities aimed at developing civil society and strengthening Constitutional Law will facilitate functions of national security and strengthen public order.
  - Transparency in observing the legality of activities conducted by all components of State Military and law enforcement Organisations;
  - The maintenance of political stability in society, through the creation of conditions that prevent the use of the Armed Forces or other State Military and law enforcement Organisations

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<sup>7</sup> 975-IV, 19.06.2003; *Bulletin of the Verkhovna Rada*, 2003, No 46, p.366.

for the purpose of restricting civil rights and Part II freedoms, overthrowing constitutional order, ousting or restricting activities and powers of State Organisations or in the interests of individuals, political parties or civic organisations;

- The prevention of violations of constitutional rights and freedoms, the protection of the legal interests of citizens who serve in the Armed Forces and or other State Military and law enforcement Organisations, ex servicemen and members of their families created in accordance with the Laws of Ukraine;
- That public opinion is accounted for and that proposals made by citizens and civic organisations during the development process and implementation of decisions regarding the activities of the Armed Forces and State Military and law enforcement Organisations for national security and defence are acknowledged to enhance of public order and the rule of law;
- The allocation of sufficient funds from the State Budget in accordance with the law as well as its rational use for the maintenance and operations of State Military and law enforcement Organisations, and particularly for the reform of the Armed Forces;
- The appropriate and functional use of State property assigned to the Armed Forces and other State Military and law enforcement Organisations;
- That State Authorities and society are provided with timely, complete and reliable information on the activities and compliance of the Armed Forces and State Military and law enforcement Organisations within Ukrainian and International Law, relating to their performance in real military, political and criminogenic situations that assist State defence, security and strengthen public order.

#### *Article 3. Legal Basis of Civil Control*

1. The legal basis of Civil Control is the Constitution and Laws of Ukraine, as well as International treaties approved by the Verkhovna Rada of Ukraine.

#### *Article 4. Principles that Facilitate Civil Control*

1. Civil Control of State Military and law enforcement Organisations is carried out in accordance with the following principles:
  - The rule of law, the strict adherence to civil-military relations legislation and the controlled activities of the Armed Forces and State Military and law enforcement Organisations;
  - The divisions in the functions and responsibilities of the political leadership in State Military and law enforcement Organisations activities and the professional military management of the Armed Forces, avoiding duplication of specific functions;
  - The interaction and responsibility of State Authorities, the Armed Forces, the Military Management and law enforcement Organisations, that facilitate State defence policy, by timely, material and financial maintenance in enhancing the rule of law;
  - The eradication of political and ideological control. Decisions of political parties or public associations must not influence officials, responsible for security, defence and law enforcement in accordance with the current Law.
  - Transparency must exist in national security, defence expenditure and law enforcement activities; the disposal and destruction of armaments, as well as Frameworks for National

Security Policy observations in the prevention and elimination of the consequences of emergency situations;

- The activities of the Armed Forces and State Military and law enforcement Organisations are based on the principles of well-ordered central management;
- The availability and freedom of information on the activities of the Armed Forces and State Military and law enforcement Organisations (provided it does not constitute a State secret, or a special feature determined by the law);
- The responsibility of State officials in providing timely, complete and reliable information as well as responding to inquiries from citizens, civil associations and the mass media;
- A legal defence for the rights of the organisations in charge of Civil Control.

*Article 5. The Objects of Civil Control*

1. The objectives of Civil Control for State defence, national security and law enforcement activities are:
  - Conformity of decisions made by State organisations on military and law enforcement issues aligned with the basic principles of domestic and foreign policy, International treaty commitments undertaken and approved by the Verkhovna Rada;
  - The implementation of reform programmes for the Armed Forces and State Military and law enforcement Organisations; in particular the transition of the Armed Forces into a contractual Manning system; while providing for social and professional adaptation of former or transferred reserve military servicemen in organising housing requirements; the conversion of former military installations;
  - Military-political and technical co-operation with other states and intergovernmental unions; the development and manufacture of new weapons and military hardware, the conversion of defence enterprises and factories; the amortization and realisation of military property; the privatisation of enterprises managed by the Ministry of Defence as well as the development of other Central Executive State defence and national security programmes including the implementation of a human resources policy;
  - Patriotic military education of the youth and the preparation of citizens for the defence of Ukraine;
  - The import and export of weapons and military equipment;
  - The adherence to Constitutional and legal provisions relating to the rights and freedoms of citizens serving in the Armed Forces and other State Military and law enforcement Organisations in offering social and legal protection to military conscripts, military servicemen, military servicemen transferred to the reserve and ex-servicemen including members of their families;
  - The development, approval of expenditure determined by the Laws of Ukraine from the State Budget for defence, national security and law enforcement purposes;
  - The development of financial provisions and the implementation of defence procurement plans for the preparation of mobilisation, the disposal and destruction of armaments and the prevention of emergency situations as well as the elimination of its consequences;

- The participation of Armed Forces units in international peace keeping and counter-terrorist operations, joint military exercises and sundry activities in the development of international military -technical co-operation;
- Adhering to the Laws of Ukraine when deciding to permit the stationing of foreign Armed Forces on Ukrainian soil;
- Adhering to the Laws of Ukraine when considering complaints and appeals by military servicemen, ex-servicemen and members of their families made against Military State Organisations and its officials.

*Article 6. The Systems and Organisations Involved in Civilian Control*

1. The system of Civil Control for the State Military and law enforcement Organisations consists of:
  - Parliamentary control;
  - Presidential control;
  - Central Executive and Local Government control;
  - Judicial and the Public Prosecutor's control;
  - Control by civil society.
- The organisations involved in the Civilian Control of State Military and law enforcement Organisations are:
  - The Verkhovna Rada;
  - The Ombudsperson for Human Rights in the Verkhovna Rada;
  - The President of Ukraine;
  - The National Security and Defence Council of Ukraine;
  - The Cabinet of Ministers of Ukraine;
  - The Central and Local Executive within powers determined by legislation;
  - Local Self-Governing bodies within powers determined by legislation;
  - The Office of the Public Prosecutor;
  - The Judiciary;
  - Citizens of Ukraine and civil associations founded to support the Constitution and to assist in the exercise and defence of human rights and freedoms of citizens to safeguard individual political, economic, social and cultural interests;
  - The mass media.

*Article 7. Peculiarities and Restrictions in exercising Civilian Control*

1. The bodies involved in Civilian Control exercise their control within legal boundaries balanced against the issue of access to State Secret information where there are restrictions established by law for the protection of the strategic interests of the State, including the introduction of a "state of emergency" or martial law.
2. Operational and mobilisation commands undertaken by military officials of the Armed Forces and other State Military and law enforcement Organisations are exempt from Civilian Control.
3. The activities of the Security Service, Intelligence and Counterintelligence Services, and its operational departments as well as inter department investigation activities and prejudicial

inquiry organisations that are carried out in accordance with the Laws of Ukraine “On the Security Service of Ukraine”, “On Intelligence Services of Ukraine”, “On Frameworks for National Security Policy Counterintelligence Activities”, “On Operational-Investigation Activities”, “On The Military Law and Order Service in the Armed Forces of Ukraine”, as well as the Criminal Code and supplementary Laws, are all exempt from Civilian Control;

## **PART II. PARLIAMENTARY CONTROL**

*Article 8. Powers of the Verkhovna Rada in Exercising its Control of State Military and Law Enforcement Organisations*

1. The Verkhovna Rada fulfils its institutional and legislative function by exercising parliamentary control of State Military and law enforcement Organisations in accordance with the Constitution of Ukraine.
2. The Verkhovna Rada:
  - Determines the basic principles of domestic and foreign policy;
  - Determines the basis for national security, the organisation of the Armed Forces and the maintenance of public law and order;
  - Approves the general structure, size and functions of the Armed Forces as well as the Security Service of Ukraine in accordance with the Laws of Ukraine and the endorsement of the Ministry of Interior;
  - Determines the basis for the legal, social protection and pension provisions for military servicemen;
  - Approves the State Budget and determines expenditure allocation for defence, security and public order;
  - Considers and approves the State programs submitted by the Cabinet of Ministers on reform and development of the Armed Forces; on social issues and other State military, defence and security programs including the military-political/technical co-operation with other states and intergovernmental unions;
  - Deliberates on reports and accounts from the Cabinet of Ministers on the use of the State Budget and considers the practical position of budget allocation assigned for the provisions of national defence, state security and public order;
  - Debates the course of reform for the Armed Forces and other matters relating to the functioning of the State Military and law enforcement Organisations during the ‘Government of Ukraine Day’ and parliamentary hearings;
  - Determines the procedure for the preservation of State Secrets balanced against the citizens rights to access public information on the activities of State Military and law enforcement Organisations;
  - Determines Ukrainian State borders;
  - Determines the legalised regimes of martial law, “state of emergency” and ecological emergency declarations subject to Presidential approval;
  - Declares the state of war and peace subject to Presidential Decree; it also approves decisions of the President to use the Armed Forces in defence of an armed aggression against Ukraine;

- Approves decisions on providing military assistance to other states; on sending units of the Armed Forces to foreign states, including the participation in peace keeping operations and counterterrorist activities as well as granting permission to foreign armed forces to be based on Ukrainian territory;
- Approves and binds Ukrainian ratification in International treaties including agreements directly related to State Military and law enforcement Organisations.

*Article 9. Powers of Parliamentary Committees and Special Commissions in Exercising Civil Control*

1. In accordance with the Constitution and the Laws Ukraine, these committees:
  - Analyse the processes of implementation for laws and decrees approved by the Verkhovna Rada for national security and defence, the protection of public order and fight against crime. These committees make proposals in accordance with established procedure to the Verkhovna Rada, the President and the Cabinet of Ministers of Ukraine with reference to ways to resolve current problems and to eliminate potential causes;
  - Inform the public on their respective activities via the mass media;
2. The Verkhovna Rada, within its powers, may establish special ad hoc commissions for the study, preparation and preliminary consideration of particular issues relating to national security, defence and law enforcement. It may also establish impromptu investigation commissions, that function in accordance with law, to investigate issues of public interest.

*Article 10. Powers of the People's Deputies of Ukraine in Exercising Civil Control*

1. In accordance with the Constitution and the Laws Ukraine, the People's Deputies of Ukraine:
  - Have the right to legislate initiatives on the regulation of national security, defence and law enforcement activities;
  - Participate in debates concerning draft laws and other issues relating to national security, defence, law enforcement activities during parliamentary sessions, hearings and commissions held at the Verkhovna Rada and on Government of Ukraine Days;
  - Have the right to submit inquiries during parliamentary sessions of the Verkhovna Rada on national security and defence issues; on the fight against criminal activity within State Organisations and Local Autonomous Government, the Armed Forces and other State law enforcement Organisations; who are obliged to inform the People's Deputy on the results of pending inquiries.

*Article 11. Civil Control of the Adherence of Constitutional Rights and Freedoms of Military Servicemen*

1. The Ombudsman of the Verkhovna Rada for Human Rights (hereinafter, the Ombudsman), in accordance with his or her powers determined under the Constitution and the Laws of Ukraine:
  - Holds a self regulated position whom at the request of the Verkhovna Rada or at the request of a citizen or civil organisation opines on the state of constitutional rights and freedoms observances for conscripts, military servicemen, military servicemen transferred to the reserve or exempt from military service and members of their families;
  - Has the right to request and obtain documents, materials and explanations necessary to exercise his/her legal authority from Chiefs and other senior Frameworks for National Security

Policy officials of the Armed Forces and other State Military and law enforcement Organisations while observing the strict legislative codes relating to state secrecy;

- Has the right to call urgent meetings with officials of the Armed Forces and other State Military and law enforcement Organisations;
  - Has the right and purpose of fulfilling his/her functions without restraint and warning, i.e., attending meetings of military units and sub-units, as well as being present at joint meetings held between the Armed Forces and other State Military and law enforcement Organisations, when the issues relating to the purview of the Ombudsman are discussed.
2. The appointment of the Ombudsman and of his/her representative for the protection of military servicemen's rights and dismissal procedures is carried out in accordance with the following Law of Ukraine: "On the Ombudsman of the Verkhovna Rada of Ukraine for Human Rights".
  3. The Ombudsman's annual report envelopes the observances of the constitutional rights and freedoms of military servicemen, it makes proposals on ways to enhance the rule of law, and eliminates deficiencies and violations in the activities of the components of State Military and law enforcement Organisations. The Ombudsman's report is made public.
  4. The Ombudsman regularly informs the public through the media, of his/her activities and on the State observances of constitutional rights and freedoms of citizens in the Armed Forces and other State Military and law enforcement Organisations.

*Article 12. Civil Control of the Use of State Budget Expenditure  
Allocated for National Security, Defence and law enforcement Activities*

1. Control of the use of State Budget expenditure allocated for the needs of national security, defence and law enforcement activities is carried out by the Accounting Chamber on behalf of the Verkhovna Rada in accordance with the Law "On the Accounting Chamber of Ukraine", the "Budget Code of Ukraine" and miscellaneous Laws of Ukraine.
2. The Accounting Chamber produces an annual report on its activities and state of affairs to the Verkhovna Rada and regularly notifies the public via the media.

### **PART III. PRESIDENTIAL CONTROL**

*Article 13. Presidential Powers Relating to the Exercise of Control  
of the State Military and Other law enforcement Organisations*

1. The President of Ukraine as the Head of State and the guarantor of State sovereignty, territorial indivisibility of Ukraine, the guardian of the Constitution of Ukraine-the rights and freedoms of a citizen and as the Commander-in-Chief of the Armed Forces in fulfilling his/her state functions in accordance with the Constitution and the Laws of Ukraine:
  - Submits for approval to the Verkhovna Rada proposals on the general structure, size and functions of the Armed Forces and the Security Service created in accordance with the Laws of Ukraine and Ministry for Internal Affairs policy;
  - Appoints, awards senior military ranks and dismisses the high command of the Armed Forces and other State Military and law enforcement Organisations;
  - Submits to the Verkhovna Rada declarations of war and makes the decision to use the Armed Forces in the event of an armed aggression against Ukraine;

- Makes decisions in accordance with the law relating to the full or partial troop mobilisation and on the introduction of martial law (in full or in part) in the event of a threat of aggression or a threat to Ukrainian State sovereignty, subject to the approval of the Verkhovna Rada;
  - Makes decisions relating to a “State of Emergency” (in full or part) to combat ensuing ecological emergencies and decides on the participation and role of the Armed Forces subject to the approval by the Verkhovna Rada;
  - Takes measures to curb the activities of illegal paramilitary groups and to prevent the illegal use of the Armed Forces and other State Military and law enforcement Organisations for the restriction of civil rights and freedoms; or with the purpose of overthrowing the constitutional system, ousting or impeding democratic state functions;
  - Takes decisions subject to the approval of the Verkhovna Rada on providing military assistance to other states by sending units of the Armed Forces to another state including the participation in international peacekeeping operations, as well as on the granting of permission to foreign armed forces to be based on Ukrainian territory or waters;
  - Considers State programs relating to defence, national security and techno-political military co-operation between the Ukraine and foreign states as well as intergovernmental unions that are developed by the Cabinet of Ministers prior to its submission before the Verkhovna Rada.
2. The President of Ukraine exercises control of the Armed Forces and other State Military Organisations responsible for national security, defence and law enforcement through powers vested in him/her as the Chairperson of the National Security and Defence Council of Ukraine and if necessary through supporting institutions established in accordance with Article 106, Section One, paragraph 28 of the Constitution of Ukraine.

*Article 14. Powers of the National Security and Defence Council of Ukraine in Exercising Control of State Military Organisations*

1. The National Security and Defence Council of Ukraine (hereinafter, NSCDU) exercises control of State Military Organisations based on Constitutional powers defined by the Laws of Ukraine “On the National Security and Defence Council of Ukraine”.
2. Decisions of NSCDU are enforced by Presidential Decrees.
3. The NSCDU informs the public on its activities through the media.

**PART IV. CIVILIAN CONTROL EXERCISED BY THE EXECUTIVE AND LOCAL SELF-GOVERNING ORGANISATIONS**

*Article 15. Powers of the Cabinet of Ministers of Ukraine in Exercising Control*

1. The Cabinet of Ministers, through its constitutional powers, implements State domestic and foreign policies that ensure sovereignty, defence capability, national security, public order and the fight against criminal activity in accordance with the Constitution, Laws and Presidential Decrees. The Cabinet of Ministers also:
  - Develops and submits draft laws to the Verkhovna Rada on national security and defence, law enforcement activities within its powers and legislative control;
  - Defines expenditure allocations for national security, defence, and law enforcement activities, the fight against organised crime, terrorism, the protection of national borders, the

- guard service and conducts reprimands in accordance with current legislation. Defence Budget drafts (as a constituent part of the State Budget of Ukraine) are also considered by the Ministers after National Security and Defence Council deliberations;
- Provides for the implementation of the State Budget approved by the Verkhovna Rada to include expenditure allocations from the Budget for national security, defence and law enforcement purposes;
  - Reports to the Verkhovna Rada on the implementation of the State Budget of Ukraine with reference to matters relating to national security, defence and law enforcement;
  - Develops and submits draft State programmes relating to defence, national security and techno-political military co-operation between the Ukraine and foreign states as well as intergovernmental unions that are developed prior to its submission before the Verkhovna Rada;
  - Develops and approves the State orders for military production manufacturing while controlling the execution, creation, maintenance and development of state mobilisation capacity; the creation, maintenance and updating of material bases for the mobilisation reserve, preparation and maintenance of transport and other equipment that would be utilised in case of a declaration of martial law or a state of emergency to be made available to the Armed Forces and other State Military and law enforcement Organisations in accordance with the law;
  - Develops a draft periodic mobilisation plan that is submitted to the President for approval;
  - Exercises control of the export of armaments and military equipment, strategic materials, technologies and dual-purpose products;
  - Determines the terms of amortisation and realisation of the military and material assets of the mobilisation reserve, the expiry of periods of exploitation where renovations are needed, the rental agreements for military property; the control of economic activities of the Armed Forces and other State Military and law enforcement Organisations of Ukraine carried out in accordance with established law;
  - Controls the performance of land, tax, economic, labour, housing and environment legislative protection for the Armed Forces and other State Military and law enforcement Organisations;
  - Submits for Presidential consideration proposals on improving the organisational structure of State Military and law enforcement Organisations.

*Article 16. Powers of the Central Executive*

1. Ministries and the Central Executive that hold powers that control and manage Military and law enforcement Organisations:
  - Organise and implement laws and other normative-legal acts relating to national security, defence and law enforcement activities;
  - Create the necessary conditions for other groups involved in Civil Control to fulfil their functions in accordance with law;
  - Provide objective and timely reports on the activities of the Military and law enforcement Organisations under their charge to the Verkhovna Rada, the President, the National Security and Defence Council and the Cabinet of Ministers of Ukraine;

- Keep the general public informed on the issues mentioned above in accordance with the law;
2. Additional Central Executive organisations assist the Armed Forces and other State Military and law enforcement Organisations to fulfil their legal functions and provide material support to them in accordance with law.

*Article 17. Powers of the Verkhovna Rada of the Autonomous Republic of Crimea and the Council of Ministers of the Autonomous Republic of Crimea*

1. The Verkhovna Rada (Parliament) and the Council of Ministers of the Autonomous Republic of Crimea implement the Laws of Ukraine and other normative-legal acts on defence, the protection of public order and the fight against commercial and institutional organised crime while providing information to the general public on the above-mentioned issues in accordance with the present law.

*Article 18. Participation of the Local Self-Governing and Local State Administrations in Exercising Civilian Control*

1. Local Self-Governing and Local State Administrations within their Constitutional and legal powers:
  - Control and regulate pre-prescription military training and the selection of conscripts by Military Commissions for the military service;
  - Provide for the execution of legislation that enshrines the rights and social guarantees of conscripts, military servicemen and ex-military servicemen as well as members of their families;
  - Help the Armed Forces and other State Military and law enforcement Organisations in fulfilling their functions;
  - Have the right to participate in official report hearings for the management of the Armed Forces and other State Military and law enforcement Organisations concerning the implementation of legal and social protection for conscripts, military servicemen, ex-servicemen, pensioners and members of their families;
  - Control the compliance of legislation on land, tax, economic, labour, housing and environment protection matters relating to military bases and establishments of the Armed Forces and other State Military and law enforcement Organisations;
  - Coordinate (with the purpose of providing for citizen security) plans for carrying out military training and other measures that may involve the participation or presence of a large number of people;
  - Develop operational plans and provide for interaction between Local Self-Governing and Local State Administrations during the execution of territorial defence tasks;
  - Obtain information from the management of military divisions and subdivisions of the Armed Forces on the threat or the scale of pollution levels caused by radioactive, poisonous or other dangerous substances resulting from disasters on military bases or caused by military equipment, as well as information on the available capacity, means and resources in a particular region for coordinated action in case of an emergency;
  - Inform the public through the media on matters relating to national security, defence and the fight against crime.

2. In order to fulfil these above-mentioned tasks, Local Councils may form Commissions for the varying issues of Civil Control, and Local State Administrations in turn may establish necessary departments.

#### **PART V. CIVILIAN CONTROL OF THE MILITARY AND LAW ENFORCEMENT ORGANISATIONS OF THE STATE**

##### *Article 19. Participation of Citizens in Exercising Civilian Control*

1. Citizens of Ukraine participate in exercising civilian control of the State Military and law enforcement Organisations through their representation and participation in public organisations or by personal appeal to the Ombudsman of the Verkhovna Rada (for example on the protection of military servicemen's rights) determined by the Constitution and the Law of Ukraine "On Citizens' Appeals".
2. Civil organisations, registered in accordance with the above-mentioned legislation, have the following rights under the Constitution and Laws of Ukraine:
  - To request and receive information, in accordance with established procedure (provided it does not constitute a State Secret) relating to the activities of the Armed Forces and other State Military and law enforcement Organisations, State Military Management Organisations and enterprise;
  - To carry out scientific-military, defence, national security development and issues relating to the fight against organised crime; and furthermore to consider researched results in creating civil funds, centres and expert groups for this common purpose;
  - To develop civil expertise in legislation drafting and decision making programs, presenting results and proposals for consideration by State organs during the process of reform for the Armed Forces and other State Military and law enforcement Organisations;
  - To participate in public discussions and open parliamentary hearings on issues of reform and activities of the Armed Forces and other State Military and law enforcement Organisations relating to the legal and social protection of military servicemen and members of their families;
  - To familiarise themselves with the conditions of service and every day life of military servicemen.
3. By having legal powers, citizens are afforded the right to make legislative proposals concerning military development, law enforcement activities, and social protection of military servicemen, pensioners and members of their families.

##### *Article 20. The Role of the Mass Media in Exercising Civilian Control*

1. As the mass media provide coverage on national security, defence and the fight against organised crime it also helps shape public opinion and subliminally promotes the public trust to Ukrainian National Security Agencies. This coverage helps to increase the level of public trust in the Armed Forces and other State Military and law enforcement Organisations by providing objective information on the service and every day life of military servicemen and events in the military life.
2. The mass media:
  - May request and obtain free of charge in accordance with established procedure from Military Management Organisations enterprises, and institutions that envelope State Military

and law enforcement Organisations open information, documents and materials on issues within their powers. The Heads of these above mentioned establishments are obliged unre-servedly to provide information.

- May disseminate information received via newspapers and other press, radio, television, the internet or other prescribed methods in accordance with legislation on the preservation of State secrets;
  - May publish official responses to public enquiries and issues delivered by State Military Management Organisations;
3. In order to systematically inform the public on the activities of State Military and law enforcement Organisations, State Military Management Organisations regularly organise press conferences (announced in advance and posted on websites) to provide updated information. Furthermore, the “White Book” on the activities of the Armed Forces is published annually.

#### **PART VI. GUARANTEES FOR THE IMPLEMENTATION OF CIVILIAN CONTROL OF STATE MILITARY AND LAW ENFORCEMENT ORGANISATIONS**

*Article 21. Responsibilities of State Military Management Organisations, Officials of the Armed Forces and other State Military and law enforcement Organisations in Exercising Civilian Control*

1. In order to provide open information to the public on the activities of the State Military and law enforcement Organisations and to establish the necessary conditions for exercising Civilian Control the following points must be achieved:
- Central and Local Executive responsible for the management of State Military Organisations, the provisions of public order and the fight against organised crime must assist those involved in Civil Control as defined in Law by obtaining the necessary information and support in order to fulfil individual functions;
  - The Ministry of Defence, the Ministry of Interior and other Central Executive State Military Management Organisations and its officials are obliged to consider the appeals from civil organisations, military servicemen and other citizens as well as media reports on alleged rights violations and the inappropriate fulfilment of legal responsibilities and functions by the aforementioned national security/defence organisations and its officials. Appellants and the media must be informed of the results of the considerations and measures taken by the aforementioned State bodies, determined in legal terms;
  - The management arm of the Armed Forces and other State Military and law enforcement Organisations must provide advanced warning to Local Self Governing organisations and Local State Administrations by way of information to the general public on activities that may affect the property or interest rights of local communities, including the possibility of threats to citizens lives or health;
  - A Deputy Head (State Secretary) of a Ministry or other Central Executive organisation in charge of public and press relations is responsible for notifying the public on the interactions between the Armed Forces and other State Military and law enforcement Organisations with the Verkhovna Rada, civil organisations and the mass media;
  - With the approval of the President, representatives of Central and Regional State Organisa-

- tions may become members of Military Councils (within the operational sector) of the Armed Forces and other State Military and law enforcement Organisations;
2. The press service and public relations department within an Executive organisation provide the media with objectives and comprehensive information on the activities of the Armed Forces and other State Military and law enforcement Organisations.

*Article 22. Responsibility for a Violation of Legislation on Civilian Control*

1. Officials and citizens guilty of non-compliance or violations of the legislation relating to the "Civil Control of the Military Organisation and law enforcement Organisations" will be brought to account under the aforesaid legislation.

*Article 23. Legal Defences for Civilian Control Issues*

1. Military courts that perform legal functions for State Military Organisations may take action against the illegal acts or inaction of State and Local Autonomous Governing organs and its officials that led to crimes by military servicemen and or violations of rights and the legal interests of citizens.

*Article 24. Supervision of the Adherence to Laws for Civilian Control Exercises*

1. The Office of the Public Prosecutor of Ukraine carries out compliance supervision of the Laws regarding the exercise of "Civilian Control of State Military and law enforcement Organisations".

**PART VII. FINAL PROVISIONS**

1. This Law enters into force from the date of publication. Prior to this legislation being enacted, existing laws and normative-legal acts adopted before this aforementioned Law remain applicable, and do not conflict with this current Law.
2. The Cabinet of Ministers must submit to the Verkhovna Rada proposals on possible amendments to the Laws of Ukraine to comply with this current Law as well as and amendments for other normative-legal acts of the Executive within six months of this law being passed.

## Law of Ukraine “On Mobilisation Preparation and Mobilisation”<sup>8</sup>

This Law establishes the legal basis for mobilisation preparation and mobilisation in Ukraine, determines the principles for the organisation of this work, the powers of bodies of the state power, other state executive bodies and bodies of local self-government, as well as the duties of enterprises, institutions and organisations irrespective of the form of ownership (hereinafter, enterprises, institutions and organisations), the powers and responsibilities of officials and duties of citizens in the fulfilment of mobilisation activities.

### PART I. GENERAL PROVISIONS

#### Article 1. Definition of Terms

1. The terms used in this Law shall have the following meaning:

- 1) **Mobilisation preparation** in Ukraine is a complex set of organisational, political, economic, financial, social, legal and other actions, which are carried out in peacetime with the purpose of the preparation of the national economy, the organs of the Executive, Local Self-Government, the Armed Forces and other military formations created in accordance with the laws of Ukraine, as well as specially designated law enforcement bodies and State Special Transport Service (hereinafter, the Armed Forces and other military formations), the Civil protection forces, enterprises, institutions and organisations, for the timely and organised mobilisation and satisfaction of the requirements of State defence from possible aggression and support for basic population needs during a special period;
- 2) **System of control over mobilisation preparation.** Part of the overall system of state administration, which directs the activity of Executive, Local Self-Government, Joint System of Civil Protection for population and territory towards preparation of control systems, communication and information support, as well as financial and material and technical resources, enterprises, institutions and organisations to mobilisation readiness;
- 3) **Mobilisation** in Ukraine is a complex set of actions, which are carried out with the purpose of the systematic transfer of the national economy activities to the organs of the Executive, Local Self-Government, the Armed Forces, and other military formations, the civil protection forces, enterprises, institutions and organisations to support a special period or war effort. Mobilisation can be general or partial, conducted openly or covertly.
- 4) **Special period.** From the moment an announcement for mobilisation (except for targeted mobilisation) is made, or the introduction of martial law in Ukraine or in particular areas, a special period for the operation of the national economy, the Executive, Local

<sup>8</sup> 3543-XII of 21.10.1993; (*Bulletin of the Verkhovna Rada (BVR)*, 1993, No 44, p. 416), Enacted by the Resolution of the Verkhovna Rada No 3544-XII of 1.10.1993, (*Bulletin of the Verkhovna Rada (BVR)*, 1993, No 44, p. 417).

In the wording of Law No 644-XIV of 13.05.99, BVR, 1999, No 27, p. 221; with amendments introduced by Law No 860-IV of 22.05.2003, BVR, 2003, No 37, p. 300.

In the wording of Law No 2435-IV of 02.03.2005, BVR, 2005, No 16, p. 255; with amendments introduced by Laws No 2433-VI of 06.07.2010, BVR, 2010, No 46, p. 538; No 2926-VI of 13.01.2011, BVR, 2011, No 31, p. 303.

Self-Government, the Armed Forces, the civil protection forces, enterprises, institutions and organisations begins.

- 5) **Demobilisation** is a complex set of actions, and the decision on the procedures and terms are taken by the President, directed at the systematic transfer of the national economy, back to the Executive, Local Self-Government, enterprises, institutions and organisations for work and functioning under peacetime conditions, whereas the Armed Forces and civil protection forces continue to rebuild and reorganise during this time.
- 6) **Mobilisation plan.** Set of documents, which define content, volumes, responsible personnel, order and terms of executions for measures of mobilisation of the Armed Forces, other military formations and the Civil protection forces, transfer of national economy, activity of Executive, Local Self-Government, enterprises, institutions and organisations, system of support for basic population needs during a special period;
- 7) **Mobilisation orders.** Separate requirements of mobilisation plan covering the list and volumes of the required products, creation and preparation of special formations for deployment, as well as established priority measures of mobilisation preparation, which shall be set for implementation by the Executive, Council of Ministers of the Autonomous Republic of Crimea and Local Self-Government. Enterprises, institutions and organisations responsible for execution of mobilisation tasks (orders) receive them through the legal procedure on the basis of the main indicators of mobilisation plan and on the basis of agreements (contracts).
- 8) **Special formations.** Created by enterprises, institutions and organisations in peacetime in accordance with the procedure established by the Cabinet and based on the formally established charts for automobile, aviation, river, railway, medical and other formations, which after the period of relevant training shall be orderly transferred during mobilisation to the Armed Forces of Ukraine and other military formations to satisfy their needs, as well as created by the relevant central bodies of Executive to provide for the needs of the branches of national economy;
- 9) **Basic indicators of the mobilisation plan.** Calculated needs of the state for the special period, presented in the form of natural and cost assessments required to satisfy the needs of the Armed Forces of Ukraine, other military formations and civil protection forces, and to provide for the functioning of the national economy and for living needs of the population;
- 10) **Mobilisation capacities.** Production capacities of enterprises, institutions and organisations created in peacetime to provide for production requirements and for satisfaction of the other needs of the state during the special period. Decisions on the transfer of mobilisation capacities to other enterprises, institutions and organisations shall be made by the Executive in accordance with the procedure established by the Cabinet.

*Article 2. The Legal Basis for Mobilisation Preparation and Mobilisation*

1. The legal basis for mobilisation preparation and mobilisation is the Constitution of Ukraine, the Law of Ukraine "On Defence of Ukraine", this and other laws, as well as normative-legal acts.

*Article 3. Main Principles and the Content of Mobilisation Preparation and Mobilisation*

1. Mobilisation preparation and mobilisation are components of a complex set of actions that are carried out in accordance with this Law, the Law of Ukraine "On Defence of Ukraine", other

laws of Ukraine, Presidential Decrees and Cabinet with the purpose of ensuring State defence, except for targeted mobilisation.

2. Mobilisation preparation and mobilisation are conducted on the basis of the following principles:
  - Centralised management;
  - Timeliness;
  - Planned actions;
  - Integrated approaches and co-ordination;
  - Personal responsibility for the fulfilment of mobilisation preparation activities and mobilisation;
  - The observance of the rights of enterprises, institutions, organisations and citizens;
  - Guaranteed amount;
  - Scientific veracity;
  - Financial sufficiency.
3. Mobilisation preparation includes the following:
  - Legal and normative regulation for mobilisation preparation and mobilisation;
  - Scientific and methodical support for mobilisation preparation and mobilisation;
  - The clear definitions of conditions for the activities and preparation of the Executive, Local Self-Government, enterprises, institutions and organisations for work under a special period;
  - The development of mobilisation plans, long-term and annual programmes for mobilisation preparation;
  - The preparation of the Armed Forces and other military formations for mobilisation;
  - The preparation of the national economy and its branches for the transfer and operation under special period conditions;
  - The preparation of integrated national system of civil defence of population and territories to function during the special period;
  - The creation, development and maintenance of mobilisation capacities to provide for the needs of the state during a special period;
  - The creation and preparation for the deployment of special formations;
  - The creation, maintenance and update of a mobilisation reserve;
  - The creation and maintenance of an insurance fund for the design of technological and projected documentation to ensure the production of mobilisation and defence products;
  - The preparation and maintenance of conditions for technical equipment and installations intended for the transfer in case of mobilisation to the Armed Forces and other military formations;
  - The maintenance of State system of command and control to function during the special period;
  - The planning and preparation of rationing (when needed) for food and non-foods, health services, communication/transport services, municipal and household services;
  - The military registration of persons predisposed for military service and conscription;
  - The preparation and build up of military-trained reserve predisposed for military service and conscription and those with military specialties for manning the Armed Forces during mobilisation;

- The reserving of persons predisposed for military service for the Executive, Local Self-Government, the Civil protection forces, enterprises, institutions and organisations for a period of mobilisation and war;
  - The preparation of the administrative leadership of Executive, Local Self-Government, enterprises, institutions and organisations for mobilisation actions;
  - The improvement of professional skills relating to mobilisation preparation and mobilisation for the Heads of Executive, Local Self-Government, enterprises, institutions and organisations, and members of the relevant departments for mobilisation and staff members responsible for mobilisation related work;
  - The conducting of military-economic mobilisation exercises and training;
  - The control over and estimates of the conditions of mobilisation preparedness of the national economy, the Executive, Local Self-Government, the Armed Forces, military formations, Civil protection forces, enterprises, institutions and organisations, as well as the administrative and territorial units of Ukraine;
  - International co-operation for mobilisation preparation;
  - Preparation of the State's financial system to function under the special period conditions;
  - Development of the special period standards and preparation for their introduction;
  - Planning and preparation of the special period technical support procedures for objects, buildings and transportation routes of defence and primary state importance;
  - Informing on the main indicators of mobilisation plan, concluding agreements (contracts) on the execution by enterprises, institutions and organisations of mobilisation tasks (orders), delivery of material and technical resources, implementation of works and providing services during the special period;
  - Preparation of the transportation system for support to mobilisation;
  - Preparation for redistribution of the labour force during the special period;
  - Information support;
  - Preparation of the printed media outlets and TV stations to function during mobilisation and wartime.
4. Mobilisation entails the following:
- The transfer of the Executive, Local Self-Government, national economy industries, administrative and territorial units of Ukraine, enterprises, institutions and organisations to work under *special period* conditions;
  - The transfer of the Armed Forces, military formations, civil protection forces from peacetime to wartime.

## **PART II. THE ORGANISATIONAL BASIS FOR MOBILISATION PREPARATION AND MOBILISATION**

### *Article 4. The Organisation and the Procedures for Conducting Mobilisation Preparation and Mobilisation*

1. The organisation and procedures for conducting mobilisation preparation and mobilisation are predetermined by this Law, Presidential Decrees and Cabinet.

2. General mobilisation is conducted simultaneously on the entire territory of Ukraine and applies to the national economy, the organs of the Executive, Local Self-Government, the Armed Forces, and other military formations, the civil protection forces, enterprises, institutions and organisations.
3. Partial mobilisation can be conducted in particular areas of the State, as well as applied to a particular part of the national economy, the Armed Forces, and other military formations, the Civil protection forces, enterprises, institutions and organisations.
4. With the purpose of rectifying the consequences of natural disasters, crashes and accidents in peacetime, targeted mobilisation can also be conducted.
5. The type, size, procedure and terms of mobilisation are determined by a Presidential decision.
6. The decision on conducting open mobilisation is to be immediately promulgated through the mass media.
7. The decision on conducting concealed mobilisation is brought to the attention of the Executive, Ministries, the Council of Ministers of the Autonomous Republic of Crimea, territorial administrations, Kyiv and Sevastopol city administrations through concealed channels in accordance with the procedures determined by the President.
8. From the moment of declaration of mobilisation (except for the targeted one) or introduction of the martial law in Ukraine or in its separate regions, starts the special period of functioning of national economy, Executive, Local Self-Government, the Armed Forces, and other military formations, the Civil protection forces, enterprises, institutions and organisations.
9. The general management for mobilisation preparation and mobilisation of the Armed Forces, is carried out by the President; management of mobilisation preparation and mobilisation for the Executive and national economy industries – by Cabinet; management in the Autonomous Republic of Crimea – by the Council of Ministers of the Autonomous Republic of Crimea; national economy industries and administrative and territorial units of Ukraine – by the relevant Executive power and Local Self-Government organs; and the management of enterprises, institutions and organisations – by their Heads.
10. The immediate management for mobilisation preparation and mobilisation in central administrative bodies is carried out by their leadership, and in the Armed Forces, and other military formations – by central bodies of administration in these military formations;
11. Direct management of the measures for mobilisation preparation and mobilisation in the specific locations or facilitation of their implementation is carried out by the Council of Ministers of the Autonomous Republic of Crimea, Local Executive and Self-Government organs;
12. Procedures for creation, development, maintenance, transfer, liquidation and sale of mobilisation capacities shall be defined by the Cabinet.
13. Procedures for creation of special formations, their composition, mission, as well as procedures for their transfer to the Armed Forces and other military formations during mobilisation shall be defined by the Cabinet.
14. Functions for the co-ordination of planning, methodological, methodical, scientific support of mobilisation preparation and mobilisation in national economy industries is carried out by the Executive for economic policy, unless the different option is determined by law.

15. Exercising control over the state of mobilisation readiness of the relevant Executive, Local Self-Government, as well, as enterprises, institutions and organisations responsible for mobilisation tasks (orders) is provided by the heads of the relevant Executive, Local Self-Government, as well, as enterprises, institutions and organisations.
16. The procedure for the control of mobilisation preparation and the state of mobilisation readiness of the relevant Executive, as well, as enterprises, institutions and organisations responsible for mobilisation tasks (orders) are pre-determined in accordance with procedure, established by Cabinet.
17. Co-operation with other states in the sphere of mobilisation preparation is carried out according to the International Treaties ratified by Ukraine.

*Article 5. Mobilisation Organs*

1. The organisation of mobilisation preparation and mobilisation as well as the control over the realisation of these actions by Executive, Local Self-Government, institutions and organisations responsible for mobilisation tasks, are carried out by their mobilisation organs or by appointed staff members responsible for mobilisation work.
2. Mobilisation organs (specialists on mobilisation issues) are integral parts of the system of management of mobilisation preparation.
3. The structure and staff for mobilisation organs of Executive and Local Self-Government are chosen in view of the character and volume of mobilisation work by the Heads of Executive, Local Self-Government, enterprises, institutions and organisations in accordance with the procedure, established by Cabinet.
4. The structure and staff for mobilisation organs of the other state bodies are determined by their leadership in view of the character and volume of mobilisation work.
5. Mobilisation organs (positions for specialists on mobilisation issues) in the structures of the executive bodies of village, settlement, town councils shall be created by decision of the relevant local councils.
6. The total number of the specialists in mobilisation organs (specialists on mobilisation issues) within executive bodies of village, settlement and town councils shall be decided by their leaders in consultation with relevant central and local executive bodies and taking into account the area of activity, character and volume of mobilisation works.
7. Mobilisation organs and staff members responsible for mobilisation work are responsible directly to the Heads of the relevant Executive, Local Self-Government, enterprises, institutions and organisations.
8. It is forbidden to unite the mobilisation organs in executive bodies and in the other administrative bodies of the state with the other structural units and parallel occupation of the specialists on mobilisation issues, as well as loading them with extra functions not dealing with management of the current issues of mobilisation preparation.
9. The procedure for the creation, the functions, rights and duties of mobilisation organs of the relevant Executive, as well, as functions, powers and responsibilities of the mobilisation workers are pre-determined in accordance with this law in accordance with the procedure, established by Cabinet.

*Article 6. Military Transport Duty*

1. Military transport duty is introduced with the purpose of satisfying the transport needs of the Armed Forces and other military formations during a special period for vehicles and technical equipment. This applies to the Executive, Local Self-Government, the Armed Forces, and other military formations, the Civil protection forces, enterprises, institutions and organisations- including railways, ports, quays, airports, oil tanks, gasoline stations and other enterprises, institutions and organisations providing for the operation of vehicles, and citizen owners of vehicles, to be made available to the Armed Forces.
2. The procedure for the performance of the military-transport duty, as well as the procedures of compensation by the State for the cost of property or losses, which the Executive, Local Self-Government, enterprises, institutions and organisations as well as citizens suffered as a result of compulsory withdrawal or alienation of vehicles during a special period, are pre-determined by the law.

*Article 7. Financing Mobilisation Preparation and Mobilisation*

1. Mobilisation preparation is financed by the State Budget, the Autonomous Republic of Crimea Budget, local budgets, and through the means provided by enterprises, institutions and other organisations.
2. The activities and works on mobilisation preparation of national importance are financed from the State Budget according to the law.
3. The activities and works on mobilisation preparation that have a local importance are financed from local budgets.
4. The activities and works for mobilisation preparation, carried out by the initiative of enterprises, institutions and organisations according to mobilisation plans, are financed from the means of enterprises, institutions and organisations.
5. The activities for mobilisation preparation and mobilisation are financed in accordance with the procedures established by *Cabinet* if not provided for by the law.

*Article 8. Stimulation of Mobilisation Preparation Activities*

1. Amortisation charges on resources secured for mobilisation purposes that are not being used in current manufacture, as well as for technical equipment and vehicles for mobilisation purposes, are not taxed.
2. The procedure for the provision of benefits for works relating to peacetime mobilisation preparation conducted by the Executive, the laws of Ukraine establish Local Self-Government, enterprises, institutions and organisations and citizens is determined in the agreements (contracts), signed in accordance with the procedures established by the laws of Ukraine, which regulate the issues of procurement of goods and services for the needs of the State.

*Article 9. The Protection of Information for Mobilisation Preparation and Mobilisation*

1. The organisation of works and protection of information relating to mobilisation preparation and mobilisation is realised in accordance with the requirements of the Law of Ukraine "On State Secrets" and other normative-legal acts.

**PART III. THE POWERS OF THE VERKHOVNA RADA OF UKRAINE, THE PRESIDENT,  
THE CABINET OF MINISTERS OF UKRAINE AND OTHER EXECUTIVE BODIES  
IN THE SPHERE OF MOBILISATION PREPARATION AND MOBILISATION**

*Article 10. The Verkhovna Rada of Ukraine*

1. The Verkhovna Rada carries out legislative regulation of queries relating to mobilisation preparation and mobilisation, determines the relevant appropriations from the State Budget of Ukraine, in the course of the two days from the moment of the address by the President, approves his decrees on introduction of the martial law or the state of emergency in Ukraine or its separate territories, on the general or partial mobilisation.

*Article 11. The President of Ukraine*

1. According to the Constitution of Ukraine and this Law, the President of Ukraine:
  - Carries out the general management in the sphere of State mobilisation preparation and mobilisation;
  - Determines the purpose, tasks, type, volume, procedure and terms of conducting mobilisation preparation and mobilisation;
  - Coordinates through the National Security and Defence Council of Ukraine the activities of the Executive, the Armed Forces and other military formations in the sphere of mobilisation preparation and mobilisation;
  - Determines the structure and approves the mobilisation plans for Ukraine during a special period, the Regulations on Mobilisation Preparation of the Armed Forces, and the Regulations on the Procedure of Mobilisation in Ukraine;
  - Grants or denies the right of release from a call up to military service in case of mobilisation and in war-time to citizens or particular categories of citizens;
  - Takes the decision on introduction of martial law or a state of emergency in Ukraine or its separate territories, on the introduction of general or partial mobilisation and on demobilisation with subsequent address to the Verkhovna Rada;
  - Establishes the work regime for the Executive during mobilisation and in wartime;
  - Issues normative-legal acts concerning mobilisation preparation and mobilisation.

*Article 12. The Cabinet of Ministers of Ukraine*

1. The Cabinet:
  - Directs mobilisation preparation and mobilisation in Ukraine within its competences, and issues acts on these queries;
  - Organises the development of a draft mobilisation plan for Ukraine during a special period and submits it for Presidential approval;
  - Organises scientific, methodological, methodical and informational support for mobilisation preparation and mobilisation;
  - Develops draft acts, that are to be introduced during mobilisation and war-time;
  - Approves the regulations on mobilisation preparation for the national economy;
  - Determines the procedures for coordination of national economy of Ukraine and measures to ensure its functioning during a special period;

- Determines and approves the basic parameters for the functioning of the national economy and the mobilisation tasks (orders) for the Executive, Council of Ministers of the Autonomous Republic of Crimea, and other State administrative organs during a special period;
- Determines the sources and procedures for financing mobilisation preparation and mobilisation;
- Creates a mobilisation reserve of material, technical and raw resources;
- Establishes the procedures for the de-reservation of material assets from the mobilisation reserve, as well as the procedures for the use of resources from the reserve during a special period;
- Determines the procedures relating to the creation, development, maintenance, transfer, liquidation and sell-out of mobilisation capacities;
- Organises the work connected to the creation of an insurance fund for the documentation on mobilisation and defence production;
- Develops the drafts long-term State programmes for the creation of an insurance fund for the documentation on mobilisation and defence production;
- Approves the long-term and annual programmes for the mobilisation preparation of the Executive, Autonomous Republic of Crimea, administrative territorial units, cities of Kyiv and Sevastopol;
- Determines the procedure for the conclusion of agreements (contracts) for the execution by enterprises, institutions and organisations of mobilisation tasks (orders), particularly, supply of material and technical resources, provision of works and services, including supply of the finished products, ensures adequate provision for these tasks (orders) with material and technical resources and financing;
- Determines the procedure for the transfer by the Executive, other State organs and Local Self-Government of the mobilisation tasks (orders) for enterprises, institutions and organisations, which shall be liquidated (reorganised) to the other enterprises, institutions and organisations, which shall perform the mobilisation tasks (orders);
- Determines and approves the limits and the norms for the alienation of vehicles and technical equipment for a period of mobilisation and wartime;
- Organises work to prepare Civil Defence organs and forces for the transfer from peacetime to war;
- During the introduction of mobilisation, carries out the control within the limits of its authority over the realisation of activities for the transfer of the Armed Forces and other military formations to the organisational structures of the wartime;
- During the introduction of mobilisation, organises the transfer of the national economy to the operations under special period conditions;
- Organises the reserve of persons predisposed for military service from the Executive, Local Self-Government organs, enterprises, institutions and organisations for a period of mobilisation and wartime;
- Organises the work and interaction of the Executive, the Council of Ministers of the Autonomous Republic of Crimea, other State organs for mobilisation preparation and mobilisation;

- Determines the procedures for the testing of the state and assessment of mobilisation preparedness of the national economy, Executive, Local Self-Government organs, enterprises, institutions, organisations and administrative territorial units;
- Carries out the control over mobilisation preparation in Ukraine within the limits of its authority; conducts the personnel policy within mobilisation organs (experts on the issue of mobilisation works);
- Establishes statistical reporting in the sphere of mobilisation preparation, submits to the President annual reports on the condition of mobilisation preparedness of the national economy;
- Within its competences, decides upon granting privileges to enterprises, institutions and organisations that carry out mobilisation tasks;
- Determines the procedures of compensations for the cost of property subject of compulsory withdrawal from enterprises, institutions and organisations in connection to conduct of mobilisation tasks (orders) during a special period, as well as to citizens for alienation of their buildings, houses, vehicles and other properties during mobilisation for the needs of the Armed Forces and other military formations in accordance with the procedure pre-determined by the law;
- Plans and conducts military and economic mobilisation exercises and training;
- Organises the improvement of professional skills for the Heads of the Executive, Local Self-Government organs, enterprises, institutions and organisations, and members of mobilisation organs for mobilisation preparation and mobilisation;
- Ensures the observance of the laws of Ukraine, other normative-legal acts on mobilisation preparation and mobilisation;
- Ensures the observance of obligations under ratified International Treaties co-operation in the sphere for mobilisation preparation;
- Organises international co-operation on the issues of military and technical co-operation in the sphere of mobilisation preparation.

*Article 13. Powers of Central Executive Body for Economic Policy*

1. The Central Executive for economic policy:

- Provides methodological support for the mobilisation preparation of the national economy of Ukraine;
- Carries out the analysis of economic and military-economic potentials of the national economy;
- Carries out coordination of planning, methodological support during the development of draft mobilisation plans, long-term and annual programmes for mobilisation preparation of the Executive;
- Takes part in the development of draft legislative and other normative-legal acts for mobilisation preparation and mobilisation;
- Coordinates the work for the creation, development, maintenance, transfer, liquidation and disposal of mobilisation capacities;
- Coordinates the work for the creation of the mobilisation reserve of materials and technology, and raw materials resources;

- Organises scientific support for mobilisation preparation of the national economy and determines the directions of scientific research;
- Develops a draft mobilisation plan for the national economy of Ukraine for a special period and submits it to the Cabinet;
- Takes part in developing the State Budget for a special period;
- Analyses the condition of mobilisation preparedness of the national economy and submits an annual report to Cabinet;
- Estimates the needs of the Armed Forces and other military formations and develops the mobilisation tasks (orders) taking into account the economic capacities of the State;
- Determines the needs (amounts) of the Executive and Local Self-Government for the financing of mobilisation preparation from the State Budget during the certain year;
- Develops the estimates for the levels and control over the condition of mobilisation preparedness of the national economy of Ukraine and enterprises, institutions and organisations, which have mobilisation tasks (orders);
- Determines the balance and conducts economic analysis of the basic parameters needed for the development of the national economy during a special period;
- Takes part in the development of State programmes for economic and social development, with the purpose of taking into account State mobilisation needs;
- Coordinates the work on preparation of proposals for drafts State programmes for economic and social development, with the purpose of taking into account State mobilisation needs;
- Coordinates the work on creation and preparation of special formations that join the Armed Forces or other military formations during mobilisation;
- Carries out the control over the implementation of long-term and annual programmes for the mobilisation preparation by the national economy;
- Organises the reserve of persons predisposed for military service for the period of mobilisation and wartime, ensures reporting on the issues of organising the reserve of persons predisposed for military service according to procedures, approved by the Cabinet;
- Takes part in the generalising of practices for the application of acts of legislation on mobilisation preparation and mobilisation; develops proposals on improving legislation and in accordance with established procedure submits them for consideration by Cabinet;

*Article 14. Powers of the Ministry of Defence of Ukraine*

1. The Ministry of Defence:

- Organises planning, methodological, methodical, scientific, financial, material and technical support for mobilisation preparation and mobilisation of the Armed Forces;
- In peacetime organises the accumulation of untouchable reserves and the mobilisation reserve for the Armed Forces of arms, military equipment, other and technical resources, food-stuffs, clothing and other property, provides for the creation and maintenance of an insurance fund of documentation on the products of mobilisation and defence application, and creates a reserve of human resources for a period of mobilisation and wartime;
- Provides for mobilisation and demobilisation of the Armed Forces and takes part in support to mobilisation and demobilisation in the other military formations;

- Provides for the development of military-technical policy and proposals on formulation of mobilisation tasks (orders) for the creation, manufacture and repair of arms, military technical equipment and other materials;
  - Controls the mobilisation preparation of the Armed Forces and the preparedness of enterprises, institutions and organisations to carry out mobilisation tasks (orders) to meet the needs of the Armed Forces and other military formations;
  - Takes part in developing draft laws and other normative-legal acts on the mobilisation preparation and mobilisation in the Armed Forces and other military formations;
  - Concludes under the established procedure the agreements (contracts) for the execution of mobilisation tasks (orders) by enterprises, institutions and organisations, engaged in execution of mobilisation tasks (orders) and enterprises, supplying military products;
  - Submits the draft mobilisation plan for the Armed Forces and other military formations to the Cabinet;
  - Submits to the Cabinet, while taking into account the economic potential of the State, proposals on the needs of the Armed Forces during the special period, and of the other military formations, included in the plan of mobilisation deployment;
  - Takes part in planning of mobilisation preparation in relevant Executive organs (according to their affiliation to Government and branch of national economy).
2. The Ministry of Defence, through the General Staff:
- Develops the diagram for mobilisation deployment of the Armed Forces and special purpose formations intended to join the Armed Forces during mobilisation, as well as organises development of the diagram for mobilisation deployment of the other military formations and special purpose formations intended to join these military formations during mobilisation;
  - Develops draft mobilisation plans for the Armed Forces and other military formations;
  - Plans and organises methodological and scientific support to mobilisation preparation of the Armed Forces and other military formations;
  - Plans in peacetime the accumulation of untouchable stocks in the mobilisation reserve for the Armed Forces of arms, military equipment, other material and technical resources, food-stuffs, clothing and other property, provides for the creation of a reserve of human resources for a period of mobilisation and wartime;
  - Determines the needs of the Armed Forces for the special period and summarises the needs of the other military formations included in the diagram for mobilisation deployment, taking into account the economic capacities of the State;
  - Participates in the development of military-technical policy;
  - Develops proposals for the mobilisation tasks (orders) on design, production and repair of armaments, military equipment and other material and technical resources;
  - Together with the Executive and Local Self-Government ensures the registration of citizens for military service;
  - Develops draft laws and other normative-legal acts on the mobilisation preparation and mobilisation in the Armed Forces and other military formations;
  - Plans and carries out mobilisation and demobilisation of the Armed Forces; participates in the mobilisation and demobilisation of the other military formations;

- Develops organisational structures and matrixes to equip the special formations intended to join the Armed Forces during mobilisation with material and technical resources; participates in developing of organisational structures and matrixes to equip the special formations intended to join the other military formations with material and technical resources during mobilisation;
- Participates in the process of conclusion under the established procedure the agreements (contracts) for the execution of mobilisation tasks (orders) by enterprises, institutions and organisations, engaged in execution of mobilisation tasks (orders) and enterprises, supplying military products;
- Plans and organises training and retraining of persons liable for military service.

*Article 15. The Powers and Functions of Other Central Executive Bodies and Other Bodies of State Power*

1. The Executive:

- Develops mobilisation plans, long-term and annual programmes for mobilisation preparation of the national economy industries and regions of Ukraine;
- Provides methodological, methodical and scientific support for mobilisation preparation and mobilisation of national economy industries for which they are responsible;
- Plans, organises and exercises control over mobilisation preparation for national economy industries for which they are responsible, and the transfer of operations under a special period;
- Provides for the regulation of mobilisation preparation in certain areas of national economy; supervises mobilisation preparation for enterprises, institutions and organisations belonging to or recruited for the execution of mobilisation tasks (orders) in relevant industries and regions;
- Determines the ways for certain areas of national economy to meet the needs of the Armed Forces and the other military formations as well as the urgent needs of the national economy and population during a special period;
- Determines the needs (amounts) for financing mobilisation preparation activities;
- Creates mobilisation organs;
- Performs activities to ensure the implementation of mobilisation plans, and long-term annual programmes for mobilisation preparation in certain areas of national economy;
- Informs (makes decisions) on mobilisation tasks (orders) established for enterprises, institutions and organisations belonging to or recruited for the execution of mobilisation tasks (orders);
- Concludes agreements (contracts) for the execution of mobilisation orders with enterprises, institutions and organisations belonging to or recruited for the execution of mobilisation tasks (orders);
- Provides for the execution of mobilisation tasks (orders) by enterprises, institutions and organisations in accordance with concluded agreements (contracts);
- Submits to Cabinet proposals on the development of long-term and annual programmes of mobilisation preparation;

- In cases of insolvency or a reorganisation of an enterprise, institution and or organisations responsible for the execution of mobilisation orders, provides for the transfer of orders to another enterprise, institution, and or organisation, under the procedure established by Cabinet;
- Organises during mobilisation the realisation of a complex of activities concerning the transfer of enterprises, institutions and organisations in the relevant sphere to operation under a special period conditions;
- Submits to the Central Executive Body for Economic Policy proposals on reserving in certain areas of management the persons predisposed for military service for a period of mobilisation and war, ensures reporting on the issues of organising the reserve of persons predisposed for military service according to procedures, approved by the Cabinet;
- Jointly with the Ministry of Defence ensures the functioning of the military registration system for citizens;
- Has to organise and improve the professional skills of members of mobilisation organs and specialists on mobilisation issues;
- Has to organise the creation, development, maintenance, transfer, liquidation and realisation of mobilisation capacities for enterprises, institutions and organisations belonging to or recruited for the execution of mobilisation tasks (orders);
- Has to organise the creation, structuring and maintenance of an insurance fund of documentation to ensure the production of mobilisation and defence related products;
- Has to organise the creation, storage and maintenance of mobilisation reserve of material and technical resources at enterprises, institutions and organisations belonging to or recruited for the execution of mobilisation tasks (orders);
- Develops and approves the normative-legal acts concerning mobilisation preparation and mobilisation in the relevant sphere of administration, or in certain branches of national economy;
- Formulate the basic parameters of mobilisation plans for the industries in the relevant sphere of administration, or in certain branches of national economy;
- Provides for the observance of the laws of Ukraine and other normative-legal acts relating to mobilisation preparation and mobilisation;
- Submits to the central organ of executive power on economic policy annual reports on the condition of mobilisation preparedness of the relevant industries in the national economy and on the courses of execution for long-term and annual programmes for mobilisation preparation in accordance with the procedure established by Cabinet.
- Co-operates with central and local organs of executive power, other public institutions and Local Self-Government on the issues of mobilisation preparation and mobilisation; under the legally established procedure collects their reports on information, documentation and materials necessary for accomplishment of mobilisation tasks (orders);
- Provides the Council of Ministers of the Autonomous Republic of Crimea, local organs of executive power, and Local Self-Government with information on the issues of its competence, and on the content of mobilisation tasks (orders), established for enterprises, institutions and organisations located on their territory.

*Article 16. Powers of the Council Ministers of the Autonomous Republic of Crimea*

## 1. The Council of Ministers of the Autonomous Republic of Crimea:

- Develops draft key indicators for mobilisation plan of the Autonomous Republic of Crimea;
- Develops mobilisation plans, long-term and annual programmes for mobilisation preparation in the Autonomous Republic of Crimea;
- Ensures methodical support for the mobilisation preparation and mobilisation of administrative bodies in the Autonomous Republic of Crimea;
- Exercises control over mobilisation preparation of administrative bodies in the Autonomous Republic of Crimea;
- Plans, organises and exercises control over mobilisation preparation in the Autonomous Republic of Crimea, and the transfer of republic's economy industries to functioning under a special period;
- Determines the capacity of the economy of the Autonomous Republic of Crimea to meet the needs of the Armed Forces and the other military formations as well as the needs of the national economy and population during a special period;
- Determines the needs (amounts) for financing mobilisation preparation activities;
- Creates mobilisation organs;
- Takes measures to provide for the execution of mobilisation plans, long-term and annual programmes for mobilisation preparation;
- Informs (makes decisions) on mobilisation tasks (orders) for all administrative bodies of the Autonomous Republic of Crimea;
- Provides for the execution of mobilisation tasks (orders) by enterprises, institutions and organisations in accordance with concluded agreements (contracts);
- Submits to Cabinet its proposals on the development of long-term and annual programmes of mobilisation preparation within the limits of its authority;
- Jointly with the Ministry of Defence ensures the functioning of the military registration system for citizens; organises the reserving of persons predisposed for military service for a period of mobilisation and war, ensures reporting on the issues of organising the reserve of persons predisposed for military service according to procedures, approved by the Cabinet;
- Provides the military commissariats with information on registration, insolvency (liquidation) of enterprises, institutions and organisations in accordance with legal requirements;
- Has to organise and improve the professional skills of members of mobilisation organs and specialists on mobilisation issues;
- Has to organise the creation, development, maintenance, transfer, liquidation and realisation of mobilisation capacities;
- Has to organise the creation, structuring and maintenance of an insurance fund of documentation to ensure the production of mobilisation and defence related products;
- Has to organise control over the creation, storage and maintenance of mobilisation reserve of material and technical and raw material resources;
- Submits to the central organ of executive power on economic policy annual reports on the condition of mobilisation preparedness of the Autonomous Republic of Crimea and on the

courses of execution for long-term and annual programmes for mobilisation preparation in accordance with the procedure established by Cabinet.

- Receives from the central organs of executive power necessary information on the issues of their competence, and on the content of mobilisation tasks (orders), established for enterprises, institutions and organisations located on the territory of the Autonomous Republic of Crimea with the purpose of planning the rational exploitation of human and material resources during mobilisation and in wartime.
- Has to duly organise warning to ensure arrival of citizens called up for military service during mobilisation in accordance with the established procedure, delivery of military equipment in assembly points and military units, allocation of buildings, constructions, land areas, transport and other material and technical means and the providing of services to the *Armed Forces* and other military formations according to mobilisation plans;
- Provides for the adherence of the laws of Ukraine and other normative-legal acts on the mobilisation preparation and mobilisation.

*Article 17. Powers of Local Bodies of Executive Power*

1. Local Executive:

- Takes part in the development of drafts basic indicators of mobilisation plans;
- Develops mobilisation plans, long-term and annual programmes for mobilisation preparation on the relevant territories;
- Carries out methodical support for the mobilisation preparation and mobilisation of the local administrative bodies, enterprises, institutions and organisations involved in execution of the mobilisation tasks (orders);
- Plans, organises and exercises control over mobilisation preparation on the relevant administrative territories, and the transfer of their economy to functioning under a special period;
- Supervises mobilisation preparation on the relevant administrative territories; supervises mobilisation preparedness of enterprises, institutions and organisations involved in execution of the mobilisation tasks (orders);
- Determines the capacity of the relevant administrative territories to meet the needs of the *Armed Forces*, the other military formations, national economy, as well as the needs of the population during a special period;
- Determines the needs (amounts) for financing mobilisation preparation activities;
- Creates mobilisation organs;
- Takes measures to provide for the execution of mobilisation plans, long-term and annual programmes for mobilisation preparation;
- Informs (makes decisions) on mobilisation tasks (orders) for all local administrative bodies, and, when needed, for local subordinated self-government bodies along with transfer of the required financial resources;
- Informs on directions for execution of mobilisation tasks (orders) to enterprises, institutions and organisations involved in execution of the mobilisation tasks (orders) and concludes agreements (contracts) with them;

- Provides for the execution of mobilisation tasks (orders) by enterprises, institutions and organisations located on the relevant administrative territories;
- Submits to Cabinet its proposals on the development of long-term and annual programmes of mobilisation preparation within the limits of its authority;
- In cases of insolvency (reorganisation) of enterprises, institutions and organisations responsible for the execution of mobilisation tasks (orders), provides for the transfer of orders to other enterprises, institutions, and organisations under the procedure established by the Cabinet;
- When mobilisation is introduced, performs activities to transfer the enterprises, institutions and organisations involved in execution of mobilisation tasks (orders) to function under special period conditions;
- Jointly with the military commissariats ensures the functioning of the military registration system for citizens of Ukraine; organises the reserving of persons predisposed for military service for a period of mobilisation and war, ensures reporting on the issues of organising the reserve of persons predisposed for military service according to procedures, approved by the Cabinet;
- Provides the military commissariats with information on registration, insolvency (liquidation) of enterprises, institutions and organisations in accordance with legal requirements;
- Supports the military commissariats in their work during peacetime and during mobilisation;
- Has to organise and improve the professional skills of members of mobilisation organs and specialists on mobilisation issues;
- Has to organise the creation, development, maintenance, transfer, liquidation and realisation of mobilisation capacities at enterprises, institutions and organisations involved in execution of the mobilisation tasks (orders);
- Has to organise the creation, structuring and maintenance of an insurance fund of documentation to ensure the production of mobilisation and defence related products;
- Has to organise control over the creation, storage and maintenance of mobilisation reserve of material and technical and raw material resources at enterprises, institutions and organisations involved in execution of the mobilisation tasks (orders);
- Has to organise warning to ensure arrival of citizens called up for military service during mobilisation in accordance with the established procedure, delivery of military equipment in assembly points and military units, allocation of buildings, constructions, land areas, transport and other material and technical means and the providing of services to the Armed Forces and other military formations according to mobilisation plans;
- Provides for the adherence of the laws of Ukraine and other normative-legal acts on the mobilisation preparation and mobilisation;
- Submits to the central organ of executive power on economic policy annual reports on the condition of mobilisation preparedness on the territory of oblast, cities of Kyiv and Sevastopol and on the courses of execution for long-term and annual programmes for mobilisation preparation in accordance with the procedure established by the Cabinet;
- Receives from the central organs of executive power necessary information on the issues of their competence, and on the content of mobilisation tasks (orders), established for enter-

prises, institutions and organisations located on the territory of the relevant administrative territories with the purpose of planning the rational exploitation of human and material resources during mobilisation and in wartime.

*Article 18. Powers of Local Self-Government Bodies*

1. Executive bodies of village, settlement, and town councils:

- Plans, organises and ensures mobilisation preparation and mobilisation on the relevant territory of settlements;
- Takes part in the development of drafts basic indicators of mobilisation plans;
- Develops mobilisation plans, long-term and annual programmes for mobilisation preparation;
- Provide for the execution of mobilisation tasks (orders) for enterprises, institutions and organisations involved in execution of the mobilisation tasks (orders) on the relevant territory of settlements;
- When mobilisation is introduced, perform activities to transfer the enterprises, institutions and organisations located on the their territory to function under special period conditions;
- Informs on directions for execution of mobilisation tasks (orders) to local enterprises, institutions and organisations involved in execution of the mobilisation tasks (orders) and concludes agreements (contracts) with them;
- Supervises mobilisation preparation of enterprises, institutions and organisations involved in execution of the mobilisation tasks (orders);
- Has to organise control over the creation, storage and maintenance of mobilisation reserve of material and technical and raw material resources at enterprises, institutions and organisations belonging to communal property and involved in execution of the mobilisation tasks (orders);
- In cases of insolvency (reorganisation) of enterprises, institutions and organisations responsible for the execution of mobilisation tasks (orders), provides for the transfer of orders to other local enterprises, institutions, and organisations under the procedure established by Cabinet;
- Has to organise warning to ensure arrival of citizens called up for military service during mobilisation in accordance with the established procedure, delivery of military equipment in assembly points and military units, allocation of buildings, constructions, land areas, transport and other material and technical means and the providing of services to the Armed Forces and other military formations according to mobilisation plans;
- On the territory of the relevant populated areas provide for the functioning of the military registration for persons predisposed for military service and conscription; the reserving of persons predisposed for military service for a period of mobilisation and war; and reporting on the issues of organising the reserve of persons predisposed for military service according to procedures, approved by the Cabinet;
- Provides the military commissariats with information on registration, insolvency (liquidation) of enterprises, institutions and organisations in accordance with legal requirements;
- Supports military commissariats in their work during peacetime and a mobilisation;

- Receives from the Local Executive organs necessary information on the content of the mobilisation tasks (orders) for the enterprises, institutions and organisations located on their territory with the aim of their effective use of materials and human resources during mobilisation and in wartime;
- Jointly with the Local Executive organs resolves the issues of management of the mobilisation tasks (orders) by the enterprises, institutions and organisations in local communal property or recruited for execution of mobilisation orders, and in case of a failure of communication during mobilisation and in wartime;
- Provides for the adherence of the laws of Ukraine and other normative-legal acts on the mobilisation preparation and mobilisation on relevant territory.

#### *Article 19. Judiciary*

1. Management for mobilisation preparation of the Constitutional Court of Ukraine, Supreme Court of Ukraine and higher specialized courts is provided by the Cabinet of Ministers of Ukraine, and for the other courts of general jurisdiction management is conducted by the State Administration of Courts of Ukraine.

#### *Article 20. Procurator Bodies of Ukraine*

1. The General Procurator Office of Ukraine provides for mobilisation preparation of the local procurator offices to function during the special period.

### **PART IV. DUTIES OF ENTERPRISES, INSTITUTIONS, ORGANISATIONS AND CITIZENS FOR MOBILISATION PREPARATION AND MOBILISATION**

#### *Article 21. Duties of Enterprises, Institutions and Organisations*

1. Enterprises, institutions and organisations are obliged:
  - To plan and take measures on the development of mobilisation plans and preparation to implementation of the tasks (orders) for which they are responsible, and submit reports on this issue to relevant Executive and Local Self-Government, who are the customers of mobilisation tasks (orders);
  - To carry out mobilisation orders in accordance with concluded agreements (contracts) and to submit reports on the implementation of these mobilisation tasks (orders) to the relevant Executive and Local Self-Government organs that commissioned the orders;
  - To carry out activities to transfer operations under a special period in case of mobilisation;
  - To keep military equipment, buildings, constructions and installations of infrastructure in proper condition, subject to the transfer in case of mobilisation to the Armed Forces and other military formations, or when intended for joint use during wartime;
  - To assist military commissariats in their work during peacetime and mobilisation;
  - To provide for timely arrival of workers, who are called up to military service during mobilisation, to assembly points and to military units;
  - To provide for the delivery of military equipment to assembly points and military units in case of mobilisation according to tasks (orders);
  - To take measures to prepare the deployment of special purpose formations intended to join the Armed Forces and other military formations during mobilisation and their transfer according to mobilisation plans;

- To provide buildings, construction, communications, transport and other materials to the Armed Forces and other military formations according to mobilisation plans with the subsequent compensation of damages in accordance with the procedure established by Cabinet;
  - To create and maintain mobilisation production capacities, mobilisation reserves of material resources and raw resources according to mobilisation tasks (orders);
  - To provide for creation and maintenance of an insurance fund of documentation on mobilisation and defence products;
  - To register conscripts and reservists from amongst employees for the military service and to provide for reservation of persons predisposed for military service during a period of mobilisation and wartime and to ensure reporting to the relevant Executive and Local Self-Government;
  - To provide the relevant Executive and Local Self-Government with the necessary information for planning and the realisation of mobilisation activities;
  - To create mobilisation organs and appoint the specialists on mobilisation issues.
2. Enterprises, institutions and organisations responsible for carrying out mobilisation tasks (orders) sign agreements (contracts) with enterprises, institutions and organisations producing (co-producing) the spare parts or supplying material and technical resources and raw materials;
  3. Enterprises, institutions and organisations cannot refuse to carry out mobilisation tasks (orders) if their potential allows them to effectively execute these tasks (orders).

*Article 22. Duties of Citizens for mobilisation preparation and mobilisation*

1. Citizens are obliged:
  - To report to military commissariats (servicemen of Security Service of Ukraine, when called by the Central Directorate or regional organ of Security Service of Ukraine) for military registration and to establish their wartime role;
  - To provide buildings, constructions, vehicles and other property at the disposal of the Armed Forces and other military formations during wartime in accordance with established procedure, with subsequent compensation by the State for the cost in accordance with the procedure established by the law.
2. During mobilisation and wartime, citizens, who have the reserve status and were not called for military duty, can be recruited according to the law for the execution of defence work.
3. Citizens performing commercial activity shall fulfil mobilisation tasks (orders) in accordance with the signed agreements (contracts).
4. In case of mobilisation, citizens predisposed for military service (excluding those, who serve in military reserve) are obliged to report to assembly points within specified deadlines by order of mobilisation documents (mobilisation mandates, drafting orders or directives by military commissars (servicemen of Security Service of Ukraine – by the heads of units where they are registered) or by military commissars. Reservists must report to military units in time, established by commanders of military units, where they serve in military reserve.
5. Citizens who are in the *reserve* are pre-registered with military units (appointed) to carry out military service in wartime or are employed in the Armed Forces or other military formations.

6. The call up of citizens to military service (except for those serving in military reserve) during mobilisation or to be employed in the Armed Forces and other military formations is conducted by Local Executive through the military commissariats (servicemen of Security Service of Ukraine, by the Central Directorate or regional organ of Security Service of Ukraine). Citizens registered with the military units during mobilisation are called up by their units' commanders.
7. From the moment of an announcement of mobilisation, citizens registered for military duty are prohibited to change their place of residence without the consent of a military commissar.

*Article 23. The Postponement of a Call-Up during Mobilisation*

1. The following persons predisposed for military service are not subject to a call up during mobilisation:
  - Those reserved for a period of mobilisation and wartime for the Executive, Local Self-Government, as well as for enterprises, institutions and organisations in accordance with the procedure established by the Cabinet;
  - Recognised temporarily unfit for military service on grounds of health, for a period of up to six months (after which they shall have the health check up session again);
  - Men with five or more children younger than 16 years old (these men can volunteer for call up and shall serve near their household);
  - Women with children younger than 16 years old (these women can volunteer for call up and shall serve near their household);
  - Citizens who take care of persons requiring constant care according to the legislation of Ukraine – in case there is no substitution for them;
  - Citizens who are Deputies of the Verkhovna Rada of Ukraine and the Verkhovna Rada of the Autonomous Republic of Crimea;
  - Other persons predisposed for military service or particular categories of citizens in special cases prescribed by law.

**PART V. THE RESERVATION OF PERSONS PREDISPOSED  
FOR MILITARY SERVICE FOR A PERIOD MOBILISATION AND WAR**

*Article 24. The Purpose for the Reservation of Persons Predisposed for Military Service*

1. The reservation of citizens predisposed for military service, in the reserve of the Armed Forces is carried out in peace and wartime with the purpose of maintaining operations of the Executive organs, Local Self-Government organs, as well as enterprises, institutions and organisations during mobilisation and a special period.

*Article 25. The Organisation and Procedure for the Reservation of Persons Predisposed for Military Service*

1. Citizens liable for military service employed in the Executive, Local Self-Government, enterprises, institutions and organisations responsible for the execution of mobilisation orders or persons who are indispensable for the provision of the proper functioning of the abovementioned organs and for the execution of mobilisation tasks orders can be reserved.
2. The organisation, procedure, volumes and lists of posts and professions of persons predisposed for military service, which are subject to reservation for a period of mobilisation and war, are pre-determined by this Law, the acts of the President and Cabinet.

**PART VI. THE RESPONSIBILITY FOR ANY INFRINGEMENTS  
OF LEGISLATION ON MOBILISATION PREPARATION AND MOBILISATION**

*Article 26. The Responsibility for the Organisation of Mobilisation Preparation and the Condition of Mobilisation Preparedness*

1. The Heads of the Executive, Local Self-Government, national economy industry, administrative and territorial units of Ukraine, the Armed Forces, enterprises, institutions and organisations are responsible for the organisation of mobilisation preparation and the State of mobilisation preparedness.
2. Officials guilty of infringement of the laws of Ukraine and other normative-legal acts on mobilisation preparation and mobilisation, as well as citizens guilty of failure to perform their duties on mobilisation preparation and mobilisation are criminally liable.

**PART VII. FINAL PROVISIONS**

1. This Law enters into force from the date of publication.
2. The Cabinet Ministers, within three months after this Law enters into force, are obliged to:
  - Submit proposals to the Verkhovna Rada of Ukraine on introducing amendments to the laws following from this Law;
  - Bring their normative-legislative acts into conformity with the current Law;
  - Ensure the development and issuance of the normative-legal acts following from this Law;
  - Ensure the revision and cancellation by the Ministries and the Executive other normative-legal acts contradicting this Law.
3. Before the law on the procedures of compensation for the cost of property alienated during mobilisation comes into force, such compensation shall be carried out in accordance with the procedures established by the Cabinet.

## **Decree of the President of Ukraine “On Decision of the National Security and Defence Council of Ukraine on June 8, 2012, ‘On a New Version of the National Security Strategy of Ukraine’”**

1. In accordance with paragraphs 1 and 17 of Article 106, Article 107 of the Constitution of Ukraine, the second paragraph of Article 2 of the Law of Ukraine “On Fundamentals of National Security of Ukraine” operative:
2. Introduce decision of the National Security and Defence Council of Ukraine on June 8, 2012, “On a new version of the National Security Strategy of Ukraine” (attached).
3. To amend the National Security Strategy of Ukraine approved the Decree of the President of Ukraine dated February 12, 2007, № 105, stating it in a new version (attached).  
The Cabinet of Ministers of Ukraine:
  - 1) Ensure compliance with the National Security Strategy of Ukraine;
  - 2) To develop and provide within six months, as appropriate:
  - Improved monitoring of Ukraine’s national security, including through the introduction of indicators (indicators) of national security, collection, processing and analysis of developments in various areas of national security of the defined parameters (indicators) of national security, assessment, forecasting its development and possible negative consequences;
  - Determine the mechanism of rapid response to the risks and threats to national security;
  - Introduction of common forms of informing the leaders of central and local authorities on the situation in various areas of national security of the defined parameters (indicators) of national security and predictions of performance (indicators) of national security on a five-year period.
1. The Cabinet of Ministers of Ukraine, Autonomous Republic of Crimea, Kyiv and Sevastopol city state administrations to report annually on February 1, to the National Security and Defence Council of Ukraine information on developments in various areas of national security of the defined parameters (indicators) of the National Security and forecasts (indicators) of national security for a five-year period.
2. The Secretary of National Security and Defence Council of Ukraine, together with the National Institute for Strategic Studies, submitted annually by April 1, and, if necessary, immediately report on the national security of Ukraine.
3. Control over the implementation of this decree put to the Secretary of National Security and Defence Council of Ukraine.
4. This Ordinance shall take effect after its publication.

President of Ukraine Viktor Yanukovich  
Kyiv, June 8, 2012, № 389/2012

Approved by Decree of the President of Ukraine from February 12, 2007, № 105  
(as amended by Decree of President of Ukraine from June 8, 2012, № 389/2012)

## **Strategy of National Security of Ukraine: “Ukraine in a Changing World”**

### **1. TERMS**

At the beginning of the XXI century, the world is in a dramatic transformation that accompanied the change of geopolitical configurations. The global economic crisis was yet another challenge to world civilization, led to uncertain prospects for global and national economies, and accelerated the search for ways of modernising social systems. The crisis revealed deep flaws of the global economic model and promoted awareness of the need for systemic changes in the world economic and social order.

Amid increasing threats and growing instability, the world faces new challenges to international security from raw materials, energy, financial, informational, environmental, and food security.

Threats such as the proliferation of weapons of mass destruction, international terrorism, transnational organised crime, illegal migration, piracy, escalation of interstate and civil conflicts become more intense, covering new regions and the state. Growing regional threats to international security, whose adverse effects may have a potential global impact.

There is a dangerous tendency to see national borders outside the norms of international law. The use of force and threat of force have returned to the practice of international relations, including in Europe.

Geopolitical influence over Ukraine in a failure of its security guarantees, “frozen” conflicts around its borders, as well as critical external dependency of the national economy determine the vulnerability of Ukraine, weaken its role in the international arena, and push to the periphery of world politics, the “grey zone of security”.

But today more urgent domestic challenges remain to national security. Preserving an ineffective post-Soviet social system, especially public authorities, distortion of democratic procedures that artificially constrain human renewal processes of public bodies, have caused weakness, and sometimes the inability of the state to fulfil its function, especially in the field of human rights and freedoms and citizens’ growing distrust the state of society.

Further use of costly economic models, the lack of incentives for innovation processes and dynamic development of new lifestyles lead to a non-competitive Ukrainian economy, prevent drastic increase of the level and quality of life, provoke increased social tensions and the spread of sentiments toward protest.

These factors, together with the poor state of national security and the spread of corruption in its institutions, hinder the solving of urgent problems of social development, contribute to political radicalisation, and lead to the growth of extremist sentiments and movements in strategic perspective, which can be a real threat to national sovereignty and the territorial integrity Ukraine.

Adopted first in 2007, the National Security Strategy of Ukraine did not become a guiding document for the practice of public authorities, which prevented their focus on achieving short-term political and economic goals, and ignored the needs of strategic development of society and state. Consequently, the increased threats to national security weakened Ukraine’s ability to protect its national interests.

This situation forces a reassessment of the level and impact of threats to the vital interests of Ukraine to identify strategic priorities in national security policy and find ways of improving the mechanisms for their implementation.

Successful solution to such problems is possible only with the unity and capacity of the government. Liaison between the President of Ukraine, the government and parliament after the 2010 presidential election creates the conditions for profound transformation of all spheres of social life based on the programme of economic reforms in 2010 – 2014, “Prosperous society, competitive economy, effective state”.

This National Security Strategy of Ukraine (hereinafter, Strategy) under the law defines the general principles, priority goals, objectives and mechanisms to protect the vital interests of individuals, society and the state against external and internal threats.

## **2. THE PRINCIPLES OF PROTECTION OF VITAL INTERESTS OF INDIVIDUALS, SOCIETY AND THE STATE**

**2.1. The aim of the Strategy is to create** favourable conditions for the interests of citizens, society and state, the further progress of Ukraine as a democratic state with a constant and growing market economy, a state governed by European political and economic values, which respects and protects the rights and legitimate interests of all regional communities, social strata and ethnic groups is the key to an independent, free, sovereign and democratic development of a unified Ukraine.

### **2.2. Urgent task of national security policy is the protection of vital national interests of Ukraine:**

- Establishment of constitutional rights and freedoms of citizens, creating conditions for free development of man, of its creative potential through the variety of forms of social organisation;
- Protection of state sovereignty of Ukraine, its territorial integrity, inviolability of borders;
- A competitive, socially oriented market economy to improve living standards and welfare;
- Ensure safe living conditions, protection and restoration of the environment;
- Preservation and development of spiritual and cultural values of Ukrainian society, strengthening its identity based on ethnic and cultural diversity.

### **2.3. The implementation of the urgent tasks of national security policy requires:**

- Strengthening of the democratic constitutional order and rule of law;
- Provision of social and political stability in the country based on democratic values;
- Enhancing the capabilities of the state to protect national interests, implemented through an effective system of national security, defence of the state and independent, balanced and responsible foreign policy;
- Formation of a secure international environment conducive to safeguarding the national interests of Ukraine and its establishment as an influential regional power, the growing influence of Ukraine in a globalized world;
- Integration into the European Union.

### **2.4. Politics of National Security of Ukraine proceeds from the principles:**

- Priority to the protection of national interests;
- Priority to treaty (of peaceful) means for resolving conflicts;

- Timeliness and adequacy of measures to protect the national interests of actual and potential threats;
- Conscientious fulfilment of international obligations;
- Consistent implementation of a policy of non-alignment with the interests of Ukraine in international security arrangements;
- Clear separation of powers and coordinated co-operation between public authorities in ensuring national security;
- Democratic civilian control over defence and security sector – a system of bodies responsible for security and defence;
- Professionalism, openness and transparency in the process of forming and implementing public policy.

### **3. SECURITY ENVIRONMENT AND ACTUAL THREATS TO NATIONAL INTERESTS AND NATIONAL SECURITY OF UKRAINE**

#### **3.1. In space around Ukraine observed trends that are sources of potential threats to national security.**

3.1.1. Factors that threaten global stability and affect the security environment in Ukraine:

- Increased competition between global centres of influence, the use or threat of force in international relations contrary to generally accepted principles and norms of international law, states attempt to solve problems from other states;
- Current crisis and uncertainty principles of the new international security system, erosion of international agreements on strategic stability, weakening the role of international security institutions, combined with imperfect system of international law with impunity allows the use of force in the international arena to implement their own interests;
- Self-proclaimed quasi-units in the territories of sovereign states, the emergence of dangerous precedents recognised by other countries some of these formations, which was the impetus for the processes of regional separatism;
- Increased competition for access to natural resources, control over their supply routes to the markets of consumption in a growing shortage of raw materials;
- Intensification of militarization of individual states and regions, in violation of international non-proliferation regimes, are trying to acquire weapons of mass destruction and their means of delivery;
- Spread of terrorism, piracy, drug trafficking, illicit arms trade and nuclear materials, transnational organised crime, crimes related to the legalization (laundering) of proceeds from crime or terrorist financing, distribution of illegal migration, human trafficking, and cyber-crime;
- Excessive human pressure on the environment, which leads to increased emissions of pollutants into the environment, and as a consequence, global climate change, rising food shortages, water, hazardous man-made disaster, and pandemic that threaten the public and require additional resources to respond to them.

3.1.2. The deterioration of regional security environment around Ukraine:

- Activation processes of formation of spheres of influence or geopolitical zones of responsibility, which are accompanied by increasing conflicts, the proliferation of practice provoking

conflict, including military, strengthening diverse external influences in the region, threats, preventive use of armed force by individual states beyond its borders;

- Further escalation of conflicts in the Black Sea-Caspian region, domestic instability in many countries of the region, uncertain prospects and lack of common vision on regional integration;
- Increasing militarization of the region, increasing the foreign military presence and location of new weapon systems of other countries in the territories of the region;
- Incomplete process of legal registration of national borders, delimitation of the exclusive (maritime) economic zone and continental shelf in the region, unresolved issues in the states to ensure national and cultural rights of persons belonging to national minorities, which allows a return to the regional agenda on claimed.

3.1.3 Direct external challenges to national security of Ukraine:

- Existence of unresolved conflicts in the Transnistrian region of Moldova, which directly borders Ukraine;
- Unresolved issues concerning delimitation lines border the Black and Azov Sea and Kerch Strait, the lack of demarcation of state border of Ukraine with Russia, Belarus and Moldova, which inhibit the settlement of legal principles of his regime and arrangement, complicating effective combating transnational threats;
- Existence of unresolved issues related to temporary Russian Black Sea Fleet in Ukraine, inadequate legal framework in this area;
- Inadequate policy on migration, inefficient system of state regulation of migration processes that do not provide adequate protection of the rights and interests of citizens of Ukraine who are working abroad, do not create conditions for the admission of immigrants to Ukraine in accordance with its national interests, for proper integration of immigrants into Ukrainian society.

### **3.2. In the domestic security environment have the following problems that threaten national security:**

3.2.1. Lack of effectiveness of the government:

- High level and systemic corruption in the institutions of government;
- Serious shortcomings in the functioning of the judiciary, undermine public confidence in the state and law, limit rights and freedoms, and threaten the legitimate interests of economic entities;
- Inadequate legal regulation of social relations, including inadequate protection of property rights and transparency of relations in this area, ineffective monitoring compliance with legislation;
- Inadequate response of public authorities on conflict escalation in the political, economic, social, ethnic, interfaith relations, radicalization of public sentiment and spread manifestations of extremism, in particular, inspired from the outside.

3.2.2. Threats to economic security:

- Dependence of the domestic market on foreign markets, lack of performance for its protection from unfair competition from Ukrainian monopoly and importers, and to combat smuggling;

- Inadequate use of material resources, the prevalence in the structure of industry sectors with low value added, low technological level of domestic economy;
- Existing currency risks, inefficient use of State and local budgets;
- Imperfection of legislation to accelerate the development of national economy on the basis of innovation, a relatively high level of shadow economy, the lack of sufficient incentives for the legalization of incomes and reduce shadow employment;
- Excessive influence of foreign capital to develop some strategic sectors of national economy, dangerous to the economic independence of Ukraine increase the share of foreign capital in these areas.

#### 3.2.3. Threats to energy security:

- Excessive dependence on energy imports, unsolved problems of diversification of sources and routes of supply, lack of own energy potential;
- Low efficiency of energy resources, a relatively slow pace of implementation of new technologies;
- Lack of implementation and integration of energy transit potential of Ukraine in the European energy market;
- Lack of consolidated energy balance state.

#### 3.2.4. Lack of scientific and technological development:

- Insufficient development of the national innovation system;
- Insufficiently effective use of science and technology, the use of foreign scientific and technological developments rather than domestic.

#### 3.2.5. Social and demographic crisis:

- Population decline due to worsening of health, poor quality of life, lack of fertility, high mortality, and the outflow of citizens of Ukraine abroad;
- Spread of social ills, including drug addiction, alcoholism, tuberculosis, HIV/AIDS epidemics, infectious diseases;
- Increasing shortage of labour, an aging population, low economic activity and underestimation of the real cost of labour.

#### 3.2.6. The presence of hazardous environmental and technological challenges and threats:

- Depreciation of fixed assets, particularly of high risk, municipal infrastructure, settlements and sewage tax;
- Excessive anthropogenic impact on the territory of Ukraine and technological overload;
- Insufficient management of natural resources, radioactive, chemical and biological pollution, a problem of transboundary pollution;
- Formation of significant amounts of waste and consumption, insufficient level of reuse, recycling and disposal;
- Lack of control over import to Ukraine of environmentally dangerous technologies and materials, pathogens, the use of genetically modified organisms.

3.2.7. Remain relevant and other threats by the Law of Ukraine "On Fundamentals of National Security of Ukraine".

**3.3. Amid growing challenges and increasing threats to national security remains non-compliance of the security sector and defence of Ukraine task of protecting national interests, characterized by:**

- Mismatch of law enforcement tasks to allow the effective protection of rights, freedoms and legitimate interests of man and citizen;
- Poor performance of government agencies that carry out intelligence and counterintelligence activities;
- Continuing deterioration of the Armed Forces of Ukraine and the defence industry;
- Imperfection of the Unified State System of Civil Protection and territories, including the state environmental monitoring;
- Failure of Ukraine to confront new challenges to national security (phenomena and trends that may, under certain conditions become a threat to national interest) associated with the use of information technology in the context of globalisation, especially cyber threats.

**4. STRATEGIC OBJECTIVES AND MAIN TASKS OF NATIONAL SECURITY POLICY**

**4.1. The strategic objectives of the national security of Ukraine in the medium term** is to create an acceptable external and internal conditions for the realisation of national interests of Ukraine, effective national security system and strengthening its agencies.

**4.2. The main objectives of national security policy in the sphere of foreign policy.**

4.2.1. Protection of rights and interests of citizens and legal entities of Ukraine abroad.

4.2.2. Expansion and deepening of economic co-operation of Ukraine with foreign countries and international organisations providing assistance to domestic entities abroad, promoting foreign investment and diversifying sources and routes of natural resources, especially energy.

4.2.3. Creating conditions for Ukraine's integration into common European political, economic, and legal areas, including through the development of sectoral co-operation with the European Union and enlarging Ukraine's participation in programs conducted under the EU initiative "Eastern Partnership" to further develop a mutually beneficial partnership with the European Free Trade Association and countries – members of the European Free Trade Association, creating the general conditions for full membership of Ukraine in the European Union as one of the guarantees of national security.

4.2.4. Make a balanced policy in relations with key international partners of Ukraine, aimed at protecting national interests:

- Deepening strategic partnership between Ukraine and the European Union and its Member States on the basis of economic integration and political association. Complete the agreement on association between Ukraine and the European Union and ensure its further implementation, a deep and comprehensive free trade area between Ukraine and the European Union enforcement action plan to liberalize the EU visa regime for Ukraine, which was approved at the Ukraine – European Union November 22, 2010, implementation of the Protocol on Ukraine's accession to the Treaty establishing the Energy Community Treaty, ratified by the Law of Ukraine on December 15, 2010, № 2787 – VI, Ukraine's participation in activities within the Common Foreign and Security Policy of the European Union;
- Formation of a new model of strategic partnership relations between Ukraine and the Russian Federation on the basis of balancing national interests, increased dialogue on combat-

ing new challenges and threats to security, finding common approaches to the formation of a new European system of collective security;

- Promote dialogue and co-operation between Ukraine and the United States under the Charter Ukraine – US Strategic Partnership, signed December 19, 2008, in Washington, DC;
- Establishment of a new format and level of co-operation between Ukraine and the People's Republic of China on the basis of the Joint Declaration on the establishment and development of strategic partnership relations between Ukraine and the People's Republic of China.

4.2.5. Improving the efficiency of the foreign policy of Ukraine's Central European and Black Sea-Caspian region:

- Partner co-operation and strategic co-operation between Ukraine and the Republic of Poland, Hungary, Slovak Republic, the Baltic States, other countries of the region who are new members of the European Union;
- Establishing relations of active partnership between Ukraine and the Republic of Belarus, the formation mechanisms of the development and implementation of a coherent energy policy, development co-operation and economic co-operation in the security sphere;
- Expanding partnership with Turkey as among the leading countries in the Black Sea-Caspian region, the development of Ukrainian-Turkish strategic dialogue and co-operation in political, economic, security and humanitarian issues;
- Intensification of co-operation with international and regional organisations, participation in multilateral projects, the intensification of co-operation within the Central European Initiative, Visegrad, the Black Sea Economic Co-operation, the expansion of Ukraine's participation in the projects implemented under the initiatives of the European Union's "Eastern Partnership" and "Black Sea Synergy";
- Formation of a new model of the Romanian-Ukrainian partnership based on mutual trust and resolve problems in bilateral relations of the interaction potential with a wide range of political, economic, energy, environmental and humanitarian issues;
- Support international efforts to counter the militarization of the Central European and Black Sea-Caspian region, attempts to renew geopolitical influence and provoke conflict, the desire to legitimize in one way or another self-proclaimed status of quasi-units in the territories of the region, strengthening the role of Ukraine as an active participant in the settlement of "frozen" conflicts in the region, especially Transnistria;
- Expand and deepen mutually beneficial strategic partnerships with Azerbaijan, Georgia and Moldova to meet the challenges of economic development, including in the framework of the Organisation for Democracy and Economic Development – GUAM;
- The fight against cross-border nature of environmental threats.

4.2.6. Compliance with non-alignment policy of Ukraine taking into account the geopolitical realities and challenges of combating modern threats and challenges:

- Find ways and mechanisms to strengthen international security guarantees to Ukraine and their international legal consolidation;
- Increasing the participation of Ukraine in the process of improving the system of European security, and efficiency of its institutions, including the OSCE, to support initiatives to

strengthen regional security mechanisms, which will create additional international legal guarantees of maintaining security in Europe;

- Further Ukraine's participation in international peacekeeping operations, counter-terrorist activities, multilateral actions against global and regional challenges and threats with regard to the interests of Ukraine;
- Participation in international activities aimed at achieving the development objectives enshrined in the Millennium Declaration, United Nations, primarily to strengthen economic and environmental security;
- Continuing constructive partnership with the North Atlantic Treaty Organisation (NATO) on all matters of mutual interest within the existing mechanisms and instruments, including the Charter, NATO – Ukraine Commission and the annual national programs, joint working groups, including joint working group on defence reform;
- Participation in security programs OSCE, CIS, BSEC and other international organisations, as well as developing a pan-European collective security system.

4.2.7. Expansion and deepening of co-operation, partnership and co-operation with the states – the growth centres in Asia, Africa, Latin America, to implement joint projects.

4.2.8. Accelerate the process of legal registration (delimitation and demarcation) of the state border of Ukraine, together with the Russian Federation on the basis of international law on the delimitation of areas of the Black and Azov Sea and Kerch Strait.

4.2.9. Increased dialogue with Russia to improve the legal framework that regulates the temporary Russian Black Sea Fleet in Ukraine for a constructive solution of existing problems on the basis of mutual benefit and respect the security interests of Ukraine.

4.2.10. Enhancing co-operation with the Republic of Moldova to address issues of interstate relations as well as developing and implementing a coherent policy on bilateral and regional co-operation, settlement of the Transnistrian conflict with the principle of territorial integrity of Moldova.

### **4.3. Key tasks of the national security policy in the inner sphere.**

4.3.1. Creating favourable conditions for strengthening the unity of the Ukrainian society based on European democratic values:

- Implementation of a set of policy measures aimed at consolidation of Ukrainian society and the search for national consensus on key issues of state;
- Eliminate barriers to cultural, confessional, linguistic, regional character on the basis of strict observance of constitutional guarantees of rights and freedoms of citizens;
- Providing priority support and all-round development of Ukrainian culture and Ukrainian as the state language in all spheres of social life throughout Ukraine;
- Guarantee the free development, use and protection of Russian and other languages of national minorities in Ukraine, promote the study of languages of international communication.

4.3.2. Formation of a flexible and efficient system of public institutions capable of adequately and efficiently respond to changing security situation:

- Preventing and combating corruption on the basis of separation of public, government, corporate and private interests;

- Implementation of administrative reform, including optimisation of the executive, civil service reform and its components (military, diplomatic and others), including separation of political and administrative positions, the stabilisation of personnel of public agencies, unification of the ranks of civil servants, diplomatic, military and special titles, class ranks;
- Further implementation of judicial reform towards the establishment in Ukraine of the judicial system and legal proceedings which operate on the principles of rule of law and safeguarding the right to a fair trial;
- Promotion of private security and legal framework of its activities.

#### 4.3.3. Ensuring economic security:

- Effective protection of property rights, optimisation of tax burden on business, improving regulatory and corporate law, restriction of monopoly and promote competition, improve regulation of financial and commodity markets, the creation on this basis the favourable conditions for entrepreneurship and investment, reduce material costs in the economy and limiting shadow economic activity;
- Efficiency of public funds to ensure effective state control over the activities of natural monopolies, transparent use of financial resources, the effectiveness of pricing and tariff policy;
- Sustainability of the financial system, flexible exchange rate, extension of credit to support the economy, strengthening confidence in financial institutions;
- Minimizing the negative impact on the economy of the external situation and the consequences of the global financial crisis;
- Strengthening domestic market protection from unfair competition from enterprises-monopolists and suppliers of imported products;
- Increase efficiency of state control over the enterprises of strategic importance to the economy and security;
- Optimisation of the structure and volume of external debt, preventing the uncontrolled outflow of capital outside the country;
- Incentives to increase the technological level of the Ukrainian economy, development of national innovation system and innovation in the enterprises.

#### 4.3.4. Strengthening of energy security:

- Efficiency of energy resources, energy saving technologies, development and production of alternative energy sources;
- Ensure stability of supply of energy resources, particularly through diversification of its sources;
- Creating conditions for stable operation of the national transit infrastructure and energy supplies for domestic and foreign markets;
- Creation of strategic reserves of energy resources in accordance with EU practices and standards of the International Energy Agency;
- Forming the main types of energy balances and energy balance of the consolidated state and analyse their performance, implementation of effective forecasting and strategic planning of energy sector;
- Effective protection of critical infrastructure, fuel and energy complex of environmental and anthropogenic influences and malicious acts;

- Modernisation of nuclear power plants;
- Reducing dependence on imported energy by developing production of its energy resources.

#### 4.3.5. Ensuring food security:

- Regulation of land relations and land use management, land market development for agricultural purposes, legal and technical registration of ownership and land use, guarantee the rights of owners of land shares;
- Agricultural market development, creating conditions for the potential of agriculture to meet the needs of the population of Ukraine for accessible, high quality and safe food, strengthening its role as an important exporter of agricultural products;
- Protection of the internal market from the supply of poor quality and dangerous food products.

#### 4.3.6. Overcoming disparities in social and humanitarian sphere by:

- Creation of economic and social conditions to improve fertility and reduce mortality, reduce the outflow of population abroad, the return of migrant workers to Ukraine;
- Ensure compliance with national education market perspective the needs of society and state in the labour force necessary skills;
- Creating affordable, high quality and effective health care, anti-social and dangerous diseases, implementation of preventive measures;
- Reducing social and property stratification of the population, the approach of social security with the principles and norms of states – members of the EU;
- Further pension reform, improving the efficiency of social protection for vulnerable populations;
- To undertake measures to prevent and combat homelessness;
- Preventing the spread of propaganda of extremism, violence, xenophobia, religious intolerance, and moral depravity.

#### 4.3.7. Creating a safe environment for the life of the population:

- Formation of the balanced system of nature on the basis of maximum permissible environmental changes of the environment, economic use of natural resources, biological and landscape diversity, reducing emissions, discharges of pollutants into the environment, the use of modern environment-friendly energy-saving technologies;
- Improve the ecological status of water resources, water quality, prevent further pollution of the Black and Azov seas, groundwater;
- Rehabilitation of polluted areas, enhance technological, environmental, nuclear and radiation safety, transforming the “Shelter” into an ecologically safe system;
- Providing advanced level of safety, modernisation by the employer of capital assets and technology, potentially life-threatening to health workers;
- Engineering protection of territories from dangerous geological processes and meteorological phenomena;
- Reforming housing and communal services, modernisation of its capital assets and improve the quality of utility services, including through private investment and development of competition in this area.

#### 4.3.8. Providing information security:

- Encouraging the implementation of new information technologies and the production of competitive national information products, including modern security systems and information resources;
- Security information and telecommunication systems that operate in the interests of the state, providing defence and security, credit and banking and other sectors, systems management of critical infrastructure;
- Development and implementation of national standards and technical regulations applying information and communication technologies harmonised with relevant standards countries – EU members, including those required by the Convention on Cybercrime;
- Create a national cybersecurity system.

## 5. THE SYSTEM OF NATIONAL SECURITY

### 5.1. Principles for improving national security.

Achieving the goals of the Strategy needs radical reform of the security sector and defence mechanisms to improve the legal, organisational, personnel, financial, and technical support of national security, which provides:

- Comprehensive reform in all parts of the system;
- Effective functioning of national security at all stages of its reform and development;
- Effective leadership and management of resources;
- Adherence to balance the functioning of democracy and security and defence sector.

### 5.2. Areas of improvement of the national security of Ukraine.

#### 5.2.1. Systematic improvement of legislation on national security:

- Interrelated laws on national security, eliminating the existing contradictions and gaps;
- Development of agreed projects acts to form a unified national security policy and its implementation in certain areas of the law;
- Clarify the objectives, functions and powers of subjects of national security of Ukraine, particularly in crisis situations that threaten national security;
- Promote the rights of international security and common gain (*acquis communautaire*) EU security and their implementation in national legislation;
- Development of legal and social guarantees for military officers and other ranks of law enforcement, equal to individuals, their families including economic opportunities and standards of the state – member states.

5.2.2. Increase coordination and efficiency of government bodies responsible for implementing foreign policy, quality improvement of professionalism and analytical capabilities, improving resource and staffing.

5.2.3. Enhancing functional capacity of security and defence sector, primarily law enforcement and intelligence agencies, the solution with the issues of adaptation and social guarantees for servicemen and workers to be dismissed.

5.2.4. Periodic comprehensive assessment of security and defence sector and its individual sectors, including defence reviews, reviews of the defence industry of Ukraine.

5.2.5. Fundamental increase in the efficiency of training, including vocational training, for the security and defence sector, reflecting the priorities of the Strategy for national security policy, the formation of the corresponding procurement.

5.2.6. Improvements to these threats and challenges to national interests of Ukraine and State standards – EU security regime, including the regime of state secrets.

### **5.3. Security Sector Reform and Defence as an integrated system.**

5.3.1. Enhancing functional capacity of the strategic level of security and defence sector, improving the efficiency of information-analytical, organisational, staffing, implementation of the National Security and Defence Council of Ukraine functions of coordination and control of executive bodies in the areas of national security and defence.

5.3.2. The stabilisation of the situation in the Armed Forces of Ukraine, stop reducing their combat capability and combat readiness, maintenance officer and NCO corps, optimisation of their structure and strength, improvement of technical readiness of weapons and upgrade its structure, improve combat training, reorganisation of operational (combat) and material maintenance and formation on this basis, small in number, but effective, professional Armed Forces of Ukraine, able to perform the task of defending the state in terms of non-aligned policy.

5.3.3. Improving the security sector and defence functions, tasks, organisational structure and strength of its bodies, enhance their human resources, based on the needs of national security and economic opportunities of the state.

5.3.4. Reforming the criminal justice system, including the introduction of a new criminal procedure law, the corresponding transformation law enforcement, criminal investigation system, creating an effective system of monitoring criminal situation.

5.3.5. Enhancing professionalism and accountability at all levels of security and defence sector on the basis of complex anti-corruption measures, further implementation of the standards – Member States in the activities of its organs and full of social guarantees for military servicemen and officers of law enforcement, equal to them and members their families.

5.3.6. The implementation of national target programs to combat terrorism and extremism.

5.3.7. Building a border and its infrastructure to EU standards.

5.3.8. Improving the effectiveness of anti-information-psychological influence and operations that threaten the security of individuals, society and state.

5.3.9. Capacity building of the defence industry, especially science and technology, its effective use for economic development of Ukraine and of the security and defence sector.

5.3.10. Improving the Unified State System of Civil Protection and territories, as well as the system of environmental monitoring.

### **5.4. The development of democratic civil control over security and defence sector.**

5.4.1. The development of civil-military relations in society, including through compliance with the standards of EU Member States – the ratio of civilian and military personnel in the organs of security and defence sector.

5.4.2. Further development of mechanisms for the presidential and parliamentary control over the security and defence sector, increasing civilian components in the bodies of security and defence sector.

5.4.3. Increased openness and transparency of security and defence sector, including the periodic publication of the White Book.

5.4.4. Involving civil society in developing and implementing national security policy and to assess its effectiveness.

## **6. THE STRATEGY**

### **6.1. Mechanisms of the Strategy are based on the following principles:**

- Rule of law, strict adherence to law;
- Liability of the national security of Ukraine for implementation of their tasks;
- Transparency of major directions of national security and defence;
- Effectiveness and consistency of control of national security, including the use of financial and material resources;
- Participation of civil society in implementing the Strategy.

### **6.2. Coordination and control measures for the implementation of the Strategy.**

6.2.1. Coordination of implementation of the Strategy to the President of Ukraine, National Security and Defence Council of Ukraine, Cabinet of Ministers of Ukraine within the limits of their authority.

6.2.2. Monitoring the implementation of the Strategy to the President of Ukraine, the Verkhovna Rada of Ukraine, National Security and Defence Council of Ukraine within the limits of their authority.

National Security and Defence Council of Ukraine annually examines the implementation of the Strategy, sets priorities and objectives of national security policy, approximate volume of financial and other resources necessary for their implementation, the President of Ukraine submits the proposals.

Secretary of National Security and Defence Council of Ukraine periodically, and if necessary to immediately inform the President of Ukraine on the implementation of the Strategy and submit appropriate proposals.

6.2.3. Civil society monitoring of the activities of public authorities to implement the Strategy through:

- Public examination of draft legal acts and conceptual documents on national security;
- Participate in community panels at public bodies operating in the area of national security;
- Informing the public about the activities of public authorities in the field of national security.

6.2.4. Coordinate activities with the scientific support of the Strategy by the National Institute for Strategic Studies involving the National Academy of Sciences of Ukraine, National Academy of Sciences of Ukraine.

### **6.3. Source of national security.**

6.3.1. The account in the State and local budget allocations for implementation of strategy, definition of costs one of the priorities of budget policy.

6.3.2. Phased bring the budget to the security sector and defence to the optimum level, while the transition from a focus on strength as the determining parameter for the financing of the budget planning software targeted basis.

6.3.3. Improvement of human resources, logistics and information support of national security.

6.3.4. Promote basic and applied research in the field of national security.

**6.4. Stages of the Strategy.**

6.4.1. At the first stage of the Strategy (2012 – 2013) to ensure stabilisation of the socio-political and socio-economic situation, to make immediate reforms, especially in public administration, to provide the necessary organisational and economic conditions for reforming all spheres of social life within the European integration course, improve legislation on national security, to develop strategies based on coherent policy documents on security sector reform and defence, especially the updated “Military Doctrine of Ukraine” and the “Strategic Defence Bulletin”, begin implementation of relevant reforms, to create safe conditions in 2012.

6.4.2. In the second phase (2014 – 2015) to be achieved through objectives of the programme of economic reforms in 2010 – 2014, “Prosperous society, competitive economy, effective state”, to have a new quality of government, including the security and defence sector.

6.4.3. The third phase (2016 and subsequent years) is assumed to adjust strategies based on evaluation of its implementation.

**7. FINAL PROVISIONS**

7.1. Strategy is the basis for integrated planning authorities in the field of national security. The authorities are guided by strategy development and implementation of laws, concepts, doctrines, strategies, programs, plans and events, international agreements and treaties and other international legal instruments, reporting on the implementation of policy.

7.2. Officials of state bodies are personally responsible for strategy and performance objectives set by it.

## **Decree of the President of Ukraine “On Decision of the National Security and Defence Council of Ukraine on June 8, 2012: ‘On a New Version of the Military Doctrine of Ukraine’”**

In accordance with paragraphs 1 and 17 of Article 106, Article 107 of the Constitution of Ukraine, the second paragraph of Article 2 of the Law of Ukraine “On Fundamentals of National Security of Ukraine” operative:

1. Introduce decision of the National Security and Defence Council of Ukraine on June 8, 2012, “On a new version of the Military Doctrine of Ukraine” (attached).
2. To amend the Military Doctrine of Ukraine-approved Decree of President of Ukraine of June 15, 2004, № 648 (as amended by Decree of July 15, 2004 № 800 of April 21, 2005, № 702 and on July 8, 2009, № 518) stating a new version (attached).
3. Cabinet of Ministers of Ukraine to make within three months, as appropriate, proposals to bring legislation into conformity with this decree.
4. Ministry of Foreign Affairs of Ukraine and Ministry of Defence of Ukraine to provide information support of the Military Doctrine of Ukraine.
5. Control over the implementation of this decree placed with the Secretary of National Security and Defence Council of Ukraine.
6. This Ordinance shall take effect after its publication.

President of Ukraine Viktor Yanukovich  
Kyiv, June 8, 2012, № 390/2012

Approved by the President of Ukraine on June 15, 2004, № 648  
(as amended by Decree of President of Ukraine from June 8, 2012, № 390/2012)

## The Military Doctrine of Ukraine

### I. TERMS

1. The Military Doctrine of Ukraine (hereinafter, Military Doctrine) – a system of management views on the causes, nature and character of modern military conflicts, principles and ways of preventing them, preparing the state for a possible military conflict and the use of military force to defend national sovereignty, territorial integrity and other vital national interests.
2. The legal basis for military doctrine is the Constitution of Ukraine, international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine and the laws of Ukraine.
3. Military doctrine is based on an analysis of military-political situation, forecasting its development, principles of defensive sufficiency and compliance with non-alignment policy.
4. The Military Doctrine is defensive in nature. Ukraine does not consider any state (coalition of) his military enemy, but recognises the potential military enemy state (coalition of) the acts or intentions that have signs of threats to use military force against Ukraine.
5. The Military Doctrine of the following terms shall have the following meanings:
  - 1) **Military and political relations.** A set of intentions and actions of the parties (states, coalitions of states, multinational corporations, political parties, blocks, groups) to achieve their own interests using all available tools, including military force, political, military, economic and other spheres of life;
  - 2) **Military-political situation.** The state of military-political relations between the parties with existing relationships for a certain time (period) of time;
  - 3) **Military and political risk.** Intentions or actions of one side of the military-political relations, which under certain conditions may indirectly harm the national interests of other parties;
  - 4) **Military and political challenge.** The intentions or actions of one side of the military-political relations to achieve their own goals without regard to the interests of other parties and the possibility of causing them harm;
  - 5) **Threat of military force.** The intentions or actions of one side of the military-political relations that indicate readiness to use military force against the other to achieve their goals;
  - 6) **Military conflict.** A way of resolving conflicts between states with the use of military force or in the event of armed clashes in the state;
  - 7) **Ukraine's Defence Policy.** The activity of subjects of national security to prevent military conflict, the organisation and execution of military construction and training of the Armed Forces of Ukraine and other established under the laws of Ukraine's military forces and law enforcement agencies, special purpose, the State Special Transport Service of Ukraine State Service of Special Communication and Information Protection of Ukraine (hereinafter, the military formations and bodies of special purpose) to the armed protection of national interests.
  - 8) **Military policy.** Part of government policy whose objective is to maintain international security, prevent of armed conflict, ensure the defence of the state.

## **II. MILITARY-POLITICAL SITUATION AND THE CHARACTERISTICS OF CONTEMPORARY ARMED CONFLICTS**

6. Modern military-political situation characterized by conflict military and political relations caused by differences in national interests and objectives of the position regarding ways of addressing global, regional and domestic issues.
7. Military-political situation in the world is dynamic and evolving, influenced by these trends:
  - Formation of multipolar relations, establishing a new balance of power and interests;
  - Increasing differences between the leading centres of power for the division of spheres of influence;
  - Increase mutual dependence of the leading states in the context of globalisation, strengthening the influence of leading international corporations, dramatic struggle for natural resources, using energy sector for political purposes;
  - Decrease the effectiveness of measures taken to prevent and resolve crises and armed conflicts leading international organisations;
  - Desire of individual states to achieve advantages in military-technical sphere, to create opportunities for the production of nuclear weapons;
  - Preserving the role of military force as a means of solving problems of military-political relations;
  - Increased risk of uncontrolled proliferation of nuclear weapons, its media materials for their production of dual-use technologies;
  - Spread of terrorism (including cyber-terrorism), piracy, organised crime, illegal migration, illegal arms trade and drug trafficking;
  - Accelerate the development of information technology to enhance the capability of carrying out information and information-psychological operations, increasing the sensitivity of society to the death of civilians and casualties of military forces in armed conflict;
  - Global climate change, reduction of natural resources, growth deficiency of drinking water, food and increased migration in the world.
8. Internal conditions that significantly limit the ability of Ukraine to solve problems, and responding to adverse effects and can provoke hostile actions of other countries are:
  - Imbalance and incomplete system reforms, including security and defence;
  - Difficult economic situation, high levels of poverty, population, unemployment;
  - Corruption, high crime, including organised crime;
  - Reduction in capabilities of the state, combat readiness of the Armed Forces of Ukraine and other military formations.
9. Trends in military-political situation in the world and the internal conditions of Ukraine may significantly influence the solution of problems of military-political relations, the most relevant ones are:
  - Availability of outstanding military and political conflicts and the possibility of new armed conflicts in the region;
  - Incompleteness of the legal registration of the state border of Ukraine, as a result remains likely nomination of the territorial claims to Ukraine and disputes between states;

- Manifestations of separatism, which caused dissatisfaction cultural needs of minority, low living standards and features of national ethnic policy of neighbouring with Ukraine states;
  - Interference in the internal affairs of Ukraine and other countries with the purpose of increasing social, political, sectarian and ethnic relations, the creation of extra-legal paramilitary or armed forces;
  - Increased competition for access to natural resources and for control of routes of delivery to the markets of consumption, use of economic competitive advantages to achieve political goals;
  - Contradictions to solve these problems, which are closely related, may lead to military and political risks, challenges national interests of Ukraine, as well as the threat of military force against it.
10. Ukraine considers as military and political risks or challenges that increase the level of threat of military force against Ukraine, such intentions or actions of states, coalitions of states:
- Nomination of territorial claims;
  - Calls or attempts to review existing state borders;
  - Increasing groups of troops and arms near the borders of Ukraine, creation, expansion and upgrading of existing military bases and facilities;
  - Creating or purchasing new and upgraded existing weapons systems and military equipment, primarily offensive in character, which leads to imbalance of forces;
  - Intensification of intelligence activities of the special services of foreign states and international organisations against Ukraine;
  - Information and psychological measures to destabilise the socio-political situation, inter-ethnic and interfaith relations in Ukraine or its individual regions and places of compact residence of national minorities;
  - Application of political and economic sanctions against Ukraine;
  - Use of military force in the region or with the participation of the region;
  - Support for separatism;
  - Justify the use of military force as a means of solving international disputes;
  - Relaxation of legal restrictions on the use of military force outside its own territory;
  - Violations by the international treaties, agreements on non-proliferation of weapons of mass destruction, their delivery systems, control arms limitation and arms reduction or withdrawal of these (termination of participation in them);
  - Incentive escalation of military conflicts in the region.
11. The threat to use military force against Ukraine can be realised through:
- Involvement of Ukraine in military conflict between other nations;
  - Armed aggression;
  - Armed conflict on the frontier;
  - Escalating domestic instability in armed conflict within the state.
12. Ukraine may be involved in military conflicts, which differ by cause, objectives and side effects, including:
- Armed conflict that may arise in case of limited armed clash on the state border between Ukraine and another state (armed conflict at the state border), or fighting in Ukraine (armed

conflict within the country) with extra-legal paramilitary or armed groups. The negative consequences for Ukraine's national security can be assessed as significant. Under certain conditions it is possible escalation of armed conflict in local wars;

- Local war that can occur in the event of armed aggression against Ukraine by another state in the region. The negative consequences for Ukraine's national security can be assessed as catastrophic;
  - Regional war that could arise in the event of armed aggression of two or more states against Ukraine. The negative consequences for Ukraine's national security can be evaluated as irreversible.
13. Given the trends and conditions of military-political situation in the world, Ukraine believes that armed aggression that resulted in local or regional war against it, in the medium term is unlikely.
14. Modern armed conflicts inherent in these features:
- Enhancing the role of political, economic, information tools during training and during armed conflict;
  - Increasing role of information and psychological operations in the achievement of military conflicts;
  - A coalition and multinational forces;
  - Dependence of the political decision to participate in the conflict of opinion on domestic and international levels;
  - Increase the share of action in the air-space and expand their scope;
  - Continuous improvement of forms and methods of warfare, including asymmetric action;
  - Widespread use of new weapons systems and military equipment, precision weapons, means of air attack, reconnaissance and electronic warfare;
  - Improved speed and quality management as a result of transition to a global integrated automated control systems troops and weapons;
  - High degree of simultaneous destruction of troops and objects to the depth of combat, wide and fast manoeuvre troops (forces) and fire, the use of mobile groups of troops (forces).

### **III. PREVENTION OF MILITARY CONFLICTS**

15. The main objectives of the Defence Policy of Ukraine on prevention of armed conflict are:
- Lower intensity military-political situation and settling disputes between parties of military and political relations;
  - Resolve conflicts by reaching a comprehensive balancing of interests the military and political relations;
  - Promote parity and balanced reduction of armed forces and armaments in the region and the world;
  - Improve international legal mechanisms aimed at preventing the use of military force to solve problems of military-political relations.
16. Fundamental principles of Ukraine's defence policy on prevention of armed conflict are:
- Ensure validity, consistency and systematic military policy;
  - Compliance with non-nuclear status and policies of non-alignment;

- Coordination and coherence at the international level.
17. The main ways to prevent military conflicts are:
- Increasing role and prestige of Ukraine in the world;
  - Participation in international political, security, economic, cultural and other organisations whose activities are not contrary to international law and legislation of Ukraine;
  - Actively promote the development of modern systems of collective security;
  - Software capabilities of the Armed Forces of Ukraine and other military units in an amount necessary to deter a potential aggressor from the use of military force against Ukraine;
  - Legal and regulatory clearance of international guarantees provided to Ukraine in connection with its rejection of nuclear weapons;
  - Completion of legal registration of the state border of Ukraine;
  - Information security;
  - Strengthening the positive image of Ukraine in the world by enhancing advocacy on military policy;
  - Compliance with international obligations in the sphere of arms control;
  - Participation in international operations related to crisis management, counter-terrorist and anti-piracy activities in accordance with international law and laws of Ukraine;
  - Humanitarian assistance to states in need, in a certain order of international norms;
  - Expansion of international economic co-operation on the development of administrative units, whose territory is adjacent to the border of Ukraine;
  - Improve living standards and overcome excessive stratification in society;
  - The rights of ethnic and religious minorities of their national and cultural needs.
18. Ukraine's policy of non-alignment regards it as an important factor in reducing tensions military-political situation in the region.
19. Ukraine considers intentions or actions of other countries that create conditions for the emergence of armed conflict and the use of military force against it, namely:
- Expressing ultimatum of demands can lead to violation of territorial integrity and sovereignty of Ukraine;
  - Termination of diplomatic relations with Ukraine;
  - Permit another country to use its territory the third country (coalition) for the preparation and implementation of aggression against Ukraine;
  - Economic and information blockade of Ukraine;
  - Prevent the subjects of the national security of its functions;
  - Activities that violate the security of nuclear facilities, chemical industry, defence industry, objects that store weapons, military equipment, ammunition, and other potentially dangerous objects, including cyber attacks on these places;
  - Demonstration of military force, strengthening intelligence and subversive activities against Ukraine;
  - Funding extra-legal paramilitary or armed groups in Ukraine or supplying weapons, ammunition, explosives or military equipment;

- Full or partial mobilisation in the event of deployment of military forces near the state border of Ukraine;
  - Abandonment without approval from Ukraine detachments of armed forces of another state, which according to international agreements concluded within the territory of Ukraine, as well as action on the application of such units to a third country.
20. In order to deter a potential aggressor in the event of conditions of application of military force Ukraine as the case may be:
- Intensify actions in the international information space;
  - Refer to the Security Council and other international and regional organisations and influential states of the guarantors of security of Ukraine in accordance with the Memorandum on Security Assurances in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter, the Budapest Memorandum) to implement measures to prevent use of military force against Ukraine;
  - Enter the legal regime of martial law (emergency) situation;
  - Demonstrate their own defence, willingness and determination to repel the aggression, the ability of causing a potential aggressor unacceptable losses.

#### **IV. PREPARE THE STATE FOR ARMED PROTECTION OF NATIONAL INTERESTS**

21. The main purpose of preparing the state for armed protection of national interests is to achieve a level of capability sufficient to deter other states from the use of military force against Ukraine in case of armed conflict – for fast and smooth transition to a peaceful state of martial law and repel armed aggression, elimination of (localization, neutralization) armed conflict, territorial defence and civil protection in Ukraine.
22. In preparing the state for armed protection of national interests of Ukraine meets its basic principles:
- Defence sufficiency, which is a comprehensive training toward the needs of the State to the armed protection of national interests, taking into account current and projected nature of military-political situation, economic and financial capacity of the state and priority of progressive socio-economic development of Ukraine;
  - High readiness state, which provides efficient transfer from peace to martial law and ensures the appropriate level of preparedness of the Armed Forces of Ukraine and other military formations;
  - Systematic planning, which provides centralized management through an integrated system of policies, programs, plans and provides comprehensive training to the armed state protection of national interests.
23. The priority directions of state for armed protection of national interests are:
- Improvement of management training to the armed state protection of national interests on the basis of early detection, analysis and scientific forecasting of military and political risks, challenges and threats to use military force against Ukraine;
  - Improvement of the functions, tasks, military formations and bodies of special purpose in accordance with the principle of defence sufficiency, optimisation of quantity and quality parameters;

- Effective use of centralized staffing, improving the system of recruitment and acquisition of military formations and bodies of special purpose in the course of their professionalism;
  - Increase the effectiveness of military-patriotic education of citizens of Ukraine to ensure the prestige of military service, improving the support system of the Armed Forces of Ukraine and other military formations;
  - Increase operational and military (special) capabilities of the Armed Forces of Ukraine and other military units by equipping them with restored, modernised and new weapons systems, military and special equipment, maintenance of proper combat readiness, mobilisation and combat readiness;
  - Modernisation of mobilisation training conducted in accordance with state reform and economic opportunities;
  - Implementation of national target programs of reform and development of defence industry, the development of its scientific, technical and production potential by stimulating fundamental and exploratory studies in order to ensure the defence of the state, the creation of science-intensive high-tech military products and dual of the need to ensure rational balance between international co-operation, export of arms and the state defence order;
  - Define and form mobilisation reserves necessary to ensure actions (activities) of military formations and bodies of special purpose and functioning of the national economy in times of crisis;
  - Development of regional infrastructure to meet the needs of training to the defence of the territory.
24. Achieving the necessary level of defence by the state through the formation and implementation of military and economic, military, industrial and military-technical policy.
25. The purpose of the military and economic policies of the state of preparation for armed protection of national interests are fully justified and meet certain terms of defence sufficiency of the Armed Forces of Ukraine and other national security entities in the financial and material resources in times of peace and the special period.
26. The main directions of military policy:
- Resources for the programs (plans) of Reform and Development of the Armed Forces of Ukraine and other military formations;
  - Improvement of the mechanism of formation and control of expenses, pursuant to the needs of defence expenditure rationalization and ensure their efficient distribution, including the formation of the state defence order, subject to established priorities;
  - Resources for the functioning of the national economy, the Armed Forces of Ukraine and other military units and improve their mobilisation training;
  - Resources for the social guarantees of servicemen, their families and employees of the Armed Forces of Ukraine and other military formations;
  - Resources for the disposal of surplus and unsuitable for the intended use of armament, military and special equipment, ammunition and rocket fuel components within the existing government programs;
  - Ensure that programs (plans) prepare the state for armed protection of national interests of economic and financial capacity of the state.

27. The purpose of the military-industrial policy of the state of preparation for armed protection of national interests is the development of military-industrial complex, supporting technical equipment of the Armed Forces of Ukraine and other military units at the level of modern requirements, in particular through the development, testing, production, modernisation, repair and disposal of weapons military and special equipment.
28. The main directions of military-industrial policy:
  - Reform and innovation development of defence industry through the creation of integrated scientific and industrial structures and the introduction of high technology, including dual-use combination of centralized government with modern market mechanisms to increase the role and improve the institute chief designer;
  - National organisation, including license and serial production of armaments, military and special equipment in accordance with the objectives of civil defence programs target the development, modernisation and procurement of weapons and military equipment for the Armed Forces of Ukraine and other military formations;
  - Abandonment of state ownership of strategically important for the defence of state enterprises;
  - Gradual renewal of scientific and industrial-technological base of defence industry, the introduction of new technologies;
  - Timely disposal of surplus and unsuitable for the intended use of armament, military, special equipment, ammunition and rocket propellants;
  - Improvement of the mobilisation deployment of the military-industrial complex.
29. The purpose of the military-technical policy of the state of preparation for armed protection is the technical equipment of military units and special weapons, and special equipment (mainly domestically produced) to carry out their assigned missions.
30. The main directions of military-technical policy:
  - Increase the pace of technical equipment of military units and special refurbished, modernised and new types of armaments, military and special equipment, especially automated control systems and digital communications, precision-guided munitions, aircraft, air defence facilities, warships and missile systems;
  - Increase the technical readiness of armament, military and special equipment of military units;
  - Development of test facilities and ranges;
  - A national system and regulatory framework development and production of weapons, military and special equipment that is compatible with relevant leading countries in the world;
  - Rational level of standardization and unification of armament, military and special equipment of military units and special purpose.

#### **V. THE USE OF MILITARY FORCE IN ARMED CONFLICT**

31. The purposes of the use of military force Ukraine:
  - In case of aggression, forcing the aggressor to refuse further use of military force with full restoration of territorial integrity and sovereignty of Ukraine and to provide guarantees for redress;

- In the event of armed conflict, an agreement between the parties to refuse demands that violate the constitutional order and territorial integrity of Ukraine, from the further use of military force, as well as the disarmament of illegal paramilitary or armed groups.
32. During the application of military force Ukraine guided by the following principles:
- Non-use of military force first;
  - Adequacy of the application of military force scale military aggression (armed conflict);
  - Compliance with international law;
  - Ukraine will continue to attempt to resolve the armed conflict through political, diplomatic and other tools.
33. Actions that Ukraine considers as armed aggression by the Law of Ukraine “On Defence of Ukraine”.
34. In the case of aggression or armed conflict on the frontier Ukraine will undertake the following:
- Armed Forces of Ukraine and other military units, in accordance with the plans of the applications, not exclude the transfer of military operations on the territory of the aggressor;
  - Implementation of the Territorial Defence and Civil Protection of Ukraine in accordance with law;
  - Appeal to the Security Council and other international organisations and influential states of the guarantors of security of Ukraine according to the Budapest memorandum demanding the recognition of an act of aggression and forcing the aggressor to cease hostilities, the restoration of territorial integrity and sovereignty of Ukraine, compensate Ukraine for losses;
  - Activates the action in the international information space for the recognition and condemnation of the international community of the act of aggression, explaining the nature of unfair for Ukraine military conflict, political positions and actions of Ukraine for its decision.
35. Ukraine, using the inherent right of every state of individual and collective defence in case of aggression, will not exclude the possibility of receiving military assistance from other states and international organisations.

## **VI. FINAL PROVISIONS**

36. Military doctrine is the basis for the preparation and adoption of the politico-military and military-strategic issues, developing strategies and programs in the military sphere.
37. Management subjects of national security in terms of measures to prevent armed conflicts, the state of preparation for armed protection and the protection of national interests by the President of Ukraine in accordance with the Constitution and laws of Ukraine.
38. The provisions of the Military Doctrine of updated and supplemented in due course taking into account changes in military-political situations in the world, the nature of threats to use military force, conditions of socio-economic development of Ukraine.
39. Implementation of the Military Doctrine provided the President of Ukraine, the National Security and Defence Council of Ukraine Cabinet of Ministers of Ukraine, state authorities in accordance with the powers the Constitution and laws of Ukraine.

## Part III

# The Legislative Framework for the Development and Reform of the Ukrainian Armed Forces

### **Law of Ukraine “On the Armed Forces of Ukraine”**

No 1934-XII of 06.12.1991; (*Bulletin of the Verkhovna Rada* (BVR), 1992, No 9, p. 108), Enacted by the Resolution of the Verkhovna Rada No 1935-XII of 6.12.1991, (BVR), 1992, No 9, p. 109),

With amendments introduced by the Law No 3548-XII of 21.10.93, BVR, 1993, No 44, p. 421;

In the wording of the Law No 2019-III of 05.10.2000, BVR, 2000, No 48, p. 410;

With amendments introduced by the Laws

No 1003-IV of 19.06.2003, BVR, 2004, No 2, p. 8;

No 1740-IV of 03.06.2004, BVR, 2004, No 33-34, p. 405;

No 2341-IV of 13.01.2005, BVR, 2005, No 10, p. 188;

No 328-V of 03.11.2006, BVR, 2006, N 51, p.519

No 107-VI of 28.12.2007, BVR, 2008, N 5-6, N 7-8, p.78 – (changes valid till 31 December, 2008)(Additionally, see Constitutional Court Decision N 10-пн/2008 of 22.05.2008)

With amendments introduced by the Laws

No 309-VI of 03.06.2008, BVR, 2008, No 27-28, p. 253;

No 803-VI of 25.12.2008, BVR, 2009, No 19, p. 258;

No 1256-VI of 14.04.2009, BVR, 2009, No 36-37, p. 513;

No 2526-VI of 21.09.2010, BVR, 2011, No 4, p. 27;

No 2592-VI of 07.10.2010, BVR, 2011, No 10, p. 63;

No 4026-VI of 15.11.2011 BVR, 2012, No 25, p. 26.

Taking into account the necessity to ensure its own military security and defence, being aware of its responsibility for the maintenance of international stability, Ukraine as a sovereign and independent, democratic, social, and legal State maintains its Armed Forces at an adequate level for combat readiness and efficiency.

This Law defines the functions and structures of the Armed Forces, its legal organisational principles, activity, deployment, leadership and management.

## **PART I. GENERAL PROVISIONS**

### *Article 1. Functions of the Armed Forces of Ukraine*

1. The Armed Forces is a military organisation responsible, in accordance with the Constitution of Ukraine, for the defence of Ukraine, her sovereignty, territorial indivisibility and inviolability.
2. The Armed Forces provide containment and defence from armed aggressions against Ukraine, protecting its airspace and underwater space within territorial maritime zones in cases envisioned by law, and participate in antiterrorist measures.
3. In accordance with the Law, the joint military formations, military units and subunits of the Armed Forces, can be deployed for the execution of tasks under martial law and a state of emergency, fighting terrorism and piracy, for the strengthening and protection of the Ukrainian state border and exclusive maritime economic zones including the Ukrainian continental shelf and process of its legal verification, counteract illegal transportation of weapons and drugs, dissolving of the consequences of natural and technogenic disasters, for providing military assistance to other states as well as taking part in international military co-operation and international peacekeeping operations on the basis of the International Treaties ratified by Ukraine in accordance with the procedures and terms pre-determined by Ukrainian law.
4. The military intelligence command and control bodies military intelligence units of the Armed Forces may be assigned a legal mission to collect intelligence data needed to prepare for defence of the state to provide for the readiness of the Armed Forces to defend the country.
5. The military command and control bodies ensure the mandatory fulfilment of the requirements of the Constitution of Ukraine that the Armed Forces cannot be used to restrict citizens' rights and freedoms or used with the intent to overthrow the constitutional order, subvert the organs of State power or obstruct their activity.
6. In emergency circumstances, orders or instructions of commanders and superiors cannot serve as grounds for unlawful actions towards the civilian population, their property and or the environment.
7. Military personnel guilty of issuing or executing alleged criminal orders or instructions are criminally liable.
8. This law envelops the rights and duties of military servicemen for the execution of actions, pre-determined by part four of this Article.

### *Article 1-1. Authority to Use Weapons and Military Equipment in Peacetime*

1. The joint military formations, military units and subunits of the Armed Forces, including alert duty forces, are entitled to use weapons and military equipment in peacetime with the purpose of:

- Repelling the air strikes and underwater attacks aimed against important *State* infrastructure-this covered directly by the alert duty forces;
  - Stopping of unlawful penetrations of Ukrainian airspace by military aircraft of other states that do not obey command signals sent by authorised interceptors (helicopters), or apply weapons over Ukrainian airspace;
  - Stopping the unlawful actions of the aircraft in Ukrainian airspace if they are used with the aim of carrying out a terrorist attack;
  - Forcing high-jacked (stolen) aircraft to land in Ukraine;
  - Ensuring the execution by the Armed Forces of assigned missions to repel possible armed aggression against Ukraine, while providing for the inviolability of airspace and underwater space within the limits of maritime zone of Ukraine;
  - Self defence in case of armed attack on them or its threat, as well as any other actions leading to inflicting significant material damage to objects under their protection either on the base, or in the area of their deployment;
  - Providing support to ships (vessels) of the Marine Guard of the State Border Service of Ukraine in case of armed attack on them or its threat, as well as during pursuit of the foreign ship, which started in Ukrainian maritime zone with the aim to force it to stop;
  - Repelling the terrorist attacks against sea and air craft, as well as against people aboard, overtaking the pirates' sea and air craft, liberating hostages and sea and air craft, captured by pirates either in high seas, or in any other place beyond jurisdiction of any state;
  - Ensuring the execution by the joint military formations, military units and subunits of the Armed Forces of assigned missions when deployed in the area of counterterrorist operations, in case of terrorist attacks in the air space or maritime zone of Ukraine, as well as to protect from terrorist attacks objects of the Armed Forces, weapons of mass destruction, rocket and small arms, ammunition, explosive and poisonous substances, located in the military units or stored in established places;
  - Ensuring the execution by the Armed Forces of assigned missions when deployed in the high seas in case of preventing the illegal transportation of arms and narcotics, psychotropic substances, their analogues and precursors.
2. When performing the assigned missions on strengthening the protection of the state border and sovereign rights of Ukraine in its exclusive (maritime) economic zone the joint military formations, military units and subunits of the Armed Forces have the right to:
    - Keep, use and employ special equipment and weapons;
    - Use and employ weapons, combat vehicles and special equipment in order and in cases as provided by the Article 21 of the Law of Ukraine "On of the State Border Service of Ukraine".
  3. Usage and employment of weapons and combat vehicles is allowed in case, when other measures proved to be ineffective or application of such measures are not possible.

*Article 2. The Legal Basis for the Activity of the Armed Forces*

1. The legal basis for the activities of the Armed Forces is the Constitution of Ukraine, this Law, the Laws of Ukraine "On Defence of Ukraine", the regulations for the Armed Forces, other laws

of Ukraine, Presidential Decrees, the Cabinet, and ratified international treaties, that regulate the defence activities and relations.

## **PART II. THE GENERAL STRUCTURE, NUMERICAL STRENGTH, AND DEPLOYMENT OF THE ARMED FORCES**

### *Article 3. The Structure of the Armed Forces of Ukraine*

1. The Ministry of Defence is the central body of executive power and military command and control, to which the Armed Forces are answerable.
2. The general structure of the Armed Forces is as follows:
  - The General Staff of the Armed Forces as the main body of command and control;
  - The branches of the Armed Forces: the Land Forces, the Air Forces, and the Navy;
  - Joint military formations, military units, military educational establishments, institutions and organisations that do not belong to the Armed Forces' branches.
  - The Armed Forces consists of the bodies of military command and control, joint military formations, military units, military educational establishments, institutions and organisations.

### *Article 4. Numerical Strength of the Armed Forces*

1. The Verkhovna Rada, upon a submission by the President, approves the numerical strength of the Armed Forces. The Cabinet approves the maximum numbers of personnel who make up the Central Staff of the Ministry of Defence.

### *Article 5. Manning for the Armed Forces*

1. The personnel of the Armed Forces consist of military servicemen and civilian personnel who are citizens of Ukraine. Some positions in the Armed Forces can be manned by citizens carrying out alternative service in accordance with the procedure established by law. Citizens of Ukraine carry out military service and perform their military duty in the reserve in accordance with the law.
2. Citizens who serve in the Armed Forces take an oath of allegiance to the Ukrainian people, wear a military uniform while on military duty, and are conferred military ranks for life by the law. Law establishes the procedures for the awarding and stripping of military ranks. Labour relations for Armed Forces employees are regulated by labour legislation.

### *Article 6. The Deployment of the Armed Forces*

1. Military command and control, joint military formations, military units, military educational establishments, institutions and organisations of the Armed Forces are deployed on State territory or temporarily abroad in accordance with defence missions, the strategic plan on the deployment and tasks of the Armed Forces, taking into account the administrative and territorial divisions of Ukraine and the socio-economic conditions in the areas of deployment.
2. The plan on deployment of the Armed Forces is developed by the General Staff of the Armed Forces. It is submitted by the Ministry of Defence to the Cabinet for consensus and is ultimately approved by the President.

3. The redeployment of military units, as well as military educational establishments, institutions and Armed Forces organisations is carried out upon the decision of the Ministry of Defence with the consent of Cabinet. Redeployment of the joint military formations is carried out upon the decision of the President.

### **PART III. THE MANAGEMENT OF THE ARMED FORCES AND SUPPORT TO THEIR ACTIVITY**

#### *Article 7. The President of Ukraine as the Supreme Commander-in-Chief of the Armed Forces*

1. The Armed Forces of Ukraine are headed by the President as the Supreme Commander-in-Chief within limits prescribed by the Constitution of Ukraine.
2. During a special period, the President may carry out the management of the Armed Forces and other military formations through the Headquarters of the Supreme Commander-in-Chief, the working body of which is the General Staff of the Armed Forces.

#### *Article 8. The Direct Management of the Armed Forces*

1. The Minister of Defence of Ukraine shall exercise political-military and administrative control over the Armed Forces of Ukraine, as well as other authority provided by legislation.
2. Political-military control over the Armed Forces of Ukraine concerns activity directed at providing for the realisation of the policy of the state in the Armed Forces, political and strategic goals in defence sector, principles and directions of the Armed Forces development;
3. Administrative control over the Armed Forces of Ukraine concerns activity directed at providing for the comprehensive support to the Armed Forces every day needs, their functioning and development within the limits of execution the key tasks of the policy of the state in defence sector;
4. Chief of the General Staff – Commander of the Armed Forces of Ukraine shall exercise the direct military control over the Armed Forces.
5. Direct military control concerns activity directed at fulfilling the measures of development of the Armed Forces, their technical equipment, training and comprehensive support, formulating the foundations for their application, as well as control over them.

#### *Article 9. The Authority of the Cabinet Ministers regarding the Armed Forces*

1. The Cabinet of Ministers of Ukraine:
  - Organises the development and implementation of National Programmes for the Armed Forces, weapons and defence equipment, other National Programmes concerning the Armed Forces, the State defence procurement on the purchase and delivery of goods, the execution of works, the providing of services to the Armed Forces, the creation of mobilisation reserves;
  - Ensures the provisions for the Armed Forces of weapons, defence equipment, energy, material and technical and other resources and property necessary for the effective execution of their assigned tasks and functions;
  - Ensures the manning of the Armed Forces, the mobilisation and operational deployment during a special period, makes arrangements for the preparation and conscription of citizens;
  - Establishes the procedures for providing State property at the disposal of the Armed Forces, including land, water and other natural resources, funds and property, the use

of airspace and maritime zones, sea and river ports, airports, aerodromes, landing strips, communication facilities and radio-frequency resources, other State installations, navigational, topogeodesic, meteorological, hydrographic and other equipment for the execution of geodesic and cartographic works necessary for the proper execution by the Armed Forces of assigned tasks and functions both on a paid and free basis, pecuniary and all other forms of payment;

- Establishes the procedures for providing maintenance and modernisation of weapons and defence equipment of the Armed Force;
- Establishes the procedures for the use of weapons and defence equipment by the joint military formations, military units and subunits of the Armed Forces, including the alert duty units, in peacetime when executing the tasks pre-determined by part four of Article 1-1 of this Law;
- Ensures the right to social and economic protection of the soldiers and ex-servicemen, members of their families, as well as the members of the families of soldiers, killed or who are missing in action, those who became invalids while on duty or were taken prisoners in the course of combat operations or during their participation in international peacekeeping operations;
- Regulates the economic activity of the Armed Forces;
- Controls, in accordance with the Constitution and the Laws of Ukraine, the activity of the Armed Forces, exercise other authorities to ensure the combat readiness, mobilisation preparedness, battle efficiency and functioning of the Armed Forces.

*Article 10. The Authority of the Ministry of Defence in Armed Forces Management*

1. The Ministry of Defence of Ukraine:

- Carries out military-political and administrative management of the Armed Forces;
- Implements State policy in the Armed Forces, develops the principles of development, determines the directions of development for the Armed Forces and their training in peace and wartime;
- Provides overall support for the Armed Forces, ensures their operation, combat readiness and mobilisation preparedness, preparation for their fulfilment of assigned tasks and their deployment, their manning and training, weapons provisions, maintenance and modernisation of defence equipment, material, financial and other resources and property in accordance with their needs defined by the General Staff of the Armed Forces and within the funds allocated by the State Budget, exercises control over the efficient use of resources and funding, organises the execution of works and providing of services in the interests of the Armed Forces;
- Carries out intelligence and information-analytical activities to ensure the fulfilment of tasks assigned to the Armed Forces;
- Interacts with the State Executive and civic organisations, exercises control over the observance of laws in the Armed Forces;
- Considers petitions and personal complaints on the issues that belong to the competence of the Ministry of Defence;

- Pursues, within the limits of its powers, international co-operation on the military-political, military-technical and other issues, as well as on civil-military relations with the relevant bodies of other states and international organisations;
  - Exercises other authorities pre-determined by the law.
2. MOD Enterprises can carry out some types of Armed Forces activities in accordance with established procedure.
  3. The Laws of Ukraine and the Regulations approved by the President define the organisation of the Ministry of Defence's activities.
  4. The functions of the structural department of the Ministry of Defence that conducts intelligence and information-analytical activities in the interests of State defence and security are managed by the Regulations approved by the President.

#### **PART IV. THE ACTIVITIES OF THE ARMED FORCES**

##### *Article 11. Principles of Armed Forces Activities*

1. The activities of the Armed Forces are based on the following principles:
  - Allegiance to constitutional duty and military oath;
  - The rule of law, lawfulness, humanity, the respect of others and their constitutional rights and freedoms;
  - The transparency and candidness to democratic civil control;
  - The combination of undivided authority and collegiality in developing important decisions;
  - Conscription and a contractual manning system;
  - Constant combat readiness and mobilisation preparedness;
  - The preservation of State secrets;
  - The education of the military personnel in the patriotic and military traditions of Ukraine, the maintenance of military discipline;
  - Ensuring State funded social-economic and social-legal protection for citizens serving in the Armed Forces, as well as for members of their families;
  - Maintaining impartiality towards all political parties.

##### *Article 12. The Main Components of Armed Forces Activities*

1. The preparation of the Armed Forces for the fulfilment of pre-determined tasks by the Constitution of Ukraine, organisation and support for the implementation of these tasks, the maintenance of adequate combat readiness, mobilisation preparedness and combat efficiency, education and training, the protection of life and health of all personnel, ensuring the rule of law and military discipline in the Armed Forces is carried out by Military Management, Commanders and Chiefs of all ranks in accordance with the requirements of the Constitution of Ukraine and the laws of Ukraine, as well as other normative-legislative acts regulating relations in this sphere.

##### *Article 13. Language of the Armed Forces*

1. The official language for activities, proceedings and documentation in the Armed Forces is Ukrainian, the state language.

*Article 14. Economic Activity in the Armed Forces*

1. The Armed Forces are allowed to carry out economic activity in accordance with the Law.
2. Land, water and other natural resources as well as property assigned to all the State Military Organisations of the Armed Forces is State property, and belongs to the Armed Forces for operational management and is exempt from taxation.
3. Specifics of the legal regime of the Armed Forces property are regulated by the relevant law.

*Article 15. Financing for the Armed Forces*

1. The Armed Forces are financed from the State Budget. The expenditure of the Ministry of Defence for the execution of tasks, that can be performed by the joint military organisations, military units and subunits of the Armed Forces determined in Part III of Article 1 of this Law, are financed by Cabinet from funds allocated in accordance with the procedure established by the law for the execution of these tasks or from additional income. Control over the implementation of the State Budget on financing for the Armed Forces is exercised in accordance with the law.

*Article 16. Social and Legal Protection for Military Personnel, Members of Their Families and Armed Forces Employees*

1. The State ensures social and legal protection for military personnel, members of their families, Armed Forces employees, ex-servicemen and members of their families, killed (deceased) or who are missing in action, those who became invalids while on duty or were taken prisoner in the course of combat operations (war), state of emergency or during their military service abroad performing military co-operation duties or within UN peacekeeping missions during their participation in international peacekeeping operations.
2. Social and legal protection for military personnel and members of their families shall be provided in accordance with the Law of Ukraine "On Social and Legal Protection of Military Servicemen and Their Family Members" and other normative-legal acts.
3. Social protection of Armed Forces employees is ensured on general conditions accorded in Labour legislation, civil service legislation and other normative-legal acts.

*Article 17. The Restriction on Political Activity in the Armed Forces*

1. Military personnel must withdraw from political party and trade union membership for their period of service. Military personnel can be members of public organisations (except for organisations whose statutory provisions contradict the principles of Armed Forces activity), and they may take part in the activities of these organisations during their free time, when they are considered to be free of their service duties.
2. The organisation and participation in strikes by military personnel shall not be permitted.
3. Military servicemen and Armed Forces employees can have their freedom of movement, free choice of place of residence, right to freely leave the Ukraine, as well as their right to collect and disseminate information restricted, in accordance with the law.
4. The employees of the Ministry of Defence shall withdraw from political parties membership for their period of work in the Armed Forces.
5. The function of trade union rights for employees, who have concluded work contracts with the Armed Forces, are determined in accordance with the Laws of Ukraine "On Trade Unions, their Rights and Guarantees of Their Activities".

6. The organisation and participation in strikes by Armed Forces employees shall not be permitted.
7. Every military serviceman has the guaranteed right to practice any religion or to practice none.
8. Soldiers may perform individual or collective religious rites and ceremonial rituals; and conduct religious activities in observance with their Constitutional rights.

*Article 18. The Control and Liability for the Implementation of this Law*

1. The State Executive, prescribed by the Laws of Ukraine, is responsible for the control over the implementation of this Law.
2. Any oversight over the observance of these laws in the Armed Forces and civil democratic control over the activities of the Armed Forces are exercised in accordance with the statute.

**PART V. FINAL PROVISIONS**

1. This Law enters into force from the date of publication, except for Article 16, which enters into force as of 2001.
2. The Cabinet of Ministers must within six months after this Law enters into force:
  - Submit to the Verkhovna Rada proposals on introducing amendments to the laws following on from this Law;
  - Bring their normative-legislative acts into conformity with the present Law;
  - Ensure that normative-legislative acts of the Ministries and other central executive organs conform to the present Law.

## **Law of Ukraine “On Military Duty and Military Service”**

Enacted by the Verkhovna Rada Decree N 2232-12, BVR, 1992, N 27, p. 386.

With amendments introduced by the Laws:

- No 2485-XII of 19.06.92, BVR, 1992, No 36, p. 527;
- No 3545-XII of 21.10.93, BVR, 1993, No 44, p. 418;
- No 3546-XII of 21.10.93, BVR, 1993, No 44, p. 419;
- No 3625-XII of 19.11.93, BVR, 1993, No 49, p. 457;
- No 200/94-BP of 13.10.94, BVR, 1994, No 45, p. 404;
- No 325/94-BP of 22.12.94, BVR, 1995, No 1, p. 4;
- No 387/95-BP of 17.10.95, BVR, 1995, No 38, p. 284;
- No 129/96-BP of 19.04.96, BVR, 1996, No 26, p. 108;
- No 309/97-BP of 04.06.97, BVR, 1997, No 29, p. 93;
- No 312-XIV of 11.12.98, BVR, 1999, No 4, p. 35;
- No 651-XIV of 13.05.99, BVR, 1999, No 28, p. 230;
- No 1325-XIV of 21.12.99, BVR, 2000, No 4, p. 27;
- No 1669-III of 20.04.2000, BVR, 2000, No 30, p. 235;
- No 2171-III of 21.12.2000, BVR, 2001, No 9, p. 38;
- No 312-IV of 28.11.2002, BVR, 2003, No 4, p. 34;
- No 313-IV of 28.11.2002, BVR, 2003, No 5, p. 37;
- No 487-IV of 06.02.2003, BVR, 2003, No 15, p. 108;
- No 662-IV of 03.04.2003, BVR, 2003, No 27, p. 209;
- No 744-IV of 15.05.2003, BVR, 2003, No 29, p. 234;
- No 1158-IV of 11.09.2003, BVR, 2004, No 8, p. 67;
- No 1179-IV of 18.09.2003, BVR, 2004, No 10, p. 94;
- No 1763-IV of 15.06.2004, BVR, 2004, No 36, p. 444;
- No 2454-IV of 03.03.2005, BVR, 2005, No 16, p. 259;
- No 2490-IV of 17.03.2005, BVR, 2005, No 20, p. 276;
- No 2636-IV of 02.06.2005, BVR, 2005, No 27, p. 361;
- No 3200-IV of 15.12.2005, BVR, 2006, No 14, p. 116;
- No 3597-IV of 04.04.2006, BVR, 2006, No 38, p. 324;
- No 328-V of 03.11.2006, BVR, 2006, No 51, p. 519;
- No 1014-V of 11.05.2007, BVR, 2007, No 33, p. 442;
- No 107-VI of 28.12.2007, BVR, 2008, No 5-6, N 7-8, p. 78;
- No 267-VI of 11.04.2008, BVR, 2008, No 24, p. 234;
- No 309-VI of 03.06.2008, BVR, 2008, No 27-28, p. 253;
- No 1073-VI of 05.03.2009, BVR, 2009, No 30, p. 418;
- No 1254-VI of 14.04.2009, BVR, 2009, No 36-37, p. 511;
- No 1255-VI of 14.04.2009, BVR, 2009, No 36-37, p. 512;
- No 1276-VI of 16.04.2009, BVR, 2009, No 38, p. 535;
- No 1834-VI of 21.01.2010, BVR, 2010, No 12, p. 117;
- No 1835-VI of 21.01.2010, BVR, 2010, No 12, p. 118;
- No 2926-VI of 13.01.2011, BVR, 2011, No 31, p. 303;

No 3353-VI of 12.05.2011, BVR, 2011, No 45, p. 487;  
No 3409-VI of 19.05.2011, BVR, 2011, No 50, p. 539;  
No 3919-VI of 18.10.2011, BVR, 2012, No 39, p. 472;  
No 4296-VI of 10.01.2012, BVR, 2013, No 14, p. 89.

This law regulates relationships between the state and citizens of Ukraine relating to citizens' Constitutional duty to defend the Motherland.

## **PART I. GENERAL PROVISIONS**

### *Article 1. Military Duty*

1. Defence of the Motherland, the independence and territorial integrity of Ukraine is the Constitutional duty of citizens of Ukraine
2. Military duty is introduced with the purpose of ensuring the preparation of citizens of Ukraine for defence of the Motherland, the manning of the armed forces, other military formations created in accordance with the Laws of Ukraine, special purpose law enforcement bodies and the State special transport services (hereinafter, the Armed Forces and other military formations) manned by servicemen.
3. Military duty includes:
  - The preparation of citizens for military service;
  - The registration of citizens at enlistment offices;
  - The enlistment on a voluntary (contract) basis and conscription to the military service;
  - The performance of military service;
  - The performance of the military duty in reserve;
  - Observation of the rules of military registration.
4. Citizens of Ukraine have the right to substitute the performance of military duty by alternative (non-military) service in accordance with the Constitution of Ukraine and the Law of Ukraine "On Alternative (Non-Military) Service".
5. Citizens of Ukraine are exempt from the performance of military duty on the grounds defined by this Law.
6. Military duty does not apply to foreigners or stateless persons who reside in Ukraine.
7. The performance of military duty by citizens of Ukraine is ensured by state authorities, self-government bodies, military formations created in accordance with the Laws of Ukraine, enterprises, institutions and organisations regardless of their subordination and form of ownership within their competences defined by law, regional (united regional), city (united city) military commissariats (hereinafter, regional (city) military commissariats), military commissariats of the Autonomous Republic of Crimea, oblasts, cities of Kyiv and Sevastopol as well as territorial centres (in the Autonomous Republic of Crimea, oblasts and the city of Kyiv) and centres (in regions and cities) of enlistment of servicemen on a contract basis.
8. The procedure of creation and the competences of the territorial centres and centres of enlistment of servicemen on a contract basis are defined by the regulation approved by the Cabinet of Ministers of Ukraine.
9. Military service carried out by the citizens of Ukraine is subdivided into the following categories:

- Pre-conscripts – persons subject to registration with enlistment offices;
  - Conscripts – persons registered with enlistment offices;
  - Servicemen – persons carrying out military service;
  - Persons liable for military service – persons in reserve manning the armed forces and other military formations during a special period as well as in order to perform other tasks relating to the defence of the state;
  - Reservists – persons liable for military service who, on a voluntary basis, carry out military service in the reserve of the armed forces and other military formations.
10. Citizens of Ukraine, who are registered with enlistment offices or who are in the reserve of the Armed Forces and other military formations, are obliged to:
- When summoned by the regional (city) military commissariat, report to the commissariat for the drawing up of military registration documents, passing of a medical examination, military professional training, conscription for military service or for gatherings of persons liable for military service;
  - Pass a medical examination and treatment in medical establishments in accordance with the decision of the registration commission, conscription commission or military medical commission of the regional (city) military commissariat;
  - Pass training for the military service, carry out military service and perform military duty in the reserve;
  - Conform to the military registration regulations established by the legislation.
11. Women with military-related specialities, the list of which is adopted by the Cabinet of Ministers of Ukraine, and who are fit for military service in terms of health, age and family status are included in the list of registered persons liable for military service.
12. In wartime, women registered with enlistment offices can be called into military service or involved in activities relating to the defence of the state. In peacetime, women can undertake active military service or service in military reserve only on a voluntary (contractual) basis.

*Article 2. Military Service and Military Duty in the Reserve*

1. The military service is a special state service that involves the professional activity of citizens of Ukraine, who are fit in terms of health and age, to defend the Motherland. Insurance is provided for citizens of Ukraine who spend time on duty, which contributes to a general and professional work record as well as a State service work record.
2. The procedure for performing military service by citizens of Ukraine as well as their rights and duties are defined by this Law, by regulations relating to the performance of military service by citizens of Ukraine approved by the President of Ukraine, and by other normative-legislative acts.
3. Military service in Ukraine is carried out with the observance of the Constitutional requirement of the separation of church, religious organisations and the state.
4. There are the following types of military service:
  - Regular military service;
  - Military service on a contractual basis for soldiers, sergeants and sergeant-majors;
  - Military service (training) for cadets (students) at higher military educational establishments as well as at higher education establishments with military institutes, military training facili-

ties and departments for military training (hereinafter, higher military education establishments and departments for military training at higher education establishments);

- Military service for officers on a contractual basis;
  - Military service for officers on a conscription basis.
5. Citizens of Ukraine perform regular military service in the Armed Forces of Ukraine and other military formations in accordance with the laws of Ukraine to obtain a military speciality and practical skills relating to armed defence of the Motherland.
  6. Military duty in reserve involves the observation by persons who are liable for military service of the procedures and regulations of military registration, as well as participation in periodic training with the purpose of preserving and improving the knowledge and skills which are necessary for the performance of military service during a special period.
  7. Citizens of Ukraine can perform military service in the reserve of the Armed Forces and other military formations on a voluntary basis. The selection procedures and the conditions of service are defined by this law, by regulations on the carrying out of military service by citizens of Ukraine in the reserve, which are approved by the President of Ukraine, as well as by other normative-legislative acts.
  8. The personnel structure of the military reserve is established by the Ministry of Defence of Ukraine and approved by the Cabinet of Ministers of Ukraine.
  9. Citizens of Ukraine who are conscripted into the military or who join the service on a voluntary basis take an oath of allegiance to the people of Ukraine.
  10. Citizens of Ukraine, who are registered with enlistment offices, carry out military training, are conscripted or enlisted for military service, carry out military service in the reserve or those with military specialities who fill relevant posts during mobilisation are expected to complete a compulsory medical examination. The procedures for medical examinations are approved by the Ministry of Defence as well as by the central executive authorities, in accordance with military formations and in agreement with the central executive body for health care. The list of military specialities is approved by the Ministry of Defence.

*Article 3. Legal Basis for Military Duty and Military Service*

1. The legal basis of military duty and military service is established by the Constitution of Ukraine, this Law, the Law of Ukraine "On Defence of Ukraine", "On the Armed Forces of Ukraine", "On Mobilisation Preparation and Mobilisation", other Laws of Ukraine, as well as decrees of the President of Ukraine and other normative-legislative acts adopted in accordance with these laws which ensure the defence capability of the state, the performance of the military duty, military service and the status of military men, as well as the international agreements which are ratified by the Verkhovna Rada of Ukraine.

*Article 4. Manning for the Armed Forces of Ukraine and other Military Formations*

1. The Armed Forces of Ukraine and other military formations are manned by means of:
  - Conscription of citizens of Ukraine for military service;
  - Enlistment of citizens of Ukraine into the military service on a contractual basis.
2. The procedure for manning the Armed Forces of Ukraine and other military formations is pre-determined by this Law and the normative-legislative acts which are adopted in accordance with this Law.

3. With the purpose of manning the Armed Forces of Ukraine and other military formations during a special period, regular military training is organised and an adequate number of military trained citizens are transferred to the reserve.
4. The General Staff of the Armed Forces of Ukraine distributes conscripts proportionally among the armed forces and other military formations depending on the state of health and level of education of the conscripts.

*Article 5. The Military Ranks for Servicemen and Persons Liable for Military Service*

1. The servicemen and persons liable for military service are divided into the following ranks: private soldiers, sergeants, sergeant majors and officers.
2. The following military ranks are established:

**Table 1.** *Military Ranks for Servicemen*

ARMY	NAVY
The rank of privates	
Soldier	Seaman
Senior soldier	Senior seaman
The rank of sergeants and sergeant majors	
Junior sergeant	Sergeant-major-second rank
Sergeant	Sergeant-major of first rank
Senior sergeant	Senior sergeant-major
Sergeant-major	Ensign
Warrant Officer	Senior ensign
Senior Warrant Officer	Petty officer
The rank of officers	
The rank of junior officers	
Junior lieutenant	Junior lieutenant
Lieutenant	Lieutenant
Senior lieutenant	Senior lieutenant
Captain	Captain-lieutenant
The rank of senior officers	
Major	Captain of third rank
Lieutenant-colonel	Captain of second rank
Colonel	Captain of first rank
The rank of superior officers	
Major-general	Rear-admiral
Lieutenant-general	Vice-admiral
Colonel-general	Admiral
General of the Army of Ukraine	

3. The words “of medical service” or “of justice” are added to the military ranks of officers from the medical and legal services of the Armed Forces of Ukraine and other military formations, military courts and prosecuting offices with corresponding education and occupying corresponding posts.
4. The words “reserve” and “retired” are added to the military ranks of citizens of Ukraine who have retired or have been transferred into or serve in the reserve.
5. Conferment or deprivation of military ranks, a reduction and restoration to the ranks of servicemen, persons liable for military service and reservists, re-certification of persons liable for military service with specialities for conferment of a military rank are carried out in accordance with the procedures determined by the statutes of the Armed Forces of Ukraine, the regulations on the performance of citizens serving in the military and the regulations on the performance of citizens in the military reserve.

#### *Article 6. Military Posts*

1. Military posts (staff posts filled by servicemen) and corresponding military ranks are listed on the staff lists of military units, ships, military management bodies, institutions, organisations, higher military educational establishments, and the military departments of higher education establishments.
2. A list of posts to be filled by superior officers is approved by the President of Ukraine, whereas the posts of other military personnel are approved by the Ministry of Defence of Ukraine.
3. Individual military posts in peacetime can be filled in by civilians (on the basis of fixed contracts) in accordance with the procedure determined by the Ministry of Defence of Ukraine, or by reserve personnel in accordance with the procedure determined by the General Staff of the Armed Forces of Ukraine.
4. During the transfer of the Armed Forces of Ukraine and other military formations to the organisation and personnel structure of wartime, military posts shall be filled by reservists or other persons liable for military service in accordance with the procedure determined by the General Staff of the Armed Forces of Ukraine.
5. The numbers of persons with the military rank of officer, who can fill posts in the Armed Forces of Ukraine and other military formations, as well as their age limits, are determined correspondingly by the Ministry of Defence of Ukraine and other central executive authorities in accordance with legal military formations.
6. The procedure for appointment to military posts is determined by the Constitution of Ukraine, the Law of Ukraine “On the Armed Forces of Ukraine” and other laws and regulations on the military service and service in the reserve by citizens of Ukraine.
7. Military posts in the units of the Armed Forces of Ukraine sent abroad for participation in international peacekeeping missions, as part of a peacekeeping contingent or peacekeeping personnel in accordance with the international agreements ratified by the Verkhovna Rada of Ukraine are filled by servicemen who serve on a contractual basis.
8. The procedure for the performance of military service by servicemen who do not occupy any military posts is determined by the regulations on the performance of military service by citizens of Ukraine.
9. Servicemen from the Armed Forces of Ukraine and other military formations can be attached to the state organs, enterprises and organisations to carry out duties in the interests of the

defence and security of the State while keeping their status of servicemen. The list of posts in these state organs, enterprises and organisations including the State Enterprise on Air Traffic Control of Ukraine, that can be filled in by the military is approved by the President of Ukraine.

10. In accordance with international agreements signed by Ukraine, servicemen from the Armed Forces of Ukraine and other military formations can be sent to perform military service with multinational bodies of military management as well as in Ukraine's diplomatic missions abroad. These servicemen are financed by the Ministry of Defence of Ukraine and also from the budget of other military formations as established by the law. The procedures for transferring servicemen and the duration of duty in the aforementioned posts are established by the Ministry of Defence of Ukraine and other military formations.
11. In accordance with procedures established by relevant regulations on military service by citizens of Ukraine, servicemen can be transferred from one to the other military formation with exclusion from the list of personnel in one formation and inclusion into the list of personnel in the other.

*Article 7. Military Uniform and Insignia for Servicemen*

1. Military uniform, insignia and decorations are provided for servicemen.
2. Persons liable for military service are provided with a military uniform during periodical training sessions. Reservists are provided with a military uniform in accordance with established norms. For these persons insignia of military servicemen shall be established to prove their status, particularly in the reserve.
3. Models of military uniform and insignia for servicemen and the rules of dress are established by the Ministry of Defence and other central executive authorities in accordance with military formations. They are approved by the Cabinet of Ministers of Ukraine. Patent regulations are determined in accordance with the established procedure.
4. The wearing of a military uniform and insignia by persons who are not entitled to do so is prohibited and prosecuted by law.

**PART II. PREPARATION OF CITIZENS OF UKRAINE FOR MILITARY SERVICE**

*Article 8. Preparation for Military Service*

The preparation of citizens of Ukraine for military service includes patriotic education, pre-conscription training, training of conscripts in military and technical specialities, training in military orchestras, military schools, schools with enhanced military and physical training, preparation for entering higher military educational establishments and higher education establishments with military departments, military training at higher education establishments following training of the officers in the reserve programme: physical training, health treatment, raising levels of education, and the study of the state language.

The Ministry of Defence of Ukraine, other central executive authorities, the Council of Ministers of the Autonomous Republic of Crimea, Local State Administrations, Local Self-Government bodies and the Society on Assistance to Defence of Ukraine are responsible for the organisation and fulfilment of pre-conscription training of citizens of Ukraine within their competences.

The procedure for the organisation and execution of pre-conscription training and training of conscripts in military and technical specialities is determined by the Regulation on Pre-con-

scription Training and the Regulation on Training of Conscripts in Military and Technical Specialities, which are approved by the Cabinet of Ministers of Ukraine.

Control over the organisation and execution of pre-conscription training and conscript training in military and technical specialities as well as programme and methodical support is exercised by the Ministry of Defence of Ukraine and by other central executive authorities with educational establishments under their jurisdiction, by the Council of Ministers of the Autonomous Republic of Crimea, local state administrations and local self-government organs.

*Article 9. Pre-conscription Training*

1. Pre-conscription training is part of the State's compulsory curriculum for full secondary education at vocational and general schools as well as an education and qualification degree obtained on the basis of secondary education at higher education establishments. Training is carried out in accordance with the programmes approved by the Ministry of Defence of Ukraine.

*Article 10. Training of Conscripts in Military and Technical Specialities*

1. The training of conscripts in military and technical specialities is carried out in the following way:
  - For conscripts, who are students at vocational schools and trained in military related specialities – directly in these educational establishments;
  - For conscripts, who work or are temporarily unemployed, as well as students of vocational schools trained in specialties not related to the military – in vocational schools of the Ministries, other central executive authorities and in the educational establishments of the Society of Assistance to Defence of Ukraine.
2. Conscripts, who are 17 years of age, fit for military service and are liable for conscription after graduation from educational establishments, are engaged in training.
3. The number of conscripts predisposed for training in military and technical specialities as well as the list of these specialities are defined by the Ministry of Defence of Ukraine together with other concerned central executive authorities and are approved by the Cabinet of Ministers of Ukraine.

*Article 11. Military Training for Citizens of Ukraine Following the Officers' in Reserve Programme of Training*

1. The military training of citizens of Ukraine following the programme of training for officers in the reserve is conducted at higher military educational establishments and higher education establishments with military departments.
2. The programme of training for officers in the reserve is followed on a voluntary basis by students enrolled in day programmes at higher education establishments of a grade III and IV accreditation, fit for military service, in light of health, moral and professional qualities.
3. The procedure for the organisation of military training for students from higher education establishments following the programme of training for officers in the reserve is established by the Cabinet of Ministers of Ukraine upon the submission of the Ministry of Defence of Ukraine in agreement with the central executive body in the field of education and science.
4. The military training of students at higher education establishments following the programme of training for officers in the reserve is introduced as a separate subject in the curriculum of higher education establishments. Military training programmes are developed

in accordance with the required professional characteristics for officers in the reserve in the relevant military speciality. The procedures for the development and approval of the required professional characteristics for officers and the programmes for military training of officers in the reserve are established by the Ministry of Defence of Ukraine.

5. Citizens of Ukraine, who have obtained a higher education degree not lower than a bachelor degree, have completed a full course of military training following the programme of training for officers in the reserve, have passed the established exam and have been certified as officers, are conferred the basic ranks of officers in the reserve. If necessary, they can be called up to perform military service for officers by order of the Minister of Defence of Ukraine.
6. Citizens of Ukraine, who have not been certified as officers after graduation from a higher education establishment and have not carried out regular military service, are liable for conscription to the regular military service taking into account, if possible, the speciality they have obtained at higher education establishments and any military related speciality.
7. A list of military specialties in which citizens of Ukraine following the programme of training for officers in the reserve are trained for is defined by the Ministry of Defence of Ukraine upon the submission of the General Staff of the Armed Forces of Ukraine in agreement with the central executive body in the field of education and science.
8. A list of higher education establishments where students undergo training following a programme of training for officers in the reserve is defined by the Cabinet of Ministers of Ukraine upon the submission of the Ministry of Defence of Ukraine in agreement with the relevant central executive bodies. Military educational departments are structural departments within these higher education establishments. Decisions concerning the establishment, reorganisation and closure of military education departments are taken by the Cabinet of Ministers of Ukraine following submission made by the Ministry of Defence of Ukraine in agreement with the central executive authorities who have higher education establishments under their jurisdiction.
9. The Ministry of Defence of Ukraine, in agreement with a Rector from a higher education establishment, enlists and appoints pedagogical personnel for military education departments and exercises control over the training of students following a programme of training for officers in the reserve.
10. During training sessions, citizens of Ukraine following the programme of training for officers in the reserve have rights and duties established by the legislation for persons who are liable for military service and called up for periodic training.

*Article 12. Preparation for Entering Higher Military Education Establishments and Higher Education Establishments with Military Departments*

1. Citizens of Ukraine, wishing to enter higher military education establishments and higher education establishments with military departments, can undergo preliminary training in general education establishments, military lyceums, lyceums with intensive military and physical training, military orchestras, education establishments of civil organisations, preparatory courses at higher military education establishments and higher education establishments with military departments.
2. Physical training for pre-conscripts and conscripts is organised by the central executive organs in the field of education, science, physical education and sports in higher, vocational,

general and other non-school education establishments, as well as in sport societies and clubs that offer physical education programmes.

3. Health treatment for citizens entering higher military education establishments and higher education establishments with military departments is carried out by relevant health care institutions in a close proximity to the citizens' place of residence.
4. Medical examinations for citizens ranging from 15-17 years of age are conducted annually by medical specialists who are involved in the examination of conscripts. When necessary, citizens are prescribed with the required medical treatment.
5. Management bodies working in education are responsible for organising the education training of pre-conscripts and conscripts, and where necessary, organising additional lessons to teach the state language to those citizens who have poor or no command of it.

*Article 13. Rights and Duties of Citizens Receiving Military Training*

1. Citizens of Ukraine who receive training in military and technical specialities are guaranteed their place of employment, position and average salary in enterprises, institutions and organisations regardless of their position or form of ownership for the entire training period. This includes travel time to and from their place of training.
2. Housing expenditures during training periods, travel costs to and from training sites and salaries are covered by the budget of the Ministry of Defence of Ukraine and other military formations in accordance with the procedure established by the Cabinet of Ministers of Ukraine.
3. Participation of citizens of Ukraine, who are sent by regional (city) military commissariats in military training and other related training exercises for pre-conscripts and conscripts, is compulsory.

**PART III. REGISTRATION OF CITIZENS OF UKRAINE WITH ENLISTMENT OFFICES, CONSCRIPTION AND ENLISTMENT TO THE MILITARY SERVICE**

*Article 14. Registration of Citizens of Ukraine with Enlistment Offices*

1. Registration of male citizens of Ukraine with enlistment offices is carried out with the purpose of listing citizens in the military register, determining available conscription resources, assessing educational backgrounds, acquired specialities or professions, as well as levels of physical fitness and personal qualities.
2. In order to register citizens of Ukraine with enlistment offices, registration commissions are established in regions and cities.
3. Pre-conscripts, who have turned 17 at the time of registration, are registered with enlistment offices from January to March each year. Registration is carried out by regional (city) commissariats close to conscripts' places of residence.
4. Citizens of Ukraine, who serve sentences in penitentiaries or receive compulsory medical treatment, are not subject to registration with enlistment offices.
5. Heads of enterprises managing the development of buildings, institutions and organisations regardless of their subordination or form of ownership, independent bodies responsible for the primary registration of persons liable for military service and conscripts as well as heads of other enterprises, institutions, organisations and educational establishments

- regardless of their subordination or form of ownership shall annually submit to the relevant regional or city military commissariats within deadlines established by the Cabinet of Ministers of Ukraine a list of citizens of Ukraine subject to registration with enlistment offices.
6. In order to register with an enlistment office, citizens of Ukraine are obliged to report in person to a military regional (city) commissariat by a date specified in call-up papers and present necessary documents, a list of which is established by the Ministry of Defence of Ukraine.
  7. In order to register citizens of Ukraine with enlistment offices of military regional (city) commissariats, registration commissions with the following composition are established:
    - The chairman of the commission – regional (city) military commissar;
    - Members of the commission:
      - i. A representative from the regional (city) management body working in the field of education;
      - ii. A representative from the department of the regional (city) body for internal affairs dealing with young people;
      - iii. A doctor managing medical staff and carrying out medical examinations of citizens of Ukraine subject to registration;
      - iv. A psychologist from the social services department of the local state administration (an executive body of the municipal council);
      - v. A secretary from the commission.
  8. The personal composition of a regional (city) registration commission and procedures for registration are approved annually by the head of the local state administration (an executive body of the municipal council).
  9. Regional (city) registration commissions are responsible for:
    - The organisation and carrying out of medical examinations for pre-conscripts who are summoned to the commission in order to establish if they are fit for military service;
    - The identification and preliminary selection of candidates for higher military education establishments and higher education establishments with military education departments;
    - The assignment of conscripts for training in military and technical specialties;
    - Sending conscripts who are found to be unfit for military service for health reasons and those who do not agree with the results of a medical examination to the Conscription Commission in the Autonomous Republic of Crimea, oblast or Kyiv city Conscription Commissions;
    - Sending citizens of Ukraine who are found during the registration process to be temporarily unfit for military service and those who require examination or treatment to medical care facilities in the vicinity of the citizens' residence. Attendance by pre-conscripts at these facilities as a consequence of the registration commission's decision is obligatory;
    - The enrolment of citizens of Ukraine with low standards of education and little or no command of the state language into corresponding education establishments;
    - Gauging the personalities of conscripts, their moral and professional qualities, as well as their family status;
    - Removing from the register conscripts and registering persons liable for military service who:
      - i. Are found to be unfit for military service for health reasons in peacetime and fit, to a limited degree, in wartime;

- ii. Were previously sentenced to a deprivation of liberty, a restriction of liberty, an arrest or correctional labour for committing a crime of minor or medium gravity, including liberation from serving the sentence;
  - Eliminating from the military registration list citizens who:
    - i. Are found unfit for military service for health reasons with consequent elimination from the registration list;
    - ii. Were previously sentenced to a deprivation of liberty for committing a grave or an especially grave crime.
10. After a medical examination of a citizen of Ukraine, taking into account his level of education, personal qualities, type of work and speciality, the registration commission can take one of the following decisions:
- Fit for military service and preliminarily designated for service in the Armed Forces of Ukraine and other military formations;
  - Temporarily unfit for military service and requires medical care;
  - Needs an additional medical check-up and another medical examination (with mention of the date of examination);
  - Unfit for military service in peacetime and fit, to a limited degree, in wartime, needs to be included in the register of persons liable for military service;
  - Unfit for military service with consequent elimination from the registration list, needs to be eliminated from the registration list;
  - Needs to be included in the register of persons liable for military service as the person who has previously been sentenced to a deprivation of liberty, a restriction of liberty, an arrest or correctional labour for committing a crime of minor or medium gravity, including liberation from serving the sentence;
  - Needs to be eliminated from the military registration list as the person who has previously been sentenced to a deprivation of liberty for committing a grave or an especially grave crime.
11. Citizens of Ukraine, registered with enlistment offices, are provided with registration certificates.

Their rights and duties, the rules of military registration and the responsibility for violating these rules are explained to them.

*Article 15. Conscription Age. Conscription of Citizens of Ukraine for Regular Military Service*

1. Male citizens of Ukraine fit for military service for health reasons, who are 18 years of age by the time they are sent to a military unit and older persons, who are under 25 years of age and are not entitled to exemption or postponement, are called up for regular military service in peacetime (hereinafter, citizens liable for call-up).
2. Citizens liable for call-up can be enlisted for military service voluntarily on a contractual basis under conditions stated in the first part of Article 20 of this Law and in accordance with the procedure determined in the regulations on the performance of military service by citizens of Ukraine.
3. The conscription of citizens of Ukraine for regular military service involves reporting to the Conscription Commission and being dispatched to military units.

4. The preparation and implementation of conscription for regular military service is conducted by city (regional) state administrations (executive bodies of municipal councils) in cooperation with city (regional) military commissariats.
5. The procedures involving the organisation and implementation of conscription for regular military service is determined by this Law and the normative legal acts of the Cabinet of Ministers.
6. The deadline for conscripting citizens of Ukraine for regular military service for the following year is established in a decree of the President of Ukraine, which is published no later than a month prior to the end of the current year.
7. The number of citizens of Ukraine liable for call-up for regular military service and the total expenditure required for the subsequent conscription are determined by the Cabinet of Ministers of Ukraine.
8. Once the decree of the President of Ukraine on the implementation of the subsequent conscription comes into force:
  - Conscripts, who have received a call-up paper from city (regional) military commissariats, are obliged to report to the enlistment office in order to attend the conscription commission by the deadline as specified by the call-up paper;
  - If a call-up paper has not arrived under any circumstances, citizens liable for call-up are obliged to report to the enlistment office within 10 days from the date of the beginning of conscription as defined in the decree of the President of Ukraine;
  - Conscripts, who have changed their place of residence, are obliged to report to a city (regional) military commissariat in the new place of residence within a seven-day period for registration;
  - Heads of enterprises, institutions, organisations and educational establishments regardless of their subordination or form of ownership are obliged to ensure the timely report of citizens who are liable for call-up to enlistment offices at the request of military commissariats.
9. During the regular military conscription period, changes in the place of registration by citizens liable for call-up is not permitted, with the exception of cases supported by relevant documents, involving:
  10. A transfer to work in other areas;
  11. A move to a new place of residence;
  12. Entry into an educational establishment and departure from another;
  13. Graduation from an educational establishment and assignment to a place of work in other areas.
14. A conscript is liable, in accordance with the law, for the failure to report to an enlistment office without good reason when summoned by a city (regional) military commissariat.
15. Good reasons for the failure of conscripts to report to an enlistment office by a designated deadline, evidenced by relevant documents, can be the following:
  16. An obstacle of an unpremeditated character, illness of a conscript or other circumstances which made it impossible for the conscript to report personally in the assigned place by the designated deadline;
  17. A death of a close relative of the conscript (parents, wife, child, siblings, grandfather or grandmother) or a close relative of his wife.

*Article 16. The Conscription Commissions*

1. In order to carry out the conscription of citizens for regular military service in regions (cities), Conscription Commissions with the following composition are formed:
  - The Chairman – the deputy head of the local state administration (an executive body of the municipal council);
  - Commission members include:
    - The regional (city) military commissar;
    - The deputy head of the regional (city) management body in the field of education;
    - The deputy head of the regional (city) body for internal affairs;
    - A doctor who is responsible for managing medical staff carrying out the medical examination of conscripts;
    - A psychologist from the social service of the local state administration (an executive body of the municipal council);
    - Representatives from the armed forces and other military formations, civil society organisations, enterprises, institutions and organisations in preliminary agreement with the Chairman;
    - A secretary.
2. The personal composition of a regional (city) Conscription Commission, the schedule of its sessions and the procedure for carrying out and ensuring the organisation of the conscription of citizens of Ukraine for regular military service is approved by the head of the local state administration (an executive body of the municipal council).
3. The regional (city) Conscription Commissions are responsible for:
  - The organisation of medical examinations for conscripts, conscription of citizens of Ukraine for regular military service and their assignment for service in the Armed Forces of Ukraine or other military formations;
  - The postponement of call-up for regular military service on the grounds stated in Article 17 of this Law;
  - The exemption from conscription for regular military service on the grounds stated in Article 18 of this Law; the registration of conscripts in the register of persons liable for military service or elimination of conscripts from the register;
  - Sending conscripts, who have expressed a desire to enter higher military education establishments or higher education establishments with military education departments, to pass the tests and entrance examinations or taking a decision to refuse these conscripts to do so;
  - Sending citizens found temporarily unfit for military service to medical care establishments close to their place of residence;
  - The study of the personalities, moral and professional qualities, and family status of conscripts;
  - Sending information about conscripts who evade conscription to the relevant law enforcement bodies;
  - Taking off the registration citizens who undertake alternative (non-military) service;
  - The submission to the superior Conscription Commission of requests on the postponement of conscription for the regular military service for citizens of Ukraine in cases not foreseen by this Law.

4. In case of a loss (change) of grounds for the postponement of conscription for the regular military service foreseen by this Law, the Conscription Commission can abolish (change) previous decisions.
5. A decision of the Conscription Commission can be appealed by a citizen of Ukraine at a superior Conscription Commission or in a court in accordance with the procedure established by the law.
6. To manage and control the activities of the regional (city) Conscription Commissions in the Autonomous Republic of Crimea, in the oblasts and the city of Kyiv, the Conscription Commissions for the Autonomous Republic of Crimea, oblasts and Kyiv city are formed. The personal composition of the Conscription Commissions for the Autonomous Republic of Crimea, oblasts and Kyiv city, the procedure for carrying out and ensuring the organisation of conscription are approved accordingly by the Head of the Council of Ministers of the Autonomous Republic of Crimea and by the heads of local and Kyiv city state administrations.
7. The Conscription Commissions in the Autonomous Republic of Crimea, the oblasts and Kyiv are responsible for:
  - The management of the activities of the regional (city) Conscription Commissions;
  - The organisation of medical examinations for citizens of Ukraine found by the regional (city) Enlistment Commissions or by the regional (city) Conscription Commissions;
  - To be unfit or temporarily unfit for military service for health reasons, and for citizens of Ukraine who lodge a disagreement with respect to the results of a previous medical examination or with the decisions of a regional (city) Enlistment Commission or a regional (city) Conscription Commission, as well as for citizens who are called up for regular military service immediately before being sent out to military units;
  - Verifying the grounds for the postponement of a call-up or exemption of citizens of Ukraine from call-up to the regular military service;
  - The control over the grounds for the assignment of conscripts for service in the Armed Forces of Ukraine or other military formations in view of their education, experience, skills, interests and personal abilities;
  - The consideration of citizens' complaints against the actions of regional (city) Conscription Commissions.
8. The Conscription Commissions for the Autonomous Republic of Crimea, oblasts and city of Kyiv have the right to reconsider and change the decisions of the relevant regional (city) Conscription Commissions and regional (city) Enlistment Commissions concerning citizens of Ukraine found to be unfit for military service for health reasons.
9. A decision made by the Conscription Commissions for the Autonomous Republic of Crimea, oblasts and city of Kyiv can be appealed in a court according to the procedures established by the Law.

*Article 17. The Postponement of a Call-Up for Regular Military Service*

1. The postponement of a call-up for regular military service is granted to conscripts upon the decision of a regional (city) Conscription Commission according to this Law for family, health reasons, education or continuing professional activities.
2. The postponement of a call-up for family reasons, at the request of conscripts, is granted to conscripts who are:

- Unable to work: invalid parents, single father (or single mother), persons under whose care, guardianship or support is provided for by a conscript or persons whose care or guardianship is provided by a conscript where no other person is capable of providing such support – citizens of Ukraine – who are providers in accordance with the legislation. The invalidity of these persons is determined according to the procedure established by the legislation;
  - Underage (kin or otherwise) siblings or those who are unable to work invalid (kin or otherwise) siblings irrespective of age, if no person, aside from a conscript, is able to provide for them in accordance with the legislation;
  - A single parent who is responsible for providing for two or more minors until the eldest reaches adulthood;
  - A child younger than three years of age or a child more than three years of age who is raised without a mother (deceased) or following a court decision;
  - Two or more children;
  - An invalid child;
  - An invalid wife;
  - A pregnant wife.
3. The postponement of a call-up for regular military service for family reasons, at the request of conscripts, can be granted to conscripts who are orphans.
  4. If a family has two or more sons, one of who is carrying out regular military service, the postponement of a call-up for regular military service for family reasons can be granted to a conscript for the duration of time that his brother is carrying out regular military service.
  5. In cases where several sons from the same family are simultaneously called up for military service, postponement can be granted to one son on request and taking into account his parent's considerations.
  6. A regional (city) Conscription Commission has the authority to grant postponement to a conscript who is liable for call-up for family reasons regardless of his wish not to ask for postponement and particularly when a conscript's call-up is likely to substantially worsen the material situation of those for whom he is responsible.
  7. Postponement of a call-up for regular military service for health reasons for a period of up to one year is granted to conscripts who are found to be temporarily unfit for military service following a medical examination.
  8. Postponement of a call-up for regular military service for those who wish to further their education is granted for the whole period of study to citizens of call-up age, who undertake:
    - Full-time study in general and vocational education establishments. If a conscript turns 21 years of age, the postponement of a call-up becomes invalid.
    - Full-time study at higher education establishments, including for higher degrees;
    - Full-time study at secondary and higher religious education establishments;
    - Post-graduate or doctorate degrees regardless of the person's employment status.
  9. The right to the postponement of a call-up for regular military service for educational reasons is granted to citizens of Ukraine who in the framework of international agreements are studying in education establishments in other states.
  10. The postponement of a call-up for regular military service for educational reasons is granted once during the whole period of study, and for citizens liable for call-up who discontinue

their studies on their own initiative, fail to complete a study programme, violate a contract or lose the right to postpone a call-up for regular military service regardless of new enrolment in a higher education establishment.

11. Citizens of Ukraine of a call-up age, who take a break in their studies for health or family reasons, to take care of close relatives as mentioned in paragraph three, part eleven of Article 15 of this Law, do not lose the right to the postponement of a call-up for regular military service.
12. In cases where a conscript who studies at a higher education establishment (III-IV levels of accreditation) in a daytime form of study transfers to another higher education establishment with the equivalent level of accreditation and form of study, the right to a postponement of call-up for regular military service is maintained, provided that a conscript transfers during the same academic year into a year of study no lower than that which he has been following and, upon the completion of the academic year, that he is accepted into the next year.
13. The postponement of a call-up for regular military service for professional reasons is granted to the following citizens who are liable for call-up:
  - Pedagogical workers who have completed higher education, whose main place of employment is in a secondary education establishment – for the duration of their full-time work;
  - Medical personnel – for the duration of their full-time work in the countryside;
  - Graduates of education establishments and postgraduates assigned to work in the institutions of the National Academy of Sciences of Ukraine – for the whole period of work;
  - Graduates of vocational schools under the condition that their employment is in an acquired profession in state-owned enterprises, institutions or organisations – for one year from the time of graduation;
  - Clergymen who graduated from higher or secondary religious education establishments and hold posts in one of the religious orders that act according to the statutes (regulations) registered in accordance with established procedures – for the duration of work;
  - Candidates running for office as a People's Deputy of Ukraine registered in accordance with the established procedure – at their request – until the publication of election results;
  - The heads of village and or city administrations and deputies of local councils – for the duration of their time in office;
  - Persons who are involved in farming, both independently or with their parents, – for a period of no more than one year from the moment a land plot for this activity is received.
14. The postponement of a call-up for regular military service is granted to conscripts who are involved in an inquest, prejudicial inquiry or on trial for criminal charges in a court – until the relevant decision is taken.
15. In other cases not pre-determined by this Law, the postponement of a call-up for regular military service can be granted to conscripts according to the decisions of the Conscription Commissions for the Autonomous Republic of Crimea, oblast, and Kyiv city Conscription Commissions, upon submission of regional (city) Conscription Commissions.
16. Conscripts, who are granted postponement from regular military service, are obliged to annually present to the regional (city) military commissariats documents confirming their right to a postponement, by October 1.
17. Conscripts, who no longer show suitable grounds for postponement of a call-up for regular military service, as well as persons who do not have the right to a postponement or the

grounds for an exemption from conscription to regular military service envisaged by Articles 17 and 18 of this Law and have not been called up for different reasons for military service by the established deadlines, shall be called up during the next conscription period.

*Article 18. An Exemption from Conscription to Regular Military Service*

1. The following citizens of Ukraine are exempt from conscription to regular military service in peacetime:
  - Those recognised as unfit for military service in peacetime for health reasons;
  - Those who turn 25 years old on the day of conscription to regular military service;
  - Those whose father, mother or (kin or not kin) siblings have perished, died or became invalid during the performance of military service or during training for persons liable to military service. Conscripts, who have the right to an exemption from conscription on these grounds, may renounce this right;
  - Those who before becoming citizens of Ukraine carried out military service in other states;
  - Those who were previously sentenced for committing a crime to a deprivation of liberty, a restriction of liberty, an arrest or correctional labour, including liberation from serving the sentence;
  - Those who after graduation from higher education establishments have been conferred the military (special) rank of an officer (commanders).

*Article 19. General Conditions for Concluding Contracts on the Performance of Military Service*

1. Servicemen on military staff or regular military service, citizens of call-up age who have completed higher, vocational or completed high school education who have not yet passed regular military service, persons liable for military service as well as women who are not registered with enlistment offices conclude a contract about the performance of military service on a contractual basis observing the conditions stipulated in Article 20 of this Law.
2. Servicemen who carry out military service on a contractual basis can conclude a new contract on the performance of military service in case the previous contract expires.
3. The form, procedures and rules of concluding a contract, the termination (abrogation) of a contract and the consequences of a termination (abrogation) are defined by the regulations on carrying out military service by citizens of Ukraine unless otherwise provided by the legislation.

*Article 20. The Contractual Basis for Enlistment in Military Service*

1. Citizens who pass the professional and psychological selection and meet the requirements of military service can be enlisted in military service on a contractual basis:
  - Servicemen in regular military service, who have served for no less than three months, citizens of call-up age who have undertaken higher, vocational or completed secondary education and have not yet passed regular military service, persons liable for military service as well as women who do not have military ranks as officers, have a relevant education, undertaken special preparation and are between 18-40 years of age – for military service on a contractual basis as privates, sergeants and sergeant-majors;
  - Persons who have completed secondary education and are between 17-21 years of age, including those who turn 17 in the year they begin their military service, servicemen in regular

military service, servicemen in contractual military service, persons under 23 years of age who are liable for military service, who have completed their secondary education, but do not hold the rank of officer, in case of their enrolment in the first and consequent years of study, as well as persons under 25 years of age with a basic higher education in case of their enrolment in the last year of study – for military service (study) as cadets at higher military education establishments or higher education establishments with military education departments, and servicemen under 30 years of age – for military service (study) as cadets at higher military education establishments or higher education establishments with military education departments which provide training for sergeant and sergeant-major level positions;

- Servicemen who have graduated from higher military education establishments or higher education establishments with military education departments and were conferred the rank of officer – military service on a contractual basis as officers;
  - Ensigns (senior ensigns) and warrant officers (senior warrant officers) who have completed higher education and specialised in a field that corresponds to the type of service concerned – for military service on a contractual basis as officers;
  - Reserve officers who have not yet reached the age limit required for military service – for military service on a contractual basis as officers;
  - Officers who are cadres in the military service – for military service on a contractual basis as officers;
  - Officers who have been conscripted into the military service – for military service on a contractual basis as officers.
2. For military service on a contractual basis as officers in the Security Service of Ukraine, intelligence services of Ukraine and the Department of the State Protection of Ukraine are enlisted citizens of Ukraine who have completed a higher level of education no lower than a bachelor's degree and specialised in a field that corresponds to the type of service concerned and who have not reached the age limit required for officer service, servicemen in regular military service who have served for no less than six months, privates, sergeants and sergeant-majors in contractual military service, persons liable for service and women under 40 years of age.

*Article 21. The Material Support for Citizens Called-up or Enlisted in Military Service*

1. Citizens of Ukraine called up for regular military service receive financial support amounting to two minimum salaries.
2. Citizens of Ukraine, who undergo military registration, conscription or enlistment for military service, as well as persons sent by regional (city) military commissariats for medical examination (medical examination in ambulatory settings or a hospital) or treatment are excused from work for the period of time necessary for the execution of these duties and for the period of stay in a medical establishment. They retain their place of employment, job position and average salary.
3. Transportation for citizens of Ukraine to the place of service (following conscription) and the meals that are provided during the journey are financed by the funds allocated in the State budget of Ukraine for the Ministry of Defence and other central executive authorities, managed in accordance with the legislation on military formations to which servicemen are attached.
4. Transportation of citizens who carry out military service on a contractual basis to the place of service is financed by the funds allocated in the State budget of Ukraine for the Ministry of

Defence of Ukraine and other central executive authorities managed in accordance with the legislation on the military formations in which servicemen carry out their military service.

#### **PART IV. CARRYING OUT MILITARY SERVICE**

##### *Article 22. Age Limits for Military Service*

1. The established age limits for military service are:
  - For privates, sergeants and sergeant-majors who serve on a contractual basis – up to 45 years;
  - For junior officers – up to 45 years;
  - For senior officers: Majors (captains of the 3rd rank), Lieutenant-colonels (captains of the 2nd rank) – up to 50 years; Colonels (captains of the 1st rank) – up to 55 years;
  - For superior officers – up to 60 years.
2. Servicemen of the Armed Forces of Ukraine and other military formations with a high level of professional training, practical experience in their posts and recognised by the military medical commission as fit for military service may, upon request, be allowed to remain in the service upon reaching the age limit for military service indicated in the first part of this Article for up to 5 years in accordance with the procedure established by the regulations on the carrying out of military service by citizens of Ukraine.

##### *Article 23. The Duration of Military Service*

1. The duration of regular military service in calendar terms is the following:
  - For soldiers, seamen, sergeants and sergeant-majors in regular military service in the Armed Forces of Ukraine and other military formations – up to 12 months;
  - For seamen and sergeant-majors who carry out regular military service on ships, vessels, in the coastal battle units of the Navy of Ukraine and in the Sea Guard of the State Border Service of Ukraine – up to 18 months;
  - For persons with a Specialist or Master's degree – up to 9 months;
2. For citizens of Ukraine who are enlisted in military service on a contractual basis for the first time, the duration of military service in calendar terms is the following:
  - For servicemen enlisted in the rank of privates – three years;
  - For servicemen enlisted in the ranks of sergeants and sergeant-majors – five years;
  - For cadets from higher military education establishments and higher education establishments with military education departments – the time of study at higher military education establishments and higher education establishments with military education departments;
  - For officers – 5 years.
3. The duration of military service can be prolonged after the conclusion of a new contract before the attainment of the age limit for military service:
  - For servicemen enlisted in the rank of privates – three years;
  - For servicemen enlisted in the ranks of sergeants and sergeant-majors – five years;
  - For officers – 5 years.
4. For officers who have less than five years left before reaching the age limit for cadre military service and who wish to enlist in military service on a contractual basis, the duration of the

first contract is determined by the period left before they reach the established age limit for military service.

5. Servicemen in regular military service or citizens of call-up age who have not passed regular military service, who become enlisted in military service on a contractual basis, in case of the termination of their contract are sent to perform regular military service if they have not served for the period established for regular military service with the exception of cases stipulated in items b), d), e) or i) of the sixth part of Article 26 of this Law.
6. The duration of military service for officers who are in regular military service is up to 18 months.

*Article 24. The Beginning and Termination of Military Service. Time and Place for Carrying out the Responsibilities of Military Service*

1. The beginning of military service is considered the following:
  - The day of departure from a regional (city) military commissariat to a military unit – for citizens called up for regular military service;
  - The day of enlistment as personnel of a military unit (a military education establishment, institution etc.) – for citizens enlisted in military service on a contractual basis;
  - The day of appointment to the post of a cadet at a higher military education establishment or a military education department of a higher education establishment – for citizens who have not passed regular military service and persons liable for military service.
2. The termination of military service is considered the day when a serviceman is excluded from the list of the personnel of a military unit (a military education establishment, institution, etc.) in accordance with the procedure established by the regulations on the carrying out of military service by citizens of Ukraine.
3. Servicemen considered to be carrying out military service duties are:
  - On the territory of a military unit or in another place of work (study) during work (study) hours, including scheduled breaks (study timetable);
  - On the way to or from the place of service, during missions or return to the place of service;
  - Outside the military unit if it is required for the performance of military duties by a serviceman, or if he has been sent there by a commander's (superior's) order;
  - During the performance of public duties, including in cases where these duties were not connected with military service;
  - During the performance of a duty connected to a rescue of human life, protection of state property, maintenance of military discipline and protection of law and order.

*Article 25. Training of Citizens of Ukraine for Military Service in Private, Sergeant and Sergeant-major and Officer Positions*

1. The training of citizens of Ukraine for military service in the posts of officers is carried out in higher military education establishments and higher education establishments with military education departments. Cadets, students, graduate and doctorate students study in these establishments.

The training of citizens of Ukraine for military service in the posts of private, sergeant and sergeant-major can be carried out in military units, and training for sergeant and sergeant-major

positions in case they need the basic higher education can also be carried out in higher military education establishments and higher education establishments with military education departments. Procedure and conditions for admission of the citizens of Ukraine to the training military units, as well as their service in these units shall be regulated according to the procedure established by the regulations on the carrying out of military service by citizens of Ukraine.

2. The procedure for training citizens of Ukraine for military service in the posts of private, sergeant and sergeant-major and officers is determined by the Ministry of Defence of Ukraine, other central executive authorities with education establishments under their jurisdiction in conjunction with the central executive body in the field of education and science.
3. The enrolment of citizens of Ukraine in higher military education establishments and higher education establishments with military education departments is carried out on a voluntary basis after the submission of personal applications and successful completion of entrance exams and other relevant tests.
4. Citizens of Ukraine who have enrolled in accordance with the established procedure in higher military education establishments and higher education establishments with military education departments to obtain a professional degree and do not hold the rank of officer are called cadets, those who have such a rank – students.
5. A contract on the performance of military service (study) for the duration stipulated in paragraph four of the second part of Article 23 of this Law is concluded with citizens of Ukraine – cadets from military education establishments and higher education establishments with military education departments. A contract on the performance of military service in the posts of sergeant and sergeant-major and officers after the graduation is concluded between the citizen and the state, represented by the responsible command authority of the Armed Forces or other military formation, which requested the training, for the term as stipulated in paragraphs three and five of the second part of Article 23 of this Law.
6. The legal relationship between cadets who are younger than 18 years of age and the state are established on the basis of the Civil Code of Ukraine. The procedure for the performance of military service (study) by cadets is established by the regulations on the carrying out of military service by citizens of Ukraine and other normative legal acts of Ukraine.
7. Cadets who are servicemen on contractual military service following enrolment in higher military education establishments and higher education establishments with military education departments conclude a new contract on the performance of military service (study) for the duration stipulated in paragraph four of the second part of Article 23 of this Law.
8. Cadets who do not have any military rank before enrolling in a higher military education establishment or a higher education establishment with the military education department are conferred the rank of private. Servicemen and persons liable for military service retain the military ranks that have been conferred to them during the performance of military service.
9. Military ranks are conferred to the graduates of higher military education establishments and higher education establishments with military education departments according to the procedure established by the regulations on the carrying out of military service by citizens of Ukraine.
10. In cases of a pre-term termination of a contract because of an unwillingness to continue to study, lack of discipline or refusal to continue military service in the posts of officers after graduation from a higher education establishment, as well as officers willing to retire from

military service during the first five years after graduation from higher military education establishments in cases stipulated in items b), d), e) or i) of the sixth part of Article 26 of this Law shall reimburse the costs related to their study at the higher military education establishment to the Ministry of Defence of Ukraine and other central executive authorities which have these education establishments under their jurisdiction according to the procedure and norms established by the Cabinet of Ministers of Ukraine. When officers, cadets or students refuse to voluntarily reimburse these expenditures, compensation is claimed through a court procedure.

11. Male cadets who are expelled from higher military education establishments or higher education establishments with military education departments (with the exception of cases stipulated in items b), d), e) or i) of the sixth part of Article 26 of this Law) are sent to military units for the continuation of military service if they have not completed the full period established for regular military service. At the same time, the following is counted towards the duration of military service:
  - The duration of regular military service before enrolment in higher military education establishments or higher education establishments with military education departments;
  - The duration of military service on a contractual basis, enrolment in higher military education establishments or higher education establishments with military education departments;
  - The duration of military service during studies in higher military education establishments or higher education establishments with military education departments with two months of service (study) on a contractual basis equal to one month of regular military service.
  - Male cadets expelled from higher military education establishments or higher education establishments with military education departments in accordance with items b), d), e) or i) of the sixth part of Article 26 of this Law are sent to regional (city) military commissariats close to their place of residence to be registered with an enlistment office.
  - Female cadets expelled from higher military education establishments or higher education establishments with military education departments are discharged from military service if they:
    - Have no military-related speciality – without registration with an enlistment office;
    - Have a military-related speciality – are sent to regional (city) military commissariats close to their place of residence to be registered with an enlistment office.

*Article 26. Discharge from Military Service*

1. A discharge of servicemen from military service is carried out in the following ways:
  - a) To the reserve, if servicemen have not attained the service age limit for the reserve and are fit for health reasons for military service;
  - b) Retirement, if servicemen have reached the age limit for the reserve or are found by military medical commissions to be unfit for health reasons for military service and are consequently taken off military registration.
2. Discharge from military service is carried out:
  - a) By servicemen in regular military service, who have completed the established term of service – on the basis of a Decree of the President of Ukraine;
  - b) By servicemen in contractual military service – on the grounds envisaged in part six of this Article;

- c) By officers in cadre military service – on the grounds envisaged in part seven of this Article;
  - d) By officers called up for regular military service – after the completion of the established term of service, called up to military service from the reserve – if they have completed the established term of service.
3. Servicemen in regular military service and officers called up for regular military service can be discharged from service before the established end of their term:
- a) For health reasons – on the basis of the conclusion (decision) of a military medical commission;
  - b) For family reasons – in case they acquire the right to a postponement owing to changes in family circumstances, as well as in case of the emergence of circumstances envisaged by paragraph four of part one of Article 18 of this Law;
  - c) In case they are sentenced to a deprivation or restriction of liberty, including with consequent liberation from serving the sentence.
4. In case of need, servicemen in regular military service who have completed the established term of service can remain in service for a period of up to six months upon a decision of the President of Ukraine.
5. Servicemen who are transferred from regular military service to the reserve or are discharged are provided with regimentals according to the list established by the Ministry of Defence of Ukraine, travel documents to the place of residence, meals during the journey and an allowance, the amount of which is established by the Cabinet of Ministers of Ukraine. Servicemen in regular military service, at their request, can be transferred to the reserve in their civilian clothes.
6. The contract expires (terminated) and servicemen in contractual military service are discharged from military service:
- a) After the expiration of the contract's duration;
  - b) For health reasons – on the basis of the conclusion (decision) of a military medical commission: poor condition or limited fitness for military service;
  - c) For age reasons – after the attainment of the service age limit;
  - d) In connection with staff reductions or organisational measures– if it is impossible to retain them on service;
  - e) For family circumstances or other important reasons, the list of which is determined by the Cabinet of Ministers of Ukraine;
  - f) Professionally unfit;
  - g) In connection with a court conviction which has entered into force and envisions a sentence in the form of deprivation or restriction of liberty, deprivation of a military rank or of the right to occupy certain posts;
  - h) In connection with the deprivation of the military rank as a disciplinary measure;
  - i) In connection with a systematic failure of military superiors to carry out contract provisions (at serviceman's request);
  - j) In connection with a systematic failure of servicemen to carry out contract provisions.
7. Officers in the cadre military service are discharged from military service:
- a) At their own request;
  - b) For health reasons – on the basis of the conclusion (decision) of a military-medical commission about incapacity or limited fitness for military service;

- c) For age reasons – on reaching the service age limit;
  - d) In connection with staff reductions or organisational measures – if it is impossible to retain them on service;
  - e) Family circumstances or other important reasons, the list of which is determined by the Cabinet of Ministers of Ukraine;
  - f) Professionally unfit;
  - g) In connection with a court conviction which has entered into force and envisions a sentence in the form of deprivation or restriction of liberty, deprivation of the military rank or of the right to occupy certain posts;
  - h) In connection with the deprivation of a military rank as a disciplinary measure.
8. The discharge of servicemen from military service is carried out in accordance with the regulations on the carrying out of military service by citizens of Ukraine.
  9. Servicemen who have acquired the right to retire for age reasons, as well those who are war veterans or participants in the liquidation of the consequences of the Chernobyl nuclear disaster, who have less than five years left before reaching the service age limit, at their request, can be discharged from military service on the grounds stipulated in item “c” of parts six and seven of this Article.

#### **PART V. MILITARY DUTY IN THE RESERVE. MILITARY SERVICE IN THE RESERVE**

##### *Article 27. Transfer to the Reserve. Categories of Servicemen in the Reserve. Military Service in the Reserve*

1. Citizens of Ukraine fit for military service for health reasons in peace and wartime and who have not reached the service age limit are transferred to the reserve of the Armed Forces of Ukraine and other military formations. They are registered with enlistment offices in regional (city) military commissariats and the relevant bodies of other military formations.
2. Persons liable for military service (except for those who are not liable for call up during mobilisation) can be transferred to the reserve of the Armed Forces and other military formations on a voluntary basis. The reserve comprises citizens who carry out military service and citizens who are selected as candidates for enlistment in military service in the reserve.
3. The purpose of the service in the reserve is to prepare citizens of Ukraine for manning the Armed Forces of Ukraine and other military formations during a special period by acquiring or improving military related specialities and practical skills while in the service.
4. Citizens serving in military reserve shall not be considered as employed in Ukraine and have the right in accordance to the labour legislation to be registered as unemployed seeking for a job and ready and capable to start working in the appropriate occupation.
5. When enlisted for service in the military reserve or to prolong the existing term of service, citizens conclude a contract about carrying out service in the reserve of the Armed Forces of Ukraine and other military formations.
6. The programmes for training reservists in the Armed Forces of Ukraine and other military formations, the amount of training required in military related specialities and the time and duration of training are determined by the General Staff of the Armed Forces of Ukraine. For other military formations, these issues are determined by their heads in agreement with the General Staff of the Armed Forces of Ukraine.
7. The financial and material support for service in the reserve is provided from the funds allocated in the State budget for the Ministry of Defence of Ukraine and other central executive

authorities in accordance with the legislation on military formations. Procedure and amount of financial support and stimulation for persons liable for military service and for reservists shall be determined by the Cabinet of Ministers, Ministry of Defence and other central executive authorities in accordance with the legislation on military formations.

8. Persons liable for military service in the reserve are divided into two categories:
  - Persons liable for military service who have carried out military service and have acquired a military speciality while in the service belong to the reserve of the first category.
  - Persons liable for military service who have not acquired a military speciality during military service, persons who have not carried out military service, as well as women liable for military service belong to the reserve of the second category.
9. If persons liable for military service who belong to the reserve of the second category acquire a military speciality while on the list of reserve or serving in the military reserve, they are transferred to the reserve of the first category.

*Article 28. Reserve Classes and Service Age Limit for Persons Liable for Military Service in the Reserve*

1. Persons liable for military service in the reserve are divided into two classes, which are established in accordance with their age.
2. Persons liable for military service in the reserve who have the ranks of privates, sergeants and sergeant-majors are divided into the following age classes:
  - 1) First class – up to 35 years;
  - 2) Second class:
    - a. Privates – up to 40 years;
    - b. Rank of sergeants and sergeant-majors:
    - c. Sergeants and sergeant-majors – up to 45 years;
    - d. Ensigns and warrant officers – up to 50 years.
3. Officers in the reserve are divided into the following age classes:
  - 1) First class:
    - a. Junior officers – up to 45 years;
    - b. Rank of senior officers:
      - i. Major (captain of the 3<sup>rd</sup> rank), lieutenant colonel (captain of the 2<sup>nd</sup> rank) – up to 50 years;
      - ii. Colonel (the captain of 1<sup>st</sup> rank) – up to 55 years;
      - iii. Superior officers – up to 60 years;
  - 2) Second class:
    - a. Junior officers – up to 50 years;
    - b. Rank of senior officers:
      - i. Major (captain of the 3<sup>rd</sup> rank), lieutenant colonel (captain of the 2<sup>nd</sup> rank) – up to 55 years;
      - ii. Colonel (the captain of 1<sup>st</sup> rank) – up to 60 years;
      - iii. Superior officers – up to 65 years;
4. The age limit for the second category in the reserve is equivalent to the age limit for the military reserve.
5. Irrespective of their rank, women liable for military service are transferred to the reserve of the second class. The service age limit in the reserve for women is:

- a. For officers – 50 years,
- b. For other women liable for military service – 40 years.

*Article 29. Periodical Training for Persons Liable for Military Service and Servicemen in the Reserve*

1. Persons liable for military service are called up for study (control) training or special training. Servicemen in the reserve carry out training according to the programme for training of servicemen in the reserve of the Armed Forces of Ukraine and according to the procedure established in the regulations on the carrying out of service by citizens of Ukraine in the military reserve. Commanding officer of military unit issues an order stipulating the time of the start and finish of reserve training period. The Ministry of Defence on the basis of budgetary appropriation on defence shall establish the total number of reserve trainees for each year.
2. The rights and duties of persons liable for military service and servicemen in the reserve who are called up for training are established by this Law and other normative legal acts. Activity of persons liable for military service and servicemen in the reserve falls under the Statutes of the Armed Forces.
3. Officers on list in the reserve (except for those serving in the reserve) who have not carried out military service as officers, officers in the reserve discharged from military service before acquiring the right to retire for age reasons, as well as privates, sergeants and sergeant-majors can be called up by regional (city) military commissariats for study training:
  - Persons belonging to the first class – up to five times for a period of up to two months each time;
  - Persons belonging to the second class – up to three times for a period of up to one month each time.
4. The dates and the duration of training for persons liable for military service are defined by the General Staff of the Armed Forces of Ukraine and headquarters of the other military formations in accordance with this Law.
5. Between training periods, persons liable for military service can be called up according to the plan of the General Staff of the Armed Forces of Ukraine and headquarters of the other military formations for control training for a period of up to 15 days, both with an interruption of employment and without.
6. The overall training time for servicemen in the reserve (except for those serving in the reserve) cannot exceed 10 months. The time spent in control training is counted towards the overall period of study training.
7. The overall time of training carried out by reservists cannot exceed three months.
8. In case of the introduction of a state of emergency in Ukraine or in some of its parts by a decision of the President of Ukraine and approved by the Verkhovna Rada, as well as the designation of some regions of Ukraine as ecological emergency zones, persons liable for military service can be called up for special training for a period of no more than two months.
9. Persons liable for military service after receiving a request to show up for training from regional (city) military commissariat (Security Service organ) shall timely arrive to the indicated place.

The managers of enterprises, organisations and educational establishments regardless of their subordination and ownership shall upon request from military commissariats provide for timely arrival of the persons liable for military service to the indicated collection points.

Respected excuses for failure to arrive or late arrival by the person liable for military service in time and place indicated by military commissariat shall be proved by relevant documents and limited to obstacles like natural disasters, family emergencies and similar list of problems approved by the Cabinet of Ministers.

10. Persons liable for military service and reservists who are called up for periodical training are provided with financial and material means in accordance with the procedure and amount established by the Cabinet of Ministers of Ukraine.
11. Persons liable for military service and reservists who are called up for periodical training retain their place of employment, position and average salary for the whole period of training, including for the time of travel to and from the place of training.
12. Financial allowance amounts, incentives to reservists and payment procedures are determined by the Cabinet of Ministers of Ukraine.
13. The payment of an average salary to persons liable for military service as well as reservists for the whole period of training is provided for by funds from the State budget and in accordance with the procedure established by the Cabinet of Ministers of Ukraine.
14. If a person liable for military service falls ill during training and continues to be ill after its termination, he retains his place of employment and his position. Following the termination of training, in case of temporary unfitness, the person receives an allowance in place of a salary in accordance with the legislation.

If a reservist falls ill during service in military reserve and continues to be ill after its termination, he retains his place of employment and his position. Following the termination of service, in case of temporary unfitness, the person receives an allowance in place of a salary in accordance with the legislation.

15. Persons liable for military service and reservists who are not working at the time of a call-up for training receive an allowance equal to minimum salary for the whole period of training or serving in the reserve, covering the travel time to and from the place of training, from funds allocated in the State budget for the Ministry of Defence and other central executive authorities in accordance with the legislation on military formations.

#### *Article 30. Exemption from Training*

1. The following persons (except for those serving in the reserve) are exempt from training:
  - 1) Employees in the Armed Forces of Ukraine and other military formations;
  - 2) Employees in civil aviation enterprises, institutions and organisations carrying out the transportation, maintenance and repair of aircraft and aerodrome equipment;
  - 3) The sailing staff of sea, river and fishing industry vessels during the period of navigation;
  - 4) Persons employed in agriculture and enterprises responsible for repairing agricultural machinery – during sowing and harvest works, except for control training;
  - 5) Teaching staff at higher education establishments, vocational and secondary schools – during the period of studies;
  - 6) Full-time and part-time (evening) students at higher education establishments – for the whole period of studies, students at higher education establishments engaged in long-distance learning programmes, students permitted to take examinations without attending classes, postgraduate and doctoral students – during the period of exams;
  - 7) Women liable for military service except for control training;

- 8) Persons discharged from military service – within a year after the transfer to the reserve except for control training;
  - 9) Persons liable for military service who have children younger than three years of age or three or more children younger than 16 years of age;
  - 10) Persons liable for military service who are deputies;
  - 11) Persons liable for military service reserved for the state authorities, local self-government bodies, enterprises, institutions and organisations for the period of mobilisation and wartime;
  - 12) Students who study at higher and secondary religious education establishments;
  - 13) Clergymen, who hold a post in one of the religious orders that act according to the statutes (regulations) registered in accordance with established procedure;
  - 14) Candidates running for office in the People's Deputies of Ukraine registered in accordance with the established procedure, at their request – up until the publication of election results.
2. If persons liable for military service provide other important reasons and documents to confirm their situation, in some cases, their exemption from training can be authorised by a regional (city) military commissariat where they are registered.
  3. Reservists are exempt from regular training and control training in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

*Article 31. Conferment of Military Ranks in the Reserve*

1. Persons liable for military service and reservists who have completed their training and passed their exams in accordance with their programme of study, or have acquired the relevant education or experience in managerial posts can be conferred a superior military rank in the reserve in accordance with the procedure established by the regulations on carrying out military service by citizens of Ukraine and normative legal acts concerning the military registration of persons liable for military service.

Citizens of Ukraine and the regulations on carrying out military service by citizens of Ukraine in the reserve perform conferment of a superior military rank to reservists in accordance with the procedure established by the regulations on carrying out military service.

*Article 32. Discharge of Persons Liable for Military Service*

1. Persons liable for military service who have reached the age limit for persons in the reserve and are found by a military medical commission to be unfit for military service in wartime are removed from the military register and discharged.

**PART VI. MILITARY REGISTRATION OF CITIZENS OF UKRAINE**

*Article 33. General Rules of Military Registration*

1. Military registration is divided into the registration of conscripts and persons liable for military service.
2. The general management of the organisation and execution of the military registration of conscripts and persons liable for military service, control over the process of registration by local self-government bodies, enterprises, institutions and organisations irrespective of their subordination and form of ownership is carried out by the General Staff of the Armed Forces of Ukraine. The functioning of the military registration system is ensured by the or-

gans of the Ministry of Defence of Ukraine, the Ministry of Internal Affairs of Ukraine, the Security Service of Ukraine, other ministries, central executive authorities, local state administration and local self-government bodies.

3. The military registration of all conscripts and persons liable for military service is carried out close to the conscript's/person's place of residence. Depending on the size and the degree of detail, military registration is divided into the following types: qualitative-personal, primary-personal and personal.
4. Depending on its purpose, military registration is divided into general and special.
5. The military registration of conscripts and persons liable for military service is carried out in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

*Article 34. Qualitative-personal, Primary-personal and Personal Types of Registration of Conscripts and Persons Liable for Military Service*

1. The qualitative-personal registration of conscripts and persons liable for military service involves the registration of information (biographical data, state of health, results of interviews, etc.) about conscripts and persons liable for military service, which is stored in the personal files of conscripts or record cards of persons liable for military service. The qualitative-personal registration is carried out by regional (city) military commissariats.
2. The qualitative-personal registration of persons liable for service of the Security Service of Ukraine is carried out by relevant registration organs of the Security Service of Ukraine.
3. The primary-personal registration of conscripts and persons liable for military service involves the registration of information about conscripts and persons liable for military service close to the conscript's/person's place of their residence. In the countryside, as well as in towns and villages where there are no military commissariats, registration is carried out by local self-government organs.
4. The personal registration of conscripts and persons liable for military service involves the registration of information about conscripts and persons liable for military service at their place of work or study and is carried out by the heads of enterprises, institutions, organisations and educational establishments regardless of their subordination or form of ownership.

*Article 35. General and Special Registration of Persons Liable for Military Service and Registration of Reservists*

1. Persons liable for military service not reserved for state authorities, local self-government organs, enterprises, institutions and organisations for the period of mobilisation and wartime are subject to general military registration.
2. Persons liable for military service reserved for state authorities, local self-government organs, enterprises, institutions and organisations for the period of mobilisation and wartime are subject to special military registration.
3. Specifics of the military registration of reservists carried out at city (regional) military commissariats and in military units is regulated in accordance with the procedure defined by the General Staff of the Armed Forces of Ukraine.

*Article 36. Military Registration of Citizens of Ukraine who Reside Abroad*

1. The military registration of citizens of Ukraine who temporarily reside abroad is carried out by the diplomatic and consular representations of Ukraine. The diplomatic and consular

representations of Ukraine are obliged to ensure the arrival of citizens of Ukraine who have attained their majority and do not have the right to a postponement or an exemption from regular military service to their place of permanent residence for the enlistment with the Conscription Commission, as well as to ensure the return of persons liable for military service in Ukraine during the period of mobilisation or in wartime.

2. The particularities of the military registration of citizens temporarily residing abroad are determined by the Cabinet of Ministers of Ukraine.
3. The military registration of citizens of Ukraine who permanently reside abroad is not carried out.

*Article 37. Military Registration, Deregistration and Elimination from the Military Register*

1. The following citizens of Ukraine are subject to the military registration of conscripts and persons liable for military service at regional (city) military commissariats:

- 1) Military registration of conscripts:

- Who are registered with enlistment offices;
- Who have arrived from other regions (territorial-administrative entities) in Ukraine or from abroad to a new place of residence;
- Who have acquired Ukrainian citizenship and in accordance with this Law are subject to registration with enlistment offices;

- 2) Military registration of persons liable for military service:

- Who are transferred from military service to the reserve;
- Who are discharged from alternative (non-military) service;
- Persons liable for military service who have arrived from other regions (administrative-territorial entities) in Ukraine or from abroad to a new place of residence;
- Who are discharged from service in commanding and private posts in the Ministry of Internal Affairs of Ukraine, the central executive body on civil protection, the State Department of Ukraine on the execution of sentences and the State Tax Administration of Ukraine;
- Who acquired Ukrainian citizenship and in accordance with this Law are subject to the registration of persons liable for military service;
- Who are removed from the military register by the Security Service of Ukraine;
- Who in accordance with Article 18 of this Law are exempt from call-up to regular military service.

2. Women who belong to the categories mentioned in part eleven of Article 1 of this Law are subject to the military registration of persons liable for military service;
3. Conscripts and persons liable for military service after their arrival at a new place of residence are obliged to register within a seven-day period.
4. In wartime, the departure of conscripts and persons liable for military service from their place of residence without permission from the regional (city) military commissariat is forbidden.
5. The following citizens of Ukraine are removed from the register of conscripts and persons liable for military service at military commissariats (Servicemen of Security Service of Ukraine – in Central body or regional bodies of Security Service).

- 1) Deregistration of conscripts:

- Who move to another region (administrative-territorial entity) and a new place of residence in Ukraine;

- Who are abroad for a period of more than three months;
  - Who are included on the register of persons liable for military service in accordance with the decision of the Registration or Conscription Commission;
  - Who have received military ranks of officers after military service following the programme for training of officers in the reserve;
    - 2) Deregistration of persons liable for military service:
  - Who move to another region (administrative-territorial entity) and a new place of residence in Ukraine;
  - After regular military service, who are enlisted in military service in other military formations or in the organs of internal affairs or tax police;
  - Who are abroad for a period of more than three months;
  - In other cases determined by the Minister of Defence of Ukraine.
6. The following citizens of Ukraine are eliminated from the military registration by regional (city) military commissariats (Servicemen of Security Service of Ukraine – in Central body or regional bodies of Security Service):
- 1) Who are called up or enlisted in military service or sent to perform alternative (non-military) service;
  - 2) Who carry out military service (study) at higher military education establishments or higher education establishments with military education departments;
  - 3) Who are found by military medical commissions to be unfit for military service with subsequent elimination from military registration;
  - 4) Who have attained the age limit for persons in the reserve;
  - 5) Who have given up Ukrainian citizenship;
  - 6) Who have been sentenced to imprisonment for committing a grave or an especially grave crime;
  - 7) Who serve their sentence in penitentiary establishments or who undergo compulsory medical treatment;
  - 8) Who have not acquired a military speciality or a military related speciality before turning 40 years of age;
  - 9) Who have died.

*Article 38. The Responsibility of the Executive Authorities, Local Self-Government Bodies, Enterprises, Institutions, Organisations, Officials, Conscripts and Persons Liable for Military Service to Observe the Rules of Military Registration*

1. In administrative and territorial entities, where there are no military commissariats, relevant local self-government bodies, the heads of enterprises, institutions, organisations, including educational establishments, regardless of their subordination or form of ownership are obliged upon the request of military commissariats to inform conscripts and persons liable for military service of their call-up to military commissariats, to ensure their expected arrival in accordance with the call-up documents and to inform regional (city) military commissariats within a seven-day period about the employment (enrolment for studies) and dismissal from work (studies) of conscripts and persons liable for military service.
2. The executive authorities carrying out registration in the places of residence (stay) of citizens and executive bodies of village and city councils are obliged:

- To register citizens in their places of residence (stay) or deregister conscripts and persons liable for military service provided that the necessary notes are made by the military commissariats on the registration documents concerning deregistration and/or registration in places of residence, as well as to inform military commissariats, upon request, of the place of residence of conscripts and persons liable for military service;
  - To provide assistance to regional (city) military commissariats during the military registration of pre-conscripts, in carrying out the conscription of citizens to military service (training), in controlling the observance of military registration rules and in revealing the conscripts and persons liable for military service who violate these rules.
3. Internal affairs organs are obliged, in accordance with the procedure established by the law, to search for, detain and take to military commissariats citizens who evade military duty and to send to military commissariats or local self-government bodies responsible for the military registration process, within a two-week period, information about citizens who are not registered, as well as about persons who have acquired Ukrainian citizenship and require registration.
  4. Organs responsible for civil status registration are obliged to inform regional (city) military commissariats, within a seven-day period, about the change by conscripts and persons liable for military service of their surnames, names and patronymics, marriage (divorce) and death as well as about the requisitioned military registration documents, certificates concerning privileges and other data.
  5. Investigation and pre-court investigation organs are obliged to inform regional (city) military commissariats, within a seven-day period, about conscripts under investigation or pre-court investigation; the courts are obliged to inform regional (city) military commissariats about criminal cases against conscripts on trial, as well as about the sentences against conscripts and persons liable for military service, which have entered into force.
  6. Registration certificates of conscripts and military identity cards of persons liable for military service sentenced to imprisonment, deprivation, restriction of liberty or arrest are sent by the courts to the relevant regional (city) military commissariats.
  7. Medical social commissions of experts are obliged to inform the relevant regional (city) military commissariats, within a seven-day period, about conscripts and persons liable for military service who are recognised as invalid.
  8. During the conscription period, the heads of medical establishments are obliged to inform the relevant regional (city) military commissariats, within a three-day period, about citizens of call-up age who receive permanent medical treatment.
  9. Housing organisations, other organisations, enterprises and establishments carrying out the exploitation of buildings, as well as house owners shall send, in due time, the necessary information about conscripts and persons liable for military service to the relevant regional (city) military commissariats and executive organs of the village and city councils which are responsible for registering conscripts and persons liable for military service, ensuring that conscripts and persons liable for military service observe the rules of military registration, as well as informing them about a call-up to military commissariats.
  10. If there are any changes relating to marital status, state of health, place of residence (stay), education, place of employment or position, conscripts and persons liable for military service are obliged to inform the organ with which they registered about these changes within a seven-day period.

## **PART VII. CALL-UP DURING MOBILISATION/ DEMOBILISATION**

*Article 39. Call-up to Military Service during Mobilisation/ Demobilisation*

1. The call-up of conscripts and persons liable for military service in case of mobilisation and discharge from military service in case of demobilisation are carried out in accordance with the procedure determined in the Law of Ukraine "On Mobilisation Preparation and Mobilisation".

## **PART VIII. THE LEGAL AND SOCIAL PROTECTION OF CITIZENS OF UKRAINE CARRYING OUT THEIR CONSTITUTIONAL DUTY CONCERNING THE DEFENCE OF THE MOTHERLAND**

*Article 40. The Guarantees of Legal and Social Protection of Citizens of Ukraine Carrying out Their Constitutional Duty Concerning the Defence of the Motherland*

1. The guarantees of legal and social protection of citizens of Ukraine carrying out their constitutional duty concerning the defence of the Motherland are provided in accordance with the Laws of Ukraine "On the Armed Forces of Ukraine", "On Social and Legal Protection of Servicemen and Members of their Families", "On Pensions of Servicemen, Persons of Commanding and Private Ranks of the Organs for International Affairs and Other Persons", "On the State Guarantees of Social Protection of Servicemen and Members of their Families Discharged from Service as a Result of Armed Forces' Reform" and other laws.

*Article 41. The Payments in Case of Death, Injury, Disease or Invalidity of Servicemen of the Armed Forces of Ukraine and Other Military Formations, Persons Liable for Military Service Called Up for Regular (Control, Special) Training and Reservists at Times of Their Service in Reserve*

1. Servicemen in regular military service, persons liable for military service and reservists called up for training in case of their death, injury (contusion, trauma, mutilation), disease or invalidity under the conditions stipulated in part three of this Article, receive a one-time allowance in accordance with the procedure determined in the Law of Ukraine "On Social and Legal Protection of Servicemen and Members of their Families".

## **PART IX. RESPONSIBILITY FOR AN INFRINGEMENT OF THE LEGISLATION ON MILITARY DUTY AND MILITARY SERVICE**

*Article 42. Responsibility of Officials and Citizens of Ukraine*

1. Heads, officials and executive authorities from local self-government organs, enterprises, institutions, organisations regardless of their subordination or form of ownership and citizens of Ukraine guilty of an infringement of the rules of military registration, pre-conscription training, registration with enlistment offices, call-up to regular military service, training, mobilisation preparation and mobilisation preparedness, arrival upon a call-up to the military commissariat, as well as other infringements of the legislation on military duty and military service, are legally liable.
2. Regional (city) military commissariats are obliged during registration with enlistment offices, call-up to regular military service and training to acquaint citizens of Ukraine with their rights and duties in accordance with the requirements of this Law.

**PART X. FINANCIAL AND MATERIAL SUPPORT***Article 43. Financial and Material Support of Activities relating to Military Service and Military Duty*

1. Financial support of activities relating to military service and military duty is provided by the State budget within its limits. Additional financing of these activities can come from local budgets and other legal sources of financing.
2. To ensure medical examination of citizens, their call-up to military service, sending of called-up persons to military units and enlistment on a contractual basis, the central executive authorities, the Council of Ministers of the Autonomous Republic of Crimea, local state administrations and local self-government organs are obliged to provide regional (city) military commissariats with the sufficient number of technical and administrative personnel, equipped conscription premises, medicines, instruments, medical and household property, transport, as well as to ensure the protection of public order on conscription premises.
3. To ensure the full and effective implementation of mobilisation plans during the special period, the local executive authorities and local self-government organs together with enterprises, institutions and organisations regardless of their subordination or form of ownership as well as regional (city) military commissariats in peacetime set up stations for the notification and assembly of persons liable for military service, man the stations with persons liable for military service without releasing them from the performance of their basic duties at their place of employment, promote the acquisition of professional skills and carry out other measures relating to the implementation of mobilisation plans.
4. The local state administration and local self-government organs provide regional (city) military commissariats with buildings, subsidiary premises and conscription premises (stations), carry out everyday and capital repairs of these buildings and premises in accordance with legislation.
5. Members of registration, conscription and medical commissions of regional (city) military commissariats, doctors and junior medical personnel, technical workers and service personnel who are assigned to work at enlistment offices and assembly stations during the registration of pre-conscripts, the call-up of citizens to military service, training, medical examination or repeated examination of citizens, as well as for sending conscripts to assembly places keep their posts and average salaries at the main place of employment for the whole period of performance of these duties.
6. During the performance of these duties in other regions, persons mentioned in part six of this Article are reimbursed the cost of travel to and from other regions, accommodation rent (subrent) and other travel expenditures from the funds allocated in the State budget of Ukraine for the Ministry of Defence of Ukraine.

**PART XI. CONTROL AND OVERSIGHT OVER THE OBSERVANCE OF THE LEGISLATION ON MILITARY DUTY AND MILITARY SERVICE***Article 44. Control over the Observance of the Legislation on Military Duty and Military Service*

1. Control over the observance of the legislation on military duty and military service by the state authorities, local self-government organs, military management bodies, enterprises, institutions and organisations and their officials is carried out in accordance with the procedure determined in the Constitution of Ukraine, the Laws of Ukraine "On Democratic Civilian

Control of State Military and law enforcement Organisations”, “On the High Commissioner of the Verkhovna Rada of Ukraine for Human Rights” and other Laws.

*Article 45. Oversight over the Observance of the Legislation on Military Duty and Military Service*

1. Oversight over the observance of the legislation on military duty and military service by the state authorities, local self-government organs and military management bodies is carried out in accordance with the procedure determined in the Constitution of Ukraine and other Laws of Ukraine.

## **PART XII. FINAL PROVISIONS**

1. This Law enters into force from the date of publication except for part one of Article 21, which enters into force on January 1, 2007.
2. The time and procedure of transition of the Armed Forces of Ukraine and other military formations created in accordance with the Laws of Ukraine towards manning on a contract basis are determined by the relevant programmes on the development of the Armed Forces of Ukraine and the reform of other military formations.
3. The competences of the Ministry of Defence of Ukraine concerning the ensuring of the observance of the performance of military duty envisaged by this Law are also granted to other central executive authorities managing military formations in accordance with the law.
4. Citizens of Ukraine who are exempt from call-up to regular military service or who are granted a postponement of call-up to regular military service according to the Law of Ukraine “On Universal Military Duty and Military Service” enjoy the right to an exemption from or a postponement of a call-up until it expires or until the grounds for these rights are lost.
5. Citizens of Ukraine, who on the day this Law enters into force carry out regular military service in the Armed Forces of Ukraine and in other military formations created in accordance with the Laws of Ukraine, are discharged from military service after the end of the established period of regular military service determined in the Law of Ukraine “On Universal Military Duty and Military Service”.
6. Contracts about the performance of military service concluded before this Law entered into force remain in force for the period for which they were concluded.
7. Servicemen and persons liable for military service retain the rank of privates conferred before this Law entered into force.
8. The Cabinet of Ministers within six months after this Law enters into force is obliged to:
  - Submit proposals to the Verkhovna Rada of Ukraine on introducing amendments to other laws of Ukraine following from this Law;
  - Develop normative legal acts following from this Law;
  - Bring its decisions into conformity with the present Law;
  - Ensure the revision and abolition by ministries and other central executive authorities of normative legal acts contradicting this Law.
9. Propose to the President of Ukraine to develop and bring his/her normative legal acts into conformity with the present Law.
10. Before the legislation of Ukraine is brought into conformity with this Law, only the clauses of the laws and other normative legal acts adopted before this Law came into force not contradicting this Law are applied.

## Law of Ukraine "On Alternative (Non-Military) Service"

1976-XII of 12.12.1991; (*Bulletin of the Verkhovna Rada (BVR)*, 1992, No 15, p. 188); Enacted by the Resolution of the Verkhovna Rada No 1976-XII of 2.12.1991, (*Bulletin of the Verkhovna Rada (BVR)*, 1992, No 15, p. 189) In the wording of the Law 437-XIV of 18.02.99, BVR, 1999, No 15, p. 86;

Including amendments introduced by the Laws  
 No 1630-III of 06.04.2000, BVR, 2000, No 25, p. 200;  
 No 1720-IV of 18.05.2004, BVR, 2004, No 35, p. 420;  
 No 3108-IV of 17.11.2005, BVR, 2006, No 1, p. 18;  
 No 1014-V of 11.05.2007, BVR, 2007, No 33, p. 442;  
 No 107-VI of 28.12.2007, BVR, 2008, No 5-6, No 7-8, p.78.

This Law determines the organisational and legal basis for alternative (non-military) service (hereinafter, alternative service) that according to the Constitution of Ukraine substitutes military duty, if the latter contradicts any religious beliefs of a citizen.

### PART I. GENERAL PROVISIONS

*Article 1.* An alternative service is a service that is introduced instead of regular military service in order for a citizen to discharge his or her duty before society. Under martial law or a state of emergency, restrictions on the right of citizens to carry out alternative service may be introduced with an indication of a period of duration for such restrictions.

*Article 2.* A right to an alternative service is granted to the citizens of Ukraine, if the performance of military duty contradicts their religious beliefs, and that these citizens belong to religious organisations operating in accordance with the legislation of Ukraine, whose system of belief disallows the use of weapons.

*Article 3.* A citizen of Ukraine who carries out alternative service retains all social, economic, political and personal rights and freedoms, with the exception of those defined by this and other Laws of Ukraine, according to the Constitution of Ukraine, and citizen duties.

A citizen who carries out alternative service has the right to the accommodation he occupied before a call-up to alternative service, the right to housing and employment in the place of work and post he held before a call-up to service, and in case of its absence – other equivalent employment with the consent of the enterprise, institution, or organisation. He has the priority right of retaining a place of employment in case of staff reduction for a period of two years from the date of completion of alternative service.

*Article 4.* Citizens eligible for conscription into regular military service, who have personally declared an impossibility of carrying out military service because it contradicts their religious beliefs and have documented or otherwise confirmed the validity of their beliefs, and concerning whom relevant decisions have been taken, are sent to alternative service.

The following citizens are not subject to a call up for alternative service:

- Those exempt from regular military service according to legislation;

- Those granted according to the legislation a postponement of a call-up for regular military service- (for a fixed period of postponement validity).

Citizens who leave their jobs to carry out alternative service have the right to receive an allowance equal to two minimal salaries.

*(Article 4 includes changes introduced by Law No 1014-V of 11.05.2007)*

*Article 5.* Citizens may perform an alternative service at enterprises, institutions, organisations or enterprises, that are state or municipally owned or those that have a prevailing share of state or municipal ownership, and whose activity is connected primarily with the social, health, and environmental protection of the population; construction, housing and communal services and agriculture, as well as the nursing services of the Red Cross Society of Ukraine.

The types of alternative service activities are determined by Cabinet.

*(Article 5 includes changes introduced by Law N 1630-III of 06.04.2000 in the wording of the Law N1720-IV of 18.05.2004)*

*Article 6.* An alternative service term is one and a half times longer than that of regular military service established for soldiers and sergeants in the Armed Forces and other military formations created in accordance with the Laws of Ukraine. Any person with higher education (i.e., Specialist and or Master's degree), a term of alternative service is one and a half time longer than that of military service established for persons with a similar level of education.

*(First part of Article 6 includes changes introduced by Law N 1720-IV of 18.05.2004)*

The time for alternative service is included in the general work record of a citizen. This time can also count towards a continuous and professional work record, provided that a citizen starts to work no later than three calendar months after the completion of alternative service.

*(Second part of Article 6 includes changes introduced by Law N 3108-IV of 17.11.2005)*

*Article 7.* The regulation of issues relating to an alternative service, are conducted by the Alternative Service Commissions (hereinafter, the Commissions) of Ukraine, the Autonomous Republic of Crimea, the Oblasts of Kyiv and Sevastopol Cities, and, in case of necessity, by regional and city Commissions.

The regulations for alternative service Commissions are approved by the Cabinet Ministers.

The Central Executive organ for labour and social policy jointly with territorial organs is responsible for providing support to the Commissions.

*Article 8.* A citizen carrying out alternative service has no right:

- To evade a draft into alternative service;
- To take part in strikes;
- To carry out business activities;
- To study in educational establishments, except for secondary or higher educational establishments on evening or distance learning courses;
- To refuse to serve in a place defined by the Commission.

The following actions shall be considered as a breach of the proper performance of alternative service:

- The non-arrival without a valid reason at the place of alternative service specified in an alternative service assignment, or an arrival with a delay of more than three calendar days;

- An unauthorised termination of duties;
- The untimely (more than five calendar days) notification to a Commission regarding vacation granted on the initiative of an employer or of an authorised body, as well as the untimely notification by an employer or by an authorised body on behalf of a citizen, relating to the dismissal in connection with insolvency, reorganisation or a change of profile of a enterprise, institution, or organisation.

In a case of breach of alternative service or the proper completion of other actions pre-determined by part one of this article, the Commission can cancel an assignment to alternative service decision. The Commission shall notify the offending citizen and the military commissariat in writing on the decision to cancel, within five calendar days, where as a result an offending citizen will be subject to conscription to the regular military service in accordance with general practice.

*(Article 8 includes changes introduced by Law N 1720-IV of 18.05.2004)*

## **PART II. THE PROCEDURE FOR ASSIGNMENT TO ALTERNATIVE SERVICE**

*Article 9.* In order to be assigned to alternative service, citizens cited in Article 2 of this Law, after passing military registration, but no later than two calendar months prior to the beginning of a period of conscription for the regular military service, established by the legislation, shall personally submit a request in writing to the Commission at their place of residence.

In case of a call up to the periodical military training of citizens who, after carrying out regular military service, have acquired religious beliefs and now belong to religious organisations operating according to the legislation of Ukraine and whose dogma does not allow the use of weapons, these citizens are obliged within seven calendar days from the date of receipt of a call-up for military periodical training, are to personally submit a request to the Commission for exemption.

*Article 10.* The Commission is obliged to accept a request for an assignment to alternative service or an exemption from a call up to periodical military training and are required to inform a citizen in writing, setting a date to appear before a hearing at the Commission.

*Article 11.* The request for an assignment to alternative service is to be considered by the Commission within one calendar month after receipt; and a request for exemption from the call up to periodical military training is to be considered within fourteen calendar days.

A citizen is released from their studies, as well as from work with the maintenance of their monthly average wages, when called before a Commission panel.

The following points may serve as a basis for refusing a citizen's request for alternative service or an exemption from a call up to periodical military training:

- A late submission of a request for assignment to alternative service or an exemption from the call up to periodical military training;
- An absence of confirmation on the verity of their professed religious beliefs;
- The failure of a citizen to report without a valid excuse for an appearance scheduled at a session of the Commission.

- A refusal to assign to alternative service or grant an exemption to a citizen from the call up to periodical military training on other grounds other than that established by part three of this Article is forbidden.

The Commission notifies a citizen on the refusal to assign him to alternative service or to exempt him from a call up to periodical military training in writing.

*(Article 11 includes changes introduced by Law N 720-IV of 18.05.2004)*

*Article 12.* The decision to assign a citizen to alternative service or to exempt him from a call up to periodical military training is accepted by the Commission after the establishment of the verity of a citizen's professed religious beliefs.

Assignment papers to alternative service are provided to a citizen after satisfying Commission requirements.

### **PART III. PERFORMING ALTERNATIVE SERVICE**

*Article 13.* Citizens carry out alternative service according to this Law, the Regulations on Alternative Service, approved by the Cabinet Ministers and other normative-legal acts of Ukraine.

Citizens usually carry out alternative service in their area of residence or in a daily commutable zone. In cases where the performance of alternative service is not in an area close to a place of residence but in an area where a citizen does not have the possibility of a daily commute, the owner of an enterprise, establishment, organisation or authorised body are obliged to provide a citizen with a place in a dormitory or other temporary housing from the outset.

The Commission determines a location for an alternative service.

The Commission may change the place of alternative service for a citizen in view of public needs.

*Article 14.* The owner of an enterprise, establishment, organisation or authorised body is obliged to provide a citizen with work specified in assignment papers for an alternative service and to report back to a Commission within five calendar days.

*Article 15.* Labour relations between a citizen carrying out alternative service, and an enterprise, establishment, or organisation are formed on the basis of a written work contract and regulated by Labour Legislation with exceptions pre-determined by this Law.

A citizen performing alternative service cannot be appointed to a post of Executive power or Local Self-Government with organisational or administrative duties.

*Article 16.* A term of alternative service starts on day a citizen begins work at an enterprise, establishment, or organisation.

In cases where a citizen carries out alternative service in an area far from his place of residence, and where a citizen does not have the possibility to commute daily, a term of alternative service is determined in view of the time necessary for travel to and from the place of service.

A period of alternative service shall not include: holidays granted on the initiative of the employer or of an authorised body, a leave in connection with evening or distance studies in educational establishments, the time spent under administrative arrest, absence from work and a reduction of working time. A period of alternative service is extended for the duration of hours not worked.

The regime of work and rest defined in a work contract shall take into account, if possible, the peculiarities of confession concerning work during rest-days without any reduction to the quantity of established working days.

While on alternative service, a citizen is granted annual paid leave for fifteen calendar days. During the first year of alternative service, leave is granted after eleven calendar months of service. At the request of a citizen, leave, which is included in the overall time for alternative service, without the maintenance of wages, can be given to him in case of the death of his wife, father, mother (including step parents), children (including step children), brother or sister for up to seven calendar days without penalty for the time necessary for travel to the funeral place; or in a case where the abovementioned persons become terminally ill, the duration of leave is defined by a medical conclusion, but for no longer than thirty calendar days.

*(Article 16 includes changes introduced by Law N 1720-IV of 18.05.2004)*

*Article 17.* Vocational training and retraining of citizens is conducted individually at an enterprise, establishment or organisation where alternative service is performed.

*Article 18.* During a performance of alternative service a citizen has the right to submit to the Commission a motivated request for a change of the place of service, as well as to ask for a pre-term conclusion of service on a basis pre-determined by this Law.

In case of an unauthorised termination or systemic failure to carry out official duties without a valid excuse, the owner of an enterprise, establishment, organisation or an authorised body has the right to submit to the Commission a request for a pre-term cancellation of the work contract of an under performing citizen.

The owner of an enterprise, establishment, organisation or an authorised body has no right to unilaterally cancel a citizen alternative service work contract prior to its termination.

*(Article 18 includes changes introduced by Law N 1720-IV of 18.05.2004)*

*Article 19.* In case of insolvency, reorganisation or a change of profile of enterprises, institutions, organisations where a citizen carries out alternative service, the owner of an enterprise, establishment, organisation or an authorised body is obliged to inform the Commission no later than two calendar months in advance on a pre-term cancellation of a work contract, and where necessary grant a holiday on the initiative of the administration or in some cases a reduction of working time – within five calendar days.

*(Article 19 includes changes introduced by Law N 1720-IV of 18.05.2004)*

#### **PART IV. THE TERMINATION OF ALTERNATIVE SERVICE**

*Article 20.* Alternative service is terminated when its term expires or prior to expiration by the express decision of the Commission. A decision by the Commission for a pre-term termination of alternative service is compulsory for both the owner and authorised persons of an enterprise, establishment, and organisation as well as for a citizen.

*Article 21.* The pre-term termination of alternative service occurs in the following cases:

- A conscription of a citizen to the regular military service by his own initiative;
- A recognition that a citizen is unfit for health reasons for military service on the basis of a conclusion (resolution) made by the Military-Medical Commission;

- That the emergence of a right to postponement of a call-up owing to the change of family circumstances envisaged by this legislation on Military Duty and Military Service;
  - When a citizen is sentenced to a term of imprisonment.
- Infringement of these requirements are stipulated in Article 8 of this Law.

*Article 22.* In case of conscription of a citizen to regular military service in connection with the prevarication from carrying out alternative service, any period served in alternative service is not included for any period of regular military service. In cases where a citizen volunteers for the regular military service by his own initiative, any term served in alternative service is included in the period of military service at the rate of one and a half months of alternative service for one month of regular military service.

*Article 23.* A citizen must within five calendar days after a termination of alternative service be registered at a military commissariat nearest to his place of residence. Registration is essential in case of a change of address.

*(Article 23 includes changes introduced by Law N 1720-IV of 18.05.2004)*

*Article 24.* Citizens who have terminated alternative service are not subject to a call up to periodical military training. If necessary, these citizens and those released by the Commission from a call up to periodical military training for reasons of religious beliefs, can however, be involved in assisting National emergency situations for the dissolving of consequences of catastrophes and or natural disasters, but for no more than three times within the age limit established for those who carry out military service in reserve (each time for the period of up to six calendar months). Legislation on Military Duty and Military Service regulates labour relations at a place of work for these cases.

*Article 25.* Commission decisions can be appealed to a higher-level Commission or in a Court of Law.

## **PART V. THE CONTROL OVER THE PERFORMANCE OF ALTERNATIVE SERVICE BY CITIZENS**

*Article 26.* Alternative Service Commissions conduct the control over the organisation of alternative service.

*Article 27.* The control over the observance by the owners of enterprises, institutions and organisations or by other authorised labour organs during alternative service carried out by citizens, is regulated by a specially authorised Executive organ for the State control of Labour Legislation observances.

*(Article 27 includes changes introduced by Law N 1720-IV of 18.05.2004)*

## Law of Ukraine "On the Legal Regime of Property in the Armed Forces"

1075-XIV of 21.09.1999; (*Bulletin of the Verkhovna Rada of Ukraine (BVR)*, 1999, No 48, p. 407),

Including changes made by the Laws

No 3046-III of 07.02.2002, BVR, 2002, No 29, p.193;

No 860-IV of 22.05.2003, BVR, 2003, No 37, p. 300;

No 3475-IV of 23.02.2006, BVR, 2006, No 30, p. 258;

No 3132-VI of 15.03.2011, BVR, 2011, No 39, p. 388.

In the text of the Law, the phrase "the Ministry of Economics of Ukraine" is replaced by "the central organ of executive power on economic policy" according to the Law No 860-IV of 22.05.2003)

This Law determines the legal regime of property assigned to military units, institutions, establishments and organisations of the Armed Forces and the powers of the Military Management Organisations and their officials over the management of this property.

### *Article 1. Military Property*

1. Military property is State property assigned to military units, institutions, establishments and organisations of the Armed Forces of Ukraine (hereinafter, military units). Military property comprises of: buildings, constructions, transmitting devices, all kinds of arms, military and other equipment, ammunition, combustible and oil materials, provisions, naval stores, clothing, technical equipment, aerodromes, cultural-educational facilities, medical, veterinary, household, chemical, engineering and communication facilities.

### *Article 2. Military Management Organisations In Charge of Military Property*

1. Cabinet Ministers take care of the military provisions for the Armed Forces, and establish the procedures for the appropriation and placement under the management of Central or Local Executive, as well as other organs authorised to administer State property including self-governing establishments and organisations. Transfers may be made to the municipal property of territorial communities of villages and cities or to their common property (with the consent of the concerned Local Self-Government organs with the observance of the requirements of the Law of Ukraine "On Assignment of State and Municipal Property"), taking into consideration the fact that arms and combat equipment can only be assigned to State Military Organisations created in accordance with the law.
2. The Ministry of Defence, as the Central Management organ of the Armed Forces, administers military property according to the law, and assigns military property to military units, taking decisions on the redistribution of this property among the military units of the Armed Forces, including cases of disbandment.

*(Article 1 includes changes introduced by Law N 3046-III of 07.02.2002)*

### *Article 3. Particularities Relating to the Status of Military Property*

1. Military property is assigned to the military units of the Armed Forces by rights to the operational management (taking into account the particularities envisaged by part II of this Article).

2. From the moment property is transferred to the Armed Forces, it gains the status of military property. Military units ensure the end and functional use of military property assigned to them. Registration, an inventory, storage, invalidation, use and transfer of military property are carried out according to special procedures determined by Cabinet.

*Article 4. Registration and the Invalidation of Military Property*

1. Military units take stock of property assigned to them quantitatively and qualitatively, assigning a registration number and evaluating the cost, classifying property into relevant services, i.e., food, clothing, housing, combustible and petroleum materials.
2. In accordance with procedure, pre-determined by Part One of this Article, the stocktaking of property assigned to subordinate military units is conducted by logistics services for the provision of Military Management organs and housing services for the Armed Forces responsible for the provision of military units according to the established norms for its effective use.
3. Commanders of military units and officials of Military Management organs according to their competences and procedures, established by the Ministry of Defence, carry out an invalidation of military property in accordance with its technical condition and inspection certificate.

*Article 5. Inventory for Military Property*

1. To ensure constant State control over the availability, qualitative condition and efficient use of military property assigned to the military units of the Armed Forces, an inventory according to the Regulations on Inventory of Military Property, annually approved by the Cabinet, shall be produced.
2. The Ministry of Defence submits to Cabinet results of an inventory for the preceding year during the first quarter of a current year.
3. The form and procedure for reporting inventory results is established by the State Committee of Statistics of Ukraine with the consent of the Ministry of Defence and the central organ of executive power on economic policy.

*Article 6. Disposal of Military Property*

1. The disposal of military property is carried out by the Ministry of Defence through Cabinet authorised enterprises and organisations, chosen from results of a tender to dispose of invalidated property, except for property stipulated in part two of this Article.
2. The decision to dispose of military property that is fit for further use but not to be used in the day-to-day activities of troops, surplus property, as well as integral property complexes including real estate is taken by the Cabinet upon submissions by the Ministry of Defence.
3. The methodology used for the assessment of costs for military property, as well as the procedures for property realisation are developed by the Ministry of Defence, in coordination with the concerned Ministries and other organs of Central Executive power, approved by the Cabinet. The Cabinet determines the procedures for the disposal of military property.
4. The proceeds received from the realisation of military property, are transferred to the State Budget and are to be used exclusively for the needs of defence within the calculations of the Ministry of Defence.
5. The proceeds received from the realisation of the products of disposal of weapons, military equipment and ammunition, are transferred to the State Budget and in accordance with the

Law "On State Budget of Ukraine" are to be used for the needs of financing the disposal of weapons, military equipment and ammunition.

*(Part five of Article 6 was added by Law No 3132-VI of 15.03.2011)*

*Article 6-1. Disassembling of Military Property*

1. Disassembling of military property – organisational, research, technical, economic, ecological, sanitary, counter-epidemic and other works (measures), which provide for reprocessing of military property.
2. Products of disassembling of military property, particularly aggregated components, separate systems and elements, after orderly repairing or modernisation can be used for their initial purposes in accordance with the law.
3. Control of the State over the disassembling of military property is provided by the Ministry of Defence of Ukraine and other Executive bodies in accordance with the law, in particular by the way of:
  - Inspection, auditing, observation and examination of the factory conducting the dismantling;
  - Visual examination of the territory or structure used for dismantling and examination of the relevant documentation;
  - The Cabinet of Ministers of Ukraine shall develop and approve the State Programme for Disposal of armaments, military hardware, ammunition and other military property;
  - Disassembling of military property is conducted at the expense of the State Budget funds, foreign financial support and other legal sources.

*(Article 6-1 was added by Law No 3132-VI of 15.03.2011)*

*Article 7. Responsibility for an Infringement of the Requirements of this Law*

1. Person guilty of an infringement of the requirements of this Law, are legally liable.

*Article 8. The Procedures for the Implementation of this Law*

1. This Law enters into force from the date of publication.
2. This Law applies to other State Military Organisations created in accordance with the Laws of Ukraine and to the State Service for Special Communication and Information Protection of Ukraine.

*(Clause 2 of Article 8 was added by Law No 3475-IV of 23.02.2006)*

3. Cabinet Ministers must within three months from this law entering into force:
  - Submit proposals to the Verkhovna Rada amendments to the Laws proceeding this Law;
  - Bring normative-legislative acts into conformity with the present Law;
  - Ensure the adoption by the Ministries and other organs of Central Executive power, according to their competences of normative-legal acts following from this Law.

## Law of Ukraine "On Economic Activity in the Armed Forces"

1076-XIV of 21.09.1999; (*Bulletin of the Verkhovna Rada of Ukraine* (BVR), 1999, No 48, p.408)

Including changes made by the Laws

No 860-IV of 22.05.2003, BVR, 2003, No 37, p. 300;

No 879-VI of 15.01.2009, BVR, 2009, No 24, p. 296.

(In the text of the Law, the phrase "the Ministry of Economics of Ukraine" is replaced by "the central organ of executive power on economic policy" according to the Law No 860-IV of 22.05.2003.)

This Law determines the legal basis for economic activity in the Armed Forces, and establishes the terms and guarantees of the organisation and provisions of State support.

### *Article 1. Economic Activity in the Armed Forces*

1. Economic activity in the Armed Forces relates to the military units, institutions, establishments and organisations of the Armed Forces (hereinafter, military units) connected with the everyday activities that include farming, manufacture and works, the service industry, rents payable by the military for mobile property and real estate (except for arms, ammunition, military and special equipment) within the limits and in accordance with procedure, pre-determined by this Law.
2. Economic activity in the Armed Forces is aimed at creating finance for the activities of troops, towards maintaining combat readiness and mobilisation preparedness. Economic activity in the Armed Forces should not affect combat readiness and fighting efficiency. The recruitment of military personnel for production works and the services industry that is not pre-determined by this Law is forbidden.
3. The Cabinet, upon the submissions of the Ministry of Defence, in agreement with the Central Executive for Economic Policy, approves the types of military property that is not subject to privatisation.

### *Article 2. Legislation on Economic Activity in the Armed Forces*

1. This Law and other normative-legal acts regulate economic activity in the Armed Forces.

### *Article 3. Subjects and Types of Economic Activity in the Armed Forces*

1. The subjects of economic activity in the Armed Forces are military units, institutions, establishments and organisations of the Armed Forces, which are maintained by the State Budget. In order to carry out independent economic activity, an estimated income and expenditure, bank accounts, and an official seal with an imprint of the State Emblem of Ukraine and the names of the participating parties must be produced.
2. The Cabinet determines a list of permitted economic activities for the military. Military units may perform economic activity that according to law, is subject to licensing after obtaining licences free of charge in accordance with established procedure.

### *Article 4. The Registration of Military Units as Subjects of Economic Activity*

1. The Cabinet determines the procedures for the registration of military units as subjects of economic activity in the Armed Forces.

### *Article 5. The Responsibility of a Military Unit as a Subject of Economic Activity*

1. A military unit, as the subject of economic activity is legally liable, according to the laws of contract, for a failure to fulfil or to inadequately perform contractual obligations, as well as

for the damages and losses caused to the environment, to the rights and interests of people, companies and the State.

2. A military unit as the subject of economic activity is responsible for its liabilities and accounting, namely where it derives its funding (except for protected means). In case of an insufficiency of means, liability incurred by a military unit is absorbed by the Ministry of Defence.
3. The liabilities of a military unit cannot be compensated by property assigned to it.

*Article 6. The Restriction and Termination of Economic Activity of a Military Unit*

1. Economic activity of a military unit can be limited or terminated by a decision of the Ministry of Defence in accordance with the procedure, established by the Cabinet.

*Article 7. Particularities of Rent for Mobile Military Property and Real Estate for the Armed Forces*

1. Military units can rent movable property and real estate assigned to them either by personal individuals or companies without detriment to combat readiness and mobilisation preparedness. The procedure of authorisation to military units to rent movable property and real estate assigned to them is established by the Cabinet. The leasing of arms, ammunition, military and special equipment is forbidden. The leasing of military property to either personal individuals or companies is carried out exclusively on a competitive basis, taking into account the necessity to maintain proper combat readiness and mobilisation preparedness. Conditions and procedures for tenders are determined by the State Property Fund of Ukraine with the consent of the Ministry of Defence.
2. Valuations of rental property are carried out by Commissions composed of authorised experts from the Ministry of Defence, other Military Management organs and the State Property Fund of Ukraine (or its regional branch) using a methodology approved by the Cabinet.
3. A valuation of property is subject to an agreed rent with the State Property Fund of Ukraine or its regional branch and is approved by the Ministry of Defence.

*Article 8. The Procedure of Registration and the Use of Proceeds Received from Economic Activity in the Armed Forces*

1. The proceeds received from military unit economic activity go back into the State Budget of Ukraine and are used exclusively for National defence within Ministry of Defence guidelines. The Ministry of Finance and the Ministry of Defence determine the procedures for the registration of proceeds received from economic activity in the Armed Forces.

*Article 9. Liability for an Infringement of Requirements of this Law*

1. Persons guilty of an infringement of the requirements of this Law are legally liable.

*Article 10. The Procedures for Implementation of this Law*

1. This Law enters into force from the date of publication.
2. This Law applies to all other *State Military Organisations*, created in accordance with the Laws of Ukraine and to the State Service for Special Communication and Information Protection of Ukraine. (Clause 2 of Article 10 was amended by Law No 879-VI of 15.01.2009)
1. The Cabinet must within three months after this law enters into force:
  - Submit amendment proposals to the Verkhovna Rada of laws following on from this Law;
  - Bring all normative-legislative acts into conformity with the present Law;
  - Ensure the adoption by Ministries and other organs of Central Executive power according to their competences normative-legal acts following on from this Law.

## **Law of Ukraine "On the Particularities of Privatisation of Enterprises under the Management of the Ministry of Defence"**

10741-III from 18.05.2000, BVR, 2000, No 35, p. 279.

Including changes made by Laws

No 860-IV of 22.05.2003, BVR, 2003, No 37, p. 300;

No 3610-VI of 07.07.2011, BVR, 2012, No 7, p.53

(In the text of the Law, the phrase "the Ministry of Economics of Ukraine" is replaced by "the central organ of executive power on economic policy" according to the Law No 860-IV of 22.05.2003).

This Law determines the particularities of legal, economic and organisational regulation for the privatisation of enterprise property in the orb of Ministry of Defence management, the procedure for the use of proceeds obtained from privatisation, and the particularities of the activity of privatised enterprises that have a State share in their statutory fund.

### *Article 1. The Law*

1. This Law applies to enterprises belonging to the orb of Ministry of Defence management (hereinafter, MOD Enterprises), except for State enterprises and enterprises included in a list of State property objects that are not subject to privatisation approved by the Verkhovna Rada.
2. The privatisation of MOD Enterprises is carried out according to the laws and other normative-legal acts on privatisation taking into account the particularities predetermined by this Law.

### *Article 2. Purposes of Privatisation*

1. The privatisation of MOD Enterprises is carried out in exceptional cases with the purpose of financial/economic improvement and performance, the attraction of investments and the obtaining of additional funding for technical re-equipment and financing of Armed Forces activity, to increase its combat potential.
2. Changes to the profile of MOD Enterprises are carried out exclusively by the decision of the Cabinet.

### *Article 3. Principles of Privatisation*

1. The privatisation of MOD Enterprises is carried out on the basis of the following principles with the priority of State interests and legality being paramount:
  - The determination by the Verkhovna Rada upon the submission of the Cabinet Ministers to list MOD Enterprises that can be privatised;
  - State regulation and control;
  - The orientation of production of privatised enterprises towards a satisfaction of defence needs and the exclusive end use of their property;
  - The granting of priority rights to citizens to purchase shares, and the granting of privileges to purchase shares by staff members of enterprises that are privatised, military personnel, retired

- ex-employees of these enterprises, and to others according to the laws on privatisation;
- To compensate for State property appropriation;
  - The compulsory safeguarding of at least 51 per cent of a total share value in State ownership;
  - The non-admission of the transfer of State property under operational management by privately owned enterprises;
  - The observance of competition (anti-trust) law;
  - The preservation of the mobilisation reserve determined by Cabinet and an improvement to the production capacities of privatised enterprises;
  - The transparency and application of competitive ways of privatisation;
  - The creation of favourable conditions for the attraction of investments;
  - The provision of full, timely and reliable information for citizens on the procedures of privatisation and related financial and property status issues.

*Article 4. The Objects of Privatisation*

1. The objects of privatisation are the shares that belong to the State in public corporation statutory funds, created in the processes of privatisation of a MOD enterprise.

*Article 5. Subjects of Privatisation*

1. Subjects of privatisation are:
  - The State Property Fund of Ukraine, its regional branches and representative offices;
  - The Ministry of Defence of Ukraine;
  - Buyers (and their representatives).

*Article 6. The Powers of the Ministry of Defence of Ukraine in the Privatisation Process*

1. The Ministry of Defence during the process of privatisation of MOD Enterprises within the limits of its powers:
  - Executes the powers as the founder of public corporations created during the process of privatisation of MOD Enterprises, as well as manages the shares that belong to the State in public corporation statutory funds;
  - Changes the organisational form of enterprises during a process of privatisation;
  - Jointly creates with the State Property Fund of Ukraine, Privatisation Commissions.

*Article 7. The Determination of the Enterprises Subject to Privatisation*

1. On the basis of a State Programme on Privatisation, the Ministry of Defence, with consent of the State Property Fund of Ukraine and the central organ of executive power on economic policy, determines a list of MOD Enterprises that are subject to privatisation and submits a schedule to Cabinet. Cabinet then submits this list of MOD Enterprises that can be privatised for approval by the Verkhovna Rada.

*Article 8. The Privatisation of Enterprises*

1. Privatisation of MOD Enterprises is achieved through their transformation into public corporations.

2. The founder of public corporations created according to this Law on behalf of the State is the Ministry of Defence.

*Article 9. Privatisation Commissions*

1. The Ministry of Defence upon the submission of enterprises' executives approves the personal composition of the Commission for Privatisation for a MOD Enterprise.
2. The composition of a Commission includes equal representation from the State Property Fund of Ukraine (its regional branch or representative office), the Ministry of Defence of Ukraine, an established bank, and a Trade-Union Committee or an alternative employee organisation representative. The powers and procedures for the creation and the activities of a Commission For Privatisation are jointly determined by the Ministry of Defence and the State Property Fund of Ukraine. During periods of work by the Commission, its members have their usual places of employment and monthly average salaries conserved for them.
3. Within two months from the inception of its composition, a Privatisation Commission submits to the Ministry of Defence an assessment for the integral property complex of Ukraine subject to privatisation, a draft plan on stock floatation and a draft statute of a public corporation developed according to the Law of Ukraine "On Economical Societies", for approval.
4. The draft plan for a stock floatation should provide for the compulsory safeguarding of at least 51 per cent of shares in State ownership which remain under the management of the Ministry of Defence, a preferential sale on the terms determined by the Ministry of Defence of 15 per cent of shares to the a MOD Enterprise's staff members, to retired staff members and to others according to the legislation on privatisation, as well as to military personnel (except for those in regular service) of the Armed Forces, and to officers honourably discharged from military service on grounds of age and health or in connection with a reduction of staff.

*Article 10. Adoption of a Decision to Create a Public Corporation*

1. The Ministry of Defence and the State Property Fund of Ukraine jointly, within seven days consider and approve the act of assessment of the cost for the integral property complex of a MOD enterprise subject to privatisation. Within a month, the Ministry of Defence takes the decision to create a public corporation and approves its statutorily.
2. On behalf of the founder, the Executive of an enterprise under privatisation, within a week period after approval of the statute and public corporation incorporation registers the subjects of entrepreneurial activity with the documents necessary for State registration. This is a gratis registration.

*Article 11. The Succession of Liabilities of Enterprises Subject to Privatisation*

1. From the moment of State registration of a public corporation, the assets and liabilities of a MOD Enterprise subject to privatisation are transferred to the public corporation. The public corporation becomes the legal successor of the rights and duties of the privatised enterprise.

*Article 12. Procedures for Privatisation*

1. After privatisation of a MOD Enterprise and the adoption of a decision on privatisation, the Ministry of Defence within a month transfers shares to the State Property Fund of Ukraine that are subject to sale according to the plan on stock floatation.

2. The State Property Fund of Ukraine carries out the sale of shares according to the legislation on privatisation, this Law and the plan on stock floatation.
3. The sale of shares on a competitive basis is regulated by a Commission created by the State Property Fund of Ukraine comprising of representatives from the State Property Fund, the Ministry of Defence, the central organ of executive power on economic policy, the Ministry of Finance, the Antimonopoly Committee, and a work collective of the enterprise which is being privatised.
4. The sale of shares on a competitive basis is carried out according to the regulation approved by the State Property Fund, the Antimonopoly Committee, and the State Commission on Securities and Stock Market.

*(Part four of Article 12 with changes made according to the Law No 3610-VI of 07.07.2011)*

5. Shares that have not been sold according to the requirements of Part six of Article 9 of this Law, are sold to buyers on a competitive basis. The terms of competition shall include the requirement that buyers are obliged to ensure the technical re-equipment and improvement of the financial and economic performance of a MOD Enterprise.

*Article 13. The Distribution of the Proceeds Received from a Sale of Shares*

1. The proceeds received from a sale of shares for a public corporation are distributed as follows:
  - 98 per cent goes to the State Budget and is used for defence needs in conformity with a Ministry of Defence estimate, from which no less than 30 per cent is to be allocated for technical re-equipment for privatised enterprises;
  - 2 per cent goes towards the reimbursement of expenditure connected to privatisation.

*Article 14. The Supervisory Board for Public Corporations created during the Process of Privatisation*

1. With the purpose of protecting the interests of the State and shareholders control over the activity of the administration boards of Public Corporations created during the process of privatisation for MOD Enterprises, a supervisory board composed of the representatives of the Ministry of Defence, the State Property Fund, the central organ of executive power on economic policy, the Ministry of Finance, established banks serving the relevant corporations, and the work collective of the enterprise subject to privatisation is created.
2. The Ministry of Defence and the central organ of executive power on economic policy approve the personal composition of the supervisory board of the public corporation, after the approval of the statute of the corporation.
3. The powers of the supervisory board are determined by regulations approved by the Ministry of Defence and the State Property Fund and the central executive organ on issues of economic policy.
4. The Verkhovna Rada hears an annual report made by the State Property Fund and the Ministry of Defence on the issues relating to the operating efficiency of privatized MOD Enterprises.

*Article 15. The Administration of State Shares in Statutory Funds in Public Corporations*

1. The administration of shares that belong to the State in statutory funds of public corporations created during the process of the privatisation of MOD Enterprises is carried out by authorised persons appointed on a competitive basis according to the legislation, by the Ministry of Defence with consent of the State Property Fund.

*Article 16. The Procedures for the Use of Public Corporation Profits*

1. The profits of public corporations made during the process of the privatisation of MOD Enterprises, except for dividends on shares that belong to the State in statutory funds of public corporations, are used according to the legislation and statutes of corporations. A part of profit (dividends) on shares that belong to the State held in statutory funds of public corporations are transferred to the State Budget within seven-days from the date of the adoption of the decision on the distribution of profit. The above-mentioned profits are used exclusively for the needs of defence in conformity with the estimates of the Ministry of Defence. The Ministry of Finance and the Ministry of Defence determine the procedures for the paying out of dividends and carry out control over the accuracy of its calculation and timeliness of cash transfers to the State Budget.

*Article 17. Final provisions*

1. This Law enters into force from the date of publication.
2. The Cabinet Ministers are obliged to:
  - Within three months after this Law enters into force, develop and submit proposals to the Verkhovna Rada amendments to the legislation following on from this Law;
  - Ensure the development and adoption of normative-legislative acts necessary for the implementation of this law;
  - Bring decisions into conformity with the current Law, as well as to ensure the revision by the Ministries and other central organs of executive power of normative-legislative acts contradicting this Law.
3. Within one month after this Law enters into force, submit to the Verkhovna Rada proposals on introducing amendments to the list of MOD Enterprises in State ownership, which cannot be privatised.

## **Decree of the President of Ukraine "On Decision of the National Security and Defence Council of Ukraine of May 30, 2008 'On Conducting Strategic Defence Review'"**

According to Article 107 of the Constitution of Ukraine, I decree:

1. To enact the Decision of the National Security and Defence Council of Ukraine of May 30, 2008, 'On Conducting Strategic Defence Review' (attached).
2. That control over the implementation of this Decree shall be assigned to the Secretary of the National Security and Defence Council of Ukraine.
3. This Decree enters into force from the date of its publication.

President of Ukraine V. YUSHCHENKO

Kyiv, June 27, 2008

No 598/2008

## **Decision of the National Security and Defence Council of Ukraine "On Conducting Strategic Defence Review"**

In order to review the current state and readiness of the Armed Forces of Ukraine and other military formations to accomplish their missions in defence sphere, clarify the long-term prospects for their development, specify material, financial and human resources necessary to guarantee the provision of defence, as well as taking into consideration of the foreign policy course for Euro-Atlantic integration, the National Security and Defence Council of Ukraine decided:

1. To conduct Strategic Defence Review from September 2008 till October 2009.
2. That the Cabinet of Ministers of Ukraine shall:

Organise and provide control over the process of defence review on the part of central bodies of executive power and other bodies of the state power that execute missions related to defence of Ukraine;

Prepare the draft of Strategic Defence Bulletin on the bases of defence review results and organise its discussion by involving Ukrainian and foreign experts and representatives of non-governmental organisations, and by December 15, 2009 submit the draft for consideration by the National Security and Defence Council of Ukraine;

Arrange in the draft Law 'On the State Budget of Ukraine for 2009' for the outlay on carrying out defence review by central bodies of executive power and other related bodies of the state power, as well as on drafting and publishing of the *Strategic Defence Bulletin*.

## Part IV

# The Legislative Framework for Defence Industry Activities

### Law of Ukraine “On the State Defence Procurement Order”

In accordance with the Law of Ukraine ‘On Introducing Amendments to the Law of Ukraine ‘On the State Defence Procurement Order’ (*Bulletin of the Verkhovna Rada of Ukraine*, 2011, No 6, p.45) the Verkhovna Rada of Ukraine decrees:

The Law of Ukraine on the State Defence Procurement Order (*Bulletin of the Verkhovna Rada*, 1999, No 17, p. 111; 2003, No 26, p. 200 No 30, p. 247; 2005, No 5, p. 115, No 9, p. 183; 2007, No 9, p. 67; No 2289-VI of 01.06.2010, BVR, 2010, N 33, p.471) shall be hereby amended and restated in its entirety to read as follows:

This Law determines the legal framework for the formulation and planning of State defence procurement orders, and regulates specific relationships associated with the identification and implementation of procedures for carrying out the procurement of goods, performance of works and the provision of services designated for defence purposes (hereinafter, goods, works and services).

#### *Article 1. Definition of Terms*

1. The terms used in this Law shall have the following meaning:

- 1) **Defence contractors** (hereinafter, Contractors) are Ukrainian economic entities of whatever form of ownership who are holding the appropriate legally obtained licenses (permits) for carrying out respective economic activity types, to the extent permitted by applicable laws, as well as foreign economic entities awarded – through a contract competition (excepting the award of contracts to the economic entities who are sole

suppliers in Ukraine) – a State defence procurement contract for the supply (procurement) of goods, works and services.

- 2) **Defence subcontractors** (hereinafter, Subcontractors) are Ukrainian economic entities of whatever form of ownership who are holding the appropriate legally obtained licenses (permits) for carrying out respective economic activity types, to the extent permitted by applicable laws, and take part in the implementation of defence procurement orders under respective agreements (contracts) signed with/awarded to Contractors.
- 3) **State Defence Procurement Order** (hereinafter, defence procurement order) is a means of Government management of the economy aimed at intellectual and logistical provision of the defence and national security needs of the State via budget planning, identification of the requirement for goods, works and services, as well as the award of State contracts for the supply (procurement) of goods, works and services;
- 4) **State defence procurement contract** (hereinafter, State contract) is a contract concluded with a contractor in written form by a Contracting Authority in the name of the State and in compliance with the established Main Indices of the Defence Procurement Order, which stipulates economic/legal obligations of and defines regulatory procedures for business relationships between Contract parties.
- 5) **Defence Procurement Authorities** (hereinafter, Procurement Authorities) are Cabinet of Ministers-appointed central executive authorities and other Government agencies empowered to perform State Budget administration functions.
- 6) **Benchmark indices of defence procurement orders**, included among main indices of defence planning, are the estimated amount of State financial resources required for the supply (procurement) of goods, works and services under defence procurement orders consistent with the estimated requirement as identified by Procurement Authorities;
- 7) **Main Indices of defence procurement orders** are the Cabinet of Ministers-approved listing (nomenclature) and the amount of goods, works and services to be supplied (procured), as well as the amount of Budget expenditure appropriated for the herein mentioned purposes within the limit of spending determined by Budget Authorisation Laws for each respective fiscal period and each respective Procurement Authority;
- 8) **Services designated for defence purposes** are services relating to the provision of sustained vital activity for defence/special facilities and infrastructure; the operation and use of products designated for military purposes;
- 9) **Products designated for military purposes** are armaments, ammunition, military and special-purpose hardware, special parts for their production, as well as materials and equipment specially designed for development, production or use of such products; special technical devices;
- 10) **Works designated for military purposes:**
  - “Upstream” scientific research aimed at the provision of national security and defence requirements of the State;
  - Research and development works, in whole or in part, for the design, development, upgrade or disposal of defence products; the development of special technologies, materials or standards;
  - The construction of defence/special facilities or installations;

- Creation of new or the development of the existing defence production capacities;
- Mobilisation training activity;
- Repairs, modification, upgrading, disposal and scrapping of defence products;
- The creation and maintenance of a backup set of documentation for weapons systems, military/specialist equipment, other military property, as well as defence/special facilities and infrastructure.

*Article 2. Legal Framework for the Defence Procurement Order*

1. The legal framework for the Defence Procurement Order includes the Constitution of Ukraine, the Civil Code of Ukraine, the Economic Procedure Code of Ukraine, the Laws of Ukraine on Defence Planning, on Government Procurement, on State Procurement Order to Satisfy Priority Needs of the State and other acts of legislation of Ukraine.

*Article 3. The central executive authority empowered to carry out activity coordination related to defence procurement orders*

1. Activity coordination related to the implementation of defence procurement orders shall be carried out by the authorised Central Executive (hereinafter, Authorised Executive) appointed by the Cabinet of Ministers of Ukraine.
2. The Authorised Executive shall:
  - Draw up a draft of Main Indices of the Defence Procurement Order for the respective fiscal period based on proposals from Procurement Authorities, and submit it to the Cabinet of Ministers of Ukraine for consideration according to the established procedure;
  - Coordinate and monitor actions by Procurement Authorities during the placing of defence procurement orders and implementation of Government contracts;
  - Provide Procurement Authorities with methodological and consultative support with respect to organisation of procurement procedures;
  - Receive from Procurement Authorities reports on the implementation of procurement procedures and the award and implementation of Government contracts;
  - Report to the Cabinet of Ministers within the established deadline on status of defence procurement orders;
  - Establish deadlines by which Procurement Authorities shall submit their proposals relating to draft Main Indices of the Defence Procurement Order; report on concluded Government contracts and their status;
  - Draw up drafts of regulatory legal acts concerning the Defence Procurement Order.

*Article 4. Procurement Authorities*

1. Procurement Authorities shall:
  - Carry out Defence Procurement Order planning;
  - Draw up proposals relating to draft Main Indices of the Defence Procurement Order for the respective fiscal period and submit them to the Authorised Executive agency within the agency established deadlines;
  - Award Government contracts to contractors;
  - Arrange for and carry out procurement procedures;

- Provide Budget expenditure appropriations consistent with the terms of Government contracts;
- Monitor the proper use of Budget expenditure appropriated for defence procurement orders consistent with the terms of Government contracts;
- Monitor if progress of work (in the whole and in part) is following with the Defence Procurement Order;
- Arrange for and take part in State testing and other trials of sample defence products;
- Provide contractors with operational requirements documents;
- Check with contractors for a plan (technical and economic requirements) and the area of work;
- Accept products delivered (or manufactured), works performed (including design documentation) and services provided;
- Report to the central executive agency with special authority in the sphere of statistics about concluded Government contracts, performance on the contracts and the use of Budget expenditure appropriations;
- Plan and monitor activities to create a backup set of documentation;
- Work joined with contractors to define procedures for Subcontract awards relating to defence procurement orders.

*Article 5. Defence procurement contractor*

1. Defence procurement contractor shall:

- Deliver products, perform works or provide services consistent with the terms of Government contracts;
- Ensure that manufactured sample defence products are consistent with the Procurement Authority's acceptance criteria;
- Ensure that Procurement Authorities are free to monitor progress of work under defence procurement orders;
- Report to State statistics authorities on implementation of defence procurement orders;
- Provide appropriate documents for the creation of a backup set of documentation;
- When necessary, engage with Subcontractors on the implementation of defence procurement orders; make prepayment and payment for orders implemented under the terms of concluded agreements (contracts) in accordance with the requirements of current applicable laws.

*Article 6. Planning and formulation of defence procurement orders*

1. Defence procurement planning is a constituent within the system of development planning for the State's military establishment, which is carried out in accordance with the Law of Ukraine on Defence Planning.
2. Procurement Authorities, during long-term and mid-term defence planning, will develop benchmark indices of defence procurement orders balanced against estimated financial resources required for the implementation of measures, fulfilment of tasks and accomplishment of indices determined by State target programs and other fundamental documents dealing with defence planning.

3. Procurement Authorities, during short-term defence planning, will draw up and submit their proposals relating to draft Main Indices of the Defence Procurement Order designed for:
  - The following fiscal period, and calculated in terms of the national security and defence spending provided for by draft State Budget of Ukraine for the respective fiscal period;
  - The second following fiscal period, and calculated in terms of estimated indices of the Defence Procurement Order for the respective fiscal period.

Procurement Authorities will reach consensus with the Ministry of Defence on their proposals relating to the design and development of new types of weapons systems, military hardware, weapons of war and related components, as well as upgrading of the herein mentioned products for the avoidance of duplication of efforts in these activities.

Procurement Authorities and the Central Executives having jurisdiction over companies of Defence-Industrial Complex will reach consensus on proposals submitted by Procurement Authorities with respect to performance of defence-related works to ensure that potentialities of companies of Military-Industrial Complex of Ukraine are used to their full capacity.

4. Draft Main Indices of the Defence Procurement Order for the following fiscal period will be calculated by the Authorised Central Executive with due consideration of proposals from Procurement Authorities and pursuant to legally prescribed procedures.
5. Draft Main Indices of defence procurement orders will be calculated based on submitted proposals relating to the supply (procurement) of goods, works or services which are:
  - Required for implementing measures and tasks, or accomplishing the indices determined by State Target Programs and other development planning documents designed for the respective fiscal periods for the Armed Forces, other Military and law enforcement organisations and the Military-Industrial Complex;
  - Required for implementing the tasks assigned to Procurement Authorities;
  - Identified by the Cabinet of Ministers of Ukraine as being of particular significance for the provision of national security and defence needs pursuant to Main Government Policy Guidelines for economic and social development during a respective year.
6. The Cabinet of Ministers of Ukraine will approve Main Indices of the State Defence Procurement Order after State Budget of Ukraine for the respective fiscal period is authorised by the Verkhovna Rada.

The Cabinet of Ministers will, where necessary, review and update Main Indices of the State Defence Procurement Order within the spending limits established by the State Budget of Ukraine.

It is not competent to Procurement Authorities to redirect the State Budget Expenditure earmarked for the Defence Procurement Order to otherwise purposes.

7. Procedures for the planning and formulation, specific procedures for the placing and updating of, and procedures for monitoring progress of work under defence procurement orders will be decided by the Cabinet of Ministers of Ukraine.

#### *Article 7. Conclusion of Government contracts relating to defence procurement orders*

1. The conclusion of Government contracts relating to defence procurement orders will be carried out by Procurement Authorities based on the established Main Indices of the Defence Procurement Order, through competitive selection of contractors from among economic entities, unless otherwise provided for by the Law of Ukraine on Government Procurement and by this Law.

2. Procurement Authorities will select contractors for the supply (procurement) of goods, works and services:
  - a. Where procurement of goods, works or services under defence procurement orders comprises State secrets – according to procedures prescribed by this Law;
  - b. Otherwise – according to procedures prescribed by the Law of Ukraine on Government Procurement.
3. Where procurement of goods, works or services under defence procurement orders comprises State secrets, those goods, works and services will be procured on a no-bid basis from economic entities that are officially registered as suppliers of goods, works and services designated for defence purposes comprising State secrets.
4. Procedures for compiling and maintaining a register of suppliers of goods, works and services designated for defence purposes comprising State secrets shall be defined by the Cabinet of Ministers of Ukraine.
5. Government contracts relating to defence procurement orders will be concluded by parties using the standard form of Government contract as authorised by the Cabinet of Ministers of Ukraine.

*Article 8. Specific procedures for imported procurement of goods, works and services designated for defence purposes*

1. Imported procurement of goods, works and services designated for defence purposes shall be carried out in accordance with Article 7 of the Laws of Ukraine on Foreign Economic Activity and on State Control over International Military Transfers and Dual Use Goods.
2. Where a State contract provides for imported procurement of defence-related goods in excess of €5 million, it is a must that the contract terms envisage the relevant compensations to be provided to Ukraine.
3. Compliance with the requirement concerning the above mentioned compensations is ensured via the conclusion and implementation of a compensation (offset) agreement, which is a foreign economic agreement (contract) concluded in written form between a foreign economic entity and the Central Executive authorised by the Cabinet of Ministers, and relating to a Government procurement contract for goods, works or services designated for defence purposes. Procedures for the conclusion of compensation (offset) agreements and types of offsets are decided by the Cabinet of Ministers of Ukraine.

*Article 9. Implementation of defence procurement orders*

1. Implementation of a defence procurement order shall be carried out in accordance with a Government contract.
2. The State in the person of Procurement Authorities shall have ownership right over the production capacities created with public funds due to implementation of defence procurement orders.

The possession, disposal and use, particularly as a lease, of facilities, products or capacities created due to implementation of defence procurement orders shall be carried out in accordance with legally prescribed procedures and in compliance with obligations regarding intellectual property rights.

3. Procurement Authorities are entitled to set up their respective representative offices at companies, agencies and organisations selected by Contractors, or engage on this, on a contrac-

tual basis, with fellow Procurement Authorities. The herein mentioned representative offices shall operate pursuant to provisions approved by the Cabinet of Ministers of Ukraine.

4. The Cabinet of Ministers of Ukraine will establish procedures for the design/development, pre-production and putting newly developed defence designs into production and for discontinuing production of legacy designs.

*Article 10. Compliance with legislation on State Secrets*

1. Measures relating to the planning, formulation, placing and implementation of defence procurement orders comprising State secrets shall be carried out in compliance with applicable legislation on State secrets.

*Article 11. Supervision over the implementation of defence procurement orders*

1. Quality control of products, works and services at any and all stages of design/development, manufacture, upgrading, disposal or repairs; monitoring of the proper use of Budget appropriations; verification and the agreement of documents with respect to contractual pricing shall be carried out by Procurement Authorities.

*Article 12. Liability for violation of legislation on Defence Procurement Order*

1. In the event of improper use of Budget appropriations, Procurement Authorities shall be held liable pursuant to procedures prescribed by law.
2. In the event of a failure to implement or improper implementation of defence procurement orders, the guilty party shall compensate the other party, pursuant to procedures prescribed by law, for any losses suffered.
3. Should a Contractor selected by procedures established by Article 7 section two of this Law avoid concluding a contract with Government, such Contractor shall be held liable under law.
4. Disputes arising between Procurement Authorities and Contractors with respect to implementation of procurement procedures during the conclusion, implementation, updating or discontinuing of Government contracts, as well as disputes associated with compensation for losses incurred shall be settled through legal proceedings in a court.

*Article 13. Final provisions*

1. This Law becomes effective from the date of official publication.
2. The Cabinet of Ministers of Ukraine shall, within three months from the entry into force of this Law, bring their regulatory legal acts in compliance with this Law.

## Law of Ukraine "On Space Activity"

No 502/96-BP of 15.11.1996; (*Bulletin of the Verkhovna Rada of Ukraine (BVR)*, 1997, No 1, p.2), including changes made by Laws:

No 1559-III of 16.03.2000, BVR, 2000, No 22, p. 172.

No 3370-IV of 19.01.2006, BVR, 2006, No 22, p.184

No 2186-VI of 13.05.2010, BVR, 2010, No 30, p.393

No 4102-VI of 09.12.2011, BVR

(In the text of the Law the words "Nation-wide (National) Space Programme of Ukraine" are substituted with the words "State Targeted Research-Technical Space Programme of Ukraine" in accordance with the Law No 2186-VI of 13.05.2010)

(In the text of the Law the words "National Space Agency of Ukraine" are substituted with the words "Central Executive Body on Space Activity Issues" in accordance with the Law No 4102-VI of 09.12.2011)

This Law defines the general legal principles of carrying out space activity in Ukraine and under the jurisdiction of Ukraine, abroad. Provisions of this Law apply to all kinds of activity connected with research and use of outer space.

### PART I. GENERAL PROVISIONS

#### *Article 1. Definition of Terms and concepts*

1. The terms and concepts used in this law shall have the following meaning:

- 1) **Space activity** is scientific space research, creation and application of space technology, use of space;
- 2) **Objects of space activity** (space equipment) are material subjects of artificial origin which are designed, produced and maintained both in space (a space segment, a space infrastructure), and on the surface of the Earth (a ground segment, a ground infrastructure) with the purpose of research and use of space;
- 3) **Subjects of space activity** are enterprises, institutions and organisations, including international and foreign ones, carrying out space activity;
- 4) **Spacecraft** is a flying vehicle designated to perform flights in space with the purpose of its exploration and use;

*(Article 1 is supplemented with the new paragraph in accordance with the Law No 2186-VI of 13.05.2010)*

- 5) **Space technologies and services** are results of scientific development, methods, facilities and services necessary for the carrying out of space activity, for reception and use of results of this activity;
- 6) **Incident** is the incident connected with space activity which has caused a threat to life and health of people, as well as damage or destruction of property of citizens, enterprises, institutions and organisations or causing damage to the environment;
- 7) **Emergency** is the incident connected with space activity which has caused a threat to life and health of people, as well as destruction of property of citizens, enterprises, institutions and organisations or causing significant damage to the environment;
- 8) **Rules of space activity** are special rules, technical norms, standards regulating space activity and its security;

- 9) The personnel of objects of space activity** are workers of enterprises, institutions and organisations, taking part in manufacturing, testing, operation of objects of space activity and liquidation of consequences of incidents and emergencies, as well as experts of enterprises, institutions, organisations and staff of the military units, involved in the fulfilment of this work;
- 10) The certificate of compliance** is the document certifying compliance of an object of space activity to the requirements of serviceability of space equipment, regulated by the normative documents in force in Ukraine;
- 11) Unique objects of space activity** are high-tech scientific and technical complexes and systems, test and special equipment, with unique parameters, used for the implementation of the State Targeted Research-Technical Space Programme of Ukraine, and possessing operational characteristics having no analogues in the world or corresponding to the global level of similar military equipment (spacecraft management and control facilities; systems of reception and processing of the service and scientific information; experimental and scientifically-technological bases for the manufacture and testing of space equipment which model space factors; ground facilities of control over space objects of artificial and supernatural origin; a ground segment of facilities monitoring the terrestrial surface, systems of the prevention of technogenic and natural accidents; ground facilities of space telecommunications).

*(Article 1 includes changes made by Law No 1559-III of 16.03.2000)*

#### *Article 2. Legislation on space activity in Ukraine*

1. Relationships in the sphere of space activity are regulated by this Law and other legislative acts of Ukraine, adopted in accordance with it.

#### *Article 3. The objective of space activity*

1. Space activity has for its objective:
  - Assistance to the social, economic and scientific progress of the state, to improve the standard of living of citizens;
  - Participation in the settlement of common problems of mankind;
  - Development of space science and military equipment, space services and technologies ensuring sustainable development of the national economy;
  - Creation of powerful export potential of the space sector;  
Provision of access to space, implementation of scientific research of the Earth and space;
  - Creation and support by space means to modern mass media of the state;
  - Maintenance of long-term interests of the state in the sphere of national security and defence capability;
  - Assistance to the development of education;
  - Participation in control of the fulfilment of agreements binding on Ukraine on issues of international security.

#### *Article 4. Principles of space activity*

1. The main principles of space activity in Ukraine are the following:
  - State regulation;

- State support to the commercialization of space activity and the provision of investments into the space sector of Ukraine;
  - Development and sequential reform of State policy in the field of research and use of space;
  - Effective use of scientific and technical potential of Ukraine, possibilities provided by space activity in the interests of national economy, science, security of the State and for commercial purposes;
  - Assistance to the international co-operation, preservation and development of existing international contacts in the space sector taking into account national interests.
- (Article 4 includes changes made by Law No 1559-III of 16.03.2000)*

## **PART II. THE ORGANISATION OF SPACE ACTIVITY**

### *Article 5. State regulation and management of space activity*

1. State regulation and management of space activity in Ukraine are carried out by:
  - Establishment of legislation on main principles, norms and rules of space activity;
  - Development of conceptual bases of state policy in the field of research and use of space for peaceful purposes and in the interests of national security;
  - Development of the State Targeted Research-Technical Space Programme of Ukraine;
  - Planning and financing of space activity from the State Budget of Ukraine, as well as assistance to engage other sources of financing not forbidden by the current legislation of Ukraine;
  - Target professional training financed by the State Budget of Ukraine;
  - Introduction of the license (allowing) procedure on such activity;
  - Control over the foreign economic activity by the subjects of space activity.

*(The first part of Article 5 is supplemented with paragraph eight in accordance with the Law No 2186-VI of 13.05.2010)*

2. Formulation and implementation of the state policy in the area of space activity is conducted by the Central Executive Body on Space Activity Issues;

*(The second part of Article 5 is edited in accordance with the Law No 4102-VI of 09.12.2011)*

### *Article 6. The Competence of the Central Executive Body on Space Activity Issues*

1. The Central Executive Body on Space Activity Issues within the limits of its competence:
  - Develops conceptual bases state policy in the field of research and use of space for peaceful purposes and in the interests of national security;
  - Provides the organisation for space activity in Ukraine and under jurisdiction of Ukraine outside its limits;
  - Develops together with the ministries, other Central Executives and the National Academy of Sciences of Ukraine the State Targeted Research-Technical Space Programme of Ukraine;
  - Carries out management in the sphere of management and coordination of activity of enterprises, institutions and organisations of space and related industries;
  - Acts as the state customer of research works on research and use of space, research and development projects on design, manufacture and testing of space equipment, including international space projects;
  - Ensures creation and running of the land- and space based segments of the satellite systems for communication, broadcasting and imaging of the Earth's surface, monitoring and analysis of the space environment, ground positioning and navigation support;

*(Article 6 is supplemented with the new paragraph in accordance with the Law No 4102-VI of 09.12.2011)*

- Provides, together with the ministries and other Central Executives of Ukraine, the operation, support and updating of objects of space activity;
- Carries out licensing of space activity in Ukraine and licensing of this activity under jurisdiction of Ukraine outside its limits;
- Organises the development and operation of the System of Certification of Space Equipment of Ukraine (UkrSCSE);
- Provides subjects of space activity in Ukraine with the necessary normative documentation;
- Carries out registration of space equipment;
- Conducts the State register of unique objects of space activity, carries out the state supervision of their state and use, takes measures to support them;
- Coordinates and controls foreign trade activities over the air space of Ukraine in compliance with the legislation and the international agreements of Ukraine;
- Lends support in the development and implementation of international projects in the sphere of research and use of space;
- Organises Ukraine's co-operation with other states and international organisations in the space sector, as well as maintaining and developing existing international contacts in the sphere of space activity;
- Takes measures directed at the development of the external economic relationships of Ukraine with other states in the field of space activity;
- Opens its representative offices to carry out foreign economic activities on the territory of other states in compliance with the legislation of these states;  
*(Article 6 is supplemented with the new paragraph in accordance with the Law No 2186-VI of 13.05.2010)*
- Takes part in the drafting of international agreements of Ukraine;
- Carries out other functions in the sphere of space activity according to the current legislation.  
*(Article 6 includes changes made by the Law No 1559-III of 16.03.2000)*

*Article 7. The State Targeted Research-Technical Space Programme of Ukraine*

1. Space activity in Ukraine is carried out on the basis of the State Targeted Research-Technical Space Programme of Ukraine that is developed for five years and approved by the Verkhovna Rada of Ukraine upon submission of the Cabinet of Ministers of Ukraine.
2. Development of the State Targeted Research-Technical Space Programme of Ukraine is carried out by the Central Executive Body on Space Activity Issues together with the relevant Central Executives and the National Academy of Sciences of Ukraine proceeding from the purpose and main principles of space activity in Ukraine.
3. The following is carried out on the basis of the State Targeted Research-Technical Space Programme of Ukraine:
  - Definition of the needs for civilian, defence and dual-use space equipment, as well as the conclusion of contracts according to the current legislation on carrying out research works (hereinafter, space equipment order) and manufacture of space equipment for the current year, which is approved by the Cabinet of Ministers of Ukraine;
  - Allocation of funds from the State Budget of Ukraine to finance space activity under the state orders;
  - Professional training financed by the State Budget of Ukraine and carrying out measures for the social protection of personnel of objects of space activity;

- Ensuring support of and updating objects of space activity consisting of ground infrastructure, as well as the necessary level of safety of space activity;
- Maintaining international co-operation in the space sector, including the participation of Ukraine in international space projects.

*Article 8. Rules of space activity in Ukraine*

1. The rules of space activity in Ukraine include the norms of serviceability of objects of space activity, standards and normative documents regulating the procedure of the following:
  - Licensing of space activity;
  - Certification and registration of objects of space activity;
  - Organisation, fulfilment and maintenance of space starts and flights;
  - Supervision and control of security of space starts and flights and operation of space equipment;
  - Environmental protection during space activity;
  - Carrying out search and rescue operations in the space sector;
  - Carrying out service investigations of incidents and emergencies;
  - Building, operating, maintaining and repairing ground infrastructure installations and equipment;
  - Training the personnel of objects of space activity;
  - Implementing measures on the protection of space activity against illegal interventions.
2. Other statutory acts regulating activities in the space sector and its security, as well as observance of requirements concerning the protection of intellectual property rights; state, military and trade secrets also belong to the rules of space activity.
3. Rules of space activity are established by the relevant state organs of Ukraine according to their competence and are obligatory for all subjects of space activity.

*Article 9. Prohibition and restriction of space activity*

1. The following space activities are forbidden in Ukraine:
  - Putting into orbit or stationing in space nuclear weapons or other kinds of weapons of mass destruction or testing such weapons;
  - Use of space equipment as a means of influencing the environment for military or other purposes dangerous to mankind;
  - Use of the Moon and other celestial bodies for military purposes;
  - Creation of direct threat to life and health of people, causing damage to the environment;
  - Infringement of international norms and standards on pollution of space;
  - Other activities connected with space activity not allowed by international law.
2. Space activity under the framework of a separate project that entails casualties, significant loss of property or significant damage to the environment can be limited or forbidden according to the current legislation of Ukraine.

*Article 10. Licensing of space activity*

1. Any subjects of space activity carrying out or having intentions to carry out this activity in Ukraine or under jurisdiction of Ukraine outside its limits should receive the license for this activity in the Central Executive Body on Space Activity Issues.
2. The list of kinds of space activities that are subject to licensing is established by the legislation of Ukraine.

3. The procedure of licensing of space activity in Ukraine is established by the Cabinet of Ministers of Ukraine.

*Article 11. Financing of space activity*

1. When the customer of works is the state, the financing of space activity for scientific and economic purposes is carried out on the basis of the State Targeted Research-Technical Space Programme of Ukraine and is financed by a separate budget line of the State Budget of Ukraine.
2. Financing of space activity for the defence and security of Ukraine is provided from the State Budget of Ukraine on the basis of the state defence procurement order.

*(Part two of Article 11 is amended in accordance with the Law No 2186-VI of 13.05.2010)*

3. Financing is provided by the state customers of works for the creation and use of space equipment, and is distributed among executors according to the state contract. Expenditures on the implementation of international space activity (including financing of participation of Ukraine in international space forums, representation in international organisations, etc.) and expenditures on the financing of activities for the maintenance and preservation of unique objects of space activity included in the State register of unique objects of space activity, are provided for from the State Budget of Ukraine as separate budget lines.
4. Foreign credits and investments into space activity connected with fulfilment of the State Targeted Research-Technical Space Programme of Ukraine are guaranteed by the state according to the current legislation of Ukraine.

*(Article 11 includes changes made by Law No 1559-III of 16.03.2000)*

*Article 11-1. Control over conduct of foreign economic activity*

1. The Central Executive Body on Space Activity Issues in accordance with the procedure approved by the Cabinet of Ministers of Ukraine shall:
  - Issue warrants to subjects of space activity of Ukraine on conduct of negotiations with foreign subjects of commercial activity on the issues of exploration and use of space, production and exploitation of space equipment, export, import and re-export of space equipment and technologies, their temporary transfer outside the territory of Ukraine, or temporary transfer inside its territory and transit through the territory of Ukraine;
  - Register the signed agreements (contracts) of the subjects of space activity of Ukraine with foreign subjects of space activity on the issues of exploration and use of space, production and exploitation, purchasing/trading of space equipment and technologies.
2. The Central Executive Body on Space Activity conducts issuing of warrants and registering of the signed agreements (contracts) free of charge.
3. Possession of warrants by the subjects of space activity of Ukraine on conduct of foreign economic activity is obligatory.
4. The Central Executive Body on Space Activity is making decisions on:
  - Issuing warrants on conduct of negotiations, or denial of warrants on their conduct during the period of five working days since receiving relevant application;
  - Registration of the agreement (contract), or denial of its registration during the period of 10 working days since receiving the agreement (contract).
5. Warrants on conduct of negotiations may be denied, registration of the agreement (contract) may be cancelled, or warrant and registration may be annulled, if not all required documents are submitted, or is submitted documents do not correspond with legal requirements.

6. Subject of space activity of Ukraine has the right of appeal in accordance with legally established procedure the decision on denial in issuing warrant on conduct of negotiations on the issues of exploration and use of space, production and exploitation of space equipment, and on denial of registration of the agreements (contracts) on space activity issues, as well as agreements on purchasing/trading of space equipment and technologies.

*(Part II is supplemented with Article 11-1 in accordance with the Law No 2186-VI of 13.05.2010)*

### **PART III. GENERAL REQUIREMENTS TO OBJECTS OF SPACE ACTIVITY**

#### *Article 12. Certification of objects of space activity*

1. Any object of space activity in Ukraine is subject to certification on compliance with the requirements of serviceability established by normative documents in force in Ukraine, with subsequent registration of the certificate of compliance.
2. The procedure of certification of space equipment in Ukraine is determined by the System of Certification of Space Equipment of Ukraine operating under the framework of the State System of Certification (UkrCEPRO).
3. The procedure for testing and certification of an imported object of space activity or an object of space activity exported from Ukraine, as well as registration of the relevant certified documents is established by the Rules of certification of space equipment in Ukraine, approved by the Cabinet of Ministers of Ukraine.

#### *Article 13. Registration of spacecraft and unique objects of space activity*

*(The name of Article 13 is approved by the Law No 4102-VI of 09.12.2011)*

1. Objects of space activity are subject to compulsory state registration in the State register of objects of space activity of Ukraine according to the Rules of registration of objects of space activity in Ukraine, approved by the Cabinet of Ministers of Ukraine. If the object of space activity is created in co-operation with legal persons of other states or international organisations, the question of its registration is determined according to the concluded international agreements (contracts).
2. The registration certificate is issued on the object of space activity brought in the State register of objects of space activity of Ukraine.
3. After registration of an object of space activity with the State register of objects of space activity of Ukraine, all the deeds to this object made before in the State register of objects of space activity of other states are not acknowledged by Ukraine. If an object of space activity is not stricken off the State register of objects of space activity of Ukraine, the registration of this object with the State register of objects of space activity of another state is not acknowledged by Ukraine.
4. With the purpose of maintenance of operation, preservation and the further development of unique objects of space activity, the State register of unique objects of space activity is created, as well as state oversight of their condition and use, and relevant measures of support of target financing of these objects, according to the procedure established by the Cabinet of Ministers of Ukraine.

*(Article 13 includes changes made by Law No 1559-III of 16.03.2000)*

#### *Article 14. Exemption of spacecraft from the State register*

*(The name of Article 14 is approved by the Law No 2186-VI of 13.05.2010)*

1. A spacecraft is exempted from the State register of objects of space activity of Ukraine by the Central Executive Body on Space Activity Issues in case of:

2. *(The second paragraph of the first part of Article 14 is exempted in accordance with the Law No 2186-VI of 13.05.2010)*
  - Physical destruction (wreck);
  - Transfer in accordance with the established procedure to another state, international or foreign enterprise, establishment or organisation.
3. In case of exemption of a spacecraft from the State register of objects of space activity of Ukraine the registration certificate becomes invalid.  
*(Text of Article 14 is approved by the Law No 2186-VI of 13.05.2010)*

*Article 15. Admission, restriction and prohibition of operation of objects of space activity*

1. The object of space activity is admitted to operation if it has the certificate of compliance.  
*(The first part of Article 15 with amendments introduced by the Law No 2186-VI of 13.05.2010)*
2. The Central Executive Body on Space Activity Issues can limit or forbid the operation of objects of space activity in case of:
  - Delay or absence of the certificate of compliance;
  - Operation of object of space activity infringes on the current legislation of Ukraine;
  - Operation of object of space activity infringes on the requirements established by the operation-engineering specifications on this object.

*Article 16. Objects of space activity leasing*

1. The procedure and rules of objects of space activity leasing to international or foreign subjects of space activity are regulated by the current legislation if another is not envisaged by the international agreements of Ukraine concluded in the form of a law.

#### **PART IV. PARTICIPATION OF UKRAINE IN INTERNATIONAL CO-OPERATION IN THE SPACE SECTOR**

*Article 17. Ukraine as the subject of international space right*

1. Ukraine, as a subject of international space right, carries out space activities on the principles of equal rights with other states and taking into account its national interests.
2. Ukraine provides fulfilment of international obligations taken on in the field of space activity and bears the responsibility according to conventional norms of international law and provisions of international agreements of Ukraine.

*Article 18. Principles of international space activity*

1. The main principles of international space activity in Ukraine are:
  - Strengthening of national sovereignty;
  - Observance of generally recognised principles and norms of international law;
  - Preservation and further development of existing international contacts;
  - Assistance to integrate economies into the world economy;
  - Freedom of foreign economic entrepreneurial activity;
  - Legal equality of subjects of space activity;
  - Protection of interests of subjects of space activity in the territory of Ukraine and outside its limits.

*Article 19. Resolution of disputes*

1. Disputes arising during international co-operation in space are subject to consideration in the courts of Ukraine, if another is not defined by the international agreements agreed by Ukraine.

## **PART V. SECURITY CONTROL OF SPACE ACTIVITY**

### *Article 20. The State supervision of security in space activity*

1. The state supervision of observance of space activity security requirements, as well as training and certification of the persons controlling observance of space rules and the level of security of space activity, as well as the persons investigating incidents and emergencies, is assigned to the Central Executive Body on Space Activity Issues, the Ministry of Defence of Ukraine and other executive organs according to their competence.

### *Article 21. Security of the population and environmental protection*

1. During space activity, subjects of space activity should observe security requirements on issues of life and health of the population, property of citizens, enterprises, institutions, organisations and the environment.
2. Following the current legislation of Ukraine, subjects of space activity carry out necessary measures to prevent space activity from causing ecological damage.

### *Article 22. Security of space equipment and property of subjects of space activity*

1. Security of space equipment during the production, testing, transportation and exploitation on the Earth's surface and of the property of subjects of space activity is provided according to the law.
2. Special guarded transport should be used for the transportation of space equipment that poses a threat to life and health of the population or the environment.
3. The procedure of organisation of guards and transportation of space equipment is established by special rules approved by the Central Executive Body on Space Activity Issues subject to agreement of the Ministry of Internal Affairs of Ukraine.
4. The enterprises belonging to the Central Executive Body on Space Activity Issues subject to the agreement of the Ministry of Internal Affairs of Ukraine may create the units of internal militarised security. Personnel of these units during their service hours have the right to use the firearms and special equipment as provided by the procedure and requirements established by the law.
5. The Central Executive Body on Space Activity Issues subject to the agreement of the Ministry of Internal Affairs of Ukraine approves the Regulation on its internal militarised security and ensures control over activity of its units.

*(Article 22 as provided by the Law No 4102-VI of 09.12.2011)*

### *Article 23. Notice on incidents and emergencies*

1. Subjects of space activity, without exception, should provide full information to the executive organs about any incidents and emergencies.
2. The Central Executive Body on Space Activity Issues, the Ministries and other Central Executives should duly provide trustworthy information about the dangers arising from space activity, as well as about measures on the creation of necessary conditions to protect the population, property and the environment to the authorised state organ, enterprises, institutions and organisations, as well as to citizens as they are required.
3. In case of threat to the population and environment of Ukraine or foreign states during space activity, the Central Executive Body on Space Activity Issues shall immediately inform the relevant state organ of Ukraine according to current legislation, as well as taking the necessary measures to ensure security of the population, property of citizens, enterprises, institutions, organisations and the environment.

*Article 24. Obligatory insurance of space activity in Ukraine*

1. The list of kinds of obligatory insurance of space activity is established by the current legislation of Ukraine.
2. The procedure of obligatory insurance is established by the Cabinet of Ministers of Ukraine.

*Article 25. Responsibility for damage caused by space activity, and compensation for damage*

1. The responsibility for damage caused by space activity, as well as the procedure to define the scope of this damage which is subject to compensation, are established according to the current legislation of Ukraine.

**PART VI. SPACE ACTIVITY IN THE SPHERE OF DEFENCE AND SECURITY OF UKRAINE***Article 26. Carrying out space activity in the sphere of defence and national security*

1. Space activity in the sphere of defence and national security is carried out by the Ministry of Defence of Ukraine. This Ministry, together with other relevant ministries and Central Executives, is responsible for the fulfilment of the State Targeted Research-Technical Space Programme of Ukraine concerning the issue of the creation and use of military and dual-use space equipment.

*Article 27. Interaction of the Ministry of Defence of Ukraine with the Central Executive Body on Space Activity Issues of Ukraine in the sphere of space activity*

1. Co-operation between the Ministry of Defence of Ukraine and the Central Executive Body on Space Activity Issues to carry out space activities is determined by the Regulations approved by the Cabinet of the Ministers of Ukraine.

*Article 28. The Competence of the Ministry of Defence of Ukraine in the sphere of space activity*

1. The Ministry of Defence of Ukraine within the limits of its competence:
  - Develops the conceptual bases of the state space policy and the State Targeted Research-Technical Space Programme of Ukraine on issues of the creation and use of military space equipment, as well as together with the Central Executive Body on Space Activity Issues on the issue of dual-use space equipment;
  - Forms and organises the fulfilment of orders for the works connected with the creation and use of military space equipment, as well as together with the Central Executive Body on Space Activity Issues concerning dual-use space equipment on the basis of the State Targeted Research-Technical Space Programme of Ukraine;
  - Carries out the use of space equipment in the sphere of defence of Ukraine;
  - Provides, together with the Central Executive Body on Space Activity Issues, the operation and development of objects of ground and space infrastructure;
  - Participates in the certification of military space equipment.

**PART VII. FINAL PROVISIONS***Article 29. Responsibility for infringement on Ukrainian space activity legislation*

1. Infringement on Ukrainian space activity legislation brings about disciplinary, civil or criminal liability according to the current legislation of Ukraine.

## **Decree of the President of Ukraine "On Measures to Maximize Efficiency of Defence-Industrial Complex of Ukraine"**

With the aims of improving efficiency of Government management of Defence-Industrial Complex of Ukraine and ensuring restructuring, efficient operation and development of defence industry sectors, and pursuant to Article 106 Section One Clause 17 of the Constitution of Ukraine, I hereby decree:

1. Pursuant to partial amendment of Article 7 Clause 8 of the Presidential Decree No 1085 on Optimisation of the System of Central Executive Authorities, enacted on December 9, 2010, the Cabinet of Ministers shall, by January 10, 2011, implement measures to set up the "Ukroboronprom" business holding, which shall comprise State-run enterprises conducting business relating to the design/development, manufacture, marketing, repair, upgrading and disposal of armaments, military/special-purpose equipment and ammunition, and participating in military-technological co-operation with foreign States.
2. To establish that the Director General of "Ukroboronprom" business holding shall be appointed to office on the Prime Minister's motion and dismissed from office by the President of Ukraine.
3. The Cabinet of Ministers of Ukraine shall:
  - Within a one-month period since inauguration date of "Ukroboronprom" business holding, implement measures to transfer Government stakes in joint-stock companies engaged in the design/development, manufacture, marketing, repair, upgrading and disposal of armaments, military/special-purpose equipment and ammunition, and participating in military-technological co-operation with foreign States, to Ukroboronprom;
  - Joined with the Ministry of Defence, State Property Fund, State Agency for State Corporate Rights and Property Management and State Space Agency, compile a register of joint-stock companies with Government stakes that can be transferred to Ukroboronprom;
  - Ensure, by July 1, 2011, the creation and introduction of Automated Information Analysis System for filing of operations and performance analysis of companies in the Defence-Industrial Complex of Ukraine.
4. This decree becomes effective from the date of official publication.

President of Ukraine V.YANUKOVYCH  
Kyiv,  
No 1245/2010

## Part V

# The Legislative Framework for Ensuring State Security

### **Law of Ukraine "On the Security Service of Ukraine"**

2229-XII of 25.03.1992; (*Bulletin of the Verkhovna Rada of Ukraine (BVR)*, 1992, No. 27, p. 382), Enacted by the Resolution of the Verkhovna Rada No. 2230-XII of 25.03.1992, (*Bulletin of the Verkhovna Rada of Ukraine (BVR)*, 1992, No. 27, p. 383),

Includes changes made by Laws:

No. 1381-XIV of 13.01.2000, BVR, 2000, No. 10, p. 79;  
No. 2171-III of 21.12.2000, BVR, 2001, No. 9, p. 38;  
No. 2922-III of 10.01.2002, BVR, 2002, No. 17, p. 117;  
No. 3111-III of 07.03.2002, BVR, 2002, No. 33, p. 236;  
No. 488-IV of 06.02.2003, BVR, 2003, No. 15, p. 109;  
No. 662-IV of 03.04.2003, BVR, 2003, No. 27, p. 209;  
No. 747-IV of 15.05.2003, BVR, 2003, No. 29, p. 236;  
No. 965-IV of 19.06.2003, BVR, 2003, No. 45, p. 357;  
No. 1703-IV of 11.05.2004, BVR, 2004, No. 32, p. 394;  
No. 3200-IV of 15.12.2005, BVR, 2006, No. 14, p. 116;  
No. 3475-IV of 23.02.2006, BVR, 2006, No. 30, p. 258;  
No. 328-V of 03.11.2006, BVR, 2006, No. 51, p. 519;  
No. 489-V of 19.12.2006, BVR, 2007, No. 7-8, p. 66;  
No. 1014-V of 11.05.2007, BVR, 2007, No. 33, p. 442;  
No. 2592-VI of 07.10.2010, BVR, 2011, No. 10, p.63;  
No. 3266-VI of 21.04.2011, BVR, 2011, No. 43, p. 449;  
No. 4157-VI of 09.12.2011, BVR, 2012, No. 29, p. 333.

## **PART I. GENERAL PROVISIONS**

### *Article 1. Security Service of Ukraine*

1. The Security Service of Ukraine is a state law enforcement organ of special purpose that provides the state security of Ukraine.
2. The Security Service of Ukraine is subordinated to the President of Ukraine.  
*(The second part of Article 1 is amended by the Law No 2592-VI of 07.10.2010)*

### *Article 2. Tasks of the Security Service of Ukraine*

1. The Security Service of Ukraine, within the competences determined by the legislation, is responsible for protection of the state sovereignty, constitutional order, territorial integrity, economic, scientific, technical and defence potential of Ukraine, legitimate interests of the state and the rights of citizens against intelligence-subversive activities of foreign special services, and encroachments by individual organisations, groups and persons, as well as is responsible for protection of the state secret.
2. The tasks of the Security Service of Ukraine also include prevention, identification, suppression and disclosure of the crimes against peace and security of mankind, terrorism, corruption and organised crime in the sphere of management and economy, and other unlawful acts that pose a threat to the vital interests of Ukraine.  
*(Article 2 includes changes made by the Law No. 1703-IV of 11.05.2004)*

### *Article 3. Principles of the activity of the Security Service of Ukraine*

1. Activity of the Security Service of Ukraine, its organs and employees is based on the principles of legality, respect for the rights and dignity of the person, non-membership in political parties and civil responsibility.
2. In operational activities, the Security Service of Ukraine combines the principles of undivided authority and collective approach, publicity and conspiracy.

### *Article 4. The Legal basis for the activity of the Security Service of Ukraine*

1. The legal basis for the activity of the Security Service of Ukraine is the Constitution of Ukraine, this Law and other legislative acts of Ukraine, relevant international legal acts recognised by Ukraine.

### *Article 5. Activity of the Security Service of Ukraine and human rights*

1. Activity of the Security Service of Ukraine is carried out on the basis of observance of human rights and freedoms. Organs and employees of the Security Service of Ukraine should respect dignity of the person and give him/her a humane treatment, avoid disclosure of the data on private life of the person. In exceptional cases, with the purpose of suppression and detection of treasons, individual rights and freedoms of the person can be temporarily restricted in accordance with the procedure and limits determined by the Constitution and laws of Ukraine. Unlawful restriction of legitimate rights and freedoms of the person is inadmissible and entails legal liability.
2. The Security Service of Ukraine in case of violation by its employees while on duty of human rights and freedoms should take measures to restore these rights and freedoms, compensate for the moral and material damage and bring the infringer to account.

3. The Security Service of Ukraine at the request of the citizens of Ukraine is obliged to give them an explanation in writing in a month period regarding the restriction of their rights or freedom. Such persons have the right to appeal against the wrongful actions of officials and organs of the Security Service of Ukraine.

*Article 6. Non-membership in political parties of the Security Services of Ukraine employees*

1. The use of the Security Service of Ukraine in the interests of a party, group or person is prohibited.
2. Activities of the parties, movements and other public associations pursuing political aims in the Security Service of Ukraine are forbidden.
3. For the period of service or work under the work contract, membership of employees of the Security Service of Ukraine in such associations is discontinued.
4. As an exception, membership in unions of the workers who have concluded a work contract with the Security Service of Ukraine is allowed.

*Article 7. The Right of the public to be informed about the activities of the Security Service of Ukraine*

1. The people of Ukraine through the mass media, in other forms and according to the procedure determined by the legislation, are informed about the activity of the Security Service of Ukraine.
2. It is forbidden to put restrictions on information regarding the general budget of the Security Service of Ukraine, its competences and basic areas of activity, as well as regarding the cases of unlawful actions by the organs and employees of the Security Service of Ukraine.
3. Information, which is the state, military, official or trade secret, as well as confidential information, divulging of which will do harm to the national security of Ukraine, to honour and dignity of the person, or will violate his/her legitimate rights, cannot be disclosed, except for the cases envisaged by the legislation in the interests of justice.

*Article 8. Relations of the Security Service of Ukraine with state organs, enterprises, institutions, organisations, officials, citizens and their associations*

1. The Security Service of Ukraine co-operates with state organs, enterprises, institutions, organisations and officials, which assist in the fulfilment of its tasks.
2. Citizens of Ukraine and their associations, and other persons can assist in lawful activities of the Security Service of Ukraine on a voluntary basis.

## **PART II. SYSTEM AND ORGANISATION OF THE ACTIVITY OF THE SECURITY SERVICE OF UKRAINE**

*Article 9. System of the Security Service of Ukraine*

1. The system of the Security Service of Ukraine is composed of the Central administration of the Security Service of Ukraine and regional organs subordinated to it, organs of military counterintelligence, military formations, as well as educational, research and other establishments of the Security Service of Ukraine.

*(The first part of Article 9 includes changes made by the Law No 2592-VI of 07.10.2010)*

2. The organisational structure of the Security Service of Ukraine is determined by the President of Ukraine.
3. The Central administration of the Security Service of Ukraine and other organs and establishments that belong to the system of the Security Service of Ukraine are legal persons, and

have a seal with an imprint of the State Emblem of Ukraine and its name, other seals and stamps, accounts in banks, including currency accounts

4. To organise and carry out antiterrorist operations and to coordinate the activities of the bodies that combat terrorism or are involved in antiterrorist operations, the Antiterrorist Centre attached to the Security Service of Ukraine is created. The Regulations on the Antiterrorist Centre of the Security Service of Ukraine are approved by the President of Ukraine upon the submission of the Cabinet of Ministers of Ukraine.

*(Article 9 includes changes made by the No. Law 965-IV of 19.06.2003)*

*Article 10. The Central administration of the Security Service of Ukraine*

1. The central administration of the Security Service of Ukraine is responsible for the state security; it coordinates and manages the activities of other organs of the Security Service of Ukraine. It is composed of the Staff of the Head of the Security Service of Ukraine and of the following functional departments: counterintelligence, military counterintelligence, counterintelligence protection of the state interests in the sphere of information security, protection of state sovereignty, struggle against corruption and organised crime, information-analytical, operational-technical, documentation, investigatory, communications, human resources, administrative, financial, military medical and other according to the organisational structure of the Security Service of Ukraine.

*(The first part of Article 10 includes changes made by the Laws No 3200-IV of 15.12.2005, No 3475-IV of 23.02.2006, No 4157-VI of 09.12.2011)*

*(The second part of Article 10 is excluded in accordance with the Law No 3200-IV of 15.12.2005)*

2. The Central administration of the Security Service of Ukraine issues regulations, orders, decrees, instructions and gives instructions, obligatory for performance in the system of the Security Service of Ukraine. The abovementioned acts shall not be executed if they establish additional authorities for the organs and employees of the Security Service of Ukraine, not envisaged by the legislation, or impose unconstitutional restrictions on the rights and freedoms of citizens. Within the limits of its competences, the Central administration of the Security Service of Ukraine submits proposals to the President of Ukraine on the acts concerning the state secret, obligatory for performance by the state organs, enterprises, institutions, organisations and citizens.

*Article 11. Regional organs of the Security Service of Ukraine*

1. With the purpose of effective accomplishment of its tasks, the Security Service of Ukraine creates its regional organs: regional administrations of the Security Service of Ukraine and their inter-regional, regional and city departments, the location and territorial competence of which may not coincide with the administrative-territorial division of Ukraine.
2. In the interests of the state security, the organs and departments of the Security Service of Ukraine can be created at various state strategic installations and territories, and in military formations.
3. In their operational activities, the regional organs of the Security Service of Ukraine are independent of the organs of local state administration and local self-government, officials, parties and movements.

*Article 12. Organs of military counterintelligence*

1. Military counterintelligence services are created for counterintelligence support of the Armed Forces of Ukraine, the State Border Service of Ukraine and other military formations deployed on the territory of Ukraine.

*(Article 12 includes changes made by the Laws No. 2171-III of 21.12.2000, No. 662-IV of 03.04.2003)*

*Article 13. The Head of the Security Service of Ukraine*

1. All activities of the Security Service of Ukraine and its Central administration are managed by the Head of the Security Service of Ukraine. He/she bears personal responsibility for the accomplishment of the tasks assigned to the Security Service of Ukraine.
2. The Head of the Security Service of Ukraine is appointed to office and relieved by the President of Ukraine.

*(The second part of Article 13 as provided by the Law No 2592-VI of 07.10.2010)*

3. The Head of the Security Service of Ukraine has deputies appointed upon his submission and relieved by the President of Ukraine.

*(The third part of Article 13 as provided by the Law No 2592-VI of 07.10.2010)*

*Article 14. Collegiums of the Security Service of Ukraine*

1. A collective advisory organ – the collegiums – is created in the Security Service of Ukraine. It determines ways of accomplishment of the Security Service of Ukraine tasks, takes decisions concerning the basic directions and problems of operational activity and concerning human resources management.
2. Decisions of the college are taken by the majority of votes and are promulgated by the orders of the Head of the Security Service of Ukraine.
3. The structure of the college includes the Head of the Security Service of Ukraine, his/her deputies, and other persons, except for the People's Deputies of Ukraine, appointed by the President of Ukraine. Membership in parties, movements, other public associations pursuing political goals by the members of the collegiums is suspended in accordance with Article 6 of this Law.

*(The third part of Article 14 as provided by the Law No 2592-VI of 07.10.2010)*

4. The Regulations on the collegiums of the Security Service of Ukraine are approved by the President of Ukraine.

*Article 15. The Procedure of appointment of the heads of organs and departments of the Security Service of Ukraine*

1. The heads of the following departments of the Central administration of the Security Service of Ukraine: counterintelligence, military counterintelligence, counterintelligence protection of the state interests in the sphere of information security, protection of state sovereignty, struggle against corruption and organised crime, information-analytical, operational-technical, documentation, investigatory, communications, human resources and other departments approved by the President, as well as the heads of regional organs – regional administrations of the Security Service of Ukraine – are appointed upon the submission of the Head of the Security Service of Ukraine and relieved by the President of Ukraine.

*(The first part of Article 15 includes changes made by the Laws No 3200-IV of 15.12.2005, No 3475-IV of 23.02.2006; No 2592-VI of 07.10.2010; No 4157-VI of 09.12.2011)*

*(The second part of Article 15 is excluded as provided by the Law No 2592-VI of 07.10.2010)*

2. The procedure of appointment of other officials of the Security Service of Ukraine is determined by the Head of the Security Service of Ukraine. Heads of regional organs of the Security Service of Ukraine are appointed with consent of the head of local state administration.

*Article 16. Interaction between the Security Service of Ukraine and security organs of foreign states*

1. For the accomplishment of the assigned tasks, the Security Service of Ukraine can come into contact with the security service organs of foreign states and co-operate with them on the basis of the norms of international law, agreements and treaties.

*Article 17. Interaction between the Security Service of Ukraine and law enforcement and other state organs of Ukraine*

1. The Security Service of Ukraine co-operates with the Directorate on protection of higher officials of Ukraine, law enforcement and customs organs of Ukraine in accordance with the procedure and on the bases determined by the laws, decrees of the President of Ukraine and the acts of the Security Service of Ukraine.

*(Article 17 includes changes made by the Law No. 2171-III of 21.12.2000)*

*Article 18. Financing and logistical support of the Security Service of Ukraine*

1. Financing and logistical support of the Security Service of Ukraine is carried out by the Cabinet of Ministers of Ukraine in accordance with the procedure defined by the Verkhovna Rada of Ukraine from the State Budget of Ukraine.
2. Organs of local state administration and local self-government help the Security Service of Ukraine, its organs and departments solve housing and other problems, help with provision of transport and communication facilities.
3. The Security Service of Ukraine has administrative premises and other buildings, health, educational, research, economic and cultural resources and a housing fund.

### **PART III. SECURITY SERVICE PERSONNEL**

*Article 19. Composition of the personnel of the Security Service of Ukraine*

1. The personnel of the Security Service of Ukraine includes: employees-military men, employees who have concluded work contracts with the Security Service of Ukraine and military men on conscript military service. The procedure for managing the personnel list of the Security Service of Ukraine shall be approved by the Head of the Service.

*(The first part of Article 19 includes changes as provided by the Law No 4157-VI of 09.12.2011)*

2. The Security Service of Ukraine employs on a competitive, voluntary and contractual basis the citizens of Ukraine, whose professional and moral qualities, level of education and the state of health will allow to effectively execute official duties. Professional requirements, in particular knowledge in the sphere of law, are determined by the qualification-normative documents approved by the Head of the Security Service of Ukraine.
3. The numerical strength of the Security Service of Ukraine servicemen is determined by the President of Ukraine upon the submission of the Head of the Security Service of Ukraine, proceeding from the need of effective protection of the state security of Ukraine, within the limits of the budget.

*Article 20. Security Service of Ukraine servicemen*

1. Conditions and the procedure of performance of the duties by the Security Service of Ukraine servicemen are determined in the concluded agreement (contract). They and military men on regular military service follow the same procedure of doing military service in the Armed Forces of Ukraine, defined by the legislation. The Security Service of Ukraine servicemen administer the Military oath of allegiance to the people of Ukraine.
2. The Security Service of Ukraine servicemen are given service identity cards; they wear the uniform approved by the President of Ukraine. The use of military ranks, insignia, uniform, service identity cards of the Security Service of Ukraine servicemen by other persons entails legal liability.

*Article 21. Legal regulation of labour relations of the Security Service of Ukraine employees*

1. Labour relations of the employees who have concluded work contracts with the Security Service of Ukraine are regulated by the legislation on labour of Ukraine.

*Article 22. Training of specialists for the Security Service of Ukraine*

1. Training, re-training, raising the level of professional skills of specialists of the Security Service of Ukraine is carried out according to the Law of Ukraine "On education" and other legislative acts.
2. To ensure the vocational training of its personnel, the Security Service of Ukraine creates relevant educational establishments.

*Article 23. The Reserve of the Security Service of Ukraine*

1. The reserve of the Security Service of Ukraine is made up of military men, who have completed the term of service and retired from the Security Service of Ukraine, physically fit for military service in piece and wartime, who have not reached the age limit for serving in the reserve.
2. These persons are registered with the Central administration and the regional organs of the Security Service of Ukraine and do training according to the procedure determined by the legislation.

*(Article 23 as provided by the Law No 1014-V of 11.05.2007)*

**PART IV. THE POWERS OF THE SECURITY SERVICE OF UKRAINE***Article 24. Duties of the Security Service of Ukraine*

1. The Security Service of Ukraine, according to its tasks, is obliged to:
  - Carry out information-analytical work to ensure effective internal and external activity of the state power and government organs of Ukraine, and to solve defence, social and economic development, scientific and technical progress, ecology and other questions connected with the national security of Ukraine;
  - Provide counterintelligence support to diplomatic representatives, consular and other official organs, as well as take measures connected with the protection of state interests in the sphere foreign policy and foreign trade activities, security of citizens of Ukraine abroad;
  - Search persons who abscond in connection with commitment of the specified crimes;

- Carry out counterintelligence operations with the purpose of prevention, identification, suppression and disclosure of any forms of intelligence subversive activities against Ukraine;
- Provide protection of the state sovereignty, constitutional order and territorial integrity of Ukraine from illegal encroachments from individual persons and their associations;
- Provide counterintelligence support to the defence complex, the Armed Forces of Ukraine, other military formations deployed on the territory of Ukraine, power systems, transport, communication facilities, as well as important installations of other branches of the economy;
- Take part in the development and implementation of the measures on protection of the state secret and confidential information belonging to the state according to the Law of Ukraine "On the State Secret" and other acts of the legislation, assist, according to the procedure established by the legislation, enterprises, institutions, organisations and businessmen in keeping the trade secret, disclosure of which can damage vital interests of Ukraine;
- Prevent offences in the sphere of state security according to the legislation;
- Within the limits of its competences, determined by the legislation, provide protection of personal security of citizens and persons participating in criminal legal proceedings, or in case of receiving a declaration from them, members of their families or close relatives, or a declaration from the head of the relevant state organ or operational and other information about a threat to their life, health, house or property; take part in rehabilitation and restoration of the rights of the illegally prosecuted persons;
- Assist the State Border Service of Ukraine in the protection of the border of Ukraine;
- Assist in the observance of the legal regime during martial law or state of emergency, as well as in liquidation of the consequences of natural disasters, serious accidents, catastrophes, epidemics, epizootic diseases and other emergencies;
- Render help by available forces and means, including technical, to organs of internal affairs, other law enforcement organs in their fight against crimes;
- Take part in the elaboration of measures concerning arrival to and departure from Ukraine, the stay on its territory of foreigners and persons without citizenship, border regime and customs rules;

*(Paragraph 14 of the first part of Article 24 is excluded as provided by the Law No 3475-IV of 23.02.2006)*

- Carry out scientific research activities and implement their results into the work of the Security Service of Ukraine;
- Carry out other tasks as instructed by the President of Ukraine concerning the provision of internal and external security of the state;

*(Paragraph 16 of Article 24 with changes as provided by the Law No 2592-VI of 07.10.2010)*

- Take part in the development and implementation of measures on physical protection of nuclear installations, nuclear materials, radioactive waste, other sources of ionizing radiation, as well as take part in special checks concerning the admission to special works.

#### *Article 25. The Rights of the Security Service of Ukraine*

1. For performance of the assigned duties, the Security Service of Ukraine, its organs and employees are given the following rights:

- 1) To demand from the citizens and officials to stop the offences and activities that prevent the Security Service of Ukraine from execution of its powers;
- 2) To check in this connection the documents proving their identity, as well as to examine the persons, their belongings and vehicles if there is a threat of escape of a suspect, or of destruction or concealment of proofs of criminal activity; to submit to organs of state power, local self-government organs, enterprises, institutions, organisations of all forms of ownership obligatory for consideration proposals concerning national security, including protection of the state secret;
- 3) To receive at the request of the head of the relevant organ of the Security Service of Ukraine from the Ministries, state committees, other departments, enterprises, institutions, organisations, military units, citizens and their associations the data necessary for ensuring the state security of Ukraine, as well as to use for this purpose service documentation and reports. The procedure of receiving information from banks that contain bank secret is carried out in accordance with the procedure established by the law of Ukraine "On banks and banking";
- 4) To enter on the territory and in offices of enterprises, institutions and organisations and command of military units in accordance with the procedure agreed with their administrations;
  - 4.1) To draw up reports on administrative offences that belong in accordance with the law to the competence of the Security Service of Ukraine, to carry out inspection of persons, of belongings, to seize things and documents, and to take other measures envisaged by the law on administrative offences;
- 5) *(Paragraph 5 of Article 25 is excluded as provided by the Law No 488-IV of 06.02.2003)*
- 6) [Sic] to use with subsequent reimbursement of expenses and losses the vehicles belonging to enterprises, institutions and organisations, military units and citizens (except for vehicles of diplomatic, consular and other representative offices of foreign states and organisations, special purpose vehicles) for travel to a place of event, cessation of crimes, prosecution and detention of the persons suspected in commitment of crimes, transportation to medical establishments of the persons requiring urgent medical care;
- 7) Exclusively during cessation of crimes, investigation of which belongs to the competence of the Security Service of Ukraine in accordance with the legislation, prosecution of the persons suspected of commitment of crimes, to enter into houses, offices, industrial and other premises, territories and land areas and to examine them with the subsequent notification of the public prosecutor within 24 hours;
- 8) To conduct publicly and privately operational activities in accordance with the procedure determined by the Law of Ukraine "On operational-investigation activity";
- 9) To carry out co-operation with the citizens of Ukraine and other persons, including on a contractual basis, observing the conditions of voluntariness and confidentiality in these relationships;
- 10) To use the offices of enterprises, establishments, organisations, military units, as well as living quarters and other premises of citizens on a contractual basis;
- 11) To send the Security Service of Ukraine servicemen to work in other establishments, enterprises and organisations during fulfilment of concrete tasks in the interests of intelligence, counterintelligence, fight against corruption and organised crime; in some cases,

- in accordance with the procedure determined by the college of the Security Service of Ukraine, such servicemen can be sent to institutions, enterprises and organisations at the request of their heads;
- 12) In the interests of investigation, counterintelligence and operational investigation activity, to create information systems and to conduct operational registration in volumes and according to the tasks assigned to the Security Service of Ukraine by this Law;
  - 13) To reward morally and financially the employees of the Security Service of Ukraine and other persons according to their merits in ensuring the state security; to recommend them, in accordance with the established procedure, for state awards;
  - 14) To get tickets for all means of transport out of turn, irrespective of availability of seats, and to stay in hotels upon presentation of a certificate about business trip;
  - 15) To travel free-of-charge by all means of public transport (except for taxi), local railway and water transport and buses, as well as by incidental transport;
  - 16) To provide weapons, special means of individual protection and means of notification about danger in case of danger to the life and health of the persons under their protection, according to the current legislation.
2. During anti-terrorism operations and operations concerning fight against financing of terrorist activity, the Security Service of Ukraine, its organs and employees have the right:
- 1) To receive, according to the procedure established by the law, at the request of the head of an organ or operational subdivision of the Security Service of Ukraine from customs, financial and other establishments, enterprises, organisations (irrespective of the form of ownership) information and documents on operations, the state of accounts and movement of means during a concrete time interval (with indication of the sums, date, purpose and counteragent of payment), deposits, internal and external economic transactions, as well as the certified copies of the documents on the basis of which an account for a legal or physical person was opened. The procedure of receiving information from banks that contain bank secret is carried out in accordance with the procedure established by the law of Ukraine "On Banks and Banking". Documents and information should be presented immediately, and if it is impossible – not later than within 10 days;
  - 2) To involve, according to the procedure established by the legislation, qualified experts of control and financial organisations and organs in checks, audits and examinations;
  - 3) To receive, according to the procedure established by the legislation, at the request of the head of an organ or operational subdivision of the Security Service of Ukraine information from automated information and reference systems and databanks created by the Supreme Court of Ukraine, the State Office of Public Prosecutor of Ukraine, the National bank of Ukraine, the Antimonopoly committee of Ukraine, the State Property Fund of Ukraine, Ministries, other central organs of executive power and local self-government organs of Ukraine;
  - 4) To bring an action on the basis of the materials of operational-investigation activity concerning cancellation of registration and termination of activity of entrepreneurial bodies, as well as, to file an action concerning invalidation of agreements in accordance with the procedure established by the legislation of Ukraine;
  - 5) To enter upon a written instruction from the head of an organ or operational subdivision of the Security Service of Ukraine and upon presentation of official documents on the

territory, in premises, warehouses and storehouses of enterprises, institutions and organisations (except for foreign diplomatic representatives) irrespective of form of ownership, border and customs checkpoints, and in production premises of the citizens engaged in entrepreneurial activity;

- 6) Upon the decision of the investigator and sanction of the public prosecutor on supervision over the observance of the laws during operational-investigation activity, and in urgent cases – with the subsequent notification of the public prosecutor within a day, in case of a threat of destruction, concealment or loss of things or documents that can be used in investigation of criminal activity, for the period of up to 10 days to seal up archives, cash registers, premises (except for inhabited) or other storehouses, to put them under protection, to sequester money resources and other valuables of physical and legal persons, to seize things and documents with issuance of an act to this end. Copies of the act are handed over to the citizen or the representative of the enterprise, establishment, or organisation.
- 7) To initiate according to the law the arrest on indefinite term of the assets associated with financing terrorism and connected to financial operations suspended by decision based on the resolutions of the UN Security Council; termination of arrest of these assets and granting access to them after application of the person, who can prove with documents the need to cover the basic and emergency needs.

*(The second part of Article 25 is supplemented by the paragraph 7 as provided by the Law No 3266-VI of 21.04.2011)*

3. Organs and departments of the Security Service of Ukraine that carry out fight against terrorism, have the powers of an inquiry organ.

*Article 26. Bases and procedure of the use of weapons and special means*

1. The Security Service of Ukraine servicemen have the right to keep, carry, use and apply weapons and special means on the bases and according to the procedure established by the Law of Ukraine “On Militia”, military statutes of the Armed Forces of Ukraine and other acts of legislation.

## **PART V. SOCIAL AND LEGAL PROTECTION OF MILITARY MEN AND EMPLOYEES OF THE SECURITY SERVICE OF UKRAINE**

*Article 27. Social and legal protection of military men and employees of the Security Services of Ukraine*

1. The state provides for social and legal protection of military men and employees of the Security Service of Ukraine.
2. The Security Service of Ukraine servicemen have political, social, economic and personal rights and freedoms, as well as privileges according to the Law of Ukraine “On social and legal protection of military men and members of their families”, this Law, and other acts of legislation.
3. The right to privileges is guaranteed to the Security Service of Ukraine servicemen who are dismissed from service for the reasons of age, illnesses or who have qualified for a pension.
4. Social protection of the employees who have concluded work contracts with the Security Service of Ukraine is ensured in accordance with general practice according to the labour legislation.

*Article 28. Legal guarantees of protection of the Security Service of Ukraine Servicemen and the citizens participating in the provision of the state security*

1. The Security Service of Ukraine servicemen during performance of the assigned duties are representatives of the state power, operate on behalf of the state and are under its protection. Inviolability of their person, their honour and dignity are guaranteed by the legislation.
2. Close relatives of the Security Service of Ukraine servicemen are also under state protection. Offences against close relatives of the Security Service of Ukraine servicemen committed in connection with performance of the duties assigned to these servicemen entail legal liability.
3. The persons rendering assistance to the Security Service of Ukraine are also under state protection, as well as pensioners of the Security Service of Ukraine.
4. The persons rendering assistance to the Security Service of Ukraine are guaranteed the confidentiality of relations. Disclosure of data about such relations and other offences against these citizens and members of their families committed in connection with their activity concerning ensuring of the state security entails legal liability. The employees of the Security Service of Ukraine, in case of their involvement in activities on ensuring the state security not connected directly with their functional duties, have the rights provided to the Security Service of Ukraine employees by items 1, 4, 6 and 7 of Articles 25 of this Law. In these cases they are guaranteed legal protection established for the Security Service of Ukraine servicemen.
5. Disclosure of the fact about belonging of Security Service of Ukraine employees to operational departments is not allowed.

*(Article 28 includes changes made by the Law No. 1381-XIV of 13.01.2000)*

*Article 29. Indemnifications in case of death or mutilation of the Security Services of Ukraine employees and the citizens involved in the activities on ensuring the state security, and in case of damage to their property*

1. In case of death of a Security Service of Ukraine serviceman in connection with performance of official duties, his/her family or parents and dependants are paid a lump sum at the rate of ten-year money allowance at the last post in accordance with procedure established by the Cabinet of Ministers of Ukraine.

*(The first part of Article 29 as provided by the Law N 328-V of 03.11.2006)*

2. In case of mutilation caused to a Security Service of Ukraine serviceman in connection with performance of official duties, as well as in case of physical disability that happened during service or after it not later than in three months after retirement but owing to the disease or accident during the service, he/she is paid a lump sum at the rate of five-year money allowance (depending on the degree of disability) in accordance with procedure established by the Cabinet of Ministers of Ukraine. Determining of the level of disability of a Security Service of Ukraine serviceman in connection with performance of official duties in each case shall be done individually in accordance with legally defined procedure.

*(The second part of Article 29 as provided by the Law N 328-V of 03.11.2006)*

3. The damages caused to the property of a Security Service of Ukraine serviceman or members of his/her family in connection with performance of official duties are indemnified, and in case of his/her death – the damages are indemnified to the members of family in full from the State Budget.

4. Provisions of this Article apply to the Security Service of Ukraine employees and the persons involved in the activities on ensuring the state security, as well as to pensioners of the Security Service of Ukraine.

*Article 30. Money allowance of the servicemen and salary of the employees of the Security Service of Ukraine*

*(The name of Article 30 as provided by the Law No 328-V of 03.11.2006)*

1. The forms and amounts of money allowances for the Security Service of Ukraine servicemen are established by the law and should provide sufficient material conditions for staffing the Security Service of Ukraine with qualified military personnel, should take into account the nature, work environment, and stimulate the achievement of high results in the service activity.
2. Conditions and amounts for paying salaries to the employees of the Security Service of Ukraine shall be determined by the Cabinet of Ministers of Ukraine.

*(Article 30 is supplemented by the second part as provided by the Law No 328-V of 03.11.2006)*

## **PART VI. CONTROL AND OVERSIGHT OF THE SECURITY SERVICE OF UKRAINE ACTIVITY**

*Article 31. Control of the Verkhovna Rada of Ukraine over the activity of the Security Service of Ukraine*

1. Constant control over the activity of the Security Service of Ukraine and over observance of the legislation by it is carried out by the Verkhovna Rada of Ukraine.
2. The Head of the Security Service of Ukraine presents annually to the Verkhovna Rada of Ukraine the report on the activity of the Security Service of Ukraine.

*(Article 31 as provided by the Law No 2592-VI of 07.10.2010)*

*Article 32. Control of the President of Ukraine over the activity of the Security Service of Ukraine*

1. Control over the activity of the Security Service of Ukraine is carried out by the President of Ukraine and by the authorised state organs.
2. Constant control over the observance of constitutional rights of citizens and legislation in operational-investigation activity and in activity in the sphere of the state secret protection by the organs and departments of the Security Service of Ukraine, as well as control over the conformity of the issued by the Security Service of Ukraine of regulations, orders, decrees, instructions with the Constitution and laws of Ukraine is carried out by the officials specially appointed by the President of Ukraine. The powers of these officials and legal guarantees of their activity are determined by the Regulations approved by the President of Ukraine.
3. The Security Service of Ukraine on a regular basis, in accordance with the procedure determined by the President of Ukraine, informs the President of Ukraine, members of the National Security and Defence Council of Ukraine and the officials specially appointed by the President of Ukraine about the main questions of its activity, about cases of infringement of the legislation, as well as submits other necessary data at the request.
4. The Head of the Security Service of Ukraine presents annually to the President of Ukraine a written report on the activity of the Security Service of Ukraine.
5. The Head of the Security Service of Ukraine bears personal responsibility for timeliness, objectivity and completeness of the presented information.

*(Article 32 includes changes made by the Law No. 1703-IV of 11.05.2004)*

*Article 33. Control over administrative and financial activity of the Security Service of Ukraine*

1. Control over administrative and financial activity of the Security Service of Ukraine is carried out in accordance with the procedure determined by the President of Ukraine.

*Article 34. Oversight over observance of the laws*

1. Higher oversight over observance and application of the laws by the Security Service of Ukraine is carried out by the Prosecutor General of Ukraine and public prosecutors authorised by him/her.

## **PART VII. RESPONSIBILITY FOR INFRINGEMENTS IN THE ACTIVITIES OF THE SECURITY SERVICE OF UKRAINE**

*Article 35. Responsibility of the employees of the Security Service of Ukraine*

1. The employees of the Security Service of Ukraine take decisions independently within the limits of their authority. They should refuse to execute any orders, decrees or instructions contradicting the current legislation. They bear disciplinary, administrative and criminal responsibility for unlawful acts and inactivity.
2. The employees of the Security Service of Ukraine, who perform their duties according to the powers given to them by the legislation and in the framework of the Law, do not bear responsibility for damages caused to property.
3. Such damages are indemnified according to the legislation from the State Budget by the Security Service of Ukraine.

*Article 36. Responsibility for the unlawful acts that prevent the Security Service of Ukraine from execution of its powers*

1. Provision for lawful requirements of the employees of the Security Service of Ukraine during the performance of their official duties is obligatory for citizens and officials.
2. Disobedience or resistance to lawful requirements of the employees of the Security Service of Ukraine or unlawful interference with their lawful activity entail legal liability.

## Law of Ukraine "On Intelligence Services"

No 2331-IV of 22.03.2001; (*Bulletin of the Verkhovna Rada of Ukraine (BVR)*, 2001, No. 19, p. 94)

Including changes, made by the Laws:

No 2505-IV of 25.03.2005, BVR, 2005, No 17, N 18-19, p. 267;

No 3200-IV of 15.12.2005, BVR, 2006, No 14, p. 116;

No 328-V of 03.11.2006, BVR, 2006, No 51, p. 519;

No 2526-VI of 21.09.2010, BVR, 2011, No 4, p. 27.

This Law determines the legal bases for the organisation and activity of the organs of state power that carry out intelligence activity with the purpose of protection of the national interests of Ukraine from external threats. The Law also defines the procedure of control and oversight of their activity and the legal status of employees of these organs and their social guarantees.

### PART I. GENERAL PROVISIONS

#### *Article 1. Main terms*

1. The terms used in this Law shall have the following meaning:

- 1) Intelligence activity** is the activity carried out with special means and methods with the purpose of providing the specified by law organs of state power with intelligence data and directed at implementation and protection of national interests of Ukraine, counteraction against the external threats to Ukraine's national security outside the borders of Ukraine;
- 2) Intelligence information** is the verbal and recorded and fixed (including in the form of products and substances) data, which is impossible to obtain through official channels, on real or potential capabilities, plans, intentions and activities of foreign states, organisations and persons posing a threat to the national interests of Ukraine, as well as the data on events and circumstances that concern national security and defence;
- 3) Intelligence services of Ukraine** are specially authorised by the law organs carrying out intelligence activity. Intelligence service of Ukraine may function as independent state organ, as well as department of the central organs of executive power.

*(Article 1 as provided by the Law No 3200-IV of 15.12.2005)*

#### *Article 2. Legal basis for the activity of intelligence services of Ukraine*

1. The legal basis for the activity of intelligence services of Ukraine is provided by the Constitution of Ukraine, this and other laws of Ukraine, as well as other normative legal acts adopted in accordance to them.

#### *Article 3. Principles of the activity of intelligence services of Ukraine*

1. Activity of intelligence services of Ukraine is carried out on the basis of:

- Legality;
- Respect and observance of human and citizens' rights and freedoms;
- Continuity;
- Combination, within the limits determined by the law, of public and secret methods and means;

- Differentiations of fields of activity of intelligence organs, interaction and coordination of their activity;
  - Independence and effectiveness in presentation of intelligence information;
  - Non-membership in political parties;
  - Responsibility and accountability to the relevant organs of state power within the limits envisaged by the law.
2. Activity of intelligence services cannot be used for the accomplishment of the tasks not envisaged by this Law.

*Article 4. Main tasks of intelligence services of Ukraine*

1. Intelligence services of Ukraine have to:

- Get, analytically process and provide intelligence information to the determined by the law state organs of power;
- By taking special measures aimed at the protection of national interests and the state policy of Ukraine in the economic, political, military, military-technical, ecological and information spheres, strengthening of defence capability, economic, scientific and technical development, and protection of the state border;

*(Paragraph three of Article 4 as provided by the Law No 3200-IV of 15.12.2005)*

- Ensure safe operation of establishments of Ukraine located abroad, security of employees of these establishments and members of their families in the host country, as well as security of the citizens of Ukraine who travel abroad and know the information which is the state secret;
- Participate in the fight against terrorism, international organised crime, illegal drugs, arms and arms technologies trafficking and illegal migration in accordance with the procedure defined by the law;

*(Paragraph five of Article 4 as provided by the Law No 3200-IV of 15.12.2005)*

- Take measures countering external threats to the national security of Ukraine, to the life and health of its citizens, as well as to the state property outside Ukraine.

*(Paragraph six of Article 4 as provided by the Law No 3200-IV of 15.12.2005)*

*Article 5. Methods and means of the activity of intelligence services of Ukraine*

1. To accomplish the assigned to them tasks on getting intelligence information and to ensure security of intelligence action, protection of own forces, means and information systems and stores, as well as sources of intelligence information, intelligence services of Ukraine apply methods and means of operational search activity in accordance with the procedure determined in the Law of Ukraine "On operational search activity", taking into account the particularities envisaged by this Law.

*(Part one of Article 5 as provided by the Law No 3200-IV of 15.12.2005)*

2. The methods and means of activity of intelligence services should not cause damage to life, health, honour and dignity of people.
3. Information concerning private life, honour and dignity of citizens, which becomes known to intelligence services during their work cannot be divulged except for the cases envisaged by the law.
4. The procedure of storage of information obtained during intelligence activity is determined by the relevant normative-legal acts.

**PART II. INTELLIGENCE SERVICES OF UKRAINE, ORGANISATION OF THEIR ACTIVITY, FINANCIAL AND LOGISTICAL SUPPORT***Article 6. The Intelligence Services of Ukraine and the Spheres of Their Activity*

1. The Intelligence Services of Ukraine carry out intelligence activity in the following spheres:
  - The Security Services of Ukraine – in the political, economic, military-technical, scientific-technological, information and ecological spheres;
  - The Ministry of Defence of Ukraine – military, military-political, military-technical, military-economic, information and ecological;
  - The Intelligence Service of the specially authorised central executive body on the issues of protection of the state border – in the spheres of border and immigration policy, as well as in other spheres relating to the protection of the state border of Ukraine and Ukraine's sovereign rights in an exclusive (sea) economic zone.
2. Creation, reorganisation and liquidation of intelligence services are carried out by the President of Ukraine according to his/her constitutional powers.
3. Intelligence activity to get information in the national security and defence spheres carried out by other organs of state power, enterprises, institutions and organisations irrespective of form of ownership not envisaged in this Law, as well as by physical persons, is forbidden.
4. Intelligence services of Ukraine are legal persons. They have real and agreed names, emblems, seals and stamps, seals with the image of the State Emblem of Ukraine and their name on them, accounts, including foreign currency accounts, in banks and other financial institutions.
5. The Intelligence organ of the Ministry of Defence of Ukraine may engage the command and control organs as well as military units of military intelligence of the Armed Forces according to the procedure established by the President of Ukraine to perform the collection of intelligence data with the purpose of preparation of national defence and providing for the readiness of the Armed Forces of Ukraine. In these cases personnel of the mentioned organs and military units is covered by the Laws of Ukraine "On Intelligence Services" and "On Operational-Investigative Activity", which regulate the issues of legal status, authority and social protection guarantees.

*(Article 6 is supplemented by a new third part in accordance with the Law N 2526-VI of 21.09.2010)*

*Article 7. Management of intelligence services of Ukraine and coordination of their activity*

1. General management of intelligence services of Ukraine according to the Constitution of Ukraine and this Law is carried out by the President of Ukraine.
2. Heads of the central organs of executive power which include intelligence departments manage them within the limits of their authority determined by the law and regulations about the relevant intelligence services approved by the President of Ukraine and create the necessary conditions for their operation.
3. Direct management of intelligence services of Ukraine is carried out by their heads appointed to office and dismissed from office by the President of Ukraine upon the submission of the heads of the relevant central organs of executive power. The Head of the Foreign Intelligence Service of Ukraine is appointed by the President of Ukraine. Within the limits of their competences, the heads of the intelligence services of Ukraine can issue orders and directives,

and in cases envisaged in the law or at the demand of the President of Ukraine, bring to the President's attention information about external threats to Ukraine in accordance with the procedure established by him.

*(Part one of Article 7 as provided by the Law No 3200-IV of 15.12.2005)*

4. Coordination of the activity of intelligence services of Ukraine is carried out by the President of Ukraine through the National Security and Defence Council of Ukraine that operates according to the Law of Ukraine "On the National Security and Defence Council of Ukraine".
5. The procedure of coordination of the activity of intelligence services of Ukraine during the special period is determined by the President of Ukraine.

*Article 8. Non-membership in political parties of intelligence services of Ukraine*

1. The use of intelligence services of Ukraine in party interests is not allowed. Activity of intelligence services of Ukraine cannot be used to restrict the rights and freedom of citizens, to overthrow the constitutional order, subvert the bodies of state power or obstruct their activity.
2. Creation and activity of political parties and other political associations of citizens in intelligence services of Ukraine are forbidden. Membership and participation of employees of intelligence services of Ukraine in political parties and other political associations of citizens are not permitted.
3. As an exception, membership of the employees who have concluded work contracts with intelligence services of Ukraine in trade unions is allowed.

*Article 9. Rights of intelligence services of Ukraine*

1. For accomplishment of the tasks determined by this Law, the intelligence services of Ukraine have the following rights:
  - 1) To establish co-operation with adult persons on a confidential basis who have voluntarily given their consent to it;
  - 2) To receive the necessary for intelligence purposes information from all state organs of power, enterprises, institutions and organisations, including banks, irrespective of forms of ownership, including information from electronic information and reference systems, databases, etc., in accordance with the procedure determined by the law;
  - 3) To use the services, including paid ones, of experts and advisers of other organs of state power, enterprises, institutions and organisations of all forms of ownership;
  - 4) To use on a contractual basis offices, vehicles and other property of enterprises, institutions and organisations irrespective of form of ownership, as well as living and uninhabited quarters, vehicles and other property belonging to individuals with their consent;
  - 5) To open national and foreign currency bank accounts in banks and other financial institutions in accordance with the procedure determined by the law;
  - 6) To use documents which cover affiliation of employees, departments, organisations, premises and vehicles to the intelligence services of Ukraine;
  - 7) To create with the purpose of conspiracy the organisational structures (departments, enterprises, establishments and organisations) necessary for fulfilment of the tasks of intelligence services of Ukraine and for cover of their employees use the funds and property acquired as a result of their activity in accordance with the procedure established by the Cabinet of Ministers of Ukraine;

*(Paragraph eight of Article 9 as provided by the Law No 3200-IV of 15.12.2005)*

- 8) To commission research and other works for development and production of special means necessary for fulfilment of intelligence activity, to create and apply technical means of intelligence;
- 9) To create in accordance with the procedure established by the law the relevant educational and research establishments, archives and to carry out publishing activity;
- 10) To organise and provide within the limits of their competences the protection of the state secret in the institutions of Ukraine abroad, including measures on prevention of outflow through technical channels of the data constituting the state secret;
- 11) To carry out technical protection of premises and installations of intelligence services;
- 12) To provide the security of intelligence services of Ukraine and protect their facilities, means and information from unlawful acts and threats;
- 13) To create, in accordance with the established procedure, territorial subdivisions within the limits of the numbers of cadre employees;

*(Article 9 is supplemented by the paragraph as provided by the Law No 3200-IV of 15.12.2005)*

- 14) To ensure, in accordance with the procedure established in the legislation of Ukraine, the controlled (under operational control) movement of persons and things across the state border of Ukraine.

*(Article 9 is supplemented by the paragraph as provided by the Law No 3200-IV of 15.12.2005)*

*Article 10. Provision of intelligence information*

1. Information obtained and processed by the Intelligence Services of Ukraine is provided to the President of Ukraine, the Chairman of the Verkhovna Rada of Ukraine, the Prime Minister of Ukraine and others determined by the President in accordance with the procedure determined by him, observing the stipulations of the Laws of Ukraine "On the State Secret", "On Information", "On Protection of Information in Computer Systems" and other.

*(Article 10 as provided by the Law No 3200-IV of 15.12.2005)*

*Article 11. Interaction of intelligence services of Ukraine with each other, with law enforcement organs of Ukraine, as well as with special services of foreign states*

1. The procedure of co-operation of intelligence services of Ukraine with each other, with law enforcement organs of Ukraine is determined by the laws and other normative-legal acts adopted according to them.
2. Intelligence services of Ukraine, with permission of the President of Ukraine and on terms determined by him/her, can establish and maintain contacts with special services of foreign states, including on the basis of bilateral or multilateral international agreements of Ukraine, with observance of the requirements of the legislation of Ukraine.
3. In cases of long-term co-operation on terms determined by the international treaties agreed to be binding by the Verkhovna Rada of Ukraine, official foreign representative offices of intelligence services of Ukraine can be created.

*(Article 11 as provided by the Law No 3200-IV of 15.12.2005)*

*Article 12. Relations of intelligence services of Ukraine with organs of state power, enterprises, establishments and organisations of Ukraine*

1. Intelligence services of Ukraine co-operate with organs of state power of Ukraine according to the laws and other normative-legal acts.

2. Organs of state power, enterprises, institutions and organisations of Ukraine in accordance with the procedure established by the law render assistance to intelligence services of Ukraine to help them accomplish the tasks assigned to them by this Law.
3. The list of organs of executive power which can be involved in the fulfilment of the programmes of intelligence activity or in the activities carried out by intelligence services is determined by the President of Ukraine.

*Article 13. Informing the public on the activity of the intelligence services of Ukraine*

1. Intelligence services of Ukraine inform the people of Ukraine about their activity in accordance with the established procedure, maintain relations with associations of citizens, the mass media and citizens through the relevant structural departments and their officials.
2. Materials about the activity of intelligence services of Ukraine provided to the mass media cannot contain the data constituting the state secret.
3. Data on intelligence services of Ukraine and their activity is published with observance of the requirements of the Law of Ukraine "On the State Secret".

*Article 14. Protection of data on intelligence services of Ukraine*

1. Data on the staff carrying out intelligence activity, means, contents, plans, organisation, financing, logistical support, forms, methods and results of intelligence activity, as well as on the persons who co-operate or co-operated in the past on a confidential basis with intelligence services, constitutes the state secret and is subject to protection in accordance with the procedure determined by the law of Ukraine "On the State Secret".

*Article 15. Financing and logistical support of intelligence services of Ukraine*

1. Financing and logistical support of intelligence services of Ukraine are carried out by the means allocated from the State Budget of Ukraine for each intelligence service and from other sources envisaged by the law. Intelligence services of Ukraine are financed through the National Bank of Ukraine.
2. The funds received from the realisation, in accordance with the established procedure, of property acquired for the budgetary funds outside Ukraine are added to the State Budget of Ukraine. These funds are used exclusively for the needs of intelligence activity in accordance with the budgets for the relevant Intelligence Services of Ukraine.
3. The head of an intelligence service is the manager of budgetary funds, including foreign currency, used for maintenance and support of the activity of this intelligence service of Ukraine.
4. The Intelligence Services of Ukraine have the right to alienate property acquired for budgetary funds outside Ukraine in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

*(Parts three and four of Article 15 is added as provided by the Law No 3200-IV of 15.12.2005)*

5. The Intelligence Services of Ukraine have the right, in accordance with the law, to acquire and import into the territory of Ukraine armaments, material-technical, special technical and other means, firearms and ammunition, including those produced abroad, to satisfy their own needs, as well as in case of need to transfer and export them out of Ukraine in accordance with the procedure determined by the Cabinet of Ministers of Ukraine.

*(Part five of Article 15 is added as provided by the Law No 3200-IV of 15.12.2005)*

6. Intelligence services of Ukraine are exempt from import customs duty and excise duty on equipment, property and materials intended for their own use.
7. Intelligence services of Ukraine have a housing fund and can order the construction of dwellings.  
(Part seven of Article 15 is supplemented as provided by the Law No 3200-IV of 15.12.2005)

### **PART III. LEGAL STATUS OF EMPLOYEES OF INTELLIGENCE SERVICES OF UKRAINE, PERSONS COOPERATING WITH THESE SERVICES ON A CONFIDENTIAL BASIS AND THEIR SOCIAL PROTECTION**

#### *Article 16. Employees of Intelligence services of Ukraine*

1. Employees of intelligence services of Ukraine are military men and permanent personnel of intelligence organs of Ukraine, as well as military men and employees who do not belong to the permanent personnel of these organs.  
(Part one of Article 16 as provided by the Law No 3200-IV of 15.12.2005)
2. (Part two of Article 16 is excluded by the Law No 3200-IV of 15.12.2005)
3. The legislation of Ukraine on military service is applicable to military men who serve in intelligence services, including those not belonging to the permanent personnel of intelligence services, taking into account the peculiarities of their tasks. The details of the performance of military service in the Intelligence Services of Ukraine are determined by the President of Ukraine.  
(Part three of Article 16 is supplemented as provided by the Law No 3200-IV of 15.12.2005)
4. The procedure for the performance of military service and the conferment of military ranks to persons with special ranks (class ranks) and who are assigned (enlisted) for further performance of military service to the Intelligence Services of Ukraine is determined by the President of Ukraine.
5. Persons enlisted for military service in the Intelligence Services of Ukraine have the right to return, provided there are vacant posts, in accordance with the established procedure, to the organs that assigned (enlisted) them for further performance of military or state service in accordance with the posts, military (special) ranks, class ranks and ranks of state officials acquired during the service in the Intelligence Services of Ukraine and with consideration of the work (service) period in the Intelligence Services of Ukraine as part of the interrupted work record.  
(Parts four and five of Article 16 are added as provided by the Law No 3200-IV of 15.12.2005)
6. Labour legislation of Ukraine is applicable to employees of intelligence services.

#### *Article 17. Permanent personnel of intelligence services of Ukraine*

1. The permanent personnel of intelligence services of Ukraine are military men and employees who fulfil the functional duties directly connected with intelligence activity in intelligence services and educational and research establishments subordinated to them. The list of permanent personnel posts of an intelligence service is determined by the Regulations on the relevant intelligence service.
2. Cadre employees of the Intelligence Services of Ukraine are state employees.
3. Their posts are attributed to the corresponding categories of state employees by the Cabinet of Ministers of Ukraine in agreement with the relevant state organ. The procedure for employment in an intelligence service is determined in accordance with the law and the regulations on the relevant intelligence service.  
(Part two of Article 17 is supplemented as provided by the Law No 3200-IV of 15.12.2005)

4. To perform their functional duties, members of permanent personnel of intelligence services can hold, with observance of the requirements of this Law, a post in organs of state power, enterprises, institutions and organisations of any form of ownership without disclosing their belonging to intelligence organs. Officials of these organs of state power, enterprises, institutions and organisations are legally liable for disclosing the fact of belonging of these employees to intelligence services, if this became known to them during work.
5. Intelligence services of Ukraine can have the personnel reserve from among experts in relevant specialties.
6. Members of permanent personnel of intelligence services of Ukraine receive special service identity documents.

*Article 18. Legal status of employees of intelligence services of Ukraine*

1. During performance of official duties, permanent personnel of intelligence services of Ukraine are under special protection of the state. Nobody, except for organs of state power and officials determined by this Law, has the right to interfere with their activity.
2. For protection of the life, health, dwelling and property of employees of intelligence services of Ukraine and of their close relatives (wife, husband, parents, children, siblings) from illegal encroachments and threats in connection with the service activity of these employees, intelligence services of Ukraine take special measures to ensure their security according to the procedure established by the Law of Ukraine "On the state protection of employees of court and law enforcement organs" and other legislative act of Ukraine. Decisions on implementation of these measures in each concrete case are taken by the head of the relevant intelligence service.
3. The status of the employee of the intelligence service of Ukraine cannot be used for the achievement of goals not connected with performance of his/her functional duties.

*Article 19. The use by employees of intelligence services of Ukraine of force, special means and firearms*

1. Only to exercise the rights determined in paragraphs 11 and 13 of Part 1 of Article 9 of this Law as well as in case of their involvement in an anti-terrorist operation, employees of intelligence services of Ukraine can use force, keep, carry, use and apply special means of active defence according to the procedure established by the legislation of Ukraine; intelligence services military men besides that can keep, carry, use and apply firearms according to the procedure established by the Law of Ukraine "On Militia".
2. Abuse by an employee of an intelligence organ of Ukraine of his/her right to use force, special means and firearms entail legal liability.

*Article 20. Liability of employees of intelligence services of Ukraine for offences*

1. Employees of intelligence services of Ukraine are accountable for administrative offences in accordance with the procedure established by the Code of Ukraine on administrative offences for persons to whom apply special discipline regulations.
2. In case of detention of a member of permanent personnel of intelligence organ of Ukraine on suspicion of a crime or his/her placement under guard as a preventive measure, he/she is kept separately from other persons. Detention, arrest and connected with this search of an employee of permanent personnel of an intelligence organ and his/her belongings while on duty can be carried out only in the presence of official representatives of this organ. Vehicles

of intelligence services and their employees are not subject to examination and detention if they are used for service purposes.

3. Employees of intelligence services of Ukraine do not bear responsibility for unforeseen financial and property losses caused to physical or legal persons during the fulfilment of the assigned tasks if they operated within the limits of power given to them by the law. Such losses are indemnified in accordance with the procedure determined by the law by relevant intelligence services from the State Budget of Ukraine from the funds allocated for financing of intelligence services or special programmes.

*Article 21. Social protection of employees of intelligence services of Ukraine and members of their families*

1. Social protection of employees of intelligence services of Ukraine and members of their families, as well as of civilian employees who have concluded work contracts with intelligence services of Ukraine, is guaranteed by the law.
2. Social protection and financial support (work remuneration) are unified for all employees of all intelligence services of Ukraine.
3. Permanent personnel of intelligence services are paid bonuses for the fulfilment of special tasks. The amount of bonuses is determined by the relevant normative-legal acts.
4. In case of detention, arrest or conviction outside Ukraine of a member of permanent personnel of intelligence services of Ukraine in connection with accomplishment by him/her of the tasks assigned by intelligence services of Ukraine, the state helps release them and members of their families.
5. In case of full or partial loss of professional fitness by an employee of permanent personnel of an intelligence service of Ukraine as a result of his/her disclosure or due to other not dependent on him/her reasons, the intelligence organ is obliged to provide a job to this employee or to create conditions for his/her professional retraining.
6. Property losses, caused to the employee of permanent personnel of an intelligence service of Ukraine and members of his/her family in connection with fulfilment of intelligence activity, are compensated by the intelligence service and departments responsible for the performance of intelligence activity before this Law comes into force, and from the State Budget of Ukraine in accordance with the procedure defined by the civil legislation of Ukraine.
7. The provisions envisaged by this Article are applied also to former employees of intelligence services of Ukraine who require such protection in connection with their previous activity.
8. Cadre employees of the Intelligence Services of Ukraine have the right to a pension on the grounds and conditions envisaged in the Law of Ukraine "On State Service".
9. Military men who are employees of intelligence services of Ukraine and who, according to the law, have the right to retire, but are left on service, are paid monthly bonuses, amount of which is determined the Cabinet of Ministers of Ukraine.
10. Pension allowance of military men who are discharged from intelligence services of Ukraine is calculated on the basis of procedure and the amount of money allowance as provided by the Law "On Pensions of Retired Military Personnel and Other Persons".
11. In case of death of a cadre employee in the Intelligence Services of Ukraine during the performance of service duties, the family of the deceased or (in case of family absence) parents and persons who depend on his support receive a one-time allowance equal to a ten-year

salary of the deceased in accordance with his last post and a pension as a result of the loss of the breadwinner in accordance with procedure established by the Cabinet of Ministers. The family of the deceased retains the right for receiving the housing.

12. In case of mutilation received by a cadre employee of the Intelligence Services of Ukraine during the performance of his service duties and of invalidity as a result of his service or no later than three months after the discharge from service or after the end of this period in case the invalidity is the result of disease or an incident that occurred during service. Depending on the degree of invalidity, the employee receives a one-time allowance equal to a three to five-year salary on the last post and an invalidity pension in accordance with procedure established by the Cabinet of Ministers. Determining of the degree of the invalidity of a cadre employee of the Intelligence Services of Ukraine during the performance of his service duties in each case is performed individually according to the law.
13. The Intelligence Services of Ukraine reimburse cadre employees for the travel expenses incurred while in the service on all types of public transportation, except for taxis, as well as expenses relating to the use of their own means of transportation for the same purpose in accordance with the procedure determined by the Head of the relevant Intelligence Service of Ukraine.

*(Article 21 with changes and supplements as provided by the Laws No 3200-IV of 15.12.2005 and N 328-V of 03.11.2006)*

*Article 22. Rights and duties of the persons cooperating with intelligence services of Ukraine on a confidential basis*

1. Confidential co-operation of intelligence services of Ukraine with the purpose of accomplishment of the tasks determined by this Law can be established with persons on a free-of-charge or paid basis. The procedure of maintenance of relations with such persons is determined by normative acts of the relevant intelligence services.
2. To ensure security of the persons who co-operate or have co-operated in the past on a confidential basis with intelligence services of Ukraine and members of their families, security measures that apply to the employees of intelligence services according to the procedure established by this Law can be taken.

*Article 23. Social protection of the persons cooperating with intelligence services of Ukraine on a confidential basis*

1. The persons cooperating with intelligence services of Ukraine on a confidential basis are guaranteed the nondisclosure of these relations and social protection.

#### **PART IV. CONTROL AND OVERSIGHT OVER THE ACTIVITY OF INTELLIGENCE SERVICES OF UKRAINE**

*Article 24. Control of the President of Ukraine over the activity of intelligence services of Ukraine*

1. Control over the activity of intelligence services of Ukraine is carried out by the President of Ukraine within the limits of his/her constitutional powers, including through the headed by him/her National Security and Defence Council of Ukraine.
2. Intelligence services of Ukraine report to the President of Ukraine and are accountable to him on the issues and in accordance with the procedure determined by the President of Ukraine.

*Article 25. Control of the Verkhovna Rada of Ukraine over the activity of intelligence services of Ukraine*

1. Control over the activity of intelligence services of Ukraine is carried out by the Verkhovna Rada of Ukraine in accordance with the procedure established by the Constitution of Ukraine.

*Article 26. The Procedure of carrying out of control functions by the Accounting Chamber of Ukraine*

1. To control the use of means from the State Budget of Ukraine on support of intelligence services of Ukraine and financing of their activity, a special group is created from the members of the Accounting Chamber of Ukraine.
2. The special group of the Accounting Chamber of Ukraine has the right to receive according to the procedure established by the law documents on the use of means from the State Budget of Ukraine from intelligence services of Ukraine, as well as to hear heads of the relevant intelligence services on these questions in private sessions.
3. Members of the special group of the Accounting Chamber of Ukraine exercise powers envisaged by this Article only if they are given a special access to the data constituting the state secret, in accordance with the procedure established by the law of Ukraine "On the State Secret". It is forbidden to them to disclose methods and means of activity of intelligence organs, the identity of their employees and the received information.

*Article 27. Public prosecutor's oversight*

1. Oversight over observance by intelligence services of Ukraine of laws of Ukraine is carried out by the General Prosecutor of Ukraine and public prosecutors authorised by him/her according to the Constitution and laws of Ukraine.
2. The data on the persons who co-operate or have co-operated in the past on a confidential basis with intelligence services of Ukraine, on belonging of concrete persons to permanent personnel of intelligence organs, as well as on organisational and staff structure of intelligence services cannot be subject to public prosecutor's oversight.

**PART V. FINAL PROVISIONS**

1. This Law enters into force from the date of its publication.
2. Before the laws of Ukraine and other normative-legal acts are not brought into conformity with this Law, they are applied in the parts not contradicting this Law.
3. The Cabinet of Ministers within six months after this law enters into force is obliged to:
  - Submit proposals to the Verkhovna Rada of Ukraine on introducing amendments to the laws apparent from this Law;
  - Bring their normative-legislative acts into conformity with the current Law;
  - Ensure bringing by Ministries, other central organs of executive power of Ukraine of their normative-legal acts into conformity with this Law.

## Law of Ukraine "On Counterintelligence Activity"

374-IV of 26.12.2002; (*Bulletin of the Verkhovna Rada of Ukraine* (BVR), 2003, No. 12, p. 89);

Includes changes made by the Laws  
 No. 662-IV of 03.04.2003, BVR, 2003, No. 27, p. 209;  
 N 3200-IV of 15.12.2005, BVR, 2006, No 14, p.116;  
 N 2939-VI of 13.01.2011, BVR, 2011, No 32, p. 314.

This Law determines the concept and legal bases for the organisation and fulfilment of counterintelligence activity.

### *Article 1. The concept of counterintelligence activity*

1. Counterintelligence activity is a special kind of activity to ensure state security which is carried out with the use of a system of counterintelligence, search, security and administrative-legal measures and is directed at the prevention, timely identification and repulsion of external and internal threats to security of Ukraine, of intelligence, terrorist and other illegal actions of special services of foreign states, organisations, groups and persons against the interests of Ukraine.

(*Article 1 as provided by the Law No 3200-IV of 15.12.2005*)

### *Article 2. The goal and tasks of counterintelligence activity*

1. The goal of counterintelligence activity is the prevention, timely identification and repulsion of external and internal threats to security of Ukraine, suppression of intelligence, terrorist and other illegal actions of special services of foreign states, organisations, groups and persons against state security of Ukraine, and elimination of favourable conditions that help the activity of the above groups and persons and the reasons of their emergence.
2. The tasks of counterintelligence activity are the following:
  - Obtain analytically process and use information containing threats or facts about intelligence, terrorist and other activity of special services of foreign states, organisations, groups and persons threatening the state security of Ukraine;
  - Counteract intelligence, terrorist and other activity of special services of foreign states, organisations, groups and persons threatening the state security of Ukraine;
  - Develop and implement measures on prevention, elimination and neutralization of threats to the interests of the state, society and rights of citizens.

### *Article 3. The Legal basis for counterintelligence activity*

1. The legal basis for counterintelligence activity is the Constitution of Ukraine, international treaties of Ukraine agreed to be binding by the Verkhovna Rada of Ukraine, this and other laws of Ukraine and the normative-legal acts adopted according to them.

### *Article 4. Principles of counterintelligence activity*

1. The main principles of counterintelligence activity are the following:
  - Legality;
  - Respect and observance of human and citizens' rights and freedoms;

- Non-membership in political parties;
- Continuity;
- Conspiracy, combination of public and secret methods and means of work;
- Framework for Ensuring State Security;
- Use of legal, preventive and organisational measures; Correspondence between the measures to protect state security and real and potential threats;
- Interaction with organs of state power of Ukraine, local self-government organs, associations of citizens, legal and physical persons;
- Accountability to the relevant organs of state power within the limits envisaged by the law.

*Article 5. The Right to carry out counterintelligence activity*

1. The Security Service of Ukraine is a special representative organ of state power in the sphere of counterintelligence activity.
2. Some counterintelligence measures exclusively in the interests of protection of the state border of Ukraine and of officials under state protection, as well as provision of security of their facilities, means, information systems and records can be carried out by the intelligence services of Ukraine and the Department of State Protection of Ukraine, given the right to carry out operational search or intelligence activity by the laws of Ukraine "On operational search activity" and "On Intelligence Services of Ukraine".
3. Law enforcement and other organs of state power, local self-government organs, enterprises, institutions and organisations of Ukraine irrespective of form of ownership within the limits determined by the laws of Ukraine and other normative legal acts assist organs and departments of the Security Service of Ukraine in carrying out counterintelligence activity in the interests of state security.
4. Carrying out of counterintelligence measures by other than determined by this Law subjects is forbidden.

*Article 6. The Bases for carrying out of counterintelligence activity*

1. The bases for carrying out of counterintelligence activity are the following:
  - 1) Availability of sufficient information that needs to be verified using special forms, methods and means, about:
    - a) Intelligence activity against Ukraine by special services of foreign states, organisations, groups and persons;
    - b) Encroachment on the state sovereignty, constitutional order and territorial integrity of Ukraine;
    - c) Terrorist attempts or terrorist activity, crimes against peace, security of mankind, international law and order;
  - 2) Accomplishment of the tasks determined by the law on:
    - a) Counterintelligence support to the economic, information, scientific and technical potential, defence-industrial and transport complexes and their installations, national communication system, the Armed Forces of Ukraine and other military formations created in accordance with the laws of Ukraine, military-technical co-operation, observance of international non-proliferation norms, as well as diplomatic establishments of Ukraine and security of the citizens of Ukraine abroad;

- b) Counterintelligence protection of the organs of state power, law enforcement, intelligence organs and of the state secret;
  - c) Protection of embassies and representative offices of foreign states in Ukraine and their employees from terrorist attempts;
  - d) Checking and clearing persons who get an access to the state secret, work with nuclear materials and on nuclear installations or are involved in confidential co-operation;
  - e) Provision of own security, including of employees of organs and departments carrying out counterintelligence activity, members of their families and persons assisting in implementation of counterintelligence activity;
  - f) Information-analytical support to organs of state power (on threats to state security of Ukraine);
- 3) Need to reveal by using technical means and to stop the operation of electronic and other devices that pose a threat to the state security of Ukraine, prevent leakage of limited access information, as well as radio emissions of electronic means used with illegal aims.
  2. The bases for carrying out counterintelligence activity by intelligence services of Ukraine and the Department of State Protection of Ukraine are the accomplishment of the tasks determined by the law on the protection of the state border of Ukraine, of officials under state protection, as well as provision of security of their facilities, means, information systems and records.
  3. The following sources can contain information on the bases specified in this Article: declarations and statements from citizens, persons involved in confidential co-operation, officials, service persons, public organisations, mass media; materials of the organs of investigation, pre-judicial inquiry and court; inquiries, information and materials of special services and law enforcement organs of foreign states, international establishments and organisations; materials of law enforcement organs and other organs of state power of Ukraine about threats to state security of Ukraine, materials of the Security Service of Ukraine about the organisation, implementation, forms and methods of terrorist, intelligence and other activity threatening state security of Ukraine; and inquiries by the authorised by the Cabinet of Ministers of Ukraine state organs, establishments and organisations about granting access to persons to the state secret, work with nuclear materials and on nuclear installations.

*Article 7. Functions and powers of organs, departments and employees of the Security Service of Ukraine carrying out counterintelligence activity*

1. Functions of organs, departments and employees of the Security Service of Ukraine carrying out counterintelligence activity are determined by the Law of Ukraine "On the Security Service of Ukraine".
2. For accomplishment of the tasks determined by the law and in the presence of the bases envisaged by Article 6 of this Law, while carrying out counterintelligence activity the organs and employees of the Security Service of Ukraine have the right:
  - 1) To carry out counterintelligence search, operational search measures with the use of operational and technical facilities and means, to interrogate persons with their consent and to use their voluntary help;
  - 2) To identify, record and document publicly and secretly intelligence, terrorist and other acts against state security of Ukraine and carry out their operational registration; to carry out observation activities in public places with the use of photo and video recording, optical and radio devices and other means;

- 3) To carry out counterintelligence operations and relevant operational and technical measures with the purpose of prevention, timely identification and suppression of intelligence-subversive, terrorist and other illegal activity threatening state security of Ukraine;
- 4) To have public and secret regular and non-staff employees; to create with the purpose of conspiracy enterprises, establishments and organisations; to use documents encoding the identity of persons or affiliation of employees, premises and vehicles of organs and departments carrying out counterintelligence activity;
- 5) To request, collect and study, in the presence of the bases determined by the law, the documents and data about the activity of enterprises, institutions, organisations, as well as about the way of life of individual persons, sources and amount of their income for the prevention and suppression of intelligence, terrorist and other illegal acts against state security of Ukraine;
- 6) Exclusively with the purpose of prevention, timely identification and suppression of intelligence, terrorist and other acts against state security of Ukraine, to take measures to receive information in the interests of counterintelligence in cases determined by Part 2 of Article 8 of the Law of Ukraine "On Operational Investigative Activity" – only pursuant to a court decision, without divulging the information to a third party, in cases envisaged by Part 3 of Article 8 of the specified Law – in accordance with the procedure defined in agreement with the General Prosecutor of Ukraine and the Chairman of the Supreme Court of Ukraine;
- 7) To detain and keep in specially designated for this places:
  - a) Persons suspected of preparation or carrying out of intelligence, subversive, terrorist activity and of other crimes, investigation of which is carried out by organs of the Security Service of Ukraine, – for periods and according to the procedure established by the laws of Ukraine;
  - b) Persons who have penetrated into the installations and places protected by the organs and departments of the Security Service of Ukraine – for a period of up to three hours; in case of a necessity to prevent a crime or suppress it and to identify the person – up to seventy two hours, notifying the court about the fact of detention within 24 hours from the moment of detention;
  - c) To conduct personal search of the specified persons and examine their belongings and vehicles, withdraw documents and things, which can serve as exhibits or are dangerous to the life and health of people.
- 8) Only for suppression of intelligence, terrorist and other illegal acts against state security of Ukraine or while in pursuit of the persons suspected of carrying out such activity, to enter and stay at any time in the territory and premises of organs of state power and their structural departments, local self-government organs, enterprises, institutions and organisations irrespective of form of ownership and in protected military installations – in accordance with the established procedure;
- 9) To stay, in accordance with the procedure determined in agreement with the heads of organs of the State Border Service of Ukraine, in the border zone, controlled border region, in check points through the border and in the territorial sea of Ukraine for carrying out of counterintelligence measures;
- 10) In emergency cases during fulfilment of counterintelligence measures, to use without restraint communication facilities belonging to enterprises, institutions and organisations, and communication facilities belonging to citizens – with their consent, with the subsequent reimbursement at their request;

- 11) In order to ensure state security and fulfilment of the tasks of counterintelligence activity, to organise, coordinate and carry out scientific and technical research, to create in accordance with the procedure defined by the legislation of Ukraine relevant scientific establishments and interdepartmental coordination and advisory organs;
- 12) To keep, carry, apply, use weapons and special means, to use force according to the laws of Ukraine and other legislative act of Ukraine; to transport weapons and special means in all types of transport;
- 13) To use the rights determined by the laws of Ukraine "On the Security Service of Ukraine", "On the State Secret" and other laws of Ukraine. Employees of organs and departments carrying out counterintelligence activity for illegal purposes cannot use the provided rights. In case of failure to meet these requirements, they are legally liable.

*(Article 7 includes changes made by the Laws No. 662-IV of 03.04.2003 and No 3200-IV of 15.12.2005)*

*Article 8. Main principles of organisation of counterintelligence activity*

1. The organisation and coordination of counterintelligence activity are assigned to the Central administration of the Security Service of Ukraine.
2. The procedure of the organisation and implementation of counterintelligence activity is determined by the laws of Ukraine, the normative-legal acts of the Security Service of Ukraine adopted according to them and in cases envisaged by the law – by interdepartmental normative-legal acts.
3. Counterintelligence activity is carried out publicly and secretly.
4. Public counterintelligence measures involve the use of open (official) forms and methods of work to ensure state security.
5. Secret counterintelligence measures are carried out with the engagement of persons who co-operate on a confidential basis with counterintelligence services and departments, as well as with the use of operational, technical and special facilities and means. The procedure of the use of secret methods and means during the fulfilment of counterintelligence activity is determined by normative-legal acts of the Security Service of Ukraine on the basis of this Law.
6. For organisation and implementation of counterintelligence activity, systematization and documentary recording of the received results, their analysis, operational and legal assessment, and taking of the relevant administrative decisions, the organs and departments of the Security Service of Ukraine carrying out counterintelligence activity open counterintelligence cases.
7. A counterintelligence case is opened in the presence of the bases determined by this Law for carrying out of counterintelligence activity. The decision about opening such a case is subject to approval of the heads of the relevant departments of the Central administration of the Security Service of Ukraine carrying out counterintelligence activity, heads of regional organs, organs of military counterintelligence of the Security Service of Ukraine or their deputies, by the Head of the Intelligence Service of Ukraine or his deputy within the competences defined by this Law.  
*(Paragraph eight of Article 8 includes changes made by the Law No 3200-IV of 15.12.2005)*
8. Exclusively with the purpose of carrying out of counterintelligence activities, systematization and documentary recording of the received results, their analysis and operational assessment according to the rights and tasks determined by the law concerning protection of the state border of Ukraine, counterintelligence cases can be led by departments of the border intelligence service with permission of the head of the intelligence organ of the specially authorised central executive organ on protection of the state border of Ukraine or his/her

deputies with consent of the Security Service of Ukraine and in interaction with it and in cases relating to ensuring the security of its own forces and means, information systems and operational records, counterintelligence activities can be carried out by the Intelligence Services of Ukraine with the permission of their heads or deputy heads.

*(Paragraph nine of Article 8 includes changes made by the Law No 3200-IV of 15.12.2005)*

9. A counterintelligence case should be closed at:
  - 1) Completion of counterintelligence activities or exhaustion of possibilities for their fulfilment;
  - 2) Disproof of information which served as the bases for the fulfilment of counterintelligence activity;
  - 3) Suppression of intelligence, terrorist or other illegal activity threatening the state security of Ukraine; departure of the person for a permanent place of residence outside Ukraine, and impossibility to carry out counterintelligence activity against him/her; opening of an operational search case based on the materials of counterintelligence activity;
  - 4) Bringing the person to criminal account, including abroad, for activities which served as the bases for opening of a counterintelligence case;
  - 5) Death of the person against whom a counterintelligence case has been opened.
10. With the purpose of prevention, timely identification and suppression of intelligence, terrorist and other illegal acts against state security of Ukraine, the organs and departments of the Security Service of Ukraine carrying out counterintelligence activity based on the results of the counterintelligence activity in case of necessity carry out preventive measures against offences in the sphere of state security; if during this work they identify persons requiring preventive measures, they issue an official warning about inadmissibility of illegal behaviour to them.
11. The Security Service of Ukraine reports to the President of Ukraine and informs the Verkhovna Rada of Ukraine on the results of counterintelligence activity. Coverage of the results of counterintelligence activity is carried out with observance of the requirements of the legislation of Ukraine.

#### *Article 9. Protection of data about counterintelligence activity*

1. The data about the organisation, plans, contents, forms, methods, facilities, financing, logistical support, results of counterintelligence activity, scientific and technical research on state security, as well as about persons who co-operate or have co-operated on a confidential basis with organs and departments of the Security Service of Ukraine carrying out counterintelligence activity, and general data about the staff of these organs and departments constitutes the state secret and is subject to protection in accordance with the procedure determined by the law of Ukraine "On the State Secret". Access to this data can be given in cases and in accordance with the procedure defined by the Security Service of Ukraine, according to requirements of the law. It is forbidden to make public and distribute (open) the collected data, as well as information concerning conducting or not conducting the counterintelligence activity and measures in case of specific individual until the decision on the results of such an activity is made.  
*(Article 9 includes changes made by the Law No 2939-VI of 13.01.2011)*

#### *Article 10. Social and legal guarantees of employees of organs and departments of the Security Service of Ukraine carrying out counterintelligence activity*

1. Employees of organs and departments of the Security Service of Ukraine carrying out counterintelligence activity are entitled to social and legal guarantees established by laws of

Ukraine "On the Security Service of Ukraine", "On Social and Legal Status of Military Men and Members of Their Families" and other laws of Ukraine.

2. During performance by the employees of counterintelligence services and departments of the Security Service of Ukraine of their official duties, their administrative detention, as well as personal examination or examination of their belongings and vehicles, is conducted in case of necessity, except for cases if they have committed a crime, in the presence of the authorised representative of the relevant organ or division of the Security Service of Ukraine.
3. Nobody, except for their immediate heads, has the right to interfere with the service activity of employees of organs and departments of the Security Service of Ukraine carrying out counterintelligence activity. Interference with or obstruction of their official duties, resistance, insult of their honour and dignity, and use of threats or violence entail legal liability.

*Article 11. Guarantees of the observance of legality during implementation of counterintelligence activity*

1. The state guarantees the observance of constitutional rights and freedoms of the person and the citizen during the implementation of counterintelligence activity. Restriction of human and citizens' rights and freedoms, except for the cases envisaged by the law, is not allowed.
2. Organs and departments of the Security Service of Ukraine carrying out counterintelligence activity cannot be used for accomplishment of the tasks not envisaged by this Law.
3. Officials and employees of organs and departments of the Security Service of Ukraine carrying out counterintelligence activity bear disciplinary, administrative, material or criminal responsibility according to the law.
4. The information on private life, honour and dignity of a person, which became known during counterintelligence activity, cannot be disclosed.
5. The citizens have the right to receive according to the procedure established by the law written explanations in case of restriction of their rights and freedoms during the implementation of counterintelligence activity and appeal against these activities.

*Article 12. Control over counterintelligence activity, oversight over the observance of legality by the organs and departments carrying counterintelligence activity*

1. Control over counterintelligence activity of organs and departments of the Security Service of Ukraine and oversight over the observance of the laws of Ukraine by them are carried out according to the Constitution and the laws of Ukraine.

*Article 13. Final provisions*

1. This Law enters into force from the date of its publication.
2. Before the laws of Ukraine and other normative-legal acts are not brought into conformity with this Law, they are applied in the part not contradicting this Law.
3. The Cabinet of Ministers of Ukraine within six months after this law has entered into force is obliged to: bring their normative-legislative acts into conformity with the current Law; ensure bringing by Ministries, other central organs of executive power of Ukraine of their normative-legal acts into conformity with this Law;
4. The Security Service of Ukraine is obliged to elaborate draft laws on introducing amendments to the laws of Ukraine apparent from this Law and submit them in accordance with the established procedure for the consideration of the Verkhovna Rada of Ukraine.

## Law of Ukraine "On the Fight Against Terrorism"

638-IV of 20.03.2003; (*Bulletin of the Verkhovna Rada of Ukraine* (BVR), 2003, No. 25, p. 180)

Including the changes, made by the Laws:

No 2600-IV of 31.05.2005, BVR, 2005, No 25, p.335;

No 3200-IV of 15.12.2005, BVR P, 2006, No 14, p.116;

No 1254-VI of 14.04.2009, BVR, 2009, No 36-37, p.511;

No 1900-VI of 16.02.2010, BVR P, 2010, No 19, p.151;

No 2258-VI of 18.05.2010, BVR, 2010, No 29, p.392;

No 2592-VI of 07.10.2010, BVR, 2011, No 10, p.63;

No 3266-VI of 21.04.2011, BVR, 2011, No 43, p.449.

This Law, with the aims of protecting persons, the state and society from terrorism, seeking to reveal and eliminate the causes and conditions generating it, determines the legal and organisational bases of the fight against this dangerous phenomenon, the powers and duties of executive organs, associations of citizens and organisations, officials and individual citizens in this field, the procedure to coordinate their activities, guarantees of legal and social protection of citizens participating in the fight against terrorism.

Provisions of this Law cannot be applied as the basis for the prosecution of citizens who, operating within the limits of the law, have their constitutional rights and freedom protected.

### PART I. GENERAL PROVISIONS

#### Article 1. Definition of Terms

1. In this Law the terms given below shall have the following meaning:

**1) Terrorism** is an act dangerous to the public which consists of conscious, purposeful use of violence by reprisal, arson, murder, torture, intimidation of the population and government organs or encroachment on the life or health of innocent people or threat to commit criminal acts with the purpose of the achievement of criminal purposes;

**2) Act of terrorism** is a criminal action in the form of the use of weapons, explosion, arson or other activities for which Article 258 of the Criminal Code of Ukraine envisages liability. In case the terrorist activity is accompanied by the commitment of crimes envisaged by Articles 112, 147, 258-260, 443, 444, as well as by other Articles of the Criminal Code of Ukraine, the liability for their commitment arises in accordance to the Criminal code of Ukraine;

**3) Assets**, related to financing terrorism and linked to financial operations, frozen in accordance with decision, adopted on the basis of the UN Security Council Resolution – funds, economic resources, property and non-property rights, owned or controlled, directly or indirectly, by terrorists or by persons acting on their behalf or at their direction and falling under the international sanctions, as well as incomes derived from exploitation of funds, economic resources, property and non-property rights, and other assets of these persons;

*(Article 1 is supplemented with new paragraph in accordance with Law No 3266-VI of 21.04.2011)*

**4) Technological terrorism** are terrorist acts committed with the use of nuclear, chemical, bacteriological (biological) and other weapons of mass destruction or its components, other substances harmful to the health of people, means of electromagnetic action, computer

systems and communication networks, including the capture, lay-up and destruction of potentially dangerous installations which directly or indirectly pose a threat or threaten the occurrence of threat to then emergency owing to these activities and pose a threat to the personnel, the population and the environment, and create conditions for accidents and technogenic catastrophes;

**5) Terrorist activities** cover the:

- Planning, organisation, preparation and implementation of acts of terrorism;
- Instigation to commit acts of terrorism, violence towards physical persons or organisations, destruction of material installations with a terrorist purpose;
- Organisation of unlawful armed formations, criminal groupings (criminal organisations), organised criminal groups for the commitment of acts of terrorism, as well as participation in such acts;
- Recruiting, arming, training and use of terrorists;
- Propagation and distribution of terrorist ideology;
- Financing and other assistance to terrorism.

**6) Financing terrorism** is provision or collection of any assets in the knowledge that they are to be used, in full or in part, in order to organise, prepare and carry out by individual terrorist or by terrorist organisation the identified by the Criminal Code of Ukraine terrorist act, public appeal to committing the terrorist act, creation of terrorist group or terrorist organisation, support to committing the terrorist act, any other terrorist activity, as well as an attempt of to committing such actions;

*(Article 1 is supplemented with new paragraph in accordance with Law No 2258-VI of 18.05.2010)*

**7) International terrorism** is carried out globally or regionally by terrorist organisations, groupings, including with the support of state organs of individual states, with the purpose of the achievement of publicly dangerous violent acts connected with the abduction, capture, murder of innocent people or threat of their life and health, destruction or threat of destruction of important economic installations, life-support systems, communications systems, application or threat to the application of nuclear, chemical, biological and other weapon of mass destruction;

**8) Terrorist** is a person participating in a terrorist activity;

**9) Terrorist group** is a group of two and more persons who have united with the purpose of committing acts of terrorism;

**10) Terrorist organisation** is a stable association of three and more persons created with the purpose of the fulfilment of terrorist activity in which the distribution of functions has been set out, the rules of behaviour are obligatory for these persons during training and when the acts of terrorism are carried out. The organisation is recognised as a terrorist organisation if even one of its departments carries out terrorist activity with the knowledge of even one of the chiefs (governing body) of all the organisation;

**11) Fight against terrorism** are the activities to prevent, reveal, suppress, and minimize the consequences of terrorist activity;

**12) Antiterrorist operation** is the complex of the coordinated special measures directed toward the prevention, aversion and suppression of the criminal activities committed with a

- terrorist purpose, liberation of hostages, neutralization of terrorists, minimization of consequences acts of terrorism or other crimes committed with a terrorist purpose;
- 13) The **area** in which the antiterrorist operation is carried out is defined by the governing body of the antiterrorist operation as the land or water areas, vehicles, buildings, organisations, premises and territories or the water adjacent to them and within the limits of which the specified operation is conducted;
  - 14) A **special regime** can be introduced in the region where the antiterrorist operation is carried out for the duration of the operation and provides, to the subjects conducting the fight against terrorism, special powers determined by this Law necessary for the liberation of hostages, security and health of citizens who are in the region where the antiterrorist operation is carried out, normal operation of state power organs, local self-government organs, enterprises, establishments, organisations;
  - 15) The **hostage** is the physical person taken and held with the purpose of forcing a state organ, enterprise, establishment, organisation or individual person to take certain action or to refrain from certain action as the condition for the liberation of the hostage.

#### *Article 2. Legal bases for the fight against terrorism*

1. Legal basis for fight against terrorism is the Constitution of Ukraine, the Criminal code of Ukraine, this Law, other laws of Ukraine, European Convention on Fight against Terrorism (1977), the International Convention on Fight against Bombing Terrorism (1997), the International Convention on Fight against Terrorist Financing (1999), other international treaties of Ukraine agreed to be binding by the Verkhovna Rada of Ukraine, decrees of the President of Ukraine, decisions and orders of the Cabinet of Ministers of Ukraine, as well as other normative-legal acts adopted in pursuance of the laws of Ukraine.

#### *Article 3. Main principles of fight against terrorism*

1. Fight against terrorism is based on the principles of:
  - Legality and steady observance of human and civil rights and freedoms;
  - Complex use of legal, political, social and economic information and propaganda and other opportunities; priority of anticipatory measures toward that end;
  - Inevitability of punishment for participation in terrorist activity;
  - Priority to protect the life and rights of the persons endangered by the terrorist activity;
  - Combination of overt and covert methods to fight against terrorism;
  - Nondisclosure of data on the techniques and tactics of carrying out antiterrorist operations, as well as on the number of participants;
  - Unity of command of the forces and means involved in carrying out antiterrorist operations;
  - Co-operation in the fight against terrorism with foreign states, their law enforcement organs and special services, as well as with the international organisations fighting terrorism.

## **PART II. ORGANISATIONAL BASES OF FIGHT AGAINST TERRORISM**

#### *Article 4. Subjects of fight against terrorism*

1. The Cabinet of Ministers of Ukraine within the limits of its competence brings about the organisation of the fight against terrorism in Ukraine and its provision with necessary forces, means and resources.

2. The Central Executives take part in the fight against terrorism within the limits of their competence determined by laws and on the basis of other normative-legal acts.
3. The subjects directly carrying out the fight against terrorism within the limits of their competence are:
  - The Security Service of Ukraine being the principal organ in the national system of the fight against terrorist activity;
  - The Ministry of Internal Affairs of Ukraine;
  - The Ministry of Defence of Ukraine;
  - The Ministry of Ukraine on issues of emergencies and protection of the population from the consequences of the Chernobyl accident;
  - The specially authorised central executive organ dealing with the protection of the state border;  
*(Paragraph six of the third part of Article 4 as provided by the Law No 2600-IV of 31.05.2005)*
  - The state department of Ukraine dealing with the implementation of punishments;
  - The State Guard Administration of Ukraine.
4. The following are also involved in the implementation of activities connected with the prevention, disclosure and suppression of terrorist activity:
  - The central executive organ with special status on financial monitoring issues;  
*(The fourth part of Article 4 as provided by the Law No 2258-VI of 18.05.2010)*
  - Foreign Intelligence Service of Ukraine;  
*(The fourth part of Article 4 is supplemented in accordance with the Law No 3200-IV of 5.12.2005)*
  - The Ministry of Foreign Affairs of Ukraine;
  - The Ministry of Health of Ukraine;
  - The Ministry of fuel and power systems of Ukraine;
  - The Ministry of industrial policy of Ukraine;
  - The Ministry of transport of Ukraine;
  - The Ministry of Finance of Ukraine;
  - The Ministry of ecology and natural resources of Ukraine;
  - The Ministry of agrarian policy of Ukraine;
  - The state customs service of Ukraine;
  - The state tax administration of Ukraine.
5. In case of the reorganisation or renaming of the Central Executives listed in this Article, their function in the fight against terrorism can be passed on to their successors if it is envisaged by the relevant acts of the President of Ukraine.  
*(The fifth part of Article 4 as provided by the Law No 2258-VI of 18.05.2010; with changes added by the Law No 2592-VI of 07.10.2010)*
6. Other central and local executive organs, local self-government organs, enterprises, institutions, organisations irrespective of subordination and forms of ownership, their officials, and citizens by approbation can also be involved in antiterrorist operations upon the decision of the governing body of the antiterrorist operation with observance of the requirements of this Law.
7. Coordination of the activity of the subjects involved in fight against terrorism is carried out by the Antiterrorist Centre attached to the Security Service of Ukraine.

*Article 5. The Authority of the subjects directly carrying out the fight against terrorism*

1. The Security Service of Ukraine fights against terrorism by carrying out investigative activities directed toward the prevention, disclosure and suppression of terrorist activity, including international activity; collects information on the activity of foreign and international terrorist organisations; conducts, within the limits of its authority determined by acting legislation, exclusively with the purpose of receiving anticipated information in case of the threat of commitment of the acts of terrorism or at carrying out antiterrorist operation, conducting the detective-technical search activities on systems and channels of telecommunications which can be used by terrorists; provides, through the Antiterrorist Centre attached to the Security Service of Ukraine, the organisation and carrying out of antiterrorist activities, coordination of the activity of subjects engaged in the fight against terrorism according to their competence defined by the legislation of Ukraine; carries out pre-judicial inquiry of cases of the crimes connected with terrorist activity; initiates according to the law the arrest on indefinite term of the assets associated with financing terrorism and connected to financial operations suspended by decision based on the resolutions of the UN Security Council; termination of arrest of these assets and granting access to them after application of the person, who can prove with documents the need to cover the basic and emergency needs; ensures in co-operation with intelligence services the security against terrorist attacks on Ukrainian establishments, their employees and members of their families abroad.

*(The first part of Article 5 as provided by the Laws No 3200-IV of 15.12.2005, No 3266-VI of 21.04.2011)*

2. The Ministry of Internal Affairs of Ukraine carries out the fight against terrorism by preventing, revealing and suppressing crimes committed with a terrorist purpose, the investigation which is conducted according to the legislation of Ukraine by the competent law enforcement organs; gives to the Antiterrorist Centre attached to the Security Service of Ukraine the necessary forces and means; ensures their effective use at carrying out antiterrorist operations.
3. The Ministry of Defence of Ukraine, military command and control organs, joint formations of troops, military units of the Armed Forces of Ukraine provide protection against terrorist attacks on installations of the Armed Forces of Ukraine, weapons of mass destruction, missile and small arms, ammunition, explosive and poison substances which are in military units or are stored in certain places; organise training and deployment of forces and means of the Land Forces, Air Forces, the Navy of the Armed Forces of Ukraine in case of the commitment of acts of terrorism in air space, in the territorial waters of Ukraine; take part in antiterrorist operations on military installations and in case of terrorist threats to security of the state from outside the borders of Ukraine.

*(The third part of Article 5 as provided by the Law No 1900-VI of 16.02.2010)*

4. The Ministry of Ukraine on issues of emergencies and protection of the population from consequences of the Chernobyl accident, the management organs subordinated to it on the issues of civil defence and specialized formations, and troops of civil defence take measures to protect the population and territories in case of threat and occurrence of emergencies connected with technological terrorist acts and other kinds of terrorist activity; take part in activities to minimize and alleviate the consequences of such situations by carrying out antiterrorist operations, as well as carrying out educational and practically-educational activities with the purpose of training the population how to respond in case an act of terrorism is committed.

5. The specially authorised central executive organ dealing with the protection of the state border, regional management organs and organs of The specially authorised central executive organ dealing with the protection of the state border and bodies of border protection carry out fight against terrorism by the prevention, disclosure and suppression of attempts of terrorists to cross the border of Ukraine, unlawful transfer across the border of Ukraine of weapons, explosives, poisoning, radioactive substances and other subjects which can be used to commit terrorist acts; ensure the security of sea navigation within the limits of territorial waters and exclusive (sea) economic area of Ukraine at carrying out antiterrorist operations; give to the Antiterrorist Centre attached to the Security Service of Ukraine the necessary forces and means to carry out antiterrorist operations at check points in the border of Ukraine and other installations arranged on border or in the frontier.

*(The fifth part of Article 5 as provided by the Law No 2600-IV of 31.05.2005)*

6. The State Department of Ukraine on Issues of Implementation of Punishments carries out measures on the prevention and suppression of terrorist acts against installations of the State penitentiary service of Ukraine.

*(The sixth part of Article 5 as provided by the Law No 1254-VI of 14.04.2009)*

7. The State Guard Administration of Ukraine participates in operations on the suppression of terrorist acts directed against officials and installations that are protected by its subordinates.
8. Intelligence services of Ukraine collect, analytically process and submit in accordance with established procedures the intelligence information on activity of foreign and international terrorist organisations outside the borders of Ukraine, as well conduct operations to counter the threats to the life and health of its citizens, as well as to the state property outside Ukraine in case of involvement of intelligence services of Ukraine in antiterrorist operations outside the borders of Ukraine.

*(Article 5 is supplemented with the eighth part in accordance with the Law No 3200-IV of 5.12.2005)*

#### *Article 6. Powers of other subjects involved in the fight against terrorism*

1. The subjects involved in the fight against terrorism, within the limits of their competence, carry out measures to prevent, reveal and suppress acts of terrorism and terrorist crimes; develop and carry out precautionary, regime, organisational, educational and other measures; provide the conditions to carry out antiterrorist operations on installations belonging to the sphere of their management; give to the relevant departments carrying out such operations material and financial resources, automobiles and contacts, medical equipment and medicines, other means, as well as the information necessary for the fight against terrorism.

#### *Article 7. The Antiterrorist Centre attached to the Security Service of Ukraine*

1. The Antiterrorist Centre attached to the Security Service of Ukraine is entrusted with the tasks of:
  - Development of conceptual bases and programmes of fight against terrorism, recommendations directed toward the increase of efficiency of measures to reveal and eliminate the causes and conditions contributing to the commitment of acts of terrorism and other crimes committed with a terrorist purpose;
  - Collection – in accordance with the established procedure – generalization, analysis and estimation of information on the condition and tendencies of the spread of terrorism in Ukraine and abroad;

- Organisation and carrying out of antiterrorist operations and coordination of the activity of subjects combating terrorism or involved in concrete antiterrorist operations;
  - Organisation and carrying out of command-staff and tactics-special periodical trainings and trainings;
  - Participation in the drafting of international treaties, development and presentation in accordance with the established procedure of the proposals on updating of the legislation of Ukraine in the field of the fight against terrorism, financing of antiterrorist operations, implementation of measures on the prevention, disclosure and suppression of terrorist activity;
  - Interaction with special services, law enforcement organs of foreign states and international organisations on issues of the fight against terrorism;
2. The Antiterrorist Centre attached to the Security Service of Ukraine consists of the Interdepartmental coordination commission and operational staff, as well as coordination groups and their operational staff attached to regional organs of the Security Service of Ukraine.
  3. The composition of the Interdepartmental coordination commission of the Antiterrorist Centre attached to the Security Service of Ukraine includes the Chief of the Antiterrorist Centre and his deputies; deputies of the Minister of Internal Affairs of Ukraine, the Central Executive organs on issues of emergencies and civil protection; the Deputy Chief of the General Staff of the Armed Forces of Ukraine; deputy heads of the Central Executive organ on issues of protection of the border of Ukraine, the State Guard Administration of Ukraine, the Central Executive organ on issues of administration of the punishment; the Head of department of the Security Service of Ukraine in the city of Kyiv, the vice-head of the Kyiv city state administration; deputy heads of other Central Executives.
  4. The regulation on the Antiterrorist Centre attached to the Security Service of Ukraine and the composition of the Interdepartmental coordination commission are approved by the President of Ukraine. The Chief of the Antiterrorist Centre attached to the Security Service of Ukraine is appointed by the President of Ukraine.  
*(The fourth part of Article 7 with changes added by the Law No 2592-VI of 07.10.2010)*
  5. Current work on the accomplishment of the tasks assigned to the Antiterrorist Centre attached to the Security Service of Ukraine is organised by its operational staff.  
The composition of the coordination groups attached to the regional organs of the Security Service of Ukraine includes the chiefs of regional organs of the Security Service of Ukraine, the Central administrative board of the Ministry of Internal Affairs of Ukraine in the Autonomous Republic of Crimea, central administrative boards (boards) of the Ministry of Internal Affairs of Ukraine in regions (oblasts), the cities of Kyiv and Sevastopol, the relevant organs on emergencies and civil defence of the population of the Autonomous Republic of Crimea, regional, Kyiv, Sevastopol city state administrations, and in the regions where departments of border protection organs of Ukraine are deployed, the State Guard Administration – their chiefs, as well as representatives of other local executive organs, enterprises, institutions, organisations.  
*The sixth part of Article 7 with changes added by the Law No 2600-IV of 31.05.2005)*
  6. Coordination groups attached to the regional organs of the Security Service of Ukraine are headed accordingly by the Chief of the Central administrative board of the Security Service of Ukraine in the Autonomous Republic of Crimea, the chief of department of the Security Service of Ukraine in the region (oblast), the cities of Kyiv and Sevastopol.

7. The composition of coordination groups attached to the regional organs of the Security Service of Ukraine is approved accordingly by the Council of Ministers of the Autonomous Republic of Crimea, the head of the regional state administration, the head of the executive organ of the Kyiv or Sevastopol city council.
8. The organisation of the work of the coordination groups is carried out by the regional organs of the Security Service of Ukraine.
9. The Antiterrorist Centre attached to the Security Service of Ukraine is supported by means envisaged by a separate budget line in the State Budget of Ukraine.

*Article 8. Interaction of the subjects directly carrying out the fight against terrorism*

1. Subjects who, according to this Law, directly carry out the fight against terrorism are obliged:
  - 1) To co-operate with the purpose of the suppression of criminal activity of the persons involved in terrorism, including international terrorism, and the financing, support or commitment of acts of terrorism and terrorist crimes;
  - 2) To carry out information exchange on issues of:
    - a) Capture or threat of capture by terrorist groups (terrorist organisations) of weapons, explosives, other means of mass destruction;
    - b) Crossing of the Ukrainian border by its citizens, foreigners and persons without citizenship seeking to commit acts of terrorism;
    - c) Long-distance and international travel documents revealed by passengers which appear fake;
    - d) Use or threat of use by terrorists, terrorist groups or terrorist organisations of communication facilities and communication technologies.
  - 3) To promote the maintenance of the effective border control, control over the issuance of identification and travel documents with the purpose of the prevention of their falsification or unlawful use;
  - 4) To prevent activities or movement of terrorists, terrorist groups or terrorist organisations, as well as persons suspected of the commitment of acts of terrorism or participation in international terrorist groups or organisations;
  - 5) To stop attempts by foreigners, of which there is data that they participate in international terrorist groups or organisations, to transit across the territory of Ukraine.

*Article 9. Assistance to the organs carrying out the fight against terrorism*

1. State power organs of Ukraine, local self-government organs, associations of citizens, organisations, their officials are obliged to assist the organs carrying out the fight against terrorism, to report data which becomes known to them on terrorist activity or any other circumstances which can assist the prevention, disclosure and suppression of terrorist activity, as well as the minimization of its consequences.

### **PART III. CARRYING OUT AN ANTITERRORIST OPERATION**

*Article 10. Conditions of carrying out of an antiterrorist operation*

1. An antiterrorist operation is conducted only in the presence of a real threat to the life and security of citizens, interests of society or the state and only when elimination of this threat by other ways is impossible.

*Article 11. Decision on carrying out an antiterrorist operation*

1. The decision to accept to carry out an antiterrorist operation is contingent on the degree of public danger of the terrorist act by the chief of the Antiterrorist Centre attached to the Security Service of Ukraine upon the written approval of the Head of the Security Service of Ukraine or by the chief of the coordination group of the relevant regional organ of the Security Service of Ukraine under the written approval of the chief of the Antiterrorist Centre attached to the Security Service of Ukraine, coordinated with the Head of the Security Service of Ukraine. The President is immediately informed on the decision to carry out an antiterrorist operation in Ukraine. Antiterrorist operation is conducted by the Antiterrorist Centre attached to the Security Service of Ukraine in case:
10. The act of terrorism threatens the death of many people or results in other serious consequences or if it is committed simultaneously in the territory of several regions, districts or cities;
11. The situation connected with the commitment or the threat to commit the act of terrorism is uncertain on issues of the reasons and circumstances of its occurrence and further development;
12. Commitment of the acts of terrorism infringes on the international interests of Ukraine and its relationships with foreign states;
13. Reaction to the commitment of acts bearing signs of terrorism belongs to the competence of different law enforcement and other executive organs;
14. It is obvious that law enforcement forces and local executive organs of an individual region are unable to prevent or suppress the act of terrorism.
15. In cases where the antiterrorist operation is conducted with the consent of the chief of the Antiterrorist Centre attached to the Security Service of Ukraine independent of the coordination group of the relevant regional organ of the Security Service of Ukraine or executive authority according to their competence.

*Article 11-1. Blocking of operations with assets, related to financing terrorism and linked to financial operations, frozen in accordance with decision, adopted on the basis of the UN Security Council Resolution*

1. Financial transaction, where participant or beneficiary is a person, included in the list of individuals related to the terrorist activity or under international sanctions, shall be blocked in accordance with the Law of Ukraine "On Prevention and Counteraction to Legalising (Laundering) of Illegal Incomes or Financing Terrorism".
2. In case of discovery by the subjects of directly fighting terrorism and/or involved in fighting terrorism any financial operations or any assets by persons, included in the list of individuals related to the terrorist activity or under international sanctions, these subjects shall immediately submit information on discovered financial operations or terrorist assets to Security Service of Ukraine.
3. Arrest of the assets, related to financing terrorism and linked to financial operations, frozen in accordance with decision, adopted on the basis of the UN Security Council Resolution, as well as lifting arrest of these assets shall be done by court decision.

*(This Law is supplemented with the Article 11-1 in accordance with the Law No 3266-VI of 21.04.2011)*

*Article 11-2. Procedure for access to assets, related to financing terrorism and linked to financial operations, frozen in accordance with decision, adopted on the basis of the UN Security Council Resolution*

1. Access to assets, related to financing terrorism and linked to financial operations, frozen in accordance with decision, adopted on the basis of the UN Security Council Resolution, shall be provided by decision of the court to cover the basic and emergency payments on food, housing, rent, mortgage, utility, medication and medical support, paying taxes, insurances or exclusively on regular price coverage of services by experts and compensation of spending on judicial services, fees or payments for current accounts and deposit accounts subject to blocking financial operations, other financial assets and economic resources.
2. In case of the need to cover the basic and emergency payments from the assets related to financing terrorism and linked to financial operations, frozen in accordance with decision, adopted on the basis of the UN Security Council Resolution, the Head of Security Service of Ukraine or his deputy shall apply to the Ministry of Foreign Affairs of Ukraine with application on the need to have access to such assets.
3. The Ministry of Foreign Affairs of Ukraine in the course of three days since the date of receiving such an application shall address the Committee of the UN Security Council to get a permission on the access to assets, related to financing terrorism and linked to financial operations, frozen in accordance with decision, adopted on the basis of the UN Security Council Resolution, in order to cover the basic and emergency payments.
4. After the Ministry of Foreign Affairs of Ukraine receives the decision of the Committee of the UN Security Council this ministry shall immediately inform in writing the Head of Security Service of Ukraine or his deputy about granting permission or declining the application.
5. Information submitted in written form by the Ministry of Foreign Affairs of Ukraine on granting permission for access to assets, related to financing terrorism and linked to financial operations, frozen in accordance with decision, adopted on the basis of the UN Security Council Resolution, in order to cover the basic and emergency payments shall serve as a basis for the Head of Security Service of Ukraine or his deputy to appeal the court to get and access to such assets.

*(This Law is supplemented with the Article 11-2 in accordance with the Law No 3266-VI of 21.04.2011)*

*Article 12. Management of an antiterrorist operation*

1. For the direct management of a concrete antiterrorist operation and management of forces and means involved in the implementation of antiterrorist measures, the operative staff headed by the chief of the Antiterrorist Centre attached to the Security Service of Ukraine (coordination group of the relevant regional organ of the Security Service of Ukraine) or by the person replacing him/her is formed. The procedure of activity of the operative staff on the management of an antiterrorist operation is determined on the basis of the relevant Regulations that are approved by the Cabinet of Ministers of Ukraine.
2. The chief of the operational staff determines the scope of the antiterrorist operation, takes the decision on the use of forces and means involved in carrying it out, and in case of the need for bases envisaged by the law, submits for the consideration of the National Security and Defence Council of Ukraine proposals on the introduction of a state of emergency in Ukraine or in particular areas.
3. Interference with the operative management of an antiterrorist operation by any persons irrespective of their post is forbidden.

4. The legal requirements of participants of an antiterrorist operation are obligatory for citizens and officials.

*Article 13. Forces and means involved in carrying out antiterrorist operation*

1. During the carrying out of antiterrorist operation the forces and means (staff, experts, weapons, special means and vehicles, communication facilities, other material means) for the fight against terrorism, as well as the enterprises, institutions, organisations involved in the participation in the antiterrorist operation in accordance with the procedure determined according to the Regulations specified in Article 12 of this Law are used. Reimbursement of costs and damage in connection with the antiterrorist operation is brought about according to the legislation.
2. Employees of law enforcement organs, military men and other persons involved in the antiterrorist operation, for the period of the operation, are subordinate to the chief of the operational staff.

*Article 14. Regime in the region of the antiterrorist operation*

1. In the region where the antiterrorist operation is carried out, for the duration of the operation, a special procedure can be established, in particular a patrol security group can be organised and the surroundings are set.
2. Persons who are not involved in the antiterrorist operation can stay in the region where the antiterrorist operation is carried out if it is allowed by the chief of the operational staff.
3. With the consent of the management of enterprises, institutions and organisations located in the region where the antiterrorist operation is carried out, their work can be stopped partially or completely during the duration of the antiterrorist operation. The relevant experts of these enterprises, institutions and organisations, during the antiterrorist operation, can, in accordance with the established procedure, by their consent, be involved in the fulfilment of separate tasks.

*Article 15. Rights of persons in the region where an antiterrorist operation is carried out*

1. In the region where an antiterrorist operation is carried out, the officials involved in the operation have the right:
  - 1) To use according to the legislation of Ukraine weapons and special means;
  - 2) To detain and deliver to law enforcement organs persons who committed offences or other activities which interfere with the fulfilment of the legitimate requirements of the persons involved in the antiterrorist operation, or activities connected with the unauthorised attempt to penetrate into the region where the antiterrorist operation is carried out and obstruction to it;
  - 3) To check citizens and officials' identification documents and at the absence of documents – to detain them for identification;
  - 4) In the region where the antiterrorist operation is carried out, to examine citizens, their belongings and their vehicles and things they are transporting;
  - 5) To limit or forbid temporarily the movement of vehicles and pedestrians on streets and roads, to not permit the passing of vehicles, including vehicles of diplomatic representatives and consular establishments, and citizens on separate sites of the district and installations, to remove citizens from separate sites of the district and installations, to tow vehicles;
  - 6) To enter (to penetrate) into living and other quarters and plots belonging to citizens during the suppression of the act of terrorism and to capture persons suspected of commit-

- ting such acts on the territory and premises of enterprises, institutions and organisations, to check vehicles if delay can create the real threat of the life or health of people;
- 7) To use the communication facilities and vehicles, including special one, belonging to citizens (by their consent), enterprises, institutions and organisations, except for vehicles of diplomatic, consular and other representative offices of foreign states and international organisations, for the prevention of acts of terrorism, prosecution and detention of the persons suspected of the commitment of these acts, or for taking persons requiring urgent medical aid to medical establishments, as well as for travelling to the crime scene.
2. In the area where the antiterrorist operation is carried out, contacts with representatives of the mass media are carried out by the chief of the operational staff or by the persons determined by him. The measures envisaged by this Article are brought about with observance of the current legislation and stop immediately after the end of the antiterrorist operation.

*Article 16. Conditions of negotiating with terrorists*

1. During the antiterrorist operation, in order to save peoples' lives and health and material assets, dissuading terrorists from committing unlawful acts, restraining them, finding ways to suppress the act of terrorism, and negotiating them is permitted.
2. Negotiating is entrusted to persons empowered to do so by the chief of the operational staff.
3. In case the negotiations with terrorists fail to dissuade them from the act of terrorism and a real threat to the life and health of people remains, the chief of the antiterrorist operation has the right to take the decision on the neutralization of the terrorist (terrorists).
4. In case of an obvious threat posed by an imminent act of terrorism and the impossibility of the elimination of this threat by other lawful ways, the terrorist (terrorists) can be neutralized by instructions of the chief of the operational staff without warning.
5. During negotiations, the granting to terrorists of persons, subjects and substances that can be directly used to commit technological terrorism cannot be considered as a condition for the termination of the act of terrorism.

*Article 17. Informing the public on an act of terrorism*

1. Informing the public on the commitment of the act of terrorism is carried out by the chief of the operational staff or by the persons authorised by him to maintain public relations.
2. It is forbidden to give, through the mass media or through a different way, information that:
  - Discloses special techniques and tactics of carrying out an antiterrorist operation;
  - Can complicate the carrying out of the antiterrorist operation and (or) threaten the life and health of hostages and other people who remain in the area where the specified operation is carried out or those outside of the area;
  - Has for its objective the propagation or justification of terrorism, contains pronouncements of persons which resist or call for the resistance of the antiterrorist operation;
  - Contains data about subjects and substances which can be directly used for the commitment of the act of technological terrorism;
  - Discloses data about the personnel composition of employees of special departments and members of the operational staff who are participating in the antiterrorist operation, as well as about the persons assisting in the specified operation (without their consent).

*Article 18. End of an antiterrorist operation*

1. An antiterrorist operation is considered completed if the act of terrorism is suppressed and the threat to the life and health of hostages and other people in its region has ended.
2. The chief of the operational staff managing the operation takes the decision on the termination of the antiterrorist operation.
3. In carrying out the antiterrorist operation, the chief of the operational staff together with the relevant executive organs and local self-government organs organises the provision of assistance to victims, determines measures on the elimination and minimization of consequences of the act of terrorism, and organises their implementation.

**PART IV. REPARATION OF THE DAMAGES CAUSED BY THE ACT OF TERRORISM. SOCIAL REHABILITATION OF THE PERSONS WHO HAVE SUFFERED FROM THE ACT OF TERRORISM***Article 19. Reparation of the damages caused by the act of terrorism*

1. Reparation of the damages caused to citizens by the act of terrorism is provided by the State Budget of Ukraine according to the law, and the sum of this reparation is collected from the persons who caused the damage in accordance with the procedure, established by law.
2. Reparation of the damages caused to organisations, enterprises or establishments by the act of terrorism is conducted in accordance with the procedure determined by law.

*Article 20. Social rehabilitation of the persons who have suffered from the terrorist act*

1. Social rehabilitation of the persons who have suffered from the act of terrorism is conducted with the purpose of returning them to normal life. Psychological, medical, professional rehabilitation, legal aid, housing is given to the specified persons if necessary, as well as employment assistance.
2. Social rehabilitation of the persons who have suffered from the act of terrorism, as well as the persons specified in Article 21 of this Law, are financed by the State Budget of Ukraine.
3. The procedure of carrying out the social rehabilitation of the persons who have suffered from the act of terrorism is determined by the Cabinet of Ministers of Ukraine.

**PART V. LEGAL AND SOCIAL PROTECTION OF THE PERSONS PARTICIPATING IN THE FIGHT AGAINST TERRORISM***Article 21. Persons subject to legal and social protection*

1. The persons participating in the fight against terrorism are under protection of the state. The following are subject to legal and social protection:
  - 1) Military men, employees and officials of central and local executive organs taking (having taken) direct participation in antiterrorist operations;
  - 2) Persons who assist on a continuing or temporary basis organs carrying out the fight against terrorism through the prevention, revealing, suppression of terrorist activity and minimization of its consequences;
  - 3) Family members of the persons specified in items 1 and 2 of this part if a need to ensure their protection is caused by the participation of the specified persons in the fight against terrorism.
2. Social protection of the persons involved in fight against terrorism is carried out in accordance with the procedure determined by law.

3. If a person who participated in fight against terrorism is killed during the antiterrorist operation, the members of his/her family and the persons dependent on him/her for support are paid an extraordinary grant amounting to twenty living wages at the expense of the State Budget of Ukraine; they are refunded on the burial of the victim, the bread-winner loss pension is granted, and privileges which the victim had on reception of housing, payment of housing-and-municipal services, etc. are kept.
4. In case the person who participated in the fight against terrorism became invalid owing to a mutilation inflicted during the antiterrorist operation, an extraordinary grant amounting to ten living wages is paid to this person at the expense of the State Budget of Ukraine and the pension according to the legislation of Ukraine is granted.
5. In case the person who participated in the fight against terrorism during the antiterrorist operation received a wound that has not entailed invalidity, an extraordinary grant amounting to five living wages is paid.

*Article 22. Damage liability relieve*

1. If during the antiterrorist operation involuntary damage is caused to the life, health and property of terrorists, the military men and other persons who participated in the antiterrorist operation are exempted from damage liability according to laws of Ukraine.

**PART VI. LIABILITY FOR PARTICIPATION IN TERRORIST ACTIVITY**

*Article 23. Liability of persons guilty of terrorist activity*

1. Criminal proceedings in accordance with the procedure envisaged with the law shall be instituted against the persons guilty of terrorist activity.
2. Disobedience or resistance to the regulatory requirements made by the military men, officials taking part in the antiterrorist operation, unlawful intervention in their lawful activity entails liability envisaged by the law.

*Article 24. Liability of the organisation for committing the terrorist activity*

1. The organisation responsible for the commitment of the acts of terrorism and declared terrorist upon decision by court is subject to liquidation and its property subject to confiscation.
2. In case the court of Ukraine, including according to its international legal obligations, finds the activities of an organisation (its division, branch, representation) registered outside Ukraine to consist of terrorist activities, the terrorist activity of this organisation in the territory of Ukraine is forbidden, its Ukrainian division (branch, representation) on the basis of the court decision is liquidated, and its property in the territory of Ukraine is confiscated.
3. Prosecution against the organisation for committing terrorist activity is brought about by the General Prosecutor of Ukraine, public prosecutors of the Autonomous Republic of Crimea, regions (oblasts), cities of Kyiv and Sevastopol according to the procedure established by the law.

*Article 25. Liability for assistance to terrorist activity*

1. Heads and officials of enterprises, institutions and organisations, as well as citizens who assisted terrorist activity, in particular:

- 1) Financed terrorists, terrorist groups (terrorist organisations);
- 2) Gave or collected means, directly or indirectly, with the intention of their use for the commitment of terrorist acts or terrorist crimes;
- 3) Conducted operations with means and other funds of:
  - a) Physical persons who committed or tried to commit acts of terrorism or terrorist crimes or took part in their commitment or assisted their commitment;
  - b) Legal persons whose property is directly or indirectly belonging to or under control of terrorists or persons assisting terrorism;
  - c) Legal and physical persons who act on behalf of or on the instructions of terrorists or persons assisting terrorism, including the means received with the use of property directly or indirectly pertaining to or under the control of persons assisting terrorism or the legal physical persons connected with them;
- 4) Provided with funds, other financial or economic resources, relevant services directly or indirectly for the use in the interests of physical persons committing terrorist acts, assisting them or taking part in their commitment, or else in the interests of legal persons whose property pertains to or is under control of terrorists or persons assisting terrorism, as well as the legal and physical persons acting on behalf of or on the instructions of the specified persons;
- 5) Assisted persons who took part in the commitment of the acts of terrorism;
- 6) Recruited physical persons for terrorist activity, assisted the establishment of channels of delivery of weapons to terrorists and taking terrorists across the border of Ukraine;
- 7) Harboured persons who financed, planned, supported or committed acts of terrorism or terrorist crimes;
- 8) Used the territory of Ukraine with the purpose of the preparation or commitment of the act of terrorism or terrorist crimes against other states or foreigners, are brought to account according to the law.

## **PART VII. INTERNATIONAL CO-OPERATION OF UKRAINE IN THE FIGHT AGAINST TERRORISM**

### *Article 26. Bases for international co-operation in the fight against terrorism*

1. Ukraine, according to the international treaties concluded by it, co-operates in the fight against terrorism with foreign states, their law enforcement organs and special services, as well as with international organisations engaged in the fight against international terrorism.
2. Guided by the interests of ensuring the security of the person, society and state, Ukraine prosecutes in its territory persons involved in terrorist activity, including in cases when the acts of terrorism or terrorist crimes were planned or committed outside Ukraine but caused damage to Ukraine, and in other cases envisaged by the international treaties of Ukraine, agreed to be binding by the Verkhovna Rada of Ukraine.

### *Article 27. Granting information*

1. Ukraine gives information on issues pertaining to the fight against international terrorism to foreign state if the inquiry observes the requirements of the legislation of Ukraine and its international legal obligations. Such information can be given without preliminary inquiry of the foreign state if this does not harm the pre-judicial inquiry or court examination and can help the competent organs of the foreign state with the suppression of terrorist acts.

*Article 28. Participation in joint activities with foreign states in the fight against terrorism*

1. Ukraine, according to the international treaties agreed to be binding by the Verkhovna Rada of Ukraine, can take part in joint antiterrorist activities by assisting the foreign state or inter-governmental organisations in the redeployment of troops (forces), special antiterrorist formations, transportation of weapons or by granting its forces and means with the observance of the requirements of the laws of Ukraine "On the procedure of sending the departments of the Armed Forces of Ukraine to other states" and "On the procedure of admittance and conditions of stay of the departments of the Armed Forces of other states in the territory of Ukraine".

*Article 29. Extradition of persons who participated in terrorist activity*

1. The participation of foreigners or persons without citizenship, who do not reside permanently in Ukraine, in terrorist activity can form the basis for the extradition of such persons to another state for prosecution against them.
2. Extradition of the persons specified in Part 1 of this Article with the purpose of instituting criminal liability against them and execution of compulsory acts of a foreign state is carried out according to the legislation and obligations assumed by Ukraine in connection with the ratification of the European Convention on Extradition of Offenders (1957), the European Convention on Fight against Terrorism (1977) and other international treaties agreed to be binding by the Verkhovna Rada of Ukraine, as well as on the basis of reciprocity.

**PART VIII. THE CONTROL AND LEGAL SUPERVISION OF THE FIGHT AGAINST TERRORISM***Article 30. Control over fight against terrorism*

1. Control over observance of legislation to carry out the fight against terrorism is carried out by the Verkhovna Rada of Ukraine in accordance with the procedure defined by the Constitution of Ukraine.
2. Control over the activity of subjects of the fight against terrorism is carried out by the President of Ukraine and the Cabinet of Ministers of Ukraine in accordance with the procedure defined by the Constitution and the laws of Ukraine.

*Article 31. Legal supervision of antiterrorist activities*

1. Supervision of observance of the requirements of the legislation by the organs participating in antiterrorist activities is carried out by the General Prosecutor of Ukraine and the public prosecutors authorised by him/her in accordance with the procedure defined by the laws of Ukraine.

**PART IX. FINAL PROVISIONS**

1. This Law enters into force from the date of its official publication.
2. The Cabinet of Ministers within three months from the date of this law coming into force is obliged to:
  - Adopt normative-legislative acts envisaged by this law;
  - Bring their normative-legislative acts into conformity with this Law;
  - Ensure revision and cancelling by the ministries and other Central Executives of their normative-legal acts contradicting this Law.

## Law of Ukraine "On State Protection of Organs of State Power and Their Officials"

160/98-BP of 04.03.1998; (*Bulletin of the Verkhovna Rada of Ukraine (BVR)*, 1998, No. 35, p.236).

Includes changes made by the Laws:

No. 662-IV of 03.04.2003, BVR, 2003, No. 27, p. 209;

No 2249-IV of 16.12.2004, BVR, 2005, No. 5, p. 116;

No 328-V of 03.11.2006, BVR, 2006, No 51, p. 519;

No 586-VI of 24.09.2008, BVR, 2009, No 10-11, p.137.

### **PART I. GENERAL PRINCIPLES**

*Article 1. The concept of state protection of organs of state power of Ukraine and their officials*

1. The state protection of the organs of state power of Ukraine and officials (hereinafter, the state protection) is a system of organisational, legal, security, search, technical engineering and other measures which are taken by specially authorised state organs to provide for normal operation of the organs of state power of Ukraine, security of officials and installations determined by this Law.
2. Security measures taken by state organs to ensure security of the participants of criminal legal proceedings, of persons and installations other than those defined by this Law are not considered to belong to the state protection regulated by this Law.

*Article 2. Legal basis for the state protection*

1. The legal basis for the state protection is provided by the Constitution of Ukraine, international treaties of Ukraine, this and other laws of Ukraine, Decrees of the President of Ukraine and the Cabinet of Ministers of Ukraine, as well as departmental and interdepartmental normative-legal acts regulating the relations in the sphere of the state protection.

*Article 3. Main principles of the state protection*

1. The state protection is carried out according to the principles of legality, continuity, respect for human and citizens' rights, freedoms, dignity and undivided authority.

### **PART II. ORGANS OF STATE POWER OF UKRAINE, OFFICIALS AND INSTALLATIONS SUBJECT TO THE STATE PROTECTION**

*Article 4. The state protection of organs of state power of Ukraine*

1. The state protection is provided for:
  - The Verkhovna Rada of Ukraine;
  - The Cabinet of Ministers of Ukraine;
  - The Constitutional Court of Ukraine;
  - The Supreme Court of Ukraine.

*Article 5. Ensuring the security of the President of Ukraine*

1. Security of the President of Ukraine is provided in places of his/her permanent and temporary location by means of state protection.

2. During the term of the President of Ukraine, security is also provided for the members of his/her family living together with him/her or accompanying him/her.
3. After the termination of the term of the President of Ukraine, he/she is provided with the state protection for life except for if he/she has been displaced from the post as a result of an impeachment.

*Article 6. Ensuring security of officials*

1. In places of permanent or temporary location security is provided for:
  - The Chairman of the Verkhovna Rada of Ukraine;
  - The Prime Minister of Ukraine;
  - The Chairman of the Constitutional Court of Ukraine;
  - The Chairman of the Supreme Court of Ukraine;
  - The First Deputy Chairman of the Verkhovna Rada of Ukraine;
  - The First Vice-Prime Minister of Ukraine;
  - The Minister of Foreign Affairs of Ukraine;
  - The General Prosecutor of Ukraine.
2. During the term in office of the officials specified in this Article, security is also provided for the members of their families living together with them or accompanying them.
3. After the termination of their term in office, the specified officials are provided with the state protection for a year, except for cases when a verdict of guilty comes into force against them.

*Article 7. Ensuring security of other persons*

1. The state protection is provided for the citizens registered as presidential candidates of Ukraine – for the period of pre-election campaign and elections.
2. The state protection is provided also for the heads of foreign states, parliaments and governments and members of their families, heads of international organisations who arrive in Ukraine or stay in its territory. The list of heads of international organisations subject to the state protection is determined by the President of Ukraine upon the submission of the Cabinet of Ministers of Ukraine.
3. The state protection, in case of a threat to the life or health, can be provided for the People's Deputies of Ukraine, members of the Cabinet of Ministers of Ukraine, heads of the central organs of executive power who are not members of the Cabinet of Ministers of Ukraine, judges of the Constitutional Court of Ukraine and the Supreme Court of Ukraine, the Chairman of the National Bank of Ukraine, the Chairman of the Verkhovna Rada of Ukraine of the Autonomous Republic of Crimea, and the Chairman of the Council of Ministers of the Autonomous Republic of Crimea.
4. The decision on expediency of the state protection for the persons specified in Part 3 of this Article is taken by the President of Ukraine upon the submission of the officials authorised to act on behalf of the relevant organs of state power or upon the submission of the Head of the Administration of State Protection of Ukraine.

*Article 8. Duties and rights of persons subject to the state protection*

1. Persons subject to the state protection are obliged to have a responsible attitude to their own security and to assist the organs of the state protection in accomplishment of the designed tasks.

2. Persons subject to the state protection have the right to:
  - 1) Receive information on measures to ensure their security;
  - 2) Give their consent to the candidates who will serve as their bodyguards;
  - 3) Refuse temporary in the written form from bodyguards assuming full responsibility for possible negative consequences of this action.

*Article 9. Installations subject to the state protection*

1. The state protection is provided for the buildings where sit the Verkhovna Rada of Ukraine, the President of Ukraine, the Cabinet of Ministers of Ukraine, the Constitutional Court of Ukraine and the Supreme Court of Ukraine, for installations and special vehicles used by them, for other places of permanent and temporary location of the persons protected according to this Law, important state installations, territories and water areas adjacent to them, determined by the President of Ukraine.

### **PART III. EXECUTION OF THE STATE PROTECTION**

*Article 10. Organs carrying out the state protection*

1. The state protection is carried out by the Administration of State Protection of Ukraine. The Ministry of Internal Affairs of Ukraine, a special authorised central organ of executive power on protection of the state border of Ukraine, other central organs of executive power of Ukraine and the Security Service of Ukraine within the limits of their competences and in interaction with the Administration of State Protection of Ukraine take part in provision of the state protection.

*(Article 10 includes changes made by the Law No. 662-IV of 03.04.2003)*

*Article 11. The Administration of State Protection of Ukraine*

1. The Administration of State Protection of Ukraine is a state law enforcement organ of special purpose, subordinated to the President of Ukraine and under control of the Verkhovna Rada of Ukraine.
2. The general structure and numeric strength of the Administration of State Protection of Ukraine is approved by the Verkhovna Rada of Ukraine upon submission of the President of Ukraine.
3. The Administration of State Protection of Ukraine within the limits of its authority on the basis of the laws and other normative-legal acts and to ensure their implementation issues orders, organises and manages their execution.
4. The management of the activity of the Administration of State Protection of Ukraine is carried out by the Head of the Administration of State Protection of Ukraine who is appointed to office and dismissed from office by the President of Ukraine.
5. The Head of the Administration of State Protection of Ukraine has deputies who are appointed to office and dismissed from office at his/her proposal by the President of Ukraine. Other officials of the Administration of State Protection of Ukraine are appointed to office and dismissed from office by the Head of the Administration of State Protection of Ukraine.

*Article 12. Tasks of the Administration of State Protection of Ukraine*

1. The tasks assigned to the Administration of State Protection of Ukraine are the following:
  - Execution of the state protection of organs of state power of Ukraine;

- Ensuring security of the officials determined by this Law in the places of their location both in the territory of Ukraine and abroad;
- Ensuring security of the members of families of the officials determined by this Law living together with them or accompanying them;
- Prevention of illegal actions against officials, members of their families and installations subject to the state protection; identification and suppression of these illegal actions;
- Protection of the installations determined by this Law;
- Maintenance of safe operation of the vehicles intended for the use by the officials determined by this Law.

*Article 13. The powers of the Administration of State Protection of Ukraine*

For accomplishment of the designed tasks, the Administration of State Protection of Ukraine is authorised:

- To give its consent to the admission of citizens on installations subject to State protection;
- To receive in accordance with the established procedure at the written request of the Head of the Administration or his/her deputies the data necessary for the execution of the state protection from the heads of organs of state power of Ukraine, local self-government organs, enterprises, institutions, organisations irrespective of the form of ownership;
- To use clothes and documents which hide the identity of a person or his/her departmental affiliation to military men and vehicles of the Administration of state protection of Ukraine;
- To conduct in accordance with the procedure determined by the law of Ukraine "On Operational Investigative Activity" public and secret operational activities to prevent illegal actions against officials, members of their families and installations subject to the state protection, identify and suppress such illegal actions;
- To carry out film-, photo-, audio- and video recording of installations subject to State protection;
- To involve with the consent of the heads of law enforcement and other State organs their military men, employees, technical and other means;
- To carry out on the installations subject to State protection fire, sanitary hygienic, ecological, radiation and anti-epidemic control and control over the condition of technical protection of information, to take measures to eliminate the revealed violations and to find out the reasons that caused them;
- To involve in accordance with the established procedure the servicemen of the Administration of State Protection of Ukraine in the execution of State protection of organs of State power, enterprises, institutions and organisations, the list of which is determined by the President of Ukraine;
- To carry out training, retraining and improvement of the professional skills of the military men and employees of the Administration of State Protection of Ukraine according to the Law of Ukraine "On Education";
- To form according to the legislation self-financing administrative departments.

*Article 14. Interaction of the Administration of State Protection of Ukraine with other organs of state power of Ukraine, citizens and their associations, and security services of foreign states*

1. The Administration of State Protection of Ukraine co-operates with other organs of state power of Ukraine, enterprises, institutions, organisations and officials who assist it in the accomplishment of the tasks assigned to it.

2. Citizens and their associations assist the Administration of State Protection of Ukraine on a voluntary basis.
3. The Administration of State Protection of Ukraine to accomplish the tasks assigned to it can cooperate with security services of foreign states according to the international treaties of Ukraine.

*Article 15. Methods of execution of the state protection*

1. The state protection is carried out by:
  - 1) Search and recording of data about illegal activity of individuals or groups which threatens normal operation of organs of state power of Ukraine, life or health, honour and dignity of officials and members of their families to take measures to suppress such illegal activity;
  - 2) Providing bodyguard services to persons;
  - 3) Protection of installations and introduction of the relevant entry-departure regime at installations for individuals, vehicles and things (hereinafter, the regime);
  - 4) Equipment of installations with technical protection facilities at the expense of the legal persons who use these installations;
  - 5) Carrying out of preventive activities with the purpose of prevention of illegal actions.

*Article 16. The Staff of the Administration of State Protection of Ukraine*

1. The staffs of the Administration of State Protection of Ukraine consists of the military men who carry our military service at the Administration of State Protection of Ukraine on a contractual basis, military men on the regular military service and employees who have concluded work contracts with the Administration of State Protection of Ukraine.
2. The Administration of State Protection of Ukraine employs on a contractual basis the citizens of Ukraine fit for their professional and moral qualities, the level of education and the state of health to effectively execute the official duties. The criteria of professional fitness are determined by the normative documents approved by the Head of the Administration of State Protection of Ukraine.
3. The citizen, who has been convicted for commitment of a deliberate crime, if this conviction was not overturned and cancelled according to the procedure established by the law and who according to the requirements of the current legislation cannot be granted access to the state secret, cannot be employed in the Administration of State Protection of Ukraine.
4. The legislation of Ukraine on the general procedure and conditions of military service is applicable to the servicemen who serve in the Administration of state protection of Ukraine.
5. The servicemen who serve in the Administration of State Protection of Ukraine do not have the right to be members of political parties.
6. The servicemen who serve in the Administration of State Protection of Ukraine receive service identity cards and wear the uniform approved by the President of Ukraine.
7. The use of the military ranks, uniforms or service identity cards of a serviceman who serves in the Administration of State Protection of Ukraine by other persons entails liability according to the laws of Ukraine.
8. Officers discharged from service in the Administration of State Protection of Ukraine (except for those dismissed from service for the reasons of service unfitness or in connection with a verdict of guilty which has entered into force against them) are enlisted to the reserve of the Security Service of Ukraine; soldiers, seamen, sergeants, sergeants-major, ensigns and warrant officers – to the reserve according to the general procedure.

9. The terms of work of the employees of the Administration of State Protection of Ukraine are determined by the labour legislation of Ukraine and by the concluded work agreement (contract).

*Article 17. The Duties of the military men who serve in the Administration of State Protection of Ukraine*

1. The servicemen who serve in the Administration of State Protection of Ukraine are obliged:
  - 1) To implement persistently and consistently the state policy in the sphere of defence and provision of national security of Ukraine;
  - 2) To observe strictly the requirements of the legislation and army statutes, to execute professionally and honestly the official duties assigned to them;
  - 3) To maintain the appropriate level of professional and legal knowledge, special, combat and physical fitness;
  - 4) To defend and respect the constitutional rights and freedoms of the person and the citizen, to be cultured, modest and enduring.
2. For commitment of offences the servicemen who serve in the Administration of state protection of Ukraine are brought to disciplinary, administrative, material or criminal responsibility according to the law.

*Article 18. The Rights of military men who serve in the Administration of State Protection of Ukraine*

1. The servicemen who serve in the Administration of State Protection of Ukraine have the following rights:
  - 1) To demand from citizens to observe the regime established at installations subject to the state protection;
  - 2) To detain persons who have illegally penetrated or try to penetrate into the installations subject to the state protection, to check their identity documents, to carry out according to the procedure established by the law the personal check of detained persons and examination of their belongings and vehicles and to transfer them to other law enforcement organs;
  - 3) In co-operation with relevant police units during implementation of security activities to limit temporarily or forbid the movement of vehicles and pedestrians on the streets and roads at times of passage of the automobile transport with the President of Ukraine, Chairman of Verkhovna Rada of Ukraine, Prime Minister of Ukraine, as well as the heads of the foreign states, parliaments, governments and the heads of international intergovernmental organisations and foreign delegations visiting Ukraine with an official visit, to refuse citizens entry to places and installations and to demand them to remain in a concrete place or to leave it;  
*(Paragraph three of Article 18 with changes introduced by Laws No 2249-IV of 16.12.2004; and No 586-VI of 24.09.2008)*
  - 4) To use the vehicles belonging to the organs of state power of Ukraine, enterprises, institutions, organisations and citizens (except for the vehicles belonging to diplomatic representatives of foreign states and international organisations, as well as special purpose vehicles) for prevention of crimes, for pursuit and detention of the persons suspected of commitment of a crime, for transportation of the persons requiring urgent medical aid to medical institutions, as well as for travel to a place of incident with the subsequent compensation in accordance with the established procedure of the losses caused to the owners of these vehicles;
  - 5) In emergency cases connected with rescue of the life of people and property or with pursuit of persons suspected of having committed crimes, to enter into the inhabited and other

premises belonging to individuals, on the territory and in the premises of state organs, enterprises, institutions and organisations of all forms of ownership with the subsequent notification about this of the public prosecutor within 24 hours;

- 6) During carrying out of security activities, to use communication facilities that belong to the state organs, enterprises, institutions and organisations irrespective of the form of ownership with the subsequent compensation of damages in accordance with the established procedure;
- 7) To keep, carry and apply firearms and special means on the basis of and according to the procedure established by the Law of Ukraine "On Militia", army statutes and normative acts adopted according to them, to transport weapons and special means in all types of transport;
- 8) To buy tickets for all types of transport out of turn irrespective of the availability of places and to stay in hotels upon presentation of a mission certificate.

*(Article 18 includes changes made by the Law No. 2249-IV of 16.12.2004)*

*Article 19. Appeals against wrongful acts of the Administration of state protection of Ukraine*

1. The acts of the servicemen who serve in the Administration of State Protection of Ukraine can be appealed according to the procedure established by the law.

#### **PART IV. SOCIAL AND LEGAL PROTECTION OF THE SERVICEMEN WHO SERVE IN THE ADMINISTRATION OF STATE PROTECTION OF UKRAINE AND OF THE CITIZENS PARTICIPATING IN THE EXECUTION OF THE STATE PROTECTION**

*Article 20. Guarantees of personal security, social and legal protection of the servicemen who serve in the Administration of State Protection of Ukraine and of the citizens participating in the execution of the state protection*

1. The social guarantees envisaged by the legislation of Ukraine for the military men of the Armed Forces of Ukraine are applicable to the servicemen who serve in the Administration of State Protection of Ukraine.
2. The servicemen who serve in the Administration of State Protection of Ukraine are not accountable for moral, material and physical damage caused by him/her as a result of the lawful use of force, special means and firearms.
3. Nobody, except for their immediate chiefs, has the right to interfere with the service activity of the servicemen who serve in the Administration of State Protection of Ukraine. Preventing them from the performance of the official duties, insulting their honour and dignity, rendering resistance, using threats or violence against the servicemen who serve in the Administration of State Protection of Ukraine and members of their families, illegal acts against their life, health and property in connection with performance of their official duties entail liability according to the laws of Ukraine.
4. During performance by the servicemen who serve in the Administration of State Protection of Ukraine of their official duties, their administrative detention, as well as personal check or examination of their belongings and vehicles without an authorised representative of the Administration of State Protection of Ukraine, except for cases if a serviceman has committed a crime, is not allowed.
5. The employees of the Administration of State Protection of Ukraine whose functional duties are not directly connected with the execution of the state protection of the organs of state

power of Ukraine, ensuring of security of officials and installations determined by this Law, in case of their engagement in the execution of the state protection enjoy the rights given to the servicemen who serve in the Administration of State Protection of Ukraine according to items 1, 2, 4, 5 of Article 18 of this Law. In these cases the rights and guarantees envisaged for the servicemen who serve in the Administration of State Protection of Ukraine are applied to them.

6. The servicemen who serve in the Administration of State Protection of Ukraine, except for military men on regular military service, have the right to an out of turn installation of a home phone.
7. Pensions for the servicemen who serve in the Administration of State Protection of Ukraine are granted according to the Law of Ukraine "On Pensions of Persons, Retired from Military Service, and some other Persons".

*(Part seven of Article 20 with changes introduced by the Law No 328-V of 03.11.2006)*

*Article 21. Indemnities in case of mutilation or death or mutilation of the servicemen who serve in the Administration of State Protection of Ukraine and of the citizens involved in the state protection, and in case of damages caused to their property*

1. In case of death of a serviceman who serves in the Administration of State Protection of Ukraine on the permanent contract basis in connection with performance of official duties, the family of the deceased or in case of family absence the parents and dependents are paid indemnity and other payments in the amount of ten years' salary at the recent occupation of killed (deceased) in accordance with procedure and conditions, established by the Cabinet of Ministers of Ukraine.

*(Part one of Article 21 as provided by the Law No 328-V of 03.11.2006)*

2. In case of the wound (contusion, trauma or mutilation) suffered by the serviceman of the Administration of State Protection of Ukraine in connection with performance of official duties or not later than three months after retirement or after the end of this term but as a result of illness or accident, which took place during the term of his service, in connection with performance of official duties, depending on the degree of disability he shall be offered indemnities in the amount of up to five years' salary at the recent occupation in accordance with procedure and conditions, established by the Cabinet of Ministers of Ukraine.

*(Part two of Article 21 as provided by the Law No 328-V of 03.11.2006)*

3. The damages caused to the property of a serviceman who serves in the Administration of State Protection of Ukraine or members of his/her family in connection with the performance of official duties by him/her, is indemnified to him/her, and in case of his/her death – to the members of the family, in full from the State Budget of Ukraine.
4. This Article applies to the employees of the Administration of state protection of Ukraine and other persons involved in activities on execution of the state protection.

*Article 22. Medical aid to the servicemen and employees of the Administration of state protection of Ukraine*

1. Medical aid to the servicemen and employees of the Administration of state protection of Ukraine is rendered in accordance with the procedure defined by the Cabinet of Ministers of Ukraine.

## **PART V. FINANCIAL AND LOGISTICAL SUPPORT OF THE ADMINISTRATION OF STATE PROTECTION OF UKRAINE**

*Article 23. Financing of the activity of the Administration of State Protection of Ukraine*

1. Financing of the activity of the Administration of State Protection of Ukraine is carried out from the State Budget of Ukraine.

*Article 24. Logistical support of the Administration of State Protection of Ukraine*

1. Logistical support of the Administration of State Protection of Ukraine is carried out through state procurement orders in accordance with the procedure defined by the Cabinet of Ministers of Ukraine, as well as by conclusion of direct contracts with enterprises, institutions, and organisations, including foreign ones, according to the current legislation.

#### **PART VI. THE CONTROL AND OVERSIGHT OVER THE ACTIVITY OF THE ADMINISTRATION OF STATE PROTECTION OF UKRAINE**

*Article 25. Control of the Verkhovna Rada of Ukraine over the observance of the current legislation by the Administration of State Protection of Ukraine*

1. The control over the observance of the current legislation by the Administration of state protection of Ukraine in the sphere of state protection and protection of human rights and freedoms is carried out by the Verkhovna Rada of Ukraine.
2. The Head of the Administration of State Protection of Ukraine regularly informs the Verkhovna Rada of Ukraine on the condition of the state protection, protection of human rights and freedoms and observance of the current legislation.
3. The Administration of State Protection of Ukraine in accordance with the procedure established by the legislation of Ukraine is obliged to answer inquiries of the committees, temporary commissions of the Verkhovna Rada of Ukraine and of the People's Deputies of Ukraine.
4. The Head of the Administration of State Protection of Ukraine annually by the 1st of February of the year following the reported year presents to the Verkhovna Rada of Ukraine a written report on the activity of the Administration of State Protection of Ukraine.

*Article 26. Control of the President of Ukraine over the activity of the Administration of State Protection of Ukraine*

1. The President of Ukraine carries out control over the activity of the Administration of State Protection of Ukraine.
2. The Head of the Administration of State Protection of Ukraine regularly informs the President of Ukraine on the main issues of the activity of the Administration. The procedure of submission of information is established by the President of Ukraine.
3. The Head of the Administration of State Protection of Ukraine annually presents to the President of Ukraine a written report on the activity of the Administration of State Protection of Ukraine.

*Article 27. Control over the use by the Administration of State Protection of Ukraine of the means of the State Budget of Ukraine and over its financial and administrative activity*

1. Control over the use of the means of the State Budget of Ukraine by the Administration of State Protection of Ukraine is carried out by the Accounting Chamber within the limits of its authority established by the legislation of Ukraine.
2. Control over financial and administrative activity of the Administration of state protection of Ukraine is carried out in accordance with the procedure determined by the President of Ukraine.

*Article 28. Oversight over the observance and application of laws by the Administration of State Protection of Ukraine*

1. Oversight over the observance and application of laws by the Administration of state protection of Ukraine is carried out in accordance with the procedure defined by the Constitution and the laws of Ukraine.

## Law of Ukraine "On the State Secret"

3855-XII of 21.01.1994; (*Bulletin of the Verkhovna Rada of Ukraine (BVR)*, 1994, No. 16, p. 93), Enacted by the Resolution of the Verkhovna Rada of Ukraine No. 3856-XII of 21.01.1994,

(*Bulletin of the Verkhovna Rada of Ukraine (BVR)*, 1994, No. 16, p. 94). In the wording of the Law No. 1079-XIV of 21.09.99, BVR, 1999, No. 49, p.428;

Includes changes made by the Laws:

No. 971-IV of 19.06.2003, BVR, 2003, No. 45, p. 361;

No. 1519-IV of 19.02.2004, BVR, 2004, No. 23, p. 320;

No 293-VI of 21.05.2008, BVR, 2008, No 27-28, p. 252;

No 2432-VI of 06.07.2010, BVR, 2010, No 46, p. 537;

No 2592-VI of 07.10.2010, BVR, 2011, No 10, p. 63;

No 2978-VI of 03.02.2011, BVR, 2011, No 33, p. 329.

(The words "state power organs" in the text of this Law were substituted with the words "state organs" as provided by the Law No 2432-VI of 06.07.2010)

This Law regulates relations of society connected with classifying information as a state secret, classification, declassification and the state secret protection with the purpose of protection of the national security of Ukraine.

### PART I. GENERAL PROVISIONS

#### Article 1. Definition of Terms

1. The terms used in this Law shall have the following meaning:

- 1) The **state secret** (further also – classified information) is a kind of classified information covering data in the sphere of defence, economy, science and military equipment, external relations, state security and legal order protection, which when disseminated can cause damage to the national security of Ukraine and which is recognised in accordance with the procedure established by this Law as a state secret and subject to state protection;
- 2) **Classifying information as a state secret** is the procedure of acceptance (by the state expert on issues of secrets) of the decisions on classifying a category of data or individual data as a state secret with the establishment of the level of their secret classification by substantiation and definition of the possible damage to the national security of Ukraine in case of dissemination of this data, inclusion of this information into the corpus of data constituting state secret, and with publication of this corpus and changes to it;
- 3) A **secrecy stamp** is a prerequisite for the material object containing classified information, certifying the degree of secrecy of the given information;
- 4) The **state expert on issues of secrets** is the official, authorised according to the requirements of this Law to ascribe information as state secret in the sphere of defence, economy, science and military equipment, external relations, state security and legal order protection and to change the degree of secrecy of this information and its declassification;
- 5) **Admission to the state secret** is the registration of the right of the citizen to access the classified information;

- 6) **Access to the state secret** is access (having insight into) to concrete classified information and carrying out the activity connected with the state secret, or insight into the concrete classified information and implementation of the activity connected with the state secret by a citizen who has been granted access by an authorised official according to his/her service powers;
- 7) **Classification of material objects** is the introduction, according to the procedure established by the legislation, of restrictions on the distribution and access to the concrete classified information by granting the relevant secrecy stamp to documents, products or other material objects of this information;
- 8) The **corpus** of the data constituting the state secret is the act containing the lists of data which, according to the decisions of state experts on issues of secrets, constitute the state secret in the spheres determined by this Law;
- 9) **Category of secrecy regime** is the category which characterizes the importance and volume of the data constituting the state secret which are concentrated in state organs, local self-government organs, enterprises, institutions and organisations;
- 10) **Cryptographic protection** of classified information is protection, which is realised by the transformation of information with the use of special data (key data) with the purpose of concealment (or restoration) of the contents of information, confirmation of its authenticity, integrity, authorship, etc.;
- 11) **Material objects of classified information** are material objects, including physical fields, which contain the data constituting state secret, in the form of texts, signs, symbols, images, signals, engineering solutions, processes, etc.;
- 12) **State secret protection** – the complex of organisational-legal, technical engineer, cryptographic and detective-investigation measures directed on the prevention of dissemination of classified information and their loss;
- 13) **Secrecy regime** is established according to the requirements of this Law and other normative-legal acts published in accordance to it for a uniform procedure of state secret protection;
- 14) **Declassification** of material objects of classified information is the removal, according to the procedure established by the legislation, of restrictions on the distribution and access to the concrete classified information by cancelling the previously granted secrecy stamp of documents, products or other material objects of this information;
- 15) **Specialized expert examination** to determine the conditions for the implementation of the activity connected with state secret is the examination which is conducted with the purpose of definition in state organs, local self-government organs, enterprises, institutions and organisations whether the conditions envisaged by this Law for implementation of the activity connected with the state secret are present;
- 16) **Degree of secrecy** (“special importance”, “top secret”, “strictly confidential”) is the category describing the importance of classified information, the degree of restriction of access to it and the level of its protection by the state;
- 17) **Technical protection of classified information** is the kind of protection directed on the maintenance by technical-engineer means of confidentiality, integrity and impossibility of blocking of information.

*Article 2. Legislation of Ukraine on state secret*

1. Relations in the sphere of state secret protection are regulated by the Constitution of Ukraine, the Law of Ukraine "On the Information", this Law, the international treaties agreed to be binding by the Verkhovna Rada of Ukraine and other normative-legal acts.

*Article 3. Applicability of the Law*

1. This Law is applied to organs of legislative, executive and judicial authority, Procurer of Ukraine, other state organs, the Verkhovna Rada of Ukraine of the Autonomous Republic of Crimea, the Council of Ministers of the Autonomous Republic of Crimea, local self-government organs, enterprises, institutions and organisations of all forms of ownership, associations of citizens (hereinafter, state organs, local self-government organs, enterprises, institutions and organisations) which carry out the activity connected with state secret, citizens of Ukraine, foreigners and persons without citizenship granted access to the state secret in accordance with the established procedure.
2. The data handed over to Ukraine and constituting the secret of a foreign state or international organisation are protected according to the procedure established by this Law. In case the international treaty agreed to be binding by the Verkhovna Rada of Ukraine establishes rules of protection of the secret of a foreign state or international organisation other than envisaged by this Law, the rules of the international contract of Ukraine are applied.

*Article 4. State policy on issues of state secret*

1. The state policy on issues of state secret as a component of the fundamentals of internal and external policy is determined by the Verkhovna Rada of Ukraine.

*Article 5. The competence of state organs, organs local self-government and their officials in the sphere of state secret protection*

1. The President of Ukraine, ensuring national security, publishes the decrees and resolutions on issues of state secret protection classified by this Law and other laws to his/her powers.
2. The National Security and Defence Council of Ukraine coordinates and manages the activity of executive organs in the sphere of state secret protection.
3. The Cabinet of Ministers of Ukraine directs and coordinates the activity of ministries, other executive organs on maintenance of implementation of the state policy in the sphere of state secret protection.
4. The central and local executive organs, the Council of Ministers of the Autonomous Republic of Crimea and local self-government organs implement the state policy in the sphere of state secret protection within the limits of their authority envisaged by the law.
5. The state power organ specially authorised to maintain state secret protection is the Security Service of Ukraine.
6. Maintenance of state secret protection according to the requirements of the secrecy regime in state organs, local self-government organs, enterprises, institutions and organisations whose activity is connected with the state secret, is assigned to the heads of the specified organs, enterprises, institutions and organisations.

*Article 6. The exercise of property rights to classified information and its material objects*

1. The owner of classified information or its material objects enjoys property rights, taking into account the restrictions established in the interests of national security of Ukraine according to this Law.

2. If restriction of the property rights on classified information or its material objects damage their owner, compensation is carried out at the expense of the state in accordance with the procedure and in amount determined in the contract between the owner of such information or its material objects and an organ (organs) of state power, which is granted the right to take the decision on issues of the subjects who will have access to this information and its material objects by the state expert on issues of secrets. The specified contract also determines the procedure and conditions of state secret protection, including the secrecy regime and disposal of classified information and its material objects, the consent of the owner of this information and its material objects to the exercise of the property rights taking into account the restrictions established according to this Law, undertaking by the owner of obligations on preservation of the state secret and its acquaintance with the liability for infringement of the legislation on state secret.
3. If the owner of classified information or its material objects refuses to conclude a treaty or violates it, this information or its material objects can be withdrawn and transferred to the property of the state upon a court decision and provided the preliminary and full indemnification to the owner of its cost.

*Article 7. Financing of charges on implementation of activity connected with the state secret*

1. Financing of charges on implementation of the activity connected with the state secret in budgetary establishments and organisations is carried out at the expense of the State Budget of Ukraine, the budget of the Autonomous Republic of Crimea and local budgets. Means for the specified charges are allocated in the relevant budgets by individual budget lines. The specified charges of other establishments and organisations, as well as enterprises, belong to gross diversions of the manufacturer of the products connected with the state secret.
2. Charges on implementation of measures on classifying information as a state secret, secrecy stamp, declassification and protection of material objects of such information, its cryptographic and technical protection, other charges connected with the state secret, at non-governmental (private) enterprises, institutions, organisations are financed on the basis for the contract with the customer of the works connected with the state secret.
3. The enterprises, institutions and organisations carrying out activity, connected with the state secret, can be granted tax and other privileges in accordance with the procedure established by the law.

## **PART II. CLASSIFYING OF INFORMATION TO THE STATE SECRET**

*Article 8. The Information that can be classified to state secret*

1. The following information can be classified as state secret in accordance with the procedure established by this Law:
  - 1) In the sphere of defence:
    - a) On the content of strategic and operational plans and other documents of battle management, training and carrying out of military operations, strategic and mobilisation deployment of troops, as well as about other major parameters describing the organisation, numeric strength, location, combat readiness and mobilisation preparedness, military and other training, arms and logistical support of the Armed Forces of Ukraine and other military formations;
    - b) On the directions of development of individual kinds of arms, military and special military equipment, their quantity, tactics and technical characteristics, organisation and technol-

ogy of production, scientific, research and development projects connected with development of new samples of arms, military and special military equipment or their modernisation, as well as about other works which are planned or carried out in the interests of national defence;

- c) On the forces and means of the Civil defence of Ukraine, opportunity to use settlements, regions and individual installations for protection, evacuation and dispersals of the population, maintenance of its vital activity and production operation of the national economy in wartime or under emergencies;
  - d) About geodesic, gravymetric, cartographic and hydrometeorological data and characteristics important for national defence;
- 2) In the sphere of economy, science and military equipment:
- a) On the content of state organs' and local self-governance organs' mobilisation plans, mobilisation capacities, measures of mobilisation preparation and mobilisation, reserves and volumes of deliveries of strategic kinds of raw materials and materials, as well as summary data about the nomenclature and levels of accumulation, about total amounts of delivery, distribution, refreshment, accommodation and actual reserves of the state material reserve;  
*(Paragraph two, clause 2 of the first part of Article 8 as provided by the Law No 2432-VI of 06.07.2010)*
  - b) On the use of transport, communication, capacities of other branches and infrastructure installations of the state in the interests of maintenance of its security;
  - c) On the plans, nature, volume, financing and fulfilment of the state procurement order;  
*(Paragraph four, clause 2 of the first part of Article 8 as provided by the Law No 2432-VI of 06.07.2010)*
  - d) About plans, volumes and other major characteristics of extraction, manufacture and disposal of certain strategic kinds of raw material and production;
  - e) About the state reserves of precious metals of monetary group, jewels, currencies and other values, operations connected with manufacturing of bank notes and securities, their storage, guard and protection against falsification, circulation, exchange or demonetization, as well as about other special measures of financial activity of the state;
  - f) About scientific, research, developmental and design works on the basis of which the progressive technologies, new kinds of manufacture, production and technological processes having an important defence and economic value or essentially influencing foreign trade activities and national security of Ukraine can be created;
- 3) In the sphere of external relations:
- a) About directives, plans, instructions to delegations and officials on issues of foreign policy and foreign trade activities of Ukraine directed on maintenance of its national interests and security;
  - b) About military, scientific and technical, other co-operation of Ukraine with foreign states if dissemination of these data causes damage to the national security of Ukraine;
  - c) About export and import of arms, military and special military equipment, individual strategic kinds of raw materials and production;
- 4) In the sphere of state security and legal order protection:
- a) About the staff of the organs carrying out detective-investigation activity or intelligence and counterintelligence;

*(Paragraph two, clause 4 of the first part of Article 8 with changes as provided by the Law No 2432-VI of 06.07.2010)*

- b) About means, nature, plans, organisation, financing and logistical support, forms, methods and results of detective-investigation activity, intelligence and counterintelligence activity; about the persons cooperating or co-operated before on a confidential basis with organs carrying out such activity; about staff and concrete persons who are secret permanent members of the staff of the organs carrying out detective-investigation and intelligence and counterintelligence activity;

*(Paragraph three, clause 4 of the first part of Article 8 with changes as provided by the Law No 2432-VI of 06.07.2010)*

- c) About the organisation and procedure of the protection of office buildings and other state installations, officials and other persons whose protection is carried out according to the Law of Ukraine "On the State Protection of the Organs of State Power and Their Officials";
- d) About the system of governmental and special communication facilities;
- e) About the organisation, nature, condition and plans for the development of cryptographic protection of classified information, maintenance and results of scientific research in the sphere of cryptography;
- f) About systems and means of cryptographic protection of classified information, their development, manufacture, manufacturing techniques and use;
- g) About the state codes, their development, manufacture, manufacturing techniques and use;
- h) About the organisation of the secrecy regime in state organs, local self-government organs, enterprises, institutions and organisations, the state programmes, plans and other measures in the sphere of state secret protection;
- i) About the organisation, nature, condition and plans for the development of technical protection of classified information;
- j) About the results of the checks carried out according to the law by the public prosecutor in accordance with the relevant supervision of the observance of the laws, and about contents of materials of investigation, pre-judicial inquiries and legal proceedings in the spheres specified in this Article;
- k) About other means, form and methods of state secret protection.
  - l) Concrete data can be classified as a state secret upon the degree of secrecy of "special importance", "top secret" and "strictly confidential" only provided that they refer to the categories specified in Part 1 of this Article, and their dissemination will damage the national security of Ukraine.
- m) It is forbidden to classify data as a state secret if this narrows the nature and volume of constitutional rights and freedoms of the person and the citizen, damage the health and security of the population.
- n) The information not pertaining to state secret:
  - o) About the condition of the environment, quality of food and households;
  - p) About accidents, catastrophes, dangerous natural phenomena and other emergencies which have occurred or can occur and endanger the security of citizens;
  - q) About the state of health of the population, their standard of life, including food, clothes, habitation, health services and social security, as well as about socially-demographic parameters, the condition of the legal order protection, education and culture of the population;
- r) Facts concerning violations of the rights and freedom of the person and the citizen;

- s) About unlawful actions of state organs, local self-government organs and their officials;
- t) Other information, which according to the laws and the international treaties agreed to be binding by the Verkhovna Rada of Ukraine, cannot constitute secrets.

*Article 9. The state experts on issues of secrets*

1. The state expert on issues of secrets ascribes, according to the requirements of this Law, the information in the sphere of defence, economy, science and military equipment, external relations, state security and legal order protection to the state secret, changes the degree of secrecy of this information and declassifies it;
2. The fulfilment of functions of the state expert on issues of secrets is assigned to concrete officials:
  - 1) In the Verkhovna Rada of Ukraine – the Chairman of the Verkhovna Rada of Ukraine;
  - 2) In other state organs, the National academy of sciences of Ukraine, enterprises, institutions and organisations – by the President of Ukraine upon submission of the Security Service of Ukraine on the basis of the proposals of the heads of the relevant state organs, the National academy of sciences of Ukraine, enterprises, institutions and organisations.
3. It is not allowed to interfere with the activity of the state expert on issues of secrets of the person this expert *ex officio* subordinates to.
4. The state expert on issues of secrets according to the tasks assigned to him/her:
  - 1) Determines:
    - a) The grounds for classifying information as a state secret;
    - b) The grounds and expediency of classifying as a state secret information on inventions (useful models), intended for the use in the spheres specified in Part 1 of Article 8 of this Law;
    - c) Expediency of classifying as a state secret information on inventions (useful models), having a dual-use on the basis of the comparative analysis of efficiency of target use and by the consent of the author (the owner of the patent);
    - d) Degree of the secrecy of information classified as a state secret;
    - e) Organ (organs) of the state power entrusted with the right to take the decision on the list of subjects which are given access to classified information;
  - 2) Draws the conclusion on the damage to the national security of Ukraine in case of disclosure of the classified information or loss of material objects of such information;

*(Paragraph two of the fourth part of Article 9 as provided by the Law No 2432-VI of 06.07.2010)*

  - 3) Establishes and renews the term of the decision on classifying of information as a state secret with the indication of the date of its declassification;
  - 4) Gives the Security Service of Ukraine the conclusions on the change of the degree of secrecy of information and cancelling of the decision on its classifying as a state secret in case the grounds for classifying this information as a state secret no longer exist;
  - 5) Approves, upon agreement with the Security Service of Ukraine, the detailed lists of the data constituting the state secret, changes to them, controls the conformity of these lists to the corpus of the data constituting the state secret;
  - 6) Considers proposals of state organs, local self-government organs, enterprises, institutions, organisations, associations of citizens and individual citizens on classifying information as a state secret and its declassification;

- 7) Approves the conclusions about the awareness on the state secret of citizens which have or had the admission to the state secret;
- 8) Manages the validity and correctness of granting to documents, products and other material objects containing data included in the corpus of data or the detailed lists of the data constituting the state secret the relevant secrecy stamp, timeliness of change of such stamp and declassification of these material objects by granting them the stamp "declassified".
- 9) Participates in the development of criteria of assessing the damage which can be caused to the national security of Ukraine in case of disclosure of classified information or loss of material objects of such information;

*(Paragraph nine of the fourth part of Article 9 as provided by the Law No 2432-VI of 06.07.2010)*

5. The state expert on issues of secrets at fulfilment of the designed functions is obliged:

- 1) To coordinate through the mediation of the Security Service of Ukraine the conclusions about cancelling of decisions on classifying information as intergovernmental secrets with the relevant officials of the states-participants of the international treaties of Ukraine on mutual maintenance of the security of intergovernmental secrets and to inform them on the accepted decisions on classifying of information as state secret these contracts are applicable to;
- 2) To present to the Security Service of Ukraine not later than ten days from the moment of signing of the decision on classifying data to the state secret or the conclusion about cancelling of this decision; for the detailed lists of the data constituting the state secret – within the same term from the moment of their adoption;
- 3) To consider the proposals of the Security Service of Ukraine on classifying information as a state secret, its declassification or extension of the earlier decision on classifying information as a state secret;

*(Paragraph three of the fifth part of Article 9 as provided by the Law No 2432-VI of 06.07.2010)*

- 4) To grant the relevant secrecy stamp to the decisions on classifying of information to the state secret and about cancelling of these decisions depending on the importance of their contents;
- 5) To take part in sessions of state experts on issues of secrets;
- 6) To initiate the issue of accountability for officials who violate Ukrainian legislation on the state secret.

*(The fifth part of Article 9 is supplemented with clause 6 as provided by the Law No 2432-VI of 06.07.2010)*

6. The state expert on issues of secrets has the right:

- 1) To freely inspect the fulfilment by state organs, local self-government organs, enterprises, institutions and organisations in sphere of his/her activity, the decisions on classifying of information as a state secret, the cancelling of these decisions, observance of the procedure for classification of information and, upon the revelation of infringements, to give instructions obligatory for their elimination;

*(The clause 1 of the sixth part of Article 9 with changes as provided by the Law No 2432-VI of 06.07.2010)*

- 2) To create commissions of experts from among the experts and scientists having access to the state secret for development of drafts decisions on classifying information as a state secret, downgrading the level of its secrecy and cancellation of the specified decisions; conclusions about the awareness on the state secret of citizens which have or had the

access to the state secret, as well as for preparing the relevant conclusions in case of disclosure of classified information or loss of material objects of such information;

*(The clause 2 of the sixth part of Article 9 with changes as provided by the Law No 2432-VI of 06.07.2010)*

- 3) To cancel groundless decisions on granting a material object a secrecy stamp, changing or cancelling this stamp;
- 4) To petition for bringing to account the officials breaking the legislation of Ukraine on state secret;
- 5) To receive, in accordance with the established procedure from state power organs, local self-government organs, enterprises, institutions and organisations, the data necessary for the fulfilment of the functions.
- 6) The state experts on issues of secrets, as well as the experts involved in the development of decisions and conclusions of the state experts on issues of secrets, are granted additional payments in accordance with the procedure and in the amount determined by the Cabinet of Ministers.

*(The seventh part of Article 9 with changes as provided by the Law No 2432-VI of 06.07.2010)*

The state expert on issues of secrets bears personal responsibility for legality and validity of the decision on classifying information as a state secret or the conclusion about decreasing the degree of secrecy of such information or cancelling of the decision on its classifying as a state secret, as well as for the deliberate non-acceptance of the decision on classifying as a state secret information which can damage the national security of Ukraine if disclosed.

*(The eighth part of Article 9 with changes as provided by the Law No 2432-VI of 06.07.2010)*

*Article 10. The Procedure of classifying information as a state secret*

1. Classifying information as a state secret is carried out by the informed decision of the state expert on issues of secrets upon his/her own initiative, upon the address of the heads of the relevant state organs, local self-government organs, enterprises, institutions, organisations or citizens.
2. The state expert on issues of secrets ascribes the information as a state secret on issues within the limits of his/her *ex officio* competence. In case the adoption of the decision on classifying information as a state secret belongs to the competence of several state experts on issues of secrets, it is taken on a collective basis and approved by simple majority upon the initiative of the state experts or upon the offer of the Security Service of Ukraine. At that each expert has the right to set up his/her opinion.
3. The information is considered to be state secret from date of publication of the corpus of the data constituting the state secret this information is included into, or else the amendment to it in accordance with the procedure established by this Law.

*Article 11. The Decision of the state expert on issues of secrets*

1. The decision of the state expert on issues of secrets on classifying information as state secret specifies:

*(The first paragraph of the first part of Article 11 with changes as provided by the Law No 2432-VI of 06.07.2010)*

- The information which can constitute the state secret, and its conformity to the categories and requirements envisaged by Article 8 of this Law;

- The bases for classifying information as a state secret and substantiation of damage to the national security of Ukraine in case of its divulgence;
  - Degree of secrecy of the specified information;
  - Amount of financing of the activities necessary for protection of such information;
  - The organ of the state power, institution of local self-government, enterprise, establishment, organisation or citizen who put forward the proposal on classifying of this information as a state secret, and the organ (organs) of the state power granted the right to determine the list of subjects who will have access to this information;
  - The term during which the decision on classifying of information to the state secret on force.
2. The decision to classify information as a state secret, prolongation of the validity of earlier decision, changing the level of secrecy of such information or cancelling of the decision on its classifying as a state secret is accepted by the state expert on issues of secrets not later than within one month from the date of reception of the address of the relevant organ of the state power, institution of local self-government, enterprise, establishment, organisation or citizen. These decisions are subject to registration with the Security Service of Ukraine and validate the content of the corpus of the data constituting the state secret and modification of the corpus content, as well as sectorial and institutional lists of information constituting the state secret. The procedure for registration of decisions by the state expert on issues of secrets shall be established by the Cabinet of Ministers.

*(The second part of Article 11 as provided by the Law No 2432-VI of 06.07.2010)*

*(The third part of Article 11 is cancelled as provided by the Law No 2432-VI of 06.07.2010)*

*(The fourth part of Article 11 is cancelled as provided by the Law No 2432-VI of 06.07.2010)*

*(The fifth part of Article 11 is cancelled as provided by the Law No 2432-VI of 06.07.2010)*

#### *Article 12. The Corpus of the data constituting state secret*

1. The corpus of the data constituting state secret is formed by the Security Service of Ukraine on the basis of the decisions of the state experts on issues of secrets. This corpus and its modifications become valid from the moment of its publication in official publications of Ukraine.  
*(The first part of Article 12 with changes as provided by the Law No 2432-VI of 06.07.2010)*
2. Amendments to the corpus of the data constituting state secret are made no later than within three months from the date of reception of the relevant decision by the Security Service of Ukraine or the relevant conclusion by the state expert on issues of secrets.  
*(The second part of Article 12 with changes as provided by the Law No 2432-VI of 06.07.2010)*
3. Samples of forms of decisions (conclusions) of the state experts on issues of secrets, the procedure and mechanism of formation of the corpus of the data constituting the state secret and its publication are determined by the Cabinet of Ministers of Ukraine.
4. On the basis for and within the limits of the corpus of the data constituting state secret with the purpose of concretization and sorting out of the data about classified information, the state organs create the branch or departmental detailed lists of the data constituting state secret, as well as creating the inter-branch or interdepartmental detailed lists of the data constituting state secret. Enterprises, institutions and organisations irrespective of the forms of ownership carrying out the activity connected with the state secret, upon the initiative and with the knowledge of the customer of the works connected with the state secret can create their own detailed lists of the data constituting a state secret. Such lists are coordi-

nated with the Security Service of Ukraine, affirmed by the state experts on issues of secrets and registered with the Security Service of Ukraine. The detailed lists of the data constituting state secret cannot contradict the corpus of the data constituting state secrets.

5. At inclusion into the corpus of the data constituting state secret or in the detailed lists of these data of information, which do not suit the categories and requirements envisaged by Article 8 of this Law, or infringe upon the established procedure of classifying information as a state secret, the interested citizens and legal persons have the right to appeal against the relevant decisions in court. With the purpose to avoid the dissemination of state secrets, the judicial consideration of these appeals can be conducted in closed sessions according to the law.

*Article 13. Validity of the decision on classifying information as a state secret*

1. Period during which the decision on classifying information as a state secret is valid is established by the state expert on issues of secrets taking into account the degree of secrecy of information, the criteria of definition of which are established by the Security Service of Ukraine and other circumstances. For the information with a level of secret classification of "special importance" it cannot exceed 30 years, for the information of "top secret" – 10 years, for the information of "strictly confidential" – 5 years.
2. After expiration of the term of validity of the decision on classifying information as a state secret as envisaged by Part 1 of this Article, the state expert on issues of secrets draws the conclusion about the cancelling of the decision to classify it as a state secret or prolongs the validity of the specified decision within the limits of the terms established by Part 1 of this Article.
3. The President of Ukraine upon his/her own initiative or on the basis of the proposals of state experts on issues of secrets or address of state organs, local self-government organs, enterprises, institutions, organisations or citizens, can establish the term of validity for decisions to classify information as a state secret longer than the terms envisaged by Part 1 of this Article.

*Article 14. Change of the degree of secrecy of information and cancelling of the decision on its classification as a state secret*

1. Increase or decrease of the level of secrecy of information and cancelling of the decision to classify it as a state secret are brought about on the basis of the conclusion of the state expert on issues of secrets or on the basis of a court decision in cases envisaged by Article 12 of this Law, and are officially registered by the Security Service of Ukraine by introducing the relevant amendments into the corpus of the data constituting the state secret.
2. The information is considered to be the state secret with a higher or lower degree of secrecy or not constituting the state secret from the time of publication of relevant amendments in the corpus of the data constituting the state secret.

**PART III. SECRECY STAMP AND DECLASSIFICATION OF MATERIAL OBJECTS OF INFORMATION**

*Article 15. The Secrecy stamp and declassification of material objects of information*

1. The classification of material objects of information is carried out by granting on the basis of the corpus of the data constituting the state secret (expanded list of the data constituting the state secret) the relevant document, product or other material object of information a secrecy stamp by official who prepared and created the document, product or other material object of information.

2. Each material object of classified information shall contain a secrecy stamp which corresponds to the level of secrecy of information contained to the corpus of the data constituting the state secret – “special importance”, “top secret”, “strictly confidential”. Prerequisites of each material object of classified information shall consist of:
  - Secrecy stamp;
  - Number of the copy;
  - Relevant item (article) of the corpus of the data constituting the state secret;
  - Position and signature of the person who has given the specified stamp.*(The second part of Article 15 as provided by the Law No 2432-VI of 06.07.2010)*
3. If the requisites specified in Part 2 of this Article are impossible to put directly on the material object of classified information, they should be specified in accompanying documents.
4. It is forbidden to give the secrecy stamps envisaged by this Law to material objects of other classified information not constituting state secret, or to confidential information.
5. The list of posts which entitle officials to give to material objects of classified information the secrecy stamps, is approved by the head of the state organ, local self-governance organ, enterprise, institution and organisation carrying out activity related to the state secret.  
*(The fifth part of Article 15 as provided by the Law No 2432-VI of 06.07.2010)*
6. Levels of security classification of research, developmental and design works carried out in the interests of national security and defence of the state are established by the state expert on issues of secrets who fulfil his/her functions in the field of activity of the customer, together with the contractor.  
*(The sixth part of Article 15 with changes as provided by the Law No 2432-VI of 06.07.2010)*
7. After the expiration of the established term of classification of material objects of information and in case of increase or decrease of the degree of secrecy of such information or cancelling of the decision to classify it as a state secret determined by the state expert on issues of secrets, the heads of state organs, local self-government organs, enterprises, institutions and organisations where the material objects of information classified, or the heads of state organs, local self-government organs, enterprises, institutions and organisations being their assignees, or the heads of the highest level are obliged to provide within six months the change of the secrecy stamp or declassification of these material objects of classified information and in written form to inform the heads of state organs, local self-government organs, enterprises, institutions and organisations these material objects of classified information have been transferred to.

*Article 16. Term of classification of material objects of information*

1. Term of classification of material objects of information should correspond to the validity of the decision on classifying the information as a state secret established by the decision of the state expert on issues of secrets.
2. The term of classification of material objects of information starts at the time it is granted the secrecy stamp.

*Article 17. Appeal against the decision on classification of material objects information*

1. Citizens and legal persons have the right to submit to the officials who have given the secrecy stamp to the material object of classified information a motivated proposal for consideration

about the declassification of this material object of information. The specified officials should give, within one month, to the citizen or the legal person a written answer.

2. The decision on classification of a material object of information can be appealed against by the citizen or legal person in accordance with the procedure of subordination to the supreme organ or the official or in court. In case of dissatisfaction of the complaint submitted in accordance with the procedure of subordination, the citizen or legal person has the right to appeal against the decision of the supreme organ or the official in court.

#### **PART IV. STATE SECRET PROTECTION**

##### *Article 18. The Basic organisational-legal measures on state secret protection*

1. With the purpose of state secret protection the following are introduced:
  - Uniform requirements to manufacturing, using, preservation, transfer, transportation and registration of material objects of classified information;
  - The procedure of licensing state organs, local self-government organs, enterprises, institutions and organisations to carry out the activity connected with the state secret;
  - Restrictions on the distribution, transfer to other states or other distribution of classified information;
  - Restrictions on the stay and activity in Ukraine of foreigners, persons without citizenship and foreign legal persons, their access to state secrets, as well as accommodation and transportation of objects and technical means belonging to them;
  - Features of implementation by state organs of their functions towards state organs, local self-government organs, enterprises, institutions and organisations whose activity is connected with the state secret;
  - Secrecy regime of state organs, local self-government organs, enterprises, institutions and organisations carrying out activity connected with state secrets;
  - Special procedure for admittance and access of citizens to the state secret;
  - Technical and cryptographic protection of classified information.

##### *Article 19. Uniform requirements to material objects of confidential information*

1. Uniform requirements to manufacturing, registration, using, storage, safety, transfer and transportation of material objects of classified information are established by the Cabinet of Ministers of Ukraine.

##### *Article 20. Licensing procedure of carrying out of the activity connected with the state secret and secrecy regime*

1. State organs, local self-government organs, enterprises, institutions and organisations have the right to carry out the activity connected with the state secret after receiving from the Security Service of Ukraine the authority to carry out the activity connected with the state secret.
2. Granting of the authority is carried out on the basis of applications of state power organs, local self-government organs, enterprises, institutions and organisations and results of specialized expert examination as for the presence of conditions for implementation of the activity connected with the state secret.

3. With the purpose of definition of the presence of conditions for carrying out the activity connected with the state secret, the Security Service of Ukraine can create special commissions of experts including experts of state organs, local self-government organs, enterprises, institutions and organisations with consent of their heads. Results of specialized expert examination to determine the presence of conditions for carrying out of the activity connected with the state secret are legalized by the relevant act.
4. The authority to implementation of the activity connected with the state secret is given to state organs, local self-government organs, enterprises, institutions and organisations by results of a specialized expert examination provided that they:
  - According to the competence, state tasks, programmes, procedures and contracts take part in the activity connected with the state secret;
  - Have a premise for the work connected with the state secret, warehouses for storage of classified documents and other material objects of classified information that meet the requirements on maintenance of secrecy of the specified works, exclude the opportunity of access to them of unauthorised persons, guarantee preservation of material objects of classified information;
  - Observe the requirements of secrecy regime of works envisaged by the legislation and other measures connected with the use of classified information, procedure for granting access of persons to the state secret, reception of foreign citizens, use of technical and cryptographic means for information protection;

*(The paragraph four part three of Article 20 with changes as provided by the Law No 2432-VI of 06.07.2010)*

5. Have regime-confidential organ if another is not envisaged by this Law. Heads of state organs, local self-government organs, enterprises, institutions and organisations who carry out the activity connected with the state secret should be acquainted with the current legislation about the state secret. Validity of the authorisation to conduct activity connected with the state secret is established by the Security Service of Ukraine and cannot exceed 5 years. Its duration depends on the amount of works (activity) carried out by the state organ, local self-governance organ, enterprise, institution and organisation, levels of secrecy classification and volume of the data connected with these works (activity) constituting the state secret.

*(The fifth part of Article 20 with changes as provided by the Law No 2432-VI of 06.07.2010)*

6. Authorisation to continue activity connected with the state secret is not granted, if conditions for such activity, as mentioned in this Article are absent, and if the head of the enterprise, institution or organisation is not a Ukrainian citizen or has no authorisation for access to the state secret.
7. The authority to engage in activity connected with the state secret can be cancelled or halted by the Security Service of Ukraine on the basis of its inventory act, which concluded that non-observance by the organ of the state power, institution of local self-government, enterprise, establishment or organisation of the conditions envisaged by this Article has taken place.

*(The seventh part of Article 20 with changes as provided by the Law No 2432-VI of 06.07.2010)*

8. State organs, local self-government organs, enterprises, institutions and organisations carrying out activity connected with the state secret, are authorised to engage in activities connected with state secret by the results of specialized expert examination of the relevant categories of secrecy regime (first, second or third) which are specified by the Security Service of Ukraine in authorisations to continue activities connected with state secret.

*(The eighth part of Article 20 with changes as provided by the Law No 2432-VI of 06.07.2010)*

9. State organs, local self-government organs, enterprises, institutions and organisations given the authority specified in this Article to acquire the right to access the concrete classified information according to the decision of the state organs authorised to take such decisions by the state expert on issues of secrets. With consent of these organs, the transfer of classified information or its material objects to state organs, local self-government organs, enterprises, institutions and organisations having the authority to engage in activity connected with the state secret is carried out.
10. The procedure of granting, renewal, suspension of action or cancelling of the authorisation to engage in activity connected with the state secret, the form of the act of the specialized expert examination about the availability of conditions for carrying out of the activity connected with the state secret, the form of the authorisation to engage in activity connected with the state secret, and categories of secrecy regime are established by the Cabinet of Ministers of Ukraine.

*Article 21. Regime-confidential organs*

1. In state organs, local self-government organs, at enterprises, institutions and organisations carrying out activity connected with the state secret, with the purpose of development and implementation of measures on maintenance of secrecy regime, and constant control over their observance, the regime-confidential organs (hereinafter, RCO) are created as individual structural departments subordinated directly to the head of the state organ, local self-government organ, at enterprise, institution and organisation.  
*(The first part of Article 21 with changes as provided by the Law No 2432-VI of 06.07.2010)*
2. Creation, reorganisation or liquidation RCO are brought about as agreed with the Security Service of Ukraine. In its work RCO co-operates with organs of the Security Service of Ukraine.
3. Structure of RCO includes departments of regime, confidential office-work and other departments directly providing state secret protection depending on the specificity of the activity of the state organ, local self-government organ, enterprise, institution and organisation.
4. In state organs, local self-government organs, enterprises, institutions and organisations with significant amount of works connected with the state secret the post of deputy head on issues of regime entrusted with duties and the rights of the head of RCO is introduced.
5. In state organs, local self-government organs, enterprises, institutions and organisations with an insignificant amount of works connected with the state secret and where the list of staff does not stipulate the creation of RCO, the registration and storage of classified documents, as well as measures on maintenance of secrecy regime are brought about personally by their heads or specially authorised by the order of the head official after the creation of the necessary conditions maintaining secrecy regime.
6. The duties and rights of RCO officials are applied to them.
7. Appointment of persons for the posts of assistants to heads on issues of a regime, chiefs of RCO and their assistants, as well as issuing of the order on entrusting the individual official with the duties on maintenance of secrecy regime is carried out with consent of organs of the Security Service of Ukraine and RCO of higher state organs, local self-government organs, enterprises, institutions and organisations. RCO are staffed with experts who are granted admission to the state secret with the level of secrecy "top secret" if the nature of the works carried out by them does not demand admission to the state secret with the degree

of secrecy of "special importance". In case the state organ, local self-governance organ, an enterprise, institution and organisation don't work with secret information with the level of secrecy "top secret" and "special importance", the RCO of this organ is staffed with experts who are granted admission to the state secret with the level of secrecy "strictly confidential".

*(The seventh part of Article 21 with changes as provided by the Law No 2432-VI of 06.07.2010)*

8. The major tasks of RCO are the following:

- 1) Non-admission of unreasonable admission and access of persons to classified information;
- 2) Duly development and implementation, together with other structural departments of state organs, local self-government organs, enterprises, institutions and organisations, of the measures providing state secret protection;
- 3) The prevention of dissemination of classified information, cases of loss of material objects of this information, abstraction of classified information by foreign states, foreign legal persons, foreigners, persons without citizenship and citizens of Ukraine not granted admission and access to it;
- 4) Revealing and closing of channels of leakage of classified information during the activity of state organs, local self-government organs, enterprises, institutions and organisations;
- 5) Maintenance of introduction of measures of secrecy regime at the fulfilment of all kinds of works connected with state secret, and at implementation of external relations;
- 6) The organisation and carrying out of confidential office-work;

*(Clause f. of the eighth part of Article 21 with changes as provided by the Law No 2432-VI of 06.07.2010)*

- 7) Control over the condition of secrecy regime in state organs, local self-government organs, enterprises, institutions and organisations and installations subordinated to it. RCO have the right:
  - g) To demand from all employees of the organ of the state power, institution of local self-government, enterprise, establishment and organisation, as well as the visitors on business, to stick to the legislation on state secret protection;
  - h) To take part in consideration of drafts of the lists of the staff of the organ of the state power, institution of local self-government, enterprise, establishment and organisation and establishments, enterprises subordinated to them, regarding the part concerning RCO, to submit proposals on the structure and number of employees of these organs;
  - i) To take part in the carrying out of personnel certification, performing of works connected with the state secret, as well as in consideration of proposals on payments according to the procedure of indemnification established by statutory acts for work under conditions of regime restrictions;
  - j) To involve experts of the organ of the state power, institution of local self-government, enterprise, establishment and organisation in implementation of measures on state secret protection;
  - k) To carry out checks of the condition and organisation of work on issues of protection of the state secret and maintenance of secrecy regime in departments of the organ of the state power, local self-government, enterprise, establishment and organisation, as well as in institutions and enterprises subordinated to them, to give the relevant recommendations;
  - l) To carry out checks of observance of the secrecy regime of workplaces where the employees have admission to the state secret, content of the special storage places (premises, safes, metal cases, special cases, special folders, etc.), presence of documents, products and other material objects of classified information;

- m) To bring up in front of the head of the organ of the state power, institution of local self-government, enterprise, establishment and organisation the questions on instituting service investigations on the facts of infringements of secrecy regime and confidential office-work, about bringing the persons to account according to the law, as well as to give the recommendation on instructions to the heads of departments of the organ of the state power, institution of local self-government, enterprise, establishment and organisation and establishments and enterprises subordinated to them, on issues of maintenance of the secrecy regime;
  - n) To take part in the service investigations in accordance with the established procedure, to demand from the employees of the organ of the state power, institution of local self-government, enterprise, establishment and organisation written explanations on the facts of dissemination by them of classified information, loss of material objects of the classified information, and other infringements of the secrecy regime;
  - o) To submit proposals to the head of the organ of the state power, institution of local self-government, enterprise, establishment and organisation about the termination of works connected with the state secret in structural departments if conditions for their fulfilment do not meet the requirements of secrecy regime; to seal up premises where such works are conducted or material objects of classified information are stored;
  - p) To receive from citizens whose papers on the admission to the state secret are be legalized their biographical particulars;
  - q) To use communication facilities and to conduct in accordance with the established procedure of post-cable correspondence with other state power organs, local self-government organs, enterprises, institutions and organisations and their RCO on issues of maintenance of secrecy regime;
9. To seal with the name of RCO, as well as other seals and stamps of the established form.
10. Transfer of the functions of RCO to any other department of the organ of the state power, local self-government, enterprise, establishment and organisation is not allowed.

*Article 22. Admission of citizens to the state secret*

1. Depending on the level of secret classification of the information, the following forms of admission to the state secret are established:
  - Form 1 – for work with classified information which has the degrees of secrecy of “special importance”, “top secret” and “strictly confidential”;
  - Form 2 – for work with classified information which has the degrees of secrecy “top secret” and “strictly confidential”;
  - Form 3 – for work with classified information which has the degree of secrecy “strictly confidential”;
  - As well as the following terms of validity of admissions:
    - For form 1-5 years;
    - For form 2-10 years;
    - For form 3-15 years.
2. The admission for access to state secrets with the levels of secrecy of “special importance”, “top secret” and “strictly confidential” is provided for capable citizens of Ukraine over 18 years of age who require it on the grounds of the conditions of their service, industrial, scientific or research activity or training, by the Security Service of Ukraine after they are checked. The

procedure for granting authorisation for access to state secrets shall be established by the Cabinet of Ministers.

*(The second part of Article 22 as provided by the Law No 2432-VI of 06.07.2010)*

3. Sometimes, determined by the ministries, other Central Executives, as agreed with the Security Service of Ukraine, the citizens of Ukraine in the age from 16 years of age can be granted admission to the state secret with degrees of secrecy "top secret" and "strictly confidential", and from 17 years of age – to the state secret with the degree of secrecy "special importance".
4. To receive the admission to state secret for any citizen the state organ, local self-government, enterprise, establishment or organisation, where employed, serve or study the citizens, shall prepare the documentation, which they send to Security Service offices. The list and forms of such documents, as well as procedure for their submission, shall be established by the Cabinet of Ministers.

*(The fourth part of Article 22 with changes as provided by the Laws No 293-VI of 21.05.2008, No 2432-VI of 06.07.2010, No 2592-VI of 07.10.2010)*

5. If the need of the citizen for the data constituting the state secret is not connected with the place of employment, service or training, the admission can be given in the place of the activity connected with the state secret.

*(The fifth part of Article 22 with changes as provided by the Law No 2978-VI of 03.02.2011)*

6. Granting of admission envisages for:
  - Definition of the necessity of the work of the citizen with classified information;
  - Vetting of the citizen in connection with the admission to the state secret;
  - Assuming by the citizen of the written obligation on preservation of the state secret which will be entrusted to him/her;
  - Reception in written form of the consent of the citizen to the restrictions of the rights envisaged by the law in connection with his/her admission to the state secret;
  - Acquaintance of the citizen with the liability for infringement of the legislation on state secret.

*Article 23. Refusal to grant admission to state secret*

1. The admission to state secret is not granted in case:
  - 1) The citizen has not proved the necessity to work with classified information;
  - 2) Assistance by the citizen to activity of foreign state, foreign organisation or their representatives, as well as individual foreigners or persons without citizenship that damages the national security of Ukraine, or participation of the citizen in the activity of political parties and public organisations whose activity is forbidden in accordance with the procedure established by the law;
  - 3) Refusal of the citizen to take the written obligation on preservation of the state secret that will be entrusted to him/her, as well as refusal to give written consent to the restrictions of the rights envisaged by the law in connection with the admission to the state secret;
  - 4) Previous conviction of the person for serious crimes, not overturned or cancelled in accordance with the established procedure;
  - 5) Mental illness of the citizen that can damage the state secret protection
  - 6) According to the list approved by the Ministry of Health of Ukraine and the Security Service of Ukraine.

2. The admission to the state secret can also be refused in case:
  - 1) The citizen provided inadequate information at registration of the admission;
  - 2) Permanent residence of the citizen abroad or official registration of documents by him/her on departure for permanent residence abroad;
  - 3) Defaults by the citizen on the duties on preservation of the state secret that was entrusted to him/her earlier.
3. A citizen, whose request for admission to the state secret was declined, but still needs an access to the state secret due to the nature of working or service duties, while transfer to another position is not possible, may be offered another job or service without relation to the state secret, or let off.

*(The third part is added to Article 23 as provided by Law No 2978-VI of 03.02.2011)*

*Article 24. Vetting of citizens in connection with their admission to state secret*

1. The vetting of citizens in connection with their admission to the state secret is carried out by the organs of the Security Service of Ukraine within two month in accordance with the procedure established by this Law and the Law of Ukraine "On Detective-Investigative Activity".  
*(The first part of Article 24 with changes as provided by the Law No 2978-VI of 03.02.2010)*
2. During the vetting process by the organs of the Security Service of Ukraine the availability or absence of the circumstances envisaged by items 2 and 4 units of Part 1 and Part 2 of Article 23 of this Law ought to be established. On the bases of the vetting process results the organs of the Security Service of Ukraine in the course of five days after its conclusion send to the state organ, local self-government, enterprise, institution or the organisation, which applied for admission to the state secret, the statement on either granting or declining the authorisation.

*(The first part of Article 24 with changes as provided by the Law No 2432-VI of 06.07.2010)*

3. Availability or absence of the circumstances envisaged by items 1, 3 and 5 units of Part 1 of Article 23 of this Law ought to be established by the state organ, local self-government, enterprise, institution or the organisation that is issuing the authorisation.
4. Motivated conclusion of the organ of the Security Service of Ukraine, which carried out the vetting, about the impossibility of granting the citizen admission to the state secret shall have the references as required by Article 23 of this Law. Declining of authorisation does not exclude a repeated application by the state organ, local self-government, enterprise, institution or the organisation in case of changed circumstances, which gave the reason for declining.

*(The fourth part of Article 24 as provided by the Law No 2432-VI of 06.07.2010)*

*Article 25. Appeal against declining to grant admission to the state secret*

1. The citizen has the right to appeal against this refusal in accordance with the procedure established by the law.

*Article 26. Renewal of admission to the state secret, its upgrading or downgrading and cancellation*

*(The name of Article 26 as provided by the Law No 2432-VI of 06.07.2010)*

1. Renewal of the admission to the state secret is carried out:
  - In case of expiry of the term of action of the admission to the state secret if further work with classified information is necessary;

- In case of the need to upgrade or downgrade the form of authorisation to the state secret for a work with classified information of a higher or lower level of secret classification;  
*(The paragraph three of the first part of Article 26 as provided by the Law No 2432-VI of 06.07.2010)*
  - In case of the need to carry out an additional check connected with the possible occurrence of circumstances envisaged by items 2 and 4 units of Part 1 and Part of Article 23 of this Law.
2. The cancelling of the previously given admission to the state secret is carried out by the Security Service of Ukraine in case of occurrence or revealing of the circumstances envisaged by Article 23 of this Law, as well as after the termination by the citizen of activity in connection with which the admission was given to him/her, loss of citizenship of Ukraine or his/her recognition as legally incapable on the basis of information received by the Security Service of Ukraine or collected from the state organs, local self-government organs, enterprises, institutions and organisations.  
*(The second part of Article 26 as provided by the Law No 2432-VI of 06.07.2010)*
  3. At the request of the citizen his admission to the state secret is cancelled within three days from the date of the reference in occasion of cancelling of the admission.
  4. The Security Service of Ukraine sends the statement on the cancelling of any citizen admission to the state secret with reference to the relevant stipulations of Article 23 of this Law to the state organ, local self-government organ, enterprise, institution and organisation where the citizen works and has an access to the state secret. This decision can be appealed against according to the procedure established by the Law.  
*(The fourth part of Article 26 as provided by the Law No 2432-VI of 06.07.2010)*
  5. The citizen, who has his admission to the state secret cancelled should the performance of labour or official duties demand access to the state secret, and it is impossible to transfer to another workplace or post, can be, according to the procedure envisaged by the legislation, transferred to other work or service not connected with the state secret, or be dismissed.
  6. The procedure of granting, renewal and cancelling of the admission to the state secret is established by the Cabinet of Ministers of Ukraine.

#### *Article 27. Access of citizens to the state secret*

1. Access to the state secret is given to capable citizens of Ukraine who are given the admission to the state secret and who require it on conditions of the service, industrial, scientific or research activity or training.
2. Decisions on granting access to specific classified information (category of classified information) and its material objects are adopted by the heads of the state organs, local self-government organs, enterprises, institutions and organisations where the works connected with the state secret are performed or material objects of classified information are stored.  
*(The second part of Article 27 as provided by the Law No 2432-VI of 06.07.2010)*
3. The heads of the state organs, except for those mentioned in the sixth part of this Article, local self-government organs, enterprises, institutions and organisations access to the state secrets in the area connected with the activities of the state organs, local self-government organs, enterprises, institutions and organisations, receive *ex officio* after they are granted admission to the state secret in the established form.  
*(The Article 27 is supplemented with a new part as provided by the Law No 2432-VI of 06.07.2010)*

4. Procedure for granting admission to the state secret for the individuals involved in confidential co-operation with operational units of law enforcement and other organs with special powers, which carry out operational-investigative, intelligence or counterintelligence activity shall be developed by the heads of the mentioned organs with consent of the Security Service of Ukraine. In the Security Service of Ukraine such procedure for granting admission to the state secret shall be developed by the Head of the Security Service of Ukraine.

*(The Article 27 is supplemented with a new part as provided by the Law No 2432-VI of 06.07.2010)*

5. Refusal to give to the citizen of Ukraine access to the concrete classified information and its material objects is possible only in case of absence of the bases envisaged by Part 1 of this Article, and can be appealed against in accordance with the procedure established by Part 2 of Article 25 of this Law.

6. Access to the state secret of all degrees of secrecy is given *ex officio* to the President of Ukraine, the Chairman of the Verkhovna Rada of Ukraine, the Prime Minister of Ukraine and other members of the Cabinet, the Chairman of the Supreme Court of Ukraine, the Chairman of the Constitutional Court of Ukraine, the General Prosecutor of Ukraine, the Head of the Security Service of Ukraine, People's Deputies of Ukraine after they have given a written obligation to preserve the state secret.

*(The part of the Article 27 with changes as provided by the Laws No 1519-IV of 19.02.2004, No 293-VI of 21.05.2008)*

7. Foreigners and persons without citizenship are given access to the state secret in exceptional cases on the basis of the international treaties of Ukraine agreed to be binding by the Verkhovna Rada of Ukraine or the written directive of the President of Ukraine taking into account the necessity to maintain the national security of Ukraine on the basis of the proposals of The Council of National Security and Defence of Ukraine.

*(Article 27 includes changes made by the Law No 1519-IV of 19.02.2004)*

*Article 28. Duties of the citizen on preservation of the state secret*

1. The citizen granted admission to the state secret is obliged:

- Not to allow the dissemination in any way of the state secret which is entrusted to him/her or became known in connection with the performance official duties;
  - Not to participate in the activity of political parties and public organisations forbidden in accordance with the procedure, established by the law;
  - Not to assist foreign states, foreign organisations or their representatives, as well as individual foreigners and persons without citizenship in carrying out activities damaging the national security of Ukraine;
  - To fulfil the requirements of the secrecy regime;
  - To inform the officials who gave him/her admission to the state secret and the relevant regime-confidential organs on occurrence of the circumstances envisaged by Article 23 of this Law, or any other circumstances interfering with the preservation of the state secret entrusted to him/her, as well as to inform in writing about the departure from Ukraine;
- (The paragraph six of Article 28 with changes as provided by the Law No 2432-VI of 06.07.2010)*
- To observe other requirements of the legislation on the state secret.

*Article 29. Restriction of the rights in connection with admission and access to the state secret*

1. The citizen granted admission and access to the state secret in accordance with the procedure established by the legislation and who has really been acquainted with it can be limited

in his right to leave Ukraine for permanent residence in a foreign state for the period until the relevant information is declassified, but no more than for five years from the time of the termination of the activity connected with the state secret.

2. The departure to the states with which Ukraine has international treaties providing such departure and agreed to be binding by the Verkhovna Rada of Ukraine, are not limited.
3. The citizen is also subject to restrictions on freedom of information activity, apparent from this Law.

*Article 30. Indemnification to citizens in connection with the fulfilment of works requiring access to the state secret*

1. In case the conditions of the professional work of the citizen presuppose work with the data constituting the state secret, the relevant indemnification for undergoing conditions of regime restrictions, the kinds, amounts and procedure of granting which are established by the Cabinet of Ministers of Ukraine.

*Article 31. Restrictions on publication of classified information*

1. During the preparation of materials for publication, distribution to the press and other mass media or their taking across the border, state organs, local self-government organs, enterprises, institutions, organisations and citizens in order to protect classified information are obliged to apply the Law of Ukraine "On information", this Law and other normative-legal acts on the state secret.
2. Control over the observance of legislation on the state secret with the purpose of prevention of its distribution to the press and other mass media is carried out by the central executive organ on issues of information policy.

*Article 32. Restrictions on transfer of the state secret to foreign states or international organisation*

1. The classified information, up to their declassification, can be transferred to a foreign state or international organisation only on the basis of the international treaties agreed to be binding by the Verkhovna Rada of Ukraine, or a written motivated direction of the President of Ukraine taking into account the necessity to maintain the national security of Ukraine on the basis of proposals of the Council of National Security and Defence of Ukraine.

*Article 33. Restrictions connected with the state secret on issues of the stay and activity in Ukraine of foreigners, persons without citizenship and foreign legal persons, as well as accommodation and transportation of objects and means belonging to them*

1. The restrictions connected with the state secret, on issues of stay and activity in Ukraine of foreigners, persons without citizenship and foreign legal persons, as well as accommodation and transportation of objects and means belonging to them are determined by the relevant legislation.

*Article 34. Features of implementation by state organs of their functions towards state organs, organs of local self-government, enterprises, institutions and organisations carrying out the activity connected with the state secret*

1. State organs, including law enforcement, supervisory-auditing and courts, with the purpose of state secret protection should establish, as agreed with the Security Service of Ukraine,

the procedure of the implementation of their functions towards state organs, local self-government organs, enterprises, institutions and organisations carrying out activity connected with the state secret.

2. State organs, local self-government organs, enterprises, institutions and organisations carrying out activity connected with the state secret have the right to refuse to satisfy the inquiry about granting classified information or other similar requirements to the state organs specified in Part 1 of this Article if the latter have not established such a procedure or do not observe it.
3. The Security Service of Ukraine is simultaneously informed on the motives of such refusal and is obliged to take the decision on its validity.

*Article 35. Technical and cryptographic protection of classified information*

1. Technical and cryptographic protection of classified information is brought about in accordance with the procedure established by the President of Ukraine.

*Article 36. Detective-investigation measures on state secret protection*

1. Detective-investigation measures on state secret protection are brought about according to the Law of Ukraine "On detective-investigation activity".

## **PART V. CONTROL OVER THE MAINTENANCE OF STATE SECRET PROTECTION AND SUPERVISION OF OBSERVANCE OF THE LEGISLATION ABOUT THE STATE SECRET**

*Article 37. The control over the maintenance of state secret protection*

1. Heads of state organs, local self-government organs, enterprises, institutions and organisations are obliged to carry out constant control over the maintenance of state secret protection.
2. State organs, local self-government organs, enterprises, institutions and organisations employing contractors are obliged to control the condition of state secret protection which has been transferred to the contractors in connection with the execution of an order.
3. State organs, which by the decision of the state expert on issues of secrets, have been given the right to solve questions on access of state organs, local self-government organs, enterprises, institutions, organisations to classified information are obliged to control the condition of state secret protection in all state power organs, local self-government organs, enterprises, institutions and organisations that perform the works connected with the relevant state secret, or store material objects of the specified classified information.
4. The control over observance of the legislation on the state secret in the system of the Security Service of Ukraine is carried out according to the Law of Ukraine "On Security Service of Ukraine".
5. The Security Service of Ukraine has the right to control the condition of state secret protection in all state organs, local self-government organs, enterprises, institutions and organisations, as well as in connection with the implementation of these powers to receive from them, free of charge, information on issues of maintenance of state secret protection. The conclusions of the Security Service of Ukraine regarding the control of the condition of state secret protection are obligatory for performance by officials of enterprises, institutions and organisations, irrespective of their forms of ownership.

*Article 38. Supervision of observance of the legislation on state secret*

1. Supervision of observance of legislation on the state secret is carried out in accordance with the procedure determined by the law.
2. The admission and access of the officials carrying out supervision to the data constituting the state secret are conducted according to this Law.

**PART VI. LIABILITY FOR INFRINGEMENT OF THE LEGISLATION ABOUT THE STATE SECRET***Article 39. Liability for infringement of the legislation about state secret*

1. Officials and citizens guilty of:
  - Dissemination of the state secret;
  - Loss of documents and other material objects of classified information;
  - Non-observance of the procedure of transfer of the state secret established by the legislation to other states or international organisations;
  - Classification of information specified in Part 3 and 4 of Article 8 of this Law;
  - Deliberate non-classifying as a state secret of information of which can damage the national security of Ukraine if disseminated, as well as unreasonable lowering of the degree of secrecy or unreasonable declassification of classified information;
  - Unreasonable classification of information;
  - Granting the secrecy stamp to material objects of confidential or other classified information not constituting the state secret or an inconsistency between the secrecy stamp and the material objects of information constituting the state secret, as well as unreasonable cancelling or decrease of classification of material objects of classified information;
  - Infringement of the procedure of granting admission established by the legislation and access to the state secret;
  - Infringement of the secrecy regime established by the legislation and default on duties on preservation of the state secret;
  - Default on taking measures on maintenance of state secret protection and on control over state secret protection;
  - Implementation of the activity connected with the state secret without reception in accordance with the established procedure of the special sanction to such activity, as well as placement of state procurement orders for fulfilment of works, accomplishment of mobilisation tasks connected with the state secret with state organs, local self-government organs, enterprises, institutions, organisations not granted special sanction to the activity connected with the state secret;
  - Non-observance of the requirements of legislation on the maintenance of state secret protection during international co-operation, reception of foreign delegations, groups, individual foreigners and persons without citizenship and carrying out of work with them;
  - Default on the norms and requirements of technical protection of classified information which caused the real threat of infringement of integrity of this information or its leakage through technical channels, are subject to disciplinary, administrative and criminal liability according to the law.

## Law of Ukraine "On the National System of Confidential Communication"

2919 III of 10.01.2002; (*Bulletin of the Verkhovna Rada of Ukraine (BVR)*, 2002, No. 15, p. 103),

Includes changes made by the Law,  
No. 1280-IV of 18.11.2003, BVR, 2004, No. 12, p. 155;  
No 2599-IV of 31.05.2005, BVR, 2005, N 26, p. 349;  
No 879-VI of 15.01.2009, BVR, 2009, N 24, p. 296.

This Law regulates the relations connected with the creation, operation, development and use of the National system of confidential communication.

### Article 1. Definition of Terms

1. The terms used in this law shall have the following meaning:

**1) Special telecommunication system** (network) of communication is a system (network) of telecommunication intended for exchange of limited access information;

(*The paragraph two of the first part of Article 1 with changes as provided by the Law No 2599-IV of 31.05.2005*)

**2) Special telecommunication system** (network) of communication of double purpose is a special system (network) of telecommunication for ensuring communication in the interests of state organs and local self-government organs with a partial use of its resource for rendering services to other consumers;

(*The paragraph three of the first part of Article 1 with changes as provided by the Law No 2599-IV of 31.05.2005*)

**3) National system of confidential communication** is a set of special systems (networks) of telecommunication of double purpose which with the help of cryptographic and/or technical means provide an exchange of confidential information in the interests of organs of state power and local self-government organs, create appropriate conditions for their interaction in peacetime and in case of introduction of state of emergency and martial law.

(*The paragraph four of the first part of Article 1 with changes as provided by the Law No 2599-IV of 31.05.2005*)

**4) Subjects of the National system of confidential communication** are organs of state power and local self-government organs, legal and physical persons participating in the creation, operation, development and use of this system;

**5) Resources of the special system** (network) of communication are the characteristics of the technical capacity of a communication network to provide communication services.

2. The terms "operator" and "communication network" are used in this Law in the meaning of the terms "the enterprise (operator) of communication" and "communication network" determined in the Law of Ukraine "On Telecommunication".

### Article 2. Applicability of the Law

1. This Law is applicable to the relations between the subjects of the National system of confidential communication in the process of its creation, operation, development and use.

*Article 3. Legislation in the sphere of confidential communication*

1. The contacts and relations related to the creation, operation, development and use of the National system of confidential communication are regulated by the Constitution of Ukraine, Laws of Ukraine "On Information", "On the State Secret", "On protection of Information in Electronic Systems", "On Communication", "On Entrepreneurial Activity", "On Licensing of Certain Kinds of Economic Activity", this Law, other laws and normative-legal acts.
2. If an international treaty agreed to be binding by the Verkhovna Rada of Ukraine establishes rules other than envisaged by this Law, the rules of the international contract treaty shall be applied.  
*(The first part of Article 3 with changes as provided by the Law No 2599-IV of 31.05.2005)*

*Article 4. State support for the National system of confidential communication*

1. The state support for the National system of confidential communication is carried out by the Cabinet of Ministers of Ukraine by creation of favourable legal, economic and other conditions for stimulation of the process of creation, operation, development and use of this system.

*Article 5. Structure of the National system of confidential communication*

1. The National system of confidential communication consists of special systems (networks) of communication, their stationary and mobile components, centralised systems of protection of information and operational-technical management.
2. The structure of the organisation of the National system of confidential communication should provide for separation of the confidential information of organs of state power, local self-government organs, other legal and physical persons with the help of cryptographic and/or technical means.

*Article 6. Management of the National system of confidential communication*

1. Management of the National system of confidential communication, its operation, development, use and protection of information are provided by a special authorised representative of the central executive in the sphere of confidential communication according to the legislation.  
*(The first part of Article 6 with changes as provided by the Law No 879-VI of 15.01.2009)*
2. The centralized systems of information protection and of operational-technical management are in the state ownership and are not subject to privatisation.
3. The subjects of economical activity irrespective of the form of ownership can be the owners of other components of the National system of confidential communication.

*Article 7. Provision of confidential communication services*

1. Confidential communication services are rendered to the organs of state power, local self-government organs, state enterprises, establishments, organisations, other legal and physical persons on a paid basis.
2. The procedure of rendering of confidential communication services to the organs of state power, local self-government organs, state enterprises, institutions and organisations is established by the Cabinet of Ministers of Ukraine.
3. Rendering of confidential communication services to other legal and physical persons is carried out according to the legislation on the basis of a contract between the consumer and the operator.

4. Confidential communication services are rendered to operators who are legal persons and have permissions to render telecommunication and/or radio communication services, as well as to render services in the field of cryptographic and/or technical protection of information according to the legislation.

*Article 8. Liability for violation of the legislation in the sphere of confidential communication*

1. The persons guilty of violation of the legislation in the sphere of confidential communication are subject to disciplinary, administrative, material, civil or criminal liability according to the law.

*Article 9. Financial support of the National system of confidential communication*

1. Financing of the charges connected with the creation, operation and development of the National system of confidential communication is carried out from the State Budget of Ukraine and is budgeted during the formation of the budget for the current year as a separate expenditure. Financing can also come from local budgets and other sources not forbidden by the law.

*Article 10. International co-operation*

1. The specially authorised organ of the central executive in the sphere of confidential communication within the limits of his/her authority can take part in scientific, technical, external economic and other forms of co-operation on the issues of confidential communication according to the state programmes and the legislation of Ukraine.

*(The first part of Article 10 with changes as provided by the Law No 879-IV of 15.01.2009)*

2. The international co-operation in the sphere of confidential communication is carried out on the basis of the legislation and the relevant international treaties of Ukraine.

*Article 11. Final provisions*

1. This Law enters into force from the date of its publication.
2. The Cabinet of Ministers of Ukraine within six months from the date of this Law comes into force is obliged to:
  - Bring its normative-legal acts in conformity with this Law;
  - Within its competence, ensure the adoption of the normative-legal acts envisaged by this Law;
  - To ensure revision and cancellation of the normative-legal acts of the Ministries and other central organs of executive power that contradict this Law.

## Law of Ukraine "On the State Service for Special Communications and Information Protection of Ukraine"

*(Bulletin of the Verkhovna Rada of Ukraine (BVR), 2006, No 30, p.258)*

Including changes introduced by the Laws:

No 328-V (328-16) of 03.11.2006, BVR, 2006, No 51, p. 519;

No 1014-V (1014-16) of 11.05.2007, BVR, 2007, No 33, p. 442;

No 879-VI of 15.01.2009, BVR, 2009, No 24, p. 296;

No 1180-VI of 19.03.2009, BVR, 2009, No 32-33, p. 485;

No 1415-VI of 02.06.2009, BVR, 2009, No 41, p. 601;

No 2289-VI of 01.06.2010, BVR, 2010, No 33, p. 471;

No 2592-VI of 07.10.2010, BVR, 2011, No 10, p. 63;

No 3610-VI of 07.07.2011, BVR, 2012, No 7, p. 53.

In accordance with the Constitution of Ukraine, this Law determines the legal bases for the organisation and activity of the State Service for Special Communications and Information Protection of Ukraine.

### PART I. GENERAL PROVISIONS

#### Article 1. Definition of Terms

1. In this Law, the terms below shall be used in the following meaning:
  - 1) **Special communication** is the transmission, radiation and/or reception of signs, signals, written texts, images, sounds and messages, which contain information with restricted access, on the radio, through cable, optical or other electromagnetic systems with the use of cryptographic and/or technical means of information protection observing the requirements of the legislation on its protection;
  - 2) **Governmental communication** is a type of special connection provided through the state governmental communication system;
  - 3) **State governmental communication system** is a special communication system intended for ensuring the management of the state in peacetime, during a state of emergency and martial law, as well as in case of the emergence of emergency situations, and for ensuring the observance of the requirements of the legislation on the protection of classified information;
  - 4) **Site of information activity** is an engineering-technical structure (building) where activities related to the protection of information are carried out;
  - 5) **State information resource** is information, which belongs to the state, and the necessity of protection thereof is mandated by the legislation.
2. The terms "National system of confidential communication", "information (automated) system", "telecommunication system", "information-telecommunication system", "cryptographic protection of information", "technical protection of information", "complex system of protection of information", "information with restricted access" are used in this Law in the meaning defined accordingly in the Laws of Ukraine "On the National System of Confidential Communication", "On Protection of Information in Information-Telecommunications Systems", and "On Information".  
*(Part 2 of Article 1 with changes as provided by the Law No 1180-VI of 19.03.2009)*

*Article 2. The Status of the State Service for Special Communications and Information Protection of Ukraine*

1. The State Service for Special Communications and Information Protection of Ukraine is the state body, the purpose of which is to ensure the functioning and development of the state governmental communication system and the national system of confidential communication, the protection of state information resources in information-telecommunications systems, as well as the cryptographic and technical protection of information.  
*(Part 2 of Article 2 is excluded in accordance with Law No 2592-VI of 07.10.2010)*
2. The State Service for Special Communications and Information Protection of Ukraine is subordinate and accountable to the President of Ukraine.  
*(Part 3 of Article 2 as provided by the Law No 2592-VI of 07.10.2010)*
3. The Cabinet of Ministers of Ukraine takes measures to ensure the functioning of the State Service for Special Communications and Information Protection of Ukraine.  
*(Part 3 of Article 2 is added as provided by the Law No 2592-VI of 07.10.2010)*

*Article 3. Main Tasks of the State Service for Special Communications and Information Protection of Ukraine*

1. The main tasks of the State Service for Special Communications and Information Protection of Ukraine are:
  - The participation in the formation and implementation of the state policy in the field of protection of the state informational resources in information-telecommunications systems, as well as the cryptographic and technical protection of information;
  - Ensuring governmental communication, in accordance with the established procedure, to the President of Ukraine, the Chairman of the Verkhovna Rada of Ukraine, the Prime Minister of Ukraine, other state officials, local self-government organs, military management organs and heads of enterprises, establishments and organisations in peacetime, during a state of emergency and martial law, as well as in case of the emergence of an emergency situation;
  - Ensuring the functioning, security and development of the state system of governmental communication and the national system of confidential communication;
  - The definition of the requirements and the procedure for the creation and development of systems of technical and cryptographic protection of information owned by the state or information with restricted access the necessity of protection thereof is mandated by the law;
  - The execution of the state control over the state of cryptographic and technical protection of information owned by the state or information with restricted access the necessity of protection thereof is mandated by the law, as well as over the observance of the requirements of the legislation in the field of provision of electronic digital signature services;
  - Ensuring security of sites, buildings, systems, networks, complexes, governmental and special communication means and the key documents concerning the cryptographic protection of information of the State Service for Special Communications and Information Protection of Ukraine.

*Article 4. Main Principles of Activity of the State Service for Special Communications and Information Protection of Ukraine*

1. The main principles of activity of the State Service for Special Communications and Information Protection of Ukraine are:

- Legality;
- Respect for and observance of human and civil rights and freedoms;
- Undivided authority and centralization of management;
- Coordination of actions in a special period (during a state of emergency and martial law, as well as in case of the emergence of an emergency situation) with the General Staff of the Armed Forces of Ukraine, the Security Service of Ukraine and the central executive body civil defence;
- Openness for democratic civil control and observance of the requirements of the legislation concerning the protection of state secrets.

## **PART II. GENERAL STRUCTURE, NUMERICAL STRENGTH AND ORGANISATION OF ACTIVITY OF THE STATE SERVICE FOR SPECIAL COMMUNICATIONS AND INFORMATION PROTECTION OF UKRAINE**

*Article 5. General Structure and Numerical Strength of the State Service for Special Communications and Information Protection of Ukraine*

1. The general structure of the State Service for Special Communications and Information Protection of Ukraine includes the specially authorised central executive organ on questions of the organisation of special communications, protection of information, regional organs and territorial subdivisions subordinated to it.
2. Educational, medical, healthcare and other establishments, research and research and production establishments are created within the State Service for Special Communications and Information Protection of Ukraine. The state enterprises, the activity of which is connected to the implementation of tasks related to the State Service for Special Communications and Information Protection of Ukraine, belong to its sphere of management.
3. The specially authorised central executive organ on questions of the organisation of special communications and protection of information, regional organs, territorial subdivisions, educational, medical, healthcare and other establishments, research, research and production establishments and state enterprises mentioned in Part 2 of this Article are legal entities, which have a seal with the image of the National Emblem of Ukraine and their name on it, other seals, stamps and accounts accordingly in the State Treasury of Ukraine and in banks, including in foreign currency.
4. The numerical strength, in terms of personnel, in the State Service for Special Communications and Information Protection of Ukraine is established by the Cabinet of Ministers of Ukraine, upon submission of the specially authorised central executive organ on questions of the organisation of special communications and the protection of information.

*Article 6. The Head of the State Service for Special Communications and Information Protection of Ukraine*

1. Management of the State Service for Special Communications and Information Protection of Ukraine is carried out by the Head of the State Service for Special Communications and Information Protection of Ukraine, who chairs the specially authorised central executive organ on questions of the organisation of special communications and protection of information and bears personal responsibility for the implementation of tasks laid upon the State Service for Special Communications and Information Protection of Ukraine.

2. The Head of the State Service for Special Communications and Information Protection of Ukraine is appointed and dismissed from the post by the Cabinet of Ministers of Ukraine at the proposal of the Prime Minister of Ukraine.
3. Deputy Heads of the State Service for Special Communications and Information Protection of Ukraine are appointed and dismissed from the post by the Cabinet of Ministers of Ukraine at the proposal of the Head of the State Service for Special Communications and Information Protection of Ukraine.

*(Part 4 of Article 6 is excluded in accordance with the Law No 2592-VI of 07.10.2010)*

*Article 7. The Specially Authorised Central Executive Organ on Questions of the organisation of special communications and protection of information*

1. The specially authorised central executive organ on questions of the organisation of special communications and protection of information:
  - Organises, co-ordinates and controls the activities of regional organs, territorial subdivisions, institutions, establishments and state enterprises of the State Service for Special Communications and Information Protection of Ukraine;
  - Takes part in the formation and is responsible for the implementation of state policy in the field of protection of the state information resources in information-telecommunications systems, as well as the cryptographic and technical protection of information, ensures the functioning, security and development of the state system of governmental communications and the national system of confidential communications;
  - Conducts the co-ordination of activities of the state authorities, local self-government organs, military formations formed in accordance with the laws of Ukraine (hereinafter, military formations), enterprises, establishments and organisations regardless of their forms of ownership on questions belonging to the purview of the State Service for Special Communications and Information Protection of Ukraine;
  - Carries out the state control over the state of cryptographic and technical protection of information owned by the state or information with restricted access the necessity of protection thereof is mandated by the law, as well as over the observance of the requirements of the legislation in the field of provision of electronic digital signature services;
  - Carries out, in accordance with the legislation, functions relating to the management of state property, including of state corporate rights, creates and liquidates state enterprises and establishments, the activity of which is connected to the implementation of tasks laid upon the State Service for Special Communications and Information Protection of Ukraine;
  - Generalises the practice of application of the legislation on questions belonging to the purview of the State Service for Special Communications and Information Protection of Ukraine, develops suggestions relating to the improvement of the legislation and, in accordance with the established procedure, submits them for consideration to the President of Ukraine and the Cabinet of Ministers of Ukraine.
2. Regulations on the specially authorised central executive organ on questions of the organisation of special communications and protection of information are approved by the President of Ukraine. Organisational structure and the maximum number of its personnel are approved by the Cabinet of Ministers of Ukraine.

*(Part 2 of Article 7 as provided by the Law No 2592-VI of 07.10.2010)*

*Article 8. The Board of the State Service for Special Communications and Information Protection of Ukraine*

1. For collective discussion of the main areas of its activity and coordinated decision-making on questions belonging to its competences, the Board of the State Service for Special Communications and Information Protection of Ukraine is created.
2. Regulations on the Board of the State Service for Special Communications and Information Protection of Ukraine and its members are approved by the Head of the State Service Special Communications and Information Protection of Ukraine.

*Article 9. Regional Organs and Territorial Subdivisions of the State Service for Special Communications and Information Protection of Ukraine*

1. With the purpose of the implementation of the tasks of the State Service for Special Communications and Information Protection of Ukraine, regional organs in the Autonomous Republic of Crimea, oblasts and in the cities of Kyiv and Sevastopol are created upon the decision of the specially authorised central executive organ on questions of the organisation of special communications and protection of information, as well as territorial subdivisions ensuring that governmental communications to the President of Ukraine, the Chairman of the Verkhovna Rada of Ukraine and the Prime Minister of Ukraine are created.
2. Regulations on regional organs and territorial subdivisions of the State Service for Special Communications and Information Protection of Ukraine are approved by the Head of the State Service for Special Communications and Information Protection of Ukraine.
3. The heads of regional organs and territorial subdivisions of the State Service for Special Communications and Information Protection of Ukraine are appointed and dismissed from the post by the Head of the State Service for Special Communications and Information Protection of Ukraine.
4. The maximum number of personnel in the regional organs and territorial subdivisions of the State Service for Special Communications and Information Protection of Ukraine is established the Cabinet of Ministers of Ukraine.

**PART III. PERSONNEL OF THE STATE SERVICE FOR SPECIAL COMMUNICATIONS AND INFORMATION PROTECTION OF UKRAINE***Article 10. Personnel of the State Service for Special Communications and Information Protection of Ukraine*

1. Persons holding the rank of private or commander, who serve on a contract basis, civil servants and other employees, who have concluded labour contracts, belong to the personnel of the State Service for Special Communications and Information Protection of Ukraine.
2. Persons holding the rank of private or commander in the State Service for Special Communications and Information Protection of Ukraine are conferred the following special ranks:
  - Private of the State Service for Special Communications and Information Protection of Ukraine;
  - Sergeant of the State Service for Special Communications and Information Protection of Ukraine;
  - Ensign of the State Service for Special Communications and Information Protection of Ukraine;
  - Senior ensign of the State Service for Special Communications and Information Protection of Ukraine;

- Junior lieutenant of the State Service for Special Communications and Information Protection of Ukraine;
  - Lieutenant of the State Service for Special Communications and Information Protection of Ukraine;
  - Senior lieutenant of the State Service for Special Communications and Information Protection of Ukraine;
  - Captain of the State Service for Special Communications and Information Protection of Ukraine;
  - Major of the State Service for Special Communications and Information Protection of Ukraine;
  - Lieutenant-colonel of the State Service for Special Communications and Information Protection of Ukraine;
  - Colonel of the State Service for Special Communications and Information Protection of Ukraine;
  - Major-general of the State Service for Special Communications and Information Protection of Ukraine;
  - Lieutenant-general of the State Service for Special Communications and Information Protection of Ukraine;
3. The words “of medical service” or “of justice” are added to the military ranks “junior lieutenant”, “lieutenant”, “senior lieutenant”, “captain”, “major”, “lieutenant colonel”, “colonel” of officers from the medical and legal services of the State Service for Special Communications and Information Protection of Ukraine with corresponding education and occupying corresponding posts.
- (Part 3 of Article 10 is added as provided by the Law No 879-VI of 15.01.2009)*
- 4. Citizens of Ukraine, who are 18 years of age and have the necessary personal, business and moral qualities, the educational and professional level, and the condition of health to be able to execute official duties, are taken on to serve in the State Service for Special Communications and Information Protection of Ukraine on a competitive and contract basis.
  - 5. The criteria for professional fitness, professional qualifications and other requirements for persons holding the rank of private or commander, civil servants and other employees in the State Service for Special Communications and Information Protection of Ukraine are determined by the specially authorised central executive organ in reference to questions concerning the organisation of special communications and the protection of information.
  - 6. The procedure for carrying out service in the State Service for Special Communications and Information Protection of Ukraine for persons holding the rank of private or commander, the conferment and deprivation of the special ranks, as well as the lowering and renewal of special ranks are determined by this Law and the Regulations on Carrying out Service in the State Service for Special Communications and Information Protection of Ukraine by persons with the ranks of privates and commanders, which is approved by the Cabinet of Ministers of Ukraine.
  - 7. Disciplinary statutes, determined in the law, operate in the State Service for Special Communications and Information Protection of Ukraine.
  - 8. Citizens of Ukraine, who are enlisted for service in the State Service for Special Communications and Information Protection of Ukraine, in posts holding the rank of private or commander for the first time, take the following oath:

*"I (Last Name, Name, Patronymic), assuming service in the State Service for Special Communications and Information Protection of Ukraine, swear to always remain loyal to the Ukrainian people, to unfailingly observe the Constitution and the Laws of Ukraine, be honest, conscientious and disciplined and keep the state secret. I swear with high responsibility to carry out the official duties, to constantly perfect professional qualities and not to tolerate violations of human and civil rights and freedoms. Shall I violate this oath, I am ready to assume responsibility in accordance with the law".*

9. The time of service in the State Service for Special Communications and Information Protection of Ukraine is included in the record of work, in the record of professional work, as well as in the record of work in the civil service.
10. Some of the posts of persons holding the rank of private or commander in the State Service for Special Communications and Information Protection of Ukraine can be occupied by civil servants and other employees of the State Service for Special Communications and Information Protection of Ukraine in accordance with the procedure determined by the Head of State Service for Special Communications and Information Protection of Ukraine.
11. Officers of the State Service for Special Communications and Information Protection of Ukraine may be transferred to the state organs, institutions and organisations to perform missions stipulated by this Law, while remaining in the status of the servicemen of the State Service for Special Communications and Information Protection of Ukraine. The list of positions, which may be occupied by these officers in the state organs, institutions and organisations shall be approved by the Cabinet of Ministers of Ukraine.  
*(Part 11 of Article 10 is added as provided by the Law No 879-VI of 15.01.2009)*
12. Labour relations among civil servants and other employees of the State Service for Special Communications and Information Protection of Ukraine are regulated by the legislation on work and civil service.

*Article 11. Age Limits for Service in the State Service for Special Communications and Information Protection of Ukraine*

1. The age limits for service in the State Service for Special Communications and Information Protection of Ukraine are:
  - For persons holding the rank of private or commander and the special rank of private or captain of the State Service for Special Communications and Information Protection of Ukraine – up to 50 years;
  - For persons holding the rank of commander and the special rank of Major to Colonel of the State Service for Special Communications and Information Protection of Ukraine – up to 55 years;
  - For persons holding the rank of commander and the special rank of Major-General or Lieutenant-General of the State Service for Special Communications and Information Protection of Ukraine – up to 60 years.
2. In case of need, persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine with a high level of professional training, practical experience in their posts and fitness may, at their request, remain in the service upon reaching the age limit for a period of up to five years.

*Article 12. Discharge from Service in the State Service for Special Communications and Information Protection of Ukraine*

1. The discharge of persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine is carried out in the following ways:
  - 1) To the reserve of the Armed Forces of Ukraine if discharged persons have not attained the age limit for the reserve determined by the law and are fit for health reasons for military service;  
*(Clause 1 of Part 1 of Article 12 with changes as provided by the Law No 1180-VI of 19.03.2009)*
  - 2) Retirement, if discharged persons have attained the age limit for the reserve determined by the law or are found by military medical commissions to be unfit for health reasons for military service with a consequent removal from the military registration.
2. The contract expires (terminated), and persons holding the rank of private or commander on contractual military service are discharged from service:
  - 1) After the expiration of the contract's duration;
  - 2) For age reasons – after attainment of the service age limit;
  - 3) For health reasons – on the basis of the conclusion (decision) of a military medical commission about the unfitness or limited fitness for military service;
  - 4) In connection with staff reductions– if it is impossible to retain personnel in service as a result of staff reductions or organisational measures;
  - 5) For family circumstances or other important reasons, the list of which is determined by the Cabinet of Ministers of Ukraine;
  - 6) In connection with a systematic failure of persons holding the rank of private or commander to execute contract provisions;
  - 7) In connection with a systematic failure of the management of the State Service for Special Communications and Information Protection of Ukraine to carry out contract provisions;
  - 8) For reasons of professional unfitness;
  - 9) In connection with a court conviction which has entered into force.
3. In cases of a pre-term retirement of cadets subject to Clauses 6, 8 and 9 of Part 2 of this Article, as well as of officers willing to retire from military service during the first five years after graduation from higher education establishments including from higher military education establishments or from military education establishments where they studied on the bases of the state order and were subsequently admitted to service in the State Service for Special Communications and Information Protection of Ukraine, they shall reimburse to the State Service for Special Communications and Information Protection of Ukraine and other central executive authorities which have these education establishments under their jurisdiction the costs related to their study at the higher education establishment according to the procedure and norms established by the Cabinet of Ministers of Ukraine. When officers, cadets or students refuse to voluntarily reimburse these expenditures, compensation is claimed through a court procedure.

*(Part 3 of Article 12 is added as provided by the Law No 1415-VI of 02.06.2009)*

*Article 13. Limitation of Political Activity in the State Service for Special Communications and Information Protection of Ukraine*

1. Persons holding the rank of private or commander, civil servants and other employees of the State Service for Special Communications and Information Protection of Ukraine for the pe-

riod of their service or work in the State Service for Special Communications and Information Protection of Ukraine terminate their membership in political parties.

2. Persons holding the rank of private or commander, civil servants and other employees of the State Service for Special Communications and Information Protection of Ukraine, can be members of civic organisations, the statutes of which do not contradict the principles of activity of the State Service for Special Communications and Information Protection of Ukraine and can take part in the work of these organisations in their free time outside official duties.
3. It is forbidden for persons holding the rank of private or commander, civil servants and other employees of the State Service for Special Communications and Information Protection of Ukraine to organise and take part in strikes.

*Article 14. Training, Retraining and Raising the Level of Skills of Personnel for the State Service for Special Communications and Information Protection of Ukraine*

1. Training, retraining and raising the level of skills of personnel for the State Service for Special Communications and Information Protection of Ukraine are carried out at educational establishments of the State Service for Special Communications and Information Protection of Ukraine and in other educational establishments.
2. The procedure and duration for raising the level of skills and retraining of the personnel for the State Service for Special Communications and Information Protection of Ukraine service are determined by the Head of the State Service for Special Communications and Information Protection of Ukraine.
3. Persons who graduate from educational establishments of the State Service for Special Communications and Information Protection of Ukraine and who are conferred the special rank of commander, are exempt from a call-up to military service.

*(Part 3 of Article 14 with the amendments introduced by Law No 1014-V of 11.05.2007)*

*Article 15. Special Registration of Persons holding the Rank of Private or Commander of the State Service for Special Communications and Information Protection of Ukraine, Their Transfer to the Reserve*

1. Persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine are subject to a special registration in the State Service for Special Communications and Information Protection of Ukraine.

#### **PART IV. COMPETENCES OF THE STATE SERVICE FOR SPECIAL COMMUNICATIONS AND INFORMATION PROTECTION OF UKRAINE**

*Article 16. Duties of the State Service for Special Communications and Information Protection of Ukraine*

1. In accordance with its established tasks, the State Service for Special Communications and Information Protection of Ukraine has the following duties:
  - 1) The preparation of proposals concerning the determination of general strategy and priority areas of activity in the field of state information resource protection in information-telecommunications systems, as well as the cryptographic and technical protection of information;
  - 2) The development and realisation of measures concerning cryptographic and technical information protection systems;
  - 3) The development of the procedure and requirements concerning the protection of state information resources in information-telecommunications systems, as well as the crypto-

- graphic and technical protection of information owned by the state or information with restricted access the necessity of protection thereof is mandated by the law;
- 4) Ensuring the reliable functioning, security and development of the state system of governmental communications, in particular its ability to function during a special period and in case of the emergence of an emergency situation;
  - 5) Ensuring, in accordance with the established procedure, governmental communications to the President of Ukraine, the Chairman of the Verkhovna Rada of Ukraine and the Prime Minister of Ukraine in the places of their permanent and temporal stay;
  - 6) Ensuring, in accordance with the procedure established by the President of Ukraine, governmental communications to officials of state authorities, local self-government organs, military management organs and heads of enterprises, establishments and organisations;
  - 7) The participation in the implementation of tasks relating to territorial defence, as well as measures directed at the maintenance of the legal regimes of martial law and a state of emergency in accordance with the law;
  - 8) The introduction of complex information protection systems for the sites of information activity and in information-telecommunications systems of the diplomatic establishments of Ukraine abroad;
  - 9) The realisation of organisational measures for ensuring the security and proper functioning of a governmental connection with the diplomatic establishments of Ukraine abroad;
  - 10) Methodological guidance and co-ordination of activities of the state authorities, local self-government organs, military formations and enterprises, establishments and organisations regardless of the forms of ownership in the field of the cryptographic and technical information protection, as well as on questions of the prevention of information security violations in information-telecommunications systems, detection and removal of consequences of other unauthorised actions concerning the state information resources in information-telecommunications systems;
  - 11) The accumulation and analysis of data about commitments and/or attempts of illegal actions regarding the state information resources in information-telecommunications systems and their consequences; informing law enforcement organs about measures on the prevention and cessation of crimes in this sphere; assessment of the state of protection of information resources in information-telecommunications systems and development of the relevant recommendations;
  - 12) Taking measures concerning the creation, development and functioning of the national system of confidential communications; ensuring its security and operational-technical management;
  - 13) The agreement on projects concerning the creation of information-telecommunications systems, which will process the information owned by the state or information with restricted access the necessity of protection thereof is mandated by the law; carrying out their expert assessment and the definition of the possibility of their putting into operation;
  - 14) The agreement on and execution of control over the implementation of technical tasks on planning, building and reconstruction of especially important sites, development of samples of military and special equipment, as well as of critical and dangerous technolo-

gies in the process of exploitation or application thereof is collected, processed, saved, transferred or accepted information owned by the state or information with restricted access the necessity of protection thereof is mandated by the law;

- 15) The agreement on drafts of normative legal acts on the protection of state information resources in information-telecommunications systems, the cryptographic and technical protection of information owned by the state or information with restricted access the necessity of protection thereof is mandated by the law, as well as on the terms of international transfers of cryptographic systems and means of cryptographic and technical protection of information, including those that produce parts of armaments, military and special equipment;
- 16) The establishment of the procedure and requirements concerning the use of information-telecommunications systems, including their general use, by the state authorities, local self-government organs, enterprises, establishments and organisations regardless of the forms of their ownership, which collect, process, save and transfer information owned by the state or information with restricted access the necessity of protection thereof is mandated by the law;
- 17) The process for issuing and registration, according to the requirements of the legislation, of licences for conducting economic activity in the field of the cryptographic and technical protection of information, establishment of the procedure for issuing and the actual issuing to the state organs permissions for carrying out the works on technical protection of information for internal purposes, as well as control of abiding to the license conditions and conditions for the works for their internal purposes;

*(Clause 17 of Part 1 of Article 16 as provided by Law No 1180-VI of 19.03.2009)*

- 18) The organisation and co-ordination, together with the central executive body, on the standardization, metrology and certification of cryptographic and technical information protection systems; the organisation and conducting of state expertise in the field of cryptographic and technical information protection;
- 19) Carrying out technical regulation in the spheres of protection of state information resources in information-telecommunications systems, as well as cryptographic and technical information protection; the organisation and conducting of conformity assessments; the development, in accordance with the established procedure, of standards, technical regulations and technical terms;
- 20) The development and maintenance of technical development models by collecting and analysing information about the existent systems and means of technical developments, tactics and methods of their application, as well as prospects for their development; the development of recommendations to the state authorities, local self-government organs, military formations and enterprises, institutions and organisations concerning the threat assessment and appropriate measures on information protection;

*(Clause 20 of Part 1 of Article 16 as provided by Law No 1180-VI of 19.03.2009)*

- 21) Participation, within the limits of its competences, in the development of agreements on questions relating to the placement of diplomatic representations and consular establishments of foreign states on the territory of Ukraine;
- 22) The development and organisation of scientific and scientific-technical programs in the areas of its activities;

23) The execution of state control over the condition of cryptographic and technical information protection owned by the state or information with restricted access, the necessity of protection thereof is mandated by the law for state organs, local self-government organs, military formations and enterprises, institutions and organisations regardless of the forms of their ownership, including at diplomatic establishments of Ukraine abroad, sites of the permanent or temporary presence of the President of Ukraine, Chairman of the Verkhovna Rada of Ukraine and Prime Minister of Ukraine, as well as over the activity of foreign inspection groups on the territory of Ukraine, in accordance with the international agreements of Ukraine which have been ratified by the Verkhovna Rada of Ukraine;

*(Clause 23 of Part 1 of Article 16 with changes as provided by Law No 1180-VI of 19.03.2009)*

24) The execution of state control over the observance of safety requirements in the process of development, production, use, exploitation, certification tests, thematic research, expertise, import, export and elimination of cryptographic systems, means of cryptographic protection of information and special communication equipment;

25) The submission to the President of Ukraine of analytical materials resulting from state control on the condition of cryptographic and technical information protection; the development of recommendations concerning its improvement;

*(Clause 25 of Part 1 of Article 16 as provided by Law No 2592-VI of 07.10.2010)*

26) The execution of state control over the observance of legislation requirements in the field of the provision of electronic digital signature services;

27) The receipt and quality control of products and other military goods made or modernised on demand;

28) The development, production and supply of key documents required in the cryptographic protection of classified information as well as confidential information belonging to the state;

29) The organisation and realisation, together with the central executive body, in the education and science fields, of the scientific and methodological management of personnel training in the field of cryptographic and technical information protection;

*30) (Clause 30 of Part 1 of Article 16 is excluded in accordance with the Law No 2289-VI of 01.06.2010)*

31) Providing agreement on the international transfers of cryptographic systems, means of cryptographic protection of information and special communication equipment, particularly inside the armaments, military and special equipment;

*(Part 1 of Article 16 is supplemented by Clause 31 in accordance with the Law No 1180-VI of 19.03.2009)*

32) Issuing of the technical information protection compliance certificates for complex systems of protection of information, telecommunication and information-telecommunication systems used for processing of information property of the state or restricted access information, which protection is required by law;

*(Part 1 of Article 16 is supplemented by Clause 32 in accordance with the Law No 1180-VI of 19.03.2009)*

33) Carrying out in accordance with procedure established by the Cabinet of Ministers of Ukraine of the state control over the observance of conditions for exploitation of complex systems of protection of information, which passed the state expert testing and received the compliance certificates;

*(Part 1 of Article 16 is supplemented by Clause 33 in accordance with the Law No 1180-VI of 19.03.2009)*

34) Establishment of the state control over the observance of legislation requirements in the sphere of electronic signature services, as well as cryptographic and technical information protection property of the state or restricted access information, which protection is required by law, an also during the activity of foreign inspection groups on the territory of Ukraine, in accordance with the international agreements of Ukraine;

*(Part 1 of Article 16 is supplemented by Clause 34 in accordance with the Law No 1180-VI of 19.03.2009)*

2. Civil servants from the relevant subdivisions of the State Service for Special Communications and Information Protection of Ukraine are legally liable for any violation of constitutional human and civil rights and freedoms in the process of the use of special communication means.

*Article 17. The Rights of the State Service for Special Communications and Information Protection of Ukraine*

1. To ensure the performance of the tasks for which it is responsible, the State Service for Special Communications and Information Protection of Ukraine has the following rights:
  - 1) To obtain, in accordance with the established procedure, upon written request of the heads of the relevant organs and territorial subdivisions of the State Service for Special Communications and Information Protection of Ukraine, information, documents and materials necessary for the performance of its tasks from state authorities, local self-government organs, military formations and enterprises, establishments and organisations regardless of the forms of their ownership;
  - 2) To involve the specialists of state authorities, local self-government organs, military formations, enterprises, establishments and organisations regardless of the forms of their ownership, in agreement with their heads, in the consideration of questions belonging to its competences, as well as in the carrying out of common inspections;
  - 3) Of access, in accordance with the established procedure, of its plenipotentiary representatives to the sites of state authorities, local self-government organs, military formations, enterprises, establishments and organisations regardless of the forms of their ownership, which have its special communication means, as well as to the sites, which are under state control over the condition of cryptographic and technical protection of information owned by the state or information with restricted access the necessity of protection thereof is mandated by the law;
  - 4) To provide assistance, on a contractual basis, to enterprises, establishments and organisations regardless of the forms of their ownership in the development and realisation of measures on the protection of information resources in information- telecommunication systems, as well as the cryptographic and technical protection of information;
  - 5) To carry out planned and unplanned inspections of the state of cryptographic and technical information protection systems owned by the state or information with restricted access the necessity of protection thereof is mandated by the law for state organs, local self-government organs, military formations, enterprises, establishments and organisations regardless the forms of their ownership, including diplomatic establishments of Ukraine abroad, without gaining access to the content of information;
  - 6) To terminate the validity or abolish, in accordance with the established procedure, licences for conducting economic activity in the cryptographic and technical securing of information, as well as permission for conducting work on the technical aspect of information protection for the needs of state authorities;

- 7) To raise, in accordance with the established procedure, the question of discontinuing information activity and the use of information-telecommunication systems by state organs of power, local self-government organs, military formations, enterprises, establishments and organisations regardless of the forms of their ownership and in case of violation of legislation requirements in the field of state information resource protection, as well as the cryptographic and/or technical defence of information;
  - 8) To obtain, in accordance with the established procedure, the bands of radio frequencies for use by radio means of the special communication;
  - 9) To involve special and general users of radio frequency resources in the detection and removal of radio bars to radio electronic means of the state system of government communications and the national system of confidential communications;
  - 10) To organise, conduct and execute research and research-design works;
  - 11) To be a state defence procurement customer and a purchaser of goods, works and services for state funds;
  - 12) To order the construction of buildings for the State Service for Special Communications and Information Protection of Ukraine;
  - 13) To create co-ordination, consultative and advisory bodies;
  - 14) To carry out publishing activity in accordance with the established procedure;
  - 15) To carry out, in accordance with the procedure established in the legislation, economic activity directly related to the implementation of its tasks; the list of the types of activities is determined by the Cabinet of Ministers of Ukraine;
  - 16) To alienate, in accordance with the procedure established in the legislation, the state property assigned to it;
  - 17) To draw up reports about administrative offences;
  - 18) To carry out international co-operation on questions belonging to its competences; to develop proposals concerning the conclusion of the relevant international agreements of Ukraine; to co-operate, in accordance with the international agreements of Ukraine, with international organisations on the prevention of information security violations in information-telecommunication systems.
  - 19) To conduct the scheduled or surprise inspections of observing the licences for conducting economic activity in the cryptographic and technical information protection at enterprises, institutions and organisations, as well as conditions for conducting works on the technical aspect of information protection for internal needs of state authorities;
- (Clause 19 in accordance with the Law No 1180-VI of 19.03.2009 supplements Part 1 of Article 17)
- 20) To terminate or cancel in accordance with established procedure the compliance certificates for complex systems of protection of information in information, telecommunication and information-telecommunication systems;

(Part 1 of Article 17 is supplemented by Clause 20 in accordance with the Law No 1180-VI of 19.03.2009)

- 21) To conduct the scheduled or surprise inspections of the central certification organ, certification centres and centres for certification of the keys on their observance or legal requirements in the sphere of electronic signature services;

(Part 1 of Article 17 is supplemented by Clause 21 in accordance with the Law No 1180-VI of 19.03.2009)

22) To submit the issues to the court in case of disagreements on the subject of the organisation of special communication and information protection, cryptographic and technical protection of information property of the state or restricted access information, which protection is required by law, disagreements in the sphere of electronic signature services, as well as the other disagreements in accordance with procedure established by law.

*(Part 1 of Article 17 is supplemented by Clause 22 in accordance with the Law No 1180-VI of 19.03.2009)*

2. The specially authorised central executive organ on questions of the organisation of special communications and protection of information, within the limits of its competences, on the basis of and in accordance with the legislation gives orders, organises and controls their implementation.
3. Orders of the specially authorised central executive organ on questions of the organisation of special communications and protection of information, issued within the limits of its competences, are obligatory for execution by state authorities, local self-government organs, military formations, enterprises, establishments and organisations regardless of the forms of their ownership and natural persons.

*Article 18. Relationships of the State Service for Special Communications and Information Protection of Ukraine with State Authorities, Local Self-Government Organs, Military Formations, Enterprises, Establishments and Organisations*

1. The State Service for Special Communications and Information Protection of Ukraine executes its tasks in co-operation with the Security Service of Ukraine, the Ministry of Defence of Ukraine, the External Intelligence Service of Ukraine, the Ministry of Foreign Affairs of Ukraine, the Ministry of Internal Affairs of Ukraine, the Department on State Protection of Ukraine, the National Commission on Communication Regulation of Ukraine, the central executive organs on questions of civil defence and in the area of transport and communications, other state authorities, local self-government organs, military formations, enterprises, establishments and organisations.
2. The state authorities and local self-government organs, their officials and civil servants within the limits of their competences, provide assistance to the State Service for Special Communications and Information Protection of Ukraine in the implementation of its tasks.
3. Persons guilty of hindering the legal activity of the State Service for Special Communications and Information Protection of Ukraine are legally liable.
4. Citizens of Ukraine and associations of citizens provide assistance to the State Service for Special Communications and Information Protection of Ukraine on a voluntary basis.

*Article 19. The Grounds and the Procedure for the Use of Weapons*

1. For the protection of the sites and property of the State Service for Special Communications and Information Protection of Ukraine, persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine have the right to keep, carry, use and apply weapons on the grounds and in accordance with the procedure envisaged in Articles 15 and 15-1 of the Law of Ukraine "On Police" and other normative legal acts.

**PART V. LEGAL AND SOCIAL PROTECTION OF THE PERSONNEL OF THE STATE SERVICE FOR SPECIAL COMMUNICATIONS AND INFORMATION PROTECTION OF UKRAINE**

*Article 20. The Legal Status and Legal Protection of the Personnel of the State Service for Special Communications and Information Protection of Ukraine*

1. Persons holding the rank of private or commander, civil servants and other employees of the State Service for Special Communications and Information Protection of Ukraine during the execution of their duties act on the grounds, within the limits of competences and in accordance with the procedure defined in the Constitution of Ukraine and the Laws of Ukraine. Nobody, except for authorised officials of the state authorities in cases foreseen in the Laws of Ukraine, has the right to interfere with their legal activity.
2. Persons holding the rank of private or commander, civil servants and other employees of the State Service for Special Communications and Information Protection of Ukraine receive an official identity document.
3. Persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine have the right to wear service uniforms with insignia, the models of which are approved by the Head of the State Service for Special Communications and Information Protection of Ukraine.
4. The use of special ranks, insignia, service uniform and official identity documents by a person not belonging to the personnel of the State Service for Special Communications and Information Protection of Ukraine entails legal liability.
5. The expenses of persons holding the rank of privates and commander, civil servants and other employees of the State Service for Special Communications and Information Protection of Ukraine for travel on all kinds of public and suburban passenger transport (except for taxi) while on official duty are compensated from the funds of the State Budget of Ukraine allocated for the State Service for Special Communications and Information Protection of Ukraine, in accordance with the procedure defined by the Head of the State Service for Special Communications and Information Protection of Ukraine.

*Article 21. Social Protection of the Personnel of the State Service for Special Communications and Information Protection of Ukraine*

1. The state ensures the social protection of the personnel of the State Service for Special Communications and Information Protection of Ukraine in accordance with the Constitution of Ukraine, this Law and other legislative acts.
2. The conditions of financial and material support for persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine are determined in the legislation and shall provide the proper financial conditions for manning the Service with highly skilled specialists, shall take into account the character and conditions of service, and shall stimulate the achievement of high results. The procedure and amounts of financial and material support for persons holding the rank of privates and commander of the State Service for Special Communications and Information Protection of Ukraine and financial compensation for material property are established by the Cabinet of Ministers of Ukraine.
3. For persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine the 41-hour working week is established.

In case of need, persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine carry out service above the established work hours, as well as on the weekend and festive days; they receive days off in compensation.

4. Persons holding the ranks of private or commander of the State Service for Special Communications and Information Protection of Ukraine are entitled to a planned annual vacation with the preservation of financial support. The duration of such vacations for persons holding the rank of private or commander, who have served up to 10 calendar years – 30 days, from 10 to 20 years – 35 days, from 20 to 25 years – 40 days, for 25 and more calendar years – 45 days, excluding the time necessary for travel to and from the place of vacation. Participants of military operations and persons with an equal status receive 45 days of annual vacation regardless of the time in service and at their convenience.
5. Persons holding the ranks of private or commander of the State Service for Special Communications and Information Protection of Ukraine and members of their families are entitled to free-of-charge travel to the place of vacation, as well as free-of-charge travel and transportation of luggage in case of a transfer to a new place of service; they receive financial aid paid in accordance with the procedure established by the Cabinet of Ministers of Ukraine.
6. Persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine receive financial aid for health care, the amount of which is determined in the legislation of Ukraine.
7. Persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine receive additional annual leave in accordance with the legislation. Persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine can receive additional leave for a period of up to 10 days with the preservation of financial support for family reasons and other important reasons in accordance with the procedure established by the Head of the State Service for Special Communications and Information Protection of Ukraine.
8. The state provides housing for the personnel of the State Service for Special Communications and Information Protection of Ukraine and members of their families on the grounds, in accordance with the procedure and the requirements of the housing legislation. Permanent housing is provided to persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine one time during the whole period of their service at the State Service for Special Communications and Information Protection of Ukraine.
9. Before receiving permanent housing, persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine, who in accordance with the legislation require an improvement in their housing conditions, are provided with service housing or with a place in a dormitory. In case of the unavailability of such housing, the State Service for Special Communications and Information Protection of Ukraine temporarily leases housing for persons holding the rank of private or commander or at their demand compensates them with the sub-rental (rent or lease) of a housing in accordance with the procedure, the amount and on the conditions determined by the Cabinet of Ministers of Ukraine. These persons retain the right to the housing they occupied before the start of service in the State Service for Special Communications and Information Protection of Ukraine. They cannot be excluded from the list of citizens entitled to housing.

10. Persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine and those who have served for no less than 20 years and who were discharged from service for health, age or staff reduction reasons are provided with housing by the central and local executive authorities in the first place, but not later than in a three-month period from the day of arrival of these persons to the place of residence selected in accordance with the established procedure;
11. Persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine and members of their families supported by these persons, as well as parents and members of families of persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine who have perished (died), disappeared or became invalid while in service receive a 50-per cent discount for housing (housing rent) and for public utilities (water-supply, gas, electricity, heating and other services), regardless of the form of housing ownership, in accordance with the norms of the legislation.
12. Persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine are provided with pensions in accordance with the procedure, on the conditions and in the amounts established in the Law of Ukraine "On Pensions of Persons Discharged from Military Service and Other Persons."  
*(Part 12 of Article 21 with the amendments introduced by Law N 328-V (328-16) of 03.11.2006)*
13. Persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine discharged from service for age reasons, after the expiration of contract duration, for health reasons, in connection with staff reductions or with organisational measures in case it is impossible keep them in service receive financial aid equal to 50 per cent of their monthly remuneration for every complete calendar year of service. Persons holding the rank of privates and commander of the State Service for Special Communications and Information Protection of Ukraine who are discharged from service for family or other important reasons, the list of which is determined by the Cabinet of Ministers of Ukraine, receive financial aid equal to 25 per cent of their monthly remuneration for every complete calendar year of service. Persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine discharged from service for professional unfitness as a result of a court conviction that has entered into force do not receive any financial aid.
14. Persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine, except for persons foreseen in this Law, have the rights and social guarantees envisioned in the Law of Ukraine "On the Status and Social Protection of Veterans of Military Service, Veterans of law enforcement Organs and Other Persons" and in other legislative acts.
15. In case of death of a person holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine during the performance of service duties, the family of the deceased, if he has no family – his parents or dependents – receive a one-time allowance equal to a ten-year salary of the deceased according to the last post held in accordance with the procedure and conditions determined by the Cabinet of Ministers of Ukraine. The family of the deceased retains the right to housing.  
*(Part 15 of Article 21 with the amendments introduced by Law No 328-V of 03.11.2006)*

16. In case of an injury (contusion, trauma, mutilation) received by a person holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine during the performance of service duties, as well as of an invalidity received during service or no later than three months after discharge from service or after the end of this period in case the invalidity is a result of disease or an incident that occurred during service, depending on the degree of invalidity, the person receives a one-time allowance equal to a three to five-year salary according to the last post held in accordance with the procedure and conditions determined by the Cabinet of Ministers of Ukraine. The definition of the degree of invalidity of a person holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine during service in the State Service for Special Communications and Information Protection of Ukraine is carried out on a case-by-base basis in accordance with the legislation.  
*(Part 16 of Article 21 with the amendments introduced by Law No 328-V of 03.11.2006)*
17. In all cases the amount of the one-time financial allowance in case of the death of a person holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine shall not be less than 100 times the amount of a minimum salary established by the law for persons capable of working at the time of payment of these sums.  
*(Part 17 of Article 21 with the amendments introduced by Law No 328-V of 03.11.2006)*
18. In case a person holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine or his family members concurrently have the right to a one-time financial allowance on the grounds foreseen in this Article, as well as to one-time financial allowances or compensation payments foreseen in other laws, the payment of the due sums is carried out in accordance with one of the grounds at the discretion of the person who has the right to such payments.  
*(Part 18 of Article 21 with the amendments introduced by Law No 328-V of 03.11.2006)*
19. Children of persons holding the rank of privates and commander, civil servants and other employees of the State Service for Special Communications and Information Protection of Ukraine who have died while performing official duties, have the right to enter into educational establishments of the State Service for Special Communications and Information Protection of Ukraine *hors concours*.  
*(Part 19 of Article 21 with the amendments introduced by Law No 879-VI of 15.01.2009)*
20. Damage caused to the property of persons holding the rank of private or commander, civil servants or other employees of the State Service for Special Communications and Information Protection of Ukraine or to the property of his family members in connection with the performance of official duties is compensated in full from the funds of the State Budget of Ukraine, with the subsequent reclamation of this sum from guilty persons in accordance with the procedure established in the legislation.
21. The social protection of civil servants and other employees of the State Service for Special Communications and Information Protection of Ukraine is provided on general grounds in accordance with the legislation on labour and civil service.

*Article 22. Medical and Health Care for Personnel of the State Service for Special Communications and Information Protection of Ukraine*

*(The name of Article 22 as provided by the Law No 1180-VI of 19.03.2009)*

1. The necessary sanitary, social and psychological conditions are created for persons holding the rank of private or commander of the State Service for Special Communications and Information

Protection of Ukraine. These persons are provided with free-of-charge professional medical care in medical establishments of the State Service for Special Communications and Information Protection of Ukraine, as well as of the Security Service of Ukraine, the Ministry of Defence of Ukraine, the Ministry of Internal Affairs of Ukraine and the Ministry of Health of Ukraine, which is covered from the budgetary funds allocated for the State Service for Special Communications and Information Protection of Ukraine, in accordance with the agreements concluded by the Service with the abovementioned central executive authorities. If there are no medical establishments of the State Service for Special Communications and Information Protection of Ukraine, the Security Service of Ukraine, the Ministry of Defence of Ukraine, the Ministry of Internal Affairs of Ukraine and the Ministry of Health of Ukraine close to the place of service or residence of persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine, the medical care is provided in other state or communal health care establishments in accordance with the legislation. The expenses for treatment of persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine are covered by the budgetary funds allocated for the State Service for Special Communications and Information Protection of Ukraine.

2. Medical support for the families of persons holding the rank of private or commander in case of the absence of the state or community medical facilities in places of their residence and for the veterans of the State Service for Special Communications and Information Protection of Ukraine is provided in accordance with conditions and procedures specified in Part 1 of this Article established for persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine.

*(Article 22 is supplemented by Part 2 in accordance with the Law No 1180-VI of 19.03.2009)*

3. Persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine and members of their families have the right to health care treatment and organised rest in sanatoriums of the State Service for Special Communications and Information Protection of Ukraine, as well as in health care sanatoriums of the Security Service of Ukraine, the Ministry of Defence of Ukraine, the Ministry of Internal Affairs of Ukraine and the Ministry of Health of Ukraine financed by the budgetary funds allocated for the State Service for Special Communications and Information Protection of Ukraine, on the basis of the agreements concluded with them in accordance with the legislation.
4. Women holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine have all the privileges foreseen in the legislation on the social protection of women, maternity and childhood. These privileges also apply to parents – persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine – who care for children without their mother (in case of her death, in case of the deprivation of maternal rights, in case of the mother's stay in a medical establishment and in other cases when maternal care of children is absent).

## **PART VI. FINANCIAL, MATERIAL AND TECHNICAL SUPPORT FOR ACTIVITIES OF THE STATE SERVICE FOR SPECIAL COMMUNICATIONS AND INFORMATION PROTECTION OF UKRAINE**

*Article 23. Financial Support for the State Service for Special Communications and Information Protection of Ukraine*

1. The financial support for the Activities of the State Service for Special Communications and Information Protection of Ukraine is provided by the State budget of Ukraine.

*Article 24. Material and Technical Support for the Activities of the State Service for Special Communications and Information Protection of Ukraine*

1. The state provides the State Service for Special Communications and Information Protection of Ukraine with the necessary material means, machinery, equipment and other resources for the realisation of its activities.
2. The State Service for Special Communications and Information Protection of Ukraine receives land plots, in accordance with the established procedure, for placing administrative and ancillary buildings, stationary technical equipment, engineering installations and other structures necessary for the functioning of the State Service for Special Communications and Information Protection of Ukraine, as well as for placing its regional organs, territorial subdivisions, educational establishments, state enterprises and establishments mentioned in Part 2 of Article 5 of this Law.
3. Property belonging to the State Service for Special Communications and Information Protection of Ukraine is in state ownership and is allocated by the specially authorised central executive organ on questions of the organisation of special communications and protection of information to regional organs, territorial subdivisions, educational, medical, health care and other establishments, research and research-and-production establishments of the State Service for Special Communications and Information Protection of Ukraine for operational management.
4. The State Service for Special Communications and Information Protection of Ukraine has a housing fund and can order the construction of buildings. In case of vacations taken by the personnel of the State Service for Special Communications and Information Protection of Ukraine of housing habitations built at the demand of the State Service for Special Communications and Information Protection of Ukraine or purchased with the funds from the State budget of Ukraine allocated for the State Service for Special Communications and Information Protection of Ukraine, habitations are provided in accordance with the established procedure, to the personnel of the State Service for Special Communications and Information Protection of Ukraine who require improvements in their housing conditions.

#### **PART VII. CONTROL AND OVERSIGHT OVER THE ACTIVITIES OF THE STATE SERVICE FOR SPECIAL COMMUNICATIONS AND INFORMATION PROTECTION OF UKRAINE**

*Article 25. Control over the Activities of the State Service for Special Communications and Information Protection of Ukraine*

1. Control over the activities of the State Service for Special Communications and Information Protection of Ukraine is carried out in accordance with the procedure determined in the Constitution of Ukraine and the laws of Ukraine.
2. In accordance with the established procedure, the Head of the State Service for Special Communications and Information Protection of Ukraine informs the President of Ukraine about the main areas of activity of the State Service for Special Communications and Information Protection of Ukraine, about fulfilling the main missions of the Service, observance of the

legislation, human and civil rights and freedoms, and submits annual report to the President of Ukraine about activity of the Service.

*(Article 22 is supplemented by Part 2 in accordance with the Law No 2592-VI of 07.10.2010)*

3. In accordance with the established procedure, the Head of the State Service for Special Communications and Information Protection of Ukraine informs the Verkhovna Rada of Ukraine about the implementation of tasks for which the State Service for Special Communications and Information Protection of Ukraine is responsible, about the observance of the legislation, human and civil rights and freedoms and other questions.

*(Article 22 is supplemented by Part 2 in accordance with the Law No 2592-VI of 07.10.2010)*

*Article 26. Oversight over the Observance of Legality in Activities of the State Service for Special Communications and Information Protection of Ukraine*

1. Oversight over the observance of legality in activities of the State Service for Special Communications and Information Protection of Ukraine is carried out in accordance with the procedure determined in the Constitution of Ukraine and the laws of Ukraine.

#### **PART VIII. RESPONSIBILITY FOR INFRINGEMENTS IN THE FIELD OF ACTIVITIES OF THE STATE SERVICE FOR SPECIAL COMMUNICATIONS AND INFORMATION PROTECTION OF UKRAINE**

*Article 27. Responsibility for Infringements of the Requirements of this Law*

1. Persons guilty of an infringement of the requirements of this Law are legally liable.
2. Persons on the staff of the State Service for Special Communications and Information Protection of Ukraine guilty of issuing and executing apparently criminal instructions or orders are legally liable.

#### **PART IX. FINAL AND TRANSITIONAL PROVISIONS**

1. This Law comes into force on January 1, 2007, except for Articles 5, 6, 7 and item 7 of Part IX "Final and transitional provisions", which come into force from the day of publication.
2. The State Service for Special Communications and Information Protection of Ukraine is created on the basis of and out of the Department on Special Telecommunication Systems and Information Protection and appropriate subdivisions of the Security Service of Ukraine. The State Service for Special Communications and Information Protection of Ukraine is the legal successor of the Department on Special Telecommunication Systems and Information Protection of the Security Service of Ukraine. Measures related to the creation of the State Service for Special Communications and Information Protection of Ukraine are carried out in 2006 within the limits of budgetary funds allocated for the Security Service of Ukraine in the Law of Ukraine "On the State Budget of Ukraine for 2006".
3. Servicemen, who at the time this Law comes into force carry out military service in the Security Service of Ukraine, are appointed, with their consent, to the corresponding positions for persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine after the procedure of re-attestation or continue to carry out military service in these positions in accordance with the legislation on the performance of military service by servicemen of the Security Service of Ukraine, but only until December 31, 2007. This Law applies to these servicemen.

4. The servicemen of the Security Service of Ukraine who enter into service in the State Service for Special Communications and Information Protection of Ukraine are conferred the special ranks of the State Service for Special Communications and Information Protection of Ukraine equivalent to those conferred to them during the performance of military service. The duration of military service is included in the duration of service in the State Service for Special Communications and Information Protection of Ukraine.
5. Before being brought in accordance with the Law of Ukraine “On the State Service for Special Communications and Information Protection of Ukraine”, the laws and other normative legal acts are applied in parts not contradicting this Law.
6. To introduce amendments to the following laws of Ukraine:  
.....
7. The Cabinet of Ministers of Ukraine shall:
  - 1) Make decisions on questions:
    - Concerning the formation of the State Service for Special Communications and Information Protection of Ukraine on the basis of the Department on Special Telecommunication Systems and Information Protection and other relevant subdivisions of the Security Service of Ukraine;
    - Concerning the determination of the general numerical strength of the State Service for Special Communications and Information Protection of Ukraine based on the current numerical strength of the Department on Special Telecommunication Systems and Information Protection and other relevant subdivisions of the Security Service of Ukraine, which are being liquidated in connection with the creation of the State Service for Special Communications and Information Protection of Ukraine (the general numerical strength of which on the day this Law comes into force shall be 8250 persons, including 7400 persons holding the rank of private or commander);
    - Concerning the establishment of conditions and amount of financial support for persons holding the rank of private or commander, salaries for civil servants and other employees of the State Service for Special Communications and Information Protection of Ukraine, as well as the amount of financial support for servicemen who are transferred to the State Service for Special Communications and Information Protection of Ukraine, without worsening the conditions and lowering the amounts provided to them at the Security Service of Ukraine; concerning the preparation and submission to the Verkhovna Rada of Ukraine of
    - Proposals on diminishing the general numerical strength of the Security Service of Ukraine in connection with the creation of the State Service for Special Communications and Information Protection of Ukraine;
  - 2) Develop and submit to the Verkhovna Rada of Ukraine proposals on bringing other Laws of Ukraine into conformity with the present Law;
  - 3) Develop normative legal acts following from this Law;
  - 4) Bring its normative legal acts into conformity with this Law;
  - 5) Ensure the revision and abolition by ministries and other central executive authorities of the normative legal acts contradicting this Law.

## Law of Ukraine "On Foreign Intelligence Service of Ukraine"

3160-IV of 01.12.2005, *Bulletin of the Verkhovna Rada of Ukraine (BVR)*, 2006, No 8, p. 94.

This law defines the legal foundations of the organisation and operation of the Foreign Intelligence Service of Ukraine.

### *Article 1. Status of the Foreign Intelligence Service of Ukraine*

1. The Foreign Intelligence Service of Ukraine is a state authority that carries out intelligence activities in political, economic, military, scientific, information and ecological spheres.
2. The Foreign Intelligence Service of Ukraine shall report to the President of Ukraine and be controlled by the President of Ukraine and Verkhovna Rada of Ukraine.
3. Military servicemen, officers and staff members of the Foreign Intelligence Service of Ukraine shall be the employees of the Foreign Intelligence Service of Ukraine as a military formation.
4. Regulations on military services of personnel of the Foreign Intelligence Service of Ukraine shall be approved by the President of Ukraine.

### *Article 2. Legal basis of activities of the Foreign Intelligence Service of Ukraine*

1. The legal basis of the operation of the Foreign Intelligence Service of Ukraine shall be the Constitution of Ukraine, Law "On Intelligence Agencies of Ukraine", this Law and other laws of Ukraine, acts of the President of Ukraine, other legal acts issued in the pursuance thereof, as well as the current international treaties accepted as binding by the Verkhovna Rada of Ukraine.

### *Article 3. The tasks of the Foreign Intelligence Service of Ukraine*

1. At the Foreign Intelligence Service of Ukraine relies:
  - Collecting, analysing and providing intelligence to the President of Ukraine, Verkhovna Rada of Ukraine, Prime Minister of Ukraine and the other consumers designated by the President of Ukraine;
  - Carrying out of special measures to support national interests and state policy of Ukraine in the economic, political, military, ecological and information spheres, strengthening defence, economic, scientific and technological development;
  - Taking part in safeguarding the institutions of Ukraine abroad, security of their staff and their families in the host country, travelling to foreign countries citizens of Ukraine who are aware of information that constitutes state secrets;
  - Taking part in the fight against terrorism, international organised crime, drug trafficking, illegal arms and technology trafficking and illegal migration;
  - Taking measures to counter external threats to national security of Ukraine, life and health of its citizens and the objects of state property outside of Ukraine.

### *Article 4. The total strength of Foreign Intelligence Service of Ukraine*

1. Approve the total number of Foreign Intelligence Service of Ukraine in 4350 people, including up to 4010 military servicemen.

### *Article 5. The overall structure of the Foreign Intelligence Service of Ukraine*

1. Foreign Intelligence Service of Ukraine has the general structure:

- Administration of the Foreign Intelligence Service of Ukraine;
  - Human and technical intelligence services, operational and technical, informational and analytical and internal security subdivisions;
  - Support subdivisions;
  - Education and research institutions.
2. To perform its tasks, the Foreign Intelligence Service of Ukraine may create territorial divisions within the overall population.
  3. Organisational Structure of the Foreign Intelligence Service of Ukraine is determined by the President of Ukraine.

*Article 6. Control over the Foreign Intelligence Service of Ukraine*

1. General supervision over the Foreign Intelligence Service of Ukraine is performed by the President of Ukraine.
2. Direct management of the Foreign Intelligence Service of Ukraine is carried out by the Chairman who is appointed and dismissed by the President of Ukraine.
3. First Deputy Chairman and Deputy Chairman of the Foreign Intelligence Service of Ukraine shall be appointed and dismissed by the President of Ukraine on the basis of the presentation of the Chairman Foreign Intelligence Service of Ukraine.
4. For collective discussion of the critical areas of the organisation and activities of the Foreign Intelligence Service of Ukraine the Board is formed – an advisory body to the Chairman of the Foreign Intelligence Service of Ukraine.

*Article 7. Financing of the Foreign Intelligence Service of Ukraine*

1. Financing of the Foreign Intelligence Service of Ukraine is conducted under the Law of Ukraine "On Intelligence Agencies of Ukraine" by the State Budget of Ukraine and other sources provided by law.

*Article 8. Social protection of employees of the Foreign Intelligence Service of Ukraine and their families*

1. Social protection of employees of the Foreign Intelligence Service of Ukraine and their families earned out in accordance with the laws of Ukraine "On Intelligence Agencies of Ukraine" and "On Social and Legal Protection of Servicemen and Their families".

*Article 9. Control and supervision of the Foreign Intelligence Service of Ukraine*

1. The control and supervision of the Foreign Intelligence Service of Ukraine shall be exercised in accordance with the Constitution of Ukraine, laws of Ukraine "On Intelligence Agencies of Ukraine" and "On the Democratic Civilian Control over the Military Organisation and law enforcement Agencies".

*Article 10. Final provisions*

1. This Law shall come into force after its publication.
2. Foreign Intelligence Service of Ukraine concerning the tasks, rights and obligations is the successor intelligence agency of the Security Service of Ukraine, which is eliminated.
3. Cabinet of Ministers of Ukraine within three months after enactment of this Law shall bring its regulations into conformity with this Law;
4. Provide for revision and cancellation by ministries and other central executive bodies of the legal acts that contradict this Law.

## **Decree of the President of Ukraine “On Decision of the National Security and Defence Council of Ukraine of February 15, 2008, ‘On the Concept of the Security Service of Ukraine Reform’”**

According to items 1 and 17 of the first part of Article 106 and Article 107 of the Constitution of Ukraine, I decree:

1. To enact the Decision of the National Security and Defence Council of Ukraine of February 15, 2008, ‘On the Concept of Security Service of Ukraine Reform’.
2. To approve the Concept of Security Service of Ukraine Reform (attached).
3. That Commission responsible for drafting the Concept of Security Service of Ukraine Reform and the Complex Targeted Programme of Security Service of Ukraine Reform shall submit in three months in accordance with the established procedures for approval by the President of Ukraine the draft Complex Targeted Programme Security Service of Ukraine Reform.
4. That control over the implementation of this Decree shall be assigned to the Secretary of the National Security and Defence Council of Ukraine.
5. That this Decree enters into force from the date of its publication.

President of Ukraine V. YUSHCHENKO  
Kyiv, March 20, 2008  
No 249/2008

### **Concept of the Security Service of Ukraine Reform**

1. This Concept establishes the purpose, tasks and basic directions of further reform of the Security Service of Ukraine as part of security sector of the state. This reform must be carried out in accordance with priorities of the national interests of Ukraine indicated in the Law of Ukraine ‘On the Foundations of National Security of Ukraine’ and the National Security Strategy of Ukraine, particularly, integration to European and Euro-Atlantic security systems, which implies for mutually beneficial co-operation and attaining the membership in North Atlantic Treaty Organisation (NATO) and European Union (EU).

#### **I. GENERAL PROVISIONS**

1. The Security Service of Ukraine reform is necessary due to the following:
  - Increased efficiency in challenging current and potential threats to the national security of Ukraine in the sphere of state security and further development of the state security sector (i.e., its subject – the Security Service of Ukraine);
  - Purposeful activity on providing the national security of Ukraine in the sphere of state security by clarification of jurisdiction of the subjects of the security sector, by avoiding the duplication of the Security Service of Ukraine tasks and functions by other public bodies;
  - Functional changes of legal, organisational, and other principles considering the democratic transformations in society, integration of Ukraine in the European and Euro-Atlantic economic, political and security space;
  - Further development of the Security Service of Ukraine operational activity organisation and management system, and organisational system, to include personal, social and legal protection, and budgetary policy in the sphere of providing the state security of Ukraine.

2. The Security Service of Ukraine reform must be carried out in the context of reform of the law enforcement sphere and security sector of Ukraine for the sake of effective protection of human-being and citizen and society and state from external and internal threats on the basis of the Complex Targeted Programme of Security Service of Ukraine Reform that will be drafted with account of the provisions of this Concept.
3. The legal basis of the Security Service of Ukraine reform is constituted by the Constitution of Ukraine, the Law of Ukraine 'On the Foundations of National Security of Ukraine', the Decree by the President of Ukraine of February 12, 2007 No 105 'On the National Security Strategy of Ukraine', regulatory and legal acts issued in accordance with the above, as well as other acts.
4. The primary purpose of the Security Service of Ukraine reformation is to create an effective, dynamic, and flexible management system, staffed by high-professional specialists, who are provided with the most modern special service equipment, which will bring the functions and directions of its activity into accord with the modern necessities of national security. Protecting human rights and society and state from the external and internal threats in the context of implementation of the state policy of national security and integration into European security structures is of vital importance.
5. The main task of the reform of the Security Service of Ukraine must be to provide for national security in the state security sector by carrying out operational and counterintelligence activity, combating terrorism, preventing and investigating national security crimes and offences, and analytical work in accordance with the Constitution and laws of Ukraine.
6. The basic functions of the Security Service of Ukraine in terms of legislation and legal adjustment of practice of the internal security bodies of the European states activity are as follows:
  - Counterintelligence protection of state sovereignty, constitutional system, territorial integrity, economic, scientific and technical, defensive potential, informative sphere and other vitally important interests of the state, rights and freedoms of citizens from encroachments of the special services of the foreign states, criminal organisations, groups and individuals;
  - Exposure, prevention, and investigation of crimes against national security bases and crimes against peace and security of humanity and international law and order, terrorism, other unlawful actions which threaten the state security of Ukraine;
  - Counterintelligence protection to guarantee state secret and confidential information protection, which is the state property;
  - Combating corruption within public authorities, military and state bodies authorised for combating corruption;
  - Participation in the fight against organised criminal activity which threatens the state security of Ukraine;
  - Coordination of the measures on providing the national security of Ukraine in the sphere of state security within the jurisdiction established by the legislation;
  - Informational and analytical support of state authorities within the jurisdiction of the Security Service of Ukraine.
7. The above functions must be included in the revised version of the Law of Ukraine 'On Security Service of Ukraine'.
8. The Security Service of Ukraine reform must be carried out with account of the experience of the foreign states in establishing the state security protection system and modern global tendencies in development of such systems by the way of:
  - Giving priority to preventive measures and strategies;

- Increasing the role of the state bodies and institutions in providing security and protection against external and internal threats to national security in the sphere of state security, strengthening co-operation with foreign states;
  - Strengthening the antiterrorist and counterintelligence activity, state secret protection regime;
  - Concentration of intellectual, financial and other resources on priority directions of national security protection in the sphere of state security;
  - Increasing the level of budgetary and other types of resource support to the subjects of this sector of national security.
9. The Security Service of Ukraine reform must be carried out in accordance with the following principles:
- Rule of law;
  - Priority of rights and freedoms of human-being and citizen;
  - Correspondence between the national security policy of the state in the sphere of state security and measures of its implementation to the real and potential threats to national interests and national security;
  - Ban to membership in political parties;
  - Openness to democratic civilian control.

## **II. BASIC DIRECTIONS OF THE SECURITY SERVICE OF UKRAINE REFORM**

1. The Security Service of Ukraine reform must provide for the following:
- 1) In the sphere of management:
- Increase of the level of the society' credit to the Security Service of Ukraine as an effective, democratic, existed under public oversight state body;
  - Improvement of the strategic planning system and permanent complex review of the Security Service of Ukraine as a subject of the security sector of Ukraine;
  - Clear definition of priorities of the Security Service of Ukraine regional divisions and of military counterintelligence units' activity, taking into account the specific external and internal threats to the national security of Ukraine at national and regional levels;
  - Priority development of a collaborative effort with citizens and other individuals on contractual principles and providing their legal and social protection;
  - Introduction of new forms and methods of work with information, aimed at forming the informative base for motivated decision-making in operational activity and protection of telecommunication network and system of electronic workflow;
  - Prioritize the prevention of offences, to the exposure of negative tendencies with the purpose of timely prevention of illegal encroachments on national security of Ukraine;
  - Increase the efficiency of the Security Service of Ukraine international co-operation pursuant to modern progress trends and reformation of security structures;
  - Establish criteria to estimate the effectiveness of the Security Service of Ukraine activity, taking into account its transparency to the public.
- 2) In the field of counterintelligence activity:
- Further development of counterintelligence activity organisational and legal principles;
  - Use a range of measures to improve the counterintelligence activity taking into consideration the experience of the leading democratic states;
  - Improvement of counterintelligence protection of the state bodies, military units, law enforcement and intelligence agencies as well as the level of co-operation between all state authorities;

- Perform counterintelligence, investigation and search activities relying on the most up-to-date telecommunication and other technical means;
  - Creation of the preventive information receiving system dealing with the threats to national security of Ukraine on the basis of radio-counterintelligence units;
  - Improvement of counterintelligence protection of the state informational resources;
  - Legal framing to the system of counteraction against special informational operations, forms of cyber-crimes and cyber-terrorism, illegal circulation and use of hardware of covert information gathering.
- 3) In the sphere of national statehood protection and counter-terrorism:
- Improvement of the organisation of protection of the state sovereignty, constitutional order and territorial integrity from criminal offences taking into account the new real and potential threats to national security of Ukraine;
  - Improvement of the system of counterintelligence, investigative and administrative measures of fight against the international terrorism, timely disclosure and interruption of the terrorist attacks, and with this purpose to increase the international co-operation of the Security Service of Ukraine;
  - Improvement of the legal regulations for the activity of the special purpose unit of the Security Service of Ukraine as the leading unit in the state in terms of disrupting the terrorist acts;
  - Providing in the legal acts for the clarity of tasks and functions of the Security Service of Ukraine with regard to protection of foreign diplomatic bodies of Ukraine from terrorist attacks;
  - Reform of the system of resource support to implementation of the established in the legislation of Ukraine functions of the Security Service of Ukraine as the leading body in the state-wide system of fighting the terrorist activity.
- 4) In the sphere of protection of the state secrets and confidential information which is a property of the state:
- Implementing the set of measures to adapt the specific national standards to the specifics and standards of European and Euro-Atlantic communities;
  - Further development of the system of protection of the state secrets and confidential information, which is a property of the state.
- 5) In the sphere of counterintelligence protection of economic and other vital interests of Ukraine:
- Improvement of the system of counterintelligence protection of national interests of Ukraine in the process of its integration into the global economic space;
  - Optimising of the system of counterintelligence support to implementation of the priority programmes in the sphere of economics, defence, protection of the advanced scientific research and development projects;
  - Providing for the effectiveness of counterintelligence measures aimed to secure the state interests in the sphere of the foreign economic activity;
  - Strengthening of the counterintelligence component in the activity of the units in the context of fighting corruption and organised crime;
  - Concentration of efforts of the appropriate units of the Security Service of Ukraine on countering corruption in the bodies of state authority, military formations and bodies, responsible for fighting corruption.
- 6) In the sphere of normative and legal support to counterintelligence and operative and investigative activity:

- Improvement of normative and legal support to the Security Service of Ukraine activity and corresponding terminological adaptation to the EU legislation;
  - Introduction through the established procedure of proposals on defining the jurisdiction over the criminal cases between investigative bodies of the Security Service of Ukraine and division of the investigative jurisdiction between other the Security Service of Ukraine and other law enforcement structures of Ukraine;
- 7) In the sphere of scientific and technical support to the Security Service of Ukraine operative activity:
- Development and implementation of the fundamental and practical research programs on the key problems of national security in the sphere of state security and special equipment development;
  - Coordination of scientific research, spreading of the positive national and foreign experience on providing for national security in the sphere of state security;
  - More active co-operation in the field of scientific and technical activity on providing for national security of Ukraine in the sphere of state security and education of the highest qualification scientific cadre with scientific institutions of the National Academy of Sciences of Ukraine, sectoral academies of sciences and scientific institutions, other central bodies of executive power.

### **III. THE REGULATORY AND LEGAL SUPPORT TO THE SECURITY SERVICE OF UKRAINE REFORM**

1. To provide for the Security Service of Ukraine reform, it is necessary to draft and introduce through the established procedures the draft Law of Ukraine 'On the Security Service of Ukraine' as well as to submit the proposals for corresponding changes in the other laws of Ukraine, acts of the President of Ukraine and the Cabinet of Ministers of Ukraine.
2. In addition, there exists the necessity of revision of other legislative acts, and presidential as well as government decrees which must regulate the following issues:
  - The Security Service of Ukraine co-operation with other Ukrainian law enforcement and intelligence agencies;
  - Legal status of special operations unit definition, including its powers for providing the security of Ukrainian diplomatic missions abroad from terrorist encroachments;
  - Counterintelligence protection of Ukrainian peacekeeping units abroad;
  - The Security Service of Ukraine activity in the field of fighting against corruption and organised crime with the purpose of concentration of its efforts on those threats which are of real danger to the state security of Ukraine;
  - Definition of the Security Service of Ukraine special operations units and investigative bodies status;
  - The Security Service of Ukraine bodies competence in the field of law enforcement activity and pre-trial investigation;
  - Oversight system over the circulation of documents containing confidential information;
  - Protection of State policy for development, producing and selling of the special equipment for secret obtaining of information;
  - Receiving, upon the Security Service of Ukraine request, of information from banks in the process of implementation of measures of fighting against terrorism and financing of terrorist activity;
  - Providing by the Security Service of Ukraine measures for the prevention of offences against national security of Ukraine;
  - Creation of the skilled personnel reserve of the Security Service of Ukraine;
  - Rights and duties of the Security Service of Ukraine in the sphere of providing security, legal protection of persons which co-operate with the Security Service of Ukraine;

- Rights and duties of the Security Service of Ukraine in relation to providing security of persons which take part in the criminal legal proceeding;
- Procedure of setting on positions and reasons of dismissal deputies of chairmen of the Security Service of Ukraine;
- State guarantees of legal protection of servicemen which will be fired from service in connection with reformation of the Security Service of Ukraine;
- State budget policy in relation to providing of national security of Ukraine;
- Administrative responsibility for violation of legal order or requirement of the Security Service of Ukraine personnel while on duties.

#### **IV. PERSONNEL, FINANCIAL AND LOGISTIC MANAGEMENT OF THE SECURITY SERVICE OF UKRAINE REFORM**

1. To manage the personnel, financial and logistic issues of the Security Service of Ukraine reform it is necessary to do the following:
  - 1) In the sphere of staff support:
    - Development of system of professional and qualification requirements to the employees as the basis of the mechanism of effective personnel selection and staffing of organisations and units of the Security Service of Ukraine, personnel training and re-training, professional and career growth, psychological support to their activity;
    - Implementation of mechanisms of increasing of a number of civil personnel in Security Service system and staffing with highly skilled civil specialists;
    - During 2008-2009 reforming of the system of personnel training in higher educational establishments of the Security Service, mainly by means of training of persons who have basic higher education for civil professions;
    - Revision of certification and working procedure of appointment to executive posts, transformation of these factors into the mechanisms of increase in staffing effectiveness;
    - Improvement of mechanisms of personnel incentive aimed at diligent and highly professional performance of tasks of state security provision;
    - Elaboration and realisation of programs of personnel patriotic education owing to co-operation between the Security Service and Institute of National Memory, increase of role of Public Council at the Security Service of Ukraine in these processes.
  - 2) In the sphere of financing:
    - Reform of budgetary financing policy in the field of providing for national security of Ukraine in the sphere of state security;
    - Providing for gradual increase and bringing into line (taking into account state economic resources) of expenses the Security Service activity and social and legal personnel protection countries.
  - 3) In the sphere of logistic support:
    - Elaboration of annual budget programs of centralized Security Service supply with armament and means of offensive defence, special technologies of secret access to information, equipment for bases and training centres for antiterrorist divisions, replenishment of reserve stocks, transport, high-tech information and telecommunication systems etc.;
    - Strengthening of management centralization and introduction of target method for the purpose of effective use of state resources in defence planning, conducted within Security Service competence;

- Reform of departmental system of resource support basing on a principle of separation of administrative component from economic one;
  - Introduction of mid-term and long-term logistic support complex programs, state target programs of special technologies creation with the view of strategic planning systems development in the Security Service.
- 4) In the sphere of provision of appropriate level of personnel social and legal protection:
- Gradual bringing of allowance level, personnel social and legal protection in line with standards of European countries;
  - Development of system of housing provision for Security Service personnel, its financing at the expense of budgetary and off-budgetary means, creation of appropriate housing reserve;
  - Further development of the system of medical provision of personnel, retirees of the Security Service and members of their families;
  - Introduction of mechanisms of state guarantees in the sphere of social and legal protection of Security Service personnel, initiating of renewal of a number of provisions of legal acts regarding military men rights, privileges and compensations, whose suspension led to their active income cut.

#### ***V. DEVELOPMENT OF DEMOCRATIC CIVILIAN CONTROL OVER SECURITY SERVICE OF UKRAINE ACTIVITY***

1. In the sphere of development of democratic civil control over Security Service of Ukraine activity it is necessary to provide:
  - Involvement of civil society institutes into the processes of strategic decisions elaboration in the sphere of state security;
  - Improvement of system, forms and methods of democratic civil control over the Security Service activity taking into account peculiarities and restrictions envisaged by legislation;
  - Development of organisational and legal fundamentals of President of Ukraine Commissioner activity in the field of control over the Security Service activities;
  - Activation of Public Council at the Security Service of Ukraine activity.

#### ***VI. STAGES OF THE SECURITY SERVICE OF UKRAINE REFORMATION***

1. The Security Service of Ukraine reformation must be carried out in accordance with the provisions, tasks and measures as well as within timeframe established by the Complex Targeted Programme of Security Service of Ukraine Reform which is to be developed on the basis of this Concept.
2. The Security Service of Ukraine reformation must be carried out through the following stages:
  - 1) First stage (2008-2009):  
Development and submission to the Verkhovna Rada of Ukraine of drafts regarding improvement of system of national security provision, law enforcement activity and the Security Service reform. Implementation of provided by Concept measures concerning the Security Service reform that do not envisage amendments of Ukrainian legislation.
  - 2) Second stage (2010 and subsequent years):  
Further transformation of tasks, functions and organisational structure of the Security Service according to the amendments of Ukrainian legislation in terms of its transformation into effective special service of European type by means of its gradual deprivation of law enforcement functions alien to special services with reinforcement of counterintelligence functions, national statehood protection, sovereignty and constitutional order, society democratic values.

## Part VI

# The Legislative Framework for the Demilitarisation, Democratisation, and Development of the State Military Organisation

### **Law of Ukraine "On the State Border Service"**

661-IV of 03.04.2003; (*Bulletin of the Verkhovna Rada of Ukraine* (BVR), 2003, No 27, p. 208)

Includes changes made by the Laws

No. 965-IV of 19.06.2003, BVR, 2003, No. 45, p. 357;

No 2505-IV of 25.03.2005, BVR, 2005, No 17, No 18-19, p. 267;

No 3200-IV of 15.12.2005, BVR, 2006, No 14, p. 116;

No 328-V of 03.11.2006, BVR, 2006, No 51, p. 519;

No 489-V of 19.12.2006, BVR, 2007, No 7-8, p. 66;

No 1014-V of 11.05.2007, BVR, 2007, No 33, p. 442;

No 107-VI of 28.12.2007, BVR, 2008, No 5-6, No 7-8, p. 78;

No 289-VI of 20.05.2008, BVR, 2008, No 26, p. 243;

No 586-VI of 24.09.2008, BVR, 2009, No 10-11, p. 137;

No 884-VI of 15.01.2009, BVR, 2009, No 24, p. 298;

No 1710-VI of 05.11.2009, BVR, 2010, No 6, p. 46;

No 2947-VI of 13.01.2011, BVR, 2011, No 32, p. 316.

This Law according to the Constitution of Ukraine determines the legal bases for the organisation and activity of the State Border Service of Ukraine, its general structure, numeric strength, functions and powers.

## **PART I. GENERAL PROVISIONS**

### *Article 1. Tasks of the State Border Service of Ukraine*

1. The State Border Service of Ukraine is entrusted with the tasks to maintain the inviolability of the state borders and protect the sovereign rights of Ukraine in its exclusive (sea) economic zone.

### *Article 2. The basic functions of the State Border Service of Ukraine*

The basic functions of the State Border Service of Ukraine are the following:

- Protection of the land, sea, river, lake and other water border of Ukraine with the purpose of preclusion of its unlawful crossing, observance of the border regime and border zone regime;
- Carrying out in accordance with the established procedure of border control and admission across the border of Ukraine of persons, vehicles, cargo and other property, as well as revealing and suppression of cases of unlawful crossing of the border;
- Protection of the sovereign rights of Ukraine in its exclusive (sea) economic zone and control over the exercise of the rights and fulfilment of the obligations in this zone by other states, national and foreign legal and physical persons and international organisations;
- Conducting intelligence, information-search and investigation activities in the interests of protection of the border of Ukraine according to laws of Ukraine "On Intelligence Organs of Ukraine" and "On the Investigation Activity";
- Participation in the fight against organised crime and counteraction to unlawful migration across the border of Ukraine and within the limits of controlled border regions;
- Participation in provision of the state protection of the places of permanent and temporary stay of the President of Ukraine and officials determined in the Law of Ukraine "On the State Protection of the State Organs of Power of Ukraine and Officials";
- Protection of foreign diplomatic establishments of Ukraine;
- Coordination of the activity of military formations and the relevant law enforcement organs connected with the protection of the border of Ukraine, as well as activity of the state organs carrying out various types of control over crossing of the border of Ukraine or participating in provision of the border regime, the border zone regime and regime in the border check points.
- Fulfilment of the functions specified in Part 1 of this Article constitutes the operational activity of the State Border Service of Ukraine.

### *Article 3. Main principles of the activity of the State Border Service of Ukraine*

1. Main principles of activity of the State Border Service of Ukraine are the following:
  - Legality;
  - Respect and observance of human and citizen's rights and freedoms;
  - Non-membership in political parties;
  - Continuity;
  - Combination of public, private and secret forms and methods of activity;
  - Undivided authority; collective approach to development of important decisions;
  - Interaction with state organs of power, local self-government organs and public organisations during implementation of the tasks assigned to the State Border Service of Ukraine;
  - Openness to democratic civil control.

*Article 4. Legal basis for activity of the State Border Service of Ukraine*

1. The legal bases for the activity of the State Border Service of Ukraine are the Constitution of Ukraine, the Law of Ukraine "On the State Border of Ukraine", this Law, other laws of Ukraine, Decrees of the President of Ukraine and the Cabinet of Ministers of Ukraine issued in accordance to the laws, as well as international treaties of Ukraine agreed to be binding by the Verkhovna Rada of Ukraine.

*Article 5. Activity of the State Border Service of Ukraine and protection of human rights*

1. Activity of the State Border Service of Ukraine is conducted on the basis of observance of human and citizens' rights and freedoms. Organs, servicemen and employees of the State Border Service of Ukraine are obliged to respect the dignity of the person and to have a humane attitude towards him/her.
2. Unlawful restriction of human rights and freedoms is inadmissible and entails liability according to the law.

**PART II. THE GENERAL STRUCTURE, NUMERIC STRENGTH AND ORGANISATION OF THE  
ACTIVITY OF THE STATE BORDER SERVICE OF UKRAINE**

*Article 6. General structure and numeric strength of the State Border Service of Ukraine*

1. The State Border Service of Ukraine is a law enforcement organ of special purpose and has the following general structure:
  - Specially authorised central organ of executive power on protection of the state border;
  - Territorial organs of the specially authorised central organ of executive power on protection of the state border;
  - Sea guard consisting of detachments of sea guard;
  - Organs of protection of the state border – the border detachments, individual checkpoints and aviation units;
  - Intelligence organ of the specially authorised central organ of executive power on protection of the state border.
  - The total numeric strength of the State Border Service of Ukraine is 50000 persons, including 42000 servicemen.
2. The specially authorised central organ of executive power on protection of the state border, territorial organs of the specially authorised central organ of executive power on protection of the state border, organs of protection of the border and other organs specified in Part 1 of this Article are legal persons who have a seal with the image of the State Emblem of Ukraine and their names on it, other seals and stamps, bank accounts in banks, including in foreign currency.
3. The system of the State Border Service of Ukraine also includes educational and research establishments, special purpose units and administrative organs.

*Article 7. The specially authorised central organ of executive power on protection of the state border*

1. The specially authorised central organ of executive power on protection of the state border implements the state policy in the sphere of protection of the state border of Ukraine, manages the State Border Service of Ukraine, participates in development and implementation of the general principles of legalisation and provision of inviolability of the state border and protection of the sovereign rights of Ukraine in its exclusive (sea) economic zone.

2. The specially authorised central organ of executive power on protection of the state border generalizes the practice of application of the legislation on the issues that belong to the competence of the State Border Service of Ukraine, develops proposals on updating the legislation and in accordance with the established procedure submits them for consideration of the President of Ukraine or the Cabinet of Ministers of Ukraine.
3. With the purpose of effective fulfilment of the tasks assigned to the State Border Service of Ukraine, the specially authorised central organ of executive power on protection of the state border forms territorial organs – regional administrations.
4. The regulations on regional administrations are approved by the Head of the State Border Service of Ukraine.
5. Heads of regional administrations are appointed to office by the Head of the State Border Service of Ukraine.

*Article 8. Head of the State Border Service of Ukraine*

1. Management of the State Border Service of Ukraine and of the activity of the specially authorised central organ of executive power on protection of the state border is carried out by the Head of the State Border Service of Ukraine. The Head of the State Border Service of Ukraine bears personal responsibility for fulfilment of the tasks assigned to the State Border Service of Ukraine.
2. The Head of the State Border Service of Ukraine is appointed to office and dismissed from office by the President of Ukraine upon submission of the Prime Minister of Ukraine. The Head of the State Border Service of Ukraine has deputies who are appointed by the President of Ukraine upon submission of the Head of the State Border Service of Ukraine.

*Article 9. The Sea Guard*

1. The Sea Guard of the State Border Service of Ukraine carries out the following functions:  
Protection of the state border in the sea, rivers, lakes and other bodies of water; control over the navigation and stay of national and foreign non-military and military ships in the territorial sea and internal waters of Ukraine, over the entry of foreign non-military and military ships in the internal waters and ports of Ukraine and stay in them; protection of the sovereign rights of Ukraine in its exclusive (sea) economic zone and control over exercise of the rights and fulfilment of the obligations in this zone by other states, national and foreign legal and physical persons and international organisations.
2. The structure of a sea guard detachment includes ships, motorboats and supporting vessels.

*Article 10. Organs of protection of the state border of the State Border Service of Ukraine*

1. Organs of protection of the border carry out the tasks assigned to the State Border Service of Ukraine concerning provision of the inviolability of the state borders of Ukraine.
2. A border detachment is the basic operational part of the State Border Service of Ukraine responsible for protection of a segment of the border independently or together with other organs of protection of the state border and the Sea guard, for ensuring of observance of the border regime and the border zone regime, as well as for carrying out in accordance with the established procedure of border control and admission across the state border of Ukraine of persons, vehicles and cargo.  
*(Part 2 of Article 10 with changes in accordance with the Law No 1710-VI of 05.11.2009)*
3. The structure of a border detachment can include border commandant's offices, sections of border service, border posts, checkpoints and departments of border control.  
*(Part 3 of Article 10 with changes in accordance with the Law No 1710-VI of 05.11.2009)*

4. An individual checkpoint is an operational part of the State Border Service of Ukraine responsible for carrying out in accordance with the established procedure of border control and admission across the border of Ukraine of persons, vehicles and cargo.  
*(Part 4 of Article 10 with changes in accordance with the Law No 1710-VI of 05.11.2009)*
5. The structure of an individual checkpoint can include other checkpoints subordinate to it, departments of border control and control posts.
6. An aviation unit is an operational part of the State Border Service of Ukraine responsible for protection of the state border together with other organs of protection of the border and the Sea guard, for provision of observance of the border regime and the border zone regime, as well as for protection of the sovereign rights of Ukraine in its exclusive (sea) economic zone.
7. The structure of an aviation unit includes groups of planes and helicopters.

*Article 11. Intelligence organ of the specially authorised central organ of executive power on protection of the state border*

1. The intelligence organ of the specially authorised central organ of executive power on protection of the state border carries out its activity according to the Law of Ukraine "On Intelligence Organs of Ukraine".
2. The structure of the intelligence organ of the specially authorised central organ of executive power on protection of the state border is approved by the President of Ukraine.  
*(Article 11 is supplemented with Part 2 in accordance with the Law No 3200-IV of 15.12.2005)*

*Article 12. Special purpose units*

1. The structures of the specially authorised central organ of executive power on protection of the state border, territorial organs of the specially authorised central organ of executive power on protection of the state border and organs of protection of the border include the following special purpose units: on operational documentation, technical, on internal security and own security.
2. Activity of special purpose units of the State Border Service of Ukraine is regulated by this Law and other normative-legal acts.

*Article 13. Organs of support*

1. Organs of support of the State Border Service of Ukraine are enterprises, establishments, as well as departments of technical, material, medical and other kinds of support functioning both independently and in the structure of the specially authorised central organ of executive power on protection of the state border, its territorial organs, Sea guard, other organs of protection of the border and educational establishments of the State Border Service of Ukraine.

### **PART III. PERSONNEL OF THE STATE SERVICE BORDER OF UKRAINE**

*Article 14. Personnel of the State Border Service of Ukraine*

1. The personnel of the State Border Service of Ukraine consist of the servicemen and employees of the State Border Service of Ukraine.
2. Staffing of the State Border Service of Ukraine with servicemen and their military service are carried out on the basis of the Law of Ukraine "On Military Duty and Military Service". The authorised officials of the State Border Service of Ukraine examine conscripts in advance and select them in military commissariats.  
*(Part 2 of Article 14 with changes in accordance with the Law No 1014-V of 11.05.2007)*

3. Labour relations between employees of the State Border Service of Ukraine are regulated by the legislation on labour, on state service and by the concluded work contracts. The list of posts of employees of the State Border Service of Ukraine who can be *ex officio* involved in operational activity is determined by the Head of the State Border Service of Ukraine.

*Article 15. Restriction of political activity in the State Border Service of Ukraine*

1. Servicemen and employees of the State Border Service of Ukraine for the period of military service and work have to suspend membership in political parties. Servicemen and employees of the State Border Service of Ukraine can be members of public organisations whose statutes do not contradict principles of activity of the State Border Service of Ukraine and can participate in their work in free from performance of official duties time.
2. Organisation by servicemen and employees of the State Border Service of Ukraine of strikes and participation in them are not allowed.

*Article 16. Monetary allowance of servicemen and remuneration of labour of employees of the State Border Service of Ukraine*

1. The terms of monetary allowance of servicemen and remuneration of labour of employees of the State Border Service of Ukraine are determined by the legislation.

*Article 17. Professional training for the State Border Service of Ukraine*

1. Training, retraining and improvement of professional skills of the personnel of the State Border Service of Ukraine are carried out in educational establishments of the State Border Service of Ukraine and in other educational establishments.

*Article 18. Transfer of servicemen of the State Border Service of Ukraine to the reserve*

1. Servicemen of the State Border Service of Ukraine discharged from military service are enlisted to the reserve of the Armed Forces of Ukraine.

#### **PART IV. THE POWERS OF THE STATE BORDER SERVICE OF UKRAINE**

*Article 19. The duties of the State Border Service of Ukraine*

1. The State Border Service of Ukraine according to the tasks determined by the law is responsible for:
  - 1) Suppression of any attempts of unlawful crossing of the state border of Ukraine;
  - 2) Suppression together with the relevant law enforcement organs of armed conflicts and other provocations on the state border of Ukraine;
  - 3) Participation together with the Armed Forces of Ukraine and other military formations in repulsion of invasion or attack on the territory of Ukraine by the armed forces of a state or a group of states;
  - 4) Participation in the territorial defence efforts, as well as in the efforts aimed to ensure observance of the legal regimes of martial law and state of emergency;
  - 5) Prevention of crimes and administrative offences, counteraction to which by the legislation belongs to the competence of the State Border Service of Ukraine, their identification, suppression, carrying out of investigation and of legal procedure on administrative offences according to the laws;
  - 6) Carrying out of border control and admission in accordance with the established procedure of persons, vehicles, cargo in case the documents for admission are in order after

customs and, if necessary, other types of control, as well as registration of foreigners and persons without citizenship who in accordance with the established procedure arrive in Ukraine and registration of their passports in border check points;

*(Clause 6 of Article 19 with changes in accordance with the Law No 1710-VI of 05.11.2009)*

- 7) Participation in the conclusion of international treaties of Ukraine on border issues and on reciprocal trips of citizens, as well as provision for their implementation;
- 8) Prevention and preclusion of entry into Ukraine or departure from Ukraine of persons who according to the legislation are refused entry to Ukraine or who are temporarily not allowed to leave Ukraine, including according to orders of law enforcement organs; search in border check points for persons absconding from the organs of investigation and the court, evading criminal punishment; fulfilment in accordance with the established procedure of other orders of law enforcement organs;

*(Clause 8 of Article 19 with changes in accordance with the Law No 1710-VI of 05.11.2009)*

- 9) Identification of reasons and conditions that lead to violations of the legislation on the state border of Ukraine and taking measures within the limits of their competence on their elimination;
- 10) Carrying out of intelligence, information-search and investigation activity and of counterintelligence measures in the interests of protection of the state border of Ukraine;
- 11) Control over observance of the border regime;
- 12) Acceptance according to the legislation of applications from persons requesting the status of the refugee who with an intention receive such a status have illegally crossed the state border of Ukraine;
- 13) Establishment in agreement with the customs organs and the heads of the relevant enterprises hosting the check points of the regime of crossing through border check points and control over its observance;

*(Clause 13 of Article 19 with changes in accordance with the Law No 1710-VI of 05.11.2009)*

- 14) Control over observance of the established procedure of navigation and stay in the territorial sea and internal waters of Ukraine by non-military and military ships;
- 15) Adoption together with law enforcement organs and organs of the Security Service of Ukraine of decisions on expulsion from Ukraine of foreigners and persons without citizenship, who have been detained in the controlled border regions attempting to cross or illegally crossing the state border of Ukraine;
- 16) Expulsion of these persons; Carrying out independently or together with law enforcement organs and organs of the Security Service of Ukraine of the control in the controlled border regions over the observance by foreigners, persons without citizenship, refugees and persons who were provided refuge in Ukraine, of the established rules of stay in its territory;
- 17) Guard, convoy and detain the persons and water-craft before transferring them the border guards, other authorised organs of a neighbouring state, other law enforcement organs of Ukraine or the court;
- 18) Carrying out according to the legislation of special measures on protection of servicemen and employees of the State Border Service of Ukraine from illegal acts against their life, health, honour, property in connection with their service activity, as well as of their close relatives;
- 19) Counteraction to and prevention of corruption and crimes in service activity of the personnel of the State Border Service of Ukraine;

- 20) Participation within the limits of their competence in co-operation with the organs of the Security Service of Ukraine, organs of internal affairs and other law enforcement organs in the fight against terrorism and accomplishment of other tasks assigned to them;
- 21) Representative work and participation of the representatives border services in the work of joint international commissions on consideration of border disputes, incidents and conflicts;
- 22) Carrying out independently or in co-operation with the specially authorised executive organs and officials of control in the regions where they serve over the preservation of natural resources and underwater cultural and archaeological heritage, observance of norms of industrial and other activity and environmental protection;

*(Clause 22 of Article 19 with changes in accordance with the Law No 2947-VI of 13.01.2011)*

- 23) Informing of the relevant state organs and citizens about accidents, fires, catastrophes, natural disasters and other emergencies on the state border of Ukraine, border zone and controlled border regions;

23-1. Provide on requests by the Fund for Compulsory State Social Insurance of Ukraine in Case of Unemployment or the central executive organ in the sphere of labour and social policy in accordance with procedure approved by the Cabinet of Ministers the information kept at information systems, including bank data, on persons who during the period of receiving the unemployment subsidies were crossing the state border or stayed outside of Ukraine.

*(Article 19 is supplemented with Clause 23-1 in accordance with the Law No 884-VI of 15.01.2009)*

- 24) Protection of foreign diplomatic establishments of Ukraine;

24-1. Protection of underwater cultural and archaeological heritage;

*(Article 19 is supplemented with Clause 24-1 in accordance with the Law No 2947-VI of 13.01.2011)*

- 25) Participation within the limits of their competence in provision of the state protection in the places of permanent and temporary stay of the President of Ukraine and officials determined in the Law of Ukraine "On the state protection of the state organs of power of Ukraine and officials".

- 26) Interaction for the purposes of protection of the border of Ukraine with the relevant organs of foreign states in accordance with the procedure established by the international treaties agreed to be binding by the Verkhovna Rada of Ukraine.

- 27) Providing for the safe storage of the documents on demarcation of the state border of Ukraine in accordance with procedure specified in the legislation of Ukraine.

*(Article 19 is supplemented with Clause 27 in accordance with the Law No 289-VI of 20.05.2008)*

#### *Article 20. The Rights of the State Border Service of Ukraine*

1. Organs, departments, servicemen and employees of the State Border Service of Ukraine, who can be *ex officio* involved in the operational activity to fulfil the tasks assigned to the State Border Service of Ukraine, have the following rights:

- 1) To dislocate border units, to move while on duty to any place in the area, to enter the land areas, inhabited and other premises that belong to individuals with their consent or without their consent in emergency cases connected with the rescue of the life of people and property or with pursuit of persons suspected of commitment of a crime, with a notification about it within twenty four hours of the public prosecutor, as well as to enter the territory and premises of enterprises, institutions and organisations irrespective of form of ownership with notification about it of their administration;

- 2) According to the laws and other normative-legal acts, exclusively in the interests of criminal legal proceedings and international co-operation on the fight against organised crime, as well as to ensure national security of Ukraine, to carry out controlled (under operational control) admission across the state border of Ukraine of persons in check points or outside them. The decision on such admissions is taken by the Head of the State Border Service of Ukraine;
  - 3) To check documents of the persons who cross the state border of Ukraine if they have the right to enter Ukraine or departure from Ukraine, to make special notes in the documents and in cases envisaged by the legislation to temporarily detain or withdraw them;
  - 4) By interrogating persons, to find out the reasons for entry into Ukraine or departure from Ukraine; to refuse the crossing of the state border of Ukraine to the persons without valid documents confirming their right to cross it, persons who deliberately provided false data during reception of the documents, persons who have been refused the right to enter Ukraine or who are temporarily not allowed to depart from Ukraine by the State Border Service of Ukraine for violation of the legislation on border issues and on the legal status of foreigners or by a motivated written decision of the court and law enforcement organs; to make special notes in the documents of these persons;
  - 5) According to the legislation, to take the decision on granting the right of a simplified crossing of the state border;
  - 6) Independently or together with customs organs, to conduct according to the legislation the examination and, if necessary, convoy of the vehicles, goods and other things that cross the state border of Ukraine;
  - 7) To carry out according to the orders of law enforcement organs of Ukraine the detention in check points of persons who cross the border of Ukraine and are searched on suspicion of commitment of a crime, abscond from organs of investigation and the court, evade criminal punishment and in other cases envisaged by the legislation of Ukraine;
  - 8) To grant with consent of the customs organs of Ukraine and competent organs of the neighbouring states the permission to persons to enter Ukraine or to depart from Ukraine, for vehicles, cargo to cross the state border of Ukraine outside check points under emergency circumstances connected to the alleviation of natural and technogenic emergencies and their consequences, threats to human life and the absence of threat to national security of Ukraine;
- (Clause 8 of Part 1 of Article 20 with changes in accordance with the Law No 1710-VI of 05.11.2009)*
- 9) With consent of the State customs service of Ukraine, the Ministry of transport of Ukraine and the Ministry of Defence of Ukraine to allow the take-off and landing of aircraft at the airports (airdromes) which do not have border check points;
  - 10) To create and use in the interests of investigation, counterintelligence protection of the state border of Ukraine, investigation activity, fight against the organised crime and counteraction to unlawful migration the information systems, including databases, on the persons who have crossed the border of Ukraine, the persons who have committed offences counteraction to which is relegated to the competence of the State Border Service of Ukraine, persons who have been refused according to the legislation the entry to Ukraine or who are temporarily not allowed to depart from Ukraine, on invalid, stolen and lost travel documents and in other cases envisaged by the laws of Ukraine;

- 11) To determine together with the interested enterprises, institutions and organisations of all forms of ownership the place and duration of stops of the vehicles carrying out international transportation of passengers and cargo in check points across the border of Ukraine;
- 12) To demand from physical persons to stop offences and actions that prevent the implementation of the powers of the State Border Service of Ukraine;
- 13) In cases and according to the procedure established by the laws of Ukraine, to consider cases about offences, to impose penalties or transfer materials about offences to other authorised executive organs or courts;
- 14) To carry out administrative detention of persons on the bases and for the terms determined by the laws, including foreigners and persons without citizenship who have illegally crossed the state border of Ukraine for the period of time necessary for transfer of these persons to the border organs of the neighbouring state according to the decision in this effect taken in accordance with the established procedure;
- 15) To carry out on the bases and in accordance with the procedure established by the laws personal examination of detained persons, as well as to examine and if necessary to withdraw things which can serve as exhibits or be dangerous for the health of people
- 16) To keep the persons, who have been detained for administrative offences, in premises specially equipped for these purposes;
- 17) To conduct according to the law judicial expertise of passports which according to the legislation are used to cross the border of Ukraine;
- 18) In conformity with their competence to limit or temporarily forbid in cases connected to protection of the border of Ukraine and carrying out of trainings and battle firing exercises, fulfilment of various works, dislocation of vehicles and water-craft, access of persons to individual sites or installations in the border zone and in the controlled border regions, except for the works on construction sites carried out according to the international treaties, on construction sites of state importance and the works connected with alleviation of consequences of natural disasters and especially dangerous infectious diseases;
- 19) To maintain automatic data exchange on transportation vehicles with organs of the State Automobile Inspection of the Ministry of Internal Affairs of Ukraine. To stop and examine in the border zone and controlled border regions independently and beyond border zone together with organs of the State Automobile Inspection of the Ministry of Internal Affairs of Ukraine – vehicles, as well as to check the documents identifying the driver and passengers, possession of the transportation insurance police (insurance certificate “Green card”), as well as to control the payments of the compulsory administrative fines. The cargo which is transported by vehicles through customs control is subject to such examination only together with the organs of the State customs service of Ukraine;  
*(Clause 19 of Part 1 of Article 20 as provided by the Law No 586-VI of 24.09.2008)*
- 20) To use in accordance with the procedure established by the legislation the water and air space of Ukraine, sea and river ports, airports and airdromes (airfields) in the territory of Ukraine irrespective of their departmental affiliation and purpose, to receive navigating, meteorological, hydrographic and other information necessary to support flights and navigation;
- 21) According to the procedure established by the legislation to fly aircraft of the State Border Service of Ukraine on air routes and outside air routes, as well as on the established

routes in the border zone, controlled border regions and an exclusive (sea) economic zone of Ukraine;

- 22) To navigate ships, boats and support vessels in the internal waters, territorial sea and exclusive (sea) economic zone of Ukraine, to approach the coast, the quays and to carry out there debarkation of the personnel of the State Border Service of Ukraine;
- 23) To allow the foreign military ships to enter in the internal waters, roads and ports of Ukraine including according to the decisions taken in accordance with the established procedure on admission of the units of the armed forces of other states on the territory of Ukraine approved by the Verkhovna Rada of Ukraine;
- 24) To conduct in accordance with the established procedure the examination of national and foreign non-military vessels which have committed violations of the legislation during navigation and stay in the territorial sea, internal waters, as well as during anchorage of vessels in the ports of Ukraine, to convoy them with the ships and boats of the State Border Service of Ukraine to ports or outside territorial waters of Ukraine;
- 25) To stop and examine in accordance with the established procedure vessels and watercraft which are fishing or extracting other sea resources; to carry out search, research and operations connected with this activity, perform other works in the exclusive (sea) economic zone of Ukraine and the territorial sea; to check documents of persons engaged in fishing and fulfilment of other works;
- 26) To suspend or stop fishing, sea scientific research and other works in the territorial sea, an exclusive (sea) economic zone and internal waters of Ukraine in case of absence of the relevant permission or in case of violation of the rules established by the legislation;
- 26-1. To stop and examine in accordance with the established procedure vessels and watercraft present in protection zone for underwater cultural and archaeological heritage, check documents (permissions) proving the right to be present in protection zone and (or) to carry out scientific archaeological studies;  
*(Part 1 of Article 20 is supplemented by Clause 26-1 as provided by the Law No 2947-VI of 13.01.2011)*
- 27) To visit, examine and be on artificial islands, installations and constructions located in the exclusive (sea) economic zone, territorial sea and internal waters of Ukraine, as well as to check the documents confirming the right to work, construction of artificial islands, installations, constructions and establishment of security zones around of them;
- 28) To detain the vessels that violate the legislation on the exclusive (sea) economic zone of Ukraine or norms of international law and bring them in to one of open for entry of foreign non-military vessels ports of Ukraine;
- 29) To temporarily limit navigation and forbid to put to sea for the national non-military vessels and watercraft irrespective of the form of ownership which violated the established procedure of navigation and stay in the territorial sea and internal waters of Ukraine;
- 30) To forbid the embarkation and stay on the coast of members of crews of foreign non-military vessels and other persons on the vessels, which have committed offences during navigation and stay in the territorial sea, internal waters, as well as during anchorage in the ports of Ukraine;
- 31) To carry out intelligence, counterintelligence and investigation measures according to laws of Ukraine;
- 32) To carry out at the foreign airports in agreement with air operators the preliminary check of the legal grounds for entry into Ukraine of foreigners and persons without citizenship;

- 33) Together with customs and other state organs, to carry out measures on preclusion of unlawful crossing across the state border of Ukraine of cargo subject to interdictions and restrictions according to the legislation, to withdraw such cargo during an attempt to move them across the state border of Ukraine or withdraw them independently in the course of investigation measures and to transfer them to the place of destination in accordance with the established procedure;

*(Clause 33 of Part 1 of Article 20 with changes in accordance with the Law No 1710-VI of 05.11.2009)*

- 34) To invite persons to the departments of the State Border Service of Ukraine to find out the circumstances of unlawful crossing the state border of Ukraine, violation of the border regime, the border zone regime or the border check points regime, as well as other offences within the limits of the competence of the State Border Service of Ukraine. If necessary, the clarification of the circumstances of these violations can be carried out in other places as well;
- 35) On the bases envisaged by the laws, to reduce the term of stay in Ukraine of foreigners and persons without citizenship detained in the controlled border regions;
- 36) To use on contractual basis the offices of enterprises, institutions and organisations of all forms of ownership, military units of military formations, as well as inhabited and other premises of individuals;
- 37) To use in accordance with the established procedure vehicles, water-craft of individuals, enterprises, institutions and organisations of all forms of ownership (except for vehicles and water-craft of diplomatic and other representative offices of foreign states and organisations) for travel to the place of unlawful crossing of the state border of Ukraine, suppression of the crime and delivery of the persons requiring urgent medical aid in medical establishments, with subsequent reimbursement to these individuals, enterprises, institutions and organisations according to the legislation;
- 38) To use the means of electric communication of the central and local executive organs, local self-government organs, enterprises, institutions and organisations of all forms of ownership during suppression of armed conflicts and other provocations on the state border of Ukraine, repulsion of invasion of the territory of Ukraine by the armed formations, alleviation of subversive-intelligence groups, as well as in other cases on terms determined in accordance with the established procedure with subsequent reimbursement according to the legislation;
- 39) To submit to executive organs and local self-government organs obligatory for consideration proposals about prevention of violations of the legislation on the issues of protection of the state border of Ukraine and elimination of the preconditions of their commitment;
- 40) To receive according to the procedure established by the law at a written demand of the heads of investigation departments or intelligence organs of the data from the electronic information and reference systems and the databases created by the Supreme Court of Ukraine, the Prosecutor's Office of Ukraine, the National bank of Ukraine, the Antimonopoly committee of Ukraine, the State Property Fund of Ukraine, the Ministries, other central organs of executive power and local self-government organs of Ukraine;
- 41) To encourage financially and morally the persons rendering help to the State Border Service of Ukraine in the accomplishment of the tasks assigned to it;
- 42) To co-operate according to the legislation with foreign diplomatic and consular establishments on the issues within the limits of the competence of the State Border Service

of Ukraine and on the issues of restriction or restoration of the rights of foreigners and persons without citizenship;

- 43) To co-operate on the issues of protection of the state border of Ukraine, counteraction to unlawful migration, illegal trafficking of drugs and psychotropic substances, trans-boundary criminality and smuggling with the competent organs and military formations of foreign states, international organisations in accordance with the procedure and on the bases established by the legislation;
- 44) During fulfilment of the tasks on protection of the state border in the structure of border detachments or implementation of investigation activity, to use free of charge all kinds of city public transport (except for taxi), local railway, water transport and incidental transport;
- 45) According to the procedure established by the legislation to receive and use the land areas for placement of stationary means and engineering installations on the state border of Ukraine, for stationing of organs, departments, educational establishments, enterprises, institutions and organisations of the State Border Service of Ukraine, places of temporary detainment of persons, anchorage of ships and boats, aviation departments, shooting ranges and training fields, etc.
- 46) According to the procedure established by the international agreements of Ukraine to carry out joint border control and other measures of the state border protection on the territory of the neighbouring countries.

*(Part 1 of Article 20 is supplemented by Clause 46 as provided by the Law No 1710-VI of 05.11.2009)*

2. In cases envisaged by the law, the officials and service persons of the State Border Service of Ukraine exercise other powers as well.

*(Article 20 includes changes made by the Law No. 965-IV of 19.06.2003)*

*Article 21. The Use of force during protection of the border and the sovereign rights of Ukraine in its exclusive (sea) economic zone*

1. Servicemen, as well as employees of the State Border Service of Ukraine, who according to their service powers can be involved in operational activity for fulfilment of the tasks on protection of the state border and the sovereign rights of Ukraine in its exclusive (sea) economic zone within the limits of their authority determined by this Law, the laws of Ukraine "On the State Border of Ukraine" and "On an Exclusive (Sea) Economic Zone of Ukraine", have the right in accordance with the procedure and in cases envisaged by the Law of Ukraine "On Militia", the military statutes of the Armed Forces of Ukraine and other normative-legal acts to use force, service dogs, as well as to keep, carry special means and weapons, to use and apply them independently or in the structure of units.
2. The use of weapons in the direction of the territory of the neighbouring state, except for the cases of repulsion of an armed attack and invasion on the territory of Ukraine by the armed military detachments and criminal groups, suppression of the armed provocations, as well as for repulsion of an attack or suppression of armed resistance of persons who are illegally crossing or trying to cross the state border of Ukraine, is not allowed.

*Article 22. Assistance of executive organs, organs of local self-government, public organisations and citizens to the fulfilment of the tasks of the State Border Service of Ukraine*

1. Executive organs and local self-government organs, their employees and officials within the limits of their authority assist the State Border Service of Ukraine in protection of the state border and the sovereign rights of Ukraine in its exclusive (sea) economic zone.

2. The State Border Service of Ukraine has the right to involve for accomplishment of the tasks assigned to it on a paid and free-of-charge basis persons with their consent, as well as civil formations on protection of public order and of the state border in accordance with the procedure established by the laws regulating investigation activity and participation of citizens in protection of the state border of Ukraine.

**PART V. LEGAL AND SOCIAL PROTECTION OF THE PERSONNEL  
OF THE STATE BORDER SERVICE OF UKRAINE**

*Article 23. Legal status of the personnel of the State Border Service of Ukraine*

1. Servicemen (except for servicemen on regular military service) and employees of the State Border Service of Ukraine, who according to their service powers can be involved in operational activity, are provided with service and special identity documents, as well as with the relevant badges.
2. Legitimate requirements and orders of servicemen and employees of the State Border Service of Ukraine, who according to their service powers are involved in operational activity, are obligatory for fulfilment by the citizens of Ukraine, foreigners, persons without citizenship and officials.
3. Servicemen and employees of the State Border Service of Ukraine during fulfilment of the duties assigned to them are guided only by the laws, act on the basis, within the limits of their authority and by the means envisaged by the Constitution and the laws of Ukraine. Nobody, except for the authorised officials of the state organs in cases envisaged by the Constitution and laws of Ukraine, has the right to interfere with lawful activity of servicemen and employees of the State Border Service of Ukraine.
4. Nobody has the right to assign to the personnel of the State Border Service of Ukraine the fulfilment of the tasks and duties not envisaged by the laws of Ukraine.
5. Interference with activity of the State Border Service of Ukraine entails liability envisaged by the law.
6. In order to prevent corruption, for military servicemen and employees of the State Border Service of Ukraine while on duty of carrying out the border control it is forbidden:
  - 1) To accept any items (belongings) from anybody and to pass any items (belongings) to anybody, unless Ukrainian legislation stipulates different;
  - 2) To provide information to anybody about the persons, transportation vehicles, cargo that cross the state border, unless the law stipulates different;
  - 3) To grant preferences in crossing the border to the persons, transportation vehicles and cargo;
  - 4) To carry any personal communication means which do not belong to the State Border Service of Ukraine and do not represent an item from the standard equipment of the border team;
  - 5) To carry any currency above the volume established by the specially authorised executive organ on the issues of the state border protection of Ukraine.

*(Article 23 is supplemented with this Part in accordance with the Law No 1710-VI of 05.11.2009)*
7. Mentioned above personnel shall allow on demand of their direct superiors or officials or service personnel of interior security units the examination of their abidance to the mentioned limitations.
 

*(Article 23 is supplemented with this Part in accordance with the Law No 1710-VI of 05.11.2009)*
8. Interference in the activity of the State Border Service of Ukraine will precipitate the responsibility in accordance with the law.

9. Servicemen of the State Border Service of Ukraine have the right to wear uniform with insignia developed according to the Law of Ukraine "On the Military Duty and Military Service".  
*(Part 6 of Article 23 with changes in accordance with the Law No 1014-V of 11.05.2007)*
10. The use of military ranks, distinctions, uniform, service or special identity documents and badges by a person that does not belong to the personnel of the State Border Service of Ukraine entails liability envisaged by the law.

*Article 24. Legal protection of the personnel of the State Border Service of Ukraine*

1. Servicemen and employees of the State Border Service of Ukraine during performance of the duties assigned to them are representatives of the state authority; their personal immunity, honour and dignity are protected by the law.
2. The personal immunity of the servicemen and employees of the State Border Service of Ukraine, who according to their service powers are involved in operational activity, their honour and dignity are protected by the law.
3. Detention, confinement and arrest with related check, personal search and inspection of personal items of military serviceman and employee of the State Border Service of Ukraine while on duty of carrying out the border control shall be carried out after they finish their duty or substituted by the other military serviceman and employee of the State Border Service of Ukraine, and in urgent case – only with presence of the responsible representative of the state border protection organ.  
*(Article 24 is supplemented with this Part in accordance with the Law No 1710-VI of 05.11.2009)*
4. Commitment of crimes and administrative offences against members of the families of servicemen and employees of the State Border Service of Ukraine in connection with performance of official duties entails liability envisaged by the law.
5. Commitment of crimes and administrative offences against servicemen or employees of the State Border Service of Ukraine retired from service or from work, as well as members of their families in connection with their previous service activity or against the person who according to the law participates in protection of the state border of Ukraine and members of his/her family entails liability envisaged by the law.
6. Servicemen and employees of the State Border Service of Ukraine carrying out the tasks abroad are under protection of Ukraine.

*Article 25. Social protection of the personnel of the State Border Service of Ukraine*

1. The state provides for social protection of the personnel of the State Border Service of Ukraine according to the Constitution of Ukraine, this Law and other acts of the legislation. Pensions to the servicemen of the State Border Service of Ukraine are granted in accordance with the procedure and in the amount established by the Law of Ukraine "On Pensions of Military Men, Command Officers and Privates of law enforcement Organs and Other Persons".
2. Servicemen of the State Border Service of Ukraine enjoy legal and social guarantees according to the Law of Ukraine "On Social and Legal Protection of Servicemen and Members of Their Families"; this Law and other acts of the legislation.
3. Social protection of employees of the State Border Service of Ukraine is provided in accordance with general practice according to the legislation on labour if other is not envisaged by the work contract.

4. The personnel of the State Border Service of Ukraine are guaranteed free-of-charge medical care carried out in medical and prophylactic institutions of the State Border Service of Ukraine.
5. Children of the servicemen who were lost on duty, as well as employees of the State Border Service of Ukraine, who according to their service powers have been involved in operational activity, have the right enter in educational establishments of the State Border Service of Ukraine without having to pass the entry examinations.

*Article 26. Entitlement payment in case of loss (death) or mutilation of servicemen of the State Border Service of Ukraine and compensation in case damage to the property of servicemen and employees of the State Border Service of Ukraine or their close relatives*

*(The name of Article 26 as provided by the Law No 328-V of 03.11.2006, with changes introduced by the Law No 1014-V of 11.05.2007)*

1. In case of injury (contusion, trauma or mutilation) or disease suffered by servicemen of the State Border Service of Ukraine during performance of official duties, or in case of invalidity due to the above reasons, as well as the invalidity developed during service or no later than three months after retirement or after this period but due to the disease or accident which took place during service, he/she is granted entitlement payment at the rate of up to ten years' monetary allowance on the last post he/she occupied; in case of his/her loss or death the entitlement payment is given to the members of the family – at the rate of ten years' monetary allowance in accordance with the procedure and on terms determined by the Cabinet of Ministers of Ukraine. The right to receive housing is preserved for the family of the victim.

*(Part 1 of Article 26 with changes introduced as provided by the Laws No 328-V of 03.11.2006, No 1014-V of 11.05.2007)*

2. In case the servicemen of the State Border Service of Ukraine and his/her members of the family in addition to the reasons mentioned in Part 1 of this Article simultaneously have the right to receive the entitlement payment provided by other laws, the single payment of monetary allowance shall be chosen from the relevant options at the discretion of the entitled person.

*(Article 26 is supplemented with this Part as provided by the Laws No 328-V of 03.11.2006)*

3. The damages caused to the property of a serviceman or employee of the State Border Service of Ukraine or his/her close relatives in connection with performance of official duties on direct protection of the state border of Ukraine are compensated according to the procedure established by the law from the State Budget.

*(Part 3 of Article 26 with changes introduced as provided by the Law No 1014-V of 11.05.2007)*

## **PART VI. FINANCING AND SUPPORT OF ACTIVITY OF THE STATE BORDER SERVICE OF UKRAINE**

*Article 27. Financing of the activity of the State Border Service of Ukraine*

1. Financing of the activity of the State Border Service of Ukraine is carried out from the State Budget of Ukraine and other sources envisaged by the legislation.

*Article 28. Support of the activity of the State Border Service of Ukraine*

1. Support of the activity of the organs of the State Border Service of Ukraine is carried out by the specially authorised central organ of executive power on protection of the state border by means of the state defence procurement order and acquisition of goods and services for state funds.
2. Local executive organs and local self-government organs assist the State Border Service of Ukraine, its organs in resolution of housing and other social problems, provision with vehicles

and communication facilities. The State Border Service of Ukraine is exempt from the transfer to local state administrations or local self-government organs of a part of housing constructed by target state capital investments and other means. A housing from the state housing fund, which is vacated by servicemen of the State Border Service of Ukraine, is transferred in accordance with the established procedure to the relevant organs for new occupation.

3. The State Border Service of Ukraine has offices and other installations, public health services, educational, research, economic and social-cultural purpose buildings and a housing fund.
4. The property allocated for the specially authorised central organ of executive power on protection of the state border, organs of the State Border Service of Ukraine, its educational institutions, establishments and organisations is in state ownership and belongs to them on the right of operative management.

### **PART VII. CONTROL AND OVERSIGHT OVER THE ACTIVITY OF THE STATE BORDER SERVICE OF UKRAINE**

*Article 29. Control of the Verkhovna Rada of Ukraine over the activity of the State Border Service of Ukraine*

1. The Head of the State Border Service of Ukraine regularly informs the Verkhovna Rada of Ukraine on the accomplishment of the tasks assigned to him/her by the State Border Service of Ukraine, observance of the legislation, guarantees of human rights and freedoms and other questions.
2. The Head of the State Border Service of Ukraine annually submits to the Verkhovna Rada of Ukraine a written report on the activity of the State Border Service of Ukraine.

*Article 30. Control of the President of Ukraine over the activity of the State Border Service of Ukraine*

1. Control over the activity of the State Border Service of Ukraine is carried out by the President of Ukraine according to the powers determined by the Constitution of Ukraine.
2. The Head of the State Border Service of Ukraine regularly informs the President of Ukraine, the National Security and Defence Council of Ukraine on major issues in the activity of the State Border Service of Ukraine, as well as annually submits to the President of Ukraine a written report on the activity of the State Border Service of Ukraine.

*Article 31. Control over economic and financial activity of the State Border Service of Ukraine*

1. Control over economic and financial activity of the State Border Service of Ukraine is carried out in accordance with the procedure determined by the laws of Ukraine.

*Article 32. Oversight over the observance of legality in the activity of the State Border Service of Ukraine*

1. Oversight over the observance of legality in the activity of the State Border Service of Ukraine is carried out in accordance with the procedure determined by the Constitution and the laws of Ukraine.

### **PART VIII. LIABILITY FOR OFFENCES IN THE FIELD OF ACTIVITY OF THE STATE BORDER SERVICE OF UKRAINE**

*Article 33. Liability of the personnel of the State Border Service of Ukraine*

1. Servicemen and employees of the State Border Service of Ukraine independently take decisions within the limits of their authority guided by the Constitution, the laws of Ukraine, other normative-legal acts and orders of immediate superiors. Explicit criminal orders shall

not be performed. Officials who gave such an order are accountable for it and compensate for the damages caused as a result of its performance according to the law.

2. Servicemen and employees of the State Border Service of Ukraine are accountable for unlawful acts or failure to act according to the law. Servicemen and employees of the State Border Service of Ukraine, performing duties according to the powers given by this Law, are not responsible for damages caused to other persons' property if this happened not on their fault. In case the fault of these persons cannot be proved, such damages are indemnified according to the laws from the State Budget of Ukraine.

*Article 34. Liability for unlawful interfering with the implementation of the powers of the State Border Service of Ukraine*

1. Disobedience or resistance to legitimate requirements of servicemen and employees of the State Border Service of Ukraine, unlawful interference with their lawful activity entail liability envisaged by the law.

#### **PART IX. FINAL PROVISIONS**

1. This Law enters into force as of August 1, 2003, except for Part 2 of Article 6 of this Law, which enters into force as of January 1, 2005. Before the law enters into force, the total numeric strength of the State Border Service of Ukraine shall be:
  - a. Before January 1, 2004 – 45000 persons, including 42000 servicemen;
  - b. As of January 1, 2004 – 48000 persons, including 42000 servicemen.
2. When this Law comes into force, the following laws become invalid:
  - a. The Law of Ukraine "On the Border Troops of Ukraine" (Bulletin of the Verkhovna Rada of Ukraine, 1992, No. 2, p. 7; 1996, No. 37, p. 167; 1999, No. 48, p. 419; 2002, No. 16, p. 113, No. 33, p. 236);
  - b. The Law of Ukraine "On the General Structure and Numeric Strength of the Border Troops of Ukraine" (Bulletin of the Verkhovna Rada of Ukraine, 1999, No. 18, p. 158; 2002, No. 48, p. 360);
  - c. The Resolution of the Verkhovna Rada of Ukraine of 4 November 1991 "On the Procedure of Staffing, Military, Material and Financial Provision of the Border Troops of Ukraine" (Bulletin of the Verkhovna Rada of Ukraine, 1992, No. 2, p. 9, No. 29, p. 400; 1996, No. 37, p. 167);
  - d. The Resolution of the Verkhovna Rada of Ukraine of 4 November 1991 "On the Procedure of Enacting the Law of Ukraine "On the Border Troops of Ukraine" (Bulletin of the Verkhovna Rada of Ukraine, 1992, No. 2, p. 8).
3. The State Border Service of Ukraine is a legal successor of the Border Troops of Ukraine, is created on their basis, including their material and technical base, regular personnel and financing on January 1, 2003.
4. Before bringing them into conformity with the Law of Ukraine "On the State Border Service of Ukraine", the laws and other normative-legal acts are applied in the part not contradicting this Law.
5. The Cabinet of Ministers of Ukraine within six months after this Law comes into force is obliged to bring its normative-legal acts into conformity with this Law.

## **Law of Ukraine "On the State Border"**

1777-XII of 04.11.1991; (*Bulletin of the Verkhovna Rada of Ukraine* (BVR), 1992, No 2, p. 5),  
Enacted by the Resolution of the Verkhovna Rada of Ukraine No. 1778-XII of 04.11.1991, (*Bulletin of the Verkhovna Rada of Ukraine* (BVR), 1992, No. 2, p. 6),

Includes changes made by the Laws:

No 245/96-VR of 18.06.96, BVR, 1996, No 37, p.167;

No 662-IV of 03.04.2003, BVR, 2003, No 27, p. 209;

No 289-VI of 20.05.2008, BVR, 2008, No 26, p.243;

No 1276-VI of 16.04.2009, BVR, 2009, No 38, p.535;

No 1710-VI of 05.11.2009, BVR, 2010, No 6, p.46.

Ukraine, guided by the Constitution of Ukraine, the Declaration of the State Sovereignty of Ukraine and the Act of Declaration of Independence of Ukraine, steadily pursues a peaceful policy, supports strengthening of the security of the peoples of Ukraine proceeding from the principles of inviolability of the state borders which are reflected in territorial integrity, political and economic independence, sovereignty and unity of Ukraine. The state border of Ukraine is inviolable. Any violations of the state border shall be resolutely stopped.

### **I. GENERAL PROVISIONS**

#### *Article 1. The state border of Ukraine*

1. The state border of Ukraine is a line and the vertical surface bounded by this line that determine the limits of the territory of Ukraine – the land, water, the interior of the Earth and airspace.

#### *Article 2. Definition of the state border, its protection and guarding*

1. The state border of Ukraine is determined by the Constitution and laws of Ukraine, as well as by the international treaties of Ukraine agreed to be binding by the Verkhovna Rada of Ukraine.
2. Protection of the state border of Ukraine is an integral part of the nation-wide system of provision of national security and involves a coordinated activity of military formations and law enforcement organs of the state, the organisation and procedure of activity of which is determined by the law. This activity is conducted within the limits of their authority by carrying out of a complex of political, legal, diplomatic, economic, military, border, immigration, intelligence, counterintelligence, investigative, environmental, sanitary-quarantine, ecological, technical and other measures.
3. Coordination of activity of military formations and law enforcement organs of the state on protection of the state border is carried out by the State Border Service of Ukraine.
4. The protection of the state border of Ukraine is an integral part of the nationwide system of protection of the state border and involves implementation by the State Border Service of Ukraine of measures to ensure the inviolability of the state borders of Ukraine on the land, sea, river, lake and other bodies of water, as well as by the Armed Forces of Ukraine in the air and underwater space according to their powers.

5. The Cabinet of Ministers of Ukraine within the limits of its authority takes measures to ensure the guard and protection of the border and territory of Ukraine.

*(Article 2 includes changes made by the Law No. 245/96-VR of 18.06.96; in the wording of the Law No. 662-IV of 03.04.2003)*

*Article 3. The delimitation of the state border of Ukraine*

1. The state border of Ukraine, if other is not envisaged by the international treaties of Ukraine, is established:
  - a. On the land – on the characteristic points and lines of the relief or clearly visible orienting points;
  - b. On the sea – on the external limit of the territorial sea of Ukraine;
  - c. On the navigable rivers – in the middle of the main fairway or thalweg of the river; on the non-navigable rivers (streams) – in their middle or in the middle of the main branch of the river; on lakes and other bodies of water – on the straight lines connecting the limits of the state border of Ukraine and the shores or banks of the lake or other body of water. The state border of Ukraine on the river (stream), lake or other body of water does not move as a result of the change of a line of their coasts, banks or water level or as a result of a deviation of the river (stream)-bed;
  - d. On reservoirs and other artificial bodies of water – according to the line of the state border of Ukraine delimited before the creation of a reservoir;
  - e. On railway and road bridges, dams and other installations running across the border zones of navigable or non-navigable rivers (streams) – in the middle of these installations or on their technological axis irrespective of the line of the state border of Ukraine on water.

*Article 4. The Demarcation of the state border of Ukraine*

1. The state border of Ukraine is demarcated by clearly visible border signs, the form, size and procedure of establishment of which are determined by the legislation of Ukraine and the international treaties of Ukraine.
2. Approval of the documents on demarcation of the state border of Ukraine is conducted by the cabinet of Ministers of Ukraine, unless the international treaties of Ukraine agreed to be binding by the Verkhovna Rada of Ukraine stipulate different.

*(Article 4 is supplemented with Part 2 as provided by the Law No 289-VI of 20.05.2008)*

3. Safekeeping of the documents on demarcation of the state border of Ukraine is provided by the State Border Service of Ukraine in accordance with procedure established by the law.

*(Article 4 is supplemented with Part 3 as provided by the Law No 289-VI of 20.05.2008)*

*Article 5. The territorial sea of Ukraine*

1. The territorial sea of Ukraine consists of the coastal seawaters 12 sea miles in width counted from the line of the greatest ebb of water both on the continent and on islands belonging Ukraine, or from straight base lines connecting the relevant points. The geographical coordinates of these points are approved in accordance with the procedure established by the Cabinet of Ministers of Ukraine. In some cases a different width of the territorial sea of Ukraine can be established by the international treaties of Ukraine. In the absence of such treaties the width of the territorial sea is established according to the generally recognised principles and norms of international law.

*Article 6. Territorial waters of Ukraine*

1. The following belong to the territorial waters of Ukraine:
  - The sea waters located on the side of the coast from straight base lines, accepted for calculation of the width of the territorial sea of Ukraine;
  - Waters of ports of Ukraine, limited by a line going through permanent port installations located the most far in the sea;
  - Waters of gulfs, bays, inlets, estuaries, harbours and roads, the coasts of which entirely belong to Ukraine, up to the straight line going from coast to coast in the place on the sea where for the first time one or several passes are formed if the width of each of these passes does not exceed 24 sea miles;
  - Waters of gulfs, bays, inlets, estuaries and seas historically belonging Ukraine;
  - Limited by the line of the state border, the waters of rivers, lakes and other bodies of water whose coasts belong to Ukraine.

*(Article 6 includes changes made by the Law 245/96-VR of 18.06.96)*

*Article 7. Mutual relations with the neighbouring states on the border issues*

1. Border issues with the neighbouring states are solved by Ukraine on the basis of principles of mutuality and good neighbourhood according to this Law, other legislative act of Ukraine and the international treaties of Ukraine.

**PART II. THE STATE BORDER OF UKRAINE REGIME**

*Article 8. Definition of the border regime of Ukraine*

1. The state border of Ukraine regime is the procedure of crossing of the state border of Ukraine, navigation and stay of national and foreign non-military and military ships in the territorial sea and territorial waters of Ukraine, entry of foreign non-military and military ships in the territorial waters and ports of Ukraine and stay in them, maintenance of the state border of Ukraine, various works, trade and other activity on the state border of Ukraine and is determined by this Law, other legislative act of Ukraine and the international treaties of Ukraine.

*Article 9. Crossing of the state border of Ukraine*

1. Crossing of the state border of Ukraine is carried out by the means of communication across the border with the observance of the established procedure.
2. The crossing of the state border of Ukraine on railway, automobile, sea, river, ferry, air transport and on foot is carried out in the check points established by the Cabinet of Ministers of Ukraine according to the legislation and the international treaties of Ukraine, as well as outside of the check points in cases stipulated by the law.

*(Part 2 of Article 9 with changes as provided by the Law No 1710-VI of 05.11.2009)*

3. A check point on the state border of Ukraine is a specially allocated territory at the railway and automobile stations, sea and river ports, airports (aerodromes) with a complex of buildings, installations and means where border, customs and other kinds of control and admission across the border of persons, vehicles, cargo and other property take place.
4. Sea and river non-military and military ships cross the state border of Ukraine according to this Law, other acts of the legislation, as well as the rules issued by the specially authorised state organs of Ukraine in accordance with the established procedure.

5. Foreign non-military and military ships that entered the territorial sea or territorial waters of Ukraine with violation of the established rules of entry in these waters are considered trespassers of the border regime (trespassers of the state border of Ukraine). Foreign submarines and other underwater craft are considered the trespassers of the state border of Ukraine if they cross the state border of Ukraine underwater or are underwater during navigation and stay in the territorial sea and territorial waters of Ukraine.
6. Aircraft cross the state border of Ukraine in specially allocated air corridors according to this Law, other acts of the legislation, as well as the rules issued by the specially authorised state organs of Ukraine in accordance with the established procedure. Flights across the state border of Ukraine outside the air corridors are allowed only by the specially authorised state organs of Ukraine.
7. Trespassers of the procedure of crossing of the state border of Ukraine in air space (trespassers of the state border of Ukraine) are the planes and other aircraft that have crossed the state border of Ukraine without the relevant permission of competent organs of Ukraine or have committed other violations of the rules of flights across the state border of Ukraine.
8. A violation of the state border of Ukraine is also the crossing of it by any technical or other means without the relevant permission or with violation of the established procedure.
9. Forced crossing of the border by persons, vehicles on the land, entry of foreign non-military and military ships in the territorial sea and territorial waters of Ukraine, forced flying of an air plane and other aircraft under emergency circumstances, as well as other forced circumstances are not considered as violations of the rules of crossing of the state border of Ukraine.
10. During the emergency situations caused by big accidents, catastrophes and natural disasters, rescue formations cross the state border of Ukraine for localisation and alleviation of such situations in accordance with the procedure determined by the Cabinet of Ministers of Ukraine according to the international treaties of Ukraine.

*(Article 9 in the wording of Laws 245/96-VR of 18.06.96, 662-IV of 03.04.2003)*

*Article 10. Take-off and landing of an aircraft*

1. Take-off of national and foreign aircraft from the territory of Ukraine, as well as their landing on the territory of Ukraine are carried out at airports (airdromes) open for international flights, with checkpoints of organs of the State Border Service of Ukraine and customs services. Other procedures of take-off and landing of an aircraft are allowed only by competent organs of Ukraine.

*(Article 10 includes changes made by the Law 662-IV of 03.04.2003)*

*Article 11. Control over crossing of the state border of Ukraine*

1. Persons, vehicles, cargo and other property crossing the state border of Ukraine are subject to border and customs control. In some cases the sanitary-quarantine, veterinary, phytosanitary control, control over export from Ukraine of cultural values and other controls are carried out. Controls are organised and carried out according to the established by legislative acts of Ukraine procedure.

*Article 12. The Admission of persons, vehicles, cargo and other property across the state border of Ukraine*

1. The admission of the persons crossing the state border of Ukraine is carried out by the organs of the State Border Service of Ukraine upon presentation of valid documents that confirm the right of entry on the territory of Ukraine or departure from Ukraine.

2. The admission of vehicles, cargo and other property across the state border of Ukraine is carried out according to the legislation of Ukraine and the international treaties of Ukraine. According to the international treaties of Ukraine, the Cabinet of Ministers of Ukraine can establish a simplified procedure of admission of persons, vehicles and cargo across the state border of Ukraine.

*(Article 12 includes changes made by the Laws 662-IV of 03.04.2003, No 1710-VI of 05.11.2009)*

*Article 13. Peaceful passage of the territorial sea of Ukraine*

1. Peaceful passage of the territorial sea of Ukraine is carried out with the purpose of crossing it without entry in the territorial waters of Ukraine or with the purpose of entry in territorial waters and ports of Ukraine or going from them to the high sea. A passage is considered peaceful if the peace, law order and security of Ukraine are not violated.
2. Foreign non-military and military ships have the right to pass peacefully the territorial sea of Ukraine according to the legislation of Ukraine and the international treaties of Ukraine.
3. Foreign non-military vessels passing peacefully should follow a usual navigating route or a route recommended by the competent organs of Ukraine, as well as through sea corridors or in conformity with the maps of movement. Sea corridors and maps of movement are marked on the sea maps issued in accordance with the established procedure. The captain of a foreign non-military vessel that violated the rules of a peaceful passage is brought to account according to the legislation of Ukraine.
4. Foreign military ships, as well as underwater craft, carry out peaceful passage through the territorial sea of Ukraine in accordance with the procedure established by the Cabinet of Ministers of Ukraine. At that, submarines and other underwater craft should be located on the water surface and fly their flags. In case of non-observance of the legislation of Ukraine during the passage by a foreign non-military or military ship (a submarine) through the territorial sea of Ukraine and neglect of the requirement to observe the legislation, the competent organs of Ukraine have the right to demand from the vessel or submarine to immediately leave the territorial sea of Ukraine.

*Article 14. The Procedure of entry of foreign non-military and military ships at the territorial waters and ports of Ukraine*

1. Foreign non-military ships can go to the roads and ports of Ukraine opened for entry of such vessels. The list of roads and ports of Ukraine open for entry of foreign non-military vessels, the procedure of entry and stay, cargo and passenger operations, communication of vessels with the coast, embarkation of the members of the crew of the vessel, visits of vessels by the persons not being members of the crew of the vessel and other rules connected with entry of foreign non-military vessels in territorial waters and ports of Ukraine, in waters of the border rivers, lakes and other bodies of water belonging Ukraine, and stay in these waters are established by the legislation of Ukraine and the rules issued in accordance with the established procedure. Foreign submarines and other underwater craft during their entry in the territorial waters, roads and ports of Ukraine should be located on the water surface and fly their flags.
2. Foreign military ships, if other procedure is not envisaged, enter in the territorial waters and ports of Ukraine according to the rules issued in accordance with the established procedure.

*(Article 14 includes changes made by the Law 662-IV of 03.04.2003)*

*Article 15. The Duty of foreign non-military and military ships to observe navigating and other rules in the waters of Ukraine*

1. Foreign non-military and military ships during navigation and stay in the territorial sea and territorial waters of Ukraine are obliged to observe rules of radio communication, navigating, port, customs, sanitary and other rules. Foreign non-military and military ships in case of a forced entry in the territorial sea, territorial waters of Ukraine or in case of forced non-observance of rules of navigation and stay in these waters are obliged to inform immediately about this the administration of the nearest port of Ukraine.

*Article 16. Prohibition of trade, research and intelligence activity of foreign non-military and military ships in the waters of Ukraine*

1. Any trade, research and intelligence activity of foreign non-military and military ships in the territorial sea and territorial waters of Ukraine is forbidden, except for the cases when such activity is carried out by competent organs of Ukraine or on the basis of the international treaties of Ukraine.

*Article 17. Prohibition of navigation and stay of non-military and military ships in certain areas of the waters of Ukraine*

1. According to the decision of competent organs of Ukraine the areas where navigation and stay of national and foreign non-military and military ships in the territorial sea of Ukraine and territorial waters of Ukraine is temporarily forbidden can be established.
2. The establishment of such areas is promulgated in accordance with the established procedure.

*Article 18. The Procedure of carrying out of economical activity on the state border of Ukraine*

1. Navigation, using water installations for the needs of timber rafting and other ways of the use of water, construction of various hydro installations, other works in the territorial waters of Ukraine, using the land, forests, fauna, conducting mining, geological research and other economical activity on the state border of Ukraine are carried out according to the legislation of Ukraine and the international treaties of Ukraine. The above activities have to be carried out with preservation of order on the state border of Ukraine. Competent organs of Ukraine with consent of organs of the State Border Service of Ukraine, taking into account local conditions, establish the procedure for all kinds of economical activity on the state border of Ukraine.

*(Article 18 includes changes made by the Law 662-IV of 03.04.2003)*

*Article 19. Temporary termination of communication across the border of Ukraine in case of a threat of spread of infectious diseases. Quarantine*

1. In case of a threat of spread of especially dangerous infectious diseases on the territory of Ukraine or foreign states, communication across the state border of Ukraine in the especially dangerous regions can be temporarily limited or stopped by the decision of the Cabinet of Ministers of Ukraine, or a quarantine on people, animal, cargo, seeds, animals and plants crossing the state border of Ukraine can be introduced.

*Article 20. Excluded on the basis of the Law 662-IV of 03.04.2003*

*Article 21. Border representatives of Ukraine*

1. For solving the problems connected with maintenance of the border regime of Ukraine, fulfilment of the international treaties on this question, creation of conditions for the peaceful

resolution of frontier conflicts and incidents on a certain part of the state border of Ukraine, border representatives of Ukraine and their deputies are appointed by the Cabinet of Ministers of Ukraine from among the personnel of the State Border Service of Ukraine in accordance with the established procedure.

2. The Constitution and laws of Ukraine and the international treaties of Ukraine agreed to be binding by the Verkhovna Rada of Ukraine, as well as by other acts of the legislation guide Border representatives of Ukraine and their deputies in their activity.
3. Border representatives of Ukraine or their deputies for performance of their duties can cross the state border of Ukraine in any place and at any time on the basis of special powers granted to them by the Head of the State Border Service of Ukraine for the determined period of time.
4. Crossing of the state border of Ukraine by border representatives of Ukraine or their deputies is carried out according to the legislation and the international treaties of Ukraine.
5. Questions not settled by border representatives of Ukraine or their deputies are solved in accordance with the diplomatic procedure.

*(Article 21 includes changes made by the Law 662-IV of 03.04.2003)*

### **PART III. THE BORDER REGIME**

#### *Article 22. The Border zone and controlled border regions*

1. With the purpose of maintenance of the appropriate procedure on the state border of Ukraine, the Cabinet of Ministers of Ukraine establishes the border zone and controlled border regions.
2. The border zone is established along the state land border of Ukraine or along the banks of the border rivers, lakes and other bodies of water taking into account the district features of the area and the conditions determined by the Cabinet of Ministers of Ukraine. Settlements and places for recreation of the population are not included to the border zone.
3. Controlled border regions are established, as a rule, on the territory of a region, city, settlement, village community adjacent to the border of Ukraine or to the coast of the sea, protected by the organs of the State Border Service of Ukraine. The controlled border region also includes the territorial sea of Ukraine, territorial waters of Ukraine and waters of border rivers, lakes and other bodies of water of Ukraine and the islands located in these waters.

*(Article 22 in the wording of the Law 245/96-VR of 18.06.96; includes changes made by the Law 662-IV of 03.04.2003)*

#### *Article 23. The Border regime*

1. In the border zone and controlled border region in accordance with the procedure determined by the Cabinet of Ministers of Ukraine the border zone regime regulating according to this Law and other legislative acts of Ukraine the rules of entry, temporary stay, residence, movement of the citizens of Ukraine and other persons, carrying out of works, registration and keeping of self-propelled and not self-propelled vessels in quays, moorings and bases, their navigation and movement in the territorial waters of Ukraine is established.

*(Part 1 of Article 23 includes changes made by the Laws No 245/96-VR of 18.06.96, No 1276-VI of 16.04.2009)*

2. Envisaged by Part 1 of this Article procedure of registration and keeping of self-propelled and not self-propelled vessels in quays, moorings and bases, their navigation and movement

in the territorial sea and territorial waters of Ukraine is applied to the territory of a region, city, settlement, village community adjacent to the state border of Ukraine or to protected by organs of the State Border Service of Ukraine coast of the sea where the border zone and controlled border region are not established.

3. It is forbidden to keep self-propelled and not self-propelled vessels outside the established quays, moorings and bases or in them, but with violation of the rules of keeping, as well as to depart from the coast or to moor to the coast outside designated quays, moorings and bases. *(Article 23 includes changes made by Laws 245/96-VR of 18.06.96, 662-IV of 03.04.2003)*

*Article 24. Entry into the border zone. Carrying out of works*

1. Permission for entry, temporary stay, residence, carrying out of works and admission to the border zone is given and carried out by the State Border Service of Ukraine. In necessary cases, the State Border Service of Ukraine can introduce additional temporary regime restrictions on entry and carrying out of works in the border zone. *(Article 24 includes changes made by the Laws 662-IV of 03.04.2003, No 1276-VI of 16.04.2009)*

*Article 25. Particularities of the border regime in the territorial waters of Ukraine*

1. A part of the territorial waters of Ukraine and the islands located in it are under the control of organs of the State Border Service of Ukraine.
2. Movement on the coast and ice of border rivers, lakes and other bodies of water outside the roads and tracks established for this or with violation of the rules of movement is forbidden. *(Article 25 includes changes made by the Law 662-IV of 03.04.2003)*

*Article 26. The Regime in check points across the state border of Ukraine*

1. The regime in check points of the state border of Ukraine is the procedure of stay and movement of all persons and vehicles through the territory of the border railway and automobile stations, sea and river ports, airports and airdromes open for international communication, as well as other activity connected with admission across the state border of Ukraine of persons, vehicles, cargo and is determined according to the legislation of Ukraine by the State Border Service of Ukraine together with competent organs. In the premises and places where border control is carried out, the State Border Service of Ukraine establishes additional regime rules regulating the procedure of admittance of persons passing the control and of providing services to passengers and vehicles leaving Ukraine, regulating departure through the check points of vehicles leaving abroad and arriving in Ukraine, as well as other restrictions for prevention of unlawful crossing of the state border of Ukraine. *(Article 26 includes changes made by the Law 662-IV of 03.04.2003, No 1710-VI of 05.11.2009)*

#### **PART IV. PROTECTION OF THE STATE BORDER OF UKRAINE**

*Article 27. Protection of the state border of Ukraine by the Border Service of Ukraine and the Armed Forces of Ukraine*

1. The protection of the state border of Ukraine on the land, sea, river, lake and other bodies of water is assigned to the State Border Service of Ukraine, in the air and underwater within the limits of the territorial sea – to the Armed Forces of Ukraine. The State Border Service of Ukraine and the Armed Forces of Ukraine during fulfilment of the tasks related to protection of the state

border of Ukraine are guided by this Law, the laws of Ukraine “On the State Border Service of Ukraine”, “On defence of Ukraine”, “On the Armed Forces of Ukraine”, other normative-legal acts and the international treaties agreed to be binding by the Verkhovna Rada of Ukraine.

*(Article 27 includes changes made by the Law 245/96-VR of 18.06.96; in the wording of the Law 662-IV of 03.04.2003)*

*Article 27.1. Interaction during protection of the state border*

1. The State Border Service of Ukraine within the limits of its authority established by the legislation coordinates the activity of the state organs carrying out different kinds of control over crossing of the state border of Ukraine or participating in maintenance of the border regime, the border zone regime and the check points regime.
2. Orders of the specially authorised central organ of executive power on protection of the state border of Ukraine on the issues of observance of regimes on the state border issued within the limits of its competence are obligatory for the state organs specified in Part 1 this Article.

*(The law is supplemented with Article 27.1 according to the Law 245/96-VR of 18.06.96; includes changes made by the Law 662-IV of 03.04.2003)*

*Article 28. The Rights of organs of the State Border Service of Ukraine towards foreign and national non-military ships*

1. In the territorial sea and territorial waters of Ukraine, the organs of the State Border Service of Ukraine during accomplishment of the tasks assigned to them have the following rights concerning foreign and national non-military ships:
  - 1) To request a vessel to fly a national flag if it is not flown, to conduct interrogation about the purposes of entry of a vessel in the waters of Ukraine;
  - 2) To request a vessel to change its course if it heads for the area closed for navigation;
  - 3) To stop a vessel and to examine it if it does not respond to a signal of interrogation, is in the region closed for navigation, breaks other rules of entry in the waters of Ukraine, navigation and stay in them, as well as carries out trade and other activity violating the legislation of Ukraine, international treaties of Ukraine. Inspection of a vessel includes the check of the ship and navigating documents, documents of members of the crew and passengers, documents on cargo, and in case of need – the ship premises. After inspection of a vessel, it can be authorised to continue navigation in the waters of Ukraine with the observance of the established rules, offered to leave the waters of Ukraine, or it can be detained according to the current legislation;
  - 4) To place a border patrol on a vessel in case of need to convoy the vessel in the port or from the port to the state border of Ukraine;
  - 5) To remove from a vessel and to detain persons who have committed a crime and are subject to criminal liability according to the legislation of Ukraine, to transfer these persons to organs of investigation if other is not envisaged by the international treaties of Ukraine;
  - 6) To pursue and detain in the high sea a vessel which has entered the territorial sea or territorial waters and ports of Ukraine with violation of established rules or a vessel that has broken the laws or rules of navigation and stay in the waters of Ukraine before its entry in the territorial sea of its native country or a third state in case the pursuit began in the territorial sea or territorial waters of Ukraine and was carried out continuously.

*(Article 28 includes changes made by the Law 662-IV of 03.04.2003)*

*Article 29. Bases for detention by organs of the State Border Service of Ukraine of foreign and national non-military ships*

1. Foreign non-military ships staying in the territorial sea and territorial waters of Ukraine can be detained by the organs of the State Border Service of Ukraine and escorted to the nearest port or other relevant places in case of:
  - 1) The vessel collects information or commits other acts hostile to Ukraine and its security;
  - 2) The vessel is in the area declared by the competent organs of Ukraine in accordance with the established procedure temporarily closed for navigation;
  - 3) The vessel is illegally engaged in any trade, research or intelligence activity, dumping of substances, waste and materials hazardous to people or to water fauna;
  - 4) The vessel carries embarkation or disembarkation of people, unloading or loading of cargo in the places not established for this or in the established places but without the permission of the competent organs of Ukraine;
  - 5) The vessel without the permission of competent organs of Ukraine takes off or takes on board aircraft;
  - 6) Members of crew or other persons on a vessel make damage to border signs, means of navigation protection, cables of communication, other underwater or surface installations belonging to Ukraine;
  - 7) The captain of a vessel has not presented necessary ship and shipping documents;
  - 8) The vessel does not obey to the orders of representatives of organs of the State Border Service of Ukraine or other competent organs of Ukraine;
  - 9) The vessel is in the territorial sea of Ukraine, territorial waters of Ukraine violating the rules established by this Law, the international treaties of Ukraine or generally recognised principles and norms of international law.
2. The decision on detention of a foreign non-military ship is adopted by the State Border Service of Ukraine after its examination. At that, the vessel which has committed violations stipulated in items 2-9 of Part 1 of this Article is detained by the organs of the State Border Service of Ukraine if the fact of deliberate violation is established or if the vessel threatens the security or other interests of Ukraine. Organs of the State Border Service of Ukraine have the right to detain national non-military ships that have committed violations envisaged by items 2-9 of Part 1 of this Article and to convoy them to the nearest port or other relevant place.

*(Article 29 includes changes made by the Law 662-IV of 03.04.2003)*

*Article 30. Report on inspection or detention of a non-military ship*

1. The inspection or detention of a non-military ship is officially registered in the form of a report that is signed by the representative of organs of the State Border Service of Ukraine and the captain of the examined or detained vessel. The report is drafted in the Ukrainian and English languages. In case of detention of a vessel, ship and cargo documents are withdrawn from the captain and are attached to the report. If the captain of an examined or detained vessel considers the actions of organs of the State Border Service of Ukraine unlawful or does not agree with the content of the report, he/she can express reservations in any language in the report itself or in a separate document attached to the report. The refusal of the captain to sign the report is officially registered in the report.

*(Article 30 includes changes made by the Law 662-IV of 03.04.2003)*

*Article 31. Consequences of detention of a foreign non-military ship*

1. Detained foreign non-military ships are transferred in accordance with the established procedure to the authorised representatives of the relevant foreign states or taken outside the limits of the territorial sea and territorial waters of Ukraine or in the cases envisaged by the legislation of Ukraine are confiscated upon the decision of court.

*Article 32. The Rules applied to the foreign military ships violating the procedure of navigation and stay in the waters of Ukraine*

1. Foreign military ships violating the laws of Ukraine or the rules of navigation and stay in the territorial sea and territorial waters of Ukraine are subject to special rules.

#### **PART V. PARTICIPATION OF THE STATE ORGANS, PUBLIC ORGANISATIONS AND THE CITIZENS IN PROTECTION OF THE BORDER OF UKRAINE**

*Article 33. Participation of the state organs, public organisations and the citizens of Ukraine in protection of the state border of Ukraine*

1. The state organs, public organisations, officials are obliged to render the all-round help to organs of the State Border Service of Ukraine in protection of the state border of Ukraine. The protection of the state border of Ukraine is carried out by active participation of the citizens of Ukraine. The state organs and public organisations assist the organs of the State Border Service of Ukraine in engagement of citizens of Ukraine on a voluntary basis in protection of the state border of Ukraine.
2. The citizens of Ukraine participating in protection of the state border of Ukraine are guaranteed protection of their life and health against criminal actions.
3. The procedure of participation of the citizens of Ukraine in protection of the border and their social protection are determined by the relevant acts of the legislation.

*(Article 33 includes changes made by Laws 245/96-VR of 18.06.96, 662-IV of 03.04.2003)*

*Article 34. Duties of the state organs, public organisations, officials, the citizens on the guard of the state border of Ukraine*

1. The state organs, public organisations, officials, as well as the citizens are obliged to observe the border regime of Ukraine, to fulfil the requirements the border zone regime and the checkpoints regime.

#### **PART VI. LIABILITY FOR VIOLATION OF THE LEGISLATION ON THE STATE BORDER OF UKRAINE**

*Article 35. Liability for violation of the legislation on the state border of Ukraine*

1. The persons guilty of violation or attempt of violation of the border regime of Ukraine, border zone regime or regime in check points on the state border of Ukraine, of unlawful transfer or attempt of unlawful transfer across the state border of Ukraine of cargo, materials, documents and other things, as well as of other violations of the legislation on the state border of Ukraine, bear criminal, administrative or other liability according to the legislation of Ukraine.

*(Article 35 includes changes made by the Law 662-IV of 03.04.2003)*

## Law of Ukraine "On an Exclusive (Sea) Economic Zone of Ukraine"

162/95-VR of 16.05.1995; (*Bulletin of the Verkhovna Rada of Ukraine (BVR)*, 1995, No. 21, p.152), Enacted by the Resolution of the Verkhovna Rada 163/95-VR of 16.05.1995, (*Bulletin of the Verkhovna Rada of Ukraine (BVR)*, 1995, No. 21, p. 153).

Includes changes made by Laws:

- 81/96-VR of 06.03.96, BVR, 1996, No 15, p. 70;
- No 607/96-VR of 17.12.96, BVR, 1997, No 6, p. 49;
- No 662-IV of 03.04.2003, BVR, 2003, No 27, p. 209;
- No 2947-VI of 13.01.2011, BVR, 2011, No 32, p. 316.

Considering the corresponding provisions of the United Nations Convention on the Law of the Sea of 1982, Ukraine adopts this Law determining the legal regime of an exclusive (sea) economic zone of Ukraine.

*Article 1. Legislation on an exclusive (sea) economic zone of Ukraine*

1. The legislation on an exclusive (sea) economic zone of Ukraine consists of this Law and other legislative acts of Ukraine that regulate the issues of the legal regime of an exclusive (sea) economic zone of Ukraine.

*Article 2. Definition of an exclusive (sea) economic zone of Ukraine*

1. The sea regions externally adjacent to the territorial sea of Ukraine, including regions around islands belonging to it constitute an exclusive (sea) economic zone of Ukraine.
2. The width of an exclusive (sea) economic zone extends up to 200 sea miles counted from the same initial lines, as the territorial sea of Ukraine.

*Article 3. Delimitation an exclusive (sea) economic zone of Ukraine*

1. Delimitation of an exclusive (sea) economic zone between Ukraine and states with coasts opposite or adjacent to the coast of Ukraine is made taking into account the legislation of Ukraine, by means of conclusion of agreements on the basis of principles and criteria in conventional international law, with the purpose of achievement of equitable solution of this question.

*Article 4. The Sovereign rights and jurisdiction of Ukraine in the exclusive (sea) economic zone of Ukraine*

1. Ukraine in its exclusive (sea) economic zone has:
  - The sovereign rights on issues of investigation, development and preservation of natural resources in both live and lifeless waters covering sea bottom, on sea bottom and in its bowels, as well as with the purpose of management of these resources and implementation of other kinds of activity on economic intelligence and development of the specified zone including power generation by use of water, currents and wind;
  - The jurisdiction envisaged by the corresponding provisions of this Law and norms of international law on issues of creation and use of artificial islands, installations and constructions, sea scientific research, protection and preservation of the sea environment;
  - Other rights envisaged by this Law, other acts of Ukraine and the conventional norms of international law.

- The sovereign rights and jurisdiction of Ukraine on issues of sea bottom of an exclusive (sea) economic zone and its bowels are realised according to the legislation of Ukraine on the continental shelf and the Code of Ukraine on bowels.

*Article 5. Co-operation of Ukraine with other states*

1. To coordinate the management of its live resources in the exclusive (sea) economic zone, their preservation, investigation and optimum use, carrying out of scientific research, protection and preservations of the sea environment, Ukraine co-operates with other states on the basis of international treaties.

*Article 6. Rights and duties of other states in exclusive (sea) economic zone of Ukraine*

1. In exercising its rights and fulfilling obligations in an exclusive (sea) economic zone, Ukraine properly considers the rights and obligations of other states.
2. In an exclusive (sea) economic zone of Ukraine, all the states, both coastal and land-locked, enjoy, provided the observance of provisions of this Law, other legislative acts of Ukraine, as well as the conventional norms of international law, the freedom of navigation and flights, linings of underwater cables and pipelines, other international lawful uses of the sea from the point of view of international law.

*Article 7. Preservation and use of fish and other live resources*

1. Ukraine provides optimum use of fish and other live resources in the exclusive (sea) economic zone accepting relevant measures for their preservation and management.
2. The fishing and trade in other live resources, as well as research, investigation and other operations connected with such trade in an exclusive (sea) economic zone of Ukraine are brought about by foreign legal and physical persons only on the basis of international agreements.
3. The foreign legal and physical persons fishing in an exclusive (sea) economic zone of Ukraine according to this Article should observe requirements on preservation of fish and other live resources, as well as other provisions and conditions established by this Law and other legislative act of Ukraine.

*Article 8. Anadromous fish stocks*

1. Ukraine, having in its rivers anadromous fish stocks, exercises the rights proceeding from the prime interest in such reserves and bears the prime responsibility for them. Specially authorised organs of Ukraine provide preservation of anadromous fish stocks by taking relevant measures and the establishment of regulations on fishing in an exclusive (sea) economic zone, in particular by definition of the total amount admissible for catching, and co-operate toward this end with the relevant organs of other interested states if these kinds of fish migrate outside the limits of an exclusive (sea) economic zone of Ukraine.

*Article 9. Enforcement of observance of the legislation of Ukraine on an exclusive (sea) economic zone*

1. Ukraine, with the purpose of maintenance of the sovereign rights to investigation, operation, preservation of live resources and their management in the exclusive (sea) economic zone takes measures (including examination, inspection, arrest and legal proceedings) to ensure the enforcement of the legislation of Ukraine.

2. The procedure and conditions of the use of fish and other live resources of an exclusive (sea) economic zone are established by the Cabinet of Ministers of Ukraine.

*Article 10. Artificial islands, installations and constructions*

1. Ukraine in the exclusive (sea) economic zone has the exclusive right to create as well as to allow and regulate the organisation, operation and use of artificial islands, installations and constructions for sea scientific research, investigation and development of natural resources, as well as other economic targets according to the current legislation of Ukraine.

*Article 11. Jurisdiction of Ukraine on issues of artificial islands, installations and constructions*

1. Ukraine in the exclusive (sea) economic zone has exclusive jurisdiction over artificial islands, installations and constructions, including customs, tax, sanitary and immigration laws and rules, as well as laws and rules on its security.
2. Ukraine can establish a security zone around artificial islands, installations and constructions and carry out in these zones the relevant measures for warranting security of navigation as well as artificial islands, installations and constructions. The width of security zones should not exceed 500 meters counted from each point of their external edge, except for cases when a zone is authorised by the conventional international standards or is recommended by the relevant international organisation.

*Article 12. Maintenance and operation of artificial islands, installations and constructions*

1. Legal and physical persons of Ukraine and other states, international organisations responsible for the maintenance and operation of artificial islands, installations and constructions and are obliged to provide for the proper working conditions of permanent means for providing an indication of their presence.
2. Any abandoned or unused installations and constructions should be removed in the shortest term so as not to create disadvantages to navigation and fishery or threat of pollution of the sea environment.
3. The creation of artificial islands, installations and constructions, establishment of security zones around them, as well as full or partial liquidation of these installations and constructions, is officially registered by means of the corresponding notice in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

*Article 13. Sea scientific research*

1. Sea scientific research in an exclusive (sea) economic zone of Ukraine is conducted only by approbation of specially authorised organs of Ukraine according to the legislation of Ukraine and the international treaties of Ukraine.
2. Sea scientific research in an exclusive (sea) economic zone of Ukraine can be conducted by all the states, irrespective of their geographical position, their legal and physical persons, as well as international organisations under condition of observance of the legislation of Ukraine.
3. Ukraine implementing its jurisdiction has the right to regulate and permit to carry out sea scientific research in the exclusive (sea) economic zone. Specially authorised organs of Ukraine give their consent on carrying out sea scientific research in an exclusive (sea) economic zone provided that this research is conducted only for peaceful purposes, for expanding knowledge of the sea environment to advance mankind and does not threaten the environment.

4. Ukraine can refuse to allow other states, their legal and physical persons, international organisations to carry out a sea scientific project in its exclusive (sea) economic zone, if this project:
5. Is directly connected with prospecting and extraction of live and lifeless natural resources;
6. Provides drilling sea bottom, use of explosives or dumping deleterious substances in the sea environment;
7. Envisages construction, operation or use of artificial islands, installations and Constructions;
8. Is related to the underwater cultural and/or archaeological heritage, to prevention of the violation of its sovereign rights or jurisdiction established by the international law, including the UN Convention on the Law of the Sea.

*(Part 4 of Article 13 is supplemented by the Clause 4 as provided by the Law N 2947-VI of 13.01.2011)*

1. Foreign states, their legal and physical persons, as well as the international organisations going to carry out sea scientific research in an exclusive (sea) economic zone of Ukraine, shall present to specially authorised organs of Ukraine six months prior to a prospective date of commencing the sea scientific project, the full information on the character and the purposes of the project, method and means which will be used, exact geographical coordinates of regions in which the project will be brought about, and other data.
2. If the presented information is imperfect or foreign states, its legal and physical persons or the relevant international organisation carrying out the project has outstanding obligations towards Ukraine on a scientific project carried out earlier, specially authorised organs of Ukraine can refuse to sanction the carrying out of the sea research.

*Article 14. Conditions of carrying out of sea scientific research*

1. In carrying out sea scientific research in an exclusive (sea) economic zone of Ukraine foreign states, their legal and physical persons, international organisations which have received the sanction of specially authorised organs of Ukraine, are obliged to observe the following conditions:
  - 1) To provide participation of representatives of Ukraine in sea scientific research, in particular on board of research vessels and on other research installations, to give to specially authorised organs of Ukraine upon request preliminary reports, as well as other materials and the conclusions of research;
  - 2) To give specially authorised organs of Ukraine upon request the opportunity to access all data and the samples received during sea scientific research, transfer to them the materials which can be photocopied, and samples that can be divided without causing damage to their scientific value, as well as to give the information containing an estimation of such data, samples and results of research, or to assist in their estimation and interpretation;
  - 3) Not to interfere with the activity carried out with the purpose of the exercise of the sovereign rights and jurisdiction of Ukraine according to Articles 4, 7 and 8 of this Law;
  - 4) To immediately inform specially authorised organs of Ukraine on any essential changes in the programme of research;
  - 5) To remove research installations or equipment after the termination of research if another is not agreed upon officially;
  - 6) To provide for protection of the objects of underwater cultural and/or archaeological heritage in the area of research.

*(Article 14 is supplemented by Part 6 as provided by the Law N 2947-VI of 13.01.2011)*

*Article 15. Prohibition (temporary suspension) of sea scientific research*

1. Sea scientific research in an exclusive (sea) economic zone that infringe upon the requirements of Articles 13 and 14 of this Laws, can be temporarily prohibited (suspended) by specially authorised organs of Ukraine. The decision on temporary prohibition (suspension) can be cancelled by these organs and research can continue as soon as another state, its legal or physical person or international organisation which is carrying out research eliminate the infringement and give the guarantee of observance of the procedure established by this Law.
2. Sea scientific research in an exclusive (sea) economic zone of Ukraine which is conducted without permission of specially authorised organs of Ukraine or with deviation from provisions of Article 13 of this Law, or with essential differences from the original project of research are subject to immediate termination.

*Article 16. Prevention of pollution of the sea environment*

1. Prevention of pollution of the sea environment, connected with the activity in an exclusive (sea) economic zone, is carried out according to the legislation of Ukraine and the international treaties of Ukraine.
2. Specially authorised organs of Ukraine in accordance with the procedure determined by the legislation of Ukraine establish rules of prevention of pollution of the sea environment and security rules of navigation, provide their observance in the regions with special natural characteristics where pollution of the sea environment can cause significant damage to ecological balance or break it irreversibly.

*Article 17. Competence of the authorised organs of Ukraine on prevention of pollution of the sea environment*

1. When there are sufficient grounds to consider that the vessel which is carrying out navigation in an exclusive (sea) economic zone of Ukraine has broken the requirements of the legislation of Ukraine or international law on the prevention of pollution of the sea environment, specially authorised organs of Ukraine have the right to demand from this vessel the information necessary to establish whether the infringement has been actually committed, and to examine this vessel in case of refusal to give an explanation or if the received explanations contradict the obvious facts.
2. In case of indisputable and objective proof that the vessel navigating in an exclusive (sea) economic zone of Ukraine has committed an infringement of the legislation of Ukraine or norms of international law specified in Part 1 of this Article and has dumped contaminating substances and therefore damaged or threatened the coast or the interests of Ukraine connected with this coast or any resources of an exclusive (sea) economic zone, proceeding can be instituted against this vessel, including its detention according to the legislation of Ukraine.
3. When a foreign vessel enters into one of the Ukrainian ports, the specially authorised organs of Ukraine can institute proceeding against any infringement of the legislation of Ukraine or norms of international law committed by this vessel in an exclusive (sea) economic zone of Ukraine.
4. When in an exclusive (sea) economic zone of Ukraine a crash of vessels occurs, or a vessel strands or other sea accident takes place, or else actions connected with such an accident which can lead to serious negative consequences for the coast and the interests of Ukraine (including fishery) took place, specially authorised organs of Ukraine have the right accord-

ing to norms of international law to take measures on the protection against pollution or threat of its pollution, taking into account the sizes of actual or possible damage.

*Article 18. Dumping waste or other materials and subjects*

1. Dumping of waste or other materials and subjects within the limits of an exclusive (sea) economic zone of Ukraine is forbidden.

*Article 19. The Right to pursuit*

1. In the presence of sufficient grounds to consider that any foreign vessel has infringed the requirements of this Law or other relevant acts of Ukraine and attempts to flee, the right to pursuit with the purpose of detention of the vessel and the subsequently bringing the infringer to account is carried out in accordance with the procedure, established by the Cabinet of Ministers of Ukraine. Pursuit begins the moment an infringer vessel or one of its boats is within the limits of exclusive (sea) economic zone of Ukraine after the signal "stop" has been given and ceases as soon as the pursued vessel enters the territorial waters of its country or a third state.

*Article 20. Suppression offences and detention of infringers of legislation on exclusive (sea) economic zone of Ukraine*

1. The measures caused by the circumstances necessary for suppression of infringement and detention of infringers in accordance with the procedure established by the Cabinet of Ministers of Ukraine are taken against vessels breaking the legislation of Ukraine on its exclusive (sea) economic zone, in reply to the use of force by them, as well as in other exceptional cases.
2. In case of arrest or detention of a foreign vessel the relevant competent organs immediately inform the flag state on the taking of the measures and on the applied sanctions. The detained vessel and its crew are immediately released after granting the reasonable bail.

*Article 21. Liability for infringement of legislation on the exclusive (sea) economic zone of Ukraine*

1. Citizens of Ukraine, foreign citizens and persons without citizenship bear disciplinary, civil, administrative or criminal liability established by acts of Ukraine for infringement of the legislation on an exclusive (sea) economic zone of Ukraine.
2. Legal persons bear liability established by Articles 22-26 of this Law for the infringement of legislation concerning an exclusive (sea) economic zone of Ukraine.
3. The establishment of the liability of the offender according to this Law does not free them from the duty to compensate according to the current legislation of Ukraine the damage caused to live or other resources of an exclusive (sea) economic zone of Ukraine.

*Article 22. Unlawful trade activity*

1. Unlawful prospecting or extraction of natural resources of an exclusive (sea) economic zone of Ukraine and creation of artificial islands, building of installations and constructions, establishment of security zones around them without the permission of the special representative of organ of Ukraine – Entails penalty from four hundred forty to thousand four hundred of non-taxable minimum monthly income of citizens or confiscation of means and instruments of the commitment of infringement.

2. The same activities, if they are committed repeatedly within a year or have ensued accident, destruction of vessels, loss of property or significant pollution of the sea environment – Entails penalty from thousand four hundred to four thousand four hundred of non-taxable minimum monthly income of citizens with confiscation of means and instruments of the commitment of the infringement.

*(Article 22 includes changes made by Law 607/96-BP of 17.12.96)*

*Article 23. Infringement of rules of safe operation of constructions*

1. Failure to provide the installations or other constructions of an exclusive (sea) economic zone of Ukraine with permanent means of indication of their presence, infringement of the rules of maintenance of these means in proper condition or infringement of the rules of liquidation of constructions no longer used – Entails penalty from two hundred seventy to eight hundred eighty of non-taxable minimum monthly income of citizens.
2. The same activities if they are committed repeatedly within a year or have ensued accident or destruction of vessels – Entails the penalty from thousand four hundred to four thousand four hundred of non-taxable minimum monthly income of citizens.

*(Article 23 includes changes made by Law 607/96-BP of 17.12.96)*

*Article 24. Unlawful operation of natural resources*

1. Unlawful extraction of natural resources within the limits of an exclusive (sea) economic zone of Ukraine – Entails penalty from four hundred forty to one thousand four hundred of non-taxable minimum monthly income of citizens or confiscation of means and instruments of commitment of the infringement with gratuitous seizure of illegally obtained resources.
2. The same actions, if they are committed repeatedly within a year or at the large rate, or else if they have ensued significant deterioration of conditions of reproduction of fish or other live resources of the sea – Entail penalty from thousand four hundred to six thousand six hundred non-taxable minimum monthly income of citizens with confiscation of means and instruments of commitment of the infringement, or without those, with gratuitous seizure of illegally obtained resources.

*(Article 24 includes changes made by the Law 607/96-BP of 17.12.96)*

*Article 25. Unlawful conducting of sea scientific research*

1. Unlawful conducting in an exclusive (sea) economic zone of Ukraine of sea scientific research – Entails penalty from ninety to four hundred fifty non-taxable minimum monthly income of citizens.
2. The same activities, if they are committed repeatedly within a year or if they caused damage to the state interests of Ukraine – Entail penalty from thousand four hundred to two thousand six hundred non-taxable minimum monthly income of citizens.

*(Article 25 includes changes made by Law 607/96-BP of 17.12.96)*

*Article 26. Pollution of the sea environment*

1. Unlawful pollution in any way of the sea environment of an exclusive (sea) economic zone of Ukraine by substances hazardous to people or live resources of the sea, or other waste, materials and subjects which can cause damage or create obstacles for lawful activity on the sea, or else other infringement of the rules of prevention of pollution of the sea environ-

ment – Entails penalty from six hundred sixty to thousand four hundred non-taxable minimum monthly income of citizens or confiscation of a sea, air vessel or construction of committing the pollution.

2. The same actions, if they are committed repeatedly within a year or have caused damage to the health of people, live resources of the sea, zones of recreation or have created serious obstacles for lawful activity on the sea – Entail penalty from thousand four hundred to six thousand six hundred non-taxable minimum monthly income of citizens with confiscation of a sea, air vessel or the construction of committing the pollution.

*(Article 26 includes changes made by Law 607/96-BP of 17.12.96)*

*Article 27. Organs and officials authorised to apply sanction*

1. The right to impose penalties envisaged by this Law is given:
  - For the infringements envisaged by Part 1 of Article 22, Part 1 of Article 24, Articles 23 and 25, Part 1 of Article 26 – to the organs of the Ministry of protection of the environment and nuclear security of Ukraine in the person of the state inspectors on the protection of the environment;
  - For the infringements envisaged by Part 1 of Article 24 – on the organs for fish protection of the Ministries of Fisheries of Ukraine represented by the Chief of the relevant reservoir department on protection and reproduction of fish reserves and regulation of fishery;
  - For the infringements envisaged by Article 25 – to the commander of the vessel of the organs of Sea guard of the State Border Service of Ukraine who revealed the infringement and detained the infringer.
  - The penalty determined by Part 1 of Article 22, Part 1 of Article 24, Articles 23 and 25, Part 1 of Article 26 can be collected on the spot by the officials of organs entrusted according to Part 1 of this Article with the right to impose penalties if the infringer is detained far from the shore and has voluntarily shown readiness to pay the penalty immediately.
2. The right to impose the penalties established by Part 2 of Articles 22, 24, 26 as well as to confiscate envisaged by Articles 22, 24 and 26 of this Law is given to regional (city) court in the place where the infringer is detained.
3. The decision on gratuitous seizure of illegally obtained resources is taken by the organ, authorised to impose the penalty for the corresponding infringement.

*(Article 27 includes changes made by Laws 81/96-BP of 06.03.96, 662-IV from 03.04.2003)*

*Article 28. The Procedure and terms of bringing to account*

1. The officials of Sea guard of the State Border Service of Ukraine, within three days from the date of detention of the infringer, issue a report about the infringement committed, which together with other relevant documents goes to the organ, authorised to apply the sanction. In case when confiscation is recognised expedient, the Framework for Demilitarisation and Development 509 specified documents are transferred for consideration to the regional (city) court in the place where the infringer is detained.
2. The organs, authorised to apply the sanction, take the decision on the imposition of penalties within five days after the receipt of the documents specified in Part 1 of this Article. The decision is legalized by the resolution of the relevant organ or official.
3. In the cases envisaged by Part 2 of Article 27 imposing and collecting of the penalty can take place directly on the place of infringement.

4. Court examination of the infringements envisaged by this Law is conducted in the presence of representatives of the infringer and the organs guarding an exclusive (sea) economic zone of Ukraine. (*Article 28 includes changes made by Law 662-IV of 03.04.2003*)

*Article 29. Appeal against the decisions on sanctions*

1. Decisions on the imposition of penalties taken by the officials specified in Parts 1 and 2 of Article 27 can be appealed against within 10 days from the date of reception of the decision by the infringer in regional (city) court of the relevant official.
2. Decisions about imposing penalties and confiscations taken by regional (city) court can be appealed against within 10 days after their announcement in the relevant regional, Kyiv and Sevastopol city courts.

*Article 30. Execution of decisions establishing liability*

1. The penalties imposed according to Articles 22-26 of this Law are paid in the currency of Ukraine.
2. Foreign legal persons pay penalties in free convertible currency recalculation at the rate of exchange of the National bank of Ukraine at the date of infringement.
3. The penalty is paid by the infringer voluntarily within one month from the date of imposing the penalty, and in case of the appeal – within a month from the date of refusal of court in satisfaction of the complaint.
4. In case of non-payment of the penalty in time established by Part 3 of this Article, it is collected through the court in accordance with the procedure established by the current legislation of Ukraine for performance of the judgments that have entered validity.
5. In case of non-payment of the penalty in accordance with the established procedure by a foreign legal person, the regional (city) court upon the application of the relevant organ carrying out guard of an exclusive (sea) economic zone can take the decision to impose, instead of the penalty, the full or partial confiscation of the property detained or taken as bail or confiscate financial resources of the legal person (the infringer).
6. The confiscation of property envisaged by this Law is carried out in accordance with the procedure established by the current legislation.

*Article 31. Guard of the sovereign rights of Ukraine in the exclusive (sea) economic zone*

1. The protection of the sovereign rights of Ukraine in an exclusive (sea) economic zone and control over the exercise of the rights and fulfilment of obligations of other states, Ukrainian and foreign legal and physical persons, and international organisations are carried out by the State Border Service of Ukraine, fishing inspection organs of the Ministry of Fisheries of Ukraine and organs of the Ministry of environmental protection and nuclear security of Ukraine in accordance with the procedure established by the Cabinet of Ministers of Ukraine with the appropriate consideration of the interests of other states envisaged by norms of international law. (*Article 31 includes changes made by Law 662-IV of 03.04.2003*)

*Article 32. International treaties*

1. If the United Nations Convention on the Law of the Sea of 1982 or international treaties of Ukraine establish norms other than those stipulated in this Law, the norms of the Convention or the relevant international treaty are applied.

## Law of Ukraine "On Border Control"

1710-VI of 05.11.2009, *Bulletin of the Verkhovna Rada*, 2010, No 6, p.46

Includes changes made by the Law No 2753-VI of 02.12.2010, BVR, 2011, No 18, p. 46.

The present Law defines the legal grounds of border control, procedure of border control and rules of crossing of the state border of Ukraine.

### PART I. GENERAL PROVISIONS

#### *Article 1. Definition of Terms*

1. The terms used herein must have the following meanings:

- 1) **Baggage** must be understood as the items that belong to passengers and crewmembers, and transported by vehicle on the basis of a contract with the carrier;
- 2) **Cargo** must be understood as the property other than the baggage and supplies (for aircraft, sea-going and river-going vessels) transported by vehicles;
- 3) **Visa** must be understood as a label (a record or a mark) in the passport document issued by the authorised state authorities of Ukraine and providing permission for the entry of an individual into its territory within the time frames specified therein, or for the transit across its territory during the specific period;
- 4) **Crew** must be understood as the person (persons) tasked, in accordance with the procedure prescribed by the legislation, with performing duties in respect of the control of a sea-going or river-going vessel, or the aircraft, and the maintenance thereof;
- 5) **Telecommunication** must be understood as the transmission, the emission and/or the reception of signs, signals, written text, images and sounds or messages by radio, wired, optical or other electromagnetic systems;
- 6) **Second line check** must be understood as the measures related to the additional review of the availability of legitimate grounds for the crossing of the state border of Ukraine (hereinafter, "state border") by individuals and vehicles, and the movement of the cargo across the state border;
- 7) **Control agencies and services** must be understood as state authorities and services that exercise sanitary, veterinary, phytosanitary, radiological and ecological control, control over the export of cultural valuables from the territory of Ukraine, and other types of the state control envisaged by law on the crossing of the state border;
- 8) **First line check** must be understood as the measures reduced to a necessary minimum with the purpose of verifying the availability of legitimate grounds for the crossing of the state border by individuals and vehicles, and the movement of the cargo across the state border;
- 9) **Cruise ship** must be called a ship, which follows a given itinerary in accordance with a predetermined programme of tourist activities in the ports along the route;
- 10) **Inspection of transport and cargo** means the set of measures aimed at precluding the cases of illegal transfer across the state border of persons who hide in the concealed compartments, discovering these hiding-places as well as precluding the illegal transfer through the state border of weapons, narcotics, psychotropic substances and precursors,

ammunition, explosives, materials and articles prohibited for transfer across the state border and identification of stolen vehicles;

- 11) Risk analysis** must be understood as the activity of the State Border Service of Ukraine personnel aimed at discovering the likelihood of violation by the individual of the legislation in the sphere of security of the state border;
- 12) Passport document** means the document issued by the authorised state bodies of Ukraine or other country, or by the UN statutory organisations which proves citizenship, the identity of a person, gives the right to enter or depart from the state and is recognised by Ukraine;
- 13) Carrier** means any person or legal entity that provides commercial transportation of persons or transports them at his own expense across the state border;
- 14) Document checks** mean the inspection of passports and other travel documents of persons crossing the state border carried out by service personnel of the State Border Service of Ukraine at border crossing points, to ensure that persons have valid documents and also check in the context of the risk analysis their means of transportation and the objects in their possession;
- 15) Border guard unit** must be understood as the border guard unit of the State Border Service of Ukraine specially designated to carry out the tasks of border control and (or) protection of the border;
- 16) Supporting documents** means the documents proving the fact of tourism, study, internship, job, medical treatment in Ukraine, reservation of and payment for housing, food provision and return to the state of their citizenship or permanent residence, or to the third country (if necessary – other documents proving the goal and conditions);
- 17) Ship owner's agent** (marine agent) means the commercial agent, representative of the agent company who on the basis of the marine agent treaty provides paid services in the interests of ship's captain related to the state border crossing;
- 18) Coastal fisheries** means fishing carried out with the aid of vessels which return to a port situated in the territory of Ukraine every day or not later than in 36 hours without entering the ports of other countries;
- 19) Regime at the state border crossing points** means the rules of the presence and movement of all persons and means of transportation within the territory of the border rail and automobile stations, sea and river ports, airports and airfields open to international traffic as well as carrying out other activity related to the state border crossing of persons, vehicles and cargo, and which have to be established by the order of the head of the state border protection body and agreed with the head of customs body and the head of the port or station at which the state border crossing is located;
- 20) Duration of stay in the territory of Ukraine** means established by the legislature of Ukraine and international treaties of Ukraine the duration of legitimate presence of foreigner or stateless person in Ukraine;
- 21) Muster roll** means an official list of names of ship's crew with indication of their last names, first names, citizenship, rank and position, place and date of birth, type and number of identification document, port and date of departure (arrival) as well as the ship's name, state and port of registration;
- 22) Cross-border worker** means the person who works in the territory of one state, but resides in the territory of the other state to which he returns at least once a week;

**23) Transport** means mechanical device used to transport people and (or) cargo as well as special equipment or mechanisms mounted on it;

**24) Yacht** is a deck, sail, motor-sail or motor vessel used for individual or group pleasure boating and for sporting purposes.

*Article 2. Organisational basics of carrying out border control*

1. Border control is a type of state control carried out by the State Border Service of Ukraine that includes a set of actions and measures aimed at establishing the legal basis of crossing the state border of Ukraine by persons, vehicles and cargo.
2. Border control is carried out with the aim of countering illegal crossing of the state border by persons, illegal migration, trafficking of human beings, as well as illegal transfer of weapons, narcotics, psychotropic substances and precursors, ammunition, explosives, materials and articles prohibited for transfer across the state border.
3. Border control is carried out in respect of:
  - 1) Persons crossing the state border;
  - 2) Vehicles carrying persons and cargo across the state border;
  - 3) Cargo moving across the state border.
4. Border control includes:
  - 1) Document checks;
  - 2) Inspection of persons, vehicles and cargo;
  - 3) Carrying out instructions of law enforcement bodies of Ukraine;
  - 4) Verifying adherence to the conditions of crossing of the state border of Ukraine by foreigners and stateless persons in case of entry to Ukraine, departure from Ukraine and transit through the territory of Ukraine;
  - 5) Registering foreigners, stateless persons and their passport documents at the state border crossing points;
  - 6) Checking of motor vehicles in order to discover stolen ones.
5. Border control is executed by the way of:
  - 1) Establishing a regime at the state border crossing points and providing control over its observance;
  - 2) Application of technical means of border control, use of service dogs and other animals;
  - 3) Creation and use of databases on the persons who crossed the state border, committed offences, have been prohibited to enter Ukraine or under temporary restriction from entering Ukraine; on invalid, stolen or lost passports as well as other legitimate databases;
  - 4) Surveillance of the transports and their escort, if necessary;
  - 5) Carrying out of administrative, legal, judicial and operational-investigative proceedings and measures;
  - 6) Organisation of co-operation with enterprises, bodies and organisations which deal with international transportation;
  - 7) Coordination of the activity of inspection bodies and services.

*Article 3. Legal basis for border control*

1. In the process of border control officials and service personnel of the State Border Service of Ukraine must exercise their authority within the limits of Constitution of Ukraine, the pres-

ent Law, the Law of Ukraine 'On the State Border Service of Ukraine', other legislative acts of Ukraine and international treaties of Ukraine.

2. In case the international treaty ratified by the Verkhovna Rada of Ukraine establishes the rules different to the present Law, the rules by the international treaty must prevail.

*Article 4. The principles of organising and carrying out border control*

1. Border control is organised and carried out on the basis of:
  - 1) Legitimacy;
  - 2) Openness;
  - 3) Respect and observance of human dignity and equality of persons regardless of their race, skin colour, political, religious and other beliefs, sex, ethnic and social background, well-being, place of residence, language and other specifics;
  - 4) Carrying out exclusively by specially trained for this purpose military personnel and employees of the State Border Service of Ukraine;
  - 5) Selective application of control measures based on the risk analysis.

*Article 5. Places for carrying out border control*

1. Border control and passage through the state border of persons, vehicles and cargo is carried out:
  2. At state border crossing points;
  3. Outside of border crossing points in cases specified by part three of this Article;
  4. In the territory of neighbouring states as specified by Article 26 of the present Law.
2. Crossing of the state border of Ukraine by persons, vehicles and cargo is allowed at state border crossing points during the regular working hours. Working hours of the point of state border crossing that does not work round the clock must be indicated on the information board at the entrance.
3. Passage through the state border of Ukraine can be done outside of state border crossing points or at state border crossing points outside of regular working hours in the following cases:
  - 1) Arrival of a yacht into a port or departure of a yacht from a port as specified by Article 20 of the present Law;
  - 2) Off-shore fishing;
  - 3) Movement of river boats and sea craft through inland waterways;
  - 4) Landing of craft crew to stay in the settlement, in which the port is located;
  - 5) Special needs of a humanitarian nature, of a person or a group of people, provided the lack of threat to the national security of Ukraine;
  - 6) Exigent circumstances related to liquidation of man-caused and natural emergencies, their consequences and danger to life, provided lack of threat to the national security of Ukraine.
4. Decision on passing of persons and their transport outside of state border crossing points must be made by the head of the state border protection body.

Decision on passing of persons at state border crossing points outside of regular working hours must be made by the head of the state border protection unit, and on passing of transport and cargo, this decision must be coordinated with the head of the customs body.

Such decisions must be adopted by the officials responsible for the particular section of the state border where the crossing is to take place and must be registered according to procedure established by the specially authorised central body of executive power in the area of protection of the state border of Ukraine.

5. In case border control is carried out outside of state border crossing point, the head of the state border protection body, for the period of time needed to carry it out, indicates places and control zones on the ground or in the transport where pertinent regime is enacted and where in case of necessity he enacts additional rules of regime according to the legislation of Ukraine for state border crossing points.

## **PART II. PROCEDURES OF BORDER CONTROL**

### *Article 6. General procedures of border control*

1. Crossing of the state border of Ukraine by persons, vehicles and cargo is allowed only under the condition of border control, and by permission of authorised service personnel of the State Border Service of Ukraine, and in some cases specified in the present Law by officials of the State Border Service of Ukraine, unless it is specified differently in the present Law.
2. The border control of a person, vehicle or cargo is initiated when passport and other documents specified by the legislation are passed to the authorised official of the State Border Service of Ukraine for checking.
3. Passage of persons through the state border of Ukraine is permitted by authorised officials of the State Border Service of Ukraine based on valid passport documents, as well as based on other documents, in cases provided for by the legislation of Ukraine. Passage of vehicles and cargo through the state border of Ukraine is done after all forms of state border control defined by the legislation have been carried out.
4. Border control is considered complete when the authorised official of the State Border Service of Ukraine grants permission to cross the state border to the person, vehicle or cargo, or after the responsible person is informed of the decision to deny permission to cross the state border by the person, vehicle or cargo.
5. Border control and passage through the state border by persons, vehicles or cargo must be carried out in the context of risk analysis, which is conducted in accordance with methodologies developed by the specially authorised central body of executive power in the area of protection of the state border of Ukraine.
6. In order to reduce the time of passing the border control procedures and with this purpose to direct persons and vehicles to the places and zones of border control the body of the state border protection with consent of the relevant customs body can establish:
  - 1) Movement lanes for persons – at the state border crossing points for air, sea, ferry and rail traffic;
  - 2) Movement lanes for vehicles – at the state border crossing points for motor and ferry traffic.

The procedure of using the movement lanes and their identification must be defined by the specially authorised central body of executive power in the area of protection of the state border with consent of the specially authorised central body of executive power in the area of customs.

7. Practical measures and techniques for use by officials and service persons of the State Border Service of Ukraine with the aim to counter the illegal activity during the crossing of the state border by persons, vehicles and cargo, and procedures for their application must be established by the specially authorised central body of executive power in the area of protection of the state border.

*Article 7. Border control for persons*

1. Passport documents and other travel documents of Ukrainian citizens, foreigners and stateless persons crossing the state border must be subject to checking by authorised service personnel of the State Border Service with the aim to determine their identity based on travel documents. During the checking procedure, the availability or absence of the grounds for temporary refuse of the crossing of the state border must be verified.
2. During the checking procedure, the authorised service personnel of the State Border Service must use the technical means of control to determine the signs of forgery in the documents, conduct a search of required information in databases of the State Border Service of Ukraine, and conduct the query of the persons crossing the border taking into account the risk analysis.
3. The authorised service personnel of the State Border Service of Ukraine may carry out additional checking of documents of the persons crossing the border taking into account the risk analysis.
4. Passport documents and other travel documents of persons must be checked in the passport control booths, in transportation lanes, in control pavilions, service spaces of the state border crossing points or directly on the transportation means.

*Article 8. Conditions of crossing the state border by the foreigners or stateless persons when entering Ukraine*

1. Authorised officials of the State Border Service of Ukraine grant a foreigner or a stateless person the permission to cross the state border and enter Ukraine under the following conditions:
  - 1) Availability of a valid passport document;
  - 2) Lack of a decision to deny entry to Ukraine made by an authorised state body of Ukraine in respect of said person;
  - 3) Availability of an entry visa, unless otherwise provided for by the legislation of Ukraine;
  - 4) Confirmation of the purpose of the planned visit;
  - 5) Availability of financial means sufficient for the period of planned stay and for return to the country of origin or transit to a third country, or the possibility to acquire sufficient financial means in the territory of Ukraine by legitimate methods (for citizens of states included in the list of states approved by the Cabinet of Ministers of Ukraine, and stateless persons permanently residing in states included in such list).
2. In case foreigners and stateless persons do not meet one or several conditions for entering Ukraine, they are denied permission to cross the state border in accordance with the Article 14 of the present Law.

Violation by the foreigner or stateless person of conditions for crossing the state border and entering Ukraine does not preclude considering the possibility of granting asylum or the status of refugee in Ukraine in accordance with the established procedure.

In case there are grounds of humanitarian character, national security interests protection or meeting the international obligations, the stateless person who does not meet one or several conditions for crossing the state border and entering Ukraine, the Head of the State Border Service of Ukraine or the acting Head may grant a permission to cross the state border.

3. Authorised officials of the State Border Service of Ukraine grant a foreigner or a stateless person the permission to cross the state border and leave Ukraine under the following conditions:
  - 1) Availability of a valid passport document;
  - 2) Lack of a decision to deny departure from Ukraine made by an authorised state body of Ukraine in respect of said person.

*Article 9. Border control for foreigners and stateless persons for entry to Ukraine*

1. Border control of foreigners and stateless persons entering Ukraine is carried out in accordance with the procedures of the first line check and in some cases under the present Law it can also be carried out in accordance with the procedures of the second line check.
2. The procedure of the first line check must provide for the checking of:
  - 1) Validity of the passport document and availability in it of the legally required permanent residence mark or visa;
  - 2) Presence or absence in databases of the State Border Service of Ukraine of the information about the prohibition of entry to Ukraine or about the request from the law enforcement bodies concerning persons who cross the state border;
  - 3) Marks indicating the crossing of the state border in the passport of the foreigner or stateless person to check the compliance of the foreigner or stateless person with requirements concerning the duration of presence in the territory of Ukraine.
3. The procedure of the second line check must be applied as a result of the analysis and assessment of risks during the implementation of the first line check procedure in case the authorised service person of the State Border Service of Ukraine has doubts as for the compliance of the foreigner or stateless person with conditions for entering Ukraine, and must be executed by the way of:
  - 1) Verifying the places of departure and destination as well as the purpose and conditions of the intended visit, and conducting the checking of the relevant supporting documents and interviewing if necessary;
  - 2) Verifying the availability of substantial financial means for the period of intended visit and for return to the state of origin or transit to the third state, or the possibility to receive substantial financial support from legitimate sources in the territory of Ukraine.
  - 3) The procedure for confirmation of substantial financial means for presence in Ukraine, transit through the territory of Ukraine and departure from the country as well as their amount are established by the Cabinet of Ministers of Ukraine.
4. The procedure of the second line check can be carried out in a separate area of the state border crossing point.
5. Foreigners or stateless persons undergoing the procedure of the second line check must receive the information about the purpose of such check in Ukrainian and English languages or in the language of the country neighbouring Ukraine with indication of the right of the foreigner or stateless person to request the information on the last names and service per-

sonal numbers of the authorised service personnel of the State Border Service of Ukraine who carry out additional checks, the name of the state border crossing point and the date of the state border crossing.

*Article 10. Border control for foreigners and stateless persons for departure from Ukraine*

1. Border control for foreigner and stateless person for departure from Ukraine is carried out with the purpose of checking of:
  - 1) Availability of a valid passport document;
  - 2) Absence in databases of the State Border Service of Ukraine of the information about the prohibition of departure of this person from Ukraine or about the request from the law enforcement bodies concerning persons who cross the state border;
  - 3) Meeting by this person of requirements for duration of the stay in Ukraine.

*Article 11. Relaxation of border checks*

1. Officials of the State Border Service of Ukraine may initiate the relaxation of border checks in case of the unforeseen intensification of traffic when the time of waiting in border crossing point becomes excessive and all staff, equipment and organisational measures of its reducing are exhausted.
2. Relaxation of border checks means temporary omission of some procedures of the border checking stipulated by part four Article 2 of this Law. In the meantime, passports and other valid documents or immigration cards of foreigners and stateless persons of all people crossing the state border must be stamped.
3. In case of the relaxation of border checks priority is given to the checking of persons, transport and cargo entering Ukraine before the checking of those exiting from Ukraine.
4. Decision on the relaxation of border checks must be taken by the head of the border protection unit, which has the state border crossing point within its area of responsibility.
5. Relaxation of border checks must be temporary and introduced orderly with taking into account circumstances, which led to its introduction.

*Article 12. The state border-crossing stamp*

1. The state border crossing stamp must be affixed in:
  - 1) Passport documents of foreigners and stateless persons;
  - 2) Immigration cards of foreigners and stateless persons in case their passport documents do not have pages for the state border crossing stamps;
  - 3) Other documents in cases specified by the legislation.
2. Procedure for affixing the state border crossing stamps and their design must be established by the specially authorised central body of executive power in the area of protection of the state border of Ukraine.
3. The state border crossing stamp must not be affixed in:
  - 1) Passport documents of Ukrainian citizens unless they personally request the stamp;
  - 2) Passport documents of heads of state and senior foreign officials, whose arrival is officially announced in advance through diplomatic channels;
  - 3) Travel documents of seamen present in the territory of Ukraine provided they are members of ship's crew and their ship is berthed at the port area;

- 4) Travel documents of crew and passengers of cruise ships, when border check is subject to procedure stipulated by Article 19 of this Law;
  - 5) Pilot licenses or airplane crewmembers' identification documents (certificates);
  - 6) Other travel documents in cases stipulated by the legislation.
4. The state border-crossing stamp must not be affixed in passport documents of foreigners and stateless persons in case they personally request it. In such case, the state border-crossing stamp must be affixed in the immigration card.

*Article 13. Inspection of compliance of foreigners and stateless persons with rules and duration of staying in Ukraine*

1. Absence of the state border crossing stamp about entering Ukraine in the passport document, or, in selected cases stipulated by the legislation, in other travel documents or immigration card of foreigner or stateless person during their stay in the territory of Ukraine will constitute the reason for inspection by the authorised law enforcement bodies of their compliance with the rules of staying in Ukraine.
2. In case of the absence of the state border crossing stamp about entering Ukraine in the passport document, or, in selected cases stipulated by the legislation, in other travel documents or immigration card of foreigner or stateless person during their stay in the territory of Ukraine, their compliance with rules and duration of staying in Ukraine must be proved by the way of submitting to the competent officials of law enforcement bodies of any document confirming the fact and date of crossing the state border and/or legality of the staying of foreigner or stateless person in the territory of Ukraine during the period in question, or in other legitimate way.
3. In case of compliance of the foreigner or stateless person with rules and duration of staying in Ukraine, he must receive the document confirming the legality of his staying in Ukraine design of which and procedure must be established by the specially authorised central body of executive power in the area of protection of the state border of Ukraine.
4. Foreigner or stateless persons who failed to confirm their compliance with rules and duration of staying in Ukraine must bear responsibility under the law.

*Article 14. The procedure for denying permission to cross the state border to foreigners, stateless persons and citizens of Ukraine*

1. Foreigner or stateless person who failed to confirm their compliance with one or more conditions for crossing the state border when entering or exiting from Ukraine and stipulated in Parts one and three of the Article 8 of this Law, as well as the citizen of Ukraine who was refused in crossing the state border when exiting from Ukraine due to the lack of documents required for entering the country of destination or for transit in cases stipulated by the law, or due to one of the reasons limiting his right to travel abroad stipulated in Article 6 of the Law of Ukraine "On Procedure of Departure from Ukraine and Entering Ukraine by Citizens of Ukraine" must be refused crossing the state border only on the basis of grounded decision of the authorised service person of the border protection unit with specifying of the reason for refusal. The authorised service person of the border protection unit must report about the taken decision to the head of the state border protection body. Such decision becomes valid immediately. Decision on refusal in crossing the state border must be issued in two copies.

One copy of decision on refusal for crossing the state border is presented to the person, who confirms the receipt with his signatures on all copies. In case the person refuses to sign, the relevant form must be filled in.

*(Part 1 of Article 14 with changes as provided by the Law No 2753-VI of 02.12.2010)*

2. Standard form of decision on refusal for crossing the state border must be established by the specially authorised central body of executive power in the area of protection of the state border.
3. Persons refused entry must have the right to appeal either in accordance with the Law of Ukraine "On Applications of Citizens" or in the court. Lodging such an appeal must not have effect of suspense on a decision to refuse entry. Where the appeal concludes that decision to refuse was ill founded, it may be cancelled or changed by the head of the border protection body or cancelled and nullified by the court.
4. In case a foreigner or stateless person was refused crossing the state border when entering Ukraine his visa may be cancelled on the following grounds:
  - 1) Decision by the competent authority of Ukraine to refuse entry;
  - 2) There are serious grounds to believe that the visa was obtained in a fraudulent way.

The failure of the foreigner or stateless person to produce, at the border of Ukraine, one or more of the supporting documents on the purpose and conditions of staying in Ukraine, must not lead to a decision to cancel the visa.

Cancellation of visa must be made by the authorised service person by the way of affixing to it the relevant stamp, the standard form of which must be established by the specially authorised central body of executive power in the area of protection of the state border. A note must be made about cancellation of visa in the decision on refusal for crossing the state border.

5. Where the foreigners or stateless persons who have been refused crossing the state border of Ukraine are brought to the border by a carrier, the authorised service person of the border protection unit must:
  - 1) Order the carrier to transport the foreigners or stateless persons to the location from which they were brought, or to the country which issued the passport document, or to find other means of transporting these persons outside the territory of Ukraine;
  - 2) Pending onward transportation of foreigners or stateless persons who have been refused crossing the state border of Ukraine, take appropriate measures to prevent them from entering illegally.

### **PART III. SPECIFICS OF BORDER CONTROL**

*Article 15. Border control at state border crossing points for road traffic*

1. To ensure effective checks on persons, while ensuring the safety and smooth flow of road traffic, movements at border crossing points for road traffic must be regulated by the competent service persons of the State Border Service of Ukraine.
2. The head of the border protection body with consent of the head of customs body and, in necessary cases, with the heads of the other control bodies and services as well as the heads of the port or station at which the state border crossing is located must establish the separate lanes for movement across the border of persons and vehicles taking into account traffic and infrastructure conditions at the border crossing point.

3. Persons travelling in vehicles have the right to remain inside them during the border checks. Upon request by the competent service persons of the State Border Service of Ukraine, customs or other control services, persons may be requested to alight from their vehicles for the relevant checking procedure.
4. In the interest of safety of personnel of the State Border Service of Ukraine, checks must be carried out, as a rule, by two competent service persons of the State Border Service of Ukraine.
5. In the context of risk analysis the service persons of the State Border Service of Ukraine may require the carrier or his representative or the driver of the vehicle to provide, with the purpose of checks, access to the cargo compartments and other spaces in the vehicle's structure as well as to the shipment transported through the border. If the vehicle has been checked by the customs, such checks must be carried out with the consent of the customs body.
6. To reduce the time for border and other checks at the border crossing points there can be selective checks of vehicles.

*Article 16. Border control at state border crossing points on rail traffic*

1. Border control of trains crossing external borders must be carried out on the platform or in the specially designated structure of the railway station at the state border crossing point (checkpoint), or aboard the train during the scheduled stay (stop) at the state border crossing point, or in the carriages during the transit between railway stations.
2. During the border control procedures at the state border crossing points on rail traffic, checks must be carried out both on train passengers and on railway staff on trains crossing external borders, including those on cargo trains or empty trains.
3. In the context of risk analysis the service persons of the State Border Service of Ukraine may require conductor or railway staff to provide, with the purpose of checks, access to the cargo compartments and other spaces in the trains' and carriages' structures as well as to the shipment transported through the border.

*Article 17. Border control at state border crossing points at international airports*

1. Crossing of the state border by citizens of Ukraine, foreigners and stateless persons who travel by the air must be allowed at the airports (airdromes) open for international air traffic.
2. Border control must be conducted with respect to the aircraft of Ukrainian and foreign civil air companies, private aircraft and military transport aircraft that perform international flights as well as the persons and cargos inside them.
3. To ensure the border checks of persons crossing the state border at the state border crossing points, managers of the airports (airdromes) take necessary measures to channel the passenger flow and to prevent the penetration of unauthorised persons to reserved areas and spaces.
4. In cases the air traffic takes place at the airport (airdrome) where there is no state border crossing point (checkpoint) or at the airport (airdrome) where there is no regular international flights, as well as in case of landing of the aircraft at the airport closed for international air traffic due to force majeure or imminent danger, the airport (airdrome) operator must:
  - 1) Provide the transportation of the competent service persons of the State Border Service of Ukraine for them to carry out border checks;

- 2) Create conditions for separation of the inflows of passengers from internal flights and passengers from international flights.

Border control at such airports (airdromes) must be carried out in accordance with procedures for the state border crossing points (checkpoints) at the international airports.

In such cases, the aircraft may continue its flight only after authorisation from the competent service persons of the state border protection unit.

5. Border control of the aircraft crossing the state border and making several stopovers at the airports (airdromes) in the territory of Ukraine must be carried out during:
  - Arrival – at the first airport (airdrome) of landing in Ukraine;
  - Departure – at the last airport (airdrome) of taking off in Ukraine.
6. During the boarding (disembarking) of the passengers and loading (delivery) of cargo in the aircraft making an international flight at the intermediary airport (airdrome) stopover, the passengers and load must be subjected to border control.
7. Passengers who have already passed the border control at the previous airports (airdromes) of departure must remain aboard the aircraft or must be transferred to the transit zone. Repeated border checks of such persons normally must not be carried out. Border control of such passengers, the crew and the aircraft must not be excluded in the context of risk analysis. Boarding of the passengers who do not travel outside of Ukrainian territory during the intermediary airport (airdrome) stopover of international flights is prohibited.
8. When departure of the aircraft is delayed, the transit passengers must wait for announcement of boarding at the waiting areas of the airports. In case there is an extensive delay of departure, the transit passengers must be offered lodging at the specially designated hotels for the period of up to 48 hours with permission and under control of the state border protection units.
9. Border checks of persons crossing the state border in private aircraft must be carried out aboard the aircraft or in passenger terminals.
10. Border checks aboard the other aircraft or at their gates, as well as checking of persons waiting in transit areas of the state border crossing points must be carried out with account of risk analysis results.
11. In case of private international flights, the captain must transmit to the competent service persons of the State Border Service of Ukraine, prior to the start of border checks, a general declaration and information concerning the passengers' identity in accordance with Annex 9 to the Convention on International Civil Aviation. Where private flights arriving and making stopovers in the territory of Ukraine, the border checks are carried out at the first and the last landings of such an aircraft. An entry stamp must be affixed to the general declaration and to the list of passengers.

*Article 18. Border control at state border crossing points on maritime traffic*

1. Border control of vessels is conducted at the state border crossing points at the ports of departure or arrival, aboard the ship or in the designated area close to the ship. Border control may also be carried out during the crossing or at the berth in the port.
2. Not later than four hours prior to arrival at the port ship's captain sends via telecommunication means or marine agent submits two copies of muster roll and the list of passengers aboard the ship to appropriate state border protection unit. In case of force majeure or immi-

nent danger and the mentioned documents cannot be sent (submitted) in time, they must be sent to any state border protection unit or to the authorities of the sea (river) port who immediately submits the muster roll and the list of passengers to appropriate state border protection unit.

3. One copy of muster roll and one copy of the list of passengers aboard the ship signed by the competent person of the State Border Service of Ukraine with stamps of the state border crossing must be given back to ship's captain, who must produce it on request when in port.
4. The ship's captain or the marine agent must report to the state border protection unit promptly any changes to the composition of the crew or the number of passengers.
5. The ship's captain or the marine agent must notify the state border protection unit before the ship enters port (failing that, immediately after entering port), of the presence on board of stowaways. Stowaways will remain, however, under the responsibility of the ship's captain till the issue of their either disembarking, or leaving the territory of Ukraine is resolved.
6. The ship's captain or the marine agent must notify in advance, but not later than four hours before departure in accordance with the rules in force in the port concerned.

*Article 19. Border control of cruise ships*

1. Where the cruise ship comes from a port situated in a third country or departs from a port situated in the territory of Ukraine, crew and passengers must be subject to border checks in the port of arrival in the territory of Ukraine and in the port of departure from the territory of Ukraine.
2. Passengers of the cruise ship going ashore at a port situated in the territory of Ukraine must be subject to border checks only on the basis of the risks analysis.
3. To provide the carrying out of the border checks, the cruise ship's captain must send via telecommunication means or the marine agent must transmit to the respective state border protection unit the written information about the itinerary and the programme of cruise at least four hours before departure and arrival at each port in the territory of Ukraine.
4. The cruise ship's captain must send via telecommunication means, or the marine agent must transmit to the respective state border protection unit the muster roll and the list of passengers aboard the ship at least 24 hours before departure and arrival at each port in the territory of Ukraine, or immediately after boarding of the passengers at the previous port, when the journey to the next port lasts less than 24 hours.
5. At the first port of arrival and the last port of departure of cruise ship from the territory of Ukraine as well as after each modification in the muster roll and the list of passengers aboard the cruise ship, the stamp of the state border crossing must be affixed to these documents.
6. Where a cruise ship makes visits exclusively to the ports located in the territory of Ukraine, including with boarding and disembarking of passengers, the ship may enter the ports without the state border crossing points. Border checks in such cases must be carried out only on the basis of risk analysis.

*Article 20. Border control of yachts*

1. Where the yacht arrives from foreign country to a port with state border crossing point, or departs from a port, the captain of yacht informs about it the port captain no later than two

- hours before arrival or departure. Port captain submits information about arrival or departure of yacht to the state border protection unit and customs.
2. Border control of a yacht and all persons aboard who arrived from a foreign country to a port located in the territory of Ukraine with state border crossing point, or depart from such a port to other country, must be made on the basis of risk analysis. During those checks, a document containing all the technical characteristics of the vessel and the names of the persons aboard must be handed in to the competent service persons of the State Border Service of Ukraine. The document must be stamped after the border check is finished. A copy of that document is included among the ship's papers and must be given to the competent service persons of the State Border Service of Ukraine on their request.
  3. The yacht arriving from foreign country may enter the port not designated as a state border crossing point, if the port captain allows and with consent of the state border protection unit, which has the nearest border crossing point within its area of responsibility and appropriate customs body. To receive such consent, the port captain must send in advance, but not later than two hours before arrival of yacht to the port, via telecommunication means, the list of passengers on board of yacht and the list of crew to the state border protection unit, which has the nearest border crossing point within its area of responsibility
  4. In case of force majeure circumstances, a yacht arriving from another state can enter a port located in the territory of Ukraine in which the border checkpoint is not open without permission of the port captain, but with subsequent notifying of the captain about the arrival. The port captain must inform about the arrival of such yacht to the port the state border protection unit, which has the nearest border crossing point within its area of responsibility.

*Article 21. Border control of fishing vessels*

1. Border control of fishing vessels registered in a port situated in the territory of Ukraine and carrying out coastal fishing must be made only on the basis of risk analysis.
2. Border control of fishing vessels registered in a port situated in the territory of Ukraine and carrying out coastal fishing in Azov Sea and Black Sea without visiting the foreign ports may not be carried out during 30 days after the last border check. During this term, vessels may several times depart for fishing and arrive to their moorages (piers) and bases within locations of fishing factories and fishing ports to unload the catch, replenishment and necessary repairs. Command of such ships must have the seafarer's identity document while other crewmembers – identification documents.
3. Fishing vessels going fishing outside the territorial sea of Ukraine must be subjected to border, customs and other checks at the state border crossing point in accordance with procedure stipulated in Article 18 of this Law.
4. Foreign vessels, which carry out coastal fishing in the territorial sea of Ukraine, must be subjected to border checks in accordance with procedure stipulated in Article 18 of this Law.
5. Berth of the vessels mentioned in parts three and four of this Article near moorages (piers and bases) outside of the state border crossing points for unloading the catch and disembarking people without consent of the state border protection unit and customs body is prohibited.

*Article 22. Border control of international ferries*

1. During border control of international ferries:
  - 1) In the state border crossing points in accordance with part six of Article 6 of this Law separate lanes must be established as well as directions for movement of people and vehicles in the quantity sufficient to provide for the fast carrying out of the border checks;
  - 2) Checks on foot passengers must be carried out in separate lanes, in places and zones of control. Ferry passengers travelling by coach must be considered as foot passengers. Those passengers must alight from the coach for the checks;
  - 3) Checks on vehicle drivers and passengers must be carried out while they are in the vehicle;
  - 4) Checks on drivers of heavy cargo vehicles and any accompanying persons must be conducted while the occupants are in the vehicle and be organised separately from checks on the other passengers;
  - 5) On the basis of risk analysis and to detect illegal immigrants in particular, random searches must be made on the means of transport used by the passengers, and where applicable on the loads and other goods stowed in the means of transport;
    - a. Ferry crewmembers must be dealt with in the same way as commercial ship crewmembers.

*Article 23. Specifics of border control of certain categories of people*

1. Heads of states and members of delegations arriving together with them, whose arrival and departure has been officially announced through diplomatic channels, must be exempt from border checks.
2. Persons with diplomatic, official or service passports issued by foreign states acknowledged by Ukraine as well as persons that perform their duties according to authority granted by and with appropriate documents issued by international intergovernmental organisations may be given priority over other travellers at border crossing points. Those persons have no obligation to prove the financial means for staying in Ukraine.

If a person invokes privileges, immunities and exemptions, the competent service person of the State Border Service of Ukraine may require him or her to provide evidence of his or her status by producing the appropriate documents.

Accredited in the Ministry of Foreign Affairs members of diplomatic missions and of consular representations and their families may enter the territory of Ukraine on presentation of the passport document and accreditation cards.

3. Border checks of pilots and other crew members of aircraft performing international flights must be carried out by the way of checking a pilot's licence or a crew member certificate as provided for in Annex 9 to the Civil Aviation Convention without affixing stamp of the state border crossing. These persons must not be subjected to requirements regarding conditions of the state border crossing by foreigners and stateless persons in case of them entering Ukraine as stipulated by part one of Article 8 of this Law.

Pilots and other crewmembers of aircraft performing international flights, when they carry out their duties on the basis of a pilot's licence or a crewmember certificate, with consent of the competent service persons of the State Border Service of Ukraine have the right:

- 1) Board and disembark in the stopover airport or the airport of arrival situated in the territory of Ukraine;

- 2) Enter the territory of the municipality of the stopover airport or the airport of arrival situated in the territory of Ukraine;
- 3) Move, by any means of transport, to an airport situated in the territory of Ukraine in order to board an aircraft departing Ukraine from that same airport.

Where the persons finish carrying out duties of aircraft crews, they must be subjected to border control in accordance with procedures stipulated by this Law.

Wherever possible, priority will be given to border checks of aircraft crews, so they will be checked either before passengers or at special locations set aside for the purpose.

4. Crewmembers of marine vessels holding a seafarer's identity document on condition that they appear on the muster roll may be authorised to enter into the territory of Ukraine by going ashore to stay in the area of the port where their ships call or in the adjacent municipalities without stamp of the state border crossing.
5. Border checks of cross-border workers and other categories of people that cross the state border regularly, but no less than once a week, must be carried out in accordance with procedures stipulated by Articles 7-14 of this Law. Cross-border workers and other categories of people who frequently cross the border at the same border crossing point and who have not been revealed by an initial check to be the subject for refusal of the state border crossing must be subject only to random checks to ensure that they hold a valid passport document, while foreigners and stateless persons must be checked regarding conditions of the state border crossing. Second line checks procedures must be applied to such foreigners and stateless persons in the context of risk analysis results without warning and at irregular intervals.
6. Border checks of citizens of Ukraine under 16 years of age must be carried out in accordance with procedures stipulated by this Law, and with taking into account of requirements of the part three Article 313 of the Civic Code of Ukraine.

Competent officials of the State Border Service of Ukraine must carry out border checks of minors under 16 years crossing in the same volume as adults.

In the case of accompanied minor under 16 years of age, especially where minor is accompanied by only one adult and there are serious grounds for suspecting that minor is unlawfully crossing the border, the competent official of the State Border Service of Ukraine must carry out thorough investigation in order to detect any inconsistencies or contradictions in the information given.

*Article 24. Registration of the passport documents of foreigners and stateless persons at the state border crossing points*

1. Registration of the passport documents of foreigners and stateless persons at the state border crossing points is conducted in accordance with procedures established by the Cabinet of Ministers of Ukraine.

#### **PART IV. CO-OPERATION ON THE ISSUES OF BORDER CONTROL**

*Article 25. Co-operation of the state power bodies of Ukraine during the state border crossing by persons, vehicles and cargo at the state border crossing points.*

1. Activity of the state power bodies, which carry out various types of control during the state border crossing by persons, vehicles and cargo, or take part in providing border regime and

regimen at the state border crossing points, must be coordinated by the bodies of the state border protection.

2. Co-operation of the control bodies and services, general order and sequence of carrying out of all types of control at the state border crossing point is stipulated by the technological chart of the crossing by persons, vehicles and cargo.

Technological chart of the state border crossing by persons, vehicles and cargo must be approved for each state border crossing point by the head of the body of the state border protection with consent of the head of customs body and the heads of control bodies and services, as well as enterprises hosting the state border crossing point in their territory.

Standard technological chart of the state border crossing by persons, vehicles and cargo at the state border crossing points for automobile, air, marine (river), ferry and rail traffic must be established by the Cabinet of Ministers of Ukraine.

3. The state and local authorities within the scope of their competence must support the State Border Service of Ukraine in carrying out the border control.
4. The State Border Service of Ukraine must co-operate with border guards of other states, including through exchange of liaison officers, creation of consultative points and using other forms of co-operation as provided by the international treaties of Ukraine.

*Article 26. Joint border control with neighbouring states*

1. Joint control of crossing of the state border by persons, vehicles and cargo can be carried out at the state border through co-operation of the state bodies of Ukraine and corresponding bodies of the neighbouring countries. The purpose, sequence of procedures and volume of joint control must be established by international treaty.
2. Joint border control can be carried out in the territory of Ukraine or outside of its borders.

**PART V. FINAL PROVISIONS**

1. This Law enters into force from the date of its publication.
2. Amendments must be introduced to the following Laws:
  - 1) In the Law of Ukraine "On the State Border of Ukraine" (*Bulletin of the Verkhovna Rada of Ukraine*, 1992, No 2, p.5; 2003, No 27, p.209):
    - a) To supplement paragraph two of Article 9 with the words "as well as outside of the border crossing paragraph in cases, stipulated by the legislation";
    - b) In Articles 12 and 26 the words "and other property" must be excluded;
  - 2) In the Law of Ukraine "On the State Border Guard Service of Ukraine" (*Bulletin of the Verkhovna Rada of Ukraine*, 2003, No 27, p.208, No 45, p.357; 2007, No 33, p.442; 2009, No 10-11, p.137):
    - a) In paragraph three of the first paragraph of Article 2, second and fourth paragraphs of Article 10, clause 6 of Article 19, clauses 8 and 33 of the first paragraph of Article 20 the words "and other property" must be excluded;
    - b) In Article 19:
      - In Section 8 the words "entry in Ukraine or departure from Ukraine by persons" must be substituted by the words "crossing the state border of Ukraine by persons";
      - In clause 13 the words "by the State Customs Service and Ministry of Transportation of Ukraine" must be substituted with the words "by customs bodies and the heads of enterprises hosting the state border crossing points in their territory";

c) In the first paragraph of Article 20:

- In clause 4 the words “entry in Ukraine or departure from Ukraine by persons” must be substituted by the words “crossing the state border of Ukraine by persons”;
- In clause 8 the words “entry in Ukraine or departure from Ukraine by persons” must be substituted by the words “crossing the state border of Ukraine by persons”;

Supplement clause 46 with the following words:

“46) In accordance with procedure established by the international treaties of Ukraine carry out joint border control and other measures of the state border protection on the territory of neighbouring states”;

d) Article 23 after paragraph four must be supplemented with two new paragraphs to the following effect:

“To prevent corruption the military servicemen and employees of the State Border Service of Ukraine when carrying out border checks shall be prohibited from:

- 1) Accepting any subjects (items) from any persons and passing subjects (items) to anybody, unless the opposite is stipulated by the legislation of Ukraine;
- 2) Providing information about persons, vehicles or cargo passing through the state border to anybody, unless the opposite is stipulated by the law;
- 3) Giving advantages in passing through the state border to persons, vehicles or cargos;
- 4) Having any personal communication devices, which do not belong to the property of the State Border Service of Ukraine and do not belong to the standard equipment of the border shift;
- 5) Having while on duty the money in excess of the amount established by specially authorised central body of executive power in the area of protection of the state border of Ukraine.

These individuals are obliged on demand by their direct superiors, or officials or service persons of internal security units to allow the inspection of their compliance with the said limitations”.

In this regard, paragraphs five-seven must be considered paragraphs seven-nine accordingly;

e) Article 24 after paragraph two must be supplemented with the new paragraph to the following effect:

“Apprehending, detaining and arrest, and consequent search including the personal search and the search of belongings of the military serviceman or employee of the State Border Service of Ukraine during their border control service shift must be carried out after the end of their shift or after their substitution by the other military servicemen or employees of the State Border Service of Ukraine, and in case of the urgent need to do the above – only in the presence of the representative of the state border protection body”.

In this regard paragraphs three-five must be considered paragraphs four-six accordingly.

3. The Cabinet of Ministers of Ukraine within six-month term from the date of this Law coming into force is obliged to:
  - 1) Bring its normative-legal acts in conformity with this Law;
  - 2) Ensure the adoption of normative-legal acts, which follow from this Law;
  - 3) Ensure revision and cancelling by the ministries and other central executive bodies of normative-legal acts contradicting this Law.

## Law of Ukraine "On the State Special Transport Service"

1449-IV of 05.02.2004; (*Bulletin of the Verkhovna Rada of Ukraine (BVR)*, 2004, No. 19, p. 269)

Including changes introduced by the Laws:

No 3421-IV of 09.02.2006, BVR, 2006, No 22, p.199;

No 3428-IV of 09.02.2006, BVR, 2006, No 26, p. 215;

No 328-V of 03.11.2006, BVR, 2006, No 51, p. 519;

No 1414-VI of 02.06.2009, BVR, 2009, No 41, p. 600.

This Law determines the status, legal bases of the organisation, the major tasks and functions of the State Special Transport Service in the structure of the Ministry of Transport of Ukraine, as well as the measures on legal and social protection of its personnel.

### **PART I. GENERAL PROVISIONS**

#### *Article 1. Tasks of the State Special Transport Service*

1. The State Special Transport Service is a specialized state organ of transport in the structure of the Ministry of transport of Ukraine intended for ensuring the steady operation of transport in peacetime and under conditions of martial law and state of emergency (hereinafter, during the special period).
2. The major tasks of the State Special Transport Service are the following:
  - Technical support, restoration, establishment of barrages on installations of the National transport system of Ukraine with the purpose of support of the activity of the Armed Forces of Ukraine and other military formations formed according to laws of Ukraine;
  - Construction and repair in peacetime and under conditions of martial law of new working installations of the National transport system and increase their term of operation and carrying capacity;
  - Restoration of the transport communications damaged as a result of natural and technogenic emergencies, accidents and catastrophes;
  - Guard of installations of the National transport system of Ukraine in peacetime and during the special period;
  - Accomplishment of other tasks connected with the maintenance of effective operation of the National transport system of Ukraine.
  - The installations of the National transport system of Ukraine shall be understood as a set of versions of vehicles and wide infrastructure for rendering the entire complex of transport services.

#### *Article 2. Main functions of the State Special Transport Service*

1. The main functions of the State Special Transport Service are the following:  
In peacetime:
  - The organisation, planning and execution of work on the technical support and restoration of installations of the National transport system of Ukraine;

(Paragraph three of Article 2 with changes introduced by the Law No 3428-IV of 09.02.2006)

- Carrying out the planning on construction of new working installations of the National transport system of Ukraine and increasing their terms of operation and carrying capacity;
- Participation in alleviation of consequences of catastrophes, accidents, fires, natural disasters on transport communications, carrying out, if necessary, rescue and other urgent works in dangerous regions as a result of emergencies of a technogenic, natural and ecological character;
- Maintenance in the condition of constant readiness of the potential of the State Special Transport Service to fulfil tasks during the special period, including preservation, accumulation and duly replacement of special military equipment and other material resources in the reserve funds and mobilisation reserve, creation of the reserve of trained human resources for the special period and with the purpose of fulfilment of works on alleviation of accidents and catastrophes, during natural and technogenic emergencies, as well as the solving of other problems in the sphere of defence connected with the use of the installations of the National transport system of Ukraine;
- Carrying out the demining of explosive ordinances on installations of the National transport system of Ukraine with engagement in case of need of the departments of the Armed Forces of Ukraine and the Ministry of Ukraine on emergency situations and protection of the population from the consequences of the Chernobyl accident;  
During the special period:
  - Maintenance of constant readiness of departments of the State Special Transport Service to accomplish the tasks assigned to them;
  - Technical support, restoration and establishment of barrages on the major installations of the National transport system of Ukraine;  
*(Paragraph ten of Article 2 with changes introduced by the Law No 3428-IV of 09.02.2006)*
  - Demining of explosive ordinance on installations of the National transport system of Ukraine with engagement, in case of need, the departments of the Armed Forces of Ukraine and maintenance of operation of the main sites of restored railway directions;
  - Constructing, operation and repair (reconstruction) pontoon railway bridges;
  - Increase of carrying capacity of working and construction of new roads, tracks, detours, units, tunnels and bridges;
  - Carrying out of measures on territorial defence, as well as the measures directed on the observance of the legal regime of martial law and state of emergency.

*Article 3. Legal bases of the activity of the State Special Transport Service*

1. Legal bases of the activity of the State Special Transport Service are the Constitution of Ukraine, this and other laws of Ukraine, international treaties of Ukraine agreed to be binding by the Verkhovna Rada of Ukraine, Decrees of the President of Ukraine and the Cabinet of Ministers of Ukraine, as well as other normative-legal acts regulating the relations in the sphere of transport and its operation in peacetime and during the special period.
2. Activity of the State Special Transport Service is carried out on the basis of the principles of legality, undivided authority and centralisation of management, the coordination of activities with the General Staff of the Armed Forces of Ukraine.
3. Functions and powers of the State Special Transport Service are determined by Regulations that are approved by the President of Ukraine.

## **PART II. ORGANISATIONAL BASES OF THE OPERATION OF THE STATE SPECIAL TRANSPORT SERVICE**

*Article 4. Structure and numeric strength of the State Special Transport Service, location of its departments*

1. The State Special Transport Service has the following general structure:
  - Management organ of the State Special Transport Service in the structure of the Ministry of transport of Ukraine;
  - The joint detachments, detachments, separate detachments;
  - Guard elements;
  - Organs of support;
  - Educational centre;
  - Institutions, enterprises and establishments.
2. The total numeric strength of the State Special Transport Service is determined by the amount of works carried out and training of the reserve of the trained human resources for the special period and is approved by the Cabinet of Ministers of Ukraine upon submission of the Ministry of transport of Ukraine coordinated with the General Staff of the Armed Forces of Ukraine.
3. The location in the territory of Ukraine of all structural departments of the State Special Transport Service are determined by the Cabinet of Ministers of Ukraine upon submission of the Ministry of transport of Ukraine, coordinated with the General Staff of the Armed Forces of Ukraine and the relevant local self-government organs.
4. The maximum numeric strength of the personnel of the management organs of the State Special Transport Service is approved by the Cabinet of Ministers of Ukraine upon submission of the Ministry of transport of Ukraine coordinated with the General Staff of the Armed Forces of Ukraine.
5. Management organs of the State special service of the transport, joint detachments, detachments, separate detachments, guard elements, organs of support, educational centre, institutions, enterprises and establishments which are a part of the State Special Transport Service are legal persons, have seal with the image of the State Emblem of Ukraine and the name, other seals and stamps, bank accounts in banks including currency ones.

*Article 5. Staffing of the State Special Transport Service*

1. The personnel of the State Special Transport Service consist of employees and servicemen.
2. Servicemen of the State Special Transport Service enter service on a voluntary basis, either on a contractual basis or as permanent personnel.
3. The list of the posts that are subject to replacement by employees and servicemen is approved by the Cabinet of Ministers of Ukraine upon submission of the head of the Ministry of transport of Ukraine coordinated with the General Staff of the Armed Forces of Ukraine.
4. The relations connected with the employment of citizens, fulfilment of official duties, retirement from work in the State Special Transport Service are regulated by the legislation of Ukraine.
5. The procedure of service of the State Special Transport Service personnel, promoting and reducing to the rank are determined by the Regulations that are submitted by the Ministry of transport of Ukraine and approved by the Presidential Decree of Ukraine. Establishment of the uniform and insignia is determined by the Regulations that are developed by the

central organ of executive power in the field of transportation and approved by the Cabinet of Ministers.

*(Part 5 of Article 5 as provided by the Law No 3428-IV of 09.02.2006)*

6. Servicemen of the State Special Transport Service fall under the jurisdiction of military regulations of the Armed Forces of Ukraine.  
*(Article 5 is supplemented by Part 6 as provided by the Law No 3428-IV of 09.02.2006)*
7. In peacetime the personnel of the State Special Transport Service (except for guard elements) have no right to carry weapons.

*Article 6. Training of the personnel of the State Special Transport Service*

1. Training, retraining and improvement of professional skill of the personnel of the State Special Transport Service are conducted in educational establishments of the Ministry of transport of Ukraine, other educational establishments of Ukraine and other states.

*Article 7. The Procedure of mobilisation deployment of the State Special Transport Service*

1. Mobilisation deployment and bringing to readiness of the State Special Transport Service for operation during the special period are brought about according to the procedure established by the plans developed by the State Special Transport Service, coordinated with the General Staff of the Armed Forces of Ukraine and approved by the head of the central organ of executive power in the field of transportation.

*(Article 2 with changes introduced by the Law No 3428-IV of 09.02.2006)*

### **PART III. MANAGEMENT OF THE STATE SPECIAL TRANSPORT SERVICE**

*Article 8. The powers of the Cabinet of Ministers of Ukraine*

1. Cabinet of Ministers of Ukraine:
  - Manages according to the Constitution and laws of Ukraine the State Special Transport Service and control over its operation and maintenance of constant readiness for fulfilment of the tasks in peacetime and the special period;
  - Organises elaboration and fulfilment of nation-wide development programmes of the State Special Transport Service in the order established by the law and within its competences exercises control over their execution;  
*(Paragraph three of Article 8 as provided by the Law No 3421-IV of 09.02.2006)*
  - Provides delivery to the State Special Transport Service of material means and necessary military equipment, other resources, property, as well as rendering of services and their financing in the volumes necessary for fulfilment of the tasks assigned to it;
  - Gives the state procurement order for the fulfilment of works, rendering of services, as well as on delivery of products for its needs, creation of untouchable and mobilisation reserves;
  - Establishes the procedure of transfer to the State Special Transport Service of installations administration of state property, communication facilities and radio-frequency resources, communications, infrastructure installations, topographical and geodesic, meteorological, hydrographic and other information, the services of the geodetic and cartographical support necessary for the fulfilment of the assigned to the State Special Transport Service tasks both on a paid and free basis;

- Provides exercise of the right on social and legal protection of the personnel of the State Special Transport Service, the persons retired from railway troops and the State Special Transport Service, members of their families, as well as families of the servicemen and employees of the State special service of the transport, died at service;
- According to the legislation of Ukraine regulates economical activity of the State Special Transport Service;
- Selects the organs which carry out the state oversight over security of works performed by the individuals serving in the headquarter of the State Special Transport Service, the joint detachments, detachments, separate detachments, guard elements, organs of support, training centre, institutions, enterprises and organisations;  
*(Article 8 is supplemented by the paragraph as provided by the Law No 1414-VI of 02.06.2009)*
- Carries out other powers envisaged by the law.

*Article 9. The powers of the Ministry of transport of Ukraine in interrelations with the State Special Transport Service*

1. The Ministry of transport of Ukraine coordinating the activity of the State Special Transport Service:
  - Provides the organisation of its activity, development and constant readiness for fulfilment of tasks both in peacetime and during the special period;
  - Takes the decision on creation, reorganisation, alleviation and location of departments of the State Special Transport Service;
  - Organises the delivery to the State Special Transport Service of special military equipment, material, financial and other resources and property, carries out control over their efficient use and duly amortisation;
  - Provides implementation of interrelations of the State Special Transport Service with state power organs of all levels, local self-government organs, public organisations, as well as international co-operation;
  - Controls the observance of the legislation by the personnel of the State Special Transport Service;
  - Together with the General Staff of the Armed Forces of Ukraine determines the needs of the State Special Transport Service for arms, military equipment, material, power resources necessary for appropriate fulfilment of the task assigned to the State Special Transport Service during the special period, controls their quality, timeliness and completeness;
  - Carries out other powers established by the law.
2. The head of the central organ of executive power in the field of transport in peacetime has the authority over subordinate servicemen equal to the disciplinary powers of the Minister of defence stipulated by the Disciplinary Regulations of the Armed Forces of Ukraine.  
*(Article 9 is supplemented by Part 2 as provided by the Law No 1414-VI of 02.06.2009)*

*Article 10. The powers of the General Staff of the Armed Forces of Ukraine in interrelations with the State Special Transport Service*

1. The General Staff of the Armed Forces of Ukraine:
  - Brings to the notice of the State Special Transport Service the instructions and orders of the Supreme Commander-in-Chief of the Armed Forces of Ukraine, organises their performance by the State Special Transport Service during the special period;

- Participates in staffing of the State Special Transport Service in peacetime and during the special period and organises the deployment of its departments;
  - Organises the selection of qualified experts for the use by the State Special Transport Service during the special period, as well as their training and retraining;
  - Coordinates the decision on creation, reorganisation and disbanding of departments of the State Special Transport Service as well as their location;
  - Organises logistical and armaments support required for execution of the State Special Transport Service tasks during the special period;  
*(Part 1 of Article 10 is supplemented by the paragraph as provided by the Law No 3428-IV of 09.02.2006)*
  - Carries out other powers envisaged by the law.
2. During the special period (with the introduction of martial law or state of emergency established according to the Constitution of Ukraine) the State Special Transport Service is transformed to the martial law and re-subordinated to the General Staff of the Armed Forces of Ukraine established by the Presidential Decree on introduction of martial law or state of emergency approved by the Verkhovna Rada of Ukraine.

*Article 11. Direct management of the State Special Transport Service*

1. The direct management of the State Special Transport Service in peacetime and during the special period is carried out by a management organ of the State Special Transport Service in the structure of the central organ of executive power in the field of transport. The head of a management organ of the State Special Transport Service has the authority over subordinate servicemen equal to the disciplinary powers of the service commander of the Armed Forces of Ukraine stipulated by the Disciplinary Regulations of the Armed Forces of Ukraine.  
*(Part 1 of Article 11 with changes introduced by the Law No 1414-VI of 02.06.2009)*
2. The head of the management organ of the State Special Transport Service is appointed by the President of Ukraine upon submission of the Minister of transport of Ukraine coordinated with the Prime minister of Ukraine.
3. Functions and powers of the management organ and its head are determined by the Regulations about to the State Special Transport Service.

**PART IV. THE POWERS OF THE PERSONNEL OF THE STATE SPECIAL TRANSPORT SERVICE**

*Article 12. The Basic duties of the personnel of the State Special Transport Service*

1. The personnel of the State Special Transport Service during fulfilment of the designed tasks are obliged:
- To take part in the activities on organisation of technical support of the National transport system of Ukraine and the prevention of emergencies, accidents and catastrophes on transport;
  - To prepare forces and the means intended for temporary and short-term reconstruction of destroyed installations of transport both in peacetime and during the special period;
  - To take urgent measures on short-term and temporary reconstruction of the ruined installations of transport with the purpose of recovery of flow of transport, including in territories of the states with which the relevant agreements are concluded;
  - To provide security of installations of the National transport system and cargo, support of cargo by transportation during emergencies and during the special period;

- To take part in the carrying out of research and development projects, as well as development of the relevant technologies connected with creation, test and introduction of new means and designs, as well as modern methods of the works necessary for organisation, short-term and temporary reconstruction of installations of transport, barrages and their demining.
- 2. It is forbidden to use departments and personnel of the State Special Transport Service for the fulfilment of functions they are not designed for. No one has the right to assign to the personnel of the State Special Transport Service the fulfilment of the tasks and duties not envisaged by the laws of Ukraine.

*Article 13. Rights of the personnel of the State Special Transport Service*

1. For fulfilment of the designed duties the following rights are given to the personnel of the State Special Transport Service:
  - To demand from citizens and officials on transport to refrain from obstructing the personnel of the State Special Transport Service carry out the designed tasks on alleviation of consequences of emergencies, accidents and catastrophes on transport and to restoration of installations;
  - Cordon off and guard the determined territories, individual buildings, organisations and installations during their reconstruction with consent of the relevant local self-government organs and local state administrations;
  - To temporarily forbid or limit the flow of railway transportation with consent of railways nearby and within the limits of the zone of reconstruction of buildings, organisations and installations;
  - To use during the special period the communication facilities of enterprises, institutions and organisations irrespective of the forms of ownership and subordination;
  - To use, with priority, all kinds of passenger transport of local and long-distance communications if necessary.

**PART V. LEGAL AND SOCIAL PROTECTION  
OF THE PERSONNEL OF THE STATE SPECIAL TRANSPORT SERVICE**

*Article 14. Social and legal protection of servicemen of the State Special Transport Service*

1. Servicemen of the State Special Transport Service on duty are under protection of the state. It is forbidden to interfere with their service activity, except for the organs, services and officials specially authorised by law.
2. Legitimate demands made by servicemen of the State Special Transport Service during fulfilment of service tasks must be obeyed by citizens of Ukraine, foreigners and persons without the citizenship staying in Ukraine, as well as services and officials.
3. Social and legal protection of servicemen of the State Special Transport Service and members of their families is carried out according to laws of Ukraine.

*Article 15. Liability of servicemen of the State Special Transport Service*

1. Servicemen of the State Special Transport Service are accountable for:
  - Unlawful acts or acts of omission according to the procedure established by the law.

*Article 16. Support of the personnel of the State Special Transport Service*

1. Monetary, clothing, food and other kinds of allowance of servicemen of the State Special Transport Service is determined according to the Law of Ukraine "On Social and Legal Protection of Servicemen and Members of Their Families", other legislative acts of Ukraine, and pension provision – according to the Law of Ukraine "On Pensions of Retired Military Personnel and Other Persons".

*(Part 1 of Article 16 with changes as provided by the Law No 328-V of 03.11.2006)*

2. Servicemen and employees of the State Special Transport Service and members of their families shall be provided by the state with housing. Construction (acquisition) of housing is made at the expense of the State Budget appropriations for the State Special Transport Service and other sources not banned by the law.

*(Article 16 is supplemented by this Part as provided by the Law No 3428-IV of 09.02.2006)*

3. Employees of the State Special Transport Service are subject to the labour legislation of Ukraine.

**PART VI. FINANCING AND LOGISTICAL SUPPORT  
OF THE ACTIVITY OF THE STATE SPECIAL TRANSPORT SERVICE**

*Article 17. Financing of the State Special Transport Service*

1. Financing of the State Special Transport Service is carried out at the expense of the State Budget of Ukraine within the limits of the budgetary assignments determined to the main manager – the Ministry of Transport of Ukraine and allocated in a separate budget line in the State Budget of Ukraine, as well as from other sources envisaged by the law.

*Article 18. Logistical Support of the activity of the State Special Service of Transport*

1. Logistical support of the State Special Transport Service with material means, special military equipment, other property, as well as housing, medical, financial and other support are brought about at the rates and in accordance with the procedure established by the legislation of Ukraine.
2. Provision with special railway, road building and automobile military equipment in peacetime is carried out at the rates determined by the Ministry of transport of Ukraine, during the special period – by the General Staff of the Armed Forces of Ukraine.
3. Executive organs and local self-government organs assist the State Special Transport Service and its organs in the solving of housing and other social problems, and with the provision of vehicles and communication facilities.
4. The State Special Transport Service has office accommodations and other buildings, installations of public health services, educational, research, economic and welfare purpose, available housing fund.
5. If necessary the support of the State Special Transport Service can be conducted by enterprises of the Ministry of transport of Ukraine, as well as according to individual agreements including those with foreign organisations provided the observance of the norms and rules of the use of means determined by the legislation of Ukraine.

*Article 19. Legal regime of property of the State Special Transport Service*

1. The property assigned to the State Special Transport Service is the state property administrated by the Ministry of transport of Ukraine and belongs to it on terms of operative management.
2. The status of property is determined by the laws of Ukraine.

*Article 20. Economical activity of the State Special Transport Service*

1. Economical activity of the legal persons belonging to the State Special Transport Service is brought about according to the legislation of Ukraine.

#### **PART VII. CONTROL AND SUPERVISION OF THE ACTIVITY OF THE STATE SPECIAL SERVICE OF TRANSPORT**

*Article 21. The Control of the Verkhovna Rada of Ukraine and the President of Ukraine over the activity of the State Special Transport Service*

1. The control of the Verkhovna Rada of Ukraine over the activity of the State Special Transport Service is carried out according to the Constitution and laws of Ukraine.
2. The President of Ukraine carries out control over the activity of the State Special Transport Service in conformity with the powers determined by the Constitution of Ukraine.

*Article 22. The Control of the Ministry of transport of Ukraine and the General Staff of the Armed Forces of Ukraine over the activity of the State Special Transport Service*

1. The General Staff of the Armed Forces of Ukraine together with the Ministry of transport of Ukraine carries out control over the condition of the ability and readiness of the State Special Transport Service to perform the duties assigned to it during the special period.

*Article 23. Supervision of the observance of legality in the activity of the State Special Service of Transport*

1. Supervision of the observance of legality in the activity of the State Special Transport Service is carried out in accordance with the procedure determined by the Constitution and laws of Ukraine.

#### **PART VIII. FINAL PROVISIONS**

1. This Law enters into force from the date of its publication.
2. The Cabinet of Ministers of Ukraine is obliged to:
  - a. According to the Presidential Decree of January 27, 2003 No. 46/2003 "On Transfer of the Railway Troops of the Armed Forces of Ukraine to Subordination of the Ministry of Transport of Ukraine" to transfer the railway troops of the Armed Forces of Ukraine from subordination to the Ministry of Defence of Ukraine to subordination of the Ministry of Transport of Ukraine, determine the stages and terms of their reform, including transition to staffing of the State Special Transport Service on a contractual basis;
  - b. Within a three-month term from the date of this Law coming into force:
    - i. To submit to the Verkhovna Rada of Ukraine proposals on introducing amendments to acts of Ukraine apparent from this Law;
    - i. To bring their normative-legal acts in conformity with this Law;
    - ii. To bring to conformity with this Law the normative-legal acts of the relevant ministries and other Central Executives.
3. In connection with the exclusion of railway troops from the structure of the Armed Forces of Ukraine and their transfer to the State Special Transport Service to reduce, from 2004, the numeric strength of the Armed Forces of Ukraine established by Article 1 of the Law of Ukraine "On Numeric Strength of the Armed Forces of Ukraine for the period 2000-2005" by 5000 persons.
4. The servicemen of railway troops of the Armed Forces of Ukraine transferred to the State Special Transport Service have their military ranks retained.

## Law of Ukraine "On the Legal Bases of Civil Defence"

1859-IV of 24.06.2004; (*Bulletin of the Verkhovna Rada of Ukraine (BVR)*, 2004, No. 39, p. 488)

Including changes made by the Laws:

No 2505-IV of 25.03.2005, BVR, 2005, No 17, No 18-19, p. 267;

No 328-V of 03.11.2006, BVR, 2006, No 51, p. 519;

No 1014-V of 11.05.2007, BVR, 2007, No 33, p. 442;

No 588-VI of 24.09.2008, BVR, 2009, No 15, p. 188;

No 1706-VI of 05.11.2009, BVR, 2010, No 5, p. 42;

No 3038-VI of 17.02.2011, BVR, 2011, No 34, p. 343.

This Law determines the legal and organisational bases in the sphere of civil defence of the population and territories from emergencies of a technogenic, natural and military character, the powers of executive organs and other management organs, the procedure of creation and deployment of Forces, their staffing, service, as well as the guarantee of social and legal protection of the personnel of organs and departments of civil defence.

### PART I. GENERAL PROVISIONS

#### Article 1. Definition of Terms

1. In this Law the terms given below shall have the following meaning:

- 1) **Civil defence** is the system organisational, technical-engineer, sanitary-and-hygienic, anti-epidemic and other measures carried out by the central and local executive organs, local self-government organs subordinated to them, forces and means, enterprises, institutions and organisations irrespective of their form of ownership, and voluntary rescue formations providing fulfilment of these measures with the purpose of the prevention and alleviation of emergencies threatening the life and health of the people, inflicting a loss of property in peacetime and during the special period;
- 2) A **uniform state system of civil defence** of the population and territories (hereinafter, uniform system of civil defence) is a set of management organs, forces and means of the central and local executive organs, local self-government organs entrusted with the task of the implementation of the state policy in the sphere of civil defence;
- 3) **Subsystems of the uniform system of civil defence** are a set of functional and territorial management organs subordinated to the specially authorised central organ of executive power, which are entrusted with tasks in concrete spheres of civil defence determined by law;
- 4) **Civil defence service** is the public service of special character connected with the maintenance of fire security, prevention and response to other emergencies of technogenic, natural and military character, alleviation of their consequences, protection of the population and territories from their negative influence;
- 5) **Operatively-rescue civil defence** service is a special militarized unit entrusted with the task of protection of the population and territories against emergencies of technogenic, natural and military character, participation in the activities of territorial defence, as well as international rescue and other humanitarian operations;

- 6) **Forces and means of civil defence** are the personnel and employees of organs and departments of civil defence, voluntary rescue formations, fire and rescue military equipment, fire-technical and rescue equipment, fire extinguishing means and individual protective equipment, other property intended for extinguishing of fires, alleviation of consequences of catastrophes, flooding, earthquakes and other accidents of technogenic, biological, radiological, chemical or ecological and military character and minimisation of consequences of Chernobyl accident;
- 7) **Zone of possible damage** is a separate territory or object on which, as a result of an emergency of technogenic, natural or military character, a threat to the life or health of people or infliction of material losses has occurred;
- 8) **Alleviation of consequences of emergencies** is the carrying out of a complex of measures, including rescue and other urgent works, which are carried out in case of emergencies of a technogenic, natural and military character (hereinafter, emergencies), and directed toward the elimination of dangerous factors, rescuing of the life and preservation of health of people, as well as on the localisation of the zones of emergencies;
- 9) **Rescue works** are the works directed on search, rescue and protection of people (including urgent medical aid), protection of stocks of materials and capital equipment, cultural valuables, the environment during the alleviation of consequences of emergencies with engagement of the employees having special training, means of individual protection and equipment;
- 10) **Prime measures** on the alleviation of consequences of an emergency are operative implementation of the organisational-technical and other urgent measures directed on maintenance of the minimal needs of life-support of the population suffering from an emergency;
- 11) **Technogenic security** is the condition of protectability of the population, territories, and installations from negative consequences of emergencies of a technogenic character;
- 12) **Civilian emergencies** or non-standard situations are situations occurring in the public sphere which are less damaging than the abovementioned emergencies but which pose a threat to the life and health of people or inflict a loss of property.

*Article 2. Legal basis for civil defence*

1. Legal basis for civil defence is the Constitution of Ukraine, this Law, Laws of Ukraine "On Protection of the Population and Territories against Natural and Technogenic Emergencies", "On the Civil Defence of Ukraine", "On the Legal Regime of State of Emergency", "On the Legal Regime of Martial Law", "On Emergency Rescue Services", "On Fire Security", "On Installations of Grave Danger", "On the Use of Nuclear Energy and Radiological Security", "On Maintenance of Sanitary and Well-being of the Population", "On the Legal Regime of Territory of Radioactive Pollution as a Result of Chernobyl Accident", international treaties of Ukraine agreed to be binding by the Verkhovna Rada of Ukraine, and other acts of the legislation.

*Article 3. The Purpose of civil defence*

1. Civil defence is carried out with the purpose of:
  - Implementation of the state policy directed to ensure the security and protection of the population and territories, stocks of materials and capital equipment, cultural valuables, and

the environment from negative consequences of emergencies in peacetime and during the special period;

- Overcoming the consequences of emergencies, including consequences of emergencies in territories of foreign states according to the international treaties of Ukraine agreed to be binding by the Verkhovna Rada of Ukraine.

*Article 4. Principles of civil defence*

1. Civil defence is based on the following principles:

- State guarantee to citizens of their constitutional rights on protection of their life, health and property, and to legal persons – the right to safe functioning;
- Voluntariness for people to implement measures in the sphere of civil defence connected with risk for life and health;
- Complex approach to the accomplishment of tasks of civil defence;
- Creation of system of rational preventive security with the purpose of the greatest possible, economically proved reduction of probability of occurrence of emergencies and minimisation of their consequences;
- Territorial and functional approach to the uniform system of civil defence;
- Minimisation of damage to the environment;
- Publicity, easy access by the population to the information in the sphere of civil defence according to the legislation.

*Article 5. Tasks of civil defence*

1. The major tasks of civil defence are the following:

- Collection and analytical processing of the data about emergencies;
- Forecasting and estimation of social and economic consequences of emergencies;
- Implementation of supervision and control over the sphere of civil defence;
- Development and performance of legislative and other normative-legal acts, observance of norms and standards in the sphere of civil defence;
- Development and implementation of preventive measures in the sphere of civil defence;
- Creation, preservation and rational use of the material resources necessary for prevention of emergencies;
- Development and fulfilment of the scientific and technical programmes directed toward the prevention of emergencies;
- Operative notice of the population about occurrence or threat of occurrence of an emergency, reliable informing on developing conditions and the measures taken for prevention of emergencies and overcoming of their consequences; organisation of protection of the population and territories from emergencies, rendering of urgent psychological, medical and other assistance to the casualties;
- Carrying out of urgent works on the alleviation of consequences of emergencies and organisation of life-support of the suffering population;
- Maintenance of constant readiness of forces and means of civil defence to prevent emergencies and alleviate their consequences;

- Rendering, with the use of means of civil defence, operative help to the population in case of occurrence of civilian emergencies or non-standard situations;
- Training of the population in ways of protection in case of emergencies, civilian emergencies or non-standard situations and the organisation of trainings;
- International co-operation in the sphere of civil defence.

## **PART II. BASIC MEASURES IN THE SPHERE OF CIVIL DEFENCE**

### *Article 6. Basic measures in the sphere of civil defence*

1. With the purpose of effective implementation of the tasks of civil defence, reduction of material losses and avoidance of damage to installations, stocks of materials and capital equipment, cultural values and the environment in case of emergencies, the central and local executive organs, local self-government organs, force and means subordinated to them, enterprises, establishments and organisations irrespective of the form of ownership, and voluntary rescue formations inform the people of the emergency, supervise, provide laboratory control and shelter in protective installations, evacuate, and engineer, medical, psychological, biological, ecological, radiological and chemical protection.

### *Article 7. Notice and informing*

1. Notice and informing in the sphere of civil defence include:
  - Alerting the population of the occurrence or possible threat of occurrence of emergencies, including through nation-wide, territorial and local automated systems of centralized notice;
  - Preliminary creation and organisational-technical integration of standing local systems of notice and informing the population with special systems of supervision and control over zones of possible damage;
  - Centralized use of communication networks, broadcastings, TV and other mass media irrespective of form of ownership and subordination in case of emergencies.

### *Article 8. Supervision and laboratory control*

1. Supervision and laboratory control include:
  - Creation and maintenance in constant readiness of nation-wide and territorial networks of supervision and laboratory control;
  - Organisation of collection, processing and transmission of information about the condition of the environment, and pollution of food, fodder, and water with radioactive, chemical substances and infectious microorganisms.

### *Article 9. Sheltering in protective installations*

1. To shelter the population the fund of protective installations is created in cities, villages, and settlements by means of:
  - Complex development of underground space of settlements for mutually coordinated accommodation in it of installations and premises of social, industrial and economic purpose, taking into account the necessity of adaptation and use of a part of these premises for sheltering of the population in case of emergencies;

- Inspections and registration of underground and ground buildings and installations meeting the requirements of protection, installations of underground space of settlements, excavations and natural spaces;
  - Additional equipping, taking into account the requirements of protection of basement and other underground premises;
  - Construction of underground installations, and other immovable installations adapted for fulfilment of the tasks of civil defence;
  - Construction of elementary warehouses and shelters during the threat of emergencies;
  - Organisations of individual warehouses and anti-radiation shelters.
2. The fund of protective installations in peacetime is used for economic, cultural and household needs in accordance with the procedure determined by the specially authorised central organ of executive power on issues of civil defence.

*Article 10. Implementation of measures on evacuation of the population*

1. When there are not enough protective installations in the settlements where dangerous installations are located, as well as during the special period, the major way of protection of the population is its evacuation and accommodation in zones safe for residence.
2. The population residing in settlements that are in zones of possible catastrophic inundation, dangerous radioactive pollution, chemical damage, in regions of natural disasters, accidents and catastrophes are subject to evacuation if there is a direct threat to the life and health of people.
3. In case of emergency the full or partial evacuation of the population of a temporary or irrevocable character is conducted.
4. The full evacuation of the population during the special period is conducted in individual regions upon the decision of the Cabinet of Ministers of Ukraine in case of:
  - a. Dangers of radioactive pollution around nuclear power stations (if there is a direct threat to the life and health of the population living in zone around it);
  - b. Threats of a catastrophic inundation of the district with less than a four-hour reach of debacle waves;
  - c. Occurrence of threat to the life and health of the population living in the zone of occurrence of the emergency of military character.
5. Partial evacuation of the population in case of occurrence or threat of occurrence of an emergency in the relevant territory is conducted upon the decision of the Cabinet of Ministers of Ukraine if another is not established by law.
6. When carrying out the partial or full evacuation, the population not involved in manufacture and services, students, pupils of educational establishments, children of orphanages, pensioners and invalids of nursing houses, together with teachers and tutors, service personnel and members of their families are evacuated first.
7. Evacuation of the population from dangerous regions is conducted on foot and by available transport.
8. To prevent panic and loss of life, the following are provided at evacuation:
  - a. Planning of evacuation of the population;
  - b. Determining of zones, fit for accommodation of the evacuated population from potentially dangerous zones;

- c. Notify the administrative board of central and local executive organs, local self-government organs, enterprises, institutions and organisation (irrespective of the form of ownership) and the population about the beginning of the evacuation;
- d. Management of evacuation;
- e. Creation of minimally necessary conditions for vital activity of the evacuated population;
- f. Training the population to carry out evacuations.

*Article 11. Engineering protection of territory*

1. With the purpose of creation of conditions of safe residence for the population in territories with an increased technogenic loading and risk of occurrence of emergencies, the following measures are taken to protect the territory:
  - Taking into account during the development of general plans of building of settlements and conducting town-planning in areas of increased risk, the possibility of emergencies in individual territories and in regions;
  - Control over rational arrangement of potentially dangerous installations taking into account possible consequences of emergencies for security of the population and the environment in case of occurrence of such situations;
  - Construction of installations, buildings, engineering networks and transport communications with the set levels of security and reliability;
  - Development and introduction of measures on accident-free operation of potentially dangerous installations;
  - Creation of complex schemes to protect settlements and installations from dangerous natural processes by the construction of installations against landslides, floods, avalanches, erosion and other engineering installations of special purpose.

*Article 12. Medical protection of the population and maintenance of well-being in regions of emergencies*

1. For the prevention or reduction damage to the population, duly rendering of the assistance to the lost and their treatment and maintenance of well-being in the regions of emergencies, the following activities are undertaken:
  - Planning and use of existing forces and means of establishments of public health services irrespective of the forms of ownership and managing;
  - Deployment, under conditions of emergencies, of additional medical establishments;
  - Duly application of preventive medicines and sanitary-and-epidemiologic measures;
  - Quality control of food, drinking water and sources of water supply;
  - Preliminary creation and training of special medical formations;
  - Accumulation of medical means of protection, medical and other special property and military equipment;
  - Control over the condition of the environment, sanitary-and-hygienic and epidemic situation;
  - Training of the population to provide first medical aid and observance of the relevant sanitary rules;
  - Preventing harmful factors of the environment and consequences of emergencies from affecting the health of people, as well as preventing conditions for the occurrence and spread of infectious diseases;

- Sanitary guarding of territories and installations in the zone of emergency.

*Article 13. Psychological protection*

1. Prevention or reduction of negative psychological influence on the population and duly rendering of effective psychological help are provided by the implementation of the following activities:
  - Planning of activity and use of the existing forces and means of departments of psychological help of the specially authorised central organ of executive power on issues of civil defence;
  - Duly application of psycho-prophylactic methods;
  - Revealing by means of psychological and sociological methods of the factors promoting socially-psychological disturbance;
  - Use of modern techniques of psychological counselling for neutralisation of negative influence on the population.

*Article 14. Biological protection*

1. Protection against biological contamination includes:
  - Revealing of the centre of biological contamination;
  - Forecasting of scales of development of consequences of biological contamination;
  - Use of shared and individual means of protection;
  - Introduction of regimes of quarantine and observation;
  - Disinfecting the centre of biological contamination;
  - Implementation of measures of emergency and specific preventive support;
  - Observance anti-epidemic regime by the subjects of economical activity, medical establishments and the population.

*Article 15. Ecological protection*

1. Ecological protection includes implementation of environmental protection measures directed on:
  - Protection of deposits (gas, oil, coal, peat) from fires, inundations and landslides;
  - Extinguishing/removing of forest fires, wind- and snow breaks, technogenic influences on deforestation, as well as their consequences.

*Article 16. Radiological and chemical protection*

1. Radiological and chemical protection includes revealing of the centres of radiological and chemical pollution and estimating their impact, organising and implementing dosimetric and chemical control, development and introduction of standard regimes of radiological protection, provision with means of radiological and chemical protection, organisation and carrying out of special and sanitary processing.
2. Radiological and chemical protection is provided by implementation of the following measures:
  - Preliminary accumulation and maintenance in constant readiness of means of radiological and chemical protection, amounts and places of storage of which are determined according to the zones of possible damage;

- Duly introduction of means, ways and methods of revealing and estimating the scale and consequences of catastrophes, destruction of radiation and chemically dangerous installations;
- Creation of unified means of protection, and devices of radiological, chemical investigation and radiation control;
- Giving the population the opportunity to purchase means of radiological and chemical protection;
- Development of standard regimes of radiological protection of the population and operation of installations under conditions of radioactive pollution of the district;
- Preliminary equipment of radiation and chemically dangerous installations with the means for carrying out of special processing of clothes, property and vehicles, as well as sanitary processing of the injured population;
- Development of the common criteria, methods and techniques of supervision of radiological and chemical conditions.

*Article 17. Protection of the population from civilian emergencies or nonstandard situations*

1. Protection of the population against civilian emergencies or non-standard situations includes:
  - Implementation of measures on revealing and estimation of such situations;
  - Organisation and rendering of assistance to the population;
  - Development of standard recommendations on issues of actions in case of civilian emergencies or non-standard situations;
  - Carrying out of special rescue works.

### **PART III. UNIFORM SYSTEM OF CIVIL DEFENCE**

*Article 18. Structure of uniform system of civil defence*

1. The structure of uniform system of civil defence includes central and regional executive organs, local self-government organs and functional and territorial subsystems of the uniform system of civil defence created by them.

*Article 19. Functional subsystems of uniform system of civil defence*

1. Functional subsystems of the uniform system of civil defence are created by the Central Executives for the organisation of the work connected with prevention of emergencies and protection of the population and territories in case of their occurrence.
2. The organisation, tasks, structure of forces and means, the procedure of activity of functional subsystems of the uniform system of civil defence are determined by regulations about these subsystems approved by the relevant Central Executives as agreed with the specially authorised central organ of executive power on issues of civil defence.

*Article 20. Territorial subsystems of uniform system of civil defence*

1. Territorial subsystems of uniform system of civil defence are created in the Autonomous Republic of Crimea, oblasts, the cities of Kyiv and Sevastopol for the prevention and alleviation of consequences of emergencies of a technogenic, natural and military character within the limits of the relevant territories and include territorial management organs of the specially authorised central organ of executive power on issues of civil defence and the relevant commissions of technogenic-ecological security and emergencies.

2. The organisation, tasks, structure of forces and means, and the procedure of activity of territorial subsystems of uniform system of civil defence are determined by positions, which is approved by the specially authorised central organ of executive power on issues of civil defence with the consent of the Council of Ministers of the Autonomous Republic of Crimea, the relevant oblast, Kyiv and Sevastopol city state administrations.

*Article 21. Modes of operation of uniform system of civil defence*

1. The uniform system of civil defence can function under modes of daily operation and increased readiness, and under emergency mode, and during a state of emergency or martial law.
2. The mode of operation of the uniform system of civil defence within the limits of concrete territory is established depending on the existing or predicted conditions, scale of emergency upon the decision of the Cabinet of Ministers of Ukraine, Ministerial council of the Autonomous Republic of Crimea, oblast, Kyiv and Sevastopol city, district state administration, city council.

*Article 22. The Regime of daily operation*

1. The mode of daily operation of the uniform system of civil defence is established under conditions of normal industrial, radiological, chemical, biological (including bacteriological), seismic, hydro-geological and hydrometeorological conditions, at the absence of epidemics, epizootic and epiphytotic diseases.
2. During the mode of daily operation, the management organs, forces and means of uniform system of civil defence:
  - a. Provide supervision and control over the conditions on potentially dangerous installations and territories adjacent to them, as well as duty of operation personnel;
  - b. Develop and carry out scientific and technical programmes of prevention of emergencies and reduction of possible losses;
  - c. Carry out measures on ensuring the security and protection of the population during the emergency;
  - d. Provide training for management organs on how to react in case of emergencies, civilian emergencies or non-standard situations, organise training for the population on the use of means of protection in such situations;
  - e. Create and restore material reserves for alleviation of consequences of emergencies;
  - f. Conduct constant forecasting of the conditions on their deterioration that can entail occurrence of emergencies.

*Article 23. The Mode of increased readiness*

1. The mode of increased readiness of the uniform system of civil defence is established in case of essential deterioration of industrial, radiological, chemical, biological (including bacteriological), seismic, hydro-geological and hydrometeorological conditions, in the presence of threat of occurrence of an emergency.
2. In the mode of increased readiness the management organs of the uniform system of civil defence:
  1. Render the operative help to organs and structures involved in maintenance of civil defence in case of occurrence of civilian emergencies or non-standard situations;

2. Form commissions for revealing the reasons of deterioration of the situation directly in the region of possible occurrence of an emergency, and develop proposals on its normalisation;
3. Increase supervision and control over the situation on potentially dangerous installations and territories adjacent to them, carry out forecasting of the possibility of occurrence of emergencies and their scales;
4. Develop measures on protection of the population and territories under conditions of emergency;
5. Bring during conditions of increased readiness the available forces and means of response, involve additional forces and means, specify plans of their activities and direct them in case of need to the region of threat of occurrence of an emergency;
6. Carry out measures to prevent the occurrence of emergencies.

*Article 24. Mode of emergency*

1. The emergency mode of the uniform system of civil defence is activated in case of occurrence and during the alleviation of consequences of an emergency.
2. During the emergency mode, the management organs of the uniform system of civil defence:
  - a. Determine the limits of the territory of the emergency;
  - b. Organise protection of the population and territories under conditions of emergency;
  - c. Organise works on localisation or alleviation of consequences of an emergency, involve necessary forces and means;
  - d. Carry out continuous control over development of an emergency, situation on emergency installations and territories adjacent to them;
  - e. Operatively report to the supreme organs of management on the development of the emergency, measures carried out, and notify the population.

*Article 25. Mode of state of emergency*

1. The mode of operation of the uniform system of civil defence under conditions of a state of emergency is established according to the requirements of the Law of Ukraine "On the Legal Regime of State of Emergency".

*Article 26. Martial law*

1. Mode of operation of the uniform system of civil defence under conditions of martial law, procedure of its subordination to the military command are determined according to the Law of Ukraine "On the Legal Regime of Martial Law".

**PART IV. MANAGEMENT OF UNIFORM SYSTEM OF CIVIL DEFENCE**

*Article 27. System of management organs of civil defence*

1. The general management of the uniform system of civil defence is carried out by the Cabinet of Ministers of Ukraine. The Head of civil defence of Ukraine is the Prime Minister of Ukraine.
2. The direct management of activity of uniform system of civil defence is assigned to the specially authorised central organ of executive power on issues of civil defence. The head of this organ is the deputy Head of civil defence of Ukraine.
3. The management of territorial subsystems of uniform system of civil defence in the Autonomous Republic of Crimea, oblasts, the cities of Kyiv and Sevastopol is carried out accordingly by the Council of Ministers of the Autonomous Republic of Crimea, regional, Kyiv and

Sevastopol city state administrations. Heads of territorial subsystems of the uniform system of civil defence are ex officio the Chairman of the Council of Ministers of the Autonomous Republic of Crimea and the head of the relevant state administrations accordingly. Heads of territorial organs of the specially authorised central organ of executive power on issues of civil defence are ex officio assistants to the Heads of territorial subsystems of uniform system of civil defence.

*Article 28. Specially authorised central organ of executive power on issues of civil defence*

1. The structure of the specially authorised central organ of executive power on issues of civil defence include:

- Governmental organ of the state supervision in the sphere of civil defence and technogenic security and technogenic protection;

*(The second paragraph of Part 1 of Article 28 with changes as provided by the Law No 588-VI of 24.09.2008)*

- Governmental organ of state supervision in the sphere of fire security;

*(Part 1 of Article 28 is supplemented with a paragraph as provided by the Law No 588-VI of 24.09.2008)*

- Organs of operative response to emergencies in the sphere of civil defence;
- Organs of minimisation of consequences of Chernobyl accident and other emergencies.

2. The Specially authorised central organ of executive power on issues of civil defence:

- Provides implementation of the state policy and carries out the state supervision of the observance of the laws and other normative-legal acts in the sphere of civil defence;

- Provides activity of the uniform system of civil defence;

- Controls the organisation of the fulfilment of measures directed on the protection of the population and territories from emergencies by the central and local executive organs, local self-government organs, enterprises, institutions and organisations irrespective of form of ownership;

- Checks the condition of readiness of the territorial organs, forces and means of civil defence functioning under the emergency mode;

- Provides in accordance with the law the supervision over observance of safety standards of operations carried out by privates and commanders who serve in the units of civil defence;

*(Part 2 of Article 28 is supplemented with a paragraph as provided by the Law No 1706-VI of 05.11.2009)*

- Controls accumulation, preservation and target use of the material resources intended for alleviation of consequences of emergencies by central and local executive organs, local self-government organs, enterprises, institutions and organisations irrespective of form of ownership;

- Checks the condition of planning and readiness for implementation of measures on evacuation of the population in case of emergencies;

- At the sight of potentially dangerous installations, checks the availability and readiness of local systems to announce the occurrence of threats of emergencies and local systems to warn the population, first of all the population residing in the zones of possible damage and the personnel of these installations;

- Checks the availability and readiness for use, in case of emergency, of collective and individual protective equipment of the population, property of civil defence, and their maintenance and registration;
  - Conducts random inspections of training for actions under conditions of emergencies at enterprises, institutions and organisations irrespective of the form of ownership;
  - Finds out why emergencies occurred, what preventive measures are missing, and estimates the actions of management organs, forces and means of civil defence during the fulfilment of rescue and other urgent works;
  - Together with the organs carrying out the state supervision in the relevant sphere, participates in checks of maintenance of conditions of storage, transportation, neutralisation, utilisation and dumping of dangerous substances and the products containing such substances;
  - Carries out, within the limits determined by the legislation, the normative regulation in the sphere of civil defence, including technogenic and fire security, develops and approves with the participation of interested ministries and other Central Executives, the state rules and norms of civil defence obligatory for fulfilment by executive organs, local self-government organs, enterprises, institutions, organisations;
  - Carries out other measures envisaged by the law.
3. The head of the specially authorised central organ of executive power on issues of civil defence is appointed to office by the President of Ukraine upon submission of the Prime minister of Ukraine.
4. The head of the specially authorised central organ of executive power on issues of civil defence:
- Carries out direct management of the uniform system of civil defence, management organs, forces and means of uniform system of civil defence, provides the organisation of their activity;
  - Appoints the heads of territorial organs and structural departments of the specially authorised central organ of executive power on issues of civil defence, other management organs and forces of civil defence, enterprises, establishments and organisations belonging to the sphere of management of the specially authorised central organ of executive power on issues of civil defence;
  - Issues orders of an organisational-administrative character on issues of activity of management organs and forces of civil defence;
  - Promotes privates and command personnel to the next ranks up to the rank of colonel of civil defence service;
  - Submits proposals on promoting to higher special ranks, according to the legislation;
  - Manages budgetary funds;
  - Carries out other powers established by the present and other laws of Ukraine.
5. The Specially authorised central organ of executive power on issues of civil defence exercises its powers through territorial organs according to the administrative-territorial division up to and including the district.

*Article 29. Governmental organ of the state supervision in the sphere of civil defence and technogenic security in the structure of the specially authorised central organ of executive power on issues of civil defence*

1. Acting in the structure of and subordinate to the governmental organ of the state supervision in the sphere of civil defence and technogenic security shall be Regional/Local gov-

ernmental organs of the state supervision in the sphere of civil defence and technogenic security in the Autonomous Republic of Crimea, Regions, the Cities of Kyiv and Sevastopol, Districts, Cities and City Districts.

2. Provisions of territorial governmental organs of the state supervision in the sphere of civil defence and technogenic security are subject to approval by the head of the specially authorised central organ of executive power on issues of civil defence.
3. The head of the specially authorised central organ of executive power on issues of civil defence, senior deputy Head and deputy Heads shall be respectively the *ex officio* Inspector General for Civil Defence and Technogenic Security of Ukraine, senior deputy Inspector General for Civil defence and technogenic security of Ukraine and deputy Inspectors General for Civil Defence and Technogenic Security.
4. Subdivision Chiefs of the governmental organ of the state supervision in the sphere of civil defence and technogenic security and respective deputy Chiefs shall be the *ex officio* senior state inspectors for civil defence and technogenic security. Other officials of the governmental organ of the state supervision in the sphere of civil defence and technogenic security shall be state inspectors for civil defence and technogenic security.
5. Heads of Regional/Local governmental organs of the state supervision in the sphere of civil defence and technogenic security and respective deputy Heads shall be, respectively, the *ex officio* Inspectors General for civil defence and technogenic security and deputy Inspectors General for civil defence and technogenic security in the Autonomous Republic of Crimea, Regions, the Cities of Kyiv and Sevastopol, Districts, Cities and City Districts. Other officials of Regional/Local governmental organs of the state supervision in the sphere of civil defence and technogenic security shall be State inspectors for civil defence and technogenic security.

*(Article 29 as provided by the Law No 588-VI of 24.09.2008)*

*Article 30. The powers and liability of officials of the governmental organ of the state supervision in the sphere of civil defence and technogenic security and its regional organs*

*(Name of Article 30 with changes as provided by the Law No 588-VI of 24.09.2008)*

1. **Officials of the governmental organ of the state supervision in the sphere of civil defence and technogenic security and its regional organs have the right:**

*(The first paragraph of Part 1 of Article 30 with changes as provided by the Law No 588-VI of 24.09.2008)*

*(The first paragraph of Clause 1 of Article 30 is excluded as provided by the Law No 588-VI of 24.09.2008)*

- To require from citizens, enterprises, institutions and organisations irrespective of form of ownership, foreigners and foreign legal persons the implementation of the measures envisaged by the legislation in the sphere of civil defence, to give obligatory instructions within the limits of their competence;
- To suspend until the elimination of violations of the requirements of the legislation in the sphere of civil defence and technogenic security the operation of enterprises, installations, individual manufactures, workshops, sites, devices, mechanisms, equipment, vehicles, as well as works if these violations create a threat to the life or health of people;
- To submit, in accordance with the established procedure, proposals on the suspension of sanctions to operation of dangerous installations in case of non-observance of conditions

of these sanctions or violations of the legislation in the sphere of civil defence and to give obligatory instructions for elimination of such violations;

- To issue acts of checks, instructions and reports in case of non-compliance with legitimate requirements of the officials of the specially authorised central organ of executive power on issues of civil defence;
- To institute legal proceedings according to the procedure established by law against the violation of requirements of the legislation in the sphere of civil defence for settlement of the question about bringing of guilty persons to account;
- To limit and stop, according to the procedure established by the legislation, of works on construction, reconstruction and extension of installations that violate the requirements of the legislation in the sphere of civil defence;
- To involve in checks representatives of central and local executive organs, local self-government organs, public organisations (with consent of their heads), experts of research, developmental and design establishments;
- To receive, in accordance with the established procedure, from the central and local executive organs, local self-government organs, enterprises, institutions and organisations irrespective of form of ownership the information necessary for fulfilment of the tasks assigned to them; to carry out, if necessary, audio, film- and video recording to assist in the prevention and disclosing of offences in the sphere of civil defence;
- To convoke, in accordance with the established procedure, meetings on issues of their competence;
- To impose, according to the law, penalties on enterprises, institutions and organisations for violations in the sphere of civil defence;
- To call officials and citizens guilty of violation of laws and other normative-legal acts in the sphere of civil defence to account for administrative offences;
- To conduct, in accordance with the established procedure, investigation of circumstances and reasons of catastrophes, natural and technogenic emergencies, to take upon the results of investigations decisions obligatory for fulfilment on issues of the competence of the governmental organ of the state supervision of sphere of civil defence;
- To carry out according to the law, within the limits of their competence, control over activity of emergency rescue services and to close down temporarily the activity of uncertified emergency rescue services;

*(The fifteenth paragraph of Clause 1 of Article 30 with changes as provided by the Law No 588-VI of 24.09.2008)*

- To carry out inspections of the central and regional organs of executive power, local self-government organs, enterprises, institutions and organisations regardless of their property type on the state of observance of legislation in sphere of civil defence and technogenic security;

*(Clause 1 of Article 30 is supplemented with paragraph as provided by the Law No 588-VI of 24.09.2008)*

- To carry out other powers envisaged by the law;

*(Clause 2 of Part 1 of Article 30 is excluded as provided by the Law No 588-VI of 24.09.2008)*

2. Officials of the governmental organ of the state supervision in the sphere of civil defence and technogenic security and its regional organs are obliged:

*(Paragraph 1 of Part 2 of Article 30 with changes as provided by the Law No 588-VI of 24.09.2008)*

- To issue checks, instructions and reports in case of non-compliance with legitimate requirements of the officials of the specially authorised central organ of executive power on issues of civil defence;
  - To send in, according to the procedure established by law, to the relevant organs the materials about violation of requirements of legislation in the sphere of civil defence for settlement of the question about bringing the guilty persons to account for administrative or criminal offences;
  - To limit and suspend, in accordance with the procedure established by the legislation, the works on construction, reconstruction and extension of installations conducted with the violation of requirements of the legislation in the sphere of civil defence;
  - To check the condition of readiness of management organs and forces and means of civil defence in case of emergencies.
3. Officials of the governmental organ of the state supervision in the sphere of civil defence and technogenic security and its regional organs are accountable for default on or inadequate performance of the duties assigned to them according to the law.

*(Part 3 of Article 30 with changes as provided by the Law No 588-VI of 24.09.2008)*

4. The losses to physical or legal persons caused by officials of the governmental organ of state supervision in the sphere of civil defence and technogenic security and its regional organs, as a result of the lawful exercise of their powers envisaged by this Article are compensated to the victims according to the procedure established by the legislation at the expense of the State Budget of Ukraine, except for cases when the damage is caused to property of physical or legal persons by actions of the owners of this property.

*(Part 4 of Article 30 with changes as provided by the Law No 588-VI of 24.09.2008)*

*Article 30-1. Special measures for rectifying breaches of legislation on civil defence and technogenic security*

1. Officials of the governmental organ of the state supervision in the sphere of civil defence and technogenic security and its Regional/Local branches as specified in Article 29 sections three, four and five of this Law, operating within the scope of their authorised functions, shall issue orders and instructions to ensure proper compliance and enforcement, and to rectify breaches of legislation on civil defence and technogenic security in the event of/if:

- The absence or immaturity, or failure to comply with duty instructions, regulations and other organisational-administrative documents regulating civil defence and technogenic security measures;
- Failure to conduct employee training for handling emergency situations and emergencies pursuant to legally prescribed procedures;
- The absence or inadequacy, or failure to implement pre-planned measures aimed to ensure that employees are duly protected from hazardous effects of natural or man-made disasters;
- Failure to identify potentially hazardous or highly hazardous installations;
- Failure to conduct certification of potentially hazardous or highly hazardous installations;

- The absence of safety declaration for a highly hazardous installation;
  - The absence at industrial enterprises operating with hazardous substances of certificates (technical passports) of equipment, the machinery and apparatus, or of a system ensuring their uninterrupted (accident-free) operation;
  - The absence, inadequacy or non-conformity to properly endorsed nomenclature and the amount of facility-dependent material reserves that are legally required to be in place for dealing with the effects of emergency events;
  - Non-conformity of the available amount of industrial respiratory protective equipment (RPE) for work with and around hazardous chemical substances to established RPE allowance standards for facility employees; inadequate operating condition or the absence of herein before mentioned equipment at a facility; or improper compliance with RPE storage procedures;
  - Non-availability or inadequate operating condition of radiation/chemical protective equipment used by individuals carrying out maintenance of potentially hazardous or highly hazardous installations, as well as by individuals mentioned as actors in emergency localization and emergency relief plans;
  - Improper compliance with hazardous substances handling rules;
  - The absence of an emergency localization/relief plan for a potentially hazardous or highly hazardous installation;
  - The absence of special accident prevention protection measures required by the emergency localization/relief plan;
  - The absence at a potentially hazardous or highly hazardous installation of properly operating local emergency alarm/warning system and an emergency public warning system to alert the population resident in the area of potential exposure, as well as the facility employees;
  - The absence at a potentially hazardous or highly hazardous installation of a monitoring service, or if the service is unfit to perform its duties, particularly through the absence of related documentation, instruments, equipment or individual protective gear;
  - Nonavailability of emergency-relief machinery and equipment designed for the provision of security for facilities, emergency localization and emergency consequence management;
  - Persons in charge of the maintenance of potentially hazardous or highly hazardous installations, or persons mentioned as actors in emergency localization/emergency relief plans are unfit to perform their duties regarding accident prevention and emergency consequence management;
  - The absence at a potentially hazardous or highly hazardous installation of an agreement on continuous mandatory service by Government emergency services as required by applicable legislation;
  - Failure to comply with regulations for pipeline transportation and carriage of hazardous substances by transportation modes;
  - Performance of construction works for buildings or installations, or the mounting of other commercial facilities, engineering service lines or transportation lines without due compliance with legally prescribed procedures; or if performance of such works may be threatening security of population, facilities, equipment or property at here-in mentioned sites; detection of other violations as identified by civil defence and technogenic security legislation.
2. In the event of detection of the violation as specified in section one of this Article, and if the violation may be threatening human life or health, the Inspector General for civil defence

and technogenic security of Ukraine, senior deputy Inspector General and deputy Inspectors General, Inspectors General for civil defence and technogenic security in the Autonomous Republic of Crimea, Regions, the Cities of Kyiv and Sevastopol, Districts, Cities and City Districts, and respective deputy Inspectors General shall have the authority to suspend the operation of enterprises, installations, individual production facilities, workshops and manufacturing sites; the operation of the machinery, mechanisms, equipment and transportation vehicles; to suspend performance of work pending rectification of the detected violations.

3. The Inspector General for civil defence and technogenic security of Ukraine, senior deputy Inspector General and deputy Inspectors General, Inspectors General for civil defence and technogenic security in the Autonomous Republic of Crimea, Regions, the Cities of Kyiv and Sevastopol, Districts, Cities and City Districts, and respective Inspectors General, operating within the scope of their authorised functions, shall – by way of issuing relevant orders and instructions – apply special measures necessary to ensure rectification of the violations of legislation on civil defence and technogenic security as specified in section two of this Article.

*(The Law is supplemented with an Article 30-1 as provided by the Law No 588-VI of 24.09.2008)*

*Article 30-2. The governmental organ of state supervision in the sphere of fire security in the structure of the specially authorised central organ of executive power on issues of civil defence.*

1. Acting in the structure of and subordinate to the governmental organ of state supervision in the sphere of fire security are regional/local supervisory government authorities for fire safety in the Autonomous Republic of Crimea, Regions, the Cities of Kyiv and Sevastopol, Districts, Cities and City Districts.
2. Provisions of regional/local supervisory government authorities for fire security are subject to approval by the head of the specially authorised central organ of executive power on issues of civil defence.
3. The Head of the governmental organ of state supervision in the sphere of fire security, senior deputy Head and deputy Heads shall be, respectively, the *ex-officio* Fire Security Inspector General of Ukraine, senior deputy Fire Security Inspector General and deputy Fire Security Inspectors General.
4. Subdivision Chiefs of the governmental organ of state supervision in the sphere of fire security and subdivision deputy Chiefs shall be the *ex-officio* senior state fire security inspectors. Other officials of the governmental organ of state supervision in the sphere of fire security shall be state fire security inspectors.
5. Heads of territorial supervisory government authorities for fire security and respective deputy Heads shall be, respectively, the *ex-officio* Fire Security Inspectors General and deputy Fire Security Inspectors General in the Autonomous Republic of Crimea, Regions, the Cities of Kyiv and Sevastopol, Districts, Cities and City Districts. Other officials of Regional/Local supervisory government authorities for fire security shall be state fire security inspectors.
6. Officials of the governmental organ of state supervision in the sphere of fire security and its Regional/Local branch authorities shall execute the powers of state fire prevention as specified by the Law of Ukraine 'On Fire Security'.

*(The Law is supplemented with an Article 30-2 as provided by the Law No 588-VI of 24.09.2008)*

*Article 31. Organs of operative response to emergencies in the sphere of civil defence*

1. Organs of operative response to emergencies in the sphere of civil defence include management organs, forces and means of operative response to emergencies in the structure of the specially authorised central executive organ in the sphere of civil defence, management organs, forces and means of civil defence in the Autonomous Republic of Crimea, oblasts, the cities of Kyiv and Sevastopol, regions, cities and districts in cities.
2. The management of the organs of operative response to emergencies in the sphere of civil defence is entrusted with the tasks of:
  - Maintenance of readiness of forces and means intended for response to emergencies;
  - Implementation of a complex of measures of response to emergencies and alleviation of their consequences;
  - Management of the subordinated Forces of the response special and specialized formations;
  - Co-ordination of action of management organs, Forces and means of civil defence of the central and local executive organs and local self-government organs in response to emergencies;
  - Forces of operative response to emergencies are entrusted with the functions of localisation of emergencies and alleviations of their consequences.

*Article 32. The powers and liability of officials of organs of operative response to emergencies in the sphere of civil defence*

1. Officials of organs of operative response to emergencies in the sphere of civil defence have the right:
  - To freely receive the information on territories and installations where fire-rescue and other urgent works are conducted necessary for the performance of their duties;
  - To demand from officials the implementation of measures on alleviation of emergencies, protection of the population and territories from consequences of emergencies, to suppress the actions obstructing the accomplishment of the designed tasks by the organs of operative response to emergencies;
  - To involve in case of need the special and engineering military equipment of enterprises, institutions and organisations irrespective of the form of ownership and to use their communication facilities;
  - To conduct during the alleviation of consequences of emergencies documenting, audio-, film- and video recording and photographing;
  - To cordon off or block in a different way individual territories, buildings, constructions and installations in the zone of emergencies;
  - To forbid temporarily or to limit the flow of vehicles and pedestrians close and within the limits of the zones of emergencies, as well as access of citizens on individual installations and territories, and to oblige them to leave such installations and territories.
2. The procedure of recovery of losses connected with engagement of special and engineering military equipment of enterprises and organisations, use of communication facilities, audio-, film- and video recording, photographing at overcoming of the consequences of emergencies is determined by the Cabinet of Ministers of Ukraine.

*Article 33. Organs of minimisation of consequences of the Chernobyl accident and other emergencies*

1. The organs of minimisation of consequences of the Chernobyl accident and other emergencies are considered to be the following:

- The specially authorised state organ in the sphere of implementation of measures in territories of radioactive contamination as a result of the Chernobyl accident, in system of the specially authorised central organ of executive power on issues of civil defence;
  - Enterprises, institutions and organisations involved in accordance with the established procedure in the implementation of measures on territories of radioactive contamination with the purpose of minimisation of harmful influence of these territories on the health of citizens and the environment and radioactive waste management;
  - Departments of civil defence and maintenance of the special regime and observance of rules of stay on the territories of radioactive contamination.
2. Tasks of organs of minimisation of consequences of Chernobyl accident and other emergencies are the following:
- Implementation of the state policy in the sphere of alleviation of consequences of the Chernobyl accident on the territories of radioactive contamination and in the sphere of radioactive waste managements;
  - The organisation, coordination and control over the activity of enterprises, institutions and organisations involved in the implementation of measures on the territories of radioactive contamination, and radioactive waste management;
  - Revival, and social and economic rehabilitation of the territories contaminated as a result of radiological catastrophes;
  - The organisation of civil defence measures in 30-kilometer zones of nuclear power stations and training of the population living in them to activities in case of radiological catastrophes;
  - Carrying out of scientific research into long-term consequences of the accident on the Chernobyl nuclear power station and other radiological catastrophes.

*Article 34. Management organs and forces of civil defence carrying out the tasks of civil defence*

1. The following belong to the forces of civil defence:
- Rescue civil defence service;
  - The special (militarized) and specialized rescue formations and their departments;
  - Emergency-reconstruction formations, special services of central and other executive organs entrusted with the tasks of civil defence;
  - Special period formations;
  - Aviation and pyrotechnic departments;
  - Technical services and their departments;
  - Logistical support and material reserve departments.

*Article 35. Regional and local management organs and forces of civil defence*

1. The following belong to the regional and local management organs of civil defence:
- The Council of Ministers of the Autonomous Republic of Crimea, regional, Kyiv and Sevastopol city state administrations, regional state administrations, local self-government organs, structural departments on issues of civil defence of these state administrations and executive organs of Councils;
  - Territorial management organs of the specially authorised central organ of executive power on issues of civil defence.

2. The following belong to the regional and local forces of civil defence:

- Rescue formations and departments;
- Specialized emergency rescue services;
- Forces and means of local executive organs and local self-government organs;
- Forces and means of territorial subsystems of uniform system of civil defence;
- Forces and means of enterprises, institutions and organisations irrespective of the forms of ownership and subordination involved in the relevant procedure to implement civil defence measures;
- Voluntary rescue formations.

#### **PART V. COORDINATION OF ACTIVITY OF CENTRAL AND LOCAL EXECUTIVE ORGANS AND LOCAL SELF GOVERNMENT ORGANS IN THE SPHERE OF CIVIL DEFENCE**

*Article 36. Coordination of activity of the central and local organs of executive power and local self-government organs in the sphere of civil defence*

1. Coordination of activity of the central and local executive organs and local self-government organs in the sphere of civil defence is carried out by:
  - The Council of National Security and Defence of Ukraine within the limits envisaged by the Law of Ukraine “On the Council of National Security and Defence of Ukraine”;
  - The Cabinet of Ministers of Ukraine.
  - For coordination of the activity of state government organs on issues of civil defence the Cabinet of Ministers of Ukraine forms the relevant commissions (councils).
  - If necessary, for alleviation of the consequences of an emergency, the Cabinet of Ministers of Ukraine forms the special nation-wide, regional, local and purpose-specific commissions.
2. The procedure of activity maintenance of the State commission on issues of technogenic-ecological security and emergencies is determined by the Cabinet of Ministers of Ukraine.
3. Activity of nation-wide, regional, local and purpose-specific commissions on issues of technogenic-ecological security and emergencies is carried out according to the regulations on such commissions approved by the Cabinet of Ministers of Ukraine.

#### **PART VI. STANDARDISATION, STATE EXPERT APPRAISAL AND LICENSING IN THE SPHERE OF CIVIL DEFENCE**

*Article 37. Standardisation in the sphere of civil defence*

1. Standardisation on issues of security in emergencies is carried out according to the law.
2. The specially authorised central organ of executive power on issues of civil defence exercising the powers given by this Law:
3. On issues of standardisation:
  - Develops the programme of works on standardisation in the sphere of civil defence and coordinates and controls their fulfilment;
  - Takes decisions on the creation and termination of activity of technical committees of standardisation in the sphere of civil defence, and determines their powers and procedure of activity;
  - Participates in the development and coordination of technical rules and other normative-legal acts on issues of standardisation;

- On issues of accreditation:
- Participates in the work of the Council and technical committees on accreditation of the National organ on accreditation of Ukraine;
- On issues of confirmation of compliance in the sphere of civil defence:
- Participates in the development and coordination of technical rules of confirmation of compliance and other normative-legal acts in the sphere of civil defence;
- Develops the proposals on authorisation of organs on certification on work on confirmation of compliance in the sphere of civil defence;
- Organises the training and improvement of professional skills of experts on confirmation of compliance in the sphere of civil defence.

*Article 38. State expert examination in the sphere of civil defence*

1. State expert examination of projects and decisions on issues of technogenic security of installations of industrial and social purpose which can cause natural and technogenic emergencies and influences the condition of protection of the population and territories from their consequences, is organised by the governmental organ of state supervision in the sphere of civil defence and technogenic security and conducted according to the law in accordance with the procedure determined by the Cabinet of Ministers of Ukraine.
2. The expert evaluation of the construction projects is conducted in accordance with Article 31 of the Law of Ukraine ‘On regulation of the bridge construction activity’.  
(Article 38 is supplemented with Part 2 as provided by the Law No 3038-VI of 17.02.2011)  
(Text of Article 38 with changes as provided by the Laws No 588-VI of 24.09.2008, No 3038-VI of 17.02.2011)

*Article 39. Licensing of individual kinds of economic activity in the sphere of civil defence*

1. Licensing of individual kinds of economical activity in the sphere of civil defence is carried out according to the law.

**PART VII. THE PROCEDURE OF STAFFING OF ORGANS AND DEPARTMENTS OF CIVIL DEFENCE AND CARRYING OUT CIVIL DEFENCE SERVICE**

*Article 40. The Procedure of staffing of organs and departments of civil defence*

1. The personnel of organs and departments of civil defence (the specially authorised central organ of executive power on issues of civil defence, territorial management organs, operatively-rescue civil defence service, the State aviation search and rescue service, governmental organ of state supervision in the sphere of civil defence and technogenic security, the governmental organ of state supervision in the sphere of fire security, educational establishments, research and other establishments, logistical support departments of the specially authorised central organ of executive power on issues of civil defence) includes privates and command personnel, students and cadets.  
(Part 1 of Article 40 with changes as provided by the Law No 588-VI of 24.09.2008)
2. The list of the posts that are subject to replacement by privates and command personnel of organs and departments of civil defence is approved by the head of the specially authorised central organ of executive power on issues of civil defence.

3. The list of posts that are subject to replacement by persons of higher command personnel of organs and departments of civil defence is approved by the President of Ukraine.

*Article 41. Numeric strength of organs and departments of civil defence*

1. Numeric strength of organs and departments of civil defence is approved by the Cabinet of Ministers of Ukraine upon submission of the specially authorised central organ of executive power on issues of civil defence.

*Article 42. The Procedure of service in organs and departments of civil defence*

1. The procedure of service in organs and departments of civil defence is determined by this Law and the Regulations about civil defence service of privates and command personnel of organs and departments of civil defence approved by the Cabinet of Ministers of Ukraine.
2. Disciplinary Regulations approved by the law are applicable to the personnel of organs and departments of civil defence.
3. Labour relations of employees of organs and departments of civil defence are regulated by the labour legislation.
4. The term of duty in organs and departments of civil defence is included in the general record of service, the record of service on the specialty, as well as in the record of public service according to the law.

*(Part 5 of Article 42 is excluded as provided by the Law No 1014-V of 11.05.2007)*

*Article 43. Service certificates of staff and employees of organs and departments of civil defence*

1. To personnel and employees of organs and departments of civil defence are granted service certificates. Samples of service certificates and the procedure of their issuance are established by the specially authorised central organ of executive power on issues of civil defence.

*Article 44. Special ranks of privates and command personnel of organs and departments of civil defence*

1. The persons serving in organs and departments of civil defence are promoted to the following special ranks:
  - Privates – private of civil defence;
  - Junior command personnel – junior sergeant of civil defence service, sergeant of civil defence service, senior sergeant of civil defence service, foreman of civil defence service, ensign of civil defence service, senior ensign of civil defence service;
  - Field command personnel – junior lieutenant of civil defence service, lieutenant of civil defence service, senior lieutenant of civil defence service, captain of civil defence service;
  - Senior command personnel – major of civil defence service, lieutenant colonel of civil defence service, colonel of civil defence service;
  - Supreme command personnel – general-major of civil defence service, general-lieutenant of civil defence service, general-colonel of civil defence service, general of civil defence service of Ukraine.
2. The procedure of promotion to the next special rank is established by the Regulations about civil defence service of privates and command personnel of organs and departments of civil defence.

*Article 45. Conditions of service in organs and departments of civil defence*

1. The organs and departments of civil defence are staffed on a contractual basis. The standard form of the contract is approved by the specially authorised central organ of executive power on issues of civil defence.
2. Duties and rights of the personnel of organs and departments of civil defence are established by conditions of the contract and duty regulations.
3. Students and cadets of educational establishments of the specially authorised central organ of executive power on issues of civil defence upon completion of training should serve in organs and departments of civil defence for no less than three years if not otherwise envisaged by the law.

*Article 46. Enrolment for service in organs and departments of civil defence*

1. The citizens of Ukraine which have attained 18-years of age and have sound personal, business and moral qualities, a good educational and professional level, and fit state of health to carry out the relevant official duties, are enrolled for service in organs and departments of civil defence on a competitive and contract basis.
2. Qualifying requirements for the persons enrolled in organs and departments of civil defence are approved by the specially authorised central organ of executive power on issues of civil defence with the consent of the central organ of executive power on labour protection supervision and with the central organ of executive power on issues of education and science.
3. The persons who are subject to conscription to the Armed Forces for a fixed period and other military formations created according to the laws of Ukraine, as well as persons who have previously been convicted for the commitment of a deliberate crime, if this conviction was not overturned and cancelled according to the procedure established by the law, cannot be enrolled for service.

*Article 47. The Oath of the personnel of organs and departments of civil defence*

1. The citizens of Ukraine enrolled for service in organs and departments of civil defence administer the oath to the following effect:

"I, the citizen of Ukraine (surname, name and patronymic) entering the civil defence service, take the Oath and solemnly swear to always remain devoted to the Ukrainian people, to observe the Constitution and laws of Ukraine, to be fair, diligent and disciplined.

I swear to execute the service duty, requirements of service regulations and orders, to constantly improve professional skill and in every possible way assist with the strengthening of authority of the civil defence service.

I swear courageously and decisively to defend the life and health of citizens, national values of Ukraine, and its environment from emergencies.

If I break this Oath I may be brought to account according to the law".

*Article 48. Uniform and insignia of the personnel of organs and departments of civil defence*

1. The personnel of organs and departments of civil defence are provided with uniform, as well as the relevant insignia, at the expense of the means allocated for their maintenance from the State Budget of Ukraine.

2. The description and samples of uniform and the relevant insignia of the personnel of organs and departments of civil defence and norm of provision with uniform are approved by the Cabinet of Ministers of Ukraine.
3. Use of uniform and insignias of the personnel of organs and departments of civil defence by other persons entails liability according to the law.

*Article 49. Provision of the personnel of organs and departments of civil defence with special clothes, equipment and means of individual protection*

1. The personnel of organs and departments of civil defence are provided with special clothes, equipment and means of individual protection for work on the alleviation of emergencies at the expense of the State Budget of Ukraine.

*Article 50. Age limit of stay on service in organs and departments of civil defence*

1. The age limit of stay on service in organs and departments of civil defence is established:
  - For privates, junior and field command personnel – up to 50 years;
  - For persons of senior command personnel – up to 55 years;
  - For persons of supreme command personnel – up to 60 years.
2. In case of need, privates and command personnel of organs and departments of civil defence having a high vocational training, experience of practical work on the posts and recognised fit for reasons of health for service can be left on service by their request over the age limit for up to five years.

*Article 51. Retirement from service in organs and departments of civil defence*

1. Retirement from service by privates and command personnel of organs and departments of civil defence is conducted:
  - a) To the reserve of the Armed Forces of Ukraine (with military registration) if the retired persons have not attained the age limit of stay in the reserve established by the Law of Ukraine “On universal military duty and military service” and for reasons of health are fit for military service;
  - b) At the resignation, if the retired persons have attained the age limit of stay in the reserve established by the Law of Ukraine “On universal military duty and military service”, or are recognised by the military-medical commissions as unfit for reasons of health to do military service with then being stricken off the military registration.
2. The contract is terminated (cancelled) and privates and command personnel in the service on a contractual basis go into retirement:
  - a) On the expiry of the term of the contract;
  - b) In age – at attainment of the age limit of stay on service;
  - c) For reasons of health – on the basis of the conclusion (decision) of the military medical commission on unfitness or limited fitness for service;
  - d) In connection with staff reduction – in case of impossibility of use on service in connection with staff reduction or carrying out of organisational measures;
  - e) Per family circumstances or other valid reasons determined by the Cabinet of Ministers of Ukraine;
  - f) In connection with regular disregard of conditions of the contract by privates and command personnel;

- g) In connection with regular disregard of conditions of the contract by the management of the relevant organ or subdivision of civil defence;
- h) In connection with a guilty verdict coming into force.
- i) The persons of field, senior and supreme command personnel on regular service, go into retirement:
  - a. In age – at attainment of the age limit of stay on service;
  - b. For reasons of health – on the basis of the conclusion (decision) of the military medical commission on unfitness or limited fitness for service;
  - c. In connection with staff reduction – at impossibility to use on service in connection with staff reduction or carrying out of organisational measures;
  - d. Per family circumstances or other valid reasons determined by the Cabinet of Ministers of Ukraine;
  - e. On service inadequacy;
- j) In connection with a guilty verdict coming into force.

*Article 52. Vocational training, improvement of professional skill and retraining of personnel for civil defence service*

1. The persons enrolled for the posts of privates and command personnel of organs and departments of civil defence, do primary vocational training in educational establishments of the specially authorised central organ of executive power on issues of civil defence.
2. Training of persons for filling of posts of field, senior and supreme command personnel of organs and departments of civil defence is carried out, as a rule, in higher educational establishments of the specially authorised central organ of executive power on issues of civil defence.
3. The procedure and terms of improvement of professional skill and retraining of the personnel for civil defence service are determined by the specially authorised central organ of executive power on issues of civil defence.
4. Privates and command personnel and employees of organs and departments of civil defence are not allowed to organise or take part in the organisation and carrying out of strikes.

#### **PART VIII. SOCIAL AND LEGAL PROTECTION OF PRIVATES AND COMMAND PERSONNEL AND EMPLOYEES OF ORGANS AND DEPARTMENTS OF CIVIL DEFENCE AND THEIR PENSIONS**

*Article 53. Fundamentals of social and legal protection of privates and command personnel and employees of organs and departments of civil defence*

1. The state provides social and legal protection to privates and command personnel of organs and departments of civil defence and to members of their families according to the Constitution of Ukraine, this Law and other acts of the legislation.
2. Privates and command personnel and employees of organs and departments of civil defence have the right to increase the level of theoretical knowledge, practical skills, and professional skill during working hours.

*Article 54. Working hours in organs and departments of civil defence*

1. A forty-hour working week is established for privates and command personnel of organs and departments of civil defence. If necessary, they do service over the established duration of working hours, as well as on days off and holidays with remuneration according to the labour legislation.

*Article 55. Medical and sanatorium support for privates and command personnel of organs and departments of civil defence and members of their families*

1. The necessary sanitary-and-hygienic and socially psychological conditions are created for privates and command personnel of organs and departments of civil defence. The specified persons are provided with free qualified medical aid in medical institutions of the Ministry of Defence of Ukraine, the Ministry of Internal Affairs of Ukraine and Ministry of Health of Ukraine at the expense of the budgetary funds envisaged on support of the specially authorised central organ of executive power on issues of civil defence and upon the agreements concluded by this organ with the specified ministries. At the absence of a place of service or residence for privates and command personnel of organs and departments of civil defence in medical institutions of the Ministry of Defence of Ukraine, the Ministry of Internal Affairs of Ukraine, or Ministry of Health of Ukraine medical aid is provided according to the legislation in other state or municipal establishments of public health services. The charges on treatment of privates and command personnel of organs and departments of civil defence are paid at the expense of the budgetary funds envisaged on support of the specially authorised central organ of executive power on issues of civil defence.
2. Privates and command personnel of organs and departments of civil defence and members of their families have the right to sanatorium treatment and the organised rest in the relevant establishments of the specially authorised central organ of executive power on issues of civil defence, as well as in sanatorium establishments of the Ministry of Defence of Ukraine, the Ministry of Internal Affairs of Ukraine and Ministry of Health of Ukraine at the expense of the budgetary funds envisaged on support of the specially authorised central organ of executive power on issues of civil defence on the basis of the concluded agreements according to the legislation.
3. Women with ranks from privates and command personnel of organs and departments of civil defence enjoy all privileges envisaged by the legislation on social protection of women, guard of motherhood and childhood. The specified privileges are also applied to parents from among privates and command personnel of organs and the departments of civil defence raising children without a mother (in case of her death, annulment, for the period of stay in medical establishment and in other cases of absence of parental care).

*Article 56. Remuneration in case of loss (death), injuries (contusions, traumas or mutilation), diseases or invalidity of privates and command personnel of organs and departments of civil defence*

1. In case of loss (death) of the person from among privates and command personnel of organs and departments of civil defence in connection with performance of official duties, the family or, in case of its absence, his/her parents and dependents are paid an extraordinary grant at the rate of ten years' monetary allowance of the disadvantaged on the last post at the expense of the State Budget of Ukraine in accordance with procedure and conditions as established by the Cabinet of Ministers of Ukraine. The family of the disadvantaged retains the right for receiving the housing.
2. In case of injury (contusion, trauma or mutilation) of privates and command personnel of organs and departments of civil defence in connection with performance of official duties, as well as disability that were registered during the service or not later than three months after retirement, or after this term but as a result of disease or accident related to the execution of service duties, they are paid an extraordinary grant at the rate of up to five years' monetary

allowance on the last post at the expense of the State Budget of Ukraine in accordance with procedure and conditions as established by the Cabinet of Ministers of Ukraine. Assessment of the damage to health of private and command personnel of organs and departments of civil defence in each case of injury is conducted individual in accordance with the law.

3. In all cases the amount of an extraordinary grant in case of loss (death) of the person from among privates and command personnel of organs and departments of civil defence shall not be less than 100 times the amount of survival minimum, established by the law for fully capable persons at the moment of this grant payment.
4. In case privates and command personnel of organs and departments of civil defence or his/her members of the family in addition to the reasons for remuneration envisaged by this Article simultaneously have the right to receive the entitlement payment provided by other laws, the single payment of monetary allowance shall be chosen from the relevant options at the discretion of the entitled person.

*(Part 5 of Article 56 is excluded as provided by the Law No 107-VI of 28.12.2007)*

*(Article 56 as provided by the Law No 328-V of 03.11.2006)*

*Article 57. Travel of privates and command personnel and employees of organs and departments of civil defence*

1. During business trips, the privates and command personnel and employees of organs and departments of civil defence have the right to priority booking for tickets for all types of transport and accommodation in hotels upon presentation of the service certificate and the certificate of business trip. During urgent service trips, privates and command personnel of organs and departments of civil defence are provided with tickets for travel irrespective of the availability of places upon presentation of the service certificate and the certificate of business trip.

*Article 58. Provision with housing for privates and command personnel of organs and departments of civil defence*

1. Privates and command personnel of organs and departments of civil defence and members of their families are provided with state housing.
2. The housing for privates and command personnel of organs and departments of the civil defence requiring improvement of housing conditions is at their disposal by central and local executive organs, local self-government organs first of all.
3. Before reception of premises for permanent residence, service housing or accommodation in a hostel is given to privates and command personnel of organs and departments of civil defence. In the absence of such housing at organs and departments of civil defence, the relevant organ or subdivision of civil defence rents housing for privates and command personnel of organs and departments of civil defence or at the request of these persons, pays them compensation for rent of premises in accordance with the procedure, at the rate and on terms determined by the Cabinet of Ministers of Ukraine. They have their right to accommodation that they held before enrolment for civil defence service safeguarded. They cannot be struck off the housing waiting lists. At service over five years the provision of the specified persons with housing in a place of service is conducted in accordance with general practice.
4. Privates and command personnel of organs and departments of civil defence, and members of their families living together with them, are given accommodation that should meet the requirements of Article 50 of the Housing Code of the Ukrainian SSR.

5. Privates and command personnel of organs and departments of civil defence, those who stayed in service for no less than 20 years and the persons equated to them dismissed from service for reasons of health, age or staff reduction, are provided with accommodation by central and local executive organs first, but no later than within a three-month term from the date of arrival of this person to the place of selected residence, taking into account the established procedure.
6. To privates and command personnel of organs and departments of the civil defence dismissed from service in connection with invalidity owing to injury, contusion, mutilation or disease contracted at service, are first of all provided with accommodation at the place of residence selected taking into account the established procedure.
7. Those cadets and students of higher educational establishments of the specially authorised central executive organ on issues of civil defence who have family are given accommodation in family hostels. In the absence of family hostels, compensation for temporary renting of housing in the place of service is paid at the rate determined by the Cabinet of Ministers of Ukraine.
8. The privates and command personnel of organs and departments of the civil defence having no less than 20 years of service have the accommodation occupied by them and members of their families reserved if they are transferred for service outside Ukraine or transferred for service to the district of intensive radioactive pollution as a result of the Chernobyl accident for the entire duration of their stay outside Ukraine or in the specified district.
9. Privates and command personnel of organs and departments of civil defence, having a general record of service no less than 17 years, including military or internal service, and requiring improvement of living conditions, have the right to join building (housing) cooperative society with priority, as well as to free-of-charge granting by local self-government organs of the plot for construction and service of a house, household buildings and constructions (homestead land), individual country and garage building, gardening, truck farming in the settlements selected by them for residence in accordance with the established procedure. The specified persons and members of their families pay for the plot at the rate of 50 per cent of the established rates.
10. Local self-government organs, within the limits of their authority determined by law, allocate the plots and can assist in the building of an individual apartment and purchase of building materials to the personnel of organs and departments of civil defence, parents of privates and command personnel of organs and departments of civil defence lost (died) or reported missing during service, as well as to privates and command personnel of organs and departments of civil defence who became invalid during service if they want to construct a individual apartment.
11. Privates and command personnel of organs and departments of civil defence not having premises for permanent residence have the right to get bank credit on preferential terms for individual and cooperative house-building or for purchase of an individual apartment house (apartment) for the term of up to 20 years with repayment at the expense of the means intended in the State Budget of Ukraine on support of the specially authorised central organ of executive power on issues of civil defence: for having the general record of service, including military or internal service, more than 15 years – 50 per cent, more than 20 years – 75 per cent, more than 25 years – 100 per cent of the credit of bank. The specified credit is given to privates or command personnel of organs and departments of civil defence only once during the entire term of duty.
12. Privates and command personnel of organs and departments of civil defence having term of duty no less than 20 years at retirement from service for the reasons of health, age, in connec-

tion with reduction of numeric strength or staff, as well as the persons who became invalids of group I or II, members of families of privates and command personnel of organs and departments of civil defence, lost (died) or reported missing doing service, have the right to carry over free-of-charge the premises which they hold in houses of the state available housing fund.

13. Families of the privates and command personnel of organs and departments of civil defence who died during service, requiring improvement of living conditions are provided within three months with premises for permanent residence.
14. Families of the employees of organs and departments of civil defence who died on duty are the first to be provided with housing.

*Article 59. Payment of public utilities*

1. The privates and command personnel of organs and departments of civil defence and their dependants and parents, and members of families of privates and command personnel of organs and departments of civil defence lost (died), reported missing or having become invalid at service, are granted 50 per cent discount on housing and public utilities (water supply, gas, electric, thermal energy and other services) charges within the limits of the norms envisaged by the legislation.

*Article 60. Installation of home phones*

1. Privates and command personnel of organs and departments of civil defence have home phones installed with priority.

*Article 61. Social guarantees to privates and command personnel and employees of organs and departments of civil defence fulfilling service duties under special conditions*

1. Privates, command personnel and employees of organs and departments of civil defence working with harmful objects and in dangerous conditions, enjoy the right to labour protection envisaged according to labour protection legislation for employees of these objects.

*Article 62. Additional guarantees for social protection of the personnel and employees of organs and departments of civil defence*

1. Executive organs of the relevant local councils can establish, at own expense and charitable receipts, guarantees of social protection for the personnel and employees of organs and departments of civil defence, which supplement those established by this Law.

*Article 63. Social protection of members of families of privates and commanding personnel of organs and departments of civil defence*

1. Children of privates and command personnel of organs and departments of civil defence lost during service, have the right to enter educational establishments of the specially authorised central organ of executive power on issues of civil defence *hors concours*.

*Article 63-1. Pensions of persons of privates and commanding personnel of organs and departments of civil defence*

1. Persons of commanding and ordinary structure of organs and departments of civil defence are granted pensions in accordance with the procedure and at the rate established by the Law of Ukraine "On Pensions of Retired Military Personnel and Other Persons".

*(Section VIII is supplemented with Article 63-1 according to the Law No 2505 of 25.03.2005)*

## **PART IX.**

*Excluded on the basis of the Law No 2505 of 25.03.2005*

## **PART X. FINANCIAL AND LOGISTICAL SUPPORT**

*Article 88. Financing of measures in the sphere of civil defence*

1. Financing of measures in the sphere of civil defence is carried out by the State Budget of Ukraine, local budgets, other sources envisaged by the law.

*Article 89. Use of special financial and material reserves during the alleviation of consequences of emergencies*

1. Material reserves for alleviation of consequences of natural and technogenic emergencies are created in advance with the purpose of their emergency use in case of emergencies.
2. The specified reserves are created by central and local executive organs, as well as by local self-government organs.
3. The procedure of creation and use of material reserves for alleviation of consequences of emergencies is determined by the Cabinet of Ministers of Ukraine.

*Article 90. Monetary allowance for privates and command personnel of organs and departments of civil defence*

1. The state guarantees remuneration for labour carried out by privates and command personnel of organs and departments of civil defence with the purpose of the creation of sufficient material conditions for independent and diligent performance of official duties by them.
2. The monetary allowance of privates and command personnel of organs and departments of civil defence shall be determined by the Cabinet of Ministers of Ukraine.

*(Part 2 of Article 90 as provided by the Law No 328-V of 03.11.2006)*

*(Part 3 of Article 90 is excluded as provided by the Law No 328-V of 03.11.2006)*

## **PART XI. INTERNATIONAL CO-OPERATION IN THE SPHERE OF CIVIL DEFENCE**

*Article 91. Rendering assistance to foreign states on issues of civil defence*

1. Conditions of rendering to foreign states help in the alleviation of consequences of emergencies and the procedure of engagement of organs and departments of civil defence to rendering such help to foreign states are determined by the international treaties of Ukraine agreed to be binding by the Verkhovna Rada of Ukraine.

*Article 92. Receiving help from Ukraine for the alleviation of emergencies*

1. Conditions for receiving help from Ukraine for the alleviation of emergencies are determined by the international treaties of Ukraine, agreed to be binding by the Verkhovna Rada of Ukraine.

*Article 93. Sending of representatives to international organisations on issues of civil defence*

1. Sending of Ukrainian representatives to the international organisations on issues of civil defence, carrying out of rescue works, as well as works on the prevention and alleviation of emergencies in the cases envisaged by the law are carried out by the specially authorised central organ of executive power on issues of civil defence.

**PART XII. CONTROL AND SUPERVISION OF ACTIVITY IN THE SPHERE OF CIVIL DEFENCE**

*Article 94. Control over activity of organs and departments of civil defence*

1. Control over activity of organs and departments of civil defence is carried out by the Verkhovna Rada of Ukraine, the President of Ukraine, the Council of National Security and Defence of Ukraine, and the Cabinet of Ministers of Ukraine, according to their powers determined by the Constitution and laws of Ukraine.

*Article 95. Supervision of the observance of legality in the sphere of civil defence*

1. Supervision of the observance of legality in the sphere of civil defence is carried out by the organs of Procurer of Ukraine.

**PART XIII. LIABILITY FOR VIOLATION OF LEGISLATION IN THE SPHERE OF CIVIL DEFENCE**

*Article 96. Liability for violation of legislation in the sphere of civil defence*

1. Violation of legislation in the sphere of civil defence and obstruction of the activity of officials in this sphere entails disciplinary, administrative, civil and criminal liability according to the law.

**PART XIV. FINAL AND TRANSITIONAL PROVISIONS**

1. This Law enters into force from the date of its publication.
2. To establish, that the organs and departments of civil defence are assignees of the organs and departments of the state fire security service and troops of the Civil defence of Ukraine and are formed on their base.
3. The Cabinet of Ministers of Ukraine is obliged to provide implementation of the State programme of transformation of troops of the Civil defence of Ukraine, and organs and departments of the state fire prevention service into the Operatively-rescue civil defence service for the period up to 2005 approved by the Presidential Decree of December 19, 2003 No. 1467, and within a six-month term from the date of this Law coming into force:
  - a) To elaborate and submit for consideration by the Verkhovna Rada of Ukraine the proposals on introducing amendments to the acts of Ukraine apparent from this Law;
  - b) To bring their normative-legal acts in conformity with this Law;
  - c) To bring the normative-legal acts of Central Executives in conformity with this Law.
4. To apply the Law of Ukraine "On the State Guarantees of Social Protection of the Servicemen Dismissed from Service in Connection with Reforming of the Armed Forces of Ukraine and Members of Their Families" to servicemen of troops of the Civil defence of Ukraine who have been dismissed from service in connection with its reform.
5. Privates and command personnel of the internal service and servicemen, upon their enrolment for service in organs and departments of civil defence, are promoted to the next special rank of civil defence service equivalent to the rank that they held in the internal or military service. The term of internal and military service is included in the time of service of civil defence.

## Part VII

# The Legislative Framework for the Participation of Ukraine in International Peacekeeping Activities, Military and Military-Technical Co-operation

### Law of Ukraine "On Participation in International Peacekeeping Operations"

613-XIV of 23.04.1999; (*Bulletin of the Verkhovna Rada of Ukraine* (BVR), 1999, No. 22-23, p. 202)

Includes changes made by Laws:

No 1106-IV of 10.07.2003, BVR, 2004, No 7, p. 50;

No 1941-VI of 04.03.2010, BVR, 2010, No 20, p. 202.

Being fully aware of the responsibility for international peace and security, taking into account the obligations of Ukraine as a state party to the United Nations (hereinafter, – the UN) to assist the UN in its activities conducted according to the Charter of the UN, and also the obligations as a state party to the Organisation on Security and Co-operation in Europe (hereinafter, the OSCE) to co-operate efficiently in the use of the full range of opportunities of the OSCE for the prevention and resolution of conflicts, Ukraine considers the participation in international peacekeeping operations to be an important component of its external policy.

This Law determines the legal, organisational and financial bases of the participation of Ukraine in international peacekeeping operations, and also the procedure for sending Ukrainian military and civilian personnel abroad, the organisation of their training, and support for their participation in international peace and security support and reconstruction.

#### *Article 1. Definition of Terms*

1. The terms used in this Law shall have the following meaning:

**1) International peacekeeping operations** are international activities or activities carried out in accordance with resolutions of the UN Security Council, according to the Charter of the

UN, the OSCE, other regional organisations responsible for international peace and security support according to provisions of Chapter VIII of the Charter of the UN, as well as activities and measures of the Combined Joint Forces created by consent of the UN Security Council carried out under the general control of the Security Council with the purpose of:

- Prevention of international or internal conflicts;
  - Regulation or creation of conditions for the regulation of intergovernmental as well as internal conflicts by consent of the parties to conflict, or taking coercive action upon a decision of the Security Council that can include, in particular, the supervision and monitoring of compliance with the cease-fire and other hostile activities, cessation agreements, separation of belligerents, demobilisation and disarmament of their units, and the performance of engineering and other works;
  - Provision of humanitarian assistance to people suffering from intergovernmental or internal conflicts;
  - Carrying out police functions to ensure security and observance of human rights;
  - Providing assistance to post-conflict reconstruction;
  - Elimination of the danger to the peace, breaches of peace or acts of aggression;
- 2) **Peacekeeping contingents** are understood as military units equipped with the relevant arms and military equipment, means of support and communication facilities sent by Ukraine for participation in international peacekeeping operations, including military units of the Armed Forces of Ukraine, other military formations belonging to the allied military units created together with other states for the participation in international peacekeeping operations (joint battalions, etc.);
- 3) The **peacekeepers** are understood as individual servicemen and employees of the Armed Forces of Ukraine, other military formations, privates and commanding personnel of law enforcement organs and other state organs and civilian establishments of Ukraine sent by Ukraine for the participation in international peacekeeping operations and not belonging to the peacekeeping contingent;
- 4) **Logistical resources** and services are understood as the logistical resources and services provided by Ukraine for use in international peacekeeping operations, including military and special equipment, arms, communication facilities, vehicles with crews, food, medical supplies, etc.

*Article 2. Conditions for Ukraine to participate in international peacekeeping operations*

1. Ukraine participates in international peacekeeping operations exclusively on terms specified in the decision of the President of Ukraine, which is approved by the Verkhovna Rada of Ukraine in the cases stipulated by the Constitution and the laws of Ukraine and by this Law. The peacekeeping operations consist of:
  - The UN, if the decision to launch the operation is taken by the UN Security Council;
  - The OSCE or other regional organisations responsible for international peace and security support according to the provisions of Chapter VIII of the Charter of the UN;
  - The Combined Joint Forces created by the consent of the UN Security Council, of which the actions and measures are brought about under the general control of the Security Council.
2. Participation of Ukraine in international peacekeeping operations is carried out by placing the peacekeeping contingent, peacekeeping personnel, and also logistical resources and services at the disposal of the relevant organs determined by the decision on carrying out such operations.

*Article 3. Submission of the proposal on participation of Ukraine in an international peacekeeping operation*

1. The proposal for Ukraine to participate in an international peacekeeping operation is introduced to the Council of National Security and Defence of Ukraine by the Ministry of Foreign Affairs of Ukraine

upon agreement with the Ministry of Defence of Ukraine and other interested Central Executives. The proposal should include all data available at the moment of its introduction about the area of the peacekeeping contingent or peacekeeping personnel operation, their tasks, numeric strength, type and composition of arms, military equipment, subordination, terms of stay and procedure of their prolongation, procedure of replacement and conditions of withdrawal, guarantees and indemnities to servicemen of military formations, employees of the Armed Forces of Ukraine, other military formations, employees of law enforcement organs, other state organs and civilian establishments of Ukraine and members of their families, as well as information on the procedure of reimbursement of expenses connected with participation of Ukraine in the international peacekeeping operation.

2. The Council of National Security and Defence of Ukraine, aware that such participation conforms with the national interest and legislation of Ukraine, including its international obligations according to the Charter of the UN, taking into account the opportunities for financing and logistical support, level of security of citizens of Ukraine who will take part in the peacekeeping operation in the structure of the peacekeeping contingent or peacekeeping personnel, submits the proposal on the participation of Ukraine in the international peacekeeping operation for the consideration of the President of Ukraine.

*(Article 3 includes changes made by Law 1106-IV of 10.07.2003)*

*Article 4. Decision-making on participation of Ukraine in an international peacekeeping operation*

1. The decision to send a Ukrainian peacekeeping contingent or peacekeeping personnel for the international peacekeeping operation, and the decision to grant logistical resources and services is taken by the President of Ukraine with simultaneous submission to the Verkhovna Rada of Ukraine of the bill of approval of the decision on the sending of the peacekeeping contingent. Together with the bill the information specified in Part 1 of Article 3 of this Law is submitted.
2. The decision of the President of Ukraine to send the peacekeeping contingent to another state for participation in an international peacekeeping operation signed by the Prime Minister of Ukraine and the minister responsible for the fulfilment of this decision is subject to approval of the Verkhovna Rada of Ukraine according to item 23 of Article 85 of the Constitution of Ukraine. The bill of approval of the decision to send Ukrainian peacekeeping contingent to another state presented by the President of Ukraine is considered by the Verkhovna Rada of Ukraine as urgent.
3. The decision by Ukraine to grant logistical resources and services for use in the international peacekeeping operation is adopted by the Cabinet of Ministers of Ukraine according to the decision of the President of Ukraine on participation of Ukraine in the international peacekeeping operation.

*Article 5. Staffing of the peacekeeping contingent and peacekeeping personnel*

1. The peacekeeping contingent and peacekeeping personnel are staffed with citizens of Ukraine – servicemen and employees of the Armed Forces of Ukraine, privates and commanding personnel of law enforcement organs, other military formations and other state organs and civilian establishments of Ukraine who have the necessary professional and psychological training.
2. Enrolment of Ukrainian citizens for the peacekeeping contingent or peacekeeping personnel takes place exclusively on a voluntary basis.

*Article 6. Training of Ukrainian citizens for participation in international peacekeeping operation*

1. Citizens of Ukraine joining the peacekeeping contingent or sent for participation in the international peacekeeping operation as the peacekeeping personnel first undergo special training in the relevant educational centres.

*Article 7. Returning and recall of the peacekeeping contingent and peacekeeping personnel taking part in an international peacekeeping operation*

1. The peacekeeping contingent and peacekeeping personnel sent to another country for participation in an international peacekeeping operation return to Ukraine after the termination of the operation. They can also be withdrawn before the termination of peacekeeping operation in case their continued participation in the specified operation is inexpedient, taking into account the essential change of international military-political conditions or circumstances in the region, end of financing and other reasons. The decision to recall the peacekeeping contingent and peacekeeping personnel upon submission of the Ministry of Foreign Affairs of Ukraine coordinated with the Ministry of Defence of Ukraine, or at the suggestion of the Verkhovna Rada of Ukraine, is adopted taking into account the international obligations of Ukraine by the President of Ukraine.

*Article 8. Social protection of participants of international peacekeeping operations and members of their families*

1. Social protection of participants of international peacekeeping operations and members of their families is provided according to the laws of Ukraine.
2. If the international treaties or agreements Ukraine participates in establish higher guarantees of protection of participants of international peacekeeping operations than those stipulated by the legislation of Ukraine, the norms of the relevant international treaty or the international agreement are applied.
3. During the performance of duties in the structure of a peacekeeping contingent, one month of service abroad by Ukrainian citizens is recalculated as being three months of service in the record of service.

*Article 9. Financial provision of participation of Ukraine in international peacekeeping operations*

1. Reimbursement of expenses connected with participation of Ukraine in international peacekeeping operations can be brought about:
  - a. At the expense of the State Budget, under the stipulation of the full or partial reimbursement of expenses by the UN, the OSCE or other regional organisation financing the international peacekeeping operation;
  - b. At the expense of the State Budget;
  - c. By means provided by the UN, the OSCE or other regional organisation financing the international peacekeeping operation.
2. The sources of financing of a peacekeeping contingent are determined at the approval of the decision by the Verkhovna Rada of Ukraine about participation of Ukraine in the international peacekeeping operation. The sources of financing of a peacekeeping contingent are determined in accordance with legal procedure. The procedure for financing of a peacekeeping contingent and peacekeeping personnel is determined by the Cabinet of Ministers of Ukraine.

*(Part 2 of Article 9 as provided by the Law No 1941-VI of 04.03.2010)*

*(Article 9 in the wording of Law 1106-IV of 10.07.2003)*

*Article 10. Informing the Verkhovna Rada of Ukraine on participation of Ukraine in the international peacekeeping operation*

1. The Cabinet of Ministers of Ukraine annually presents to the Verkhovna Rada of Ukraine the report on participation of Ukraine in international peace and security support or reconstruction.

## Law of Ukraine "On the Procedure of Sending Armed Forces' Units to Other States"

1518-III of 02.03.2000; (*Bulletin of the Verkhovna Rada of Ukraine (BVR)*, 2000, No. 19, p. 144)

Includes changes made by the Laws:

No 686-IV of 03.04.2003, BVR, 2003, No 28, p. 215;

No 3381-IV of 19.01.2006, BVR, 2006, No 22, p. 189;

No 3025-VI of 15.02.2011, BVR, 2011, No 36, p. 363.

This Law determines the procedure for sending units of the Armed Forces of Ukraine to other states and the conditions for temporary stay on the territories of these states, principles of formation, organisation of training of the specified units and guarantees of social protection of their military and civilian personnel, and of members of their families.

### *Article 1. Definition of Terms*

1. In this Law the terms shall have the following meaning:

- 1) The **unit** of the Armed Forces of Ukraine is a military unit belonging to the Land Forces (troops of ground defence), Forces of air defence, Air Force, Navy or special Forces (troops) of the Armed Forces of Ukraine, standing (regular) or provisional, equipped with light weapons or heavy combat materiel falling under the Treaty on Conventional Armed Forces in Europe, under command of the person responsible to Ukraine and other state for behaviour of the subordinates who are obliged to observe internal discipline, norms of international law, and is sent to other states with the purpose of the fulfilment of combat, peacekeeping or humanitarian missions to protect civilians from radiological, chemical, biological danger and alleviation of consequences of the use of weapons of mass destruction;
- 2) **Persons of the military personnel** are the servicemen doing military service in units of the Armed Forces of Ukraine and being sent to other states;
- 3) **Persons of the civil personnel** are the persons working under contract in the units of the Armed Forces of Ukraine and being citizens of Ukraine.

*(Article 1 includes changes made by Law 686-IV of 03.04.2003)*

### *Article 2. Grounds for sending of the units of the Armed Forces of Ukraine to other states and their stay in these states*

1. Units of the Armed Forces of Ukraine can be sent to other states and stay in the territory of these states only temporarily on the basis of international treaties of Ukraine and according to the procedure and on terms determined by the legislation of Ukraine.

### *Article 3. Contents of the international contract for sending of the units of the Armed Forces of Ukraine to other states and their temporary stay in the territory of these states*

1. The international contract agreed to be binding by the Verkhovna Rada of Ukraine for sending of the units of the Armed Forces of Ukraine to other states and their temporary stay in the territory of these states should include:
  - The purpose, term and procedure of stay;

- Kinds of activity and subordination of the units of the Armed Forces of Ukraine;
- Place and limits of location of the units of the Armed Forces of Ukraine;
- Composition and structure of the units of the Armed Forces of Ukraine, and also the types and amount of arms and military equipment;
- Numeric strength of the military and civilian personnel;
- Legal status of the military and civilian personnel;
- The procedure of entrance (departure) in (from) the host country;
- Routes of movement on the territory of the host country;
- The procedure for customs and border control, transportation of weapons, military equipment, and other property;
- The procedure of control over the activity of the units of the Armed Forces of Ukraine in the territory of other states;
- Issue of payment of compensation to the military and civilian personnel who became invalid due to injury, contusion, mutilation or disease inflicted during performance of the duties of military service (official duties) connected with participation in military assistance to other states, joint periodical trainings and manoeuvres under the framework of military co-operation, and also to members of families of the specified persons who were killed, died, and reported missing at the performance of duties of military service (official duties);
- Issues of jurisdiction connected with stay of the units of the Armed Forces of Ukraine in the territory of other states;
- The procedure of return or recall of the units of the Armed Forces of Ukraine from the territory of other states;
- Conditions for the denunciation of the international treaty of Ukraine;
- Financial, material and other issues connected with the support of stay of the units of the Armed Forces of Ukraine in the territory of other states apparent from the international obligations of the parties of the international treaties agreed to be binding by the Verkhovna Rada of Ukraine.

*Article 4. Crossing of the state border of Ukraine by the military and civilian personnel of the units of the Armed Forces of Ukraine*

1. The military and civilian personnel of the units of the Armed Forces of Ukraine cross the state border of Ukraine according to the laws of Ukraine and the international treaties of Ukraine with the observance of the established procedure for customs and border control, transportation of weapons, military equipment, and other property necessary for the fulfilment of the tasks assigned to them.

*Article 5. Transit of the units of the Armed Forces of Ukraine through the territory of other states*

1. The procedure and conditions of transit of the units of the Armed Forces of Ukraine through the territory of other states are determined by the international treaties of Ukraine concluded with these states.

*Article 6. Submission of the proposal on the sending of units of the Armed Forces of Ukraine to other states*

1. The proposal on the sending of units of the Armed Forces of Ukraine to other states is submitted to the Council of National Security and Defence of Ukraine by the Ministry of

Foreign Affairs of Ukraine together with the Ministry of Defence of Ukraine upon agreement with other interested Central Executives. The proposal should, at the moment of its introduction, include all data available about the area of the peacekeeping contingent or peacekeeping personnel operation, their tasks, total numeric strength, type and composition of arms, military equipment, subordination, terms of stay and procedure of their prolongation, procedure of replacement and conditions of withdrawal, guarantees and indemnities to servicemen of military formations, employees of the Armed Forces of Ukraine, other military formations, employees of law enforcement organs, other state organs and civil establishments of Ukraine and members of their families, as well as the information on the procedure of reimbursement of expenses connected with participation of Ukraine in the international peacekeeping operation.

2. The Council of National Security and Defence of Ukraine, being aware that such participation conforms with the national interests and legislation of Ukraine, including the international obligations of Ukraine according to the Charter of the United Nations, taking into account the opportunities of financing and logistical support, level of security of citizens of Ukraine who will take part in the peacekeeping operation in the structure of the peacekeeping contingent or peacekeeping personnel, submits the proposal on the participation of Ukraine in the international peacekeeping operation for the consideration of the President of Ukraine.

*Article 7. Decision-making on sending of the units of the Armed Forces of Ukraine to other states*

1. The decision on sending of the units of the Armed Forces of Ukraine is taken by the President of Ukraine with simultaneous submission to the Verkhovna Rada of Ukraine of the bill of approval of the decision on sending of the peacekeeping contingent.
2. Together with the bill the information specified in Part 1 of Article 6 of this Law is submitted.
3. The decision of the President of Ukraine on sending of the units of the Armed Forces of Ukraine is subject to approval of the Verkhovna Rada of Ukraine according to item 23 of Article 85 of the Constitution of Ukraine. The bill of approval of the decision on the sending of the Ukrainian peacekeeping contingent to other states presented by the President of Ukraine is considered by the Verkhovna Rada of Ukraine as urgent.

*Article 8. Recall of the units of the Armed Forces of Ukraine from other states*

1. Units of the Armed Forces of Ukraine sent to other states can be recalled in case their further stay in the territory of other states no longer corresponds to the national interests of Ukraine or violates conditions of their stay specified in the international treaty agreed to be binding by the Verkhovna Rada of Ukraine. The decision on recall of the units of the Armed Forces of Ukraine is adopted by the President of Ukraine on representation of the Ministry for Foreign Affairs of Ukraine, coordinated with the Ministry of Defence of Ukraine or on application by the Verkhovna Rada, taking into account the international obligations of Ukraine.

*(Article 8 with changes as provided by the Law No 3381-VI of 19.01.2006)*

*Article 9. The procedure of manning of the units of the Armed Forces of Ukraine sent to other states*

1. Manning of the units of the Armed Forces of Ukraine sent to other states with the purpose of participation in international peacekeeping operation as part of peacekeeping contingents is carried out exclusively on a voluntary basis.

2. With the servicemen on contractual military service sent to other states to participate in international peacekeeping operations as part of peacekeeping contingents the appendix to their contract shall be signed as inalienable part of the contract in which the order and conditions of service in this unit are specified.
3. Duration of continuous service of military personnel and the work of civilian personnel in the structure of the units of the Armed Forces of Ukraine sent to other states cannot exceed one year.

*(Article 9 as provided by the Law No 3025-VI of 15.02.2011)*

*Article 10. Training and special training of the military and civilian personnel of the units of the Armed Forces of Ukraine sent to other states*

1. Training and special training of the military and civilian personnel of the units of the Armed Forces of Ukraine sent to other states are conducted in the relevant educational centres and military educational institutions.
2. Technical, administrative, medical, financial and other kinds of support of the units of the Armed Forces of Ukraine sent to other states are brought about according to the law and international treaty of Ukraine.

*Article 11. Guarantees of social protection of the military and civilian personnel of the units of the Armed Forces of Ukraine sent to other states, and members of their families*

1. The military and civilian personnel of the units of the Armed Forces of Ukraine who directly participated in operations or in the alleviation of consequences of the use of weapons of mass destruction in the territory of other states enjoy the privileges stipulated by the Law of Ukraine "On the Status of War Veterans, Guarantees of Their Social Protection" for participants of operations. Calculation of the term of duty and record of service for granting of pensions to these persons according to the law is carried out according to the procedure established by the Cabinet of Ministers of Ukraine.
2. The military and civilian personnel of the units of the Armed Forces of Ukraine who were sent to other states and became invalids at the performance of duties of military service (official duties) enjoy the privileges stipulated by the Law of Ukraine "On the Status of War Veterans, Guarantees of Their Social Protection" for invalids of war.
3. The military and civilian personnel of the units of the Armed Forces of Ukraine who were sent to other states and became invalids, and also to members of the families of the specified persons lost or reported missing persons at the performance of duties of military service (official duties) or died of injury owing to the performance of these duties, contusion, trauma or mutilation are paid compensatory and insurance payments according to the procedure established by the Cabinet of Ministers of Ukraine.

*(Article 11 includes changes made by Law 686-IV of 03.04.2003)*

*Article 12. Financial provision of the activities connected with the sending of the units of the Armed Forces of Ukraine to other states*

1. Reimbursement of expenses connected with the sending of the units of the Armed Forces of Ukraine to other states and their stay in the territory of these states is carried out from the State Budget of Ukraine if not otherwise stipulated by the international treaty of Ukraine.

*Article 13. The Organ responsible for ensuring order and maintenance of discipline, life and health of the personnel of the units of the Armed Forces of Ukraine during their stay in other states*

1. The Ministry of Defence of Ukraine is responsible for keeping order and maintaining discipline, life and health of the military and civilian personnel sent to other states in the structure of the units of the Armed Forces of Ukraine.

*Article 14. Liability for non-compliance with the requirements of the Constitution of Ukraine and the laws of Ukraine at sending of the units of the Armed Forces of Ukraine to other states*

1. The officials who committed the infringement of the requirements of the Constitution of Ukraine and the laws of Ukraine about the procedure for sending units of the Armed Forces of Ukraine to other states are accountable according to the law.

*Article 15. Liability for infringement by the military and civil personnel of the units of the Armed Forces of Ukraine of the laws of other states*

1. In case of infringement by the military and civilian personnel of the units of the Armed Forces of Ukraine of the laws of other states during their stay in the territory of these states, they are accountable according to the procedure stipulated by the international treaties of Ukraine agreed to be binding by the Verkhovna Rada of Ukraine of Ukraine.

*Article 16. Informing the Verkhovna Rada of Ukraine on the sending of the units of the Armed Forces of Ukraine to other states*

1. The Ministry of Defence of Ukraine annually presents to the President of Ukraine and the Verkhovna Rada of Ukraine the report on the sending of the units of the Armed Forces of Ukraine to other states and about the results of their activity in the territory of these states.

## **FINAL PROVISIONS**

This Law enters into force from the date of its publication.

## Law of Ukraine "On the Procedure for the Reception of Foreign Armed Forces Units in Ukraine and the Conditions of Stay"

1479-III of 22.02.2000 (*Bulletin of the Verkhovna Rada of Ukraine (BVR)*, 2000, No. 17, p. 122)

This Law establishes the procedure of reception for the units of the Armed Forces of other states on the territory of Ukraine and the conditions of their stay in Ukraine, and also the procedure of control over their activity during their stay in the territory of Ukraine.

### PART I. GENERAL PROVISIONS

#### Article 1. Definition of Terms

1. In this Law the terms shall have the following meaning:
  - 1) **The unit of the Armed Forces of another state** (hereinafter, unit of the Armed Forces) is a regular or provisional military formation of a foreign state belonging to the land (ground), navy, air or special troops (forces) of this state, equipped with light weapons or heavy combat materiel falling under the Treaty on
  - 2) **Conventional Armed Forces in Europe**, under command of the person responsible to Ukraine and another state for the behaviour of the subordinates that are obliged to observe internal discipline, norms of international law and are sent to Ukraine with the specific mission determined by the international treaty of Ukraine;
  - 3) The **military personnel** are the servicemen doing military service in the units of the Armed Forces of another state sent to Ukraine;
  - 4) The **civilian personnel** are the persons working in units of the Armed Forces of another state sent to Ukraine, and who are not citizens of Ukraine;
  - 5) **Members of families** of the military and civilian personnel are members of families of servicemen or the civilian personnel of the units of the Armed Forces of other states supported by them and staying with them in Ukraine and who are not citizens of Ukraine;
  - 6) **Place of location** of the units of the Armed Forces of another state is the territory, and water area designated in the treaty where the units are placed.

#### Article 2. Grounds for the reception of the units of the Armed Forces of other states on the territory of Ukraine

1. The reception of the units of the Armed Forces of other states on the territory of Ukraine is carried out on the basis of the international treaties of Ukraine and according to the procedure and on terms determined by the legislation of Ukraine.

#### Article 3. Purpose of stay of the units of the Armed Forces of other states in the territory of Ukraine

1. Units of the Armed Forces of other states can be received on the territory of Ukraine with the purposes of:
  - 1) Joint participation with the units of the Armed Forces of Ukraine and others created according to the laws of Ukraine of military formations in military exercise and other activities on updating of combat preparedness of the troops and exchange of experience under the framework of agreements (treaties) on international military co-operation, including the training of joint military units created under the framework of military co-operation under the international treaties of Ukraine;

- 2) Transit of the units of the Armed Forces of other states through the territory of Ukraine. The moving of these units through the territory of Ukraine cannot exceed ten days if not otherwise stipulated by the international treaty of Ukraine;
- 3) Granting to Ukraine, at its request, military assistance in rebuff (prevention, suppression) of armed aggression from a third country (third countries);
- 4) Granting to Ukraine, at its request, help in the alleviation of consequences of emergencies caused by natural and technogenic consequences;
- 5) Service of the military units temporarily placed in the territory of Ukraine according to the international treaties of Ukraine.

*Article 4. Restriction of the reception of the units of the Armed Forces of other states on the territory of Ukraine*

1. The reception and stay in the territory of Ukraine of the units of the Armed Forces of other states equipped with nuclear, chemical, bacteriological and other kinds of weapons of mass destruction, and also weapons having components of nuclear, chemical, bacteriological arms, and other weapons of mass destruction is forbidden.
2. Potential carriers of nuclear weapons, other kinds of weapons of mass destruction are received according to the international treaty of Ukraine for short-term accommodation in the territory of Ukraine under the stipulation that appropriate reorganisation is made that is certified by the relevant document.
3. The reception and stay in the territory of Ukraine of submarines and surface vessels equipped with nuclear energy installations, which form potential sources of contamination of the Black and Azov Seas is forbidden.
4. The reception on the territory of Ukraine of the units of the Armed Forces of states that have not recognised its independence and territorial integrity or having territorial claims against it is forbidden.
5. In case of the introduction in Ukraine or in its particular areas a state of emergency or martial law in the interests of the national security, additional restrictions or prohibitions on the reception of the units of the Armed Forces of other states on the territory of Ukraine can be established.

*Article 5. Requirements to the international treaty of Ukraine about the reception of the units of the Armed Forces of other states on the territory of Ukraine*

1. The international treaty of Ukraine should meet the following conditions stipulating the procedure for the units of the Armed Forces of other states to be received and to stay in the territory of Ukraine:
  - a. Temporariness, that is precise definiteness and limitation of the time of such stay;
  - b. Conformity of such stay with the national interests of Ukraine;
  - c. Not impeding the relations of Ukraine with third states and strengthening international collective security;
  - d. Observance by the units of the Armed Forces of other states, the military and civilian personnel in their structure, and also members of their families of laws of Ukraine, abstention from any political activity in Ukraine, and also from other activities not complying with its national interests;

- e. Non-use of the units of the Armed Forces of other states contrary to military-political and other interests of Ukraine, requirements of the Charter of the United Nations on issues of activities on peace and security support, and other norms of international law.
2. The international treaty for the reception of the units of the Armed Forces of other states on the territory of Ukraine agreed to be binding by the Verkhovna Rada of Ukraine should envisage:
  - a. The purpose, term and conditions of stay of the units of the Armed Forces of other states on the territory of Ukraine, kinds of activity and subordination;
  - b. Composition and structure of the units of the Armed Forces of other states (other state), numeric strength of the military and civilian personnel, and also types and quantity of arms and military equipment;
  - c. Place and limits of location of the units and restrictions on movement of their military and civilian personnel;
  - d. The procedure of entrance in the territory of Ukraine and departure from Ukraine of the units, and also of their military and civilian personnel not in the structure of these units;
  - e. Routes of transit of the units of the Armed Forces of other states through the territory of Ukraine;
  - f. The procedure of the use of the units of the Armed Forces of other states during their stay in Ukraine;
  - g. Conditions and procedure for the use by the units of the Armed Forces of other states of bases, educational centres, ranges and other installations in the territory of Ukraine;
  - h. Requirements on environment protection, recycling and disposition of wastes;
  - i. The rate and procedure of paying rent for the use of plots and other real estate (including inhabited and other premises) and payments for using water, airspace of Ukraine, for aeronautical, navigational-hydrographical aspects and dataware of the units, rendering of municipal, household and other services to them;
  - j. The procedure of definition and reparation of the damages caused to Ukraine by the third states or other physical or legal persons in the territory of Ukraine as a result of the activities or acts of omission of the units, their military and civilian personnel;
  - k. The procedure for the right of the military personnel of the units to carry weapons and use them;
  - l. Conditions of use in the territory of Ukraine of the state symbols of the states of the units of the Armed Forces sent to Ukraine;
  - m. The procedure of control over the activity of the units of the Armed Forces of other states in the territory of Ukraine including the possibility of carrying out sudden checks of observance by the units of the Armed Forces of other states of the treaty provisions;
  - n. The question of jurisdiction connected with the stay of the units in the territory of Ukraine,
  - o. Duties of other states to Ukraine arising from the conditions of stay of the unit of their Armed Forces in the territory of Ukraine;
  - p. The bases for denunciation of the international treaty of Ukraine;
  - q. Conditions and procedure of a preterm withdrawal of the units of the Armed Forces of other states from the territory of Ukraine;
  - r. Other questions connected with the stay in Ukraine of the units of the Armed Forces of other states.

*Article 6. Grounds for the denunciation of the international treaties of Ukraine on the temporary stay in the territory of Ukraine of the units of the Armed Forces of other states*

1. The international treaties of Ukraine for the temporary stay of the units of the Armed Forces of other states in the territory of Ukraine are subject to denunciation in case of:
  - If the further stay of the units of the Armed Forces of other states in the territory of Ukraine threatens the national interests of Ukraine or if the purpose of their stay defined by the international treaty of Ukraine is achieved;
  - Non-observance or infringement by the units of the Armed Forces of other states of the requirements of the international treaties of Ukraine, this Law and other normative-legal acts;
  - Intervention or threats of intervention of the units of the Armed Forces of other states in the internal affairs of Ukraine;
  - Use or threat of use of the units of the Armed Forces of other states which stay in the territory of Ukraine against third states;
  - Threat to lose control over the units of its Armed Forces in the territory of Ukraine by the other state;
  - The state from which the units of the Armed Forces are staying in the territory of Ukraine has come into military conflict with a third state, and is therefore a threat to the national interests of Ukraine.

## **PART II. THE PROCEDURE OF THE SETTLEMENT OF QUESTIONS ON THE RECEPTION OF THE UNITS OF THE ARMED FORCES OF OTHER STATES IN UKRAINE**

*Article 7. Submission of the proposal on the reception of the units of the Armed Forces of other states on the territory of Ukraine*

1. The proposal on the reception of the units of the Armed Forces of other states on the territory of Ukraine is submitted to the National Security and Defence Council of Ukraine by the Ministry of Foreign Affairs of Ukraine together with the Ministry of Defence of Ukraine upon necessary agreement with other interested Central Executives. The proposal should, at the moment of its submission, include all data available on the area of the deployment, tasks, total numeric strength, types and composition of arms, military equipment, subordination, terms of stay and procedure of their prolongation, procedure of replacement and conditions of withdrawal, as well as the information on the procedure of reimbursement of expenses connected with participation of Ukraine in the international peacekeeping operation.
2. The National Security and Defence Council of Ukraine being aware that such participation conforms with the national interests and legislation of Ukraine, including the international obligations of Ukraine according to the Charter of the United Nations, taking into account the opportunities of financing and logistical support, level of the security of citizens of Ukraine who will take part in the peacekeeping operation in the structure of the peacekeeping contingent or peacekeeping personnel, submits the proposal on the participation of Ukraine in the international peacekeeping operation for the consideration of the President of Ukraine.

*Article 8. Decision-making on the reception of the units of the Armed Forces of other states on the territory of Ukraine*

1. The president of Ukraine, on the basis of specified in Part 2 of Article 7 of this Law proposal, adopts the decision on the reception of the units of the Armed Forces of other states on the territory of Ukraine.

2. The decision of the President of Ukraine on the reception of the units of the Armed Forces of other states on the territory of Ukraine according to item 23 of Article 85 of the Constitution of Ukraine is subject to consideration by the Verkhovna Rada of Ukraine as urgent. The decision on the reception of the units of the Armed Forces of other states on the territory of Ukraine is not submitted for approval by the Verkhovna Rada of Ukraine if such reception is stipulated by the international treaty agreed to be binding by the Verkhovna Rada of Ukraine.
3. Proposals on the reception and stay in the territory of Ukraine of the units of the Armed Forces of other states under the framework of military co-operation can be submitted on the basis of coordination with the relevant states and approval by the President of Ukraine of the plans of military co-operation according to the international treaties of Ukraine for a year or other period. They are considered, coordinated and approved according to the procedure determined by Article 7 of this Law and this Article.
4. The decision of the President of Ukraine on the reception of the units of the Armed Forces of other states on the territory of Ukraine enters into force after its approval by the Verkhovna Rada of Ukraine.

*Article 9. The Implementation of decisions on preterm withdrawal of the units of the Armed Forces of other states from the territory of Ukraine*

1. Decisions on the preterm withdrawal of the units of the Armed Forces of other states from the territory of Ukraine are realised by executive organs of Ukraine after denunciation by Ukraine of the relevant international treaty in accordance with the established by the legal procedure of Ukraine.

### **PART III. PRINCIPLES AND CONDITIONS OF STAY OF THE UNITS OF THE ARMED FORCES OF OTHER STATES IN THE TERRITORY OF UKRAINE**

*Article 10. The procedure for entrance to the territory of Ukraine and departure from it of the units of the Armed Forces of other states*

1. Units of the Armed Forces of other states, their military and civilian personnel can arrive to Ukraine by automobile or railway vehicles, sea and river vessels and military ships or aircraft and stay in Ukraine or transit through its territory according to this Law and the international treaties of Ukraine.
2. When crossing the state border of Ukraine, the military and civilian personnel of the units of the Armed Forces of other states should have with them:
  - Valid national passports or equivalent documents;
  - Official identification cards with a photo if entrance is carried out under the general (common) list, and the commander of the unit can confirm the person with the valid national passport or the document substituting it.
3. Servicemen crossing the border should wear military uniform and have the established insignia.
4. The military and civilian personnel of the units of the Armed Forces of other states, their personal things and the weapons of the units of the Armed Forces of other states during the crossing of the state border of Ukraine are subject to border and customs control. When

the specified units cross the state border of Ukraine for rendering to Ukraine, at its request, help in the alleviation of consequences of emergencies they are subject to simplified border and customs control determined by the Cabinet of Ministers of Ukraine. The foreign military ships (vessels), battle and military-transport, aircraft, and also military equipment that arrive in Ukraine or leave it are not subject to customs. Peaceful passing through the territorial sea of Ukraine of the foreign military ships (vessels) and their call at internal waters and ports of Ukraine are brought about according to the legislation of Ukraine.

5. Units of the Armed Forces of other states arriving in Ukraine on the bases determined by Article 2 of this Law and the military and civilian personnel in the structure of these units are obliged to fulfil the sanitary norms and rules established in Ukraine.
6. The military and civilian personnel arriving in Ukraine as part of the units of the Armed Forces of other states are exempt from entry visas and obligatory registration of the National passports or documents substituting them in registration organs of Ukraine. Exemption from registration of passports or documents substituting them is not applied in cases where the military and civilian personnel of the units of the Armed Forces of other states reside outside the location of these units.
7. Departure from Ukraine of the units of the Armed Forces of other states and transportation of military property and military equipment are brought about in accordance to the same procedure that is established for their entrance to Ukraine.
8. Members of families of the military and civilian personnel of the units of the Armed Forces of other states enter and leave Ukraine while observing the requirements of the Law of Ukraine "On the Legal Status of Foreigners" taking into account the features stipulated by this Law.
9. The military and civilian personnel of the units of other states entering the territory of Ukraine fill in official certificates of the state of health, confirming that they have no infectious diseases.

*Article 11. Conditions of stay of the units of the Armed Forces of other states in the territory of Ukraine*

1. Units of the Armed Forces of other states staying in the territory of Ukraine, their military and civilian personnel, and members of their families should:
  - Observe the Constitution of Ukraine and the laws of Ukraine;
  - Respect the traditions and customs of the Ukrainian people and not cause harm to the national interests of Ukraine, not infringe upon rights, freedoms and legitimate interests of the citizens of Ukraine, and also foreigners and persons without citizenship staying in Ukraine legally.
2. The military and civilian personnel of the units of the Armed Forces of other states, temporarily staying in the territory of Ukraine, cannot claim to gain the rights permanent residence on its territory.

*Article 12. Rights, freedoms, duties and liability of the military and civilian personnel of the units of the Armed Forces of other states*

1. The military and civilian personnel of the units of the Armed Forces of other states and members of their families staying in the territory of Ukraine have the same rights and freedoms, and also the same duties, as the citizens of Ukraine, apart from the exceptions established by the Constitution of Ukraine, the law or the international treaties of Ukraine.

2. In case a person of the military or civilian personnel of a unit of the Armed Forces of other states is suspected of committing a crime in the territory of Ukraine stays outside it, the question of accountability is settled according to the law and international treaties of Ukraine.
3. The military personnel of the units of the Armed Forces of other states, during their stay on the territory of Ukraine, have the right to wear military uniform of the state, to carry and use weapons at performance of the duties of military service within the location of these units, and also in the places of military exercises and training of the units according to the purpose of their stay in Ukraine. In case of infringement of the specified requirements, the weapons and ammunition belonging to the military personnel are withdrawn by the relevant organs of Ukraine according to the established procedure.

*Article 13. Sanitary and epidemiologic inspection, state veterinary control and medical support of the units of the Armed Forces of other states*

1. Measures on the prevention of the spread of diseases, and people, animals, plants and pests in the units of the Armed Forces of other states and control over this is brought about according to the legislation of Ukraine.
2. Sanitary and epidemiologic supervision, state veterinary control over the location of the units of the Armed Forces of other states is carried out by the relevant organs of the state power of Ukraine and their officials according to the laws of Ukraine.
3. When it is impossible for foreign states to provide sufficient health services for the military and civilian personnel and members of their families during their stay in Ukraine, health-care can be rendered on a contractual basis by military-medical establishments of the Armed Forces of Ukraine and other military formations, and if necessary by other medical institutions.

*Article 14. Environment protection*

1. Units of the Armed Forces of other states should observe the requirement on environment protection, maintenance of ecological security, and the prevention of the pollution of the environment and deterioration of natural resources established by the law of Ukraine.
2. During military exercises and the use of training installations, it is prohibited to violate the operating rules of arms, military and other military equipment.
3. Fuel, combustible and oil materials, and also other substances necessary for the operation of aircraft, sea, river vessels and other vehicles, arms, military and other military equipment should be used by the units of the Armed Forces of other states with the observance of the requirements of the legislation of Ukraine on environmental protection.
4. Destruction of ammunition not used by the units of the Armed Forces of other states during their stay in Ukraine is carried out according to the norms and rules established in Ukraine at the expense of the states owning this ammunition if not otherwise established by the international treaty.
5. Radioactive substances and sources of ionizing radiation intended for the use by the units of the Armed Forces of other states for peaceful purposes are subject to registration and control by the relevant executive organs of Ukraine.
6. In case of pollution of the environment and deterioration of natural resources caused by the units of the Armed Forces of the other state, this state, according to the relevant international

treaty of Ukraine, is obliged to take measures to restore to the former state the environment or to compensate Ukraine for the damage caused.

*Article 15. Vehicles and routes of the units of the Armed Forces of other states*

1. Vehicles of the units of the Armed Forces of other states are registered with the relevant organs of Ukraine and used with the observance of the requirements of normative-legal acts, including the restriction of noise level, deleterious substances content in the water, gas, etc.
2. Transport routes for moving the units of the Armed Forces of other states, arms, heavy military equipment, dangerous materials, types of transport and other essential conditions of transportation are coordinated with the relevant executive organs of Ukraine.
3. Both civilian permits and military driving permits meeting the Convention on traffic and issued by the relevant state organs of other state units of the Armed Forces staying in the territory of Ukraine are admitted in Ukraine.
4. Representatives of the units of the Armed Forces of other states can be involved in the regulation of the movement of vehicles, including regulation on accident sites and regulation of movement of transport with dangerous cargo.

*Article 16. Communication facilities and electronic means of the units the Armed Forces of other states*

1. Assignment of radio frequencies and call signs, registration of permits to use electronic means in the territory of Ukraine, and also on their import by the units of the Armed Forces of other states to the territory of Ukraine and the state supervision of the work of these means, is brought about according to the legislation of Ukraine.
2. Units of the Armed Forces of other states use the assigned radio frequencies for electronic means in the presence of the relevant permits. Issues of change of radio frequencies are settled according to the procedure determined by the Cabinet of Ministers of Ukraine.
3. The term of use of the assigned radio frequencies cannot exceed the term of stay of the units of the Armed Forces of other states in the territory of Ukraine. After expiration of the term of stay the relevant permits to use radio frequencies are cancelled.
4. Units of the Armed Forces of other states take all necessary measures to prevent the obstruction of the work of communication facilities and electronic means of Ukraine.
5. Units of the Armed Forces of other states, if necessary, have the right to establish and use temporary means of telecommunication, including radio stations (except for broadcasting objects), their permit that is given according to the procedure determined by the Cabinet of Ministers of Ukraine.

*Article 17. Restriction of the right of property on individual kinds of property and on using the units of the Armed Forces of other states*

1. Property included in the list of property which according to Ukrainian law cannot be in the possession by citizens, public associations, international organisations and legal persons of other states in the territory of Ukraine, if not otherwise stipulated by this Law or relevant international treaty of Ukraine, cannot be in the possession and disposal of the units of the Armed Forces of other states staying in the territory of Ukraine, and the military and civilian personnel of these units and members of their families.
2. Units of the Armed Forces of other states in the territory of Ukraine are not allowed to conduct geological prospecting and work deposits of minerals. The military and civilian

personnel of the units of the Armed Forces of other states should immediately inform local executive organs about treasures, archaeological values, precious metals, stones, etc. found in the territory (in water) of their stay and transfer them to the specially authorised state organs.

3. Installations and means of water and energy supply systems, national navigation-hydrographical aspects of security of navigation support in territorial waters of Ukraine and the State system of geodetic signs are not subject to rent. Rendering by Ukraine of services of the specified systems and the relevant payment for these services by the interested parties are brought about on a contractual basis according to the legislation of Ukraine.

*Article 18. Insurance of the military and civilian personnel of the units of the Armed Forces of other states and members of their families*

1. The military and civilian personnel of the units of the Armed Forces of other states and members of their families in the territory of Ukraine enjoy the right to the same insurance protection as the citizens of Ukraine.
2. Any kind of insurance connected with the stay of the units of the Armed Forces of other states in the territory of Ukraine is carried out according to the legislation of Ukraine.

*Article 19. Taxes, dues and other compulsory payments*

1. Taxes, dues and other compulsory payments connected with the stay of the units of the Armed Forces of other states in the territory of Ukraine are paid according to the law of Ukraine if not otherwise stipulated by the international treaty of Ukraine.

*Article 20. Mass media activity of the units of the Armed Forces of other states*

1. Mass media activity of the units of the Armed Forces of other states is carried out in the territory of Ukraine according to the laws of Ukraine.

*Article 21. Duties of other states to Ukraine*

1. Other states, in connection with their stay in the territory of Ukraine according to the international treaties of Ukraine, are obliged:
  - To inform beforehand the Cabinet of Ministers of Ukraine on each case of appointment to office and dismissal from office of the commander (chief) of the unit of the Armed Forces in the territory of Ukraine no later than within three days after such an appointment to office and dismissal from office;
  - To provide reparation according to the procedure determined by the international treaty of Ukraine of the damage caused to Ukraine, to third states or other physical or legal persons in the territory of Ukraine and in its exclusive (sea) economic zone by the actions of the units of the Armed Forces including acts or acts of omission of the military and civilian personnel of these units of the duties assigned to them;
  - To withdraw by the date established by the international treaty the unit of the Armed Forces from the territory of Ukraine at the expiry of the period of validity of the relevant international treaty or its denunciation by Ukraine.
2. The states of which the units of their Armed Forces are received in Ukraine can also have other duties to Ukraine stipulated by this Law and the international treaties of Ukraine.

*Article 22. Duties of command of the units of the Armed Forces of other states staying in the territory of Ukraine*

1. Command of the units of the Armed Forces of other states staying in the territory of Ukraine is obliged:
  - To coordinate beforehand with the Ministry of Defence of Ukraine according to the established procedure the plans of manoeuvres and military exercises of the units;
  - To inform quarterly the Ministry of Defence of Ukraine on the actual numeric strength of the military and civilian personnel, type and quantity of arms and military equipment, and also about the amount of other material means in the territory of Ukraine (according to the list determined by the Ministry of Defence of Ukraine);
  - To be informed about the location of the military and civilian personnel, arms, military, special and other military equipment the relevant units of the Armed Forces of other states are armed with;
  - With the purpose of keeping order and discipline within the limits of authority, to take the necessary disciplinary measures towards military and civilian personnel for offences committed by them. The command has no right to execute disciplinary powers toward the servicemen of the Armed Forces of Ukraine and other military formations of Ukraine, and also toward the military and civilian personnel of the third state.
2. The command of the units of the Armed Forces of other states staying in the territory of Ukraine assists the relevant executive organs of Ukraine with the implementation of control over location and moving of the specified units, carrying out of military exercises, other activities of operative and combat training according to this Law and the international treaties of Ukraine.
3. The command of the units of the Armed Forces of other states staying in the territory of Ukraine has no right to issue orders, directives and other acts contradicting the laws and the international treaties of Ukraine.
4. In case military or civilian personnel of unit of the Armed Forces of other states is suspected of committing a crime in the territory of Ukraine, the command of unit is obliged to assist the law enforcement organs of Ukraine carry out detective-investigation activities and investigatory activities according to the laws of Ukraine and to provide, if necessary, the participation in these actions (activities) of the military and civilian personnel.

**PART IV. CONTROL OVER THE ACTIVITY OF THE UNITS OF THE ARMED FORCES  
OF OTHER STATES AND LIABILITY FOR THE OBSERVANCE OF THE REQUIREMENTS  
OF THE CONSTITUTION OF UKRAINE AND THE LAWS OF UKRAINE ON THE RECEPTION  
OF THESE UNITS ON THE TERRITORY OF UKRAINE**

*Article 23. Control over the activity of the units of the Armed Forces of other states and supervision of their observance of the laws of Ukraine*

1. Control over the activity of the units of the Armed Forces of other states in the territory of Ukraine is carried out within the limits of the authority by the Cabinet of Ministers of Ukraine, the Council of Ministers of the Autonomous Republic of Crimea, the Ministry of Defence of Ukraine, other central and local executive organs and institutions of local self-government according to the Constitution of Ukraine, laws and international treaties of Ukraine.

2. Supervision of observance of laws of Ukraine and international treaties agreed to be binding by the Verkhovna Rada of Ukraine by the units of the Armed Forces of other states is carried out by the Procurer General of Ukraine, the Offices of the Public Prosecutor of other levels subordinated to it, Office of the Military Prosecutor of Ukraine.

*Article 24. Resolution of disputes*

1. Disputes arising in connection with the temporary stay in the territory of Ukraine of the units of the Armed Forces of other states are resolved by negotiations between Ukraine and other states according to the procedure and terms determined by the relevant international treaties. In the absence of such treaties other mutually acceptable procedures of dispute resolution are applied.

*Article 25. Liability for infringement of the requirements of the Constitution and the laws of Ukraine on the reception of the units of the Armed Forces of other states on the territory of Ukraine*

1. The officials, who have infringed the requirements of the Constitution and the laws of Ukraine on the procedure of reception and conditions of stay of the units of the Armed Forces of other states in the territory of Ukraine, are brought to account according to the laws of Ukraine.

*Article 26. Informing about the stay in the territory of Ukraine of units of the Armed Forces of other states*

1. The Ministry of Defence of Ukraine annually presents to the President of Ukraine and the Verkhovna Rada of Ukraine information on the stay in the territory of Ukraine of units of the Armed Forces of other states.

## **PART V. FINAL PROVISIONS**

1. This Law enters into force from the date of its publication.
2. Before bringing the laws of Ukraine and other normative-legal acts in conformity with this Law, they are applied in part so as not to contradict this Law.
3. The Cabinet of Ministers of Ukraine within a six months term is obliged to:
  - Submit for consideration by the Verkhovna Rada of Ukraine the proposal to bring the acts of Ukraine in conformity with this Law;
  - Bring its normative-legal acts in conformity with this Law;
  - Ensure the cancellation by the ministries, other central and local executive organs of the normative-legal acts contradicting this Law.

## Law of Ukraine "On State Control Over International Military Transfers and Dual Use Goods"

549-IV of 20.02.2003; (*Bulletin of the Verkhovna Rada of Ukraine* (BVR), 2003, No. 23, p. 148)

Includes changes made by the Law

No 2561-VI of 23.09.2010, BVR, 2011, No 6, p. 46.

(In the text of the Law, the words "entrepreneurial entity" and "entity involved in foreign economic activities" in all the grammatical cases and numbers shall respectively be substituted for "economic entity" using the appropriate case and number, as provided by the Law No 2561-VI of 23.09.2010).

This Law regulates the activity connected with the state control over international transfers of military goods and goods with dual civilian and military uses. With the purpose of protecting the National interests of Ukraine, observance of its international obligations on issues of non-proliferation of weapons of mass destruction, means of their delivery, restriction of transfers of conventional arms, and also the implementation of measures to prevent the use of the specified goods for terrorist and other illegal purposes.

### PART I. GENERAL PROVISIONS

#### Article 1. Definition of Terms

1. In this Law the terms given below shall have the following meaning:

**1) International transfers of goods** are understood as their export, import and re-export, their temporary export outside Ukraine or their temporary import to its territory, the transit of goods through the territory of Ukraine, and also any other transfers of goods which are brought about outside Ukraine;

(*The second paragraph of Article 1 with changes as provided by the Law No 2561-VI of 23.09.2010*)

**2) Export** is understood as a sale or transfer on other legal bases of goods to foreign subjects of economic or other activity with or without the export of these goods outside the customs frontier of Ukraine, including re-export of the goods, including:

- Sale or transfer of the goods in Ukraine to an embassy or a representative of any legal person of foreign states, foreigner or person without citizenship;
- Sale or transfer in Ukraine or outside it of the right of management (control) of the goods to a legal person of foreign states or their representative, foreigner or person without citizenship, including through communication facilities;
- Disclosure of technology to a foreigner or person without citizenship;
- Actual shipment of the goods with the purpose of their further transfer or moving outside Ukraine.

**3) Embargo** (full or partial) is understood as the prohibition or restriction of the export of goods to states determined by international organisations Ukraine belongs to or to states subject to the corresponding national policy;

**4) Import** is the purchase or obtaining on other legal bases from foreign subjects of economic or other activity of goods with or without the import of these goods to Ukraine,

including their purchase for consumption by branches and representative offices of establishments and organisations of Ukraine located outside it, and also diplomatic representatives and consular establishments of Ukraine abroad;

- 5) **Re-export** is the sale or transfer on other legal bases to foreign subjects of economic or other activity with or without the export outside Ukraine of the goods earlier imported to Ukraine;
- 6) **Transit** is the transportation of goods from one to another foreign state via the territory of Ukraine between the two points or within the limits of one check point across the state border of Ukraine, except for cases when the right of property or the right of possession and use of the goods at such transportation on the territory of Ukraine lapses from one to other person according to the established procedure;
- 7) **Temporary export of goods** is the export of goods from Ukraine to foreign states with their subsequent return to Ukraine;
- 8) **Temporary import of goods** is the import of goods to Ukraine from foreign states with their subsequent export outside Ukraine;
- 9) The **goods** are understood as the military and dual-use goods;
- 10) The **military and dual-use goods in aggregate or individually** are:
  - Products with a military purpose – arms, ammunition, military and special military equipment, special components for their manufacture, explosives, and also materials and equipment specially intended for development, manufacture or use of the specified products;
  - Services of military purpose are services rendered to foreign legal or physical persons in Ukraine or outside it, including intermediary (broker) ones, in the sphere of development, manufacture, construction, assembly, test, repair, maintenance service, updating, modernisation, operation, management, demilitarization, destruction, selling, storage, revealing, identification, purchase or use of the products or technologies of military purpose, and also services for financing such works rendered to the specified legal persons of foreign states or other representatives or foreigners;
- 11) **Technologies of military purpose** are the special information, in any form (except for mass information), necessary for the development, manufacture or use of products of military purpose and rendering of services of military purpose. This information can be given in the form of specifications or technical help;
- 12) **Specifications** are hardcopies or softcopies of projects, plans, drawings, schemes, diagrams, models, formulas, specifications, software, manuals and instructions;
- 13) **Technical help** is the carrying out of instructing, consultations and implementation of measures with the purpose of the improvement of professional skill, training, practical development of methods of work;
- 14) **Base technologies** are the technologies determining the principle of work and use of military equipment, and elements of technologies without which the military equipment cannot be created and used;
- 15) **Dual-use goods** are products, equipment, materials, software and technologies not designed for military use, including the services (technical assistance) connected with them which, except for civilian use, can also be used for military or terrorist purposes or for the development, manufacture, and use for military purpose, weapons of mass destruction, means of transportation of the specified weapons or nuclear explosives, including cer-

tain kinds of nuclear materials, chemical substances, bacteriological, biological and toxic preparations, the list of which is determined by the Cabinet of Ministers of Ukraine;

*(The twenty-second paragraph of Article 1 with changes as provided by the Law No 2561-VI of 23.09.2010)*

**16) Services** (technical assistance) designated for military and civilian purposes – the provision of foreign-State legal entities or aliens in/outside Ukraine with technical support services relating to repairs, design/development, production, operation, assembly, testing, modification, upgrading, maintenance in good running order, including designer/warranty supervision, or any other maintenance of systems, equipment and related components, software and technologies whereof are subjected to State export control. The services (technical assistance) can be provided in the form of instruction, advanced vocational training, teaching, consultations or practical mastering of operating methods, and can include transfers of technical information;

*(Article 1 is supplemented with a new paragraph as provided by the Law No 2561-VI of 23.09.2010)*

**17) Ultimate consumers** are subjects of economic activity of Ukraine, the state organs of Ukraine, the Armed Forces of Ukraine and other military formations, law enforcement organs, foreign subjects of economic or other activity who consume the goods imported to Ukraine or exported from Ukraine;

**18) Military ultimate use** is the use of any goods with the purpose of the development, manufacture, assembly, test, repair, maintenance service, updating, modernisation, operation, storage, revealing, identification, purchase of products with a military purpose, including:

- Use of industrial, testing or manufacturing equipment and its components;
- Use of any components of the specified goods, and also the equipment, materials, software and technologies or rendering services;
- Inclusion of such goods in the structure of products of military purpose;
- The subject of economic activity of Ukraine having the intention to carry out or carrying out international transfers of the goods, including intermediary (broker) activity, is registered by the specially authorised organ of executive power on issues of state export control;

19) The **permit** is the document issued by the specially authorised organ of executive power on issues of state export control, which enables to export or import the goods. The permit can be single, general or open;

*(The thirtieth paragraph of Article 1 with changes as provided by the Law No 2561-VI of 23.09.2010)*

20) The **findings** is the document issued by the specially authorised organ of executive power on issues of state export control, which enables to temporarily import or export the goods or transit them, conduct negotiations on issues of findings of foreign economic contracts for international transfers of the military goods or export dual-use goods and other goods in the states subject to partial embargo on deliveries of such goods. The findings can be single, general or open;

*(The thirty first paragraph of Article 1 with changes as provided by the Law No 2561-VI of 23.09.2010)*

21) The **single permit** or the findings are the permit or the findings enabling the subject of international transfers of goods or subjects specified in Article 15 section three of this Law to conduct the relevant negotiations or carry out the concrete international transfer of the goods to the determined ultimate consumer with the indication of their name,

amount, costs, special conditions of delivery, name of the foreign subject of economic or other activity, the state of purpose or origin of the goods and their ultimate consumer;

*(The thirty-second paragraph of Article 1 with changes as provided by the Law No 2561-VI of 23.09.2010)*

- 22) The **general permit** or the findings are the permit or the findings enabling the subject of international transfers of goods to repeatedly conduct the relevant negotiations or carry out international transfers of the goods to the determined ultimate consumer with the indication of their name, special conditions of delivery, the name of the foreign subject of economic or other activity, the state of purpose or origin of the goods and their ultimate consumer;
- 23) The **open permit** or the findings are the permit or the findings enabling the subject of international transfers of goods to repeatedly conduct negotiations or carry out international transfers of the goods with the indication of their names, special conditions of delivery and the name of the state of purpose or origin of the goods only;
- 24) The **state export control** is a complex of measures to control international transfers of goods, their use by legal or physical persons carried out by the specially authorised organ of executive power on issues of state export control and other state organs with the purpose of the protection of the interests of national security and according to the international obligations of Ukraine;
- 25) **System of in-house export control** is a complex of organisational, legal, informative and other measures carried out by the subject of international transfers of the goods with the purpose of observance of the requirements of the legislation in the sphere of export control by it and the structural units subordinated to it;
- 26) **Intermediary (broker) activity** is any activity of the subject of entrepreneurial activity of Ukraine promoting the implementation of international transfers of military goods, including activities on the financing, transportation of cargo and freight forwarding irrespective of the origin of such goods and territory where the specified activity is conducted;
- 27) The document about the guarantee is the **Commitment Letter** (confirmation) of the specially authorised state organ of Ukraine or a foreign state on the use of the goods for the declared purposes issued in the form of an international import certificate, certificate of receipt or other document containing such obligation (confirmation), and also the Commitment Letter of the ultimate consumer issued in the form of the certificate of ultimate consumer;
- 28) The **international import certificate** is the document issued by the specially authorised state organ of the state-importer, which confirms the obligations of the importer to import the goods to the state and, if the goods are not imported, not to send them to other place and without the permission of the specified state organ;
- 29) The **certificate of perception** is the document issued by the specially authorised state organ of the state-importer confirming that the goods specified in it are delivered in the state;
- 30) The **certificate of ultimate consumer** is the document by which the ultimate consumer determines the place and purpose of the ultimate use (installation) of the goods and guarantees that the goods will not be used for purposes other than those specified in the certificate, transferred to other consumer on the territory of the state or re-exported without the permission of the relevant state organ, and also takes up other guarantees (obligations) on the imported goods stipulated by conditions of the foreign economic agreement (contract) or requirements of the state-exporter of the goods.

*(The forty-first paragraph of Article 1 with changes as provided by the Law No 2561-VI of 23.09.2010)*

*Article 2. Applicability of the Law*

1. This Law is applicable to the activity connected with the international transfers of the goods, including rendering of intermediary (broker) services, industrial, scientific and technical and other co-operation, demonstration of the goods at international exhibitions and fairs with the purpose of advertising, carrying out of tests, trade and operations on their exchange.  
*(Part 1 of Article 2 with changes as provided by the Law No 2561-VI of 23.09.2010)*
2. This Law is not applicable to:
  - Movements of goods in connection with measures being taken by military units, law enforcement agencies, agencies and units in charge of civil protection in or outside Ukraine, or by foreign-State military units in Ukraine in accordance with the international agreements of Ukraine, which provide for special export control procedures to be applied to movements of herein-before mentioned goods;
  - International transfers of gas-pellet, sports and hunting weapons, non-lethal traumatic weapons and other weapons to which regulatory approval procedures apply with respect to circulation of the herein-before mentioned goods as well as components, cartridges and munitions for the herein-before mentioned weapons;
  - International transfers of special assets for riot control applications as per List approved by the Cabinet of Ministers of Ukraine;
  - Movement outside/inside Ukraine, in pursuance of its international obligations, of work-issued or service weapons during the discharge of official duties by rank and file personnel and senior officers of law enforcement agencies, military servicemen and other individuals entitled by Ukrainian laws to keep and carry those weapons;  
*(Part 2 of Article 2 as provided by the Law No 2561-VI of 23.09.2010)*

*Article 3. Legal basis for state export control*

1. The legal basis for state export control is the Constitution of Ukraine, this and other laws of Ukraine, Decrees of the President of Ukraine and the Cabinet of Ministers of Ukraine, other normative-legal acts, and also international treaties of Ukraine agreed to be binding by the Verkhovna Rada of Ukraine.

*Article 4. Principles of state policy in the sphere of state export control*

1. The state policy in the sphere of state export control is formed in conformity with the following main principles:
  - Priority of the national interests of Ukraine – political, economic and military protection which is necessary for ensuring of national security;
  - The aim to fulfil the international obligations of Ukraine on the non-proliferation of weapons of mass destruction, means of their delivery and establishment of state control over international transfers of military and dual use goods, and also the maintenance of the implementation of measures on exclusion of use of specified goods for terrorist and other illegal purposes;
  - Legality;
  - Implementation of export control only within reasonable limits necessary for the achievement of its purposes;
  - Coordination of procedures and rules of state export control with international law and practice;

- Maintenance of interaction with international organisations and foreign states in the sphere of state export control with the purpose of strengthening international security and stability, including to ensure the non-proliferation of weapons of mass destruction and means of their transportation.

*Article 5. Methods of implementation of state export control*

1. Methods of implementation of state export control are the following:
  - Identification of the concrete goods meant for international transfers, and matching these goods with the names and descriptions of the goods indicated in the lists of the goods subject to state export control;
  - Granting of permits or findings on the implementation of international transfers of goods or conducting negotiations to effectuate such transfers;
  - Implementation of customs control and customs registration of the goods according to legislation;
  - Imposing of permits on the subjects of foreign trade activity who have broken the procedure of such transfers established by this Law and other legislation in the sphere of export control.

*Article 6. The powers of state power organs in the sphere of state export control*

1. Legislative bases for state policy in the sphere of state export control are determined by the Verkhovna Rada of Ukraine.
2. The general management of state policy in the sphere of state export control in accordance with the Constitution of Ukraine is carried out by the President of Ukraine.
3. The National Security and Defence Council of Ukraine coordinates the activity and carries out control over the activities of executive organs in the sphere of the state export control.
4. The Cabinet of Ministers of Ukraine ensures implementation of the state policy in the sphere of state export control.
5. State policy in the sphere of state export control is implemented by the specially authorised organ of executive power on issues of state export control, and also the ministries, other Central Executives authorised according to legislation to carry out measures in the sphere of state export control. The specified executive organs can also engage other Central Executives, representative offices of Ukraine abroad and legal persons whose activity is not directly connected with state export control by consent of their supervisors to participate in the implementation of measures of state export control.
6. The specially authorised organ of executive power on issues of state export control directly, or together with other Central Executives, assists the implementation of activities connected with the international transfer of goods when it is in the national interest, first of all owing to the creation of new and preservation of existing workplaces in the sphere of high technologies, or limits or forbids such activity in case when it contradicts the national interest of Ukraine, its international obligations, impedes the fight against terrorism, and also in case when there are reasons to believe that the specified goods are weapons of mass destruction or are intended for the creation of such weapons, means of their transportation, or in the absence thereof of appropriate guarantees (obligations) of the ultimate use of the goods.

*Article 7. Information exchange during the implementation of state export control*

1. The specially authorised organ of executive power on issues of state export control has the right to receive (free of charge) from other executive organs and subjects of international

transfers of goods information necessary for the implementation of the powers in the sphere of state export control, to use it and to carry out the international exchange of information.

2. The information on international transfers of goods received by the organs carrying out the state export control from executive organs and subjects of international transfers of goods, and under the framework of the international exchange of such information, is used exclusively with the purpose of export control and protection of national interests.
3. The information exchange connected with the international transfers of goods with the relevant organs of other states and international organisations should not contradict the legislation of Ukraine and its national interests.

## **PART II. BASES OF THE ORGANISATION AND IMPLEMENTATION OF STATE EXPORT CONTROL**

### *Article 8. Procedure of control over international transfers of goods*

1. The procedure of control over international transfers of goods is established by the Cabinet of Ministers of Ukraine according to this and other laws of Ukraine, Decrees of the President of Ukraine depending on the concrete groups of goods and types of their international transfers.  
*(Article 8 with changes as provided by the Law No 2561-VI of 23.09.2010)*

### *Article 9. Lists of goods subject to state export control*

1. The names and descriptions of goods meant for international transfers and subject to state export control are put on the lists of goods subject to state export control (hereinafter, lists).
2. Lists are made on the relevant groups of goods by the specially authorised organ of executive power on issues of state export control with the participation of the interested Central Executives. Representatives of enterprises, scientific establishments, organisations, and their associations can also be involved in compiling the lists.
3. Lists are approved by the Cabinet of Ministers of Ukraine.

### *Article 10. Application of procedures of state export control with the purpose of the non-proliferation of weapons mass destruction, means of their transportation and conventional armaments*

1. Upon receipt by the Central Executives carrying out state export control of information on the intentions or probability of the use of any goods not put on the lists in the states being their ultimate consumers for development, manufacture, assembly, test, repair, maintenance service, updating, modernisation, operation, management, storage, revealing, identifications or proliferation of weapons mass destruction or means of their transportation the specified organs are obliged to inform the specially authorised organ of executive power on issues of state export control which has the right, in this respect, to subject such goods to state export control.
2. State export control is also carried out over the export, import or temporary movement abroad of goods which are not put on the lists in cases when:  
*(The first paragraph of Part 2 of Article 10 with changes as provided by the Law No 2561-VI of 23.09.2010)*
  - Such goods are imported to the territory of Ukraine with the granting of the international import certificate on demand of the state-exporter;
  - Export or temporary export of such goods outside Ukraine to states subject to Resolutions of the Security Council of the United Nations or of other international organisations Ukraine participates in, when Ukrainian legislation has established a full or partial embargo on the delivery of such goods.

3. If any subject of foreign trade activity is informed by the specially authorised organ of executive power on issues of state export control or it comes to be known by other means about the probability of the full or partial use of any goods suggested for export or temporary export to other states for the development, manufacture, assembly, test, repair, maintenance service, updating, modernisation, operation, management, storage, revealing, identification or proliferation of weapons of mass destruction or means of their delivery, or for ultimate military use in states subject to Resolutions of the United Nations Security Council, other international organisations Ukraine participate in, or when national legislation has established a full or partial embargo on the delivery of the military goods, this subject is obliged to address the specially authorised organ on issues of state export control for permission to export these goods, irrespective whether they have been put on the lists or not.

*Article 11. Expert examination in the field of state export control*

1. Expert examination in the field of state export control is conducted by the specially authorised organ of executive power on issues of state export control to determine the granting of the relevant permits, findings or international import certificates, registration of subjects of foreign trade activity in the specially authorised organ of executive power on issues of state export control as the subjects of international transfers of goods or granting to such subjects the right to export and import military goods and goods containing data which constitute state secret.  
*(Part 1 of Article 11 with changes as provided by the Law No 2561-VI of 23.09.2010)*
2. The specially authorised organ of executive power on issues of state export control is empowered to receive from central executive authorities, other Government authorities, agencies and organisations reports concerning matters falling under their respective competencies, as well as to engage the herein mentioned authorities, agencies and organisations on expert evaluations.  
*(Article 11 is supplemented with a new Part as provided by the Law No 2561-VI of 23.09.2010)*
3. The major tasks of the expert examination in the field of state export control are the following:
  - Estimation of the conditions for the protection of national security and observance of international obligations of Ukraine connected with the non-proliferation of weapons of mass destruction, means of their transportation and restriction of transfers of conventional armaments, and estimation of measures on the prevention of the use of the specified goods for terrorist and other illegal purposes;
  - Evaluation whether the goods to be exported can potentially be used by the ultimate consumer to create weapons of mass destruction or means of their transportation, conventional arms and military equipment or purchase of any goods which can be used in creation of weapons of mass destruction or means of their transportation;
  - Determination of whether the names and descriptions of the goods presented for examination match the names and descriptions of the goods put on the relevant lists of goods subject to state export control;
  - Definition of the origin of the goods;
  - Checking the guarantees on the delivery of goods to the declared ultimate consumer and the declared purposes for their use;
  - Estimation of the condition of observance by subjects of international transfers of goods subject to state export control, establishment of the presence of in-house export control and organisational documents regulating the work of these systems;

- Definition of the potential to grant the permits on the right to export and import the goods or findings on the right to transit the goods or conduct negotiations to conclude foreign economic contracts for international transfers of the goods, and also the expediency of cancelling or upholding of these permits (findings) at violation fact-finding in the sphere of state export control;  
*(The eighth paragraph of Part 3 of Article 11 with changes as provided by the Law No 2561-VI of 23.09.2010)*
  - Definition of the potential to grant to the subjects of international transfers of the goods import certificates, and also expediency of cancelling or upholding of these documents at violation fact-finding in the sphere of state export control;  
*(The ninth paragraph of Part 3 of Article 11 with changes as provided by the Law No 2561-VI of 23.09.2010)*
  - Definition of the potential to register subjects of economic activity having the intention to carry out international transfers of the goods, including the registration of the legal or physical Ukrainians having the intention to conduct intermediary (broker) activity connected with international transfers of military goods, with the specially authorised organ of executive power on issues of state export control;
  - Definition of the potential to submit to the Cabinet of Ministers of Ukraine the proposal on granting subjects of foreign trade activity the right to export and import of military goods and goods containing data constituting the state secret;
  - Determining whether those goods can be qualified as 'classified information items', determining classification level of those items;  
*(The twelfth paragraph of Part 3 of Article 11 with changes as provided by the Law No 2561-VI of 23.09.2010)*
  - Definition of other factors that can promote the motivated decision-making in the sphere of state export control.
4. The representatives of firms or organisations interested in a decision by a commission of experts cannot be appointed experts. Duration of expert examination should not exceed 30 days from the date of submission of all the necessary documents to the specially authorised organ of executive power on issues of state export control, and in case when additional inter-departmental coordination is necessary, on completion of such coordination.
  5. The Cabinet of Ministers of Ukraine determines the procedure of the examination in the sphere of export control.

*Article 12. Registration of subjects of international transfers of the goods*

1. Subjects of economic activity of Ukraine having the intention to carry out international transfers of the goods, including conducting intermediary (broker) activity connected with international transfers of military goods, are firstly registered as subjects of international transfers of the goods by the specially authorised organ of executive power on issues of the state export control. Toward this end the specified subjects submit data and documents necessary to carry out a preliminary expert examination of the goods to the specially authorised organ of executive power on issues of state export control. Using the results of the expert examination, the specially authorised organ of executive power on issues of the state export control identifies the goods, determines the conditions of their international transfers to the specific states depending on type of goods,

types of international transfers of those goods, etc., and grants the specified subjects the certificate on their registration as subjects of international transfers of the goods together with the relevant explanations of features of the implementation of such transfers.

*(Part 1 of Article 12 with changes as provided by the Law No 2561-VI of 23.09.2010)*

2. Time period for consideration of applications and decision-making on granting or denial of a certificate of registration, unless further interagency co-ordination is required, shall be 30 working days from the date of submission of the required set of documents.  
*(Article 12 is supplemented with a new Part as provided by the Law No 2561-VI of 23.09.2010)*
3. In cases where additional interagency coordination is required, the overall time period for consideration of applications and decision making on granting or denial of a certificate of registration shall not exceed 60 working days from the date of submission of the required set of documents.  
*(Article 12 is supplemented with a new Part as provided by the Law No 2561-VI of 23.09.2010)*
4. Certificates of registration shall be denied, suspended, cancelled or revoked by the Executive agency with special authority to enforce state export controls in case of/if:
  - Operation of an economic entity was discontinued pursuant to procedures prescribed by applicable laws of Ukraine;
  - It is determined that certificate of registration or relevant comments were issued based on unreliable information.*(Article 12 is supplemented with a new Part as provided by the Law No 2561-VI of 23.09.2010)*
5. Preliminary identification of goods and carrying out activities necessary for obtaining permission for international transfers of those goods as well relevant conclusions shall be the responsibility of an economic entity and the entities specified in Article 15 section three of this Law.  
*(Part 5 of Article 12 as provided by the Law No 2561-VI of 23.09.2010)*
6. An economic entity and the entities specified in Article 15 section three of this Law shall be empowered to entrust a legal entity, which has obtained the appropriate license and authority according to legally prescribed procedures, to conduct preliminary identification of goods.  
*(Part 6 of Article 12 as provided by the Law No 2561-VI of 23.09.2010)*
7. The specially authorised organ of executive power on issues of the state export control grants authority for legal entities to conduct preliminary identification of goods in the field of State export control, and issues appropriate certificates to those entities, together with annexes containing a list of full-time/part-time experts and positions of relevant goods or groups of goods that are subject to preliminary identification by experts.  
*(Article 12 is supplemented with a new Part as provided by the Law No 2561-VI of 23.09.2010)*
8. The procedure to grant such the rights is determined by the Cabinet of Ministers of Ukraine. Time period for consideration of applications and decision making on granting or denial of certificates authorising legal entities to conduct preliminary identification of controlled goods, unless further interagency co-ordination is required, shall be 45 working days from the date of submission of the required set of documents.  
*(Article 12 is supplemented with a Part 9 as provided by the Law No 2561-VI of 23.09.2010)*
9. In cases where additional interagency coordination is required, Cabinet of Ministries and other Government authorities shall submit their conclusions within 15 days from the date of submission of relevant request for information by the specially authorised organ of executive power on issues of the state export control.  
*(Article 12 is supplemented with Part 10 as provided by the Law No 2561-VI of 23.09.2010)*

10. A certificate of authority to conduct preliminary identification of goods in the field of State export control, or an application for extending the term of such certificate may be denied in case of if:

- Data indicated in documents submitted by a legal entity are found to be invalid;
- A legal entity fails to submit all the required documents;
- A legal entity violates legislation on State export controls.

*(Article 12 is supplemented with a Part 11 as provided by the Law No 2561-VI of 23.09.2010)*

11. A certificate of authority shall be cancelled or revoked in case of/if:

- An authorised legal entity violates legislation on State export controls;
- An authorised legal entity submits an obviously untrue conclusion related with preliminary identification of goods;
- It is established that a certificate authorising a legal entity to conduct preliminary identification of goods in the field of State export control was issued to the mentioned legal entity based on invalid data provided by the mentioned entity;
- A document of conclusions related with preliminary identification of goods by an authorised legal entity was executed in contravention to a list of experts and positions of relevant goods (groups of goods) which are subjects of expert examination as specified in annexes to relevant certificates;
- Liquidation of a legal entity, or by request of such entity.

*(Article 12 is supplemented with a Part 12 as provided by the Law No 2561-VI of 23.09.2010)*

*Article 13. The right for international transfers of goods*

1. For implementation of the export and import of military goods and goods containing data constituting state secret, subjects of foreign trade activity should receive the relevant powers from the Cabinet of Ministers of Ukraine.
2. The procedure of reception and cancelling of the powers on the right to export, import the goods of military purpose and the goods containing data constituting the state secret is established by the Cabinet of Ministers of Ukraine.

*Article 14. System of in-house export control*

1. With the purpose of maintenance of the fulfilment of requirements of legislation in the sphere of state export control over all stages of international transfers of goods, the subject of international transfers of the goods creates the system of in-house export control, according to the recommendations of the specially authorised organ of executive power on issues of state export control which assists the creation of such a system and renders this subject the information-methodical help.
2. Creation of the system of in-house export control is compulsory for the subject of international transfers of the goods who intends to receive from the Cabinet of Ministers of Ukraine the powers on the right to export and import military goods and goods containing data constituting state secret, or in case this subject intends to receive a general or open permit or findings.
3. The specially authorised organ of executive power on issues of state export control carries out the certification of the systems of in-house export control created by the subjects of international transfers of the goods, and issues to such subjects the relevant certificates on such certification.
4. The procedure of certification is determined by the Cabinet of Ministers of Ukraine.

*Article 15. Permit and findings*

1. The permit or findings are issued by the specially authorised organ of executive power on issues of state export control as single, general or open permits or findings.
2. The single permit or findings are given to the subject of international transfers of the goods for conducting negotiations connected with the conclusion of concrete foreign economic agreements (contracts) for international transfers of the goods, or for concrete transfers of the goods according to the specified contracts and is valid during the set time, but no longer than one year. This term can be prolonged by the specially authorised organ of executive power on issues of state export control upon verification of the address of the subject of international transfers of the goods, but no longer than the validity period of the foreign economic agreement (contract).
3. One-time permits and conclusions may be issued to: foreign entities involved in economic and other activities, who conduct international transfers of dual-use goods in pursuance of international agreements concluded in the name of Ukraine or the Government of Ukraine, or conduct transit of goods through Ukraine's territory, or temporary movement of goods inside Ukraine for display at international exhibitions and trade shows, or for testing purposes; military organisations, law enforcement agencies and civil protection units of Ukraine, who conduct temporary movement of goods outside/inside Ukraine for training purposes or logistical support for those organisations, agencies and units while outside Ukraine, or conduct import or temporary movement of goods inside Ukraine in pursuance of international agreements concluded in the name of Ukraine or the Government of Ukraine, excluding those specified in Article 2 section two of this Law.

*(Article 15 is supplemented with a new Part as provided by the Law No 2561-VI of 23.09.2010)*

4. The general permit or findings can be granted to the subject of international transfers of the goods for multiple contract negotiations, or multiple transfers to concrete ultimate consumers under the foreign economic contracts which are concluded during the term of validity of the permit or findings and are valid during the set time, but no longer than three years.
5. The open permit or findings can be granted to the subject of international transfers of the goods for multiple contract negotiations, or multiple transfers to different ultimate consumers of the concrete country of consignment against such contracts which are concluded during the term of validity of such a permit or findings under the framework of the relevant international treaties, or with transfers with the states being participants of the international regimes of export control or subject to the corresponding state policy, and are valid during the set time, but no longer than three years.
6. For the granting of general and open permits or findings, the subject of international transfers of the goods is obliged to create a system of in-house export control which fulfils the requirements of state export control over the concrete international transfers of the goods, maintains appropriate storage of the documents connected with such transfers, and submits to the specially authorised organ of executive power on issues of state export control the report on the actual use of the specified permit or findings.
7. Term of consideration of applications when the question concerning the granting of permits or findings does not demand additional interdepartmental coordination depends on the category of goods but cannot exceed the following term calculated from the date of receipt of all necessary documents:

- Time period for consideration of applications and decision making on granting or denial of a certificate of authority or conclusions, unless further interagency co-ordination is required, shall be established depending on the category of goods, but shall not exceed the following term calculated from the date of submission of the required set of documents.

*(The first paragraph of the Part 7 of Article 15 as provided by the Law No 2561-VI of 23.09.2010)*

- 45 days – on export (re-export) of military goods;
  - 30 days – on export (re-export) of dual-use goods and temporary export (import) of any goods;
  - 15 days – on import and transit of goods, and also temporary export or import of goods for demonstration at exhibitions, fairs, goods with the purpose of advertising, carrying out of tests and with other similar purposes if it does not envisage the transfer of property rights of the goods.
8. In cases where additional interagency co-ordination is required, the overall time period for consideration of applications and decision making on granting or denial of a certificate of authority or conclusions shall not exceed 90 working days from the date of submission of the required set of documents.

*(Part 8 of Article 15 as provided by the Law No 2561-VI of 23.09.2010)*

9. Time necessary for obtaining the full set of required documents from the entities specified in this Article shall not be included into consideration period.

*(Part 9 of Article 15 as provided by the Law No 2561-VI of 23.09.2010)*

10. If the full set of required documents does not arrive within two months, application shall be considered rejected and shall not be subject to consideration.

*(Part 10 of Article 15 as provided by the Law No 2561-VI of 23.09.2010)*

11. In case it is necessary to prolong the term of consideration of the application, the procedure of its prolongation is established by the Cabinet of Ministers of Ukraine.

*Article 16. Obtaining of permit, findings or international import certificate*

1. The decision to grant the permit, findings or international import certificate is adopted by the specially authorised organ of executive power on issues of state export control based on the results of the expert examination in the sphere of export control.
2. For receipt of a permit, conclusions or international import certificate, an entity involved in international transfers of goods or entities specified in Article 15 section three of this Law shall turn to the specially authorised organ of executive power on issues of state export control with a relevant written request. The document of request shall contain the data required for conducting relevant expert examination and decision making on the merits, particularly true information concerning entities involved in international transfers of goods, goods per se and procedures to be applied to the requested international transfer of those goods. In cases identified by the Cabinet of Ministers of Ukraine, original versions of guarantees and other documents required for conducting relevant expert examination shall be submitted along with the request.

*(Part 2 of Article 16 as provided by the Law No 2561-VI of 23.09.2010)*

3. Consideration of applications for granting permits, findings or international import certificates is conducted by the specially authorised organ of executive power on issues of state export control with the participation, if necessary, of other state organs, enterprises, estab-

lishments and organisations of any form of ownership by consent of the respective department head considering questions within their competence.

4. The application for granting the permit, findings or international import certificate is not considered if:
  - It is submitted by (or endorsed by signature of) a person that has no relevant powers; or executed in violation of requirements of this Article;  
*(The second paragraph of Part 4 of Article 16 as provided by the Law No 2561-VI of 23.09.2010)*
5. A request for issue of a permit (conclusions, international import certificate) remains not considered, the specially authorised organ of executive power on issues of state export control shall duly inform the applicant entity within three days after relevant decision is taken with explanation of reasons;  
*(Part 5 of Article 16 as provided by the Law No 2561-VI of 23.09.2010)*
6. If a decision is taken that a request for issue of a permit (conclusions, international import certificate) is declined, the specially authorised organ of executive power on issues of state export control shall duly inform the applicant entity and the Central Executive concerned (if its has jurisdiction over the mentioned entity) within three days after relevant decision is taken with explanation of reasons.  
*(Part 6 of Article 16 as provided by the Law No 2561-VI of 23.09.2010)*
7. A permit, conclusions or international import certificate shall be denied, cancelled or revoked by the specially authorised organ of executive power on issues of state export control in case of:
  - Occurrence of need to safeguard the national interests or observe the international obligations of Ukraine;
  - The termination, according to the procedure established by legislation, of the activity of the legal person – the subject of international transfers of the goods;
  - Declaration, according to the procedure established by legislation, of the bankruptcy of the subject of international transfers of the goods;
  - It is necessary for the specially authorised organ of executive power on issues of state export control to carry out additional examinations of the documents submitted by the entities seeking to receive the permit, findings or international import certificate;  
*(The fifth paragraph of Part 7 of Article 16 as provided by the Law No 2561-VI of 23.09.2010)*
  - Infringement of legislation by the subject of international transfers of the goods, including the infringements stipulated by Article 24 of this Law;
  - Cancellation of a certificate of registration of an economic entity as an entity eligible for international transfers of goods.  
*(Part 7 of Article 16 is supplemented by the seventh paragraph as provided by the Law No 2561-VI of 23.09.2010)*
8. The specially authorised organ of executive power on issues of state export control ensures stores the applications of entities specified in Article 15 section three of this Law and the documents connected with them for five years from the date of granting the permit, findings or international import certificate or from the date of the adoption of the decision on the refusal to grant such a document.  
*(Part 8 of Article 16 with changes as provided by the Law No 2561-VI of 23.09.2010)*

*Article 17. Foreign economic contracts for the international transfers of the goods*

1. Foreign economic contracts for the international transfers of the goods are concluded by subjects of foreign trade activity according to the legislation, taking into account the requirements to such transfers established by the Cabinet of Ministers of Ukraine.
2. It is forbidden for the subject of foreign trade activity of Ukraine to conclude foreign economic contracts for international transfers of any goods or to take part in their execution in any way, other than stipulated by this Law, if they became known that such goods can be used by foreign states or foreign subjects of economical activity to create weapons of mass destruction or means of their transportation.
3. The subject of foreign trade activity is obliged to refuse the execution of the foreign economic contract for international transfer of any goods if it becomes known that the goods will be used for the purposes or by the ultimate consumer other than envisaged by the contract or by the documents on the basis of which the permit, findings or international import certificate were granted.

**PART III. STATE EXPORT CONTROL OVER THE ACTIVITIES CONNECTED WITH INTERNATIONAL TRANSFERS OF THE GOODS**

*Article 18. State export control over the conducting of negotiations connected with the conclusion of foreign economic contracts*

1. An economic entity shall not conduct negotiations with a foreign entity involved in economic and other activities related with signing of foreign economic agreements (contracts) with respect to export of the goods which are partially embargoed for import to the concerned foreign country in conformity with Ukraine's obligations under applicable international agreements, other than in cases where it obtains a positive conclusion by the specially authorised organ of executive power on issues of state export control as to their acceptability.  
*(Part 1 of Article 18 as provided by the Law No 2561-VI of 23.09.2010)*
2. The procedure of state export control over conducting negotiations specified in Part 1 of this Article is established by the Cabinet of Ministers of Ukraine.

*Article 19. State export control over ultimate use of the goods*

1. The subject of international transfers of the goods is obliged to give to the specially authorised organ of executive power on issues of the state export control full and trustworthy information about the ultimate use of the goods of the prospective international transfer, and also the originals of documents on the guarantees confirming the use of the goods exclusively for the declared purposes and by the ultimate consumer.
2. The subject of international transfers of the goods should take measures to check the delivery and ultimate use of the goods at their export and give this information to the specially authorised organ of executive power on issues of state export control, and also assist the specially authorised organ of executive power of Ukraine in carrying out such checks by them.
3. The specially authorised organs of executive power on issues of the state export control and other specially authorised state organs of Ukraine have the right to conduct according to the procedure stipulated by the units 4-6 of this Article the check of delivery or ultimate use of the goods at any stage of their international transfer and after actual delivery of the goods to the ultimate consumer.

4. State export control over fulfilment by ultimate consumers in Ukraine of obligations on the use of the imported goods for the declared purposes is carried out on the basis of the results of the analysis of reports of subjects of entrepreneurial activity – ultimate consumers about actual use of the goods, and also by carrying out planned random inspections of actual use of the goods by their ultimate consumers.
5. Such checks can be conducted by the authorised officials of the specialised authorised organ of executive power on issues of state export control or by interdepartmental supervisory commissions.
6. Check with the assistance of representatives of foreign exporters and/or competent state organs of the state-exporter of the actual use by the ultimate consumers in Ukraine of the goods imported with granting of the state guarantees on their use for the declared purposes; the check can only be conducted if it is stipulated by the foreign economic contracts or if it is stipulated by the international treaties the corresponding state and Ukraine participate in.
7. The check conducted by the state organs of Ukraine over the use by foreign ultimate consumers of the goods imported from Ukraine with granting of the written state guarantees by the specially authorised state organs of the foreign state on their use for the declared purposes, can be conducted if it is stipulated by foreign economic contracts according to which the goods are imported from Ukraine or if it is envisaged by the international treaties the corresponding state and Ukraine participate in.
8. The procedure of granting guarantees and implementation of state control over the carrying out of the obligations to use the goods subject to state export control for the declared purposes as well as issuance of the international import certificates and certificates of receipt is established by the Cabinet of Ministers of Ukraine.

*Article 20. Procedure of state export control over international transfers of goods under the framework of the international treaties of Ukraine*

1. If the international transfer of goods (including rendering of services on development or creation of technologies) is carried out under the framework of intergovernmental contracts of Ukraine envisaging such a transfer, the specially authorised organ of executive power on issues of state export control applies the simplified procedure for consideration of documents on granting the corresponding permit or findings.
2. The basis for the application of such a procedure is the definition in the intergovernmental contract of the concrete names of the goods, and also their exporters and ultimate consumers.
3. The decision to grant the permit or findings on international transfer is adopted by the specially authorised organ of executive power on issues of state export control within 15 days after the reception of the documents from the subject of international transfers.

*Article 21. Customs control*

1. Customs registration and customs control of the goods are brought about according to the procedure stipulated by the Customs Code of Ukraine.
2. At the demand of the importer of the goods, the customs organs of Ukraine issue the certificate of receipt certifying the fact that the goods stated in the specified certificate have entered Ukraine.

*Article 22. State control over the use of permits, findings or international import certificates*

1. An entity involved in international transfers of goods, who obtained a permit, conclusions or an international import certificate, shall report in written to the specially authorised organ of executive power on issues of state export control about the outcome of the negotiations specified in Article 18 of this Law, as well as about factual export/import transactions involving the goods specified by relevant documents, and also about the use of the mentioned goods for the declared purposes. Form of and submission deadlines for those reports shall be defined by the specially authorised organ of executive power on issues of state export control.  
*(Part 1 of Article 22 as provided by the Law No 2561-VI of 23.09.2010)*
2. The subject of international transfers of the goods is obliged to submit, on demand of the specially authorised organ of executive power on issues of state export control, the documents and information necessary for export control, including documents on guarantees, technical information and other documents on the conclusion and execution of the foreign economic contracts for international transfers of the goods, and also to ensure the storage of the documents on the conclusion and execution of the specified contracts on the basis of which the permits, findings or international import certificates were obtained within five years from the date of the termination of international transfer of the goods.

**PART IV. THE PREVENTION OF VIOLATIONS AND LIABILITY  
IN THE SPHERE OF STATE EXPORT CONTROL**

*Article 23. Prevention of violations in the sphere of state export control*

1. In order to prevent violations in the sphere of state export control the specially authorised organ of executive power on issues of state export control and also the Central Executives within their competence have the right to conduct investigations connected with the infringements of legislation in the sphere of state export control, including to check the delivery to the ultimate consumers of the goods, conformity of their actual use with the declared purposes and conformity with the legislation of the documentation on the basis of which the international transfer of the goods was carried out.
2. When having revealed infringements of legislation in the sphere of state export control stipulated by Article 24 of this Law, the specified Central Executives inform the specially authorised organ of executive power on issues of state export control.
3. In the presence of sufficient information on the intention of commitment or about commitment by the established or unascertained persons of crimes the subject of which is goods subject to state export control, the specially authorised organ of executive power on issues of state export control informs the relevant organs of investigation and pre-judicial inquiry.

*Article 24. Infringement of requirements of the legislation in the sphere of state export control*

1. Infringements of legislation in the sphere of state export control are the following:
  - Involvement in international transfers of goods without holding relevant permits, conclusions or documents of State guarantees obtained pursuant to legally prescribed procedures; or conducting those transfers based on permits, conclusions or documents of guarantees which were obtained by virtue of submitting counterfeit documents, or documents containing untrue information;*(The second and third paragraphs of Article 24 are substituted with a single one as provided by the Law No 2561-VI of 23.09.2010)*

- Conclusion of foreign economic contracts for international transfers of any goods or participation in their execution in any way other than stipulated by this Law if the subject of foreign trade activity came to know that such goods can be used by foreign states or the foreign subject of economical activity to create weapons of mass destruction or means of their transportation;
- Implementation of international transfer of goods in spite of the fact that the subject of foreign trade activity came to know that the goods would be used for purposes or by an ultimate consumer other than the one stated in the foreign economic contract or the documents on the basis of which the permit, findings or international import certificate has been received;
- Deliberate concealment of data important for the determination whether to grant the permit, findings or international import certificate or not;
- Implementation of international transfers of the goods which infringe the conditions determined in the permits, findings or international import certificates, including after introduction without the coordination with the specially authorised organ of executive power on issues of state export control of amendments to the foreign economic contract on issues of the names and requisites of exporters, importers, intermediaries and ultimate consumers, and also names of the goods, obligations about their ultimate use and granting of relevant documents on guarantees;
- Conduct of negotiations related with the signing of foreign economic agreements (contracts) with respect to export of the goods, which are partially embargoed for import to the concerned foreign country in conformity with Ukraine's obligations under applicable international agreements, without obtaining a positive conclusion by the specially authorised organ of executive power on issues of state export control as to their acceptability;  
*(The seventh paragraph of Article 24 as provided by the Law No 2561-VI of 23.09.2010)*
- Default or untimely submission to the specially authorised organ of executive power on issues of state export control of reports and documents on the results of conducting negotiations specified in paragraph 8 of this Article, and also on actually carried out export and import of goods on the basis of the obtained permits, conclusions or international import certificates, and also about the use of these goods for the declared purposes;  
*(The eighth paragraph of Article 24 with changes as provided by the Law No 2561-VI of 23.09.2010)*
- Obstructing the performance of official duties of the officials of the specially authorised organ of executive power on issues of state export control and other state organs carrying out state export control or non-compliance with the legitimate requirements of these persons;
- Groundless refusal to grant the information and documents demanded by the specially authorised organ of executive power on issues of state export control or other state organ carrying out state export control within their competence, their deliberate distortion or concealment;
- Deliberate destruction of the documents on the conclusion and fulfilment of the foreign economic contracts for implementation of international transfers of the goods on the basis of which the permits, findings or international import certificates were received before the expiry date of the term of their storage stipulated by Article 22 of this Law.

*Article 25. Liability of subjects of international transfers of the goods – legal persons for infringement of requirements of legislations in the sphere of export control*

1. The specially authorised organ of executive power on issues of state export control imposes on subjects of international transfers of the goods – legal persons the following penalties.

2. For violations specified in the second and third paragraphs of the Article 24 of this Law:
  - In case if central executives and other Government authorities find that [the violations] caused damage to national interests of Ukraine (political, economic or military), or infringe Ukraine's obligations under applicable international agreements – in the amount of 150% of the value of the goods that were subjects of respective international transfer;
  - In case if central executives and other Government authorities find that [the violations] caused damage to national interests of Ukraine (political, economic or military), but not infringed Ukraine's obligations under applicable international agreements – in the amount of 100% of the value of the goods that were subjects of respective international transfer.  
*(The second paragraph of Part 1 of Article 25 as provided by the Law No 2561-VI of 23.09.2010)*
  - For infringements stipulated by paragraphs 4-6 of Article 24 of this Law, – at the rate of 100 per cent of the cost of the goods – object of the corresponding international transfer;  
*(The paragraph of Part 1 of Article 25 as provided by the Law No 2561-VI of 23.09.2010)*
  - For infringements stipulated by paragraphs 7 and 11 of Article 24 of this Law – at the rate of 1000 non-taxable minimum income of citizens;  
*(The fifth paragraph of Part 1 of Article 25 with changes as provided by the Law No 2561-VI of 23.09.2010)*
  - For infringements stipulated by the paragraph 8 of Article 24 of this Law – at the rate of 500 non-taxable minimum income of citizens;  
*(The sixth paragraph of Part 1 of Article 25 with changes as provided by the Law No 2561-VI of 23.09.2010)*
  - For infringements stipulated by paragraphs 9 and 10 of Article 24 of this Law – at the rate of 100 non-taxable minimum income of citizens.  
*(The seventh paragraph of Part 1 of Article 25 with changes as provided by the Law No 2561-VI of 23.09.2010)*
3. For imposing fines for the violations identified by the third and fourth paragraphs, Article 24 of this Law, the executive agency with special authority to enforce state export controls shall obtain a written conclusion by the Security Service of Ukraine, which shall be executed based on proposals from the Ministry of Foreign Affairs of Ukraine, Ministry of Defence of Ukraine, Foreign Intelligence Service of Ukraine and other central executives and Government authorities.  
*(Article 25 is supplemented with a new Part as provided by the Law No 2561-VI of 23.09.2010)*
4. Except for imposing penalties specified in this Article, the specially authorised organ of executive power on issues of state export control can cancel or suspend the permit, findings or international import certificate issued to such subject of foreign trade activity, or to cancel its registration with this organ as the subject of international transfers of the goods, a consequence of which is loss of effect of any and all permits and documents of guarantees which were previously issued to the mentioned entity and remained effective as of the date of cancellation of the registration certificate.  
*(Part 3 of Article 25 with changes as provided by the Law No 2561-VI of 23.09.2010)*
5. When the subject of international transfers of the goods – the legal person having the right to export and import military goods or goods containing data constituting state secret – commits offences stipulated by paragraphs 2-7 of Article 24 of this Law or in case if such offences caused significant damage to the political or economic interests, national security or defence of the state, the Cabinet of Ministers of Ukraine upon submission of the specially authorised organ of executive power on issues of state export control can cancel the specified powers given to the person before.

6. The subject of international transfers of the goods can appeal against the decision taken by the specially authorised organ of executive power on issues of state export control on imposing penalties, cancelling or upholding the permit, findings or international import certificate or cancelling of registration of the subject of foreign trade activity in court.
7. The State is not accountable to the subject of international transfers of goods for losses incurred due to the cancelling or upholding the permit, findings or international import certificate, and also cancelling of the powers on the right to export and import military goods or goods containing data constituting state secret if such a person infringed the legislation determined by Article 24 of this Law or in case such actions are caused by the necessity to protect the national interests or observe the international obligations of Ukraine about non-proliferation of weapons of mass destruction, means of their transportation and restriction of transfers of conventional types of armaments.

*(Part 6 of Article 25 with changes as provided by the Law No 2561-VI of 23.09.2010)*

*Article 26. Imposing penalties for infringement of legislation in the sphere of state export control*

1. The penalties stipulated by Article 25 of this Law, on behalf of the specially authorised organ of executive power on issues of state export control are imposed by the head of the specially authorised organ of executive power on issues of state export control or his/her assistant.
2. The authorised official of the specially authorised organ of executive power on issues of state export control which has revealed the offence specified in Article 24 of this Law draws up the report which, together with the explanations provided by the head and by other officials and together with the documents, are submitted within three days to the officials specified in Part 1 of this Article.
3. The head or deputy head of the specially authorised organ of executive power on issues of state export control takes a decision regarding the imposition of the penalty within ten days after receipt of the documents specified in Part 2 of this Article.
4. The decision of the head or deputy head of the specially authorised organ of executive power on issues of state export control to impose the penalty is legalized by the decision about imposing on the subject of foreign trade activity the penalty for infringement in the sphere of state export control in accordance with this Law.
5. The decision about imposing the penalty is made in triplicate. The first copy of the decision, within three days after its adoption, is handed over to the head or the authorised representative of the subject of foreign trade activity or sent by registered mail. The second and third copies remain with the specially authorised organ of executive power on issues of state export control that has imposed the penalty.
6. Forms of the report and decision are approved by the specially authorised organ of executive power on issues of state export control.
7. The penalty is subject to payment by the subject of foreign trade activity, within fifteen days from the date of its imposition. In case of non-payment of the penalty within the specified term the state executor according to the procedure determined by legislation collects it.
8. The decision to impose the penalty for the infringements stipulated in this Law can be appealed against in court. The execution of the decision to impose the penalty is suspended before the adoption of the court decision.

*Article 27. Liability of subjects of foreign trade activity – physical persons – for infringement of legislation in the sphere of state export control*

1. Subjects of foreign trade activity – the physical persons – breaking the legislation in the sphere of state export control are subject to administrative, criminal and civil liability stipulated by law.

*Article 28. Liability of officials of executive organs for infringement of requirements of legislation in the sphere of state export control*

1. Officials of the specially authorised organ of executive power on issues of state export control and other executive organs involved in decision-making in the sphere of export control are subject to disciplinary, administrative, criminal and civil liability stipulated by law for infringement of legislation in this sphere.

## **PART V. FINANCIAL PROVISION OF STATE EXPORT CONTROL**

*Article 29. Financing the measures connected with implementation of state export control*

1. Financing of the measures connected with implementation of state export control is conducted at the expense of and within the limits of the means stipulated by the State Budget of Ukraine in support of the relevant state organs.

*Article 30. Collection of payment for registration and issuance of documents in the sphere of state export control*

1. The payment is collected for issuance of documents on registration of subjects of international transfers of the goods, permits, findings, international import certificates or certificates of receipt. The means obtained go to the State Budget of Ukraine. The Central Executives do not need to pay to obtain the specified documents.
2. The value of the payment specified in section one of this Article shall be defined by the Cabinet of Ministers of Ukraine depending on the type of document or contract value.

*(Part 28 of Article 30 as provided by the Law No 2561-VI of 23.09.2010)*

## **PART VI. FINAL PROVISIONS**

1. This Law enters into force from the date of its publication.
2. The laws adopted before this Law comes into force are applied in part so as not to contradict this Law.
3. The Cabinet of Ministers of Ukraine, within a six-month term after this Law comes into force, is obliged to:
  - Submit for consideration of the Verkhovna Rada of Ukraine the proposal on introducing amendments to the laws of Ukraine apparent from this Law;
  - Bring their normative-legislative acts in conformity with this Law;
  - Ensure reviewing and cancellation by the ministries and other Central Executives of their normative-legal acts contradicting this Law.

## **Law of Ukraine "On Ratification of the Agreement between the European Union and Ukraine Establishing a Framework for the Participation of Ukraine in the European Union Crisis Management Operations"**

*Bulletin of the Verkhovna Rada of Ukraine, 2008, No 23, p.212*

The Verkhovna Rada of Ukraine decrees:

To ratify the Agreement between the European Union and Ukraine Establishing a Framework for the Participation of Ukraine in the European Union Crisis Management Operations that was signed in Luxembourg on June 13, 2005 (attached).

President of Ukraine V. YUSHCHENKO

Kyiv, March 6, 2008

No 137-VI

## **Agreement between the European Union and Ukraine establishing a framework for the participation of Ukraine in the European Union crisis management operations**

THE EUROPEAN UNION, of the one part, and UKRAINE of the other part, hereinafter "Parties",  
Whereas:

- (1) The European Union (EU) may decide to take action in the field of crisis management, including peacekeeping.
- (2) The European Council at Seville on 21 and 22 June 2002 has agreed arrangements for consultation and co-operation between the European Union and Ukraine on crisis management.
- (3) The European Union will decide whether third States will be invited to participate in an EU crisis management operation. Ukraine may accept the invitation by the European Union and offer its contribution. In such case, the European Union will decide on the acceptance of the proposed contribution of Ukraine.
- (4) General conditions regarding the participation of Ukraine in the EU civilian and military crisis management operations should be laid down in this Agreement establishing a framework for such possible future participation, rather than defining these conditions on a case-by-case basis for each operation concerned. Additional implementation arrangements should be concluded for each operation concerned as provided in Article 13 of this Agreement.
- (5) The Agreement should be without prejudice to the decision-making autonomy of the European Union, and should not prejudge the case-by-case nature of the decisions of Ukraine to participate in an EU crisis management operation, in accordance with its legislation.
- (6) The Agreement should only address future EU crisis management operations and should be without prejudice to possible existing agreements regulating the participation of Ukraine in an already deployed EU crisis management operation.

HAVE AGREED AS FOLLOWS:

### **SECTION I. GENERAL PROVISIONS**

#### *Article 1. Decisions relating to participation*

1. Following the decision of the European Union to invite Ukraine to participate in an EU crisis management operation, and once Ukraine has decided to participate, Ukraine shall provide information on its proposed contribution to the European Union.
2. The assessment by the European Union of Ukraine's contribution shall be conducted in consultation with Ukraine.
3. The European Union will provide Ukraine with an early indication of likely contribution to the common costs of the operation as soon as possible with a view to assisting Ukraine in the formulation of its offer.
4. The European Union shall communicate the outcome of the assessment to Ukraine by letter with a view to securing the participation of Ukraine in accordance with the provisions of this Agreement.

*Article 2. Framework*

1. Ukraine shall associate itself with the Joint Action by which the Council of the European Union decides that the EU will conduct the crisis management operation, and with any Joint Action or Decision by which the Council of the European Union decides to extend the EU crisis management operation, in accordance with the provisions of this Agreement and any required implementing arrangements.
2. The contribution of Ukraine to an EU crisis management operation is without prejudice to the decision-making autonomy of the European Union.

*Article 3. Status of personnel and forces*

1. The status of personnel seconded to an EU civilian crisis management operation and/or of the forces contributed to an EU military crisis management operation by Ukraine shall be governed by the agreement on the status of forces/mission, if available, concluded between the European Union and the State(s) in which the operation is conducted.
2. The status of personnel contributed to headquarters or command elements located outside the State(s) in which the EU crisis management operation takes place, shall be governed by arrangements between the headquarters and command elements concerned and Ukraine.
3. Without prejudice to the agreement on the status of forces/mission referred to in paragraph 1 of this Article, Ukraine shall exercise jurisdiction over its personnel participating in the EU crisis management operation.
4. Ukraine shall be responsible for answering any claims linked to participation in an EU crisis management operation, from or concerning any of its personnel. Ukraine shall be responsible for bringing any action, in particular legal or disciplinary, against any of its personnel in accordance with its laws and regulations.
5. Ukraine undertakes to make a declaration as regards the waiver of claims against any State participating in an EU crisis management operation in which Ukraine participates, and to do so when signing this Agreement. A model for such a declaration is annexed to this Agreement.
6. European Union Member States undertake to make a declaration as regards the waiver of claims, for any future participation of Ukraine in an EU crisis management operation, and to do so when signing this Agreement. A model for such a declaration is annexed to this Agreement.

*Article 4. Classified information*

1. Ukraine shall take appropriate measures to ensure that EU classified information is protected in accordance with the European Union Council's security regulations, contained in Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations [1], and in accordance with further guidance issued by competent authorities, including the EU Operation Commander concerning an EU military crisis management operation or by the EU Head of Mission concerning an EU civilian crisis management operation.
2. Where the EU and Ukraine have concluded an agreement on security procedures for the exchange of classified information, the provisions of such an agreement shall apply in the context of an EU crisis management operation.

## **SECTION II. GENERAL CONDITIONS ON PARTICIPATION IN CIVILIAN CRISIS MANAGEMENT OPERATIONS**

### *Article 5. Personnel seconded to an EU civilian crisis management operation*

1. Ukraine shall ensure that its personnel seconded to the EU civilian crisis management operation undertake their mission in conformity with:
  - The Joint Action and subsequent amendments as referred to in Article 2(1) of this Agreement,
  - The Operation Plan,
  - Implementing measures.
2. Ukraine shall inform in due time the EU civilian crisis management operation Head of Mission and the General Secretariat of the Council of the European Union of any change to its contribution to the EU civilian crisis management operation.
3. Personnel seconded to the EU civilian crisis management operation shall undergo a medical examination, vaccination and be certified medically fit for duty by a competent authority from Ukraine. Personnel seconded to the EU civilian crisis management operation shall produce a copy of this certification.

### *Article 6. Chain of command*

1. Personnel seconded by Ukraine shall carry out their duties and conduct themselves solely with the interests of the EU civilian crisis management operation in mind.
2. All personnel shall remain under the full command of their national authorities.
3. National authorities shall transfer operational control to the EU civilian crisis management operation Head of Mission, who shall exercise that command through a hierarchical structure of command and control.
4. The Head of Mission shall lead the EU civilian crisis management operation and assume its day-to-day management.
5. Ukraine shall have the same rights and obligations in terms of day-to-day management of the operation as European Union Member States taking part in the operation, in accordance with the legal instruments referred to in Article 2(1) of this Agreement.
6. The EU civilian crisis management operation Head of Mission shall be responsible for disciplinary control over EU civilian crisis management operation personnel. Where required, disciplinary action shall be taken by the national authority concerned.
7. A National Contingent Point of Contact (NPC) shall be appointed by Ukraine to represent its national contingent in the operation. The NPC shall report to the EU civilian crisis management operation Head of Mission on national matters and shall be responsible for day-to-day contingent discipline.
8. The decision to end the operation shall be taken by the European Union, following consultation with Ukraine, provided that Ukraine is still contributing to the EU civilian crisis management operation at the date of termination of the operation.

### *Article 7. Financial aspects*

1. Ukraine shall assume all the costs associated with its participation in the operation apart from the costs, which are subject to common funding, as set out in the operational budget of the operation. This shall be without prejudice to Article 8.

2. In case of death, injury, loss or damage to natural or legal persons from the State(s) in which the operation is conducted, Ukraine shall, when its liability has been established, pay compensation under the conditions foreseen in the agreement on status of mission, if available, as referred to in Article 3(1) of this Agreement.

*Article 8. Contribution to operational budget*

1. Ukraine shall contribute to the financing of the operational budget of the EU civilian crisis management operation.
2. The financial contribution of Ukraine to the operational budget shall be the lower amount of the following two alternatives:
  - (1) That share of the reference amount which is in proportion to the ratio of its GNI to the total of the GNIs of all States contributing to the operational budget of the operation; or
  - (2) That share of the reference amount for the operational budget, which is in proportion to the ratio of the number of its personnel participating in the operation to the total number of personnel of all States participating in the operation.
3. Notwithstanding paragraphs 1 and 2, Ukraine shall not make any contribution towards the financing of per diem allowances paid to personnel of the European Union Member States.
4. Notwithstanding paragraph 1, the European Union shall, in principle, exempt third States from financial contributions to a particular EU civilian crisis management operation when:
  - (1) The European Union decides that the third State participating in the operation provides a significant contribution which is essential for this operation; or
  - (2) The third State participating in the operation has a GNI per capita which does not exceed that of any Member State of the European Union.
5. An arrangement on the practical modalities of the payment shall be signed between the EU civilian crisis management operation Head of Mission and the relevant administrative services of Ukraine on the contributions of Ukraine to the operational budget of the EU civilian crisis management operation. This arrangement shall, inter alia, include the following provisions:
  - (1) The amount concerned;
  - (2) The arrangements for payment of the financial contribution;
  - (3) The auditing procedure.

**SECTION III. GENERAL CONDITIONS ON PARTICIPATION  
IN MILITARY CRISIS MANAGEMENT OPERATIONS**

*Article 9. Participation in the EU military crisis management operation*

1. Ukraine shall ensure that its forces and personnel participating in the EU military crisis management operation undertake their mission in conformity with:
  - The Joint Action and subsequent amendments as referred to in Article 2(1) of this Agreement,
  - The Operation Plan,
  - Implementing measures.
2. Personnel seconded by Ukraine shall carry out their duties and conduct themselves solely with the interest of the EU military crisis management operation in mind.
3. Ukraine shall inform the EU Operation Commander in due time of any change to its participation in the operation.

*Article 10. Chain of command*

1. All forces and personnel participating in the EU military crisis management operation shall remain under the full command of their national authorities.
2. National authorities shall transfer the Operational and Tactical command and/or control of their forces and personnel to the EU Operation Commander. The EU Operation Commander is entitled to delegate his authority.
3. Ukraine shall have the same rights and obligations in terms of the day-to-day management, of the operation as participating European Union Member States.
4. The EU Operation Commander may, following consultations with Ukraine, at any time request the withdrawal of Ukraine's contribution.
5. A Senior Military Representative (SMR) shall be appointed by Ukraine to represent its national contingent in the EU military crisis management operation. The SMR shall consult with the EU Force Commander on all matters affecting the operation and shall be responsible for day-to-day contingent discipline.

*Article 11. Financial aspects*

1. Without prejudice to Article 12, Ukraine shall assume all the costs associated with its participation in the operation unless the costs are subject to common funding as provided for in the legal instruments referred to in Article 2(1) of this Agreement, as well as in Council Decision 2004/197/CFSP of 23 February 2004 establishing a mechanism to administer the financing of the common costs of EU operations having military or defence implications [2].
2. In case of death, injury, loss or damage to natural or legal persons from the State(s) in which the operation is conducted, Ukraine shall, when its liability has been established, pay compensation under the conditions foreseen in the agreement on status of forces, if available, as referred to in Article 3(1) of this Agreement.

*Article 12. Contribution to the common costs*

1. Ukraine shall contribute to the financing of the common costs of the EU military crisis management operation as defined in the Council Decision mentioned in Article 11.
2. The financial contribution of Ukraine to the common costs shall be the lower amount of the following two alternatives:
  1. That share of the reference amount for the common costs which is in proportion to the ratio of its GNI to the total of the GNIs of all States contributing to the common costs of the operation; or
  2. That share of the reference amount for the common costs, which is in proportion to the ratio of the number of its personnel participating in the operation to the total number of personnel of all States participating in the operation.

In calculating 2(b), where Ukraine contributes personnel only to the Operation or Force Headquarters, the ratio used shall be that of its personnel to that of the total number of the respective headquarters personnel. Otherwise, the ratio shall be that of all personnel contributed by Ukraine to that of the total personnel of the operation.

3. Notwithstanding paragraph 1, the European Union shall, in principle, exempt third States from financial contributions to the common costs of a particular EU military crisis management operation when:

1. The European Union decides that the third State participating in the operation provides a significant contribution to assets and/or capabilities which are essential for this operation;  
or
2. The third State participating in the operation has a GNI per capita which does not exceed that of any Member State of the European Union.
4. An arrangement shall be concluded between the Administrator provided for in Council Decision 2004/197/CFSP of February 23, 2004, establishing a mechanism to administer the financing of the common costs of EU operations having military or defence implications, and the competent administrative authorities of Ukraine. This arrangement shall include, inter alia, provisions on:
  - (1) The amount concerned;
  - (2) The arrangements for payment of the financial contribution;
  - (3) The auditing procedure.

#### **SECTION IV. FINAL PROVISIONS**

##### *Article 13. Arrangements to implement the Agreement*

1. Without prejudice to the provisions of Articles 8(5) and 12(4), any necessary technical and administrative arrangements in pursuance of the implementation of this Agreement shall be concluded between the Secretary General of the Council of the European Union, High Representative for the Common Foreign and Security Policy, and the appropriate authorities of Ukraine.

##### *Article 14. Non-compliance*

1. Should one of the Parties fail to comply with its obligations laid down in the previous Articles, the other Party shall have the right to terminate this Agreement by serving a notice of one month.

##### *Article 15. Dispute settlement*

1. Disputes concerning the interpretation or application of this Agreement shall be settled by diplomatic means between the Parties.

##### *Article 16. Entry into force*

1. This Agreement shall enter into force on the first day of the first month after the Parties have notified each other of the completion of the internal procedures necessary for this purpose.
2. This Agreement shall be subject to review not later than June 1, 2008, and subsequently at least every three years.
3. This Agreement may be amended on the basis of mutual written agreement between the Parties.
4. This Agreement may be denounced by one Party by written notice of denunciation given to the other Party. Such denunciation shall take effect six months after receipt of notification by the other Party.

Done at Luxembourg, on June 13, 2005, in the English language in four copies.

For the European Union

*Signature*

For Ukraine

*Signature*

## **ANNEX**

### **TEXT OF DECLARATIONS**

#### **DECLARATION BY THE EU MEMBER STATES**

The EU Member States applying an EU Joint Action on an EU crisis management operation in which Ukraine participates will endeavour, insofar as their internal legal systems so permit, to waive as far as possible claims against Ukraine for injury, death of their personnel, or damage to, or loss of, any assets owned by themselves and used by the EU crisis management operation if such injury, death, damage or loss:

- Was caused by personnel from Ukraine in the execution of their duties in connection with the EU crisis management operation, except in case of gross negligence or wilful misconduct, or
- Arose from the use of any assets owned by Ukraine, provided that the assets were used in connection with the operation and except in case of gross negligence or wilful misconduct of EU crisis management operation personnel from Ukraine using those assets.

#### **DECLARATION BY UKRAINE**

Ukraine applying an EU Joint Action on an EU crisis management operation will endeavour, insofar as its internal legal system so permits, to waive as far as possible claims against any other State participating in the EU crisis management operation for injury, death of its personnel, or damage to, or loss of, any assets owned by itself and used by the EU crisis management operation if such injury, death, damage or loss:

- Was caused by personnel in the execution of their duties in connection with the EU crisis management operation, except in case of gross negligence or wilful misconduct, or
- Arose from the use of any assets owned by States participating in the EU crisis management operation, provided that the assets were used in connection with the operation and except in case of gross negligence or wilful misconduct of EU crisis management operation personnel using those assets.

**Decree of the President of Ukraine "On Decision of the National Security and Defence Council of Ukraine of April 24, 2009, 'On a Strategy of International Peacekeeping Activity of Ukraine'"**

According to Article 107 of the Constitution of Ukraine, I decree:

1. To enact the Decision of the National Security and Defence Council of Ukraine on April 24, 2009, 'On a Strategy of International Peacekeeping Activity of Ukraine'.
2. To approve the Strategy of International Peacekeeping Activity of Ukraine (attached).
3. This Decree enters into force from the date of its publication.

President of Ukraine V. YUSHCHENKO

Kyiv, June 15, 2009

No 435/2009

## **Strategy of International Peacekeeping Activity of Ukraine**

### **1. GENERAL PROVISIONS**

1. Being fully aware of the responsibility for international peace and security, taking into account the obligations of Ukraine as a member state of the United Nations and the Organisation for Security and Co-operation in Europe, increasing security co-operation with the European Union and the North Atlantic Treaty Organisation, Ukraine considers its participation in international peacekeeping activity as an important component of the country's foreign policy.
2. Development of Ukraine takes place within complex external security environment, which in the course of the recent decade has undergone fundamental changes. After the end of the two-block confrontation, which dominated the world in the last century, the threat of the total nuclear destruction of the civilization has noticeably subsided. However, it was substituted by the new types of threats to international peace and security, such as terrorism, separatism, national and religious extremism, transnational organised crime, interstate and internal armed conflicts, proliferation of the weapons of mass destruction, ecological catastrophes and epidemics, etc. Conditioned by the globalizing world development and growing interconnectivity and interdependence, it became a threat to regional and often global security.
3. The nature of these threats and specifics of modern world condition is the growing dependence of the national security of every state on development of the situation in any region of the world.
4. Particular danger comes from interstate and internal armed conflicts, which do not only have destructive potential, but also significantly influence the international stability and security. According to the world experience, carrying out of effective countermeasures against emergence of such conflicts and their resolution is possible only under condition of joint efforts by many countries in the framework of international peacekeeping activity – activity by the states aimed at maintaining or reconstitution of international peace and security under the auspices of the UN, OSCE and other international security organisations.
5. Modern international peacekeeping activity is carried out by the states with the purpose of:
  - Preventing international or internal conflicts;
  - Regulating or creating conditions for the regulation of the interstate, as well as internal, conflicts, by consent of the parties to conflict, or taking coercive actions upon a decision by the UN Security Council;
  - Providing humanitarian assistance to people suffering from the interstate, as well as internal, conflicts;
  - Ensuring security and observance of human rights;
  - Providing assistance in post-conflict reconstruction;
  - Eliminating the threat to peace, breaking of peace or act of aggression.
6. Participation of Ukraine in international peacekeeping activity provides for its active presence in the global political processes and serves as one of the key directions of the country's national security policy.
7. In view of the fact, that peacekeeping activity plays important role in maintaining international peace and creating favourable external conditions for development and security of our country, Ukraine should continue to be its active participant. In this context, primary attention should be devoted to expansion of Ukraine's participation in international peacekeeping operations as one of the most productive forms of international peacekeeping activity.

8. In the recent period, Ukraine has gained a significant experience in international peacekeeping activity. At the same time, changes in the character of modern armed conflicts and in the nature of peacekeeping operations, as well as the degree of involvement of our country in the global political processes establishes the need to formulate the strategy of international peacekeeping activity of Ukraine for the foreseeable future.
9. The Strategy of International Peacekeeping Activity of Ukraine (hereinafter, the Strategy) stipulates the priority goals of the country's participation in international peacekeeping activity, tasks and mechanisms of implementation of the national security interests in this process.
10. The legal basis of the Strategy is constituted by the Constitution of Ukraine, the Laws of Ukraine 'On the Foundations of National Security of Ukraine', 'On Participation in International Peacekeeping Operations' and 'On the Procedure of Sending Armed Forces' of Ukraine Units to Other States', other laws and international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine.
11. Present day specifics of international peacekeeping activity.

1. Specifics of modern interstate and internal conflicts and their impact on international and national security:

- Armed conflicts, which international peacekeeping activity struggles to resolve or prevent from emerging, influence all spheres of public life of their participants, including political, economic, social, ethno-cultural and other spheres of countries' life. They are accompanied with social, religious and ethnic tensions.
- Damage to the system of public administration, which is common for internal armed conflicts, leads to deep economic and social crisis, chaos in particular state, generates the display terrorism and growth if international crime.
- Armed conflict creates the extreme conditions for civilian population, which often suffers from hunger, lack of drinking water, spread of infectious diseases and lives under the constant threat of physical extermination. This provokes the mass flow of refugees from the region of conflict, illegal migration and illegal proliferation of conventional weapons, and, possibly, the weapons' of mass destruction components.
- In time of globalisation, the armed conflicts, even in the regions geographically distant from the global political, economic and financial centres, become the threat to international security. The broadening of transnational communication and informational exchanges, growth of economic interdependence of the states in the world, leads to the spreading of the negative consequences of the conflicts, including terrorism, organised crime, smuggling of weapons and illegal circulation of drugs, mass migration and spread of infectious diseases far beyond the geographical borders of their emergence. In view of such conditions, distance from the conflict area ceases to serve as a guarantee of preserving the stable condition of the national security in any country of the world.
- Conflict also provokes a loss of stability in economic sphere. Economic co-operation between the states in the modern world has reached such a level, that none of them can exist outside of the systemic co-operation with other states. That is why economic crisis in the state in conflict may lead to serious aggravation of economic situation in the world, which will consequently influence the national interests of many other countries.

Following the above, in the modern environment, the tendency of strengthening impact of interstate and internal conflicts on regional and global stability and security can be observed.

2. Nature of modern peacekeeping operations:

- In the last decade, the character of peacekeeping operations has changed. Missions became more complex and practice of using the force became more common. In modern peacekeeping

operations with mandate, which includes the application of enforcement in conflict resolution, the force is used not only for self-defence, but in other cases as well: in case of attempts to create obstacles to humanitarian missions during combat operations, to protect civilian population and to separate the sides of the conflict with the purpose of national reconciliation.

- Depending on their character, modern international peacekeeping operations in most cases are not purely military. They become more and more complex having a wide range of policing functions. Consequently, such operations require involvement of both military and civilian personnel, as well as the simultaneous efforts of several international and regional security organisations and non-governmental organisations.
  - Restoration of peace and providing support in overcoming the consequences of the conflicts are important features of modern peacekeeping operations. As recognised by the UN and regional security organisations, only implementation of this concept provides the opportunity to preclude conflict and facilitates achieving a stable situation in the region of conflict. Therefore, there can be the following types of peacekeeping missions: providing consultative and other support to national governments in executing the programs of disarmament, demobilisation and reintegration of belligerents; providing support to them in performing the function of security guarantee to their citizens; supporting their efforts to reform the national armed forces and police; economic and social development, etc.
  - Due to the broadening of the range of the above-mentioned missions, peacekeeping operations become longer in time and more complex, there is also a growing need in civilian experts to implement the tasks in the stabilising phase of the conflict.
12. Priority goals, tasks and implementation mechanisms of the national security interests of Ukraine in international peacekeeping activity.
1. Ukraine's priority goals for participation in international peacekeeping activity are as follows:
    - Preservation of the current level of Ukraine's active presence in international efforts for peace and security support and enlargement;
    - Improvement of the international image of Ukraine and confirmation by the country of its aspirations towards integration with the European and Euro-Atlantic security space;
    - Securing the implementation of the national security interests.
  2. To achieve these goals, it will be necessary:
    - To increase the capabilities of the Ukrainian peacekeeping contingents and peacekeeping personnel to effectively implement the tasks of international peacekeeping operations.
  3. To achieve this particular goal, it is necessary to improve the effectiveness of functioning of the system of control over the processes of preparation and participation of Ukraine in international peacekeeping operations by the way of:
    - Improving the system of control, coordination and co-operation of executive bodies during the planning and participation of peacekeeping contingent and peacekeeping personnel in international peacekeeping operations;
    - Adapting to modern environment the mechanisms and procedures of decision-making concerning participation in international peacekeeping operations and recall of Ukrainian peacekeeping contingent and peacekeeping personnel in cases under the legislation of Ukraine;
    - Creating the integrated database of the citizens of Ukraine, who wish and who have required professional and psychological training for participation in international peacekeeping operations.

4. It is also necessary to provide high preparedness to implement all kinds of peacekeeping tasks by the way of:
  - Maintaining the readiness to provide, within timeframe indicated by the international security organisations, the peacekeeping contingents, peacekeeping personnel, as well as material-technical resources and services for participation in peacekeeping operations in accordance with procedures stipulated by the legislation of Ukraine;
  - Creating of civilian expert training system for participation in international peacekeeping operations;
  - Prioritizing the training of peacekeeping contingent and peacekeeping personnel for specific missions, which are in demand by the UN and other international security organisations;
  - Introducing the practice of training for military units, which have the plans for participation in international peacekeeping operations as peacekeeping contingents, in organising co-operation with police and civilian peacekeeping personnel during the international peacekeeping operations, taking into account their specifics and complex character;
  - Introducing changes to organisational structures of peacekeeping contingents with taking into account the specifics of peacekeeping tasks and conditions for their accomplishment;
  - Raising the quality of the language training, knowledge of international humanitarian law, as well as specialized training for peacekeepers, primarily on the issues concerning the specifics of duties within multinational headquarters;
  - Devoting primary attention to developing in peacekeepers the feeling of pride for representing Ukraine in peacekeeping missions, respect to international humanitarian law, local population and its social and religious traditions;
  - Educating peacekeepers in specifics of history, people's culture and social-political situation in the country where operation takes place;
  - Introducing the system of learning, summarizing and bringing to attention of the interested central bodies of executive power, military formations and law enforcement bodies of Ukraine with regard to application experience of Ukrainian peacekeeping contingent and peacekeeping personnel in international peacekeeping operations.
5. To provide equipping of peacekeeping contingents with modern weapons, military hardware and special equipment, it is necessary:
  - To organise development (procurement), modernisation and equipping of peacekeeping units with modern types of weapons and military hardware, which correspond to requirements of peacekeeping operations and are adapted for the regions where the operations take place;
  - To equip the peacekeeping contingents and peacekeeping personnel with modern individual protection gear, communication and navigation equipment, night vision goggles and other special equipment necessary for successful implementation of peacekeeping tasks.
6. Increase the motivation of military servicemen, rank and file personnel and officers of internal affairs bodies and civilians for participation in international peacekeeping operations. For this purpose, it is necessary to provide:
  - Necessary level of medical and psychological support for Ukrainian peacekeeping contingents and peacekeeping personnel during the implementation of peacekeeping tasks and after the end of operations;
  - Higher level of legal and social protection for participants of international peacekeeping operations and members of their families, including the gradual raising of the pay level for service

- duties in peacekeeping contingents or as peacekeeping personnel to the level of corresponding payments in the states of Central Europe;
- Appropriate living conditions and supply during peacekeeping operations, uninterrupted delivery to peacekeepers of information about events in Ukraine and providing of communication with their families (relatives);
7. Ensure that Ukrainian interests are taken into account during the process of preparation for international peacekeeping operations and distribution of tasks and spheres of responsibility during their active phase, and for that purpose:
- Intensify activity aimed at the enlargement of Ukraine's mission to the UN Secretariat, primarily in Departments of Peacekeeping Operations and Field Support, multinational military headquarters, as well as in headquarters of peacekeeping operations, in which Ukrainian peacekeepers take part;
  - Build the appropriate relations with secretariats of the UN and other international security organisations, as well as bilateral relations with the states – participants of peacekeeping operations;
8. Support the enterprises, administrations and organisations of Ukraine in receiving orders for restoration of the economies and social spheres of the states hosting the international peacekeeping operations and further development of economic co-operation with these countries. Implementation of this task must be secured by the way of:
- Providing informational, consultative and specialized legal support to potential Ukrainian exporters of goods and services;
  - Introducing the mechanism of state support for the participation of enterprises, administrations and organisations of Ukraine, regardless of their form of ownership, in the restoration projects of economic and social infrastructure of the states hosting Ukrainian peacekeeping contingents and peacekeeping personnel;
  - Providing them with bank finance and insurance support;
  - Building contacts with political, religious and business circles in the states hosting Ukrainian peacekeeping contingents and peacekeeping personnel with the purpose of developing and broadening of economic co-operation for mid-term and long-term perspective.
9. At the stage of drafting proposals for Ukraine's participation in international peacekeeping operations, the following should be done:
- Analysis of the whole spectrum of potential and real threats to the national security of Ukraine (in foreign policy, military, economical and other spheres) emerging from the conflict, that international peacekeeping operation is supposed to resolve;
  - Assessment of the possibilities for taking into account Ukraine's interests in international peacekeeping operation, including the potential for its further involvement in reconstruction efforts in the region of crisis.
10. When drafting proposals for Ukraine's participation in international peacekeeping operations the following priority rating of such international operations must be taken into account:
- Primary level – operations in the regions crucial for Ukraine's national interests;
  - Secondary level – operations conducted along with international partners of Ukraine, co-operation with whom promotes the country's European and Euro-Atlantic integration;
  - Tertiary level – other operations, with the Ukrainian peacekeepers contributing to the efforts of the international community to maintain peace and stability.

11. All state bodies involved in drafting the proposals for Ukraine's participation in international peacekeeping operation must follow the principles of strictly abiding by the legislation of Ukraine, international law and priority of maximal security of Ukrainian citizens.
12. During the process of formalizing the participation of Ukraine in any peacekeeping operation, it is necessary to ensure the impossibility of prosecution for members of peacekeeping contingents and peacekeeping personnel, provided their actions to implement the duties of peacekeeping operation were legitimate. To avoid human losses in peacekeeping contingents and peacekeeping personnel, it is necessary to establish the limits of Ukraine's participation in any peacekeeping operation or withdrawal in case of significant changes of the situation.
13. The legal foundation for Ukraine's participation in international peacekeeping activity International peacekeeping activity of Ukraine is performed according to the Constitution and Laws of Ukraine, as well as international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine and other normative and legal acts of Ukraine.
14. Changes in international security environment, in character and tasks of peacekeeping operations and implementation of this Strategy provisions establish the necessity of improving the legislature on the issues of international peacekeeping activity of Ukraine, particularly, with the purpose of:
  - Harmonising the national legislature with corresponding decisions of international security organisations on the issues of defining the legal status of peacekeeping contingents and peacekeeping personnel, their rights, duties and responsibilities;
  - Improvement of the system of supervising the process of preparation for and participation of Ukraine in international peacekeeping operations;
  - Creation of conditions for broader participation in international peacekeeping operations by civilian personnel, governmental and non-governmental organisations providing peacekeeping services;
  - Improvement of social and legal protection for the participants of international peacekeeping operations and members of their families.
15. There is also a need for clear separation of state bodies' authority in the sphere of international peacekeeping activity of Ukraine and specification of the procedures of co-operation between them. It is necessary to create the list of bodies of state power, which may delegate their employees for participation in international peacekeeping operations.
16. Organising the implementation of a Strategy of International Peacekeeping Activity of Ukraine.
  1. Achieving the goals and implementing the tasks, stipulated by the Strategy of International Peacekeeping Activity of Ukraine, must be secured through implementation of the relevant provisions, stipulated in the Constitution and laws of Ukraine, by the national security of Ukraine subjects – the President of Ukraine, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, the National Security and Defence Council of Ukraine, ministries and other central bodies of executive power.
  2. The Secretary of the National Security and Defence Council of Ukraine is organising the drafting of plans for implementation of the Strategy, brings them to attention of the National Security and Defence Council of Ukraine and provides control of implementation of the National Security and Defence Council of Ukraine decisions, aimed at implementation of the Strategy; annually the Secretary must inform the President of Ukraine and the National Security and Defence Council of Ukraine about the results of implementation.
  3. Scientific supervision for the implementation of the Strategy must be carried out by the National Institute of International Security Problems, Institute of National Security Problems, National Defence Academy of Ukraine, Kyiv National University of Internal Affairs of Ukraine, Kharkiv National University of Internal Affairs of Ukraine and Diplomatic Academy of the Ministry of Foreign Affairs of Ukraine.

## Part VIII

# The Legislative Framework for the Social Protection of Servicemen and Members of Their Families

### **Law of Ukraine "On Social and Legal Protection of Servicemen and Members of Their Families"**

2011-XII of 20.12.1991 (*Bulletin of the Verkhovna Rada of Ukraine (BVR)*, 1992, No. 15, p. 190), Enacted by the Resolution of the Verkhovna Rada of Ukraine No. 2012-XII of 20.12.1991,

(*Bulletin of the Verkhovna Rada of Ukraine (BVR)*, 1992, No. 15, p. 191.

The statutory interpretation of the Law see in the Decision of the Constitutional Court No. 5-рп/99 of 03.06.99.

With changes made by the Decree No. 43-93 of 30.04.93, BVR, 1993, No. 26, p. 281; Laws:

No. 64/97-BP of 12.02.97, BVR, 1997, No. 12, p. 103;

No. 533/97-BP of 18.09.97, BVR, 1997, No. 45, p. 288;

No. 1082-XIV of 21.09.99, BVR, 1999, No. 48, p. 410;

No. 1459-III of 17.02.2000, BVR, 2000, No. 13, p.102;

No. 1577-III of 23.03.2000, BVR, 2000, No. 23, p. 178;

No. 2171-III of 21.12.2000, BVR, 2001, No. 9, p. 38;

No. 2463-III of 29.05.2001, BVR, 2001, No. 31, p. 155;

No. 2905-III of 20.12.2001, BVR, 2002, No. 12-13, p. 92;

No. 3111-III of 07.03.2002, BVR, 2002, No. 33, p. 236,

No. 429-IV of 16.01.2003, BVR, 2003, No. 10-11, p. 87;

No. 662-IV of 03.04.2003, BVR, 2003, No. 27, p. 209;

No. 1344-IV of 27.11.2003, BVR, 2004, No. 17-18, p. 250;  
 No. 1519-IV of 19.02.2004, BVR, 2004, No. 23, p. 320;  
 No. 1763-IV of 15.06.2004, BVR, 2004, No. 36, p. 444,  
 No. 1768-IV of 15.06.2004, BVR, 2004, No. 36, p. 446;  
 No. 1865-IV of 24.06.2004, BVR, 2004, No. 45, p. 503;  
 No. 2285-IV of 23.12.2004, BVR, 2005, No. 7-8, p. 162;  
 No. 2459-IV of 03.03.2005, BVR, No. 16, p. 263;  
 No. 2505-IV of 25.03.2005, BVR, No. 17, 18-19, p. 267;  
 No 2636-IV of 02.06.2005, BVR, 2005, No 27, p. 361;  
 No 3200-IV of 15.12.2005, BVR, 2006, No 14, p. 116;  
 No 3235-IV of 20.12.2005, BVR, 2006, No 9, N 10-11, p. 96;  
 No 3428-IV of 09.02.2006, BVR, 2006, No 26, p.215;  
 No 3591-IV of 04.04.2006, BVR, 2006, No 37, p.318;  
 No 328-V of 03.11.2006, BVR, 2006, No 51, p. 519;  
 No 489-V of 19.12.2006, BVR, 2007, No 7-8, p. 66;  
 No 1014-V of 11.05.2007, BVR, 2007, No 33, p. 442;  
 No 1138-VI of 17.03.2009, BVR, 2009, No 30, p. 425;  
 No 1255-VI of 14.04.2009, BVR, 2009, No 36-37, p. 512;  
 No 1510-VI of 11.06.2009, BVR, 2009, No 46, p. 701;  
 No 1900-VI of 16.02.2010, BVR, 2010, No 19, p. 151;  
 No 3668-VI of 08.07.2011, BVR, 2012, No 12-13, p. 82;  
 No 3917-VI of 18.10.2011 BVR, 2012, No 22, p. 216;

In accordance with the Constitution of Ukraine, this Law determines the basic principles of state policy in the field of social protection of servicemen and members of their families, establishes the uniform system of their social and legal protection, guarantees to servicemen and members of their families in economic, social, political spheres favourable conditions for the realisation of their constitutional duties concerning the defence of the Motherland and regulates relations in this sphere.

*(The Law is supplemented with preamble as provided by the Law No 328-V of 03.11.2006)*

## **PART I. GENERAL PROVISIONS**

### *Article 1. Social protection of servicemen*

1. Social protection of servicemen is the activity (function) of the state aimed at the establishment of the system of legal and social guarantees, which provide for the realisation of constitutional rights and freedoms, the satisfaction of financial and spiritual necessities of servicemen according to their special type of official activity, the status in society and the maintenance of social stability in the military environment. This is the right to support in case of a complete, partial or temporal loss of ability, the loss of the breadwinner, unemployment as a result of independent of them circumstances, in old age, as well in other cases foreseen in the law.

*(Article 1 as provided by the Law No 328-V of 03.11.2006)*

### *Article 1-1. Legislation on social and legal protection of servicemen and members of their families*

1. The legislation on social and legal protection of servicemen and members of their families is based on the Constitution of Ukraine and consists of this Law and other normative-legal acts.

2. If an international agreement ratified by the Verkhovna Rada of Ukraine establishes higher norms concerning the social and legal protection of servicemen and members of their families than those established in the legislation of Ukraine, the norms of the international agreement are applied.

*(Article 1-1 as provided by the Law No 328-V of 03.11.2006)*

*Article 1-2. Guarantees of social and legal protection of servicemen and members of their families*

1. Servicemen enjoy all human and civil rights and freedoms, as well as the guarantees of these rights and freedoms established in the Constitution of Ukraine and the laws of Ukraine, taking into account the particularities established in this and other laws.
2. Because of the special character of military service related to the defence of the Motherland, servicemen are entitled to privileges, guarantees and indemnifications established in the law, which cannot be abolished or suspended without an equivalent replacement.
3. Normative-legal acts of state authorities and local self-government organs limiting the rights and privileges of servicemen and members of their families are invalid.

*(Article 1-2 as provided by the Law No 328-V of 03.11.2006)*

*Article 2. Prohibition of restriction of the rights of servicemen*

1. No one has the right to limit the rights and freedoms of servicemen and members of their families determined by the legislation of Ukraine.

*Article 3. The purview of this Law*

1. The Purview of this Law applies to:

- 1) Servicemen in the Armed Forces of Ukraine and other military formations formed in accordance with the laws of Ukraine and special-purpose law enforcement organs (hereinafter, law enforcement organs), the State Special Transport Service who carry out military service on the territory of Ukraine, as well as servicemen in aforementioned military formations and law enforcement organs – citizens of Ukraine who carry out military service outside Ukraine and members of their families;

*(Subparagraph 1 of paragraph 1 of Article 3 with changes as provided by the Law No 1014-V of 11.05.2007)*

- 2) Servicemen who became invalids as a result of disease related to the performance of military service or as a result of disease after discharge from military service related to the performance of military service and members of their families, as well as members of families of servicemen who have perished, died or disappeared;
  - 3) Persons liable for military service and reservists called up for educational (control) and special training as well as members of their families.
2. The purview of this Law does not apply to members of families of servicemen, persons liable for military service and reservists who perished or died during the performance of military service (training) or during the performance of service in the reserve as a result of their committing of a crime or an administrative offence, or if the death of servicemen, persons liable for military service and reservists occurred as a result of acts committed by them in a state of alcoholic, narcotic or toxic intoxication, or, as a result of deliberate self-injury by a serviceman, a person liable for military service or a reservist.

*(Article 3 as provided by the Law No 328-V of 03.11.2006)*

*Article 4. Ensuring the implementation of the legislation on social and legal protection of servicemen and members of their families*

1. Ensuring the implementation of this Law and other normative legal acts on the social and legal protection of servicemen and members of their families is the responsibility of the state authorities and local self-government organs.

*(Article 4 as provided by the Law No 328-V of 03.11.2006)*

## **PART II. THE RIGHTS OF SERVICEMEN**

*Article 5. Safeguarding the civil rights and freedoms of servicemen*

1. Servicemen – the citizens of Ukraine serving in the territory of Ukraine – take part in national and local referenda, take part in elections and can be elected to the relevant local councils and other elective state organs according to the Constitution of Ukraine.
2. The provisions of the Law of Ukraine “On Presidential Elections in the Ukrainian Soviet Socialist Republic” are applied to them.
3. Commanders (chiefs) of servicemen who are candidates for People’s Deputies, and deputies of local councils should create the appropriate conditions for the exercise of this right.
4. Servicemen elected to office in local councils where they work on a permanent basis are attached to the relevant local councils while keeping their military service. The period in elected office (on a permanent basis) in a local Council is included in the term of duty. After expiration of the term of authority in a local Council the servicemen returns to the military formation where he/she served before the election for further service of the former post, and at its absence – of other equivalent post.
5. The People’s Deputy of Ukraine, being a servicemen during the term of deputy duty, forms part of the Verkhovna Rada of Ukraine while continuing his/her military service. After the expiration of the powers of the People’s Deputy of Ukraine, he/she, according to the established procedure, returns to the relevant military formation for further service of the former post or, by his/her consent, of another post which is not lower than the previous post held.
6. Servicemen have the right to create public associations according to the legislation of Ukraine. Servicemen cannot be members of any political parties or organisations and movements. Servicemen are not allowed to organise and participate in strikes.

*(Part 6 of Article 5 is excluded as provided by the Law No 1014-V of 11.05.2007)*

*(Part 7 of Article 5 is excluded as provided by the Law No 1014-V of 11.05.2007)*

*Article 6. Liberty of conscience*

1. Servicemen have the right to profess any religion or not to profess any, and to openly express their religious or atheistic beliefs. Commanders (chiefs) of military commands and units should create the appropriate conditions for participation of servicemen in religious ceremonies and rituals in their free from service duties time.

*(Clause 1 of Article 6 with changes as provided by the Law No 1900-VI of 16.02.2010)*

*(Paragraph 4 of the Clause 1 of Article 6 is excluded as provided by the Law No 1014-V of 11.05.2007)*

2. The servicemen are not allowed to refuse or to avoid from carrying out the military duties on the grounds of religious beliefs and to use their service authorities for religious or atheistic propaganda.

3. The servicemen are allowed to acquire, possess and use religious literature in any language, as well as the other religious items. Nobody has the right to prevent the exercising by the servicemen their religious needs.
4. The State is not responsible for providing for religious needs of the servicemen related to their religious beliefs and exercising religious rituals.
5. The persons whose religious beliefs prevent them from doing active military service are granted the right to alternative (non-military) service according to the Law of Ukraine "On Alternative (Non-military) Service".
6. Creation of religious organisations in military headquarters, military commands and units is prohibited.

*(Clause 6 of Article 6 with changes as provided by the Law No 1900-VI of 16.02.2010)*

*(Article 6 as provided by the Law No 1014-V of 11.05.2007)*

#### *Article 7. Immunity of servicemen*

1. The servicemen are guaranteed personal immunity. He/she cannot be arrested other than on the basis of a court decision.

#### *Article 8. Fundamental rights of servicemen connected with service*

1. The use of servicemen for tasks not connected with military service is forbidden and entails liability according to the law. Servicemen can be called on to alleviate the consequences of catastrophes, accidents, natural disasters and in other individual cases only upon the decision of the Verkhovna Rada of Ukraine.

Term of duty is included into to their insured work record, work record, work record according to their speciality, as well as their civil service record. Term of the conscript service is included into their work record, which allows for receiving the benefits of the pension by age, if at the moment of call up the person was a student of professional education school, worked in accordance with primary profession and occupied the position which granted the right to have an age pension benefits prior to the date of validity of the Law of Ukraine 'On Pension Provisions' an age pension benefits prior to the date of validity of the Law of Ukraine 'On Compulsory State Pension Insurance'. The term of the study at professional education school and of conscript military service, which have to be reordered for pension benefits, shall not be longer than the available work record, which allows for pension benefits.

*(The second paragraph of Clause 1 of Article 8 with changes as provided by the Laws No 2636-IV of 02.06.2005, No 328-V of 03.11.2006)*

The servicemen are guaranteed the freedom of scientific, technical and artistic creativity. Servicemen cannot be engaged in entrepreneurial activity.

In case of temporary fulfilment by a serviceman of a higher command post, the payment is made according to the established procedure in the post replaced.

2. Servicemen (except for servicemen on regular military service) cannot be discharged from military service before acquiring the right to a pension for time-in-service, except in cases when their service is terminated in connection with the expiry of the term of the contract, in connection with a systematic failure of commanders to fulfil the terms of the contract, for age reasons, at their own request, for health reasons, for professional unfitness, in connection with staff reductions or organisational measures, in connection with a court conviction which has

entered into force and envisions a sentence in the form of deprivation or restriction of liberty, deprivation of a military rank or of the right to occupy certain posts, in connection with the deprivation of a military rank as a disciplinary measure, for family reasons or other important reasons the list of which is determined by the Cabinet of Ministers of Ukraine.

In case of an unlawful discharge from military service or an unlawful transfer, a serviceman carrying out military service on a contract basis or in the cadre military service shall be renewed in the previous position or, with his consent, in another not lower than the previously held position. The position is considered lower if, in the list of staff members, this position is listed with a lower military rank or with the same rank if this position provides a reduced salary. If, in the list of staff members, there are two military ranks or differentiated salaries, the higher military rank or the higher salary is chosen. Moral damage inflicted by such a discharge (transfer) can be indemnified upon a court decision.

In case of a renewal of military service (position), the organ responsible for taking the decision simultaneously decides about the payment to a serviceman of material and financial support for the time of forced leave or the payment of the difference for the time of service in a lower paid position, which were not received because of an unlawful discharge (transfer).

This period is included in the time-in-service of a serviceman (both in calendar and preferential calculation) and in the period established for the conferment of the next military rank.

*(Clause 2 of Article 8 as provided by the Law No 328-V of 03.11.2006)*

3. The servicemen of active service, who before the call-up worked in enterprises, institutions and organisations (irrespective of the forms of ownership and economic activity), have their right to reemployment in the same enterprise, establishment or organisation or their assignment to a post no lower than the one they had before the call to military service within three-month after dismissal from service. Within a month from the day of military registration at the place of residence, the organ for labour and social protection of the population upon the submission of the military commissar and in accordance with the procedure determined by the Cabinet of Ministers of Ukraine provides a financial aid equal to an average monthly salary for the last position (for those who worked before a call-up for regular military service) or equal to a minimum salary (for those who did not work) from the state budget funds. They enjoy, under other equal conditions, the right to priority to hold a position of employment at reduction of the staff in connection with change in the organisation of manufacture and can work within two years from the date of dismissal.

*(The first paragraph of Clause 3 of Article 8 with changes as provided by the Law No 328-V of 03.11.2006)*

Servicemen of active service, whose family has lost its bread-winner and whose family has no other able-bodied members, and members of family with independent earnings, are discharged from military service pre-term.

4. The job-security programme of the persons discharged from military service without the right to pension is implemented according to the legislation of Ukraine on employment.

5. The state ensures social and professional adaptation of servicemen discharged in connection with staff reductions or organisational measures, for health reasons, as well as servicemen in regular military service who before a call-up for regular military service were not employed in case these persons make such a request. In case of necessity, social and professional adaptation is also provided to family members of servicemen at their request. The adaptation of the aforementioned category of persons is carried out by the government body for adaptation

of servicemen discharged into the reserve or in retirement and for conversion of former military installations from the state budget funds.

*(The first paragraph of Clause 5 of Article 8 as provided by the Law No 328-V of 03.11.2006)*

The servicemen having a record of positive military service of a duration no less than 10 years are allowed, since January 1, 2005, during the last year before dismissal to do professional re-training (duration no less than 500 hours) free of charge, with the preservation of all kinds of allowance according to the procedure and on terms determined by the Ministry of Defence of Ukraine, in the centres of retraining and employment assistance of all forms of ownership during working hours.

*Article 8-1. The right of the servicemen to select the place of residence and to travel abroad*

1. The servicemen discharged from military service have the right to select the place of residence in any location of Ukraine or another state in accordance with the laws and international treaties, ratified by the Verkhovna Rada of Ukraine.
2. The servicemen have equal right with other citizens of Ukraine to travel abroad in accordance with procedure established by the law.

*(This Law is supplemented with Article 8-1 as provided by the Law No 1014-V of 11.05.2007)*

*Article 9. Financial support to servicemen*

1. The state guarantees adequate material, financial and other types of support to servicemen in amounts that correspond to the conditions of military service and stimulates the development of the qualified military personnel.
2. The following belongs to the financial support:
  - Salary in the position, salary for the military rank;
  - Monthly additional types of financial support (salary rises, increments, additional charges,
  - Permanent rewards, bonuses);
  - One-time additional types of financial support.
3. Financial support is determined on the basis of the post, military rank, duration, intensity and conditions of military service, qualifications, education degree and scholarly degree of the serviceman.

Financial support is subject to indexation in accordance with the law.

4. Financial support is paid in amounts determined by the Cabinet of Ministers of Ukraine and shall ensure adequate material conditions for manning the Armed Forces of Ukraine, other military formations formed in accordance with the law and law enforcement organs with qualified personnel, taking into account the character and conditions of service and stimulating the achievement of high results. The procedure for payment of financial support is determined by the Minister of Defence of Ukraine, heads of the central executive authorities responsible for managing military formations formed in accordance with the law and law enforcement organs and heads of the intelligence organs of Ukraine.
5. Servicemen temporarily undertaking military service outside Ukraine receive financial support in the national currency and rewards in foreign currencies in accordance with the norms and the procedure determined by the Cabinet of Ministers of Ukraine.
6. Servicemen captured, taken as hostages, interned in neutral states or who have disappeared are guaranteed financial support and other types of support. Families of the aforementioned servicemen receive monthly financial support, including additional and other types of fi-

nancial support, in amounts assigned to the serviceman on the day of his capture, hostage-taking, internment in a neutral state or disappearance.

The purview of this item does not apply to servicemen who were voluntarily captured.

Financial support is paid to the following family members of servicemen:

To the wife (husband), if the serviceman has no wife (husband) – to the adult children who live together with her (him), legal representatives (guardians) or adoptive parents of minors (of invalids from childhood – regardless of their age), as well as to persons who depend on servicemen's support or to parents of servicemen in equal parts if servicemen are not married and have no children. The payment of financial support to these family members is carried out after a complete clarification of circumstances of the capture, hostage-taking, internment or liberation of servicemen, or after the recognition of servicemen as such who have disappeared or died in accordance with the procedure established in the law. In all cases, the payment of financial support is carried out not more than until the day of exclusion of servicemen from the list of the personnel of military units.

In case of the indexation of financial support of servicemen in the Armed Forces of Ukraine, other military formations formed in accordance with the law and law enforcement organs, the financial support to family members of servicemen who are captured, taken as hostages, interned in neutral states or have disappeared is paid, taking into account such indexation.

7. Servicemen assigned for service in state organs, establishments and organisations enjoy all types of support envisaged in Articles 9 and 9-1 of this Law, guarantees and privileges that are covered from the funds allocated in the State Budget of Ukraine for the Armed Forces of Ukraine, other military formations formed in accordance with the law, law enforcement organs and the Special State Transport Service. The President of Ukraine adopts the list of positions, which can be occupied by servicemen in these state organs, establishments and organisations.

*(Part 7 of Article 9 with changes as provided by the Law No 1255-VI of 14.04.2009)*

*(Article 9 as provided by the Law No 328-V of 03.11.2006)*

*Article 9-1. Food, clothing and other supply for servicemen*

1. The food and clothing supply of servicemen is carried out in accordance with the norms and deadlines determined by the Cabinet of Ministers of Ukraine.
2. *(Clause 2 of Article 9-1 is excluded as provided by the Law No 107-VI of 28.12.2007)*
3. In case of a transfer of servicemen carrying out military service on a contract basis or servicemen in the cadre military service to a new place of military service in another locality, in connection with appointment to a military position, entry into an educational establishment, for a period of study not less than six months, or in connection with the re-deployment of a military unit, receive:
  - 3) A transfer aid equal to a monthly salary of a serviceman and 50 per cent of monthly financial support for each family member of the serviceman who moves accordingly to a new place of military service;
  - 4) A daily allowance established by the Cabinet of Ministers of Ukraine for employees who are on a service trip for every day in travel of a serviceman and every family member of the serviceman who moves together with him.

*(This Law is supplemented with Article 9-1 as provided by the Law No 328-V of 03.11.2006)*

*Article 10. Working time and rest time of servicemen*

1. The general duration of working time of servicemen in a week cannot exceed the normal duration of working hours for the given period determined in the legislation of Ukraine, except for cases mentioned in item 5 of this Article.
2. The distribution of working time of servicemen during a day and a week in military units is carried out in such a way as to ensure permanent alertness in military units, the carrying out of combat training, the creation of conditions for the maintenance of order, military discipline, education of servicemen, increase in cultural standards, as well as to ensure comprehensive domestic services, rest and meals.
3. The distribution of working time of servicemen is determined by a timetable approved by the corresponding commander (chief) in accordance with the procedure established in the statutes of the Armed Forces of Ukraine, observing the established general duration of weekly working time.
4. Servicemen, except for servicemen in regular military service, are entitled to a five-day working week with two days off; servicemen in regular military service, students (cadets) at higher military education establishments and students at higher education establishments with military education departments and education centres (units) – a six-day working week with one day off.
5. Military training, ship campaigns, combat shooting, combat duty, daily assignments and other measures related to ensuring the combat readiness of military units are carried out without limitation to the general duration of working time.
6. Weekend, festive days and days off are assigned days of rest for all personnel, except for servicemen carrying out official duties. These days are allocated for rest, cultural-educational work, sports and games. Servicemen, except for servicemen in regular military service and students (cadets) at higher military education establishments, who carry out official duties on the weekend, festive days and days off, are assigned by a commander (chief) the appropriate time for rest in compensation, as a rule, during the following week. The time of rest for servicemen in regular military service and students (cadets) at higher military education establishments who carry out military service duties on the aforementioned days is established by their commander (chief).

*(Article 10 as provided by the Law No 328-V of 03.11.2006)*

*Article 10-1. The right of servicemen to vacations. The procedure for granting a vacation to servicemen and recall from it*

1. Servicemen, except for servicemen in conscript military service, are entitled to annual basic vacations with the preservation of the material and financial support and with the granting of financial aid for health care equal to a monthly salary. The duration of an annual basic vacation for servicemen who have served up to 10 calendar years – 30 calendar days; from 10 to 15 years – 35 calendar days; from 15 to 20 years – 40 calendar days; for over 20 calendar years – 45 calendar days. The servicemen leaving for the leave are not given additional time for travel to the place of leave and back. Holidays and weekends are not taken into account for calculation of the duration of annual basic vacations.
2. Annual consecutive leave should be given within a calendar year. In special cases, by authority of the direct chief – determined by the Minister of Defence of Ukraine, the heads of the central executive organs having legally subordinated military formations, created in accordance with the laws of Ukraine, the heads of the law enforcement and intelligence organs

of Ukraine, the next annual leave for the last year can be given in the first quarter of the next year if it was not given earlier by virtue of exclusive circumstances.

Duration of annual basic leave for servicemen in contractual military service on the year of enrolment is determined at the rate of 1/12 duration of leave, they are entitled according to the Clause 1 of this Article, for each full month of service by the end of the calendar year. At that, if duration of leave exceeds 10 calendar days, they are paid the fare to the place of leave and back to the place of the previous service or place of residence according to the procedure approved by the Cabinet of Ministers of Ukraine. Leave shorter than 10 calendar days can be given simultaneously with the next leave in the following year, upon request of the serviceman. The same procedure is used to give the annual basic leave for servicemen, who were on maternal leave till the age of three of their child.

3. Upon request of the serviceman, except for cadets (students) of higher military educational institutions, as well as higher educational institutions which have subordinated military institutions, faculties of military education and chairs of military education, the annual basic leave can be given in two steps, provided its basic uninterrupted part makes no less than 24 calendar days.
4. Annual additional leave to servicemen (except for conscripts) doing military service under heavy emotional and intellectual loads or in specific natural geographic, geological, climate and ecological conditions and life and health threatening conditions can be given with the preservation of the material and financial support. Duration of such annual additional leave is determined depending on the duration of service under these specific conditions and shall not be in excess of 15 calendar days.

The list of locations with specific natural geographic, geological, climate and ecological conditions and posts related to military service under heavy emotional and intellectual loads and life and health threatening conditions, as well as procedure of provision and duration of the annual additional leave depending on the duration of service under these specific conditions shall be determined by the Cabinet of Ministers of Ukraine.

The serviceman having the right to annual additional leave stipulated by the first paragraph of this Clause, and to annual additional leave on the other bases established by the legislation are given the choice on which basis to take their leave.

5. Servicemen fallen ill during the next annual leave have their leave prolonged for the period of unused days after recovery.
6. Cadets and students of higher military educational institutions, as well as higher educational institutions which have subordinated military institutions, faculties of military education and chairs of military education are annually given up to 4 calendar days term-break (winter) leave and up to 30 calendar days basic (summer) leave. Duration of these leaves is not dependent on the duration of military service.

Cadets and students of higher military educational institutions, as well as higher educational institutions that have subordinated military institutions, faculties of military education and chairs of military education having educational debts, leave after liquidation of debts within the limits of the terms established by the schedule of educational process. At that annual basic (summer) leave should proceed no less than 15 calendar days.

Cadets and students of higher military educational institutions, as well as higher educational institutions which have subordinated military institutions, faculties of military education and chairs of military education in addition to annual leave can be given additional leave in connection with illness or for family reasons as provided by Clauses 9-11 of this Article.

7. Servicemen (except for conscripts) at business trips outside Ukraine are allowed upon their request to combine annual basic leaves for two years. The total duration of the combined leave should not exceed 90 calendar days
8. Servicemen's (except for conscripts) additional leaves in connection with education, creative works and on social grounds are given as provided by the Law of Ukraine "On Leaves". The other additional leaves are given to them on the grounds and according to procedure established by the relevant laws of Ukraine.

In cases the Law of Ukraine "On Leaves" or the other laws of Ukraine stipulate the provision of additional leaves without preservation of the regular salaries, such leaves to servicemen shall be provided without preservation of the regular service payment.

9. Leave for reasons of family circumstances without the preservation of financial support is given to the servicemen in the following cases:
  - 1) Marriage – up to 10 calendar days;
  - 2) Life threatening health conditions or death of close-blood or marriage relatives:
    - a. Wife (husband), father (mother), step-father (step-mother), son (daughter), brother (sister) of the servicemen, father (mother) of spouse or the person who adopted the servicemen – up to 7 calendar days without taking into account the time necessary for travel to the place of leave and back;
    - b. b) Other relatives – up to 3 calendar days without taking into account the time necessary for travel to the place of leave and back;
  - 3) Fire or another natural disaster affected the family of the servicemen or persons, mentioned in sub-paragraph 2 of this Clause – up to 15 calendar days without taking into account the time necessary for travel to the place of leave and back;
  - 4) In the other exceptional circumstances, when the presence of the servicemen in the family is necessary, by decision of the commander (chief) of military unit – up to 3 calendar days without taking into account the time necessary for travel to the place of leave and back. Such leave can be granted only once in the course of the calendar year.
10. By the decision of the commander (chief) of military unit the servicemen (except for conscripts) may be given leave for reasons of family circumstances and other important reasons without the preservation of financial support up to 15 calendar days per year.
11. Treatment leave in connection with illness with the preservation of the material and financial support is given to the servicemen on the basis of the findings of the military-medical commission. Duration of such leave is determined by the nature of the disease. As a whole, the time of continuous stay in medical institutions and in treatment leave in connection with illness should not exceed four consecutive months (except for cases when the legislation stipulates longer terms of stay on treatment).

Upon termination of the established uninterrupted stay on treatment and in treatment leave in connection with illness, servicemen are subject to examination by the military-medical commission to determine whether they are fit for military service or not.

After the issuance of the order on discharge of the serviceman from military service, treatment leave in connection with illness is not provided.

12. Conscripts serving on ships, vessels and at coastal combat support units of the Naval Forces of the Armed Forces of Ukraine and in the Sea Guard of the State Border Service of Ukraine during the term of their service are entitled for 10 calendar days of leave without taking into

account the time necessary for travel to the place of leave and back, but not earlier than 3 months since the start of the term of their conscription.

Leave for family reasons is given for up to 10 calendar days without taking into account the time necessary for travel to the place of leave and back.

13. The spouse of the serviceman has the right of receiving leave in her (his) suitable time simultaneously with the annual basic leave of the servicemen.

14. Servicemen (except for conscripts) who leave military service, except for the persons discharged for reasons of age, health and in connection with staff reduction, are given annual consecutive leave at the rate of 1/12 durations of leave they are entitled to according to Clause 1 of this Article per each full month of service prior to the year of discharge. At that, if duration of the leave makes more than 10 calendar days, the travel to the place of leave and back to the place of service or the elected place of residence is paid for and additional time for travel is given in accordance with procedure approved by the Cabinet of Ministers of Ukraine.

Servicemen (except for conscripts) who leave military service for reasons of age, health and in connection with staff reduction, are given annual consecutive leave and additional leave for the term established by Clauses 1 and 4 of this Article.

When discharged from service under the first and second paragraph of this Clause servicemen have the right to receive monetary compensation for unused days of annual basic leave in the year of discharge and for days of additional leave, particularly female servicemen with children.

When discharged from service prior to the end of the calendar year, for which the serviceman was given leave, except for the persons discharged for reasons of age, health and in connection with staff reduction, the withdrawal from serviceman pay is made in compensation for days of leave which were accounted for the part of the year after discharge of the serviceman as provided by the relevant order of commander (chief) of military joint command or unit, the head of the higher military educational institution, headquarters or organisation.

*(The fourth paragraph of Clause 14 of Article 10-1 with changes as provided by the Law No 1900-VI of 16.02.2010)*

In case of the death of servicemen the withdrawal for unused days of leave from his payment shall not be made.

Servicemen whose orders of dismissal were signed in the past year, but who are not excluded from the muster rolls of military unit, are not given leave for the period of service in the current year.

15. When discharged from service (except for such reasons, as guilty verdict of the court and subsequent imprisonment, limitation of freedom, revoking military rank or revoking the right to occupy certain positions, in connection with revoking military rank through disciplinary procedure, as well as in connection with systemic violation of contract conditions by the servicemen) while annual leave was not used by the servicemen, they have the right to use their leave first and subsequently leave the service. The date of discharge of servicemen in this case will be the last day of the leave.

When discharged from service in connection with the end of the term of contract servicemen has the right to receive the unused annual leave even in case the duration of leave exceeds the term of the contract. In this case the validity of contract shall be extended till the end of the leave.

16. The recall of servicemen from annual consecutive leave is allowed only in case of announcement of mobilisation, introduction of martial law or state of emergency in Ukraine or its

particular areas, and in other cases – upon the decision of the Minister of Defence of Ukraine, the heads of the central executive organs having legally subordinated military formations, created in accordance with the laws of Ukraine, the heads of the law enforcement and intelligence organs of Ukraine, their deputies and the Chief of the General Staff – Supreme Commander of the Armed Forces of Ukraine, as well as commanders of military formations who *ex officio* are not the heads of the central executive organs.

*(The first paragraph of Clause 16 of Article 10-1 with changes as provided by the Law No 1900-VI of 16.02.2010)*

In case of recall from annual consecutive leave the part that was not used is given to servicemen in the current year. If the unused part of leave is 10 calendar days or more, the servicemen is paid the fare to the place of leave and back within the territory of Ukraine, but no further than the place he was called from.

*(This Law is supplemented with Article 10-1 as provided by the Laws No 328-V of 03.11.2006, and No 1014-V of 11.05.2007)*

#### *Article 11. The right of servicemen to health care and medical treatment*

1. Healthcare for servicemen is provided through the creation of favourable sanitary-hygienic conditions for the performance of military service, way of life and through the system of measures aimed at the limitation of the impact of dangerous factors of military service, taking into account its specifics and ecological situation, carried out by commanders (chiefs) in co-operation with local executive authorities and local self-government organs.

Care for the preservation and strengthening of the health of servicemen is the duty of commanders (chiefs). They are responsible for ensuring safety measures during training, other measures of combat training, during the exploitation of armaments and military equipment, conducting of work and performance of other military service duties.

Servicemen, persons liable for military service and reservists called up for educational (control) and special training, have the right to free-of-charge medical treatment in military health care medical establishments. Servicemen undertake medical examinations annually and medical prophylactic measures.

If there are no medical care establishments, appropriate departments or specialised medical equipment close to the place of military service, educational (control), special training sites or residence, as well as in emergency cases, medical care is provided in the state or communal health care establishments at the expense of the Ministry of Defence of Ukraine, other military formations formed in accordance with the laws of Ukraine and law enforcement organs. Servicemen who are victims of the Chernobyl catastrophe are entitled to medical treatment, health care in sanatoriums and rest in accordance with the legislation.

2. If there are no state or communal health care establishments close to the place of residence, the family members of servicemen (except for servicemen in regular military service and students (cadets) at higher military education establishments and higher education establishments with military education departments) receive medical care in military medical healthcare establishments.

The family members of servicemen and persons discharged from the reserve or in retirement, as well as of servicemen who have perished (died), disappeared, became invalids during the performance of military service or suffered in captivity during military operations (wars) or par-

participation in international peacekeeping operations, if these persons have served in the Armed Forces of Ukraine, other military formations formed in accordance with the laws of Ukraine and law enforcement organs for no less than 20 calendar years, have the right to medical care in establishments of the Ministry of Defence of Ukraine, other military formations formed in accordance with the laws of Ukraine and law enforcement organs.

The sending of servicemen and members of their families for treatment outside Ukraine is carried out on general grounds in accordance with the procedure determined by the Cabinet of Ministers of Ukraine.

3. Servicemen (except for servicemen in regular military service) and members of their families have the right to treatment and rest in sanatoriums, rest-homes, pensions and tourist centres of the Ministry of Defence of Ukraine, other military formations formed in accordance with the laws of Ukraine and law enforcement organs. Such servicemen pay 25 per cent and family members pay 50 per cent of the cost of treatment, except for cases when in accordance with the legislation other terms of payment are established. The same right is granted to family members of servicemen who have perished (died) or disappeared during the performance of military service. Such family members include: parents, wife (husband), under age children, as well as children – invalids from childhood (regardless of age).

The treatment of servicemen who are sent to a sanatorium for the continuation of treatment following hospital treatment in accordance with the recommendations of a military medical commission is free of charge.

Servicemen in regular military service, students (cadets) at higher military education establishments and higher education establishments with military education departments, educational centres (units) and servicemen and women, as a result of medical recommendation, are provided with health care treatment in sanatoriums free of charge.

Servicemen who have contracted a disease during the performance of military service duties, after treatment in military medical health care establishments have the right to priority treatment in sanatoriums and resort establishments of the Ministry of Defence of Ukraine, other military formations formed in accordance with the laws of Ukraine and law enforcement organs.

Servicemen subject to harmful work place conditions due to the special nature of their service, servicemen who became invalids as a result of military operations, participants in military operations and persons with an equal status have the right to priority treatment in sanatoriums.

Pensioners who are invalids (I and II groups) as a result of disease resulting from the performance of military service are treated in sanatoriums regardless of the type of pension they receive.

Invalids of III group discharged from military service for health reasons who receive disability pensions are provided with a treatment in sanatoriums on the basis of a medical conclusion.

The procedure for the provision of treatment in sanatoriums is established by the Cabinet of Ministers of Ukraine.

4. Servicemen who became invalids as a result of military operations, as well as participants in military operations have the same rights as invalids and participants in the Great Patriotic War.

5. Servicemen and women have all the privileges foreseen in the legislation on social protection of women, maternity and childhood. These privileges also apply to parents – servicemen who take care of children without a mother (in case of her death, in case of the deprivation of maternal rights, in case of a mother's stay in a medical establishment and in other cases when maternal care is absent).

6. Servicemen discharged from military service as a result of disease related to the performance of military service duties and family members of servicemen receive an examination and treatment in military medical health care establishments in accordance with the procedure established by the Ministry of Defence of Ukraine, other military formations formed in accordance with the laws of Ukraine and law enforcement organs.
7. Changes in the chain of subordination and in specific profile of military-medical institutions, sanatoriums and recreation institutions of the Ministry of Defence of Ukraine, the Security Service of Ukraine, the State Border Service of Ukraine, other military formations formed in accordance with the laws of Ukraine and law enforcement organs, as well as separation of their real estate property is prohibited.

*(Article 11 is supplemented with Clause 7 as provided by the Law No 1138-VI of 17.03.2009)*

*(Article 11 with changes as provided by the Law No 328-V of 03.11.2006)*

*Article 12. Housing support to servicemen and members of their families*

1. The state provides servicemen with housing or, should they so wish, monetary compensation for the accommodations to which they are entitled, according to the procedure and according to the requirements established by the Housing Code of Ukrainian Soviet Socialist Republic and other normative-legal acts.

*(The first paragraph of Clause 1 of Article 12 with changes as provided by the Law No 1510-VI of 11.06.2009)*

Servicemen of conscript military service are placed in barracks (on ships) according to the Interior Service Regulation of the Armed Forces of Ukraine. They have the housing they lived in before the call-up preserved for them. They cannot be struck off the register of the citizens requiring improvement of living conditions.

Military servicemen with 20+ years' service and their family members are provided with accommodations for permanent residence, or, should they so wish, monetary compensation for the accommodations to which they are entitled. The herein mentioned accommodations or monetary compensations are provided on a one off-base during the entire duration of service, provided they have not yet exercised their right to free privatisation of housing.

*(The fourth paragraph of Clause 1 of Article 12 with changes as provided by the Law No 1510-VI of 11.06.2009)*

In the absence of service housing, privates, sergeants and sergeant majors doing contractual military service and not married, are placed free of charge in specially adapted barracks in the position of the military unit, and family – in family hostels. Living conditions in such barracks should correspond to the requirements of the hostels intended for residing single citizens. As for other servicemen, the military unit is obliged to rent housing for them and members of their family or by their request – to pay financial compensation for rent of housing.

The cadets of higher military educational establishments and military educational departments of the higher educational establishments having families are provided with accommodation in family hostels. In the absence of such hostels they are paid a financial compensation for rent of housing in the place of military service.

The procedure of providing servicemen and members of their families with housing, and also the amount and the procedure of payment to the servicemen of financial compensation for rent of housing, are determined by the Cabinet of Ministers of Ukraine.

2. The servicemen of contractual military service have the right to the accommodation they had before enrolment. They cannot be struck off the register of the citizens requiring improvement of living conditions on the place of previous residence.
3. The persons discharged from military service and declared invalids due to injury, contusion, and mutilation, received at the performance of military service, or due to disease received during military service, are provided, taking into account the established procedure, with housing in the settlements chosen by them for residing out of turn at the expense of military formations or executive organs where they are registered as citizens requiring improvement of living conditions. In case of the need to improve the living conditions of the families of servicemen lost (dead) or reported missing during military service, housing in a place of registration as the citizens requiring improvement of living conditions is provided.
4. The servicemen having served 20 years or more outside Ukraine or transferred to service in the area of intensive radioactive pollution as a result of Chernobyl accident have the housing occupied by them and members of their families reserved for them for the whole period of stay outside Ukraine or in the specified area.
5. The servicemen and also the persons discharged from military service who became invalid during military service and the members of their families supported by them, to parents and members of families of servicemen, the disadvantaged (died) or reported missing during military service, are given a 50 per cent discount for housing and public utilities (water supply, gas, electric, central heating and hot water and other services) in apartment houses of all forms of ownership within the limits of the established norms stipulated by the legislation.  
The persons discharged from military service who became invalids during military service are given a 50 per cent discount for instalment and using of home phones.
6. The servicemen having served 17 years and requiring improvement of living conditions have the right to reception of the plot for construction and service of an apartment house in the settlements selected by them for residing, taking into account the established procedure.  
Institutions of local self-government are obliged to provide the plots and within the limits of their authority determined by the law to help the servicemen, parents and members of families of the servicemen lost (died) or reported missing during military service, and also the persons discharged from military service who became invalids during military service if they have expressed the desire to construct individual apartments.
7. The servicemen having served 20 years and more and requiring improvement of living conditions have the right to credits for individual housing or purchase of an individual apartment house (apartment) for the term under 20 years with repayment of the total sum and interest rates against the credits at the expense of the means intended in the State Budget on support of the Armed Forces of Ukraine, Security Service of Ukraine, other military formations created according to the laws of Ukraine. The specified credit is given to the servicemen only once during all term of duty.  
The procedure and conditions to grant the servicemen credits for individual residential building or purchase of an individual apartment are determined by the Cabinet of Ministers of Ukraine.
8. The servicemen having served 20 years or more, dismissed for reasons of health, age, in connection with staff reduction, and also the persons discharged from military service who became invalids I or II groups, members of families of the servicemen lost (died) or reported

missing during military service, have the right to free reception in the private property of premises which they hold in houses of the state available housing fund.

9. The servicemen registered as citizens requiring improvement of living conditions at the transfer to the reserve or resignation for reasons of age, state of health, and also in connection with staff reduction or other organisational measures remain registered with the military unit until reception of housing from the state available housing fund, or, should they so wish, monetary compensation for the accommodations to which they are entitled, and in case of its deactivation – with military commissariats and housing-operational units of the regions and use the right to out-of-turn reception of housing.

*(The first paragraph of Clause 9 of Article 12 with changes as provided by the Law No 1510-VI of 11.06.2009)*

In case of death of the person transferred from military service to the reserve or in resignation on the bases specified in paragraph 1 of this unit having according to the legislation the right to out-of-turn reception of housing, his/her family keeps the right to reception of housing according the same procedure.

*(Article 12 includes changes made by the Law 533/97-BP of 18.09.97; in the wording of the Law 1865-IV of 24.06.2004)*

#### *Article 13. The right of servicemen and their family members to education*

1. Servicemen have the right to study (including postgraduate education) in military education establishments, appropriate subdivisions of training, retraining and improving the level of their skills. Servicemen doing contractual military service of the officers, after receiving the basic or full higher education by the state order, are allowed to study at the other higher education institutions without interrupting their military service after they served the term of service equal to the term of their previous higher education course.

Other servicemen, except for servicemen in conscript military service, are allowed to study in the other higher education establishments without interrupting their military service as stipulated by the relevant regulations on the military service of the citizens of Ukraine.

*(Clause 1 of Article 13 with changes as provided by the Law No 1014-V of 11.05.2007)*

2. Persons called up for regular military service during a period of study in a higher education establishments (I-IV levels of accreditation) after discharge from military service are re-enrolled for the continuation of study in the educational establishment where they studied prior to the call-up for military service regardless of the form of study.
3. In case of a change by servicemen carrying out military service on a contract basis or servicemen in the cadre military service of the place of the performance of military service, as well as in case of discharge from military service for age, health reasons or in connection with staff reductions or organisational measures, members of their families who study in state education establishments have the right to be transferred to state education establishments closer to the new place of military service or residence.
4. Children of servicemen are granted in a priority order places in general and preschool education establishments and in children's health care camps regardless of forms of their ownership at the place of residence of their families.
5. Children of servicemen who have served for 20 calendar years or more, children of citizens discharged from military service for age, health reasons or in connection with staff reductions or organisational measures and who have served for 20 calendar years or more, children of

servicemen who have died during the performance of military service duties, disappeared or became invalids as a result of disease related to the performance of military service have priority rights to enter military lyceums, lyceums with intensive military and physical training, higher military education establishments and higher education establishments with military education departments provided they pass the examinations and conform to other requirements and the rules of enrolment in these establishments.

*(Article 13 as provided by the Law No 328-V of 03.11.2006)*

*Article 14. Privileges of servicemen and members of their families*

1. Servicemen have the right to free of charge travel:

1) By railway, air, water and automobile (except for taxi) transport:

a. To a service mission;

b. To the place of vacation within the territory of Ukraine;

*(Sub-paragraph b) of paragraph 1 of the Clause 1 of Article 14 with changes as provided by the Law No 1014-V of 11.05.2007)*

c. During a move to a new place of military service or in connection with the re-deployment of the military unit;

d. To the place of residence selected after discharge from military service within the territory of Ukraine;

*(Sub-paragraph d) of paragraph 1 of the Clause 1 of Article 14 with changes as provided by the Law No 1014-V of 11.05.2007)*

2) By all types of public city, suburban and inter-town transport (except for taxi) – only servicemen in regular military service.

2. During the transfer of servicemen to a new place of military service or discharge from military service, the right to the free of charge transportation of 20 tons of private property in containers from the previous to the new place of residence by railway transport, and wherein there is no such type of transport – by other types of transport (except for air transport). In case of the transportation of private property in separate carriages, as luggage or shipping, the actual costs are compensated, but no more than the cost of transportation of property in a container weighing 20 tons.

3. Family members of servicemen (except for servicemen on conscript military service) have the right to free of charge journeys by railway, air, water and automobile (except for taxi) transport:

1) From the place of residence to the place of the performance of military service of a serviceman in connection with his transfer;

2) To the place where a serviceman goes on vacation within the territory of Ukraine;

*(Sub-paragraph 2) of paragraph 3 of Article 14 with changes as provided by the Law No 1014-V of 11.05.2007)*

3) In case of the discharge of a serviceman from military service and in case of the death of a serviceman – to the selected place of residence within the territory of Ukraine.

*(Sub-paragraph 3) of paragraph 3 of Article 14 with changes as provided by the Law No 1014-V of 11.05.2007)*

The family members of servicemen during the journey to the selected place of residence in connection with the death of a serviceman have the right to the free of charge transportation of 20 tons of private property in containers by railway transport, and wherein there is no such type of transport – by other types of transport (except for air transport). In case of transportation of private property in separate carriages, luggage or shipping, the actual costs are compensated, but no more than the cost of transportation of property in a container weighing 20 tons.

4. Servicemen who became invalids as a result of military operations, participants of military operations and persons with an equal status, as well as the parents of servicemen who have perished, died or disappeared during military service have the right to free of charge journeys by all types of public passenger transport of general use (except for taxi) within the limits of their administrative district at their place of residence, by railway and water suburban transport and by suburban buses. They have the right to a 50 per cent discount for intercity railway, air, water and automobile transportation in accordance with the law.
5. Servicemen who are on a service mission, moving to a new place of military service, as well as to and from a holiday location have the priority right to the acquisition of travel documents for themselves and their family members for all types of transport. Servicemen who are sent on a service mission have the priority right to a reservation and a place in a hotel on the basis of the documentation provided on the service mission.
6. During the performance of service duties related to service missions in other localities, servicemen are compensated for expenses in accordance with the procedure established by the Cabinet of Ministers of Ukraine.
7. Servicemen, except for servicemen in regular military service, have the right to a priority installation of a house telephone and house security system.
8. Servicemen in regular military service have the right to send and receive letters free of charge. The personal clothes of citizens called up for regular military service can be mailed in free of charge postal parcels.
9. Expenses related to the transportation of servicemen, members of their families and their private property by railway, air, water and automobile (except for taxi) transport and hotel reservations for servicemen on a service mission are compensated from the funds of the Ministry of Defence of Ukraine, other military formations formed in accordance with the laws of Ukraine and law enforcement organs in accordance with the procedure established by the Cabinet of Ministers of Ukraine.
10. Servicemen and members of their families who have the right to privileges, guarantees and indemnifications in accordance with this Law also have the right to privileges, guarantees and indemnifications established for citizens of Ukraine in the laws and other normative legal acts, as well as in the decisions of local self-government organs. If such persons simultaneously have the right to the same privilege, guarantee or indemnification on the basis of several grounds, they receive the privilege, guarantee or indemnification only on one ground at their discretion, except for cases foreseen in the law.
11. A serviceman, a person liable for military service or a reservist called up for educational (control) or special training does not have the right to privileges, guarantees and indemnifications foreseen in this Law when, following a court decision, he serves a sentence foreseen in items 2, 3, 5, 6, 9, 11, 12 of Article 51 of the Criminal Code of Ukraine. During that period, family members do not have the right to privileges, guarantees and indemnifications, which they normally enjoy as the family members of such persons.
12. A serviceman in regular military service sentenced to a confinement in the disciplinary battalion of servicemen and his family members do not lose the right to privileges.
13. Persons who have the right to privileges, guarantees and indemnifications foreseen in this Law are provided with identity documents. The form and the procedure for the delivery of identity documents are established by the Cabinet of Ministers of Ukraine.
14. Servicemen and members of their families who suffered as a result the Chernobyl catastro-

phe receive the privileges foreseen in the Law of Ukraine “On the Status and Social Protection of Citizens Who Suffered as a Result of the Chernobyl Catastrophe”.

*(Article 14 as provided by the Law No 328-V of 03.11.2006)*

*Article 15. Pensions and help*

1. The provision with pensions of servicemen after their dismissal from military service is made according to the Law of Ukraine “On Pensions of Persons Discharged From Military Service and Other Persons”.
2. Servicemen, except for servicemen of conscript service, discharged from military service for health reasons, receive a one-time allowance equal to 50 per cent of monthly salary for every complete calendar year of service. In case of having been discharged from military service for reasons of age, in connection with staff reductions, after the expiration of a contract or in connection with a systematic failure of commanders to fulfil contract terms servicemen receive a one-time allowance equal to 50 per cent of monthly salary for every complete calendar year of service on the condition their term of service is in excess of 10 years.

*(The first paragraph of the Clause 2 of Article 15 with changes as provided by the Laws No 328-V of 03.11.2006; No 3668-VI of 08.07.2011, No 3917-VI of 18.10.2011)*

The servicemen discharged from military service at their own request, due to family circumstances or other valid reasons determined by the Cabinet of Ministers of Ukraine and who served in the military for over 10 years are paid a monthly allowance at the rate of 25 per cent for each full calendar year of service.

*(The second paragraph of the Clause 2 of Article 15 with changes as provided by the Law No 3668-VI of 08.07.2011)*

Servicemen discharged from service for reasons of professional unfitness, in connection with a systematic failure to fulfil contract terms or in connection with a court conviction, which has entered into force, do not receive a one-time allowance envisaged in this item.

The payment of the one-time allowance mentioned in this item during the discharge of servicemen from service is carried out by the Ministry of Defence of Ukraine, other military formations formed in accordance with the laws of Ukraine and law enforcement organs from the funds of the State Budget of Ukraine allocated for their support.

Servicemen discharged from service directly from positions they occupied in state organs, local self-government organs, in the organs formed by them, or in enterprises, establishments, organisations, higher education establishments and continuing military service receive a one-time allowance on the grounds envisaged in this item from the funds of the organs where they worked.

Servicemen who are re-discharged from military service receive a one-time allowance envisaged in this item for the period of their calendar service from the day of the last entry in service without counting the period of previous service, except for persons who during the previous discharge have not acquired the right to such an allowance.

*(Clause 2 of Article 15 as provided by the Law No 3591-IV of 04.04.2006)*

3. The servicemen are paid an allowance for improvement of health and the state helps families with children according to the procedure and at the rate determined by the legislation of Ukraine.
4. The military formations of a serviceman lost or having died during military service provides the serviceman's family and parents with help in carrying out the funeral and indemnify material charges on ritual services and on the organisation of monuments at the rate estab-

lished by the Cabinet of Ministers of Ukraine.

The parents and minor children, and also children – invalids since childhood (irrespective of their age) – of the servicemen lost, died or reported missing during military service are paid by the state an extraordinary financial compensation at the rate of the sum of the state insurance of servicemen taking into account the factor of indexation of monetary income.

*(Article 15 in the wording of the Law 64/97-BP of 12.02.97; includes changes made by the Law 1082-XIV of 21.09.99)*

*Article 16. Payment of a one-time financial allowance in case of death or injury of servicemen, persons liable for military service and reservists called up for educational (control) and special training*

1. In case of the death of a serviceman of the Armed Forces of Ukraine, other military formations formed in accordance with the laws of Ukraine and law enforcement organs, while carrying out military service on a contract basis or in the cadre military service, the family of the deceased, if he has no family – his parents or dependents – receive a one-time allowance equal to a ten-year salary of the deceased according to the last post held in accordance with the procedure and conditions determined by the Cabinet of Ministers of Ukraine.
2. In case of an injury (contusion, trauma, mutilation) received by a serviceman during the performance of military service duties, as well as of invalidity received during military service or no later than three months after discharge from service, or, after the end of this period in case the invalidity is a result of disease or a military service-related incident, depending on the degree of invalidity, the serviceman receives a one-time allowance equal to up to a five-year salary according to the last post held in accordance with the procedure and on the conditions determined by the Cabinet of Ministers of Ukraine.
3. In case of the death of a person liable for military service or a reservist called up for educational (control) or special training or reserve service as a result of his performance of military service duties, the family of the deceased, if he has no family – his parents or dependents – receive a one-time allowance equal to a ten-year salary of the deceased based on the salary for the military rank acquired in the reserve and the maximum salary for the occupied post in accordance with the procedure and conditions determined by the Cabinet of Ministers of Ukraine.
4. In case of injury (contusion, trauma, mutilation) received during the performance of service by a person liable for military service or a reservist called up for educational (control) or special training or for reserve service, as well as of an invalidity received during military training or service in the reserve, or no later than three months after the end of training or service in the reserve in case the invalidity is a result of disease or an incident that occurred during military training or service in the reserve, depending on the degree of invalidity, the person liable for military service or a reservist receives a one-time allowance equal to up to a five-year salary on the conditions determined in item 3 of this Article.
5. In case of the death of a serviceman in regular military service during the performance of military service duties, the family of the deceased, if he has no family – his parents or dependents – receive a one-time allowance equal to a ten-year maximum salary of the first category paid to servicemen carrying out military service on a contract basis in accordance with the procedure and conditions determined by the Cabinet of Ministers of Ukraine.
6. In case of an injury (contusion, trauma, mutilation) received by a serviceman in regular military service during the performance of military service duties, as well as invalidity received

during military service or not later than three months after discharge from service as a result of disease or an incident that occurred during military service, depending on the degree of invalidity, the serviceman receives a one-time allowance equal to the per centage of the sum paid in case of death established in item 5 of this Article.

7. In all cases, the amount of the one-time financial allowance in case of the death of a serviceman shall not be less than 100 times the amount of a minimum living standard established by the law for persons capable of working at the time of payment of these sums.
8. The definition of the degree of invalidity of a serviceman, a person liable for military service or a reservist during the period of military service (training) or during the performance of service in the reserve is carried out on a case-by-base basis in accordance with the legislation.
9. In case servicemen, persons liable for military service, or reservists called up for educational (control) or special training or service in the reserve and their family members have concurrently the right to a one-time financial allowance on the grounds foreseen in this Article and to one-time financial allowances or compensation payments foreseen in other laws, the payment of the due sums is carried out in accordance with one of the grounds at the discretion of the person who has the right to such payments.

*(Article 16 as provided by the Law No 328-V of 03.11.2006)*

#### *Article 17. Damage reparation*

1. Reparation to the servicemen for moral and material damage caused is made according to the procedure established by the law.

#### *Article 18. Social guarantees of the rights of members of families of servicemen*

1. Members of families of servicemen of active service receive priority for employment and reservation of the place of employment at reduction of the staff, and also full-time vocational training, improvement of professional skill and retraining with payment for the period of study of average wages.
2. The wives (husbands) of servicemen, except for servicemen of active service, are paid the allowance at the rate of the average monthly salary in a place of work at cancellation of the labour contract by them in connection with transfer of the husband (wife) to service in another district. Temporary disability hospital certificates are paid to wives (husbands) of servicemen at the rate of 100 per cent of the official salary irrespective of the insurance record.
3. The wives (husbands) of servicemen, except for servicemen of active service, have the period of residing together with the husband (wife) in the areas where there was no opportunity for employment on specialty, but no more than 10 years included in the general record of service necessary for qualifying for retirement pension.

*4. (Clause 4 of Article 18 is excluded as provided by the Law No 328-V of 03.11.2006)*

#### 5. Local councils:

- Ensure out-of-term employment for wives of servicemen of active service in case of their dismissal at reduction of numeric strength or the staff, at liquidation, reorganisation or changing of the type of enterprises, institutions, organisations;
- Give out of turn places to children of servicemen and children of servicemen lost, dead or reported missing during service in children's establishments in a place of residence;
- Provide resettlement from the military garrisons closed and remote from settlements of the servicemen transferred to the reserve or resigned.

6. The widow (widower) of a serviceman who died, as well as the wife (husband) of a serviceman who disappeared during the performance of military service in case if she (he) did not remarry, her (his) underage children or adult children if they are invalids from childhood and parents of the serviceman who depended on him for their support have the right to privileges foreseen in this Law.  
*(Clause 6 of Article 18 as provided by the Law No 328-V of 03.11.2006)*
7. The Cabinet of Ministers of Ukraine, local councils, enterprises, institutions and organisations can establish other privileges and guarantees of social protection of families of servicemen as well.  
*(Article 18 includes changes made by the Law 2459-IV of 03.03.2005)*

### **PART III. THE RIGHT OF SERVICEMEN TO APPEAL AGAINST UNLAWFUL DECISIONS AND ACTIONS AND TO LEGAL ASSISTANCE**

*Article 19. The right of servicemen to appeal against unlawful decisions and actions*

1. Unlawful decisions and actions (inaction) of military management organs and commanders (chiefs) can be appealed by servicemen in accordance with the procedure established in the laws, the Statutes of the Armed Forces of Ukraine and other normative legal acts.

*Article 20. The right of servicemen to legal assistance*

1. Servicemen are guaranteed the right to defence in accordance with the procedure established in the laws of Ukraine.
2. Legal proceedings in cases on the participation of servicemen in military service on the territory of Ukraine are carried out in accordance with the laws of Ukraine; with the participation of servicemen in military service outside the territory of Ukraine – in accordance with the requirements of international agreements ratified by the Verkhovna Rada of Ukraine.  
*(Part III as provided by the Law No 328-V of 03.11.2006)*

### **PART IV. THE RESPONSIBILITY OF CIVIL SERVANTS FOR INFRINGEMENTS OF THIS LAW. OVERSIGHT OVER THE OBSERVANCE OF THIS LAW**

*Article 21. The responsibility of civil servants for infringements of this Law*

1. Civil servants of state authorities, self-government organs, enterprises, establishments and organisations regardless of the form of their ownership and subordination guilty of the infringement of this Law are legally liable.

*Article 22. Oversight over the observance of this Law*

1. Oversight over the observance of this Law by state authorities, self-government organs and civil servants is carried out by the office of public prosecutor.  
*(Part IV as provided by the Law No 328-V of 03.11.2006)*

### **PART V. FINANCING OF EXPENSES RELATED TO THE IMPLEMENTATION OF THIS LAW**

*Article 23. Financing of expenses related to the implementation of this Law*

1. Expenses related to the implementation of this Law are financed by the funds allocated in the State Budget of Ukraine for a given year for the Ministry of Defence of Ukraine, the Intelligence Services of Ukraine and other central executive authorities managing military formations and law enforcement organs, as well from other sources envisaged in the law.  
*(Part V as provided by the Law No 328-V of 03.11.2006)*

## Law of Ukraine "On Pension of Persons Discharged from Military Service and Other Persons"

2262-XII of 09.04.1992 (*Bulletin of the Verkhovna Rada of Ukraine (BVR)*, 1992, No. 29, p. 399. Enacted by the Resolution of the Verkhovna Rada of Ukraine No. 2263-XII of 09.04.1992 (*Bulletin of the Verkhovna Rada of Ukraine (BVR)*, 1992, No. 29, p. 400) Includes changes made by the Decree 7-92 of 09.12.92, BVR, 1993, No. 5, p. 34;

Includes changes made by Laws

No. 3946-XII of 04.02.94, BVR, 1994, No. 24, p. 178;  
 No. 126/95-BP of 06.04.95, BVR, 1995, No. 16, p. 111;  
 No. 358/95-BP of 05.10.95, BVR, 1995, No. 34, p. 268;  
 No. 456/95-BP of 23.11.95, BVR, 1995, No. 44, p. 327;  
 No. 103/96-BP of 25.03.96, BVR, 1996, No. 17, p. 73;  
 No. 534/96-BP of 21.11.96, BVR, 1997, No. 4, p. 23;  
 No. 85/98-BP of 05.02.98, BVR, 1998, No. 26, p. 149;  
 No. 312-XIV of 11.12.98, BVR, 1999, No. 4, p. 35;  
 No. 1081-XIV of 21.09.99, BVR, 1999, No. 48, p. 409;  
 No. 2171-III of 21.12.2000, BVR, 2001, No. 9, p. 38;  
 No. 2981-III of 17.01.2002, BVR, 2002, No. 17, p. 125;  
 No. 3111-III of 07.03.2002, BVR, 2002, No. 33, p. 236;  
 No. 51-IV of 04.07.2002, BVR, 2002, No. 35, p. 262;  
 No. 662-IV of 03.04.2003, BVR, 2003, No. 27, p. 209;  
 No. 1519-IV of 19.02.2004, BVR, 2004, No. 23, p. 320;  
 No.1769-IV of 15.06.2004, BVR, 2004, No. 36, p. 447;  
 No. 1889-IV of 24.06.2004, BVR, 2004, No. 50, p. 536;  
 No. 2505-IV of 25.03.2005, BVR, 2005, No. 17, 18-19, p. 267;  
 No 3235-IV of 20.12.2005, BVR, 2006, No 9, N 10-11, p. 96;  
 No 3200-IV of 15.12.2005, BVR, 2006, No 14, p. 116;  
 No 3475-IV of 23.02.2006, BVR, 2006, No 30, p. 258;  
 No 3591-IV of 04.04.2006, BVR, 2006, No 37, p. 318;  
 No 489-V of 19.12.2006, BVR, 2007, No 7-8, p.66;  
 No 857-V of 03.04.2007, BBP, 2007, No 27, p. 361;  
 No 1014-V of 11.05.2007, BVR, 2007, No 33, p. 442;  
 No 879-VI of 15.01.2009, BVR, 2009, No 24, p. 296;  
 No 1254-VI of 14.04.2009, BVR, 2009, No 36-37, p. 511;  
 No 1567-VI of 25.06.2009, BVR, 2010, No 1, p.4;  
 No 2856-VI of 23.12.2010, BBP, 2011, No 29, p. 272;  
 No 3668-VI of 08.07.2011, BVR, 2012, No 12-13, p. 82;  
 No 3917-VI of 18.10.2011 BVR, 2012, No 22, p. 216.

*(In the text of the Law the words "privates and commanding personnel of law enforcement organs" in all cases are replaced by the words "the persons having the right to pension according to this Law" in the relevant cases according to the Law 51-IV of 04.07.2002)*

*(In the text of the Law, replace the words “the criminal execution system of Ukraine” in all cases with the words “the State Criminal Execution Service of Ukraine” in proper cases according to the Law No 3591-IV of 04.04.2006)*

This Law determines the conditions, norms and procedure of pension support for citizens of Ukraine who have carried out military service, service in law enforcement organs, in the state fire prevention service, the State Service for Special Communication and Information Protection, in organs and subdivisions of the civil defence service, in the tax police or in the State Criminal Execution Service of Ukraine, as well as other persons who have the right to a pension in accordance with this Law.

*(The first paragraph of the preamble with changes as provided by the Law No 879-VI of 15.01.2009)*

The purpose of the law is to ensure the realisation by persons who have the right to a pension in accordance with this Law of their constitutional right to a state pension in cases foreseen in the Constitution of Ukraine and this Law, and to establish the uniform conditions and norms on pensions for the indicated categories of citizens of Ukraine.

The state guarantees adequate pensions for persons who have the right to a pension in accordance with this Law by establishing pensions not lower than the minimum living standard defined in the law, re-calculating the established pensions in connection with increases in the level of financial support, granting the state social guarantees foreseen in the legislation and taking measures at the state level directed at their social protection.

*(as provided by the Law No 3591-IV of 04.04.2006)*

## **PART I. GENERAL PROVISIONS**

### *Article 1. Types of pension support*

1. Officers, ensigns and warrant officers, servicemen of additional service and contractual military service, the persons having the right to pension according to this Law if they have served the period established by this Law in military service, service in law enforcement organs and in the state fire department, the State Service for Special Communication and Information Protection and in organs and units of civil defence, tax militia, State Criminal Execution Service of Ukraine have the right to long-service pension.

*(Part 1 of Article 1 with changes as provided by the Law No 3475-IV of 23.02.2006)*

2. Servicemen, persons having the right to pension according to this Law who became invalids under the conditions stipulated by this Law, acquire the right to the disability pension. Members of families of servicemen, persons having the right to pension according to this Law lost, dead or reported missing persons, have the right to loss of the supporter pension.

### *Article 1-1. Legislation on pensions of persons discharged from military service and other persons who have the right to a pension in accordance with this Law*

1. The legislation on pensions of persons discharged from military service and other persons is based on the Constitution of Ukraine and consists of this Law, “On Compulsory State Pension Insurance” and other normative legal acts.
2. If an international agreement ratified by the Verkhovna Rada of Ukraine establishes higher norms concerning the pensions of persons discharged from military service and other persons than those established in the legislation of Ukraine, the norms of the international agreement are applied.

3. The changes of the conditions and norms on pensions of persons discharged from military service and other persons who have the right to a pension in accordance with this Law are made exclusively through the introduction of amendments to this Law and the Law of Ukraine "On Compulsory State Pension Insurance".

*(The Law is supplemented with Article 1-1 as provided by the Law No 3591-IV of 04.04.2006)*

*Article 1-2. Persons who have the right to a pension in accordance with this Law*

1. The following persons discharged from service have the right to a pension:
  - a. Officers, ensigns, warrant officers, servicemen carrying out extended service and military service on a contract basis;
  - b. Persons holding the rank of commander and private in the law enforcement organs of Ukraine, persons holding the rank of commander in the tax police, persons holding the rank of commander and private in the State Criminal Execution Service of Ukraine and persons holding the rank of commander and private in the civil defence organs and subdivisions;
  - c. Servicemen in the Armed Forces, other military formations, state security and law enforcement organs of the former USSR, the National Guard of Ukraine, the Border Forces of Ukraine and civil defence forces of Ukraine;
  - d. Persons holding the rank of commander and private in the state fire prevention service and the State Service for Special Communication and Information Protection;

*(Clause d) of Article 1-2 with changes as provide by the Law No N 879-VI of 15.01.2009)*

- e. Citizens of other states – servicemen in the armed forces and other military formations formed in accordance with the legislation of these states who permanently reside in Ukraine and, in accordance with the international agreements ratified by the Verkhovna Rada of Ukraine, whose pensions are provided in accordance with the legislation of the state on the territory of which they reside;
- f. Persons indicated in Articles 3 and 4 of this Law;
- g. Servicemen in regular military service, members of families of officers, ensigns and warrant officers, servicemen in extended service and military service on a contract basis, as well as other persons who have the right to a pension in accordance with this Law and in cases foreseen in this Law.

*(The Law is supplemented with Article 1-2 as provided by the Law No 3591-IV of 04.04.2006)*

*Article 2. Conditions of pension support*

1. The servicemen, persons having the right to pension according to this Law, who have the right to pension support, pensions according to this Law are granted and paid after their dismissal from service.
2. The pensioners from among servicemen and persons receiving pension under this Law, in case of their repeated enrolment for military service in the Armed Forces of Ukraine, other military formations created in accordance with the Laws of Ukraine and the State Special Transport Service, service in law enforcement organs, organs and units of civil defence, tax militia and criminally-executive system of Ukraine have the payment of pensions for the period of their service suspended. At the subsequent dismissal from service of these persons the payment of pensions is carried out taking into account the total term of duty at the date of last dismissal.

*(Article 2 is supplemented with Part 2 as provided by the Law No 3475-IV of 23.02.2006)*

3. The disability pension to servicemen, persons having the right to pension according to this Law, and loss of the supporter pensions to members of their families are granted irrespective of the term of service.

*(Article 2 is supplemented with Part as provided by the Law 2505-IV of 25.03.2005)*

*Article 3. Persons having the right to pension on a level with servicemen of active service and members of their families*

1. Conditions, norms and procedure for pension support established by this Law for servicemen of active service and members of their families are also applied to (if not otherwise stipulated):
  - a. Partisans and members of underground organisations recognised by the legislation of Ukraine who did not hold command posts, and members of their families;
  - b. Employees and workers of the relevant categories determined by the Cabinet of Ministers of Ukraine which became invalids in connection with injury, mutilation or due to the disease connected with military service during World War Two or work in the battle areas (on front-lines of railways, construction of defensive boundaries, Navy bases, air fields, etc.), and members of their families;
  - c. The citizens who became invalids in connection with injury, mutilation or due to disease connected with service in pursuit battalions, platoons and detachments of protection of the people, and members of their families;
  - d. Reservists called to refresher courses, special or testing periodical training, or became invalids due to injury, contusion or mutilation received on duty, and members of their families;
  - e. The employees of the militarised guard who are not subject to the state social insurance, and members of their families.

*Article 4. The Persons having the right to pensions on a level with officers, servicemen of additional service and contractual military service and members of their families*

1. The pension support for persons who held command posts, the relevant posts of the officer personnel in partisan detachments and troop formations, underground organisations and their detachments recognised by the legislation of Ukraine, in the structure of I Czechoslovak army case under L. Svoboda's command and members of their families, is carried out on the bases established by this Law for officers and members of their families.
2. The pension support for women enrolled on a voluntary basis on active military service as soldiers, sailors, sergeants and foremen, and members of their families, is carried out in the bases established by this Law for servicemen of additional service and contractual military service and members of their families.

*(Article 4 includes changes made by the Law 103/96-BP of 25.03.96)*

*Article 5. Granting of pensions on the bases established by the Law of Ukraine "On Compulsory State Pension Insurance"*

1. Persons discharged from military service and other persons who have the right to a pension in accordance with this Law and members of their families can be granted a pension (at their request) on the conditions and in accordance with the procedure determined in the Law of Ukraine "On Compulsory State Pension Insurance". For the calculation of pensions, all types of financial support received by the indicated persons

who have the right to a pension in accordance with this Law before the discharge from service are taken into account.

2. Pensions are also granted on the grounds established in the Law of Ukraine "On Compulsory State Pension Insurance" to persons discharged from military service and other persons who have the right to a pension in accordance with this Law deprived of military or special ranks (including to those who are in the reserve or retired), as well as to those discharged from service in connection with a conviction for a deliberate crime involving an abuse of the official position and to members of their families.
3. The procedure for payment of unpaid insurance contributions to the Pension Fund of Ukraine in connection with the compulsory state pension insurance for the corresponding number of years in service for persons who have not acquired (will not acquire) the right to a pension for the time-in-service in accordance with this Law or persons discharged from military service who want to receive a pension in accordance with the procedure and the conditions established in the Law of Ukraine "On Compulsory State Pension Insurance" is determined by the Cabinet of Ministers of Ukraine.

*(Article 5 as provided by the Law No 3591-IV of 04.04.2006)*

*Article 5-1. Granting of pensions to persons discharged from military service and to other persons who have the right to a pension in accordance with this Law whose military (special) ranks were restored*

1. Persons discharged from military service and other persons who have the right to a pension in accordance with this Law and whose military (special) ranks were restored, except for persons discharged from service in connection with a conviction for a deliberate crime involving an abuse of the official position, are granted pensions on the conditions and according to the norms established in this Law if on the day they were deprived of their military (special) ranks, they had the right to a pension for the time-in-service or to a disability pension (Articles 12, 18-20).

*(The Law is supplemented with Article 5-1 as provided by the Law No 3591-IV of 04.04.2006)*

*Article 6. Pensions to families of dead pensioners*

1. Families of dead pensioners from among servicemen, persons having the right to pension according to this Law, have the right to loss of supporter pension on a level equal to members of families of servicemen and persons having the right to pension according to this Law.

*Article 7. Option of pension*

1. Servicemen, persons having the right to pension according to this Law, and members of their families who have the right to different state pensions are granted the pension of their choice. In case the person has the right to pension according to this Law and the Law of Ukraine "On Compulsory State Pension Insurance" only one pension is granted according to his/her choice. In this case the difference between the two pensions for which the person has the right according to this Law and to the Law of Ukraine "On Compulsory State Pension Insurance" shall be established in accordance with the order approved by the Cabinet of Ministers and financed from the State Budget.

*(Article 7 with changes as provided by the Law No 3668-VI of 08.07.2011)*

*Article 8. Means of payment for pensions*

*(The name of Article 8 with changes as provided by the Law No 2856-VI of 23.12.2010)*

1. Payment of pensions to the servicemen, commanders and privates having the right to pension according to this Law, is provided by the Pension Fund of Ukraine according to this Law as provided by the Law No 2856-VI of 23.12.2010.
2. *(Part 2 of Article 8 is excluded as provided by the Law No 2856-VI of 23.12.2010)*

*Article 9. Payment of the grant*

1. The servicemen of private, sergeant, chief sergeant and officer ranks and other persons having the right to pension according to this Law upon dismissal from service for the reason of health are paid an allowance at the rate of 50 per cent of a monthly monetary allowance for each full calendar year of service. In case of discharge from service for the reasons of age, in connection with staff reduction or organisational activities, systemic violation of the terms of contract by commanders are paid an allowance at the rate of 50 per cent of a monthly monetary allowance for each full calendar year of service when term of service is 10 years or higher.  
*(Part 1 of Article 9 with changes introduced by the Laws No 1014-V of 11.05.2007; No 3668-VI of 08.07.2011, No 3917-VI of 18.10.2011)*
2. The servicemen of private, sergeant, chief sergeant and officer ranks and other persons having the right to pension according to this Law upon dismissal from service at their own will, due to family circumstances or other valid reasons determined by the Cabinet of Ministers of Ukraine, and whose term of service is 10 years or higher are paid monetary allowance at the rate of 25 per cent of a monthly allowance for each full calendar year of service.  
*(Part 2 of Article 9 with changes introduced by the Law No 3668-VI of 08.07.2011)*
3. Officers, ensigns, warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons who have the right to a pension in accordance with this Law, who are discharged from service because of professional unfitness, in connection with a systematic failure to fulfil contract terms or in connection with a court conviction which has entered into force do not receive a one-time allowance envisaged in this article.
4. The payment of the one-time allowance mentioned in Parts 1 and 2 of this Article during a discharge from service to officers, ensigns, warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons who have the right to a pension in accordance with this Law is carried out by the Ministry of Defence of Ukraine, the Ministry of Ukraine for Emergency Situations and Protection of the Population from the Consequences of the Chernobyl Catastrophe, the Ministry of Internal Affairs of Ukraine, the Ministry of Transport and Communication of Ukraine, the State Tax Administration of Ukraine, the State Department of Ukraine on the Execution of Punishments, other military formations formed in accordance with the laws of Ukraine and law enforcement organs from the funds of the State Budget of Ukraine allocated for their support.  
*(Part 4 of Article 9 with changes introduced by the Law No 879-VI of 15.01.2009)*
5. Officers, middle, senior and higher level commanders in law enforcement organs, the state fire prevention service, organs and subdivisions of civil defence, tax police and the State Criminal Execution Service of Ukraine discharged from service directly from positions they occupied in state organs, in local self-government organs, in the organs formed by them, enterprises, establishments, organisations and higher education establishments as well as continuing military service, service in law enforcement organs, in state fire prevention service, the State Service for Special Communication and Information Protection, in organs

and subdivisions of civil defence, in the tax police or the State Criminal Execution Service of Ukraine receive a one-time allowance envisaged in Parts 1 and 2 of this Article from the funds of organs in which they worked.

*(Part 5 of Article 9 with changes introduced by the Law No 879-VI of 15.01.2009)*

6. Officers, privates, ensigns, warrant officers and other persons who have the right to a pension in accordance with this Law, who are re-discharged from service, receive a one time allowance envisaged in this Article for the period of their calendar service from the day of the last entry in service without counting the period of previous service, except for those persons who during a previous discharge have not acquired the right to such an allowance.
7. Members of families of officers, ensigns, warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons who have the right to a pension in accordance with this Law, as well as pensioners from among them, who have lost the breadwinner, receive the allowance in accordance with the procedure and in amounts, which are determined by the Cabinet of Ministers of Ukraine.

*Article 9-1. Monthly allowance for persons discharged from service for age, health reasons and in connection with staff reductions without the right to a pension*

1. Persons discharged from service for age, health reasons and in connection with staff reductions or organisational restructuring without the right to a pension receive a monthly allowance for one year after being discharged equal to the salary received by the military (special) ranks.

*(Part 1 of Article 9-1 with changes introduced by the Laws No 1014-V of 11.05.2007)*

2. The conditions for granting and the procedure for payment of the monthly allowance are determined by the Cabinet of Ministers of Ukraine.

*(The Law is supplemented with Article 9-1 as provided by the Law No 3591-IV of 04.04.2006)*

*Article 10. The organs of pension support*

1. The pension support of servicemen of active service and members of their families according to this Law is carried out by the organs of the Pension fund of Ukraine. The same procedure is applied at fixing pensions for officers, ensigns and warrant officers, servicemen of additional service and contractual military service, persons having the right to pension according to this Law, and members of their families on terms and norms established by the Law of Ukraine "On Compulsory State Pension Insurance".
2. The pension support of officers, ensigns and warrant officers, servicemen of additional service and contractual military service, persons having the right to pension according to the present Law, and members of their families is carried out according to this Law by the Ministry of Defence of Ukraine, the specially authorised central organ of executive power on affairs of protection of the state border of Ukraine, Department of State Guard, management organs of other military formations, Security Service of Ukraine and the Ministry of Internal Affairs of Ukraine, the State Tax Administration of Ukraine, State Department of Ukraine on the Execution of Punishments, the Ministry of Ukraine for Emergency Situations and Protection of the Population from the Consequences of the Chernobyl Catastrophe, the Ministry of Transport and Communication of Ukraine according to the procedure determined by the Cabinet of Ministers of Ukraine.

*(Article 10 includes changes made by the Law No 3591-IV of 04.04.2006)*

Article 11. Pensions to the persons who have suffered from Chernobyl accident

1. Conditions, norms and procedure of pension support of servicemen, persons having the right to pension according to this Law lost due to the Chernobyl accident determined by the Law of Ukraine "On the Status and Social Protection of the Citizens Suffering from Chernobyl Accident" and this Law.

## **PART II. LONG-SERVICE PENSIONS**

Article 12. Conditions for granting pensions for time-in-service

1. Pensions for time-in-service is granted to:
  - a. Officers, ensigns, warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons mentioned in items b)-e) of Articles 1-2 of this Law (except for persons, mentioned in Part 3 of Article 5 of this Law), regardless of their age, in case they are discharged from service:
    - Before September 30, 2011, and by the day of discharge they have served 20 years or more; After October 1, 2011, and before September 30, 2012, and by the day of discharge they have served 20 years and 6 months or more;
    - After October 1, 2012, and before September 30, 2013, and by the day of discharge they have served 21 years or more;
    - After October 1, 2013, and before September 30, 2014, and by the day of discharge they have served 21 years and 6 months or more;
    - After October 1, 2014, and before September 30, 2015, and by the day of discharge they have served 22 years or more;
    - After October 1, 2015, and before September 30, 2016, and by the day of discharge they have served 22 years and 6 months or more;
    - After October 1, 2016, and before September 30, 2017, and by the day of discharge they have served 23 years or more;
    - After October 1, 2017, and before September 30, 2018, and by the day of discharge they have served 23 years and 6 months or more;
    - After October 1, 2018, and before September 30, 2019, and by the day of discharge they have served 24 years or more;
    - After October 1, 2019, and before September 30, 2020, and by the day of discharge they have served 24 years and 6 months or more;
    - After October 1, 2020 and by the day of discharge they have served 25 years or more;
    - Calendar time-in-service is calculated with account of the period, indicated in Part 2 of Article 17 of this Law.  
*(Clause "a" of Article 12 as provided by the Law No 3668-VI of 08.07.2011)*
  - b. Officers, ensigns, warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons mentioned in items b)-e) of Articles 1-2 of this Law in case on the day of discharge from service they turn 45 years of age, except for persons mentioned in Part 3 of Article 5 of this Law, and have an insured record of service of 25 years or more, from which not less than 12 calendar years and six months were spent in military service or service in law enforcement organs, in the state fire prevention service, the State

Service for Special Communication and Information Protection, the organs and subdivisions of civil defence, the tax police or the State Criminal Execution Service of Ukraine.

*(The first paragraph of Clause "a" of Article 12 with changes as provided by the Law No 879-VI of 15.01.2009)*

Persons who are war invalids receive a pension on the conditions determined in this item regardless of age;

- c. Officers, ensigns, warrant officers, servicemen carrying out extended service or military service on a contract basis who turn 45 years of age, have served for 20 years and are discharged from military service in accordance with the Law of Ukraine "On the State Guarantees of Social Protection of Servicemen and their Families when Discharged from Service during Armed Forces Reform"

*(Clause "c" of Article 12 with changes as provided by the Law No 3668-VI of 08.07.2011)*

- d. Officers, ensigns, warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons mentioned in items b)-d) of Articles 1-2 of this Law, who were the members of flight crews and sailors at submarines of the Armed Forces of Ukraine not less than 20 years, regardless of their age, in case by the day of discharge they have served 20 years or more, except for persons, mentioned in Part 3 of Article 5 of this Law.

*(Article 12 is supplemented with Clause d) as provided by the Law No 3668-VI of 08.07.2011)*

#### *Article 13. Amounts of long-service pensions*

1. Long-service pensions are fixed at the following rates:

- a. To officers, ensigns and warrant officers, servicemen of additional service and contractual military service, persons having the right to pension according to this Law, having 20 or more years of service (item "a" of Article 12): for 20 years of service – 50 per cent, and retired for the reasons of age or state of health – 55 per cent of the relevant sum of monetary allowances (Article 43); for every year of service over 20 years – 3 per cent of the relevant sum of monetary allowance;

- b. Officers, ensigns, warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons who have the right to a pension in accordance with this Law and who have an insured record of service of 25 years or more, from which not less than 12 calendar years and six months were spent in military service or service in law enforcement organs, in the state fire prevention service, the State Service for Special Communication and Information Protection, the organs and subdivisions of civil defence, in the tax police or in the State Criminal Execution Service of Ukraine (item "b" of Article 12): for 25 years of service receive 50 per cent and for every full year over 25 years of service – additional one per cent of the corresponding allowance (Article 43);

*(Clause "b" of Part 1 of Article 13 with changes as provided by the Law No 879-VI of 15.01.2009)*

- c. Officers, ensigns, warrant officers, servicemen carrying out extended service or military service on a contract basis who are discharged from military service on the conditions stipulated in the Law of Ukraine "On the State Guarantees of Social Protection of Servicemen and their Families when Discharged from Service during Armed Forces Reform" (item "b" of Article 12): for 20 years of service receive 50 per cent and for every full year over 20 years of service – additional 3 per cent of the corresponding allowance, but not more than 65 per cent (Article 43);

*(Clause "c" of Part 1 of Article 13 with changes as provided by the Law No 3668-VI of 08.07.2011)*

2. The total amount of pension calculated according to this Article should not exceed 80 per cent of the relevant sum of monetary allowance (Article 43); the pension of persons who while performing service took part in the liquidation of the consequences of the Chernobyl disaster and belong to the first category defined in accordance with the procedure determined by the law receive 100 per cent, those who belong to the second category – 95 per cent.

*(Part 2 of Article 13 with changes as introduced by the Law No 3668-VI of 08.07.2011)*

*Article 14. Minimum amount of long-service pension*

1. The minimum amount of long-service pensions fixed according to this Law has to be equivalent to minimum survival level for handicapped persons established by the law.

*(Article 14 includes changes made by the Laws No 3235-IV of 20.12.2005, No 489-V of 19.12.2006)*

*Article 15. Rise in pensions for time-in-service*

1. Officers, ensigns, warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons mentioned in items b)-e) of Article 1-2 of this Law who have the right to a pension in accordance with this Law and are war veterans, as well as persons to whom the Law of Ukraine "On the Status of War Veterans and Guarantees of Their Social Protection" applies receive pension rises for time-in-service in accordance with the procedure and on the conditions envisaged in the abovementioned Law.

*(Article 15 with changes as provided by the Law No 3591-IV of 04.04.2006)*

*Article 16. Increments and aid paid in addition to the pension for the time-in-service*

1. In addition to the pension for time-in-service, officers, ensigns, warrant officers and servicemen carrying out extended service or military service on a contract basis and persons who have the right to a pension in accordance with this Law (including in addition to the minimum pension) receive:
  - a. Increments for not-working pensioners taking care of the disabled members of their families who have the right to a pension in case of the loss of the breadwinner (Article 30) equal to 50 per cent of the minimum living standard for disabled persons for every disabled family member. The increments are paid only to those family members who do not receive a pension through the solidarity system of compulsory state pension insurance, state social aid for persons who have no right to a pension and for invalids, state social aid for invalids from childhood and children-invalids, as well as aid for single mothers with children. If a person has simultaneously the right to a pension, the abovementioned types of aid and increments in addition to the pension for time-in-service, the disabled family member, at the discretion of the pensioner, can receive a pension, state social aid or increments. If there are two or more pensioners in a family taking care of disabled family members, increments are paid only to one of the pensioners at their discretion for every disabled person;
  - b. State social aid provided for the care of invalids for the first group for reasons mentioned in item "b" of Article 20 of this Law, state social aid provided as a result of a professional injury, professional or general disease, as well as state social aid for single pensioners requiring care on the basis of a conclusion of a medical-advisory commission, granted in accordance with the procedure and on the conditions determined in the Law of Ukraine "On the State Social Aid to Persons Who Have No Right to a Pension and Invalids";

- c. Increments for persons who receive special merits before the Motherland in accordance with the procedure and on the conditions determined in Article 16 of the Law of Ukraine “On the Status of War Veterans and Guarantees of Their Social Protection”; increments for persons who receive special labour merits before the Motherland in accordance with the procedure and on the conditions determined in Article 9 of the Law of Ukraine “On Basic Principles of Social Protection of Veterans of Labour and Other Senior Citizens in Ukraine”.
2. Increments and aid envisioned in this Article can be granted simultaneously.  
(Article 16 with changes as provided by the Law No 3591-IV of 04.04.2006)

*Article 17. Types of service and periods of time counted for granting pensions for time-in-service*

1. For officers, ensigns, warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons mentioned in items “b”-“e” of Articles 1-2 of this Law who have the right to a pension in accordance with this Law, the following is included in their service period for granting pensions:
  - a. Military service;
  - b. The time of service in law enforcement organs, state fire prevention service, the State Service for Special Communication and Information Protection, civil defence organs and subdivisions, the tax police or the State Criminal Execution Service of Ukraine for persons holding the rank of commander and private from the day of appointment to the corresponding position;  
(Clause “b” of Part 1 of Article 17 with changes as provided by the Law No 879-VI of 15.01.2009)
  - c. The time of work in state organs, local self-government organs or organs formed by them, enterprises, establishments, organisations and higher education establishments while carrying out military service, service in law enforcement organs, the state fire prevention service, the State Service for Special Communication and Information Protection, civil defence organs and subdivisions, the tax police or the State Criminal Execution Service of Ukraine;  
(Clause “c” of Part 1 of Article 17 with changes as provided by the Law No 879-VI of 15.01.2009)
  - d. The time spent as a deputy while carrying out military service, service in law enforcement organs, the state fire prevention service, the State Service for Special Communication and Information Protection, civil defence organs and subdivisions, the tax police or the State Criminal Execution Service of Ukraine;  
(Clause “d” of Part 1 of Article 17 with changes as provided by the Law No 879-VI of 15.01.2009)
  - e. The time spent in custody and the time of imprisonment in penitentiary establishments by persons who have the right to a pension in accordance with this Law and who were groundlessly criminally prosecuted, groundlessly repressed and later rehabilitated;
  - f. The time spent in fascist concentration camps, ghettos and other places of forced detention, including children who were forcibly moved from the temporally occupied territory of the former USSR during the Great Patriotic War, and after the liberation from these places were called up or enlisted for military service or service in law enforcement organs, provided that during the time of forced detention in the abovementioned places they did not commit any crimes against peace and humanity;
  - g. The time spent in captivity or as a hostage, if the capture or the hostage-taking did not occur voluntarily, and the person who has the right to a pension in accordance with this Law while in captivity or as a hostage did not commit any crimes against peace and humanity;

- h. The time of work in judicial and public prosecution bodies by persons who worked as a judge, public prosecutor, investigator and are in military service or service in organs and military formations of the Security Service of Ukraine, law enforcement organs, the tax police or the State Criminal Execution Service of Ukraine in a positions of officer and commander;
- i. Military service in the armed forces, law enforcement organs, security organs for the member-states of the Commonwealth of Independent States (CIS), other military formations created by the legislatures of these states and in the Joint Armed Forces of the CIS. In this case, time-in-service (including on preferential terms) is calculated in accordance with the procedure established in the legislation of the CIS member states, on the territory of which servicemen and persons who have the right to a pension in accordance with this Law carried out military service, service in law enforcement and state security organs, unless otherwise stipulated in the international agreements of Ukraine ratified by the Verkhovna Rada of Ukraine;
- j. The time of work in state organs in case of a transfer to military service in the organs and military formations of the Security Service of Ukraine, the Department of State Protection of Ukraine, law enforcement organs, the state fire prevention service, the State Service for Special Communication and Information Protection, civil defence organs and subdivisions, the tax police or the State Criminal Execution Service of Ukraine for those holding the rank of officer and commander in accordance with the lists of positions approved accordingly by the Security Service of Ukraine, the Department of State Protection of Ukraine, the Ministry of Internal Affairs of Ukraine, the Ministry of Ukraine for Extraordinary Situations and Protection of the Population from the Consequences of the Chernobyl Catastrophe, the State Tax Administration of Ukraine and the State Department of Ukraine on the Execution of Punishments;  
*(Clause "j" of Part 1 of Article 17 with changes as provided by the Law No 879-VI of 15.01.2009)*
- k. The time of work on positions of civil servants at the State Criminal Execution Service of Ukraine and in subdivisions of professional (non-military) fire prevention service, consequently transferred into the category of positions occupied by the persons with the ranks of privates and commanders in accordance with the list of positions and on the conditions determined by the State Department of Ukraine on the Execution of Punishments and the Ministry of Ukraine for Extraordinary Situations and Protection of the Population from the Consequences of the Chernobyl Catastrophe;
- l. The time of military service outside Ukraine in the framework of military co-operation or in the composition of the UN Peace-making Forces in accordance with the international agreements ratified by the Verkhovna Rada of Ukraine.
- 2. When a pension is granted in accordance with the conditions determined in this Law for officers, middle, senior and high-level commanders in the law enforcement organs, the state fire prevention service, the State Service for Special Communication and Information Protection, civil defence organs and subdivisions, the tax police and the State Criminal Execution Service of Ukraine, the period of studies (regardless of the form of study) in civilian higher education establishments and in other educational establishments, after the completion of which the officer (special) rank is conferred, before entry into military service, service in law enforcement organs, the state fire prevention service, civil defence organs and subdivisions, the tax police or the State Criminal Execution Service of Ukraine or before the assumption of the position within five years is added to the time-in-service at a rate of one year of study for six months of service.  
*(Clause "l" of Part 1 of Article 17 with changes as provided by the Law No 879-VI of 15.01.2009)*

3. When a pension is granted to persons who have the right to a pension in accordance with this Law, only complete years of time-in-service or the insured work record are taken into account without rounding up the actual time-in-service or insured work record.
4. In case of a renewal of a pension payment granted earlier to a person who has the right to a pension in accordance with this Law, the time-in-service calculated in accordance with the legislation in force on the day of previous discharge of this person from service is not subject to revision".

*(Article 17 as provided by the Law No 3591-IV of 04.04.2006)*

*Article 17-1. The procedure for the calculation of time-in-service and the determination of the preferential terms for granting pensions to persons who have the right to a pension in accordance with this Law*

1. The procedure for the calculation of the time-in-service and the determination of the preferential terms for granting pensions to persons who have the right to a pension in accordance with this Law are established by the Cabinet of Ministers of Ukraine.

*(The Law is supplemented with Article 17-1 as provided by the Law No 3591-IV of 04.04.2006)*

*Article 17-2. Documents certifying separate periods of the performance of service by a person who has the right to a pension in accordance with this Law*

1. The calculation of the time-in-service for granting a pension is carried out, as a rule, with the help of the service record of the personal file of a serviceman, the person who has the right to a pension in accordance with this Law.
2. The list of documents certifying separate periods of military service, service in law enforcement organs, civil defence organs and subdivisions, the tax police or the State Criminal Execution Service of Ukraine, which are calculated towards time in-service in calendar terms or on preferential terms are determined by the Cabinet of Ministers of Ukraine

*(The Law is supplemented with Article 17-2 as provided by the Law No 3591-IV of 04.04.2006)*

### **PART III. DISABILITY PENSIONS**

*Article 18. Conditions of establishment of disability pensions*

1. Disability pensions are granted to persons who have the right to a pension in accordance with this Law in case disability was received during service or no later than three months after discharge from service or after the end of this period in case the disability is a result of disease (trauma, injury, contusion, mutilation, etc.) that happened during service or during a period in captivity or as a hostage, if the capture or the hostage-taking were not voluntary, and the person who has the right to a pension in accordance with this Law while in captivity or as a hostage did not commit any crimes against peace and humanity.

*(Article 18 as provided by the Law No 3591-IV of 04.04.2006)*

*Article 19. Establishment of invalidity*

1. The categories and reasons of invalidity, and also the time of its approach are established by the commissions of medical-social experts, acting on the basis of regulations about them, approved by the Cabinet of Ministers of Ukraine.
2. Depending on a degree of disability invalids are divided into three categories.

*Article 20. The reasons of invalidity*

1. Depending on the reason of invalidity the invalids from among servicemen, persons having the right to pension according to this Law, are divided into the following categories:
  - a. Invalids of war – invalidity due to injury, contusion, mutilation, disease resulting from the protection of Ukraine, the performance of duties of military service (official duties) or connected with field service, in partisan detachments and troop formations, underground organisations, detachments and other formations recognised by the legislation of Ukraine, in battle area, on front-lines of railways, construction of defensive boundaries, Navy bases and air fields during the civil and Great Patriotic Wars or in connection with participation in peacetime operations, and also other persons specified in Article 7 of the Law of Ukraine “On the Status of War Veterans, Guarantees of Their Social Protection”;
  - b. Other invalids from among servicemen, persons having the right to pension according to this Law, invalidity due to mutilation received as a result of accident not connected with the performance of duties of military service (official duties), or due to disease connected with service.  
*(Article 20 includes changes made by the Law 103/96-BP of 25.03.96)*

*Article 21. Amounts of disability pensions*

1. Disability pensions to servicemen, persons having the right to pension according to this Law, are fixed at the following rates:
  - To invalids of war of I group – 100 per cent, II group – 80 per cent, III group – 60 per cent of the relevant monetary allowance (earnings);
  - To other invalids of I group – 70 per cent, II group – 60 per cent, III group – 40 per cent of the relevant monetary allowance (earnings).

*Article 22. Minimal amounts of disability pensions*

1. The following minimum disability pensions are established:
  - To invalids of war from among the soldiers and sailors of active service of I group – at the rate of four minimal pensions on age, II group – three and a half of the minimal pensions on age, III group – two minimal pensions on age, other invalids from among the soldiers and sailors of active service of I group – 200 per cent, II group – 100 per cent and III group – 50 per cent of the minimal amount of pension on age;
  - To invalids from among corporals (senior soldiers) and sergeants, senior sailors and foremen of active service – at the rate of 110 per cent, from among ensigns and warrant officers, servicemen of additional service and contractual military service, persons of junior commanding personnel and privates of law enforcement organs, the State Criminal Execution Service of Ukraine and the state fire department – 120 per cent, and from among officers and the command personnel (except for junior) of law enforcement organs, the State Criminal Execution Service of Ukraine and the state fire department – 130 per cent of the relevant minimal amount of pension stipulated by this Article for invalids from among the soldiers and sailors of active service.  
*(This paragraph of Part 1 of Article 22 with changes as provided by the Law No 1254-VI of 14.04.2009)*

*Article 23. Establishment of disability pensions at the rate of long-service pension*

1. If the invalid from among officers, ensigns and warrant officers, servicemen of additional service and contractual military service, persons having the right to pension according to

this Law, have qualified for long-service pension (item “a” of Article 12) the disability pension can be fixed at the rate of the long-service pension according to period of service (item “a” of Articles 13).

*(Article 23 includes changes made by the Laws 3946-XII of 04.02.94, 103/96-BP of 25.03.96)*

*Article 24. Increments and aid paid in addition to disability pension*

1. In addition to disability pensions, officers, ensigns, warrant officers and servicemen carrying out extended service or military service on a contract basis and persons who have the right to a pension in accordance with this Law (including in addition to the minimum pension) receive:
  - a. Increments for not working-invalids taking care of the disabled members of their families (Article 30) equal to 50 per cent of the minimum living standard for disabled persons for every disabled family member. The increments are paid only to those family members who do not receive pension through the solidarity system of compulsory state pension insurance, state social aid for persons who have no right to a pension and for invalids, state social aid for invalids from childhood and children invalids, as well as aid for single mothers with children. If a person has simultaneously the right to a pension, to the abovementioned types of aid and to increments in addition to a disability pension, the disabled family member, at the discretion of the pensioner, can receive a pension, state social aid or increments. If there are two or more pensioners in a family taking care of disabled family members, increments are paid only to one of the pensioners at their discretion for every disabled person;
  - b. State social aid provided for care in accordance with the procedure and on the conditions determined in the Law of Ukraine “On the State Social Aid to Persons Who Have No Right to a Pension and Invalids”;
  - c. Increments for persons who have special merits before the Motherland in accordance with the procedure and on the conditions determined in Article 16 of the Law of Ukraine “On the Status of War Veterans and Guarantees of Their Social Protection”; increments for persons who have special labour merits before the Motherland in accordance with the procedure and on the conditions determined in Article 9 of the Law of Ukraine “On Basic Principles of Social Protection of Veterans of Labour and Other Senior Citizens in Ukraine”.
2. Increments and aid envisioned in this Article can be granted simultaneously Increments to and rises in disability pensions as a result of the Chernobyl catastrophe are granted in accordance with the procedure determined in the Law of Ukraine “On the Status and Social Protection of Citizens Who Suffered as a Result of the Chernobyl Catastrophe”.

*(Article 24 as provided by the Law No 3591-IV of 04.04.2006)*

*Article 25. Rises in disability pensions*

1. Officers, ensigns, warrant officers and servicemen carrying out extended service or military service on a contract basis and other persons mentioned in items “b”-“e” of Articles 1-2 of this Law who have the right to a pension in accordance with this Law and are war veterans, as well as persons to whom the Law of Ukraine “On the Status of War Veterans and Guarantees of Their Social Protection” applies receive disability pension rises in accordance with the procedure and on the conditions determined in the abovementioned Law”.

*(Article 25 as provided by the Law No 3591-IV of 04.04.2006)*

*Article 26. Terms of establishment and payment of disability pensions*

1. Disability pensions to servicemen, persons having the right to pension according to this Law, are established for the whole period of invalidity fixed by a commission of medical-social experts, and to invalids, who have reached the pension age – according to Article 26 of the Law of Ukraine “On Compulsory State Pension Insurance” – for life. Repeated examination of these invalids is made only by the latter’s request.  
*(Part 1 of Article 26 with changes as provided by the Law No 3668-VI of 08.07.2011)*
2. In case of recognition of the pensioner who has not attained the able-bodied pension age, the pension is paid to him/her up to the end of the month when he was recognised able-bodied, but no longer than to the date upon which the invalidity was established.

*Article 27. Recalculation of pension at change of the group of invalidity*

1. At the change of the group of invalidity that takes place after the establishment of pension, the amount of pension changes accordingly. If the state of health of the invalid deteriorates in connection with a systemic disease, a labour mutilation or occupational disease, the pension is recalculated according to the new group of invalidity, with preservation of its reason.

*Article 28. Conditions of renewal of payment of pension at interruption of invalidity*

1. In case of infringement by the invalid from among servicemen, persons having the right to pension, according to this Law of the term of a repeated examination by commissions of medical-social experts the payment of pension is suspended, and at his/her recognition invalid again – renews from the date of suspension, but no more than within one month prior to day of repeated examination.
2. In case of infringement by the invalid of the term of repeated examination for a valid reason, the payment of pension is renewed from the date of suspension, but no more than three years prior to the day of repeated examination if the commission of medical-social experts recognises the invalid for this period. If under these conditions upon repeated examination another group of invalidity is established (lower or higher), the pension for the specified time is paid according to former group of invalidity.

#### **PART IV. LOSS OF SUPPORTER PENSIONS**

*Article 29. Conditions of establishment of loss of supporter pensions*

1. Loss of supporter pensions to families of servicemen, persons having the right to pension according to this Law, are fixed if the supporter died during service or no later than three months after dismissal from service or after this term, but due to injury, contusion, mutilation or disease received during service, and to families of pensioners from among these servicemen, persons having the right to pension according to this Law, if the supporter died during reception of pension or no later than five years after the termination of its payment. At that, families of the servicemen reported missing during operations are equated to families of the ones killed at the front.

*Article 30. The members of family that have the right to loss of supporter pension*

1. Loss of supporter pensions are granted to the invalid members of families of the lost, dead or reported missing servicemen, persons having the right to pension according to this Law, who supported them (Article 31).

2. Irrespective of dependence of the supporter the pension is granted: to invalid children; to invalid parents and wife (husband) if they have after the death of the supporter lost their source of subsistence, and also invalid parents and the wife (husband) of servicemen, persons having the right to pension according to this Law, who were lost, died or reported missing during service or later due to injury, contusion, mutilation or disease developed during service.
3. Parents of servicemen and other persons who have the right to a pension in accordance with this Law, who perished (died) during the performance of military service (the performance of official duties) or after discharge from service as a result of an injury, contusion, mutilation received during the performance of military service (official duties), or from disease related to an operation at the front, the liquidation of the consequences of the Chernobyl catastrophe or the performance of international duty, have the right to a pre-term pension for age reasons, after reaching 55 years for men and 50 years for women, and with an insured record of not less than 25 years for men, and not less than 20 years for women.

*(Part 1 of Article 30 with changes as provided by the Laws No 3591-IV of 04.04.2006, 3668-VI of 08.07.2011)*

4. The following are considered to be invalid members of family:
  - a. Children, brothers, sister and grandsons/-daughters who have not attained the age of 18 or more when they became invalids. At that, the right to pension is given to brothers, sisters and grandsons/-daughters in case they do not have able-bodied parents;
  - b. Parents and the wife (husband) if they have attained the pension age according to Article 26 of the Law of Ukraine "On Compulsory State Pension Insurance", or are invalids;
  - c. Parents and wives (if they remain single) of servicemen, persons having the right to pension according to this Law, who were lost, dead or reported missing during service or died after dismissal from service but due to injury, contusions, mutilation received during military service (official duties), the disease connected with active service, alleviation of the consequences of the Chernobyl accident or fulfilment of the international duty, have the right to pension, but not before five years prior to the achievement of the retirement age envisaged in Article 26 of the Law of Ukraine "On Compulsory State Pension Insurance", or if they are invalids. The relevant reduction of the pension age for women, established by the first paragraph of this Clause, shall be utilised prior to completion of the period of increasing the pension age by January 1, 2022.

*(Clause "c" of Part 4 of Article 30 with changes as provided by the Law No 3668-VI of 08.07.2011)*

- d. The grandfather and grandmother, in the absence thereof of persons obliged to support them according to the law;
- e. The wife (husband) or one of the parents, or the grandfather, grandmother, brother or sister, irrespective of age and capacity for work if he/she is raising children, brothers, sisters or the grandsons/-daughters of the dead supporter under 8 years of age, and does not work. The wife (husband) of the supporter who died due to the reasons specified in item "a" of Article 20 of this Law irrespective whether he/she works. Pupils, students, cadets (except for cadets of military schools and educational establishments of law enforcement organs and the state fire department), trainees have the right to loss of supporter pension until they graduate from educational establishments, but no longer than before attainment of 23 years of age.

5. In case of death of persons mentioned in items "a"- "e" of Article 1-2 of this Laws, who perished (died) during the performance of official duties of military service, service in law enforcement organs, the state fire prevention service, the State Service for Special Communication and Information Protection, civil defence organs and subdivisions, the tax police or the State Criminal Execution Service of Ukraine as a result of an injury, contusion, mutilation or a disease received during the performance of these duties, and who were posthumously awarded the state awards of Ukraine or of the former USSR, disabled family members of persons mentioned in Part 4 of this Article who have the right to a pension in case of the loss of the breadwinner, have the right to pension increments on the conditions and in amounts determined in the Law of Ukraine "On Pensions for Special Merits Before Ukraine".

*(Article 30 is supplemented with Part 7 as provided by the Laws No 3591-IV of 04.04.2006, 879-VI of 15.01.2009)*

6. For parents and wives (husbands) of individual categories of the lost servicemen, persons having the right to pension according to this Law, the Cabinet of Ministers of Ukraine can establish other conditions of establishment of loss of the supporter pension.

*Article 31. Members of the family considered to be dependents*

1. Members of family of the dead are considered to be his/her dependents if they fully depended on him/her or received from him/her help that was permanent and constituted their basic source of subsistence.
2. Members of the family of the dead whose help was permanent and constituted their basic source of subsistence, but who were receiving another pension, have the right to the new pension.

*Article 32. Loss of supporter pension to children under full state maintenance*

1. The children who have lost both parents are paid pension in full during the whole period of full state maintenance.
2. Other children under full state maintenance are paid 50 per cent of the pension.

*Article 33. Right to loss of supporter pension of stepparent and the adopted*

1. Stepparents have the right to pension on a level equal to parents, and the adopted – on a level equal to children.
2. The minors having the right to loss of supporter pension keep this right upon adoption.

*Article 34. The right to loss of supporter pension of the stepfather and stepmother, stepson and stepdaughter*

1. The stepfather and stepmother have the right to pension on a level equal to the father and mother provided that they educated or supported the dead stepson or the stepdaughter for no fewer than five years.
2. The stepson and the stepdaughter if they do not receive alimony from parents have the right to pension on a level equal to native children.

*Article 35. Preservation of loss of the supporter pension in case of remarriage*

1. The pension fixed on the occasion of death of one of the spouses is kept upon remarriage of the other.

*Article 36. Amounts of loss of supporter pensions*

1. Loss of supporter pensions are fixed at the following rates:
  - a. To members of families of servicemen, persons having the right to pension according to this Law, dead due to injury, contusion or mutilation received at protection of Ukraine, alleviation of the consequences of Chernobyl accident or performance of other duties of military service (official duties), or due to disease connected with service at the front, in partisan detachments and troop formations, the underground organisations and detachments recognised by the legislation of Ukraine, consequences of consequences of Chernobyl accident or participation in peace-time operations – 40 per cent of earnings of the supporter on each invalid member of family. The pensions to members of families of the dead invalids of war and members of families having children who have lost both parents are fixed at the same rates irrespective of the reason of death of the supporter;
  - b. To families of servicemen, persons having the right to pension according to this Law, who died due to mutilation received as a result of accident, not connected with the performance of duties of military service (official duties), or due to disease connected with service – 30 per cent of earnings of the supporter on each invalid member of family.

*(Article 36 includes changes made by the Law 51-IV of 04.07.2002)*

*Article 37. Minimal amounts of loss of supporter pensions*

1. Loss of supporter pensions granted to members of families of servicemen, persons having the right to pension according to this Law, calculated upon each invalid member of family cannot be lower than:
  - a. At calculation of pensions according to item “a” of Article 36 of this Law: for members of families of the soldiers and sailors of conscript service – 150 per cent, members of families of sergeants and foremen, corporals (seniors soldiers) and senior sailors of conscript service – 165 per cent, members of families of ensigns and warrant officers, servicemen of additional service and contractual military service, persons of junior commanding personnel and privates of law enforcement organs and the state fire department – 180 per cent, and for members of families of the officer personnel and the command personnel (except for junior) of law enforcement organs and the state fire department – 195 per cent of the minimal amount of pension on age;
  - b. At calculation of pensions according to item “b” of Articles 36 of this Law – 75 per cent of the amounts stipulated by item “a” of this Article for members of families of the relevant categories of servicemen, persons having the right to pension according to this Law.

*(Article 37 includes changes made by the Law 1889-IV of 24.06.2004)*

*Article 38. Calculation of loss of supporter pensions to orphans*

1. The families of servicemen of active service having children who have lost both parents (orphans) are granted loss of supporter pension calculated from the total sum of earnings of both parents on the norms established by the Law of Ukraine “On Compulsory State Pension Insurance”.

*(Article 38 with changes as provided by the Law No 3591-IV of 04.04.2006)*

*Article 39. Increase of loss of supporter pensions*

1. In case of the loss of the breadwinner, war veterans and persons to whom applies the Law of Ukraine "On the Status of War Veterans and Guarantees of Their Social Protection", receive disability pension rises in accordance with the procedure and on the conditions determined in the above-mentioned Law.

*(Article 39 as provided by the Law No 3591-IV of 04.04.2006)*

*Article 40. Period to which the loss of supporter pension is fixed. Change of the amount of pension*

1. The loss of supporter pension is established for all period during which the member of family of the dead is considered to be invalid (Article 30), and to the members of the family who attained the age envisaged in Article 26 of the Law of Ukraine "On Compulsory State Pension Insurance" – for life.

*(Part 1 of Article 40 with changes as provided by the Law No 3668-VI of 08.07.2011)*

2. Change of the amount of pension if the family subject to the loss of the supporter pension underwent changes due to which individual members of family or family as a whole lose the right to pension, its recalculation or cancellation are made from the first date of the month following the month in which the change took place.

*Article 41. Establishment of one loss of supporter pension for all members of family. Allocation of a share of pension*

1. All members of the family having the right to pension are granted common pension, except for the case mentioned in Part 4 of this Article.

*(Part 1 of Article 40 with changes as provided by the Law No 3591-IV of 04.04.2006)*

2. On demand of a member of family his/her share of pension can be allocated and paid to him/her individually.
3. Allocation of a share of pension is made from the first of the month following the month when the relevant application was issued.
4. In case of the loss of the breadwinner, a pension is granted to each parent, the wife (husband) of an officer, ensign, warrant officer, serviceman carrying out extended service or military service on a contract basis and other persons who have the right to a pension in accordance with this Law, who died or disappeared.

*(Article 41 is supplemented with Part 4 as provided by the Law No 3591-IV of 04.04.2006)*

*Article 42. The Procedure and terms of establishment of invalidity to members of family*

1. The members of the family being invalids are subject to the rules about the procedure and terms of an establishment the invalidity stipulated in Articles 19, 26-28 of this Laws.

## **PART V. CALCULATION OF PENSIONS**

*Article 43. Earnings (monetary allowance) for calculation of pensions*

1. Pensions granted in accordance with this Law to servicemen in conscript service and members of their families are calculated on the basis of norms as percentages of their average monthly salaries received by them before call-up to regular military service or after discharge from military service before the application to a pension, or as percentages of their average monthly financial support received by them during military service on a contract basis. The average

monthly salary (financial support) for a pension calculation is determined in accordance with the procedure established in the Law of Ukraine "On Compulsory State Pension Insurance".

2. Servicemen in conscript service, who before call-up to conscript military service and after discharge from military service did not work and were not in military service on a contract basis, as well as members of their families, receive a minimum pension in the amounts envisaged accordingly in Articles 22 and 37 of this Law.
3. The pensions of officers, ensigns, warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons who have the right to a pension in accordance with this Law as well as members of their families are calculated from the amount of financial support received in the last permanent position before discharge, taking into account the salary scale on the position, for the military (special) rank, percentage increments for the time-in-service, monthly additional types of financial support (increments, additional allowances, rises) and bonuses, the amounts of which are established in the legislation, which stipulated the single payment on compulsory state social insurance, and prior to January 1, 2011 – insurance payments on compulsory state social insurance according to procedure, established by the Cabinet of Ministers of Ukraine.

*(Part 3 of Article 43 with changes as provided by the Law No 3668-VI of 08.07.2011)*

4. The pensions of persons who held command positions, which correspond to positions of officers, in partisan detachments and bodies of troops, underground organisations and groups recognised by the legislation of Ukraine, as well as in the Czechoslovakia First Army Corps under the command of L. Svoboda are calculated regardless of whether they hold the rank of officer on the basis of the salary for analogous positions for persons holding the rank of officer established on the day of pension allocation, and for those persons who held the rank of officer in that period – on the basis of the salary scale for the military rank and percentage increments for the time-in-service calculated from these salaries.
5. The pensions of officers, ensigns, warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons mentioned in item "e" of Article 12 of this Law who have the right to a pension in accordance with this Law and who received before the discharge from service personal (maintained) salaries for service in alpine or remote localities of the member-states of the Commonwealth of Independent States (CIS) are calculated on the basis of personal (maintained) salaries, unless otherwise stipulated in the relevant international agreements ratified by the Verkhovna Rada of Ukraine.
6. The pensions of officers, ensigns and warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons discharged from service in connection with a conviction or bringing to criminal responsibility and who, for the absence of the event or *corpus delicti* or after a failure to prove their involvement in a crime, were found not guilty or were released from criminal charges by a court ruling, as well as of family members of servicemen and other persons released from criminal charges by a court ruling posthumously, in case they have the right to a pension in accordance with this Law, are calculated on the day of pension allocation on the basis of the amount of the received financial support determined in the legislation for the corresponding categories of servicemen and other abovementioned persons.
7. The pensions of officers, ensigns and warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons renewed in military service,

service in law enforcement organs, the state fire prevention service, the State Service for Special Communication and Information Protection, civil defence organs and subdivisions, the tax police or the State Criminal Execution Service of Ukraine and who are appointed to positions with smaller salaries than before are calculated (with their consent) on the basis of the salary they received before the discharge. In case of simultaneous renewal and discharge of such persons from service, their pension is calculated on the basis of the salary they received before the unlawful discharge.

*(Part 8 of Article 43 with changes as provided by the Law No 879-VI of 15.01.2009)*

8. The pensions of officers, ensigns and warrant officers, servicemen carrying out extended service or military service on a contract basis who are transferred for health or age reasons from flying work, work on submarine boats (submarine cruisers), atomic surface vessels and minesweepers to positions with smaller salaries are calculated, at the pensioner's choice, on the basis of the salary on the last permanent position occupied before the discharge or on the basis of the aforementioned positions which they occupied before the transfer if on the day of transfer they had the right to a pension for the time-in-service.
9. The pensions of officers and commanders holding the military rank of colonel or the special rank of colonel of police, of an internal service or of the tax police, of the State Service for Special Communication and Information Protection as well as with other equal or higher ranks, who under such circumstances and terms are transferred in the interests of service from positions which they occupied for not less than three years before the transfer and on the day of transfer have the right to a pension for the time-in-service are calculated in accordance with the same procedure.

*(Part 9 of Article 43 with changes as provided by the Law No 879-VI of 15.01.2009)*

10. The pensions of officers, ensigns and warrant officers, servicemen carrying out extended service or military service on a contract basis, persons holding the rank of commander of a law enforcement organ and other persons who have the right to a pension in accordance with this Law and who were assigned to work in state organs, local self-government organs or in the organs formed by them, enterprises, establishments, organisations and higher education establishments and who received salaries in accordance with the procedure and in amounts established for employees of these organs and organisations are calculated on the basis of salaries established for analogous positions of officers, ensigns and warrant officers and servicemen carrying out extended service or military service on a contract basis, persons holding the rank of commander of a law enforcement organs and other persons who have the right to a pension in accordance with this Law.
11. The pensions of officers discharged from military service before taking up a permanent position after graduation from a military education establishment or call-up from the reserve are calculated in accordance with the procedure envisaged in this Article on the basis of financial support paid to them on the day of discharge.
12. The pensions of warrant officers and servicemen carrying out extended service or military service on a contract basis transferred from work on atomic submarine cruisers, atomic submarine boats and diesel submarine boats equipped with atomic power plants to equivalent positions on other ships, vessels or in naval forces units with the preservation of the salary received before the transfer are calculated in accordance with the procedure envisaged in this Article and on the basis of the salary paid on the day of the discharge from military service.

13. For the calculation of pensions in accordance with Parts 7-9 of this Article, monthly additional types of financial support (increments, additional charges, rises) and bonuses, the amounts of which are established in the legislation, are taken into account on the day a pension is granted.
14. Servicemen and certified employees of the internal affairs organs of Ukraine, the tax police, the State Criminal Execution Service of Ukraine, civil defence organs and subdivisions, the state fire prevention service, the State Service for Special Communication and Information Protection and other law enforcement authorities who are elected Deputies of Ukraine, when they attain during their term as deputy the age or the time-in-service established in this Law, have the right to a pension, which is calculated in accordance with Article 20 of the Law of Ukraine "On the Status of a People's Deputy of Ukraine".

*(Part 14 of Article 43 with changes as provided by the Law No 879-VI of 15.01.2009; Article 43 as provided by the Law No 3591-IV of 04.04.2006)*

*Article 44. Recalculation of pensions to servicemen of conscript service and members of their families*

*(Name of Article 44 as provided by the Law No 3591-IV of 04.04.2006)*

1. The pensioners from among servicemen of active service who have worked after establishment of the disability pension for no less than two years with higher earnings, than those the pension was calculated at, is granted upon their application a new pension taking into account the earnings determined according to the procedure stipulated by the Law of Ukraine "On Compulsory State Pension Insurance". The same conditions are applied to the recalculation of pension fixed in the minimal amount in connection with absence of earnings.
2. In case of further growth of earnings of the pensioner a new recalculation of pension under its application is made. Each subsequent recalculation of pension is made no earlier than in two years of work after the previous recalculation.
3. Pension amounts for servicemen in regular service and members of their families who receive pensions from the Pension Fund of Ukraine are subject to re-calculation in the case envisaged in Part 2 of Article 42 of the Law of Ukraine "On Compulsory State Pension Insurance".

*(Article 44 is supplemented with Part 3 as provided by the Law No 3591-IV of 04.04.2006)*

*Article 45. Calculation of loss of supporter pensions to members of families of pensioners*

1. The families of pensioners from among servicemen, persons having the right to pension according to this Law are granted the pension on the occasion of loss of the supporter, which is calculated proceeding from the same monetary allowance (earnings) from which the pension to the supporter was calculated.
2. The members of families of pensioners from among the servicemen of active service who have the right to recalculation of pension according to the procedure stipulated in Article 44 of this Law are granted loss of the supporter pension calculated proceeding from the earnings on the basis of which the specified recalculation of pension was made or could have been made.

*(Article 46 is excluded as provided by the Law No 3591-IV of 04.04.2006)*

*Article 47. Increase of pensions to some categories of pensioners*

1. All the kinds of pensions fixed according to this Law are additionally increased to the pensioners who underwent political reprisals and at a later time were rehabilitated – by 50 per

cent, and to members of their families who were forced to relocate – by 25 per cent of the minimal pension age.

2. (Article 47 in the wording of the Law 103/96-BP of 25.03.96)

## **PART VI. ESTABLISHMENT OF PENSIONS**

### *Article 48. Application for pensions*

1. Applications for establishment of pensions in accordance with this Law are handed in the district (city) organ of the Pension Fund of Ukraine at the place of residence, or to the authorised body or responsible person in the order, established by authorities of the Pension Fund of Ukraine in coordination with the specially authorised central executive organ in the sphere of labour and social policy and other central executive organs and the Foreign Intelligence Service.
2. At that, the day of application for establishment of pension is the day of submission to the relevant organ of the Pension Fund of Ukraine of written application for establishment of pension with all documents, needed for resolution of this issue, and in case of mailing of the application and documents – date of the postage.

*(Article 48 as provided by the Law 857-V of 03.04.2007)*

### *Article 49. The organs granting pensions, and terms for consideration of documents on the granting of pensions*

1. Pensions stipulated by this Law are granted by organs of the Pension Fund of Ukraine.
2. Documents on the establishment of pensions are examined by the organs granting pensions and within time no longer than 10 days from the date of their receipt makes a decision on establishment or refusal in establishment of pension.
3. Document confirming the establishment of pension is pension certificate granted by organ of the Pension Fund of Ukraine. The notice on refusal to establish pension with the indication of the reasons of refusal is issued (mailed) by the organ of pension support to the applicant no later than five days after adoption of the relevant decision.

*(Article 49 as provided by the Law 857-V of 03.04.2007)*

### *Article 50. Terms of establishment of pensions*

1. In accordance with this Law, pensions are granted:
  - a. To servicemen in regular service – from the day following discharge from hospital, but not earlier than the day after discharge from military service if the establishment of disability by a medical social expert commission and the application for a pension took place not later than three months from the day after discharge from hospital or from the day after discharge from military service; to families of servicemen in regular service and servicemen-pensioners – from the day of death of the breadwinner or the emergence of the right to a pension, but no more than 12 months before an application for a pension. Parents or the wife (husband) of the aforementioned servicemen and pensioners, who acquired the right to a pension in case of the loss of the breadwinner, are granted a pension from the day of application for it;
  - b. To officers, ensigns and warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons who have the right to a pension in accordance with this Law according to items “a” and “c” of Article 12 of this Law – from the day after

discharge from service, but not earlier until which they receive financial support; to family members of the aforementioned persons who have the right to a pension in accordance with this Law and pensioners from among them – from the day of death of the breadwinner, but not earlier until which they receive financial support or pension, except for cases when they receive pensions from later terms. Persons who have the right to a pension in accordance with this Law and who are recognised as invalids within three months from the day of discharge from service as a result of disease (trauma, injury, contusion, mutilation, etc.) resulting from military service or during a period in captivity or as a hostage, if the capture or the hostage-taking were not voluntary and the person who has the right to a pension in accordance with this Law while being in captivity or a hostage did not commit any crimes against peace and humanity, receive a pension from the next day after discharge from service, but not earlier until which they receive financial support;

- c. To persons who have the right to a pension in accordance with this Law according to items “b” of Article 12 of this Law – from the next day after a discharge from service;
  - d. To officers, ensigns and warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons, whose military (special) ranks were renewed – from the day of the renewal;
  - e. To officers, ensigns and warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons who have the right to a pension in accordance with this Law and are discharged from service in connection with a conviction for a deliberate crime without deprivation of the military (special) rank and with the right to a pension for the time-in-service – from the day of application for a pension;
  - f. To officers, ensigns and warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons who have the right to a pension in accordance with this Law and are recognised as invalids within three months from the day of their discharge from service or as a result of an accident or disease that happened after their discharge from service – from the day of the establishment of disability;
  - g. To officers, ensigns and warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons who have acquired the right to a pension in accordance with this Law in connection with amendments introduced in the earlier published order or other act about time-in-service for granting a pension and their discharge from service – from the day of signature of the order or other act by the appropriate civil servant in reference to the introduction of this amendment.
2. To family members of officers, ensigns and warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons who have the right to a pension in accordance with this Law and pensioners from among them who have acquired the right to a pension after the death of the breadwinner – from the day of the emergence of the right to a pension; to parents or the wife (husband) who have the right to a pension because of the loss of the breadwinner – from the day of application for a pension;
  3. In case of a late application for a pension, the pension for the past period is granted from the day of the emergence of the right to a pension, but no more than 12 months before the application for a pension.

*(Article 50 as provided by the Law No 3591-IV of 04.04.2006)*

*Article 51. Terms of recalculation of the granted pensions*

1. In case of circumstances ensuing the change of the amount of pensions granted to the servicemen of active service and to their families, the recalculation of these pensions is made in conformity with the terms established by Part 4 of Article 45 of the Law of Ukraine "On Compulsory State Pension Insurance".  
(Part 1 of Article 51 with changes as provided by the Law No 3591-IV of 04.04.2006)
2. Recalculation of pensions granted to the officer personnel, ensigns and warrant officers, servicemen of additional service and contractual military service, the persons having the right to pension according to this Law, and members of their families, is made from the first day of the month following the month of occurrence of the circumstances ensuing the change of the amount of pensions. If at that the pensioner has obtained the right to increase of pension, the difference in pension can be paid to him/her but for no more than for 12 months.

**PART VII. PAYMENT OF PENSIONS**

*Article 52. Organs paying pension*

1. The pensions to pensioners from among servicemen of conscript service and members of their families are paid by organs of the Pension Fund of Ukraine in a place of actual residence of the pensioner, irrespective of registration.
2. The pension to other persons having the right to pension according to this Law are paid by organs of the Pension Fund of Ukraine through the establishments of Savings Bank of Ukraine in a place of actual residence of the pensioner on the basis of the relevant documents which are issued by organs of the Pension Fund of Ukraine.  
(Part 2 of Article 52 as provided by the Law 857-V of 03.04.2007)
3. The payment of pensions is carried out after each current month in total on established date, but not later than the last day of the month for which the pension is paid.
4. By desire of the pensioner delivery of pension may be done through the post offices at the place of actual residence, irrespective of the registration place. Transaction of pension by post and its delivery to the place of actual residence is made at the expense of the State Budget of Ukraine.  
(Article 52 as provided by the Law No 2255-IV of 16.12.2004)

*Article 53. Payment of pensions by proxy*

1. The pension can be paid by proxy; the procedure of the certificate and the term of validity are determined by legislation.

*Article 54. Payment of pensions to pensioners in the presence of earnings (profit)*

1. The pensions fixed according to this Law are paid without taking into account the received earnings (profit). To pensioners who have profit from commercial activity, the bonuses to pension for handicapped members of family (Clause "a" of Part 1 of Article 16 and Clause "a" of Part 1 of Article 24) are not paid.  
(Article 54 with changes as provided by the Law No 3591-IV of 04.04.2006)

*Article 55. Payment of pensions for past time*

1. The sum of the pension added to the pensioner from among servicemen, the persons having the right to pension according to this Law, and members of their families and not duly taken by them, are paid for no longer than 3 years before the application for its reception.

2. The sum of the pension that has not been received by the pensioner in time due to the fault of the organ granting or paying the pension are paid without restriction.

*Article 56. Payment of pensions to the persons living in homes for the elderly or invalids*

1. The single pensioners from among the servicemen, persons having the right to pension according to this Law and members of their families, living in homes for the elderly or invalids are paid 25 per cent of the pension, but not less than 20 per cent of the minimal amount of pension age per month. If the pensioner living in homes for the elderly or invalids has invalid members of family dependant of him/her and are subject to loss of the supporter pensions he/she is paid pension according to the following procedure: 25 per cent of pension, but no less than 20 per cent of the minimal amount of pension age are paid to the pensioner, and other part of pension, but no more than 50 per cent of the fixed amount – to the specified members of his/her family. (Article 56 includes changes made by the Law 103/96-BP of 25.03.96)

*Article 57. Payment of pension during hospitalisation*

1. During hospitalisation (in hospital, clinic, hospital and other medical establishments) of the person having the pension according to this Law the pension is paid in full. (Article 57 includes changes made by the Law 1081-XIV of 21.09.99)

*Article 58. Payment of pension for the period of imprisonment*

1. In case of imprisonment of the person having the pension according to this Law its payment is carried out in accordance with general practice. (Article 58 includes changes made by the Law 1081-XIV of 21.09.99)

*Article 59. Deduction from pensions*

1. Deduction from pensions of servicemen, the persons having the right to pension according to this Law and members of their families are made according to the procedure established by Part 2 of Article 50 of the Law of Ukraine "On Compulsory State Pension Insurance". (Article 59 with changes as provided by the Law No 3591-IV of 04.04.2006)

*Article 60. The duty of pensioners to inform organs of pension support about the change of the conditions influencing payment of pensions*

1. Pensioners are obliged to inform the organs of pension support on the circumstances ensuing change of the amount of pension or its cancellation.
2. In case of default on this duty and reception in this connection of excessive sums of pension, the pensioners should return the excessive payment to the organ of pension support.
3. The re-collecting of pension unduly paid to the pensioner due to intentional actions by pensioner (misrepresentation of data in documents, non-submission of data on changes in his/her family, etc.) can be returned voluntarily by the pensioner or extracted on the basis of decision of the organ-granting pension, or by decision of the court.

*Article 60-1. Responsibility of civil servants working in organs providing pensions for pensions paid without grounds*

Civil servants providing pensions who paid superfluous or insufficient pension sums to a pensioner without grounds are legally liable.

*(This Law is supplemented with Article 60-1 as provided by the Law No 3591-IV of 04.04.2006)*

*Article 61. Payment of pension and aid in case of death of the pensioner*

The pension that was subject to payment to the pensioner from among servicemen, the persons having the right to pension according to this Law, members of their families and remained half-received in connection with his/her death do not enter the inheritance and are paid to those members of his/her family who are subject to loss of supporter pension. However, parents and the wife (husband), and also the members of family who lived together with the pensioner at the date of his/her death have the right to reception of the pension if they are not subject to loss of supporter pension as well.

At the application by several members of family the sum of pension due to them is shared equally between them.

The specified sums are paid, if the relevant application was submitted no later than six months after the death of the pensioner.

In case of the death of the pensioner, the members of his/her family or the person who carried out the burial is paid at the rate of a three-month pension, but no less than fivefold the amount of minimum wage.

The aid to burial is not paid, if the burial of the pensioner is carried out at the expense of the state.

*(Article 61 includes changes made by the Laws 3946-XII of 04.02.94, 1081-XIV of 21.09.99)*

*Article 62. Payment of pensions to citizens who went abroad*

Persons mentioned in Article 1-2 of this Laws who are discharged from service and permanently reside abroad do not receive pensions, unless otherwise stipulated in the international agreements ratified by the Verkhovna Rada of Ukraine.

Pensions granted to the aforementioned persons in Ukraine before their departure for permanent residence abroad are paid in accordance with the procedure determined in the Law of Ukraine "On Compulsory State Pension Insurance".

*(Article 62 as provided by the Law No 3591-IV of 04.04.2006)*

## **PART VIII. THE PROCEDURE OF RECALCULATING PENSIONS**

*Article 63. Recalculation of the pensions fixed before*

Recalculation of the pensions fixed before to servicemen, the persons having the right to pension according to this Law and members of their families in connection with implementation of this Law is made against the documents that are available in pension record, and also the additional documents presented by pensioners for the period of recalculation.

If the pensioner presents additional documents entitling a further increase of pension after a while the pension is recalculated according to the norms of this Law. At that, the recalculation covers the past time but no more than 12 months from the date of submission of additional documents and no earlier than from the date of implementation of this Law.

All pensions granted according to this Law are recalculated along with the increase of any line in monetary allowance of the relevant categories of servicemen, persons having the right to pension according to this Law, or in connection with introduction for these persons of new types of monetary allowances (benefits, increases, rises) and bonuses within legally established amounts.

Recalculation of the pensions is performed for the moment of establishing the right on recalculation of the pensions and is carried out according to procedure approved by the Cabinet of Ministers of Ukraine and within terms stipulated by Part 2 of Article 51 of this Law.

In case after recalculation of the pensions stipulated by this Law the amount of pensions of retired servicemen and persons having the right for pension according to this Law are lower, the earlier established pensions are preserved.

*(Part 3 of Article 63 with changes as provided by the Laws No 857-V of 03.04.2007, No 1567-VI of 25.06.2009)*

*Article 64. Increase of pensions in connection with indexation of monetary income of the population*

The pensions granted to the servicemen, persons having the right to pension according to this Law and members of their families, are increased according to the Law of Ukraine "On Indexation of Monetary Income of the Population".

*(Article 64 includes changes made by the Decree 7-92 of 09.12.92, the Law 534/96-BP of 21.11.96; in the wording of the Law 1081-XIV of 21.09.99)*

*Article 65. Responsibility for an infringement of the legislation on pensions for persons discharged from military service and other persons*

Persons guilty of an infringement of the legislation on the provision of pensions for persons discharged from military service and other persons envisaged in this Law, as well as guilty of untimely registration or preparation of documents for granting pensions and of delivery of inauthentic information and documents for granting pensions bear civil, administrative or criminal liability in accordance with the law.

*(Article 65 as provided by the Law No 3591-IV of 04.04.2006)*

*Article 66. Appeal against the decisions of the organ granting pensions*

Decisions about a refusal to grant a pension or to re-calculate a pension, to include certain periods of service to the time-in-service in calendar calculation or on preferential terms, as well as the violation of terms and lowering of pension amounts can be appealed in higher organs or in a court.

*(Article 66 with changes as provided by the Law No 3591-IV of 04.04.2006)*

## **Law of Ukraine "On the Status of Veterans of Military Service, Veterans of law enforcement Organs and Other Persons and Their Social Protection"**

203/98-BP of 24.03.1998 (*Bulletin of the Verkhovna Rada of Ukraine (BVR)*, 1998, 40-41, p. 249.

Includes changes made by Laws

2171-III of 21.12.2000, BVR, 2001, 9, p. 38;

2373-III of 05.04.2001, BVR, 2001, 24, p.127;

662-IV of 03.04.2003, BVR, 2003, 27, p. 209;

1763-IV of 15.06.2004, BVR, 2004, 36, p. 444;

1889-IV of 24.06.2004, BVR, 2004, 50, p. 536;

2255-IV of 16.12.2004, BVR, 2005, N 4, p.107;

3475-IV of 23.02.2006, BVR, 2006, N 30, p. 258;

1180-VI of 19.03.2009, BVR, 2009, N 32-33, p. 485;

1249-VI of 14.04.2009, BVR, 2009, N 34-35, p. 507;

1254-VI of 14.04.2009, BVR, 2009, N 36-37, p. 511;

1276-VI of 16.04.2009, BVR, 2009, N 38, p. 535;

2457-VI of 08.07.2010, BVR, 2010, N 48, p. 564.

In the title and the text of the Law the references "veterans of military service", "the veteran of military service" is replaced with references "veterans of military service and veterans of law enforcement organs", "the veteran of military service and the veteran of law enforcement organs" according to the Law 2373-III of 05.04.2001.

In the text of the Law the words "the veteran of military service and the veteran of law enforcement organs" in all cases and numbers are replaced with the words "the veteran of military service, the veteran of law enforcement organs and the veteran of the state fire department" in the relevant case and number, and words "in law enforcement organs" are replaced with the words "in law enforcement organs and the state fire department" according to the Law 1889-IV of 24.06.2004.

In the text of the Law the words "and the veteran of the state fire department" in all cases and numbers are replaced with the words "the veteran of the state fire department and the veteran of the State Service for Special Communication and Information Protection" in the relevant case and number, and the words "service in law enforcement organs and the state fire department" in all cases are replaced with the words "service in law enforcement organs and the state fire department and the State Service for Special Communication and Information Protection" as provided by the Law No 3475-IV of 23.02.2006.

Text of the Law after the words "veteran of law enforcement organs" in all cases and numbers is supplemented with the words "veteran of tax police" in relevant case and number as provided by the Law No 1249-VI of 14.04.2009.

Text of the Law after the words "veteran of the state fire department" in all cases and numbers is supplemented with the words "veteran of the State Criminal Execution Service of Ukraine" in relevant case and number as provided by the Law No 1254-VI of 14.04.2009.

This Law establishes the status of veterans of military service, veterans of law enforcement organs, veterans of the tax police, veterans of the state fire department, veteran of the State

Service for Special Communication and Information Protection, veteran of the State Criminal Execution Service of Ukraine and determines the main principles of state policy on social protection of the citizens discharged from military service, service in law enforcement organs, the tax police, the state fire department, the State Service for Special Communication and Information Protection, the State Criminal Execution Service of Ukraine and members of their families.

## **PART I. GENERAL PROVISIONS**

*Article 1. Main principles of state policy towards veterans of military service, veterans of law enforcement organs, veterans of the tax police, veterans of the state fire department, veterans of the State Service for Special Communication and Information Protection, veterans of the State Criminal Execution Service of Ukraine*

1. The state policy concerning each veteran of military service, veteran of law enforcement organs, veteran of the tax police, veteran of the state fire department, veteran of the State Service for Special Communication and Information Protection, veteran of the State Criminal Execution Service of Ukraine is implemented within mandatory targeted state and local programs for social protection of veterans of military service, veterans of law enforcement organs, veterans of the tax police, veterans of the state fire department, veterans of the State Service for Special Communication and Information Protection, veterans of the State Criminal Execution Service of Ukraine directed at providing for implementation of guaranteed benefits and privileges, established by this Law and the other normative-legal acts for veterans of military service, veterans of law enforcement organs, veterans of the tax police, veterans of the state fire department, veterans of the State Service for Special Communication and Information Protection, veterans of the State Criminal Execution Service of Ukraine and members of their families.
2. Implementation of mandatory targeted state and local programs for social protection of veterans of military service, veterans of law enforcement organs, veterans of the tax police, veterans of the state fire department, veterans of the State Service for Special Communication and Information Protection, veterans of the State Criminal Execution Service of Ukraine is provided at the expense of the state and local budgets.
3. Organs of central executive and local self-government use the media for propaganda of the importance of exemplary service in the military, service in law enforcement organs, the tax police, the state fire department, the State Service for Special Communication and Information Protection, the State Criminal Execution Service of Ukraine, importance of the state awards for military heroism and outstanding achievements in protection of Motherland, state sovereignty, strengthening of defence and security of Ukraine, protection of the Constitutional rights of citizens; for bravery and heroism in fighting criminality, in liquidation of the consequences of emergency situations, for conscientious and loyal service to Ukrainian people.  
*(Part 3 of Article 1 with changes as provided by the Law No 1249-VI of 14.04.2009)*
4. Responsibility for implementation of the state policy concerning veterans of military service, veterans of law enforcement organs, veterans of the tax police, veterans of the state fire department, veterans of the State Service for Special Communication and Information Protection, veterans of the State Criminal Execution Service of Ukraine is vested in the organs of central executive and local self-government.  
*(Article 1 as provided by the Law No 2255-IV of 16.12.2004)*

*Article 2. The legislation of Ukraine on the status of veterans of military service, veterans of law enforcement organs, veterans of the tax police, veterans of the state fire department, veterans of the State Service for Special Communication and Information Protection, veterans of the State Criminal Execution Service of Ukraine*

1. The legislation of Ukraine on the status of veterans of military service, veterans of law enforcement organs, veterans of the tax police, veterans of the state fire department, veterans of the State Service for Special Communication and Information Protection, veterans of the State Criminal Execution Service of Ukraine is based on the Constitution of Ukraine and includes this Law and other normative-legal acts of Ukraine regulating public relations in the sphere of social protection of citizens.

*Article 3. Guarantees of the rights and social protection of veterans of military service, veterans of law enforcement organs, veterans of the tax police, veterans of the state fire department, veterans of the State Service for Special Communication and Information Protection, veterans of the State Criminal Execution Service of Ukraine and members of their families*

*(Name of the Article 3 with changes as provided by the Law No 2255-IV of 16.12.2004)*

1. The State guarantees to each veteran of military service, veteran of law enforcement organs, veteran of the tax police, veteran of the state fire department, veteran of the State Service for Special Communication and Information Protection, veteran of the State Criminal Execution Service of Ukraine equal opportunities as to other citizens in the economic, social, political spheres, and also renders various kinds of the help by:
  - Implementation of the right to work according to professional fitness and special programmes of social adaptation;
  - Creation of conditions for protection and improvement of health with the purpose of maintenance of active longevity;
  - Granting of privileges, advantages and social guarantees during labour activity and holidays;
  - Implementation of special programmes of improvement of living conditions;
  - Organisations of social service;
  - Pension support according to the legislation.

*(Article 3 is supplemented with Part 1 as provided by the Law No 2255-IV of 16.12.2004)*

2. Veterans of military service, veterans of law enforcement organs, veterans of the tax police, veterans of the state fire department, veterans of the State Service for Special Communication and Information Protection, veterans of the State Criminal Execution Service of Ukraine and members of their families on a level with other citizens have all social and economic rights and freedoms consolidated by the Constitution of Ukraine, laws and other normative-legal acts of Ukraine.
3. Veterans of military service, veterans of law enforcement organs, veterans of the tax police, veterans of the state fire department, veterans of the State Service for Special Communication and Information Protection, veterans of the State Criminal Execution Service of Ukraine, if there is a basis in the legislation of Ukraine, can also be declared war veterans and veterans of work.

*Article 4. Support to implementation of the legislation on social protection of veterans of military service, veterans of law enforcement organs, veterans of the tax police, veterans of the state fire department, veterans of the State Service for Special Communication and Information Protection, veterans of the State Criminal Execution Service of Ukraine and members of their families*

1. Support to implementation of this Law, other normative-legal acts on social protection of veterans of military service, veterans of law enforcement organs, veterans of the tax police, veterans of the state fire department, veterans of the State Service for Special Communication and Information Protection, veterans of the State Criminal Execution Service of Ukraine is vested in the organs of central executive and local self-government.

*(Article 4 with changes as provided by the Law No 2255-IV of 16.12.2004)*

*Article 4-1. Application of this Law*

1. This Law is applied to the citizens of Ukraine, who have the status of veterans of military service, veterans of law enforcement organs, veterans of the tax police, veterans of the state fire department, veterans of the State Service for Special Communication and Information Protection, veterans of the State Criminal Execution Service of Ukraine as provided by this Law and who reside on the territory of Ukraine.
2. Rights and privileges, stipulated by Article 6 of this Law may be provided to foreign citizens or to persons without citizenship, who are related to the status of veterans of military service, veterans of law enforcement organs, veterans of the tax police, veterans of the state fire department, veterans of the State Service for Special Communication and Information Protection, veterans of the State Criminal Execution Service of Ukraine, and who legally reside on the territory of Ukraine in accordance with procedure and conditions stipulated by the international treaties of Ukraine, ratified by Verkhovna Rada of Ukraine.

*(Part I is supplemented with Article 4-1 as provided by the Law No 2255-IV of 16.12.2004)*

## **PART II. CONCEPT AND NATURE OF THE STATUS OF VETERANS OF MILITARY SERVICE, VETERANS OF LAW ENFORCEMENT ORGANS AND VETERANS OF THE STATE FIRE DEPARTMENT**

*Article 5. Persons who are declared veterans of military service, veterans of law enforcement organs, veterans of the tax police, veterans of the state fire department, veterans of the State Service for Special Communication and Information Protection, veterans of the State Criminal Execution Service of Ukraine*

1. The following citizens of Ukraine are declared veterans of military service, veterans of law enforcement organs and veterans of the state fire department:

- 1) Those who did military service, served in law enforcement organs, the tax police, the state fire department, the State Service for Special Communication and Information Protection, the State Criminal Execution Service of Ukraine for 25 or more calendar years or 30 or more years in preferential calculation (no less than 20 years of which was the period of service in calendar calculation) and were transferred to the reserve or resigned according to the legislation of Ukraine or former USSR or CIS states;

*(Clause 1 of Article 5 with changes as provided by the Law No 1249-VI of 14.04.2009)*

- 2) Invalids groups I and II whose invalidity developed due to injury, contusions, mutilation or disease connected with the performance of duties of military service or duties on guard of public order, struggle against criminality and alleviation of consequences of emergencies;

- 3) Invalids groups I and II whose invalidity developed due to disease received during military service, service in law enforcement organs, the tax police, the state fire department, the State Service for Special Communication and Information Protection, the State Criminal Execution Service of Ukraine and which have a period of military service, service in law enforcement organs, the tax police, the state fire department, the State Service for Special Communication and Information Protection, the State Criminal Execution Service of Ukraine of 20 years or more;

*(Clause 3 of Article 5 with changes as provided by the Law No 1249-VI of 14.04.2009)*

- 4) Military pensioners conferred a medal "the Veteran of the Armed Forces of the USSR" according to the legislation of the former USSR;
- 5) Those who did military service for 20 or more calendar years or 25 or more years in preferential calculation and were discharged from military service due to reforming of the Armed Forces of Ukraine.

*(Article 5 includes changes made by the Laws 2373-III of 05.04.2001, 1763-IV of 15.06.2004, 1889-V of 24.06.2004)*

*Article 6. Social protection of veterans of military service, veterans of law enforcement organs, veterans of the tax police, veterans of the state fire department, veterans of the State Service for Special Communication and Information Protection, veterans of the State Criminal Execution Service of Ukraine and members of their families*

1. The following privileges are given to veterans of military service, veterans of law enforcement organs and veterans of the state fire department:

- 1) Free use of establishments of public health services of the Ministry of Defence of Ukraine, Security Service of Ukraine, the Ministry of Internal Affairs of Ukraine, the State Service for Special Communication and Information Protection, the State Criminal Execution Service of Ukraine and other Central Executives and military formations;

*(Clause 1 of Part 1 of Article 6 with changes as provided by the Law No 1249-VI of 14.04.2009)*

- 2) Priority free purchase of medicine prescribed by doctors;
- 3) Priority medical examination, prophylactic medical examination and hospitalisation;
- 4) Priority free prosthetic dentistry (except for prosthetics from precious metals), free provision with artificial limbs and orthopaedic products;
- 5) The right to priority sanatorium treatment in sanatoria of the Ministry of Defence of Ukraine, Security Service of Ukraine, the Ministry of Internal Affairs of Ukraine, the State Service for Special Communication and Information Protection, the State Criminal Execution Service of Ukraine and other Central Executives and military formations with payment of 25 per cent of cost of a place by veterans of military service, veterans of law enforcement organs, veterans of the tax police, veterans of the state fire department, veterans of the State Service for Special Communication and Information Protection, veterans of the State Criminal Execution Service of Ukraine and 50 per cent by members of their families;

*(Clause 5 of Part 1 of Article 6 with changes as provided by the Law No 1249-VI of 14.04.2009)*

- 6) A 50 per cent discount for housing rent and public utilities (water supply, gas, electric, central heating and hot water and other services), use of home phone by the veterans of military service, veterans of law enforcement organs, veterans of the tax police, veterans of the state fire department, veterans of the State Service for Special Communication and Information Protection, veterans of the State Criminal Execution Service of Ukraine and the members of their families living together with them in apartment of all forms of

ownership within the limits of the norms stipulated by the legislation, or the 50 per cent discount for fuel, including liquid fuel, within the limits of the norms established for the persons living in houses with no central heating;

- 7) Priority, but no later than one year after dismissal from military service or from service in law enforcement organs and the state fire department and arrival to the place of chosen residence taking into account the existing procedure of registration, provision of housing for persons requiring improvement of living conditions, or extraordinary granting of the interest-free credit for individual housing (cooperative) building or purchase of housing taking into account the norm of the accommodation established by the legislation per family and its repayment in the full at the expense of the Ministry of Defence of Ukraine, the State Border Service of Ukraine, Security Service of Ukraine, the Ministry of Internal Affairs of Ukraine, the State Guard Administration of Ukraine, other Central Executives formed according to the laws of Ukraine of military formations, and also provision with the plots for building and the right to their free reception in the property according to the procedure, established by the Cabinet of Ministers of Ukraine.

Veterans of military service, who at their dismissal handed over their homes (on military premises) to the state organs and who have not been provided with other housing, and attained by January 1, 2001, 60 or more years of age, and also families of deceased veterans of military service, are subject to out of turn provision with housing.

The procedure of granting to veterans of military service, veterans of law enforcement organs, veterans of the tax police, veterans of the state fire department, veterans of the State Service for Special Communication and Information Protection, veterans of the State Criminal Execution Service of Ukraine of interest free credits for individual housing (cooperative) building or purchase of housing is established by the Cabinet of Ministers of Ukraine.

- 8) Right to free reception in the property occupied by them and members of their families housing irrespective of the size of its total ground floor in houses of the state available housing fund;
- 9) Free travel and transportation of luggage by them and members of their families when moving to the chosen place of permanent residence after dismissal according to the procedure determined by the Cabinet of Ministers of Ukraine and the international treaties of Ukraine;
- 10) Free travel (round trip) within the limits of Ukraine once a year by rail in a compartment of a fast or passenger train or by long-distance water or motor transport for treatment and rest in sanatoria and rest houses;
- 11) Free travel by all kinds of city passenger transport (except for taxi), public motor transport in the countryside, and also by local railway and sailing transport and buses within the limits of Ukraine;
- 12) The right to priority purchase of tickets of all types of transportation;
- 13) Use of the annual holiday in a place of work when it is convenient for them, and also reception of additional holiday without preservation of wages up to 14 calendar days per year;
- 14) The right to annual holiday of full duration prior to six-month term of continuous work in the first year of work at the given enterprise, establishment or organisation;
- 15) The right to priority preservation of the place of employment they were taken on for the first time after dismissal due to reduction of numeric strength of staff;
- 16) The right to priority to enter garage, garden, housing and other cooperative Societies.

*(Article 6 includes changes made by the Laws 2373-III of 05.04.2001, 662-IV of 03.04.2003, 1249-VI of 14.04.2009)*

*Article 7. Exercise of the right to privileges by veterans of military service, veterans of law enforcement organs, veterans of the tax police, veterans of the state fire department, veterans of the State Service for Special Communication and Information Protection, veterans of the State Criminal Execution Service of Ukraine and members of their families*

1. Veterans of military service, veterans of law enforcement organs, veterans of the tax police, veterans of the state fire department, veterans of the State Service for Special Communication and Information Protection, veterans of the State Criminal Execution Service of Ukraine and members of their families alongside with the privileges stipulated by this Law enjoy the privileges established for them in other normative-legal acts.
2. In case the right to the same privilege is stipulated by different normative-legal acts, this privilege is taken from the normative-legal act chosen by the veterans of military service, veterans of law enforcement organs, veterans of the tax police, veterans of the state fire department, veterans of the State Service for Special Communication and Information Protection, veterans of the State Criminal Execution Service of Ukraine.
3. Widows (widowers) of the dead (lost) veterans of military service, veterans of law enforcement organs, veterans of the state fire department, veterans of the State Service for Special Communication and Information Protection, veterans of the State Criminal Execution Service of Ukraine and the members of their families dependent on them enjoy the privileges stipulated by items 6-9 of Article 6 of this Law.
4. In case of death of the veteran of military service, veteran of law enforcement organs, veteran of the state fire department, veteran of the State Service for Special Communication and Information Protection, veteran of the State Criminal Execution Service of Ukraine his/her family or the person who is carrying out the burial is granted aid for carrying out the funeral at the rate of three-month salary of the died (lost), but no less than fivefold the amount of minimum wage. The specified aid is granted by military commissariats and other relevant organs in the place of residence of the veteran of military service, the veteran of law enforcement organs, the veteran of the state fire department, the veteran of the State Service for Special Communication and Information Protection, the State Criminal Execution Service of Ukraine at the expense of the means allocated in the State Budget of Ukraine on social protection of the population given at the disposal of the relevant Central Executives and military formations.
5. The Central Executives and institutions of local self-government and military commissariats are obliged to give to veterans of military service, veterans of law enforcement organs, veterans of the tax police, veterans of the state fire department, veterans of the State Service for Special Communication and Information Protection, veterans of the State Criminal Execution Service of Ukraine free of charge legal aid on issues of the exercise of the rights determined by this Law.  
*(Article 7 includes changes made by the Law 2373-III of 05.04.2001)*

*Article 8. Deprivation of the right to privileges*

1. Veterans of military service, veterans of law enforcement organs, veterans of the tax police, veterans of the state fire department, veterans of the State Service for Special Communication and Information Protection, veterans of the State Criminal Execution Service of Ukraine and members of their families lose the right to privileges when imprisoned.

### **PART III. FINAL PROVISIONS**

*Article 9. Financing the expenditures connected with implementation of the present Law*

1. Reimbursement of expenses connected with implementation of this Law is carried out at the expense of the State Budget of Ukraine, finances taken into account dur-

ing budgetary transfers calculation, as well, as from the other sources not prohibited by the law.

*(Article 9 as provided by the Law No 2457-VI of 08.07.2010)*

*Article 10. Awards and decorations of veterans of military service, veterans of law enforcement organs, veterans of the tax police, veterans of the state fire department, veterans of the State Service for Special Communication and Information Protection, veterans of the State Criminal Execution Service of Ukraine*

1. Veterans of military service, veterans of law enforcement organs, veterans of the tax police, veterans of the state fire department, veterans of the State Service for Special Communication and Information Protection, veterans of the State Criminal Execution Service of Ukraine are conferred awards and decorations.
2. Samples of awards, decorations and the procedure of their manufacturing and conferring are determined by the Cabinet of Ministers of Ukraine.

*Article 11. Public organisations of veterans of military service, veterans of law enforcement organs, veterans of the tax police, veterans of the state fire department, veterans of the State Service for Special Communication and Information Protection, veterans of the State Criminal Execution Service of Ukraine*

1. Veterans of military service, veterans of law enforcement organs, veterans of the tax police, veterans of the state fire department, veterans of the State Service for Special Communication and Information Protection, veterans of the State Criminal Execution Service of Ukraine according to the legislation of Ukraine can create public organisations whose activity is regulated by the Law of Ukraine "On Associations of Citizens".

*Article 12. Liability for infringement of the legislation on the status of veterans of military service, veterans of law enforcement organs, veterans of the tax police, veterans of the state fire department, veterans of the State Service for Special Communication and Information Protection, veterans of the State Criminal Execution Service of Ukraine*

1. The persons guilty of infringement of the legislation on the status of veterans of military service, veterans of law enforcement organs, veterans of the tax police, veterans of the state fire department, veterans of the State Service for Special Communication and Information Protection, veterans of the State Criminal Execution Service of Ukraine are accountable according to the legislation of Ukraine.

*Article 13. The Procedure of implementation of the Law*

1. This Law enters into force from the date of enacting the Law of Ukraine "On the State Budget of Ukraine for 1999".
2. The normative-legal acts adopted before the present Law comes into force are applicable in part so as to not contradict this Law.
3. The Cabinet of Ministers of Ukraine, within a month after the coming into force of the present Law, is obliged:
  - To submit to the Verkhovna Rada of Ukraine the proposal on introducing amendments to the laws of Ukraine apparent from this Law;
  - To develop and bring their normative-legal acts in conformity with this Law;
  - To ensure revision and cancelling by the ministries and other Central Executives of Ukraine of their normative-legal acts contradicting this Law.

## Law of Ukraine "On the Status of War Veterans and Guarantees of Their Social Protection"

3551-XII of 22.10.1993 (*Bulletin of the Verkhovna Rada of Ukraine (BVR)*, 1993, 45, p. 425.

Enacted by the Resolution of the Verkhovna Rada of Ukraine No. 3552-XII of 22.10.1993, (*Bulletin of the Verkhovna Rada of Ukraine (BVR)*, 1993, 45, p. 426.

Includes changes made by the Laws

3898-XII of 01.02.94, BVR, 1994, No 20, p. 120;  
458/95-BP of 23.11.95, BVR, 1995, No 44, p. 329;  
488/95-BP of 22.12.95, BVR, 1996, No 1, p. 1;  
498/95-BP of 22.12.95, BVR, 1996, No 3, p. 11;  
608/96-BP of 17.12.96, BVR, 1997, No 8, p. 62;  
367-XIV of 25.12.98, BVR, 1999, No 24, p. 209;  
944-XIV of 14.07.99, BVR, 1999, No 38, p. 342;  
2349-III of 05.04.2001, BVR, 2001, No 22, p. 106;  
52-IV of 04.07.2002, BVR, 2002, No 35, p. 263;  
231-IV of 21.11.2002, BVR, 2002, No 52, p. 379;  
662-IV of 03.04.2003, BVR, 2003, No 27, p. 209;  
760-IV of 15.05.2003, BVR, 2003, No 30, p. 245;  
968-IV of 19.06.2003, BVR, 2003, No 45, p. 359;  
1109-IV of 10.07.2003, BVR, 2004, No 7, p. 52;  
1219-IV of 02.10.2003, BVR, 2004, No 10, p. 106;  
1770-IV of 15.06.2004, BVR, 2004, No 37, p. 450;  
2010-IV of 10.09.2004, BVR, 2005, No 1, p. 19;  
2202-IV of 18.11.2004, BVR, 2005, No 4, p. 98;  
2212-IV of 18.11.2004, BVR, 2005, No 4, p. 101;  
2285-IV of 23.12.2004, BVR, 2005, No 7-8, p. 162;  
2505-IV of 25.03.2005, BVR, 2005, No 17, 18-19;  
2878-IV of 08.09.2005, BVR, 2005, No 52, p. 564;  
2939-IV of 05.10.2005, BVR, 2006, No 4, p. 52;  
3174-IV of 01.12.2005, BVR, 2006, No 22, p. 181;  
3200-IV of 15.12.2005, BVR, 2006, No 14, p. 116;  
3235-IV of 20.12.2005, BVR, 2006, No 9, N 10-11, p. 96;  
3505-IV of 23.02.2006, BVR, 2006, No 33, p. 281;  
186-V of 21.09.2006, BVR, 2006, No 47, p. 461;  
489-V of 19.12.2006, BVR, 2007, No 7-8, p. 66;  
727-V of 13.03.2007, BVR, 2007, No 22, p. 295;  
818-V of 22.03.2007, BVR, 2007, No 25, p. 341;  
880-VI of 15.01.2009, BVR, 2009, No 25, p. 309;  
1254-VI of 14.04.2009, BVR, 2009, No 36-37, p. 511;  
1439-VI of 03.06.2009, BVR, 2009, No 42, p. 631;  
1760-VI of 15.12.2009, BVR, 2010, No 8, p. 62;

2171-VI of 11.05.2010, BVR, 2010, No 31, p. 418;  
2756-VI of 02.12.2010, BVR, 2011, No 23, p. 160.

This Law determines the legal status of war veterans, provides the creation of appropriate conditions for their life-support, and promotes the formation of respect of the society for them.

## **PART I. GENERAL PROVISIONS**

### *Article 1. Major tasks of the Law*

1. The law seeks to protect war veterans by:
  - Creation of appropriate conditions for ensuring their health and active longevity;
  - Organisation of social and other kinds of service, strengthening of material base of the establishments created for this purpose and services, and training of the relevant experts;
  - Fulfilment of special programmes of social and legal protection of war veterans;
  - Granting of privileges, advantages and social guarantees during their labour activity according to vocational training and taking into account the state of health.

### *Article 2. Legislation on the status of war veterans and guarantees of their social protection*

1. The legislation of Ukraine on the status of war veterans and their social guarantees includes this Law and other legislative act of Ukraine.
2. The rights and privileges of war veterans and the members of their families established earlier by the legislation of Ukraine and by legislation of the former USSR cannot be cancelled without their equivalent replacement.
3. Statutory acts of organs of state power and organs of local self-government the limiting the rights and privileges of war veterans stipulated by this Law are invalid.
4. Local Councils, enterprises and organisations have the right to establishment at their own expense and using charitable receipts of additional guarantees the social protection of war veterans.

*(Article 2 includes changes made by the Law 488/95-BP of 22.12.95)*

### *Article 3. International treaties of Ukraine*

1. If the international treaties or agreements of Ukraine establish higher requirements for the protection of war veterans than those envisaged by the legislation of Ukraine, norms of the international treaty or agreement are applied.

## **PART II. CONCEPT AND NATURE OF THE STATUS OF WAR VETERANS AND PERSONS THIS LAW IS APPLICABLE TO**

### *Article 4. War veterans*

1. War veterans are the persons who took part in protection of Ukraine or took part in operations in the territory of other states.
2. The following are considered to be war veterans: participants in combat operations, invalids of war, participants of the war.

### *Article 5. Participants in combat operations*

1. Participants in combat operations are the persons who participated in the fulfilment of battle tasks on protection of Ukraine in the structure of military units, troop formations, associations

and branches of arms of the Armed Forces of a field army (fleet), in partisan detachments and underground organisations, other war and peacetime formations (the list of departments in the structure of the field army is established by the Cabinet of Ministers of Ukraine).

*Article 6. Persons considered to be participants in combat operations*

1. The following are considered to be participants in combat operations:

- 1) Servicemen who served in military detachments, units, army headquarters and establishments that formed part of a field army during the civil and Great Patriotic War, during other battle operations on protection of Ukraine, partisans and underground organisations members of the civil and World War Two;
- 2) Participants in combat operations in the territory of other countries – servicemen of the Soviet Army, Navy, Committee of state security, privates, command personnel and servicemen of the Ministry of Internal Affairs of the former USSR (including military, technical experts and advisers), employees of the relevant categories who upon the decision of the government of the former USSR served, worked or were on a business trip in the states where during this period operations took place, and participated in operations or supported battle activity of troops (fleet). Servicemen of the Armed Forces of Ukraine, Security Service of Ukraine, Foreign Intelligence Service, privates, command personnel and servicemen of the Ministry of Internal Affairs of Ukraine, other military formations created by the Verkhovna Rada of Ukraine who upon the decision of the relevant state organs were directed for fulfilment of peacekeeping missions or to business trips in the states where during this period operations took place.

*(Clause 2 of the second paragraph of Part 2 of Article 6 with changes as provided by the Law No 3200-IV of 15.12.2005)*

The list of the states specified in this item, the periods of operation and categories of employees are determined by the Cabinet of Ministers of Ukraine;

- 3) Servicemen, and also privates and commanding personnel of organs of the Ministry of Internal Affairs and organs of Committee of state security of former USSR, during World War Two which served in cities participation in the defence of which is included in the term of duty for fixing of pension on preferential terms established for servicemen of the units of a field army;
- 4) The civilian personnel of the Armed Forces, troops and organs of the Ministry of Internal Affairs and Committee of state security of the former USSR who held established posts in military detachments, units, army headquarters and establishments which formed part of a field army during World War Two and other periods during the conduct of operations, or were – during these periods – in the cities, of which participation in the defence of which is included in the term of duty for fixing of pension on preferential terms established for servicemen of the units of a field army;
- 5) Former servicemen, civilian personnel, and also former fighters of fighting battalions, platoons and detachments of protection of the people and other formations which participated directly in battle operations on liquidation of subversive and terrorist detachments of fascist Germany and other unlawful formations and detachments in the territory of the former USSR;
- 6) Employees of special formations of the National commissariat of communication facilities, the National commissariat of communications, the National commissariat of the

public health services, fleet personnel of industrial and transport vessels and flight personnel of aircraft of the National commissariat of fishing industry of former USSR, sea and river fleet, flight personnel of aircraft of Central administrative board of Northern sea way, transferred during World War Two to the position of the commissioned personnel of the Red Army and carried out the tasks in the interests of army and fleet within the limits of administrative borders of working fronts or operative zones of working fleet, and also members of crews of vessels of transport fleet that were captured in the ports of fascist Germany on June 22, 1941, in infringement of the Convention on position of enemy trading vessels at the commencement of hostilities (the Hague, 1907);

- 7) Persons who during World War Two belonged to elements and units of a field army and fleet as sons, cadets of regiments and sea cadet before attainment of majority;
- 8) The persons who participated in operations against fascist Germany and its allies within World War Two in the territory of other states in the structure of armies of allies of the former USSR, partisan detachments, underground detachments and other anti-fascist formations;
- 9) Employees of cultural service who during World War Two or during operations conducted in other states performed for soldiers of field armies, fleet, military formations and contingents;
- 10) Persons who for the period from September 8, 1941, until January 27, 1944, worked at enterprises, institutions and organisations of Leningrad and conferred a medal "For defence of Leningrad", and persons conferred a sign "To the Inhabitant of the blockade of Leningrad", and also the persons who from October 30, 1941 until July 4, 1942, took part in defence of the city of Sevastopol and conferred a medal "For defence of Sevastopol";
- 11) Persons who were involved by the command of military units, state and public organisations to demine the fields and installations of the national economy, and demining personnel who participated in the sweeping of battlefield mines in the territorial and neutral waters during military and post-wartime;
- 12) Minors who were called to or volunteered the Soviet Army and Navy during the military call-ups of 1941-1945;

*(Clause 2 of the second paragraph of Part 2 of Article 6 with changes as provide by the Law No 3505-IV of 23.02.2006)*

- 13) Reservists called to refresher courses and were sent to Afghanistan during operations conducted there;
- 14) Servicemen of automobile battalions who went to Afghanistan to deliver cargo during operations conducted there;
- 15) Servicemen of the flight personnel who carried out battle tasks in Afghanistan from the territory of the former USSR;
- 16) Fighters of the Ukrainian insurgent army who participated in operations against fascist aggressors on the temporarily occupied territory of Ukraine in 1941-1944, who did not commit crimes against peace and humanity and are rehabilitated according to the Law of Ukraine "On Rehabilitation of the Lost of Political Reprisals in Ukraine";
- 17) Servicemen and persons who were enlisted to local air defence units of the National Commissariat of internal affairs of the former USSR and participated directly in repelling enemy raids, alleviation of consequences of bombings and the artillery firings which were carried out by specially formed units. Equal to participants in combat operations are

considered those former minors (who at the moment of imprisonment did not attain 16 years) who were prisoners of concentration camps, ghetto and other places of detention created by fascist Germany and its allies during World War Two, and also children who were born in the specified places of compulsory keeping;

- 18) Persons who were enlisted to peoples' militia and participated in combat actions of the Great Patriotic War.

*(Part 1 of Article 6 is supplemented with Clause 18 as provided No 727-V of 13.03.2007)*

*(Part 2 of Article 6 is excluded as provided No 2256-IV of 16.12.2004)*

*(Article 6 includes changes made by Laws 488/95-BP of 22.12.95, 2349-III of 05.04.2001, 2202-IV of 18.11.2004)*

*Article 7. The Persons considered to be invalids of war*

1. Persons considered to be invalids of war are servicemen of field army and fleet, partisans, underground organisations members, workers who became invalids due to injury, contusion, mutilation, disease received at protection of Ukraine, the performance of duties of military service (official duties) or connected with service at the front, in partisan detachments and troop formations, underground organisations and detachments and other formations recognised by the legislation of Ukraine, in battle areas, on front-lines of railways, on the building of defence boundaries, Navy bases and air fields during civil and World War Two or during participation in peacetime operations.
2. The following invalids are also considered invalids of war:
  - 1) Servicemen, the civilian personnel who became invalids due to injury, contusion, mutilation or disease received at protection of the Ukraine land, performance of other duties of the military service connected with service at the front during other periods, with alleviation of consequences of Chernobyl accident, nuclear catastrophes, nuclear-weapon tests, with participation in military nuclear warfare exercises, other injury with nuclear materials;
  - 2) Privates and commanding personnel of organs of the Ministry of Internal Affairs and organs of Committee of State Security of the former USSR, the Ministry of Internal Affairs of Ukraine, Security Service of Ukraine, Foreign Intelligence Service and other military formations which became invalids due to injury, contusion, mutilation or disease received on duty, at alleviation of consequences of Chernobyl accident, nuclear catastrophes, nuclear-weapon tests, participation in military nuclear warfare exercises, other injuries with nuclear materials;

*(Clause 2 of Part 2 of Article 7 with changes as provided by the Law No 3200-IV of 15.12.2005)*

*(Clause 3 of Part 2 of Article 7 is excluded as provided by the Law No 2256-IV of 16.12.2004)*

- 3) The persons who became invalids due to injuries or other damage of health received in the areas of battle operations during World War Two and from explosives, ammunition and military arms in a post-war period, and during demining of ammunition of the times of World War Two irrespective of when the demining took place;
- 4) The persons who became invalids due to military activities of the civil war and World War Two or became civil and Great Patriotic War invalids for the specified reasons at minor age in military and post-war years;
- 5) Servicemen, civilian personnel, and also former fighters of fighting battalions, platoons and detachments of protection of people and other persons who participated directly in battle operations on liquidation of subversive and terrorist detachments and other

unlawful formations in the territory of former USSR and became invalids due to injury, contusion or mutilation received on duty in these battalions, platoons and detachments for the period from June 22, 1941 until December 31, 1954;

- 6) Participants in combat operations in the territory of other states who became invalids due to injury, contusion, mutilation or disease connected with service in these states;
- 7) Participants in combat operations during World War Two and war with Japan and minors who were called to or volunteered the Soviet Army and Navy during the military call-ups of 1941-1945 who became invalids due to systemic disease or the disease received at doing of military service or service in law enforcement organs, state security, other military formations;

*(Part 2 of Article 7 is supplemented with Clause 8 as provided by the Laws No 1770-IV of 15.06.2004, No 2939-IV of 05.10.2005, No 1439-VI of 03.06.2009)*

- 8) The persons of formations of the Civil defence who become invalids due to diseases connected with alleviation of consequences of Chernobyl accident.

*(Article 7 includes changes made by the Laws 488/95-BP of 22.12.95, 1770-IV of 15.06.2004)*

#### *Article 8. Participants of the war*

1. The participants of war are considered to be the servicemen who did military service during the war in the Armed Forces of the former USSR, workers on the home-front, and also other persons stipulated by this Law.

#### *Article 9. Persons who are participants of war*

1. The following are considered the participants of the war:
  - 1) The servicemen who did military service in the Armed Forces, troops and organs of the Ministry of Internal Affairs, Committee of state security of former USSR or in armies of its allies during World War Two and war with imperial Japan of 1941-1945 or studied during this period in military schools, schools and on rates;
  - 2) Persons who during World War Two and the wars with imperial Japan of 1941-1945 worked on the home-front at enterprises, institutions, organisations, collective farms, state farms, individual agriculture, on the building of defence boundaries, stocking-up of fuel, products, overtook cattle, studied during this period in vocational, railway schools, and schools of factory training and other establishments of vocational training, courses of vocational training or during training at schools, secondary and higher special educational establishments, worked in the national economy and on restoration of installations of economic and cultural purpose.

The participants of the war are considered to be the persons who during World War Two worked on territories which after 1944 formed part of the former USSR, and also citizens sent by the state organs of the former USSR to work in the states – allies of the USSR as well. The persons who were born up to December 31, 1932, and for valid reasons did not have the opportunity to submit the documents confirming that they worked during the war are granted the status of participant of war upon proposals of the relevant commissions according to the procedure determined by the Cabinet of Ministers of Ukraine. The persons who were born after December 31, 1932, are granted the status of participant of war only in the presence of documents and other proofs confirming that they worked during the war. Participants of the war who were conferred awards and medals of former USSR for self-denying work and faultless military service on the home-front during World War Two and war with imperial Japan;

- 3) Members of detachments of self-defence and crash teams of local air defence, and the national home guard which operated during World War Two;
- 4) Persons who were during World War Two in the army and fleet as sons, cadets of regiments and sea cadets before attainment of majority;

*(Clause 5 of Article 9 is excluded as provided by the Law No 2256-IV of 16.12.2004)*

- 5) Employees who on a contractual basis who went to work in states where operations (including in the Republic of Afghanistan for the period since December 1, 1979, until December 1989) were conducted, and were not part of the limited contingent of the Soviet troops;
- 6) The wives (husbands) of servicemen who worked for a wage in the states specified in item 6 of this Article during operations conducted in them and did not form part of the limited contingent of the Soviet troops;
- 7) Persons who during World War Two of 1941-1945 served sentences in places of imprisonment or were deported and are rehabilitated according to the current legislation of Ukraine and the former USSR;

*(Clause 9 of Article 9 is excluded as provided by the Law No 2256-IV of 16.12.2004)*

- 8) Persons who during World War Two voluntarily rendered material, financial or other help to military units, hospitals, partisan detachments, underground detachments, other formations and individual servicemen in their struggle against fascist aggressors under the stipulation of confirmation of these facts;
- 9) Persons who after September 9, 1944, were moved to the territory of Ukraine from other countries;
- 10) Persons who during the defence of Sevastopol from October 30, 1941, to July 4, 1942, lived in its territory. As proofs of the living on the territory of besieged Sevastopol may be recognised the cards "Inhabitant of besieged Sevastopol of 1941-1942" and "Junior defender of Sevastopol of 1941-1942", certificates, witnesses and the other documents, which shall be submitted to commissions indicated in the third paragraph of Clause 2 of this Article.

*(Article 9 is supplemented with Clause 12 as provided by the Law No 3505-IV of 23.02.2006)*

*(Article 9 includes changes made by the Laws 488/95-BP of 22.12.95, 1219-IV of 02.10.2003 2202-IV of 18.11.2004)*

*Article 10. Persons this Law is applicable to*

1. This Law is applicable to:

- 1) Families of servicemen, partisans, members of underground organisations, participants in combat operations in the territory of other states, persons equal to them specified in Articles 6 and 7 of this Law who were lost (reported missing) or died as a result of contusions or mutilation received due to injury at protection of Ukraine or performance of other duties of military service (official duties), and also due to the disease connected with service at the front or received during military service or in the territory of other states during military activities and conflicts;

Families of servicemen, privates and commanding personnel called to periodical training of reservists of the Ministry of Defence, law enforcement organs and organs of state security of former USSR and who were lost (died) during fulfilment of tasks on guard of public order at the emergencies connected with antisocial displays;

Families of those lost during World War Two from among the staff of detachments of self-defence and crash teams of local air defence, families of killed employees of hospitals and other medical facilities.

*(The third paragraph of Clause 1 of Article 10 as provided by the Law No 2458-IV of 03.03.2005)*

The members of families of lost (reported missing) servicemen, partisans and other persons specified in this Article are considered to be:

- Dependents of the disadvantaged or reported missing person who are granted pension in this connection;
  - Parents;
  - One of the spouses who remained single irrespective whether he receives pension or not;
  - Children who do not have (and never had) families;
  - Children having families but those who became invalids before attaining adulthood;
  - Children of whom both parents were lost or reported missing.
2. Wives (husbands) of the deceased invalids of World War Two, and also wives (husbands) of the deceased participants of war and battle operations, partisans and the members of underground organisations recognised during their lifetime as invalids of a systemic disease, labour mutilation and for other reasons, and who remained single.

This Article is applicable to wives (husbands) of the deceased invalids of war, participants in combat operations, partisans, members of underground members and participants of the war who were conferred awards and medals of former USSR for self-denying work and the faultless military service recognised during their lifetime invalids irrespective of the time of death of the invalid.

3. Wives (husbands) who remained single, parents, under age children of the deceased participants of war and battle operations, partisans and the members of underground organisations who served in military units, headquarters and institutions of combat troops in the period of the Great Patriotic War of 1941-1945 and war of 1938, 1939, 1945 with imperial Japan, awarded for combat actions with the state award and with orders and medals of former USSR (except for jubilee);

*(Article 10 is supplemented with Clause 3 as provided by the Laws No 2344-IV of 13.01.2005; No 880-VI of 15.01.2009)*

4. Children of the deceased participants in combat operations, who study at residence courses at educational institutions of I-IV levels of accreditation and professional-technical schools until they graduate from these institutions, but no longer than till they reach the age of 23.

*(Article 10 is supplemented with Clause 4 as provided by the Law No 3174-IV of 01.12.2005)*

*(Article 10 in the wording of the Law 488/95-BP of 22.12.95)*

*Article 11. Persons having special merits for Ukraine*

1. The persons having special merits for Ukraine are considered to be the Heroes of Soviet Union, full knights of the award of Glory, the person conferred four and more medals "For courage", and also Heroes of the Socialist Work awarded this rank for the work during World War Two of 1941-1945.

*(Article 11 in the wording of the Law 488/95-BP of 22.12.95)*

### **PART III. PRIVILEGES TO WAR VETERANS AND GUARANTEE OF THEIR SOCIAL PROTECTION**

(To establish, that privileges on payment to the participants in combat operations, invalids of war, persons having special merits for Ukraine, and persons the Law of Ukraine "On the Status of War Veterans and Guarantees of Their Social Protection" is applicable to are granted within the limits of 15 non-taxable minimal income for each full month according to the Law 3898-12 of 01.02.94)

(To establish, that in 2005 the payment of the annual single aid is carried out at the following rates: to invalids of war of I group – 400 grivnas, to invalids of war of II group – 330 grivnas, to invalids of war of III group – 270 grivnas, to participants in combat operations – 250 grivnas, to the persons having special merits for Ukraine – 400 grivnas, to members of families of the lost and wives (husbands) of deceased participants in combat operations and the participants of the war recognised during their lifetime as invalids – 130 grivnas, to participants of the war – 50 grivnas according to Laws 2285-IV of 23.12.2004, 2505-IV of 25.03.2005)

*Article 12. Privileges to participants in combat operations and to persons equal to them*

1. The following privileges are given to participants in combat operations (Articles 5, 6):
  - 1) Free reception of medicines prescribed by doctors;
  - 2) Priority free prosthetic dentistry (except for prosthetics from precious metals);
  - 3) Free annual sanatorium treatment, and also compensation of cost of independent sanatorium treatment;
  - 4) 75 per cent discount housing (rent) within the limits of the norms stipulated by the current legislation (21 square meters of the total area of housing for each person permanently living in housing (house) and having the right to the discount, and in increment 10,5 square meters per family);
  - 5) 75 per cent discount for public utilities (gas, electricity and other services) and for liquefied gas for utility needs within the limits of average norms of consumption.

*(The first paragraph of Clause 5 of Part 1 of Article 12 with changes as provided by the Law No 2878-IV of 08.09.2005)*

The area of housing discount is given at calculation of central heating charges makes 21 square meters of the heating area on each person permanently living in housing (house) and having the right to discount and in increment 10,5 square meters per family.

For the families consisting only of invalid persons the 75 per cent discount for using gas for heating the home for double the size of the standard heating area (42 square meters per each person having the right to discount, and 21 square meters per family);

- 6) The 75 per cent discount on cost of fuel, including liquid, within the limits of the norms established for the population for persons who live in houses that do not have central heating;
- 7) Free travel by all kinds of city passenger transport, local motor transport, and also suburban railway, and buses within the limits of the oblast (the Autonomous Republic of Crimea) domiciliary;
- 8) Using at retirement (irrespective of the time of retirement) or change of the place of work the polyclinics and hospitals to which they have been attached in a former place of work;
- 9) Annual medical examination and prophylactic medical examination with engagement of necessary experts;
- 10) Priority service in treatment-and-prophylactic establishments, drugstores and priority hospitalisation;

- 11) Payment of the temporary disability allowance at the rate of 100 per cent of average wages irrespective of the record of service;
- 12) Use of the next annual holiday during the time convenient for them, and also reception of additional holiday without preservation of wages for two weeks a year;
- 13) The right to priority on preservation of the place of employment at reduction of numeric strength or of employees in connection with changes in the organisation of manufacture and work and the next employment in case of liquidation of the enterprise, establishment, the organisation;
- 14) Priority provision with accommodation of the persons requiring improvement of living conditions, and allocation of the plots for individual house building, gardening and truck farming, priority repair of apartment houses and apartments of these persons and provision with fuel.

The participants of the operations who have received injury, contusion or mutilation during participation in operations or at the performance of duties of military service are provided with accommodation, including housing expenses transferred by the ministries, other central organs of the state executive authority, enterprises and organisations according to the procedure to local Councils and state administrations, – within two years from the date of registration in the waiting list;

- 15) Reception of the loan for individual (cooperative) house-building with its repayment within 10 years beginning from the fifth year after the completion of building, and also reception of the loan for building or purchase of country houses and development of garden sites;
- 16) Priority right to enter building (housing) cooperative society, cooperative society on building and operation of collective garages, parking for vehicles and their maintenance service, in gardening companies, on purchase of materials for individual house-building and garden houses building;
- 17) Free travel in alternate years (two-way) by railway, water, air or long-distance motor transport irrespective of availability of railway communication, or travel once a year (two-way) by the specified types of transport with the 50 per cent discount;
- 18) Exemption from taxes, collections, fees and other payments to the budget as stipulated in tax and custom legislations;

*(Clause 18 of Part 1 of Article 12 with changes as provided by the Law No 2756-VI of 02.12.2010)*

- 19) Out-of-turn use of all communication services and out-of-turn installation on preferential terms of home phones (payment at the rate of 20 per cent from tariffs of the cost of the wires and 50 per cent – additional works). The subscription payment for using phone is established at the rate of 50 per cent from the approved tariffs;
- 20) Priority service by enterprises, establishments and organisations of consumer services, public catering, housing and communal services, long-distance transport;
- 21) Extraordinary enrolment to institutions of social protection of the population, and also service by in-home social protection of the population services. In case of impossibility of rendering such service the establishments of social protection of the population refund the expenditures connected with care of the war veteran according to the procedure and sizes established by the current legislation;
- 22) Participants in combat operations in the territory of other states have the right to *hors concours* entering of higher educational establishments and the right to priority to

entering professional educational establishments and on rates for reception of the relevant trades.

2. Privileges on a payment for housing, public utilities and fuel, stipulated by items 4-6 of this Article are given to participants in combat operations and to members of their families living together with them, irrespective of the kind of housing or a form of ownership.
3. The area of housing subject to 75 per cent discount stipulated by items 4 and 5 units of Part 1 of this Article is determined in the greatest possible size within the limits of the total area of housing (house) according to the norms of consumption established by these items, irrespective of presence in the structure of family of the persons who are not having the rights to the discount of a payment. If in the structure of family there are the persons having the right to the discount at the rate smaller than 75 per cent, the 75 per cent is the first to be charged in the greatest possible size.
4. The participants in combat operations have their pensions or monthly lifelong cash allowance or the state social help that is paid instead of pension increased at the rate of 25 per cent of the survival level for disabled persons. Annually until 5 May the replacement cash benefit at the rate approved by the Cabinet of Ministers within budgetary appropriations is paid to participants in combat operations.

*(Article 12 includes changes made by Laws 458/95-BP of 23.11.95, 488/95-BP of 22.12.95, 367-XIV of 25.12.98, 52-IV of 04.07.2002, 2212-IV of 18.11.2004, 2939-IV of 05.10.2005, 3235-IV of 20.12.2005, 489-V of 19.12.2006)*

#### *Article 13. Privileges to invalids of war*

1. The following privileges are given to invalids of war and the persons equal to them (Article 7):
  - 1) Free reception of medicines prescribed by doctors;
  - 2) Out-of-turn free prosthetic dentistry (except for prosthetics from precious metals), free provision with other artificial limbs and orthopaedic products;
  - 3) Free extraordinary annual provision with sanatorium treatment. Invalids of war are provided with places in sanatoriums by the organs of social protection of the population, public health services, the Ministry of Defence of Ukraine, the Ministry of Internal Affairs of Ukraine, Security Service of Ukraine, the specially authorised central organ of executive power on affairs of protection of the state border of Ukraine and other organs in the place of registration or work. *(The third paragraph of Clause 3 of Part 1 of Article 13 is excluded as provided by the Law No 107-VI of 28.12.2007 – the change was recognised as unconstitutional by decision of the Constitutional Court No 10-pn/2008 of 22.05.2008)*
  - 4) The 100 per cent discount of housing (rent) within the limits of the norms stipulated by the current legislation (21 square meters per of the total area of housing on each person permanently living in housing (house) and having the right to the discount, and in increment 10,5 square metres for the family);
  - 5) The 100 per cent discount for public utilities (gas, electricity and other services) and for liquefied gas for utility needs within the limits of average norms of consumption.

*(The first paragraph of Clause 5 of Part 1 of Article 13 with changes as provided by the Law No 2878-IV of 08.09.2005)*

The area of housing on which the discount is given, at calculations of a payment for heating makes 21 square meters of the heating area on each person permanently residing in housing (house) and having the right to the discount of a payment, and in increment 10,5 square meters per family.

For the families consisting of invalid persons only, a 100 per cent discount for using gas for heating housing for double the size of the standard heating area (42 square meters on each person having the right to the discount, and 21 square meters per family);

- 6) The 100 per cent discount for cost of fuel, including liquid, within the limits of the norms established for the population, for persons who live in houses without central heating;
- 7) Free travel by all kinds of city passenger transport, local motor transport, and also suburban railway and water transport and buses within the limits of oblast (The Autonomous Republic of Crimea) of residence. This right is applied to the person accompanying the invalid of I group;
- 8) Out-of-turn free major overhaul of own apartment houses and priority operating repair of apartment houses and apartments in accordance with procedure approved by the Cabinet of Ministers of Ukraine;

*(Clause 8 of Part 1 of Article 13 as provided by the Law No 186-V of 21.09.2006)*

- 9) Extraordinary service by out-patient-polyclinic establishments, and also extraordinary hospitalisation. Liquidation of hospitals for invalids of World War Two is carried out only upon agreement with the Cabinet of Ministers of Ukraine;
- 10) Out-of-turn free installation of home phones and out-of-turn using of all communication services. The subscription payment for using of home phone is established at the rate of 50 per cent from the approved tariffs and for the invalids of the Great Patriotic War and war with Japan – discount of 100 per cent of the approved tariffs;

*(Clause 10 of Part 1 of Article 13 as provided by the Law No 818-V of 22.03.2007)*

- 11) Use at retirement (irrespective of time of retirement) or change of the place of work the polyclinics and hospitals to which they have been attached in a former place of work;
- 12) The right to annual medical examination and prophylactic medical examination with engagement of necessary experts;
- 13) An out-of-turn provision of employment on a specialty according to training and the findings of medical-social examination. Work of invalids of war is regulated by the relevant norms of the legislation of Ukraine about work and social protection of invalids;
- 14) The right to priority on preservation of the place of employment at reduction of numeric strength or the of employees in connection with changes in the organisation of manufacture and work and the next employment in case of liquidation of the enterprise, establishment, the organisation;
- 15) Payment of the temporary disablement allowance to working invalids of war at the rate of 100 per cent of average wages irrespective of the record of service;
- 16) Payment to working invalids of the temporary disability allowance for up to four months on end or until five months within a calendar year, and also the grant on the state social insurance for all period of stay in sanatorium taking into account travel (two-way) in case when the annual and additional holidays are not enough for treatment;
- 17) Use of the next annual holiday during the time convenient for them, and also reception of an additional holiday without preservation of wages for two weeks in a year;
- 18) Out-of-turn provision with housing of the persons requiring improvement of living conditions, including at the expense of the accommodation transferred by the ministries, other central organs of the state executive authority, enterprises and organisations according to the procedure to local Councils and the state administrations. The persons specified in this

Article are provided with accommodation within two years from the date of registration in the waiting list, and invalids of I group from among participants in combat operations in the territory of other countries – within a year. Organs of the state executive authority, executive committees of local Councils are obliged to assist invalids of war in building individual apartment houses. The plots for individual house-building, gardening and truck farming are given to the specified persons in the priority procedure;

- 19) Reception of the loan for individual (cooperative) house-building with repayment within 10 years since the fifth year after the completion of building, and also the loan for building or purchase of country houses and development of garden sites;
- 20) The priority right to entering building (housing) cooperative societies, cooperative society on building and operation of collective garages, parking for vehicles and their maintenance service, in gardening companies, on purchase of materials for individual house-building and garden houses building. Garages, parking for the vehicles of invalids of war having medical indications for transport support, as a rule, are constructed near to houses;
- 21) The invalids of I and II group are granted the right to free travel once a year (two-way) by railway, water, air or long-distance transport, and the persons accompanying invalids of I group (no more than one) – the 50 per cent discount per person once a year (two-way) by the specified types of transport. The right to free travel in alternate years (two-way) by railway, water, air or long-distance motor transport irrespective of availability of railway communication or travel once a year (two-way) by the specified types of transport with the 50 per cent discount by invalids of III group. Invalids of war and the persons accompanying on trips the invalids of I group (no more than one accompanying) have the right to use long-distance transport for the period from 1 October until 15 May with the 50 per cent discount of a fare without restriction of the number of trips;
- 22) Out-of-turn free provision with the car (in the presence of medical indications) for the term of 10 years (with subsequent substitution by new one), compensation of the cost of fuel, repair, maintenance or transport servicing according to the procedure determined by the Cabinet of Ministers of Ukraine. Invalids who directly participated in combat actions of the Great Patriotic War and war with Japan shall be provided with the car (in the presence of medical indications) the first among out-of-turn ones according to the procedure determined by the Cabinet of Ministers of Ukraine;

*(Clause 22 of Part 1 of Article 13 as provided by the Laws No 1760-VI of 15.12.2009, No 2171-VI of 11.05.2010)*

- 23) From all kinds of taxes, collections, duties and other payments to the budget as stipulated in tax and custom legislations;

*(Clause 23 of Part 1 of Article 13 with changes as provided by the Law No 2756-VI of 02.12.2010)*

- 24) Exemption from rent for the uninhabited housing rented by invalids of war as garages for special means of transportation (cars, motorised carriages, etc.) and free granting for the use of these garages irrespective of their ownership;
- 25) The extraordinary placement in institutions of social protection of the population, and also service by social protection of the population in-home services. In case of impossibility of rendering of such service by establishments of social protection of the population they refund the expenditures connected with care of this invalid according to the procedure and the sizes established by the current legislation;

- 26) Extraordinary service by enterprises, institutions, organisations of consumer services, public catering, housing and communal services, long-distance transport;
  - 27) The right to out-of-turn provision with articles of food of the improved assortment and the industrial goods of the increased demand according to the list and the norms established by the Government of the Autonomous Republic of Crimea, regional, Kyiv and Sevastopol city state administrations.
2. There are specialised shops, section, departments and other kinds of preferential trading services created for the sale of these goods. Sale of the goods is carried out at socially reasonable prices according the list determined by the Cabinet of Ministers of Ukraine. Shops, sections, departments and other trade enterprises serving invalids and war veterans are freed from payment of value added tax.
  3. Privileges on payment for housing, public utilities and fuel, stipulated by items 4-6 of this Article are given to invalids of war and the members of their families living together with them, irrespective of the kind of housing or form of ownership.
  4. The area of housing, on which the 100 per cent discount stipulated by items 4 and 5 units of Part 1 of this Article is charged, is determined in the greatest possible size within the limits of the total area of housing (house) according to the norms of consumption established by these items, irrespective of presence in the structure of family of the persons not having the rights to the discount. If the family includes the persons having the right to the discount at the rate smaller than 100 per cent than 100 per cent the relevant discount is the first to be established in the greatest possible size.
  5. The invalids of war's pension or monthly lifelong cash allowance or state social help paid instead of pension increases: to invalids of I group – at the rate of 50 per cent of the survival minimal for disabled persons, II group – 40 per cent of the survival minimal for disabled persons, III group – 40 per cent of the survival minimal for disabled persons. Annually until May 5, the replacement cash benefit to invalids of war at the rate approved by the Cabinet of Ministers within budgetary appropriations is paid.

*(Part 5 of Article 13 as provided by the Laws No 3235-IV of 20.12.2005, No 489-V of 19.12.2006)*

#### *Article 14. Privileges for participants of war*

1. The participants of the war (Articles 8, 9) are given the following privileges:
  - 1) Free reception of medicines prescribed by doctors;
  - 2) Free priority prosthetic dentistry (except for prosthetics from precious metals);
  - 3) Free provision with sanatorium treatment – in alternate years, and also compensation of the cost of independent sanatorium treatment;
  - 4) The 50 per cent discount for using of housing (rent) within the limits of the norms stipulated by the current legislation (21 square meters of the total area of housing on each person permanently residing in housing (house) and having the right to the discount, and in increment 10,5 square meters per family);
  - 5) The 50 per cent discount for public utilities (gas, electricity and other services) and for liquefied gas for utility needs within the limits of average norms of consumption.

*(The first paragraph of Clause 5 of Part 1 of Article 14 with changes as provided by the Law No 2878-IV of 08.09.2005)*

The area of housing on which the discount is given at calculations of a payment for heating makes 21 square meters of the heating area on each person permanently residing in housing

(house) and having the right to the discount, and in increment 10,5 square meters per family. The families consisting from invalid persons only are granted the 50 per cent discount for using of gas for heating housing for the double size of the standard heating area (42 square meters on each person having the right to the discount, and 21 square meters per family);

- 6) The 50 per cent discount of cost of fuel, including liquid, within the limits of the norms established for the population for persons who live in the houses without central heating;
- 7) Free travel by all kinds of city passenger transport, local motor transport in the countryside, and also suburban railway and water transport, buses within the limits of the oblast (The Autonomous Republic of Crimea) of residence;
- 8) Using at retirement (irrespective of time of retirement) or change of the place of work of polyclinics and hospitals to which they have been attached in a former place of work;
- 9) Annual medical examination and prophylactic medical examination with engagement of necessary experts;
- 10) Priority service in treatment-and-prophylactic establishments, drugstores and prime hospitalisation;
- 11) Payment of the temporary disablement allowance at the rate of 100 per cent of average wages irrespective of the record of service;
- 12) Use of the next holiday during the time convenient for them; additional holiday without preservation of wages for two weeks in a year;
- 13) Priority provision with accommodation of the persons requiring improvement of living conditions, and prime allocation of the plots for individual house-building, gardening and truck farming, priority repair of apartment houses and apartments of these persons and provision with fuel;
- 14) Reception of the loan for individual (cooperative) house-building with its repayment within 10 years since the fifth year after the completion of building, and also reception of the loan for building or purchase of country houses and development of garden sites;
- 15) The priority right to entering building (housing) cooperative societies, cooperative societies on building and operation of collective garages, in gardening companies, on purchase of materials for individual house-buildings and garden houses building, maintenance service and provision with parking of vehicles;
- 16) Free travel in alternate years (two-way) by railway, water, air or long-distance motor transport irrespective of availability of railway communication or travel once a year (two-way) by the specified types of transport with the 50 per cent discount;
- 17) From paying taxes, collections, duties and other payments to the budget as stipulated in tax and custom legislations;

*(Clause 17 of Part 1 of Article 14 with changes as provided by the Law No 2756-VI of 02.12.2010)*

- 18) Out-of-turn using of all communication services and out-of-turn installation of phones (payment at the rate of 20 per cent from tariffs of cost of the wires and 50 per cent – additional works). The subscription payment for using phone is established at the rate of 50 per cent from the approved tariffs. The procedure of using services and payments for installation of home phones is determined by the Cabinet of Ministers of Ukraine;
- 19) Out-of-turn service by enterprises, establishments and organisations of consumer services, public catering, housing and communal services, long-distance transport;
- 20) Out-of-turn placement in institutions of social protection of the population, and also service by social protection of the population in-home services. In case of impossibility of

rendering of such service by establishments of social protection of the population, the expenditures connected with care after the participant of the war are refund according to the procedure and the sizes determined by the Cabinet of Ministers of Ukraine.

2. Privileges on a payment for housing, public utilities and fuel, stipulated by items 4-6 of this Article, are given to participants of the war and the members of their families living together with them irrespective of a kind of housing or form of ownership.
3. The area of housing subject to the 50 per cent discount stipulated by items 4 and 5 units of Part 1 of this Article is determined in the greatest possible size within the limits of the total area of housing (house) according to the norms of consumption established by these items, irrespective of presence in the structure of family of the persons not having the rights to the discount.
4. The participants of the war conferred awards and medals of former USSR for self-denying work and faultless military service on the home-front during World War Two have their pension or monthly lifelong cash allowance or state social help paid instead of pension increased by 75 per cent of the minimal pension on age, other participants of the war – by 50 per cent of the minimal pension on age.
5. Annually until May 5, the participants of the war conferred awards and medals of the former USSR for self-denying work and faultless military service on the home-front during World War Two and other participants of the war are paid a replacement cash benefit at the rate approved by the Cabinet of Ministers within budgetary appropriations. *(Part 5 of Article 13 as provided by the Laws No 3235-IV of 20.12.2005, No 489-V of 19.12.2006)*

*Article 15. Privileges to persons this Law is applied to*

1. To persons this Law is applied to (Article 10) are given the following privileges:
  - 1) Free reception of medicines prescribed by doctors;
  - 2) Free out-of-turn prosthetic dentistry (except for prosthetics from precious metals);
  - 3) Free provision with sanatorium treatment in alternate years, and also compensation of cost of independent sanatorium treatment according to the procedure determined by the Cabinet of Ministers of Ukraine;
  - 4) The 50 per cent discount for using housing (rent) within the limits of the norms stipulated by the current legislation (21 square meters of the total area of housing on each person permanently residing in the housing (house) and having the right to the discount, and in increment 10,5 square meters per family);
  - 5) The 50 per cent discount for public utilities (gas, electricity and other services) and for liquefied gas for utility needs within the limits of average norms of consumption.

*(The first paragraph of Clause 5 of Part 1 of Article 15 with changes as provided by the Law No 2878-IV of 08.09.2005)*

The area of housing on which the discount is given at calculations of a payment for heating makes 21 square meters of the heating area on each person permanently residing in housing (house) and having the right to the discount, and in increment 10,5 square meters per family. The families consisting of invalid persons only are granted the 50 per cent discount for using of gas for heating the housing for the double size of the standard heating area (42 square meters on each person having the right to the discount, and 21 square meters per family);

- 6) The 50 per cent discount of the cost of fuel, including liquid, within the limits of the norms established for the population, for persons who live in the houses without central heating;

- 7) Free travel by all kinds of city passenger transport, public motor transport in the countryside, and also suburban railway and water transport and buses within the limits of the oblast (The Autonomous Republic of Crimea) of the residence;
- 8) Out-of-turn free major overhaul of own apartment houses and priority operating repair of apartment houses and apartments;
- 9) Using at retirement (irrespective of time of retirement) or change of a place of work the polyclinics and hospitals to which they were attached in a former place of work;
- 10) Annual medical examination and prophylactic medical examination with engagement of necessary experts;
- 11) Out-of-turn service in treatment-and-prophylactic establishments, drugstores and prime hospitalisation;
- 12) Payment of temporary disablement allowances at the rate of 100 per cent of average wages irrespective of the record of service;
- 13) Use of the next annual holiday during the time convenient for them; additional holiday without preservation of wages for two weeks in a year;
- 14) The right to priority on preservation of the place of employment at reduction of numeric strength or the of employees in connection with changes in the organisation of manufacture and work and the next employment in case of liquidation of the enterprise, establishment, the organisation;
- 15) Out-of-turn provision with accommodation of the persons requiring improvement of living conditions, including at the expense of the accommodation transferred by the ministries, other central organs of the state executive authority, enterprises and organisations according to the procedure to the local Councils and the state administrations. The persons specified in this Article are provided with accommodation within two years from the date of registration in the waiting list.

Organs of the state executive authority, executive committees of local Councils are obliged to assist invalids of war and families of the lost servicemen in building of individual apartment houses. The plots for individual house building, gardening and truck farming are allocated to the specified persons in the priority procedure;

- 16) Reception of loans for individual (cooperative) house-building with its repayment within 10 years since the fifth year after the completion of building, and also reception of the loan for building or purchase of country houses and development of garden sites;
- 17) The prime right to entering building (housing) cooperative societies, cooperative societies on organisation and operation of collective garages, in gardening companies, on purchase of materials for individual house-building and garden houses building, maintenance service and provision with parking for vehicles;
- 18) Free travel in alternate years (two-way) by railway, water, air or long-distance motor transport irrespective of availability of railway communication or travel once a year (two-way) by the specified types of transport with the 50 per cent discount;
- 19) From paying taxes, collections, duties and other payments to the budget as stipulated in tax and custom legislations;

*(Clause 19 of Part 1 of Article 15 with changes as provided by the Law No 2756-VI of 02.12.2010)*

- 20) Out-of-turn use of all communication services and out-of-turn installation on preferential terms of home phones (payment at the rate of 20 per cent from tariffs of cost of

wires and 50 per cent – additional works). The subscription payment for using phone is established at the rate of 50 per cent from the approved tariffs. The procedure of using communication services and payment for installation of home phones is determined by the Cabinet of Ministers of Ukraine;

- 21) Out-of-turn service by enterprises, establishments and organisations of a consumer services, public catering, housing and communal services, long-distance transport;
  - 22) Out-of-turn placement in the institutions of social protection of the population, and also service by social protection of the population in-home services. In case of impossibility of rendering of such service by establishments of social protection of the population they are refund the expenditures connected with care of the war veteran, according to the procedure and the sizes determined by the Cabinet of Ministers of Ukraine;
  - 23) Entering *hors concours* state and municipal higher educational establishments on the specialties training on which is carried out at the expense of accordingly state and local budgets.
2. Privileges on payment for housing, public utilities and fuel stipulated by items 4-6 of this Article are given to the persons this Law is applied to and members of their families living together with them irrespective of a kind of housing or form of ownership.
  3. The area of housing subject to the 50 per cent discount stipulated by items 4 and 5 units of Part 1 of this Article is determined in the greatest possible size within the limits of the total area of housing (house) according to the norms of using (consumption) established by these items, irrespective of presence in the structure of family of the persons not having the rights to the discount.
  4. The members of families specified in item 1 of Article 10 of this Law, and also wives (husbands) of the deceased invalids of World War Two, who remained single, have their pensions or monthly lifelong cash allowance or state social help paid instead of pension increased by 25 per cent of the survival minimum for disabled persons. The wives (husbands) of the deceased participants of the war and battle operations, partisans and underground organisations members recognised during their lifetime invalids of a systemic disease, labour mutilation, etc., who remained single, have their pensions or monthly lifelong cash allowance or state social help paid instead of pension increased by 10 per cent of the survival minimum for disabled persons.  
(Part of Article 15 as provided by the Law No 2939-IV of 05.10.2005)
  5. Annually until May 5, the members of the families specified in item 1 of Article 10 of this Law, and also wives (husbands) of the deceased invalids of the war, who remained single, and the wives (husbands) of the deceased participants in combat operations, the participants of the war recognised during their lifetime invalids of a systemic disease, labour mutilation, etc., who remained single, are paid a replacement cash benefit at the rate approved by the Cabinet of Ministers within budgetary appropriations  
(Part 5 of Article 15 as provided by the Laws No 3235-IV of 20.12.2005, No 489-V of 19.12.2006)
  6. The privilege on receipt of higher educational establishments stipulated by item 23 of this Article is given to the specified in item 1 of Article 10 of this Law children of participants in combat operations in the territory of other states that were lost (reported missing) or died of contusion or mutilation received during military activities and conflicts in the territory of other states, and also due to the disease connected with service in the territory of other states during these activities and conflicts.  
(Article 15 is supplemented with this Part as provided by the Law No 944-XIV of 14.07.99)

Article 16. Privileges for the persons having special merits for Ukraine

1. The persons having special merits for Ukraine (Article 11) are given the following privileges:
  - 1) Increments to received pensions or monthly lifelong cash allowance or state social help paid instead of pension at the rate of 70 per cent of the survival minimum for disabled persons, and a replacement cash benefit at the rate approved by the Cabinet of Ministers within budgetary appropriations is paid annually until 5 May;  
*(Clause 1 of Part 1 of Article 16 as provided by the Law No 2939-IV of 05.10.2005)*
  - 2) From paying taxes, collections, duties and other payments to the budget as stipulated in tax and custom legislations;  
*(Clause 2 of Part 1 of Article 16 with changes as provided by the Law No 2756-VI of 02.12.2010)*
  - 3) Out-of-turn free personal and free for the members of family (the wife (husband) and children in the age under 18 years) service in- and out-patient polyclinic establishments of all types and kinds, out-of-turn free personal and free for members of family (the wife (husband) and children in the age under 18 years) hospitalisation and treatment in hospitals, and also preservation of free service of the specified persons in polyclinics and other medical institutions to which were attached during work before retirement. The specified privileges are kept for one of the surviving spouses and children in under 18 years of age;
  - 4) Out-of-turn free provision with the medicines prescribed by the doctor, delivery upon medical certificate of medicines to the house;
  - 5) Free manufacturing and repair of dentures (except for those made of precious metals);
  - 6) Priority reception in a polyclinic or in a place of the last work of the free place in a sanatorium, dispensary or rest house once a year, and to members of the families (to the wife (husband) and children in the age under 18 years) – for 25 per cent of cost. At that places for sanatorium treatment in sanatoria, dispensaries and rest houses are allocated for the reduced prices stipulated for the employees of those ministries and other central organs of the state executive authority in charge of which there are specified sanatorium establishments. All kinds of health services in sanatoria, dispensaries and rest houses, and also meals are given free of charge. The persons who received places for sanatorium treatment according to this Article are given the right to free travel to the place of treatment and back by railway transportation in a double compartment of sleeping-cars of fast and passenger trains, air or water transport in cabins of I class. Specified privileges are kept for one of the surviving spouses;
  - 7) Exemption of the persons stipulated by this Article and members of their families living together with them from the rent irrespective of form of ownership of the housing, from payment of public utilities (water supply, water drain, gas, electric power, hot water supply, central heating, and in the houses without central heating – granting of the fuel within the limits of norms established for the population, and other kinds of public utilities), from liquefied gas for utility needs, from payment for using of home telephone and security system of the housing irrespective of the kind of the housing. The specified privileges are kept for the wife (husband), parents of the deceased Heroes of Soviet Union, full knights of the award of Glory, persons conferred four and more medals “For courage”, and also Heroes of Socialist Work irrespective of the time of their death;
  - 8) Priority improvement of living conditions by granting housing in state homes, including departmental, and public available housing fund with granting of additional living space up to 20 square meters;

- 9) Clearing of payment of services for official registration of papers on the right to property to an apartment at its privatisation;
- 10) Free major overhaul of the apartment houses (apartments) that are in their property according to Regulations on the system of maintenance service, repair and rebuilding of apartment houses;
- 11) Priority purchase of local building materials on building of individual apartment houses and major overhaul of housing;
- 12) Out-of-turn use of all kinds of communication services, out-of-turn and free installation of home telephones, out-of-turn and free installation of a security system;
- 13) Priority purchase of shares on their face value for the sum and at the expense of the private property certificates given to the Hero of Soviet Union, full knight of the award of Glory, the person conferred four and more medals "For courage", to the Hero of Socialist Work, members of their families living with them;
- 14) Priority purchase, at the expense of their own means of shares on their face-value on half of sum given to the persons specified in this Article and the members of their families living with them, of private property certificates;
- 15) Free travel once a year (two-way) by railway transport in a double compartment of sleeping-cars of fast and passenger trains, water transport in cabins of first class of express and passenger lines, air or long-distance motor transport;
- 16) Free use of city transport (tram, bus, trolley bus, underground, water ferries) and suburban, and in the countryside – buses within the limits of the oblast;
- 17) Out-of-turn purchase of tickets for all kinds railway, water, air and motor transport;
- 18) Monthly payment of financial compensation of charges on automobile fuel at the rate of 50 litres of high-octane gasoline a month according to established prices for fuel in the presence of a personal vehicle;
- 19) Out-of-turn use of all kinds of services of enterprises of trading-consumer services, at visiting cultural-entertainment and sport establishments;
- 20) The right to priority on preservation of the place of employment at reduction of numeric strength or the of employees in connection with changes in the organisation of manufacture and work and the next employment in case of liquidation of the enterprise, establishment, the organisation;
- 21) Free training and re-training to new trades in a place of work in educational establishments of the system of the state training and retraining of the personnel, and also in paid educational establishments, and on courses;
- 22) Granting to the specified persons of annual paid holiday, and also additional holiday without preservation of wages for three weeks in a year during time convenient for them;
- 23) Free burial with military honours of the deceased (lost) Hero of Soviet Union, full knight of the award of Glory, the person conferred four and more medals "For courage", Hero of Socialist Work;
- 24) The organisation on a grave of the deceased (lost) irrespective of time of death of a gravestone according to the established by the Government of Ukraine sample. The additional charges connected with the change of the established by the Government of Ukraine sample of a gravestone are paid by the family of the deceased (lost) or the organisation-sponsor;
- 25) Payment to the wife (husband) and to children under 18 years of age in case of death (loss) of an extraordinary grant at the rate of five living wages approved by the law at date of death (loss) per month per person;

- 26) Out-of-turn free provision with the car (in the presence of medical indications) for the term of 10 years (with subsequent substitution by new one), compensation of the cost of fuel, repair, maintenance or transport servicing according to the procedure determined by the Cabinet of Ministers of Ukraine irrespective of compensation stipulated by Clause 18 of this Article.

*(Article 16 is supplemented with Clause 26 as provided by the Law No 2171-VI of 11.05.2010)*

#### **PART IV. FINAL PROVISIONS**

*Article 17. Financing the expenditures connected with implementation of this Law*

1. Reimbursement of expenses connected with implementation of this Law is carried out from the state and local budgets.
2. Enterprises and organisations allocating charitable means for the needs of social protection of war veterans are exempt from taxation of their production activity for the sum of this help.
3. Charges on burial of the war veterans specified in this Law are taken from the State Budget according to the procedure established by the Cabinet of Ministers of Ukraine.
4. Enterprises, establishments and organisations where war veterans worked assist the organisation and financing of ritual services at burial of veterans. Graves of veterans are inviolable and are protected by the law. Disrespect for the state awards, monuments, communal graves, graves of war veterans is punished under the law.

*Article 17-1. Payment of replacement cash benefit*

1. Annual payment of replacement cash benefit until 5 May at the rate stipulated by Articles 12-16 of this Law is carried out by organs of work and social protection of the population through post offices or through establishments of banks (by transfer to the personal account of the addressee) to pensioners – in a place of reception of pension, and the persons not being pensioners – in a place of their residence or reception of the cash allowance.
2. The serving servicemen, privates and commanding personnel of law enforcement organs of Ukraine, privates and commanding personnel of the State Criminal Execution Service of Ukraine (except for pensioners) are paid a replacement cash benefit by transfer of the means by organs of work and social protection of the population to special accounts of military units, establishments and organisations in a place of their service.

*(Part 2 of Article 17-1 with changes as provided by the Law No 1254-VI of 14.04.2009)*

3. The persons serving sentence in places of imprisonment or arrest (except for pensioners) are paid a replacement cash benefit by transfer of the means by organs of labour and social protection of the population to special accounts of establishments of criminal execution system of Ukraine.

*(Part 3 of Article 17-1 with changes as provided by the Law No 1254-VI of 14.04.2009)*

4. The persons who have not received a replacement cash benefit until May 5, have the right to address for it and to receive it until 30 September of the year of payment.
5. The citizens belonging to several categories of persons, according to this Law, one replacement cash benefit – in the greater amount – is paid.
6. The replacement cash benefit is not paid in case of death of the addressee before May 5, or obtaining by the citizen of the status according to Articles 6, 7, 9, 10, 11 this Laws after May 5, of the year of payment.

7. The sum of the replacement cash benefit due to the person according to this Law and not received in connection with his/her death does not enter the inheritance and is paid to his/her parents, husband (wife), or to the relatives who lived with him/her.  
(The Law is supplemented with Article 17-1 according to the Law 968-IV of 19.06.2003)

*Article 18. Awards and decorations for persons this Law is applied to*

1. Veterans are issued awards and conferred decorations. The procedure of manufacturing and issuance of signs is established by the Cabinet of Ministers of Ukraine and international treaties of Ukraine.  
(Article 18 includes changes made by the Law 488/95-BP of 22.12.95)

*Article 19. Application of this Law to the citizens of other states*

1. Citizens of other states of the former USSR, being war veterans, use all privileges and advantages stipulated by this Law in case of permanent residence in Ukraine.

*Article 20. Public organisations and other associations of war veterans*

1. Public organisations and other associations of war veterans within the limits of their authority assist the development of decisions by organs of legislative and executive authority, represent and defend legitimate interests of the members in the state organs and public organisations, execute other powers stipulated by the legislation of Ukraine about associations of citizens.
2. Organs of the state executive authority, local organs of the state executive authority and self-government, the Government of the Autonomous Republic of Crimea within the limits of their competence give to the veteran organisations financial support, credits from means of the relevant budgets, and also gratuitously give houses, premises, equipment and other property necessary for accomplishment of their authorised tasks. The veteran organisations are exempt from payment for public utilities (gas, electricity and other services) within the limits of average norms of consumption (granting), phone in housing and houses that they hold.
3. Enterprises of war veterans where not less than 60 per cent of the average number of workers are a participant in combat operations and participants of war are exempt from payment of profits tax.  
(Article 20 in the wording of the Law 488/95-BP of 22.12.95)

*Article 21. Supervision of performance of this Law*

1. Supervision of observance and correct application of this Law by all enterprises, establishments, organisations, officials and citizens is carried out by the General Prosecutor of Ukraine and public prosecutors subordinated to him/her.

*Article 22. Appeal against the decisions of enterprises, establishments and organisations giving privileges*

1. Decisions of enterprises, establishments and organisations giving privileges can be appealed against in district state administrations, executive committees of city council or in district (city) court.
2. War veterans and persons this Law is applied to are exempt from payment for official registration of papers, legal consultations, and also from the court costs connected with consideration of questions on their social protection.  
(Article 22 in the wording of the Law 488/95-BP of 22.12.95)

*Article 23. Liability officials and citizens*

1. Officials and citizens guilty of infringement of the legislation on social protection of war veterans and their families are accountable according to the legislation of Ukraine.

## Part IX

# The Legislative Framework for Law Enforcement and Regulations within the Armed Forces and other Security Formations

### Law of Ukraine "On the Military Law Enforcement Service in the Armed Forces"

3099-III of 07.03.2002; (*Bulletin of the Verkhovna Rada*, BVR), 2002, No 32, p. 225);

Includes changes made by the Laws

1420-IV of 03.02.2004, BVR, 2005, No 3, p.76;

1014-V of 11.05.2007, BVR, 2007, No 33, p.442;

1900-VI of 16.02.2010, BVR, 2010, No 19, p.151.

This Law with the purpose of the further consolidation of legality, legal order and military discipline in the Armed Forces of Ukraine and assurance of constitutional rights of servicemen, determines the status, major tasks, organisation and principles of activity of the Military Law Enforcement Service in the Armed Forces of Ukraine, its rights, duties, measures of social and legal protection, and the liability of its servicemen.

#### **PART I. GENERAL PROVISIONS**

*Article 1. The Status and purpose of The Military Law Enforcement Service in the Armed Forces of Ukraine*

1. The Military Law Enforcement Service in the Armed Forces of Ukraine (hereinafter, The Military Law Enforcement Service) is a special law enforcement formation in the structure of the Armed Forces of Ukraine intended to ensure the legal order and military discipline among servicemen of the Armed Forces of Ukraine in places of stationing of the military units, in military educational establishments, establishments and organisations (hereinafter, military units), military stations, in streets and public places; for the prevention of crimes, other of-

fences in the Armed Forces of Ukraine, their disclosure and suppression; for protection of life, health, rights and legitimate interests of servicemen, reservists during periodical training, employees of the Armed Forces of Ukraine, and also for protection of property of the Armed Forces of Ukraine against theft and other illegal activities, as well as to participate in counteraction to subversive displays and acts of terrorism on military installations.

*Article 2. The Legal basis and principles of activity of The Military Law enforcement Service*

1. The Military Law Enforcement Service in its activity is guided by the Constitution of Ukraine, this Law and other published according to their normative-legal acts.
2. Activity of The Military Law Enforcement Service is based on principles of legality, respect for the person, his/her rights and freedoms, social justice, centralized management and undivided authority, interaction with the public.

*Article 3. Major tasks of The Military Law Enforcement Service*

1. The major tasks of The Military Law Enforcement Service are the following:
  - Revealing the reasons, preconditions and circumstances of crimes and other offences committed in military units and at military installations; search of the persons who are absent without leave from the military unit (place of service);
  - The prevention of commitment and suppression of crimes and other offences in the Armed Forces of Ukraine;
  - Participation in guarding military installations and maintenance of public order and military discipline among servicemen in places of stationing of military units, military stations, in streets and in public places;
  - Instruction in accordance with the procedure of an inquiry into the crimes committed by servicemen of the Armed Forces of Ukraine and reservists during periodical training, employees of the Armed Forces of Ukraine at performance of official duties or in the location of the military unit, as established by the law;
  - Protection of property of the Armed Forces of Ukraine against theft and other criminal activities;
  - Assurance of security of military vehicles traffic;
  - Participation in garrison activities;
  - Execution of decisions in cases stipulated by law on keeping of servicemen in guardrooms;
  - Administering criminal punishment related to servicemen sentenced to undergo service in a discipline battalion;
  - Assistance, within the limits of their competence, to other organs of investigation, organs of preliminary (pre-judicial) investigation and court, organs of the state authority, institutions of local self-government, military management organs, enterprises, institutions, organisations in performing duties assigned to them in conformity with laws;
  - Counteracting subversive displays and acts of terrorism at military installations.
  - Upon adoption of the decision on the introduction of martial law or state of emergency in Ukraine or in its particular areas, the Military Law Enforcement Service is additionally entrusted with:
  - Participation in the struggle with alien subversive-intelligence detachments on the territory of Ukraine;
  - Assembly, support to and surveillance of prisoners of war;

- Maintaining observance of curfew in garrisons;
- Guarding military installations, military stations and their population, assistance in its evacuation;
- Restoration and maintenance of order and discipline in military units;
- Control over movement of vehicles and transportation of cargo of the Armed Forces of Ukraine.
- It is forbidden to assign the Military Law Enforcement Service with the tasks not stipulated by this Law. No emergency, orders or commands of officials can be the basis for any unlawful actions or acts of omission of servicemen belonging to the Military Law Enforcement Service.  
*(Article 3 includes changes made by the Law 1420-IV of 03.02.2004)*

*Article 4. Assistance to The Military Law Enforcement Service in accomplishment of their tasks*

1. Military command and military management organs of the Armed Forces of Ukraine and other military formations created according to the laws of Ukraine, and also other organs of the state power and institutions of local self-government, servicemen and citizens are obliged to assist the Military Law Enforcement Service in accomplishment of their tasks.

*Article 5. The Organisation of The Military Law Enforcement Service*

1. The numerical composition of management organs, units of The Military Law Enforcement Service, and their location are determined by the Minister of Defence of Ukraine proceeding from the conditions of the distribution of troops (Forces).
2. The maximum numeric strength of servicemen and employees of The Military Law Enforcement Service cannot exceed 1,5 per cent of the total numeric strength of the Armed Forces of Ukraine.
3. Financing of The Military Law Enforcement Service is carried out at the expense of the State Budget of Ukraine allocated for provision of the Armed Forces of Ukraine and envisaged in the estimate of the Ministry of Defence of Ukraine as an individual line.
4. The Military Law Enforcement Service is created on the basis of relevant structural units and services of the Ministry of Defence of Ukraine whose functions by this Law are assigned to The Military Law Enforcement Service.
5. The Military Law Enforcement Service is comprises:
  - 1) Management organs:
    - Central Administrative Board of the Military Law Enforcement Service of the Ukrainian Armed Forces;
    - The central administration of the Military Law Enforcement Service in the city of Kyiv and Kyiv environs and territorial departments of the Military Law Enforcement Service;
    - Zone departments (branches) of the Military Law Enforcement Service;
  - 2) Units of the Military Law Enforcement Service:
    - Guard of military installations;
    - Patrol-sentry duty;
    - Traffic security;
    - Investigation;
    - Special purpose;
  - 3) The Educational centre of the Military Law Enforcement Service.
6. The decision on the creation of relevant units of The Military Law Enforcement Service is adopted by the Minister of Defence of Ukraine.

7. The general management of The Military Law Enforcement Service is carried out by the Minister of Defence of Ukraine through the Chief of the General Staff – Supreme Commander of the Armed Forces of Ukraine.

*(Part 7 of the Article 5 with changes as provided by the Law 1900-VI of 16.02.2010)*

8. The direct management of The Military Law Enforcement Service is carried out by the Central administrative board of The Military Law Enforcement Service of the Ukrainian Armed Forces.

9. Zones of activity of management organs and units of the Military Law Enforcement Service are determined by the Minister of Defence of Ukraine.

10. The Head of Main Directorate of The Military Law enforcement Service of the Armed Forces of Ukraine and his/her assistants, chiefs of Central and territorial departments of The Military Law Enforcement Service and their assistants are appointed to office by the Minister of Defence of Ukraine upon submission of the Chief of the General Staff – Supreme Commander of the Armed Forces of Ukraine.

*(Part 10 of the Article 5 with changes as provided by the Law 1900-VI of 16.02.2010)*

11. Chiefs of departments of Main Directorate of the Military Law Enforcement Service of the Armed Forces of Ukraine and chiefs of departments Central and territorial departments, chiefs of zone departments (branches) of the Military Law Enforcement Service, their assistants, the commander of the discipline battalion, heads of the investigation units, guard of military installations, patrol-sentry duty units, security of the traffic, special purpose units, the chief of the Educational centre of the Military Law Enforcement Service are appointed to office by the Chief of the General Staff – Supreme Commander of the Armed Forces of Ukraine upon submission from the Head of Main Directorate of the Military Law Enforcement Service.

*(Part 11 of the Article 5 with changes as provided by the Law 1900-VI of 16.02.2010)*

*Article 6. Engagement in commitment of individual tasks on assurance of legal order and military discipline of servicemen of other military units of the Armed Forces of Ukraine.*

1. Sometimes other military units of the Armed Forces of Ukraine can be temporarily recruited to fulfil of the tasks of the Military Law Enforcement Service to guard military installations, maintain military discipline among servicemen in streets and public places, to prevent offences made by servicemen, and their suppression servicemen. Upon commitment of the specified tasks they are granted the rights, guarantees of social and legal protection stipulated for servicemen of the Services of legal order. The direct supervision over the accomplishment of these tasks is assigned to the relevant official of the Military Law Enforcement Service.
2. The procedure of engagement of servicemen belonging to other Armed Forces military units of Ukraine regarding the accomplishment of individual the Military Law Enforcement Service tasks specified in Part 1 of this Article, is determined by the Minister of Defence of Ukraine.
3. Participation of servicemen of the Military Law Enforcement Service and other military units of the Armed Forces of Ukraine regarding the implementation of legal regime of martial law and state of emergency measures is regulated by the relevant laws.

## **PART II. RIGHTS AND FUNCTIONS OF THE MILITARY LAW ENFORCEMENT SERVICE**

*Article 7. Rights of servicemen of The Military Law Enforcement Service*

1. The servicemen of the Military Law Enforcement Service when accomplishing the designed tasks are given the following rights:

- 1) To demand from servicemen of the Armed Forces of Ukraine and other military formations created according to the laws of Ukraine, from reservists during periodical training and from other persons wearing uniform as well as those transferred to the reserve or resigned with the right to wear it the observance of public order, rules of wearing military uniform, suppression of offences and actions interfering with the accomplishment of the tasks and functions of Military Law Enforcement Service, and at non-compliance with the specified requirements to apply the measures of compulsion stipulated by Articles 9-11 of this Law;
- 2) To check, during periodical training, and in the territory of military units (military installations), at servicemen and reservists as well as at other persons the identification documents and other documents necessary for inquiries within the limits of competence of the Military Law Enforcement Service, and also in case of their suspicion in commitment of crimes or other offences;
- 3) To summon the persons specified in item 2 of this Article to provide evidence and explanations on crimes and offences they instituted legal proceedings against. On evasion of these persons without valid excuse from attendance on the giving evidence on criminal cases to subject them to arrest according to the procedure established by the law;
- 4) To detain and keep the servicemen of the Armed Forces of Ukraine and other military formations created according to the laws of Ukraine, reservists during periodical training at guardrooms of the Military Law Enforcement Service with the purpose of administration of a provisional measure of suppression, except for the cases determined by Military Regulations of the Armed Forces of Ukraine, for the terms established by the law;
- 5) The suspects in committing a crime, the accused or defendants who abscond the organs of investigation, preliminary (pre-judicial) investigation or the court, convicted who evade from performance of criminal punishment;
- 6) The persons who committed the actions posing real threat to the people around them, or showed insubordination to the lawful requirement of the servicemen of the Military Law Enforcement Service;
- 7) To detain persons wearing uniform having the expressed signs of mental frustration and creating in this regard real danger to the people around them, along with the immediate notice to medical establishment or commanders (chiefs) of servicemen for settlement of the question about their immediate examination in the relevant medical establishments;
- 8) According to the requirements of the present and other laws of Ukraine to conduct personal inspection or search of the detained persons specified in items 2 and 4 of this Articles, followed by the examination of their belongings, vehicles and to withdraw documents and belongings, which can serve as evidence or are dangerous to the people around them;
- 9) To draw up a statement on administrative offences against servicemen in case of and according to the procedure stipulated by the laws of Ukraine, and also at commitment of administrative offences by other persons specified in item 2 of this Article;
- 10) In cases and according to the procedure stipulated by the Code of Ukraine on administrative offences to hand over materials about administrative offences to the organs (officials) authorised to try cases about such administrative offences;
- 11) To hand over materials about discipline offences committed by servicemen and reservists during periodical training to be considered by the relevant commanders (chiefs) of military units;

- 12) To institute an inquiry according to the requirements of the Criminal Code of Ukraine;
- 13) To keep records of crimes and other offences in the Armed Forces of Ukraine and to conduct periodic data verifications of the relevant military Procurer;
- 14) In the urgent cases related to rescue of life of people and property or with direct pursuit of persons caught at the scene of the crime to enter inhabited and other premises belonging to citizens, on the territory and in premises of the state organs, enterprises, establishments and organisations irrespective of form of ownership with the subsequent notice on it of the public prosecutor within 24 hours;
- 15) According to the established procedure to enter the territory and premises of military units and to examine them;
- 16) To enter military installations and the sites guarded by sentry with the purpose of suppression of crimes, pursuit of servicemen and other persons suspected of commitment of a crime by authority of persons the sentries subordinate to and in the presence of the person on duty of military unit or his assistant;
- 17) To be at military installations, territories and in premises of military units according to the procedure established by law to secure servicemen and other citizens, prevent or suppress crimes, reveal and detain persons;
- 18) To receive, on the letter of enquiry from military units, and also from enterprises, establishments and organisations, irrespective of their subordination and the form of ownership including public organisations, the data necessary for legal proceeding of crimes and in connection with materials about offences the Military Law enforcement service instituted legal proceedings against;
- 19) To submit within the limits of their competence to the relevant executive organs, military command, military management organs, institutions of local self-government, public organisations or officials of enterprises, establishments and organisations irrespective of their subordination and form of ownership of proposals on elimination of violations of law, reasons and conditions promoting them. No later than in a month upon the submission necessary measures should be taken while the person who submitted it should be informed;
- 20) Within the limits of the competence, if necessary, to temporarily limit or forbid access of servicemen and other persons access to individual sites of district or installations to ensure state secret, public order and security, guard of life and health of people, preservation of exhibits;
- 21) At carrying out detention measures of persons suspected of commitment of a crime, and also, under the circumstances threatening life and health of people, to limit or forbid movement of transport and pedestrians on individual sites of streets and highways; to stop and examine vehicles, to check licenses on drivers;
- 22) To stop military vehicles of the Armed Forces of Ukraine and of other military formations created according to the laws of Ukraine upon infringement of the rules of traffic by their drivers, in the presence of the signs testifying to technical malfunction of transport or pollution of the environment, and also data that are used illegally or not for the designed purpose, with the aim of their examination and check licenses, route cards, conformity of transported cargo to commodity transport documents on drivers. To conduct check-ups of vehicles of the Armed Forces of Ukraine;
- 23) To regulate traffic on highways and streets at movement of columns of military vehicles; to organise and provide support to these columns and vehicles of special purpose;

- 24) To request the drivers of military vehicles, if required, to undergo medical examination. To detain and discharge from driving of military vehicles the persons in the condition of alcoholic or drug intoxication, and also those not possessing documents on the right to drive or using vehicles, to undertake other measures stipulated by the legislation on the issue of drivers;
- 25) To use the means stipulated by the relevant normative-legal acts for revealing and fixing of breaches related to the rules of traffic, to forbid the use of military vehicles whose technical condition endangers the security of traffic or the environment or if the numbers of the units mismatch the records in registration documents; to detain and deliver military vehicles for placement on special platforms or parking places in accordance with the procedure established by the legislation;
- 26) To check the exercise of control and preventive measures on ensuring security of traffic in military units;
- 27) To take part in investigation of the road and transport incidents committed by the drivers of vehicles belonging to the Armed Forces of Ukraine, or the persons driving the vehicles of the Armed Forces of Ukraine upon commitment of road and transport incident;
- 28) To assist commanders of military units in elimination of breaches of rules of maintenance of the roads in territories where military units are stationed, to limit or forbid execution of construction and other works or activities on the specified roads if the requirements of traffic rules are not observed;
- 29) To submit to the relevant law enforcement organs the proposal on annulation of permits to purchase, store and carry weapons and ammunition, as well as special means of self-defence issued to the servicemen and other citizens living on territories of stationing of the military units, who abuse alcohol, use drugs, psychotropic substances and their analogues without doctor' prescription, those, who are mentally ill, and in other cases stipulated by the law. The management organs of the Military Law Enforcement Service that put forward the proposals will be informed on results of its consideration no later than in a month;
- 30) Subjects and things forbidden or limited in circulation, and also documents with signs of a fake will be withdrawn from servicemen and other persons who are illegally present in the territory of a military unit or military object or carrying out unlawful acts, within the limits of their competence and the procedure established by the law, and will be delivered to the relevant executive organs;
- 31) Data and written explanations on the facts of breaches of the legislation will be demanded from the relevant persons of military units at times of investigation; documents, samples of raw material and products will be withdrawn and premises and places of storage of documents as well as commodity and material assets will be sealed up, if required.
- 32) To exercise an uninterrupted use of vehicles belonging to military units (except for vehicles of special purpose) for travel to the place of incident, delivery into medical establishments of the persons requiring urgent medical aid, pursuit of offenders and their delivery to the relevant unit of The Military Law enforcement Service or in law enforcement organ;
- 33) During official journeys servicemen of the Military Law Enforcement Service have the right to book and obtain tickets for all types of transport out of order, to be placed in hotels upon presentation of the service certificate and the certificate of business trip. In case of urgent service trips the servicemen of The Military Law Enforcement Service are provided with tickets for all types of transport irrespective of availability of places;

- 34) To store, carry and apply special means and weapons according to the procedure established by the law.

*Article 8. Functions of the Military Law Enforcement Service*

1. The Military Law Enforcement Service is entrusted with implementation of following functions:
  - 1) To prevent, reveal, detect and stop crimes and other offences committed by the servicemen, reservists during periodical training and employees of the Armed Forces of Ukraine at performance official duties in military units, and also in other places.
  - 2) To accept and register applications and messages on crimes and other offences committed by the persons specified in item 1 of this Article in military units, and also in other places, and, in due time, to apply towards them well-grounded and lawful decisions;
  - 3) To institute, according to the procedure established by the law, inquiries into the crimes committed by servicemen, reservists during periodical training and employees of the Armed Forces of Ukraine when performing their official duties or in position of military unit or on military installations;
  - 4) To stop administrative offences and to institute inquiry into the administrative offences ascribed to the competence of The Military Law Enforcement Service by the "Code of Ukraine on Administrative Offences";
  - 5) To reveal the reasons and the conditions leading to the commitment of crimes and other offences in the Armed Forces of Ukraine, to take measures on their elimination, to participate in legal education of servicemen, employees of the Armed Forces of Ukraine;
  - 6) To search and detain servicemen of the Armed Forces of Ukraine and other military formations created according to the laws of Ukraine, who are absent without leave from military units or places of service or who have not arrived in time without valid excuse to the military service, and also those absconding from the organs of investigation, preliminary (pre-judicial) investigation or court, or those convicted, evading criminal punishment;
  - 7) To take part in carrying out preventive work among the servicemen inclined to commit offences, to assist military command, military management organs regarding the maintenance of military discipline among servicemen;
  - 8) To provide in cases stipulated by the law the administration of criminal punishments on issues of servicemen sentenced to service in a discipline battalion or to criminal punishment in the form of arrest;
  - 9) To abstain from displaying subversive and terrorist acts at military installations;
  - 10) To co-operate with the military formations created according to the laws of Ukraine, law enforcement organs, including the mutual exchange of information for detecting crimes in a fast and comprehensive way;
  - 11) To conduct search for firearms and their battle supplies, or explosives stolen or lost in military units;
  - 12) To carry out, in accordance with the procedure established by the law and within the limits of their competence the rulings commissions of the investigator, public prosecutor, court decision and the judges' rulings;
  - 13) To carry supervision of traffic of military vehicles within the limits of their competence, to undertake the control over the fulfilment of requirements of legislation regarding the issues of accident-free use of military equipment; registration and issuance of license plates, registration of military vehicles of the Armed Forces of Ukraine;

- 14) To coordinate according to the procedure established by the legislation with the relevant organs the transportation of large-sized, super-sized and dangerous cargo by the vehicles of the Armed Forces of Ukraine, to provide their support and control over observance of special conditions, rules, norms and standards of the organisation of transportation of the specified cargo;
- 15) To take part in accomplishment of the tasks by military units at their engagement according to the procedure established by the law, to fulfil duties under the martial law or state of emergency in Ukraine or in its particular areas;
- 16) To guard items taken during arrest of persons and the arrested persons, recorded on guardroom documents, to store belongings, values and other property, as well as to hand over to law enforcement organs the documents and things of the civilians who were detained in the territory of military units (military installations);
- 17) To protect and escort the servicemen detained or taken into custody and reservists during periodic training, as well as those serving time in a discipline battalion;
- 18) To help, within the limits of their competence, the organs of the state authority, institutions of local self-government, military command, military management organs and their representatives, public organisations in carrying out of their lawful activity in case of counteraction to them or danger from offenders – servicemen of the Armed Forces of Ukraine;
- 19) To inform commanders (chiefs) of military units no later than in a three-day period on a commitment of a crime and other offences by servicemen and reservists of the military units such persons belong to, while the military public prosecutor should be informed immediately;
- 20) To inform state authorities and institutions of local self-government, military command, military management organs, the public on place of service or employment of the person including the civilians who were illegally on the territory of a military unit or military object and committed unlawful acts, about the commitment of an offence by them whose proceedings lie within the competence of the Military Law Enforcement Service;
- 21) To take part in preparation and carrying out of garrison activities.

*(Article 8 includes changes made by the Law 1420-IV of 03.02.2004)*

### **PART III. USE OF FORCE, SPECIAL MEANS AND FIREARMS**

*Article 9. Conditions and limits of force, special means and firearms use.*

1. The Military Law Enforcement Service has the right to use force, special means and firearms in cases and according to the procedure stipulated by the present and other laws of Ukraine.
2. The use of force, special means and firearms should only be undertaken after the prior warning on the intention of its use. The use of force, special means and weapons can be applied without prior warning only in life or health threatening situations
3. It is forbidden to use force, special means and firearms towards women with obvious signs of pregnancy, towards elderly persons or towards those with the expressed signs of invalidity and towards minors, except for cases of gang attack threatening life and health of people, servicemen of the Military Law Enforcement Service, or the armed attack or resistance.
4. Servicemen of the Military Law Enforcement Service have the right to apply force including hand-to-hand fighting to suppress offences, resisting the counteraction to legitimate requirements of servicemen of the Military Law Enforcement Service if all else has failed to ensure the adequate performance of the duties assigned to them.

5. In case of impossibility to avoid application of force it should not exceed the limit necessary for the commitment of the assigned tasks and functions to the Military Law Enforcement Service, and should be reduced to the least possible harm to health of offenders and other citizens. Upon causing harm the servicemen of the Military Law Enforcement Service render necessary first medical aid to the injured within the shortest term.
6. The servicemen of the Military Law Enforcement Service is obliged to report within 24 hours and in the written form to the immediate superior for the notice of the public prosecutor according to the procedure established by the law, about the use of force, special means, injury or death which occurred, owing to application of force and special means, and also about all cases of the use of weapons.
7. Exceeding the given authority concerning the use force, special means and weapons entails liability established by the law.

*Article 10. Application of special means at implementation of service duties*

1. Servicemen of the Military Law Enforcement Service at performing official duties have the right to apply handcuffs, rubber sticks, means of binding, substance of teargas and irritating action, light-noise devices of distracting action adapted for locking out premises and forced stop of transport, water cannons, armour vehicles and others special and transport vehicles and also to use service dogs in the following cases:
  - 1) For protection of servicemen, other persons and in self-defence from an attack and other activities creating threat to their life or health;
  - 2) For suppression of mass riots in military units, and also mass disruption of public order by servicemen;
  - 3) For repelling of an attack on military stations, military installations, buildings, premises, installations and vehicles of the Armed Forces of Ukraine without the use of weapons, or their liberation in case of capture;
  - 4) For detention, and convoy of persons who committed offences, taking them to the location of management organs or units of the Military Law enforcement Service, law enforcement organs, and also detaining of the persons taken into custody if the specified persons resist the servicemen of the Military Law Enforcement Service or there are grounds to consider that they can escape or harm the people around them or themselves;
2. For liberation of hostages captured in the territory of the military unit.
3. The type of special means, time of its start and intensity of its application are determined taking into account the developing circumstances, character of the crime or other offence and the person committing it.
4. The list of special means and rules of their application is approved by the Cabinet of the Ministers of Ukraine upon submission of the Ministry of Defence of Ukraine coordinated with the Ministry of Internal Affairs of Ukraine, Ministry of Health of Ukraine and General Procurer of Ukraine.

*Article 11. Use of firearms*

1. Use of firearms is an extreme measure and is considered in case other measures have appeared to be inefficient or if the conditions make it impossible the application of other measures.
2. Servicemen of The Military Law Enforcement Service, except for those determined by the Military Regulations of the Armed Forces of Ukraine procedure and rules of the use of weapons and physical strength have the right to apply firearms in the following cases:

- 1) For protection of servicemen, other citizens against the attack threatening their life and health, and also liberation of the hostages taken in the territory of a military unit;
  - 2) For repelling group or armed attacks on the servicemen of the Military Law Enforcement Service or members of their family or other attacks if their life or health are endangered;
  - 3) For repelling the attack on the installations under guard, escorts, premises, construction, vehicles of military units, and also their liberation in case of seizure;
  - 4) For detention of the person caught at the scene of grave or especially grave crimes and trying to abscond;
  - 5) For detention of the person rendering armed resistance, trying to run from under guard, and also the armed person threatening to use weapons and other subjects dangerous for life and health of the servicemen of the Military Law enforcement Service;
  - 6) For stopping a vehicle by means of damaging it in case, if the driver' actions create threat to the life or to health of citizens or the servicemen of the Military Law Enforcement Service.
3. Servicemen of active service in the cases specified in this Article apply firearms following the order of the direct commander (chief), except for cases when used for direct threat to the life and to health of a serviceman.
  4. It is forbidden to apply and use firearms if it can cause suffering to extraneous persons.
  5. Servicemen of the Military Law Enforcement Service have the right to use weapons also for giving an alarm signal or call for help, for neutralisation of the animal threatening life and health of citizens and the servicemen of the Military Law enforcement Service.
  6. Servicemen of the Military Law Enforcement Service have the right to take up firearms and clear them for action if they think that in the existing conditions there can be bases stipulated by the law for its application.
  7. Attempts of the person detained by the servicemen of the Military Law Enforcement Service having firearms cleared for action to come nearer to him having reduced the distance determined by him or touch the weapon give the servicemen of the Military Law Enforcement Service the right to apply firearms according to this Law.

#### **PART IV. STAFFING OF THE MILITARY LAW ENFORCEMENT SERVICE, UNDERGOING MILITARY SERVICE IN THE MILITARY LAW ENFORCEMENT SERVICE**

##### *Article 12. The personnel of the Military Law Enforcement Service*

1. The Military Law Enforcement Service is staffed with officers, ensigns, sergeants and privates in accordance with the Law of Ukraine "On a Military Duty and Military Service", as well as employees of the Armed Forces of Ukraine.  
*(Part 1 of Article 12 with changes as provided by the Law 1014-V of 11.05.2007)*
2. The servicemen selected for military service in the Military Law enforcement Service for the officer posts, ensigns, sergeants and privates undergo selection and examination on professional fitness for this Service. After professional selection undertaken according to the requirements approved by the Ministry of Defence of Ukraine, the candidates receive vocational education in professional specialisations in the Educational Centre of the Military Law Enforcement Service.

*Article 13. Undergoing military service in the Military Law Enforcement Service*

1. The procedure and terms of undergoing military service, promoting them to the consecutive military rank and discharging from military service – are determined by the relevant regulations about undergoing military service and the Law of Ukraine “On Military Duty and Military Service”.  
(Article 13 with changes as provided by the Law 1014-V of 11.05.2007)

**PART V. SOCIAL AND LEGAL PROTECTION OF SERVICEMEN AND EMPLOYEES OF THE MILITARY LAW ENFORCEMENT SERVICE. LIABILITY OF SERVICEMEN OF THE MILITARY LAW ENFORCEMENT SERVICE**

*Article 14. Social and legal protection of servicemen and employees of the Military Law Enforcement Service*

1. Social and legal protection of servicemen and employees of the Military Law Enforcement Service and members of their families is carried out according to the Law of Ukraine “On Social and Legal Protection of Servicemen and Members of Their Families” and other normative-legal acts adopted in accordance with them.

*Article 15. Liability of servicemen of the Military Law Enforcement Service*

1. The servicemen of the Military Law Enforcement Service take decisions independently, within the limits of his/her authority given by this Law and other laws, except for the cases stipulated by this Law, and is accountable for the unlawful acts or acts of omission according to the procedure established by the law.

**PART VI. CONTROL AND OVERSIGHT OF THE MILITARY LAW ENFORCEMENT SERVICE ACTIVITY**

*Article 16. Control over the activity of The Military Law Enforcement Service*

1. The control over the activity of the Military Law Enforcement Service, its observance of the legislation is carried out by the Minister of Defence of Ukraine.
2. The parliamentary control over the observance of constitutional rights and freedoms of the person by the Military Law Enforcement Service is carried out by Verkhovna Rada of Ukraine according to the Constitution of Ukraine and the laws of Ukraine.

*Article 17. Supervision over the observance of legality in the activity of the Military Law Enforcement Service*

1. Supervision over the observance of legality in the activity of the Military Law Enforcement Service is carried out by the Procurer organs of Ukraine.

**PART VII. FINAL PROVISIONS**

1. The Law enters into force from the date of its publication.
  - a. Before legislation of Ukraine is brought in conformity with the existing Law, the laws and other normative-legal acts adopted before this law come into force within the parts not contradicting this Law.
2. The Cabinet of the Ministers of Ukraine within a month is obliged to:
  - a. To prepare and submit for consideration of the Verkhovna Rada of Ukraine proposals on bringing legislative acts of Ukraine in conformity with this Law;
  - b. To develop and adopt the normative-legal acts stipulated by the present law;
  - c. To ensure development and adoption of the legal acts necessary for implementation of this Law by the Ministry of Defence of Ukraine;
3. To carry out the relevant measures in connection with the creation of the Military Law Enforcement Service in the Armed Forces of Ukraine.

## Law of Ukraine "On the Fundamentals of Prevention and Countering Corruption"

3206-VI, 07.04.2011, *Bulletin of the Verkhovna Rada*, BVR, 2011, No 40, p. 404.

This Law establishes basic principles of preventing and countering corruption in the public and private spheres of social relations; of compensating for the losses and damages inflicted by commitment of corruptive offences; and of restoring infringed rights, freedoms, or interests of physical persons, rights or interests of legal entities, and interests of the State.

### SECTION I. GENERAL PROVISIONS

#### Article 1. Definition of Terms

1. For the purposes of this Law, terms used shall have the following meanings:
  - 1) **Direct subordination:** relations of direct organisational or legal dependence of a subordinate person on his/her superior including through the adoption of decisions (participation in the adoption of decisions) on matters of hiring, dismissal, application of incentives and disciplinary penalties, giving of instructions and commissions, and supervision over the fulfilment thereof;
  - 2) **Close persons:** married couples, children, parents, whole brothers and sisters, grandfather, grandmother, grandchildren, adopters, adopted, as well as other persons who live together, are connected by common household and have mutual rights and obligations with the subject stipulated in part one of Article 4 of this Law;
  - 3) **Conflict of interests:** contradiction between personal interests of a person and his/her official authority, the existence of which may affect the objectivity or impartiality of adopted decisions, as well as actions or lack of action in the course of performing the entrusted official duties;
  - 4) **Corruptive offence:** deliberate action exhibiting signs of corruption, committed by a person stipulated by part one of Article 4 of this Law, for which the law established criminal, administrative, civil, and disciplinary liability;
  - 5) **Corruption:** use by a person stipulated by part one of Article 4 of this Law, of entrusted official authority and of opportunities associated with such authority, for the purpose of gaining illegal benefit, or acceptance of a promise / offer of such benefit for him/herself or for other persons, or respectively, a promise / offer or provision of illegal benefit to a person stipulated by part one of Article 4 of this Law, or upon his/her demand, to other physical persons or legal entities, with the purpose of inducing such person to unlawfully use entrusted to him/her official authority and the opportunities associated with such authority;
  - 6) **Illegal benefit:** pecuniary funds or other assets, advantages, perks, services, or non-material assets which without lawful grounds are promised, offered, provided, or received without pay or at a price below the minimum market price;
  - 7) **Family members:** persons married to each other, their children, persons under custody and care, other persons who live together, are connected by common household, and have mutual rights and obligations, including persons who live together but are not married to each other.

*Article 2. Legislation in the field of preventing and countering corruption*

1. Relations emerging in the field of preventing and countering corruption, shall be governed by this Law, other laws and international treaties of Ukraine the obligatory force of which was consented to by the Verkhovna Rada of Ukraine, as well as by other normative-legal acts adopted in execution thereof.
2. Operation of this Law and limitations stipulated thereby shall extend to all persons identified as subjects of liability for corruptive offences, within the limits established by this Law.

*Article 3. Basic principles of preventing and countering corruption*

1. Activities aimed at preventing and countering corruption shall be based upon the following principles:
  - Supremacy of law;
  - Legality;
  - Comprehensive application of legal, political, social-economic, information, and other measures;
  - Priority of preventive measures;
  - Inevitability of liability for the commitment of corruptive offences;
  - Openness and transparency of the activities of state authorities and of local government bodies;
  - Participation of the public in measures aimed at preventing and countering corruption and at assuring state protection to persons who assist in the realisation of such measures;
  - Ensuring the restoration of infringed rights and legitimate interests and compensation of losses and damages caused by a corruptive offence.

*Article 4. Subjects of liability for corruptive offences*

1. Subjects of liability for corruptive offences shall be:
  - 1) Persons authorised to perform functions of state or local government:
    - a. The President of Ukraine; the Chairperson of the Verkhovna Rada of Ukraine; his/her First Deputy and Deputy; the Prime Minister of Ukraine; the First Vice-Premier of Ukraine; Vice-Premiers of Ukraine; ministers and other heads of central executive bodies who are members of the Cabinet of Ministers of Ukraine, and their deputies; the Head of the Security Service of Ukraine; the Prosecutor-General of Ukraine; the Chairperson of the National Bank of Ukraine; the Chairperson of the Chamber of Accounts; the Verkhovna Rada of Ukraine's Human Rights Commissioner; the Chairperson of the Supreme Soviet of the Autonomous Republic of Crimea; and the Chairperson of the Council of Ministers of the Autonomous Republic of Crimea;
    - b. The People's Deputies of Ukraine, deputies of the Supreme Soviet of the Autonomous Republic of Crimea, and deputies of local councils;
    - c. Public servants and officials of local government;
    - d. Military officers of the Armed Forces of Ukraine and of other military formations created pursuant to statutes;
    - e. Judges of the Constitutional Court of Ukraine; other professional judges; the Chairperson, members, and disciplinary inspectors of the Higher Qualifying Commission for Judges

- of Ukraine; officers of the Secretariat of said Commission; the Chairperson, the Deputy Chairperson, and secretaries of sections of the Higher Council of Justice, as well as other members of the Higher Council of Justice; people's assessors and jurors (in the time of performance of these functions);
- f. Rank and file and commanding personnel of the bodies of internal affairs, the State Criminal Execution Service, the bodies and units of civil defence, the State Service of Special Communications and Protection of Information of Ukraine, and the commanding personnel of the Tax Militia;
  - g. Officials and officers of public prosecutor's offices, the Security Service of Ukraine,
  - h. The Diplomatic Service, the Customs Service, and the State Tax Service;
  - i. Members of the Central Electoral Commission;
  - j. Officials and officers of other bodies of state authority.
- 2) Persons who for the purposes of this Law, have been conferred the status of persons authorised to perform functions of state and local government:
    - a. Officials of public law legal entities who are not stipulated by clause 1 in part one of this Article but receive salaries at the account of State or local budget;
    - b. Persons who are not public servants or officials of local government but render public services (auditors, notaries, and appraisers, as well as experts, arbitration managers, independent brokers, members of labour arbitration tribunals, arbitrators in the time of performance of these functions, other persons in cases established by law);
    - c. Officials of foreign states (persons who hold positions in legislative, executive, or judicial bodies of foreign states including jurors; other persons who perform the functions of the state on behalf of a foreign state, in particular, on behalf of a state agency or a state enterprise), as well as foreign arbitrators, persons who have powers to settle civil, commercial, or labour disputes in foreign states according to procedures that constitute alternatives to judicial procedure;
    - d. Officials of international organisations (employees of an international organisation or any other persons authorised by such organisation to act on its behalf), as well as members of international parliamentary assemblies in which Ukraine takes part, and judges and officers of international courts;
  - 3) Persons who permanently or temporarily hold positions involving the performance of organisational-dispositive or administrative-economic functions, or persons who are specially authorised to perform such duties in private law legal entities irrespective of organisational-legal form thereof, pursuant to law;
  - 4) Officials of legal entities and physical persons, in cases where persons stipulated by clauses 1 and 2 in part one of this Article, or with participation of such persons, other persons received illegal benefit from them.

*Article 5. Subjects who apply measures to prevent and counteract corruption*

1. The President of Ukraine, The Verkhovna Rada of Ukraine, and the public prosecutor's offices of Ukraine shall apply measures to prevent and counteract corruption within the limits of powers stipulated by the Constitution of Ukraine.
2. Bodies of State authority shall apply measures to prevent and counteract corruption, or take part in the effectuation thereof within the framework of powers stipulated by laws and other normative-legal acts adopted on the basis of laws.

3. The Cabinet of Ministers of Ukraine shall direct and coordinate the activities of executive bodies pertaining to prevention and counteraction to corruption in accordance with the Constitution and laws of Ukraine and the President of Ukraine's acts.
4. Coordination of the implementation by executive bodies of the anticorruption strategy as determined by the President of Ukraine shall be conducted by a specially authorised body on matters of anticorruption policy that shall be convened by the President of Ukraine and shall operate in conformance with the requirements established by law.
5. Specially authorised subjects shall directly apply measures, within the limits of their competence, aimed at detecting, stopping, and investigating corruptive offences (hereinafter, "specially authorised subjects in the sphere of countering corruption").

Specially authorised subjects in the sphere of countering corruption are: public prosecutor's offices; special units of the Ministry of Internal Affairs of Ukraine charged with the task of combating organised crime; the Tax Militia; subdivisions charged with combating corruption and organised crime of the Security Service of Ukraine and of the Military Law and Order Service in the Armed Forces of Ukraine, unless otherwise stipulated by law. Coordination of the activities of law enforcement bodies in the field of countering corruption shall be carried up, within the limits of entrusted authority as stipulated by laws, by the Prosecutor-General of Ukraine and by subordinated public prosecutors.

6. Subjects who take part in preventing, detecting, and in cases stipulated by law, in applying measures aimed at stopping corruptive offences, restoring infringed rights or interests of physical persons and legal entities and interests of the state, as well as in information and scientific research support for the implementation of measures aimed at preventing and countering corruption, and in the international co-operation in this field, are:
  - 1) Authorised units and subdivisions of state authorities;
  - 2) Local executive bodies and local government bodies;
  - 3) Enterprises, institutions, and organisations irrespective of subordination and form of ownership, their officials and officers, as well as citizens and associations of citizens, upon their consent.
7. Officials and officers of state authorities, officials of local government, legal entities, and structural subdivisions thereof in the event of detection of a corruptive offence, or receipt of information on commitment of such offence by employees of the respective state authorities, local government bodies, legal entities or structural subdivisions thereof, shall be obliged within the limits of their powers, to apply measures to stop such offences and to immediately inform, in writing, of such commitment an appropriate specially authorised subject in the sphere of countering corruption.

## **SECTION II. MEASURES AIMED AT PREVENTING AND COUNTERING CORRUPTION**

### *Article 6. Limitations on use of an official position*

1. Persons stipulated by clauses 1 through 3 in part one of Article 4 of this Law, shall be forbidden to use their official powers and associated opportunities with the purpose of gaining illegal benefit or in connection with the acceptance of a promise/offer of such benefit for themselves or for other persons, including:
  - 1) To illegally assist physical persons or legal entities in the conduct of their economic activ-

ities, obtainment of subsidies, grants, credits, or perks, and in concluding of contracts (including contracts for the procurement of goods, works, and services for public funds);

- 2) To illegally assist in appointment of a person to a position;
- 3) To illegally intervene in the activities of state authorities, local government bodies, or officials;
- 4) To illegally provide advantage to physical persons or legal entities in connection with the preparation of drafts, issuance of normative-legal acts and adoption of decisions, and approval (harmonisation) of opinions.

*Article 7. Limitations on plurality of offices and on engaging in other types of activity*

1. Persons stipulated by clause 1 of part one of Article 4 of this Law, shall be forbidden:
  - 1) To engage in other paid or entrepreneurial activities (apart from teaching, scientific, and creative activities, medical practice, and sports coaching and referee practices), if not otherwise stipulated by the Constitution or laws of Ukraine;
  - 2) To act as members of management bodies or supervisory boards of profit-making enterprises or organisations (apart from cases where such persons perform the functions of managing shares (stakes, equity) owned by the state or a territorial community, and represent the interests of the State or territorial community in company boards (supervisory boards) or auditing commissions of economic companies), if not otherwise stipulated by the Constitution or laws of Ukraine.
2. Where for certain positions the Constitution and laws of Ukraine have set special limitations on plurality of offices and on engaging in other types of activity, the compliance with such shall be provided for by special procedures.
3. Limitations stipulated by part one of this Article shall not extend to the deputies of the Supreme Soviet of the Autonomous Republic of Crimea, deputies of local councils (apart from those who perform their duties in the relevant councils on a permanent basis), members of the Higher Council of Justice (apart from those who work in the Higher Council of Justice on a permanent basis), and people's assessors and jurors.

*Article 8. Limitations on acceptance of gifts (donations)*

1. Persons stipulated by clause 1 and sub-clauses "a" and "b" of clause 2 in part one of Article 4 of this Law, shall be forbidden to receive, directly or through other persons, gifts (donations) from legal entities or physical persons:
  - 1) As a reward for decisions, actions or lack of action in the interests of the donator, adopted or performed both directly by such persons and with their concurrence by other officials and bodies;
  - 2) If the person who presents (makes) the gift (donation), is subordinated to such person.
2. Persons stipulated by clause 1 and sub-clauses "a" and "b" of clause 2 in part one of Article 4 of this Law, may accept gifts that fall within the generally accepted notions of hospitality, and donations, apart from cases stipulated by part one of this Article, if the value of such gifts (donations) does not exceed 50 per cent of minimum wages as fixed on the date of the acceptance of the gift (donation), one time, and the aggregate value of such gifts (donations) received from one source within one year, does not exceed one minimum wages as fixed on January 1 of the current year. Limitation on value of gifts (donations) stipulated by this part, shall not extend to gifts (donations) that:

- 1) Are presented (made) by close persons;
- 2) Are received as accessible to all discounts on goods, services, accessible to all winnings, prizes, premiums, and bonuses.
3. Gifts received by persons stipulated by clause 1 and sub-clauses "a" and "b" of clause 2 in part one of Article 4 of this Law as gifts for the State, the Autonomous Republic of Crimea, a territorial community, and state or municipal institutions or organisations, shall be respectively deemed state or municipal property and shall be transferred to the body, institution, or organisation, according to the procedure established by the Cabinet of Ministers of Ukraine.

*Article 9. Limitations on employment of close persons*

1. Persons stipulated by sub-clauses "a" and "c" through "g" of clause 1 and sub-clause "a" of clause 2 in part one of Article 4 of this Law, shall not be allowed to have in their direct subordination their close persons, or be directly subordinated in connection with the performance of their duties, to their close persons. Persons stipulated by sub-clauses "a" and "c" through "g" of clause 1 and sub-clause "a" of clause 2 in part one of Article 4 of this Law, shall be obliged to inform the management of the body the position in which they aspire to hold, about their close persons employed by this body.

Provisions of the first and second paragraphs in this part do not extend to:

- 1) People's assessors and jurors;
- 2) Close persons who are directly subordinated to each other in connection with holding by each of them of an elected office;
- 3) Persons who work in a rural area or in mountain settlements;
- 4) Persons who work in the fields of education, science, culture, health protection, and physical culture and sports;
- 5) Other persons as stipulated by law.
2. Where circumstances emerge that contravene the requirements of part one of this Article, the persons concerned and their close persons shall undertake to eliminate such circumstances within a period of fifteen days. If within the stipulated period these circumstances have not been voluntarily eliminated, the persons concerned or their close persons shall within a period of one month from the date of the emergence of the circumstances, be subject to transfer in accordance with the established procedure, to such another position that would preclude direct subordination. Where such transfer of the subordinated person proves to be impossible, this person shall be subject to dismissal from the position held.
3. Persons stipulated by sub-clauses "a" and "c" through "g" of clause 1 and sub-clause "a" of clause 2 in part one of Article 4 of this Law (apart from people's assessors and jurors), shall be forbidden to take part in the work of collegiate bodies in the course of hearings on the matter of appointment to positions of their close persons, and in any other manner to influence the adoption of such decisions.

*Article 10. Limitations concerning persons who quit their position or terminated the activities associated with the performance of state and local government functions*

1. Persons authorised to perform state or local government functions stipulated by clause 1 in part one of Article 4 of this Law who quit their positions or otherwise terminated the activities associated with the performance of state and local government functions, shall be forbidden for a period of one year from the date of termination:

- 1) To enter into employment agreements (contracts) or to engage in legal transactions in the realm of entrepreneurial activity with enterprises, institutions, or organisations irrespective of the form of ownership, if the persons stipulated by paragraph one of this part, within a period of one year prior to the date of termination of the performance of state or local government functions, executed the authority involving the supervision, overseeing, or the preparation or the adoption of the relevant decision affecting the activities of such enterprises, institutions, or organisations;
- 2) To disclose or otherwise use in their own interests such information as became known to them in connection with the performance of their official powers, apart from cases established by law;
- 3) To represent the interests of any persons in judicial proceedings (including those considered by courts) where the other side is the body (bodies) where they worked.

*Article 11. Special screening of persons who aspire to hold positions involving the performance of state or local government functions*

1. In respect of persons who aspire to hold positions stipulated by clause 1 in part one of Article 4 of this Law (apart from candidates for the office of the President of Ukraine, candidates for People's Deputies of Ukraine, candidates for deputies of the Supreme Soviet of the Autonomous Republic of Crimea and local councils, and for offices of village, settlement and city mayors), a special screening shall be conducted including verification of the information submitted personally.

The organisation of the conduct of special screening shall be entrusted to the head (deputy head) of the state authority or local government body for the office in which the person concerned aspires, apart from cases stipulated by law. Induced to the conduct of the special screening shall be specially authorised subjects in the sphere of countering corruption, and should the need arise, other central executive bodies.

2. Subject to special verification shall be information on the person who aspires to hold a position stipulated by clause 1 in part one of Article 4 of this Law (apart from candidates for the office of the President of Ukraine, candidates for People's Deputies of Ukraine, candidates for deputies of the Supreme Soviet of the Autonomous Republic of Crimea and local councils, and for offices of village, settlement and city mayors), specifically as regards:
  - 1) The persons' having previously been brought to criminal justice including for corruptive offences; the existence of criminal record, removal or cancellation of it;
  - 2) The fact that the person being screened was previously subjected to administrative punishment for corruptive offence;
  - 3) The veracity of information entered in the declaration on property, incomes, expenses, and obligations of a financial nature;
  - 4) The possession by the person of corporate rights;
  - 5) The aspirant's state of health, the educational status, the possession of scientific degree, academic rank, and advanced training.
3. Special screening shall be conducted within a period of fifteen days upon written consent of the person aspiring for an office. In case of failure on the part of the person concerned to give such consent, the matter of the appointment shall not be considered.

Where as a result of the special screening, a fact has been established of the submission by the aspirant for an office of fictitious information about him/herself, the official (body) who (that) effec-

tuates the appointment (election) to the office concerned, shall refuse to the aspirant the appointment (election) to the office, and within a period of three working days shall inform of the detected fact the law enforcement bodies, for their response in accordance with the procedure established by law, apart from cases stipulated by law. A decision to refuse the appointment (election) to an office on grounds stipulated by the third paragraph of this part may be appealed in court.

The procedure for the arrangement of the conduct of special screening shall be subject to approval by the President of Ukraine.

4. For the conduct of special screening, the person who aspires to an office shall submit the following to the relevant body:

- 1) Written consent to the conduct of special screening;
- 2) Autobiography;
- 3) A copy of the certificate of identification;
- 4) A declaration on property, incomes, expenses, and obligations of a financial nature for the previous year according to the form appended to this Law;
- 5) Copies of documents certifying education, academic ranks, and scientific degrees;
- 6) Medical certificate on the state of health according to the form approved by the Ministry of Health of Ukraine;
- 7) A copy of military card (for military servicemen or reservists);
- 8) Certificate of the right of access to state secrets (if any).

5. Upon receipt of the written consent of the person aspiring to an office, to the conduct of special screening, the body for the office in which the person aspires, shall no later than on the following day dispatch to the relevant state authorities competent to conduct special reviews on information stipulated by part two of this Article, a request to conduct reviews of information concerning the person aspiring to the office in question.

The request shall be signed by the head of the body for the office in which the person aspires, and in his/her absence, by a person acting as head, or one of his/her deputies, in accordance with the division of functional duties.

Attached to the request shall be the copies of documents stipulated by part four of this Article.

6. Information on the results of special screening signed by the head of the body that conducted the screening, and in his/her absence, by a person performing his/her duties, or by a deputy head of the body in accordance with the division of functional duties, shall be submitted to the body that made the request, within a period of seven days from the date of receipt of the request.

The body for the office in which the person concerned aspires, on grounds of the obtained information, shall draw up a report on the results of the special screening.

Persons who were subjects of special screening, shall have the right to peruse the report on the results of the special screening, and in case of disagreement with the screening results, may submit to the said bodies their comments in written form.

7. Information on the results of special screening and documents pertaining to its conduct, are confidential, unless they contain information constituting state secret. Such documents shall be preserved according to the procedure established by law.

#### *Article 12. Financial supervision*

1. Persons stipulated by clause 1 and sub-clause "a" of clause 2 in part one of Article 4 of this Law, shall be obliged annually by April 1 to submit at the place of their employment (service)

- a declaration on property, incomes, expenses, and obligations of a financial nature for the previous year according to the form appended to this Law.
2. Persons who were unable to submit by April 1 at the place of their employment (service) a declaration on property, incomes, expenses, and obligations of a financial nature for the previous year, for the reason of being on maternity leave or parental leave, of temporary disability, of sojourning beyond the bounds of Ukraine, or being under arrest, shall submit such declaration for the reporting year by December 31. Persons, who have failed to submit the declaration on property, incomes, expenses, and obligations of a financial nature for the previous year for the above-stipulated reasons and quitted their office, shall be obliged to submit such declaration prior to the termination of the contract of employment.
  3. Information provided in a declaration on property, incomes, expenses, and obligations of a financial nature for the previous year of the President of Ukraine, the Chairperson of the Verkhovna Rada of Ukraine, the People's Deputies of Ukraine, the Prime Minister of Ukraine, members of the Cabinet of Ministers of Ukraine, the Chairperson and judges of the Constitutional Court of Ukraine, the Chairperson and judges of the Supreme Court of Ukraine, chairpersons and judges of higher specialized courts of Ukraine, the Prosecutor-General of Ukraine and his/her deputies, the Chairperson of the National Bank of Ukraine, the Chairperson of the Chamber of Accounts, the Chairperson and members of the Higher Council of Justice, members of the Central Electoral Commission, the Verkhovna Rada of Ukraine's Human Rights Commissioner, The Chairperson and members of the Higher Qualifying Commission for Judges of Ukraine, heads of other state authorities and their deputies, members of collegiate bodies of state authority (commissions, councils), and heads of local government bodies and their deputies, shall be subject to promulgation within a period of 30 days from the date of submission thereof, by way of publishing in official printed editions of the relevant state authorities and local government bodies.
  4. Where a person stipulated in clause 1 and sub-clause "a" of clause 2 in part one of Article 4 of this Law, opens a foreign currency account in a non-resident banking institution, that person shall be obliged within a period of ten days to notify in writing on that the body of State Tax Service at his/her place of residence, with indication of the account number and the location of the non-resident bank.
  5. The procedure for the preservation of the documents and for the use of information provided in the declaration on property, incomes, expenses, and obligations of a financial nature, and of information stipulated by part three of this Article, shall be approved by the Cabinet of Ministers of Ukraine in accordance with the requirements established by law.
  6. A person aspiring to hold an office stipulated by clause 1 and sub-clause "a" of clause 2 in part one of Article 4 of this Law, shall prior to the appointment or election to that office, submit according to the procedure established by Law the declaration on property, incomes, expenses, and obligations of a financial nature for the previous year executed according to the form attached to this Law.

*Article 13. Codes of conduct*

1. General requirements regarding the behaviour of persons stipulated by clause 1 in part one of Article 4 of this Law, by which they are obliged to be governed in the time of performing their official duties, and grounds and procedure for bringing them to justice for the non-compliance with such requirements shall be established by law.

2. Laws and other normative-legal acts that regulate the organisation and procedures of the activities of state authorities and of local government bodies, the rendering of certain types of public services, or the procedure for the activities of the categories of persons authorised to perform state and local government functions, may establish special requirements for the behaviour of such persons.
3. The State shall promote the consolidation of the norms of professional ethics and other requirements concerning individual types of activities in codes of conduct of entrepreneurs and representatives of the relevant professions.

*Article 14. Settlement of conflict of interests*

1. Persons stipulated by clause 1 and sub-clauses "a" and "b" of clause 2 in part one of Article 4 of this Law, shall be obliged:
  - 1) To take measures to preclude any possibility of the occurrence of a conflict of interests;
  - 2) To inform without delay their direct superior of the existence of a conflict of interests.
2. Laws and other normative-legal acts that define the powers of state authorities and local government bodies, the procedures for the rendering of certain types of public services and the conduct of other types of activities involving the performance of state and local government functions, must stipulate the procedure and methods for the settlement of a conflict of interests.

*Article 15. Anti-corruptive expert examination of normative-legal acts*

1. With the purpose of detecting in draft normative-legal acts such norms as may facilitate the commitment of corruptive offences, and of drawing up recommendations on the removal thereof, the Ministry of Justice of Ukraine shall carry out anti-corruptive expert examination of such draft normative-legal acts.

The procedure and methodology for the conduct of anti-corruptive expert examination of draft normative-legal acts and the procedure for the promulgation of the results thereof shall be established by the Ministry of Justice of Ukraine.

Results of anti-corruptive expert examination shall be subject to mandatory consideration in the course of making a decision on the issuance (adoption) of the normative-legal act concerned.

2. Subject to mandatory anti-corruptive expert examination shall be draft laws of Ukraine, acts of the President of Ukraine, and other normative-legal acts prepared by the Cabinet of Ministers of Ukraine, ministries, and other central executive authorities.
3. At the initiative of physical persons, associations of citizens, and legal entities, public anticorruption expert examination may be conducted of draft normative-legal acts. The conduct of public anti-corruptive expert examination of draft normative-legal acts and the promulgation of results thereof shall be undertaken at the expense of the respective physical persons, associations of citizens, legal entities, or of other sources that are not prohibited by legislation.

*Article 16. Requirements for the transparency of information*

1. Persons stipulated in clauses 1 through 3 of part one of Article 4 of this Law, shall be forbidden:
  - 1) To refuse the provision to physical persons or legal entities of the information the provision of which to physical persons or legal entities is stipulated by law;
  - 2) To provide the information subject to be provided pursuant to law, not in due time, or to provide untrue or incomplete information.
2. May not be attributed to the category of information with limited access the information on:

- 1) The amounts and types of charitable and other assistance granted to physical persons and legal entities or received from them by persons stipulated by clause 1 in part one of Article 4 of this Law;
- 2) The amounts and types of remuneration for works performed by persons stipulated by clause 1 in part one of Article 4 of this Law, as well as received by such persons in transactions that are subject to mandatory state registrations, and gifts (donations).

*Article 17. Ban on acceptance of services and property by state authorities and local government bodies*

1. State authorities and local government bodies are forbidden to receive without pay services and property from physical persons and legal entities, apart from cases stipulated by laws or valid international treaties of Ukraine.

### **SECTION III. PARTICIPATION OF THE PUBLIC IN MESURES AIMED AT PREVENTING AND COUNTERING CORRUPTION**

*Article 18. Participation of the public in measures aimed at preventing and countering corruption*

1. Associations of citizens, members or authorised representatives thereof, as well as individual citizens when carrying out activities aimed at preventing, detecting, and countering corruptive offences (apart from cases where such activities have been relegated to exclusive competence of specially authorised subjects in the sphere of countering corruption) shall have the right:
  - 1) To inform of the detected facts of the commitment of corruptive offences the specially authorised subjects in the sphere of countering corruption, other bodies stipulated by Article 5 of this Law, management and collectives of enterprises, institutions, or organisations where such offences were committed, as well as the public at large;
  - 2) To request and receive from state authorities and local government bodies, in the amounts and according to the procedure not prohibited by law, information on activities aimed at preventing and countering corruption;
  - 3) To conduct or to commission the conduct of public anti-corruption expert examination of draft normative-legal acts, and to submit based on the results of such expert examination their proposals to the appropriate state authorities;
  - 4) To take part in parliamentary hearings and other events pertaining to matters of preventing and countering corruption;
  - 5) To submit proposals to the subjects of the right of legislative initiative regarding the improvement of the legislative regulation of relations emerging in the sphere of preventing and countering corruption;
  - 6) To conduct or to commission the conduct of research including scientific, sociological, etc., on matters of preventing and countering corruption;
  - 7) To undertake measures to keep the population informed on matters of preventing and countering corruption;
  - 8) To conduct public supervision over the compliance with the laws in the sphere of preventing and countering corruption, making use of such forms of supervision as do not contravene legislative provisions.
2. An association of citizens, a physical person or legal entity may not be denied access to information concerning the competence of subjects carrying out measures aimed at preventing

and countering corruption, as well as concerning the basic vectors of the activities thereof. Such information shall be provided in accordance with the procedure established by law.

3. Draft laws and drafts of other normative-legal acts stipulating the granting of privileges or advantages to individual economic entities, as well as the delegation of powers of executive authorities or local government bodies, shall be for the purpose of public consideration thereof posted on official web-sites of state authorities and local government bodies without delay but no later than on the day following the day of submission thereof by the relevant subject to the respective state authority or local government body.
4. State authorities and local government bodies shall generalize the results of public consideration of draft laws and drafts of other normative-legal acts stipulated by part three of this Article, and shall promulgate them in mass media.

*Article 19. Informing the public on measures aimed at preventing and countering corruption*

1. Specially authorised subjects in the sphere of countering corruption shall be obliged annually, no later than by February 10, promulgate information about measures taken to counteract corruption and about persons brought to justice for the commitment of corruptive offences.
2. The specially authorised body on matters of anti-corruptive policy shall annually, no later than by April 15, draw up and promulgate according to the procedure established by the Cabinet of Ministers of Ukraine, a report on results of the application of measures aimed at preventing and countering corruption.
3. The following information must be reflected in the report:
  - 1) Statistical data on the result of activities of the specially authorised subjects in the sphere of countering corruption, with mandatory indication of the following data:
    - a. Number of persons in respect to whom decisions were taken to make them answerable as defendants and reports were drawn up on commitment of administrative corruptive offences;
    - b. Number of persons in respect to whom sentencing decisions of courts assumed legal force and on whom administrative penalties were imposed for corruptive offences;
    - c. Data broken up by categories of persons stipulated by part one of Article 4 of this Law, and by types of liability for corruptive offences;
    - d. Information about the amount of damages inflicted by corruptive offences, the status and volumes of restitution thereof;
  - 2) Generalized results of anti-corruptive expert examinations of draft normative-legal acts;
  - 3) Information on the results of the application by state authorities of measures aimed at preventing and countering corruption including in the framework of international cooperation;
  - 4) Results of sociological surveys conducted by government and non-government scientific research institutions on the issue of the proliferation of corruption;
  - 5) Information on the status of realisation of the anti-corruptive strategy established by the President of Ukraine.

*Article 20. State protection of persons who assist in preventing and countering corruption*

1. Persons who render assistance in preventing and countering corruption are kept under protection of the State. The State ensures the carrying out by law enforcement bodies of legal,

organisational-technical, and other measures aimed at protecting the persons who render assistance in preventing and countering corruption, as well as their close persons, from unlawful encroachments on their life, health, domicile, and other property.

2. State protection of persons who render assistance in preventing and countering corruption, shall be carried out in accordance with the Law of Ukraine "On Ensuring Safety of Persons Who Take Part in Criminal Proceedings".

#### **SECTION IV. LIABILITY FOR CORRUPTIVE OFFENCES**

##### *Article 21. Types of liability for corruptive offences*

1. For the commitment of corruptive offences the persons stipulated by part one of Article 4 of this Law, shall face criminal, administrative, civil, and disciplinary liability in accordance with the procedure established by law.
2. Information about persons brought to justice for the commitment of corruptive offences shall be within a period of three days from the date of coming into force of the relevant court judgment, of the institution of civil proceedings, or of the imposition of disciplinary penalty, entered in the Integrated State Register of persons who committed corruptive offences, to be made up and maintained by the Ministry of Justice of Ukraine. The Regulation on the Integrated State Register of persons who committed corruptive offences and the procedure for the making up and maintaining this Register shall be approved by the Ministry of Justice of Ukraine.

##### *Article 22. Specifics of dismissing persons who committed corruptive offences*

1. A person in respect to whom a ruling was made to make him/her answerable as a defendant accused of committing a crime in the sphere of official activities, shall be subject to suspension from the performance of his/her official duties under the procedure established by law, prior to the court hearing on the case, unless otherwise stipulated by the Constitution and laws of Ukraine.

A person in respect to whom a report has been drawn up on administrative corruptive offence, unless otherwise stipulated by the Constitution and laws of Ukraine, may be suspended from the performance of his/her official duties by decision of the head of the body (institution, enterprise, or organisation), where the person works, until the termination of the court hearing on the case.

Should the proceedings in the case of administrative corruptive offence be closed in connection with the absence of the event or the body of an administrative offence, the average salary shall be indemnified to the person suspended from the performance of his/her official duties, for the period of enforced idleness caused by such suspension.

2. Early termination of powers of a person holding elected office; termination of powers of an official in office; dismissal effectuated by decision of the President of Ukraine, of the Verkhovna Rada of Ukraine, or of the Cabinet of Ministers of Ukraine; discharge of a military officer from military service in connection with the bringing to justice for the commitment of corruptive offences, as well as the suspension of such person from the performance of official duties in cases stipulated by part one of this Article, shall be undertaken with due regard for the specifics established by the Constitution and Laws of Ukraine.

Other persons brought to criminal or administrative justice for corruptive offences featuring the breach of limitations stipulated by this Law, shall be subject to dismissal from the respec-

tive positions within a period of three days from the date of receipt by the state authority, the local government body, the enterprise, institution, or organisation concerned of a copy of the relevant court judgment that has come into force, unless otherwise stipulated by law.

3. The head of the state authority, of the local government body, of the enterprise, institution, or organisation concerned shall within a period of three days inform, in writing, of the dismissal of the person from office in connection with the bringing to justice for the commitment of corruptive offences featuring the breach of limitations stipulated by this Law, the court that issued a condemnatory judgment or a ruling on imposition of an administrative penalty for the corruptive offence, and the specially authorised central executive authority for matters of public service. The procedure for informing the specially authorised central executive authority for matters of public service about persons authorised to perform state or local government functions who have been dismissed in connection with the bringing to justice for the commitment of corruptive offences, shall be established by the Cabinet of Ministers of Ukraine.
4. With the purpose of finding out the causes and conditions that have facilitated the commitment of a corruptive offence or any failure to comply with the requirements of this Law, upon request of the specially authorised subject in the sphere of countering corruption, by decision of the head of the body employing the person who committed such offence, an official investigation shall be held in accordance with the procedure established by the Cabinet of Ministers of Ukraine.
5. Limitations concerning the prohibition to the person dismissed from office in connection with the bringing to justice for the commitment of corruptive offence, to engage in activities involving the performance of state or local government functions, or such that confer the similar status, shall be imposed exclusively by motivated court decision, unless otherwise stipulated by law.

## **SECTION V. ELIMINATION OF CONSEQUENCES OF CORRUPTIVE OFFENCES**

*Article 23. Compensation of losses and damages inflicted on the state by commitment of a corruptive offence*

1. Losses and damages inflicted on the State by commitment of a corruptive offence shall be subject to compensation in accordance with the procedure established by Law.

*Article 24. Unlawful normative-legal acts and transactions*

1. Normative-legal acts and decisions issued (adopted) as a result of commitment of a corruptive offence, may be abrogated by a body or an official authorised to adopt or abrogate the respective acts or decisions, or be recognised as unlawful judicially upon application of the interested physical person, association of citizens, legal entity, public prosecutor, state authority, or local government body.
2. A transaction entered into in consequence of a corruptive offence shall be deemed null and void.

*Article 25. Restoration of rights and legitimate interests and compensation of losses and damages inflicted on physical persons and legal entities in consequence of the commitment of a corruptive offence*

1. Physical persons and legal entities whose rights were infringed in consequence of the commitment of a corruptive offence and who suffered moral injury or property damages or losses, shall be entitled to the restoration of rights and compensation of losses or damages in accordance with the procedure established by law.

2. Losses and damages inflicted on a physical person or legal entity in consequence of unlawful decisions, actions or lack of action on the part of a subject charged with taking measures aimed at preventing and countering corruption shall be reimbursed out of the State Budget of Ukraine in accordance with the procedure established by law. The State, the Autonomous Republic of Crimea, and the local government body that has reimbursed losses or damage inflicted by an unlawful decision, actions or lack of action on the part of a subject charged with taking measures aimed at preventing and countering corruption, shall have the right of counterclaim (regress) in respect of the person who inflicted the losses or damage, in the amount of the paid put compensation (apart from the compensation of payments related to labour relations and compensation of moral injury).

*Article 26. Confiscation of unlawfully acquired property*

1. Funds and other property acquired in consequence of the commitment of a corruptive offence shall be subject to confiscation by court decision in a procedure established by law, and funds in the amount of the value, established by court, of the unlawfully received services or perks, shall be subject to exaction for benefit of the state.

**SECTION VI. CONTROL AND SUPERVISION OVER THE COMPLIANCE WITH LAWS  
IN THE SPHERE OF PREVENTING AND COUNTERACTING CORRUPTION**

*Article 27. Supervision in the sphere of preventing and countering corruption*

1. The Verkhovna Rada of Ukraine shall carry out parliamentary supervision in the sphere of preventing and countering corruption, within the limits established by the Constitution of Ukraine.
2. Other state authorities shall carry out supervision in the sphere of preventing and countering corruption within their competence and in the manner stipulated by the Constitution and Laws of Ukraine.

*Article 28. Public supervision over the compliance with laws in the sphere of preventing and countering corruption*

1. Public Supervision over the Compliance with Laws in the sphere of preventing and countering corruption shall be carried out on grounds of and according to the procedure established by law.

*Article 29. Public prosecutor's supervision*

1. Supervision over the compliance with laws in the sphere of preventing and countering corruption shall be carried out by the Prosecutor-General of Ukraine and public prosecutors subordinated to him/her.

**SECTION VII. INTERNATIONAL CO-OPERATION**

*Article 30. International co-operation in the sphere of preventing and countering corruption*

1. Ukraine shall in accordance with international treaties to which it acceded, carry out co-operation in the sphere of preventing and countering corruption with foreign states and international organisations that act to prevent and counteract corruption.
2. International legal assistance and other types of international co-operation in judicial cases on corruptive offences shall be carried out by the competent bodies according to law and

international treaties of Ukraine the consent for the mandatory applicability of which has been granted by the Verkhovna Rada of Ukraine.

*Article 31. International treaties of Ukraine in the sphere of preventing and countering corruption*

Where international treaties of Ukraine the consent for the mandatory applicability of which has been granted by the Verkhovna Rada of Ukraine, have established other rules than those stipulated by legislation on prevention and counteraction to corruption, the rules stipulated by international treaties shall apply.

*Article 32. International exchanges of information in the sphere of preventing and countering corruption*

1. Competent Ukrainian authorities may provide to the relevant authorities of foreign states and receive from them information including information with limited access, on matters of preventing and countering corruption, in compliance with the requirements of law and of international treaties of Ukraine the consent for the mandatory applicability of which has been granted by the Verkhovna Rada of Ukraine.
2. The provision to authorities of foreign states of information on matters related to prevention and counteraction to corruption shall be possible solely in the case where such authorities and the relevant competent authority of Ukraine are able to establish such a mode of access to the information as would preclude the disclosure of the information for other purposes, or the disclosure thereof in any manner, including by way of unauthorised access.

*Article 33. Measures aimed at returning to Ukraine the funds and other assets acquired as a result of corruptive offences, and the disposal of recovered funds and other assets acquired as a result of corruptive offences*

1. Ukraine shall take measures aimed at returning to Ukraine the funds and other assets acquired as a result of corruptive offences, and shall manage such funds and other assets according to law and international treaties of Ukraine the consent for the mandatory applicability of which has been granted by the Verkhovna Rada of Ukraine.

#### **SECTION VIII. FINAL AND TRANSITIONAL PROVISIONS**

2. This Law shall come into force on July 1, 2011, with the exception of Articles 11 and 12 that shall come into force on January 1, 2012.
3. In the declaration on property, incomes, expenses, and obligation of a financial nature for 2011, information on expenses shall be provided from the date of coming into force of this Law.
4. The Cabinet of Ministers of Ukraine shall within a period of three months from the date of coming into force of this Law:
  - Submit to the consideration of the Verkhovna Rada of Ukraine the proposals regarding the harmonisation of legislative acts with this Law;
  - Provide for the adoption of normative-legal acts stipulated by this Law;
  - Harmonise its normative-legal acts with this Law;
  - Provide for the harmonisation with this Law of the normative-legal acts of ministries and other central executive authorities.

## Law of Ukraine "On the Disciplinary Regulations of the Civil Defence Service"

1068-VI, 05.03.2009, *Bulletin of the Verkhovna Rada of Ukraine*, BVR, 2009, No 9, p. 398

The Verkhovna Rada of Ukraine decrees:

1. To approve the 'Disciplinary Regulations of the Civil Defence Service' (attached).
2. This Law enters into force from the date of its publication.

### Disciplinary Regulations of the Civil Defence Service

The Disciplinary Regulations of the Civil Defence Service (hereinafter, Regulations) must identify the essence of service discipline, rights and obligations of rank and file personnel and officers of civil defence bodies and sub-divisions, including students and cadets of educational institutions of the specially authorised central body of executive power in the area of civil defence (hereinafter, rank and file personnel and officers) regarding the observance of such discipline, types of incentives and disciplinary penalties, as well as the procedure for their application.

The present Regulations oblige all rank and file personnel and officers to follow their requirements.

#### PART I. GENERAL PROVISIONS

##### 1. Service discipline

Service discipline means irreproachable and steady implementation by rank and file personnel and officers of their service obligations established by the Law of Ukraine "On Legal Foundations of Civil Defence", the present Regulations, and other regulatory and legislative acts as well as the contract for doing service in the bodies and sub-units of Civil Defence (hereinafter, the contract).

- Service discipline is based on the comprehension by all rank and file personnel and officers of their service obligations and faithfulness to the Military Oath (hereinafter, the Oath), which under the Law must be taken by all rank and file personnel and officers.
- Service discipline in civil defence bodies and sub-divisions must bind each individual belonging to rank and file personnel or officers at the time of doing their service
  - To protect life, health, rights, and property of citizens, territory and interests of the society and the state in the instance of emergency situations;
  - To fulfil the requirements of the Oath, the contract, orders of superiors, to observe the present Regulations and other regulatory and legislative documents;
  - To be honest, conscientious and disciplined;
  - To steadily endure all hardships and limitations related to the service, not to spare themselves at the time of fulfilling their assignments;
  - To continuously improve their professional skills, to enhance their proficiency;
  - To observe the standards of professional and service conduct, not to commit actions that may result into inappropriate fulfilment of their official responsibilities, to be free from the influence of political parties and community organisations;
  - To respect human dignity and to be ready, at any time, to provide assistance to people;
  - To contribute to strengthening of the discipline, to accord respect to superiors, to be polite, to observe the rules of the internal order, the rules for wearing the established form of clothes, the rules for salutation and etiquette;
- To guard state and service secrets;

- To take care of and to maintain in the appropriate condition property, equipment and machinery transferred thereto into use.
- Each individual belonging to rank and file personnel and officers must display dignity and honour during and after their service, to serve as an example of the ethical conduct and refrain from violation of public order.
- The appropriate level of service discipline in civil defence bodies and sub-divisions must be achieved, in particular, by way of:
  - Bringing up high professional, moral and psychological qualities in rank and file personnel and officers on the basis of national and historical traditions, patriotic principles, conscious attitude to the fulfilment of their official responsibilities, and the adherence to the Oath;
  - Establishing personal responsibility of each individual belonging to rank and file personnel and officers;
  - Tradition of high respect for the rule of law by rank and file personnel and officers;
  - Combining methods of persuasion and encouragement with the application of measures of disciplinary penalty;
  - Showing personal example of the exemplary fulfilment by superiors of their official responsibilities and showing fair attitude to subordinates;
  - Establishing the required level of comfort in all bodies and sub-units of Civil Defence, providing for the proper internal order;
  - Ensuring complete and timely provision of rank and file personnel and officers with the established types of support;
  - Involvement of all rank and file personnel and officers in the service training programs.
- Violation of service discipline is considered a disciplinary offence.
- The present Regulations must establish that rank and file personnel and officers must be subject to encouragement for the exemplary fulfilment of their official responsibilities and must bear disciplinary, civil, administrative, or criminal responsibility for violation of service discipline.
- Violation of service discipline must be unlawful, culpable (deliberate or careless) action or inaction by an individual belonging to rank and file personnel or officers aimed at not observing the requirements of the Oath, in particular, at not fulfilling or inappropriately fulfilling their official responsibilities, exceeding their authority, violating restrictions and prohibitions set forth by the legislation related to issues on doing service in civil defence bodies and sub-divisions, or at committing other actions that must defame or discredit an individual as a representative of the Civil Defence Service.

## *2. Superiors and subordinates, senior and junior individuals by rank or by position*

- A superior must be an individual belonging to junior, medium, senior, or supreme officers that must have the right to give (issue) orders or instructions, to apply measures of encouragement and to impose disciplinary penalties, or to submit a petition thereon to their immediate superior.
- A superior to rank and file personnel and officers, even if temporary, but whose authority is confirmed by an order, is considered a direct superior.
- A superior to the subordinate individual and occupying the next higher position is considered the immediate superior.
- There must be senior and junior chiefs. A superior must be a chief taking a higher office.
- Rank and file personnel and officers that are of equal position and not subordinate to each other in terms of service, can be senior or junior depending on their special rank.

- In the instance of joint fulfilment of official responsibilities by rank and file personnel and officers that are not subordinate to each other in terms of service, a superior must be the individual who is appointed a chief or who takes a higher office. In the instance of equal offices, superiority must be determined in terms of a special rank.
- In the instance of temporary fulfilment of official responsibilities at the different position, when the authority is confirmed by an order, senior chief has the authority to encourage or to punish subordinates equal to the authority of temporary position.

### *3. Giving (issuing) and fulfilling orders or instructions*

- An order is one of the ways of exercising service authority by senior individual. It establishes the purpose and substance of the task, terms of its implementation and an individual responsible for it.
- An order or instruction should be given (issued) by senior chief in accordance with the authority of his position, based on the legal grounds and avoiding the humiliation of dignity and honour of subordinates. It must be clear and fulfilled implicitly, precisely and on time.
- An order or instruction should be given verbally or in writing to a single individual or to a group of individuals of rank and file personnel and officers, including with the help of technical means of communication.
- The authority to cancel an order or instruction belongs exclusively to the senior chief, who gave (issued) the respective order or instruction, or to the senior direct chief.
- A senior chief assumes responsibility for given (issued) order or instruction and for its legality; for abusing authority and service negligence in the process of giving (issuing) an order or instruction; and for failure to take necessary measures to provide for its implementation.
- In case of receiving an order or instruction contradicting the law subordinate must not fulfil, but he is obliged to report immediately and in writing to senior chief who gave (issued) an order or instruction. In case the latter confirms this order or instruction, the subordinate must inform in writing to the senior direct chief.
- Failure to fulfil the legal order or instruction leads to responsibility under these Regulations or other legal acts.
- Persons guilty of giving (issuing) an evidently criminal order or instruction must be accountable under the law. Responsibility under the law is determined for direct or indirect giving (issuing) of criminal order, as well as for senior individuals, who within their authority could have precluded the fulfilment of criminal order or instruction, which became known to them, but failed to take appropriate actions (criminal inaction).

### *4. Rights and obligations of superiors*

- A senior chief is obliged to maintain the high level of service discipline in the bodies and sub-units of Civil Defence; demand to respect it by the subordinates; never leave unnoticed any fact of the violation of discipline; fully exercise his authority; and correctly exercise the available measures to influence the state of discipline.
- A senior chief is obliged to serve as an example in perfect fulfilling of the requirements of the Oath, orders and instructions; in respecting the legislation, service discipline, professional and service ethics; and motivate and maintain the conscientious attitude by subordinates in fulfilling their service obligations, displaying honour and dignity, encouraging the initiative, independence and diligence when on duty.
- A senior chief must give special attention to awareness about the individual qualities of subordinates; respect to requirements of the present and other Regulations for bodies and sub-units of

Civil Defence in relations with them, as well as between them; developing the team spirit; timely taking the punitive actions against the violators of service discipline; and investigating the reasons for disciplinary offences by subordinates and taking actions to preclude them.

- Activity of a senior chief aimed at maintaining the high level of service discipline is assessed by the completeness of fulfilment of service obligations by his subordinates and by absence of violations of legislation on their part.
- A direct superior at least once per half year is obliged to control the level of service discipline among subordinates and take preventive measures against violation of discipline. A superior, who failed to provide observance by subordinates of the appropriate level of service discipline and who failed to take the appropriate measures for this must be held responsible under the present Regulations.
- A superior has the right to give (issue) orders and instructions, while a subordinate assumes the responsibility to fulfil them.
- A senior direct chief under the present Regulations has the authority to resort to encouragement or to disciplinary punishments within all rights of junior chiefs.
- Head of the specially designated central body of executive power on the issues of the Civil Defence has the authority to exercise the encouragement or to resort to disciplinary punishments within all the rights established by the present Regulations.
- Senior officials occupying the positions of deputies of the head of the specially designated central body of executive power, heads of its divisions or territorial headquarters, commanders of the Civil Defence sub-units and other direct superiors have the authority to exercise the encouragement or to resort to disciplinary punishments within all the rights established by these Regulations within the scope established by the head of the specially designated central body of executive power.

## **PART II. ENCOURAGEMENT MEASURES**

- Encouragement measures serve as an important incentive for developing high professional, moral and psychological qualities of rank and file personnel and officers as well as for strengthening service discipline.
- A superior within the authority under these Regulations must encourage his subordinates for their diligence, initiative and conscientious fulfilment of service responsibilities.
- When choosing the type of incentive, the character of the merit of the individual belonging to the rank and file personnel and officers and his attitude to service duties must be taken into consideration.
- In case the superior decides that he does not have enough authority to encourage subordinates who deserve the incentive, he can address the senior direct official with request to exercise encouraging measures.
- For courage and bravery displayed at the time of fulfilling their official responsibilities, exemplary management of civil defence sub-divisions, high levels in terms of vocational training, mastering of equipment and machinery, and other merits – individuals belonging to rank and file personnel and officers may, according to the procedure set forth by the law, be recommended for the conferment of honorary ranks and the rewarding with state awards of Ukraine and honours of the President of Ukraine.

### *1. Types of incentives applied to rank and file personnel and officers*

- According to the present Regulations, the following incentives may be applied to rank and file personnel and officers:

- A pre-term remission of a disciplinary penalty;
  - The public announcement of gratitude;
  - The rewarding with a valuable present or a pecuniary bonus;
  - The rewarding with a diploma of the relevant civil defence body or sub-division;
  - The entry of the name of the individual to the honorary board of the relevant civil defence body or sub-division;
  - The entry of the name of the individual to the honorary board of the central Civil Defence body;
  - Pre-term conferment of the next special rank;
  - The conferment of the next special rank that must be one degree higher than the rank envisaged by the current position;
  - The rewarding with encouraging honours of the specially authorised central body of executive power in the area of Civil Defence;
  - The recommendation for state and government awards of Ukraine.
- There must be additional encouragement measures other than indicated in section 38 of these Regulations, which may be applied to the students of educational establishments of specially authorised central body of executive power in the area of Civil Defence:
- Giving to the student an honorary right to take a photo near the banner of educational institution with further presentation of the picture to him;
  - Sending the letter of gratitude to the parents of the student;
  - Granting an extra leave from the territory of establishment.

## *2. Rights of superiors to apply encouragement measures to subordinates*

- An immediate superior occupying the position of the individual belonging to junior command personnel has the right to exercise the following incentives to his subordinates:
  - A pre-term remission of a disciplinary penalty;
  - The public announcement of gratitude.
- A direct superior who takes the office specified by the list of staff members for individuals belonging to middle, senior and higher officers must have the right to apply to their subordinates such incentives as provided by section 38 of the these Regulations in the degree established by the head of the specially authorised central body of executive power in the area of Civil Defence.

## *3. Procedure for application of encouragement measures*

- Encouraging measures, except for the verbal announcement of gratitude and a pre-term remission of a verbally applied disciplinary penalty must be applied to announcement of gratitude through the issuing of the order.
- The content of the order on encouragement measures must be announced to the rank and file personnel and officers during the general meetings, service sessions, in front of the lined up formation and in person.
- An announcement of gratitude may be applied to the individual belonging to the rank and file personnel and officers as well as to all personnel of the body or sub-unit of Civil Defence.
- An individual belonging to the rank and file personnel and officers who are under the disciplinary penalty may be encouraged only through the pre-term remission of a disciplinary penalty.
- The right for pre-term remission of a disciplinary penalty belongs exclusively to superior who has applied it, or to senior direct superior. Only one remission of a disciplinary penalty can be applied in a single instance.

- A superior has the right for remission of a disciplinary penalty only after it fulfilled its motivating function and an individual belonging to the rank and file personnel and officers has changed its attitude to his service duty, but not earlier than three months after the order on application of disciplinary penalty was issued.
- Disciplinary penalties in the form of demotion in the special rank by one degree and dismissal from the office may be removed from the officers not earlier than a year after the order on application of disciplinary penalty was issued.
- A disciplinary penalty in the form of dismissal from the office may be removed without restoring of the officer in the previous position.
- In case of an announcement of gratitude to all personnel of the body or sub-unit of Civil Defence the rank and file personnel and officers, who are not on leave or on temporary duty etc., and who previously were punished in the form of such disciplinary penalties as reproof, reprimand, extra duty shift (except for appointment to the guard or sub-unit duty shift), cancellation of the regular leave from the training establishment (sub-unit), must be considered to be without such disciplinary penalties. If these individuals have been previously punished by other types of disciplinary penalties, then this fact must be taken into account when taking decision about the remission of a disciplinary penalty.
- The entry of the name of the individual to the honorary board of the relevant civil defence body or sub-division or the entry of the name of the individual to the honorary board of the central Civil Defence body, as a rule, must be applied at the end of the year to the rank and file personnel and officers who achieved the high standards of professional training, displayed exceptional discipline and proved distinctive professionalism in fulfilling their duties.
- The rewarding with a valuable present or a pecuniary bonus may be used as a separate type of incentive or simultaneously with rewarding by the entry of the name of the individual to the honorary board of the relevant civil defence body or sub-division, the entry of the name of the individual to the honorary board of the central Civil Defence body, the rewarding with encouraging honours of the specially authorised central body of executive power in the area of Civil Defence, and the rewarding with a diploma of the relevant civil defence body or sub-division.
- Encouragement measures, such as pre-term conferment of the next special rank and the conferment of the next special rank that must be one degree higher than the rank envisaged by the current position must be applied in accordance with the requirements of the Regulations on the Performance of Service by Individuals Belonging to the Rank and File Personnel and Officers of Civil Defence approved by the Cabinet of Ministers of Ukraine to the rank and file personnel and officers who displayed successful results in fulfilling their service duties.
- The rewarding with encouragement honours of the specially authorised central body of executive power in the area of Civil Defence, and the rewarding with a diploma of the relevant civil defence body or sub-division must be applied to the rank and file personnel and officers for irreproachable service and special merits in fulfilling their service duties.
- Granting to the students the extra leave from the educational institution can be exercised during the day and hours established by the rector (commandant) of educational institution of the specially authorised central body of executive power in the area of Civil Defence.
- Taking a photo of the student near the banner of educational institution as a reward by the personal picture is conducted in the parade type of uniform and a service hat.

### **PART III. DISCIPLINARY PENALTIES FOR VIOLATIONS OF SERVICE DISCIPLINE**

- Disciplinary penalties must be imposed on rank and file personnel and officers for violations of service discipline.
- A gross disciplinary misconduct must be the fact of a gross violation of service discipline that must not contain the signs of *corpus delicti*, namely:
  - Absence at service without a reasonable excuse;
  - Violation of the order of the day established by the head of the relevant Civil Defence body or sub-division;
  - Consumption of alcoholic beverages or narcotic substances during service hours, arrival at the service in the state of inebriation or in the state of narcotic intoxication;
  - Violation of the rules for doing service written in the present Regulations;
  - The loss of a service identity card, service documents or forms of strict reporting;
  - The failure to fulfil orders and instructions of superiors, which resulted in the lack of readiness for actions as per assignment and the disruption of the fulfilment of assignment entrusted to the relevant Civil Defence body or sub-division;
  - Breaking the legal or regulatory acts which resulted in the damage or loss of the service property, equipment and material or other losses, as well as in harm to the health of personnel of the body or sub-unit of Civil Defence, or to the third persons;
  - Unauthorised absence of cadets (students) from the location of the relevant educational institution;
  - The failure to fulfil individual plans of works by the scientific, research and educational, and pedagogical personnel, post-graduates, persons working on a doctorate degree.
- There are other actions considered to be violations of service discipline, such as:
  - Infringement of the legal acts regulating the activity of the bodies and sub-units of Civil Defence;
  - Brutal or belittling attitude toward citizens, humiliation of their honour and dignity while performing the service duties;
  - Concealment or incorrect submission of personal information, which can be important in the interest of service (change of address, past administrative or criminal sentences);
  - Other actions tantamount the violation of service discipline under the law or the present Regulations.
- In case of the insignificant violation of service discipline by the rank and file personnel and officers, the superior may limit his reaction to the verbal warning of the individual regarding the necessity to respect the service discipline and to pointing out the failures. If later it will be found that the person continues to display dereliction of service responsibilities, the superior may resort to formal disciplinary penalty.
- In case of the gross disciplinary misconduct when situation requires immediate response, the direct superior may remove the individual belonging to the rank and file personnel and officers from exercising his service duties.
- The superior who removed the subordinate from exercising his service duties must immediately report about this to his higher direct superior citing the reasons and circumstances of the removal. The duration of the removal from exercising one's service duties must not exceed the duration of the service investigation and the period necessary for the superior to take a decision.
- The superior who removed the subordinate from exercising his service duties without sufficient grounds or by the way of exceeding his service authority must be held responsible under the law or the present Regulations.

- Disciplinary penalties imposed on rank and file personnel and officers in the written order are considered valid for one year since the date of the issuing of the order, but in case they are imposed verbally, the term of validity must be one month since the date of imposing.
- The individual belonging to the rank and file personnel and officers who has valid disciplinary penalty may not be promoted to the next special rank; he may not be appointed on the higher position till the end of validity of the disciplinary penalty or till its removal through procedures stipulated in the present Regulations.
- In case the violation of service discipline has the signs of administrative misconduct or crime, the superior is obliged, simultaneously with the imposing the disciplinary penalty on rank and file personnel and officers, to submit the relevant materials to the body, which is assigned to explore the cases of administrative violations or to the body of pre-trial investigation.
- The superiors who failed to take proper measures to make the subordinates accountable for their disciplinary misconduct and cases of corruption, and who did not submit the evidence on the cases of rank and file personnel and officers committing the administrative misconducts or crimes to the body, which is assigned to explore the cases of administrative violations or to the body of pre-trial investigation in cases stipulated by the section 66 of the present Regulations must be held responsible under the present Regulations and the law.

*1. Types of disciplinary penalties, which may be imposed on rank and file personnel and officers*

- The following types of disciplinary penalties may be imposed on rank and file personnel and officers for violation of service discipline:
  - Reproof;
  - Reprimand;
  - Severe reprimand;
  - A warning on incomplete service compliance;
  - Dismissal from service in connection with the systematic failure to fulfil terms and conditions of the contract or because of service incompliance.
- The individuals belonging to the rank and file personnel and officers for violations of service discipline other than indicated in section 68 of the present Regulations can be punished with the following disciplinary penalties:
  - Dismissal from the office;
  - Demotion in the special rank by one degree.
- There may be additional disciplinary penalties, which may be applied to the students of educational establishments of specially authorised central body of executive power in the area of Civil Defence:
  - Reproof;
  - Reprimand;
  - Severe reprimand;
  - Cancelling the regular leave from the educational institution (sub-unit);
  - Assigning the extra duty shift (except for appointment to the guard or sub-unit duty shift).
- Disciplinary penalties in the form of dismissal from the office, demotion in the special rank by one degree and dismissal from service in connection with the systematic failure to fulfil terms and conditions of the contract or because of service incompliance must not be applied to officers who must be appointed to their offices and who must be conferred special ranks by the President of Ukraine.

*2. Rights of a superior related to imposing disciplinary penalties*

- Direct superiors who occupy the position specified by the list of staff members for individuals belonging to junior command personnel have the authority of imposing disciplinary penalties in the form of reproof.
- Direct superiors who takes the office specified by the list of staff members for individuals belonging to middle, senior and higher officers must have the right to impose on their subordinates such disciplinary penalties as provided by sections 68-70 of the present Regulations in the volume established by the head of the specially authorised central body of executive power in the area of Civil Defence.
- The authority to impose disciplinary penalties on the higher officers of bodies and sub-units of Civil Defence belongs to the head of the specially authorised central body of executive power in the area of Civil Defence.

*3. Procedure for imposing disciplinary penalties*

- To the individuals belonging to the rank and file personnel and officers who violated service discipline must be imposed with only disciplinary penalties under the present Regulations and compatible with the degree of their fault.
- Responsibility of a person must be of individual nature.
- For each violation of service discipline, there must be only one disciplinary penalty. In case of the violation of service discipline by several individuals, the disciplinary penalty must be imposed separately on each of them.
- Disciplinary penalties such as reproof, assigning the extra duty shift (except for appointment to the guard or sub-unit duty shift) and cancelling the regular leave from the educational institution (sub-unit) may be imposed in the form of verbal or written order. Other types of disciplinary penalties as provided by sections 68-70 of the present Regulations must be imposed on the rank and file personnel and officers in the written order.
- Disciplinary penalty in the form of a warning on incomplete service compliance must be imposed only once.
- Dismissing of the rank and file personnel and officers on the grounds of the systematic failure to fulfil terms and conditions of the contract or because of incomplete service compliance must be the considered as radical measure of disciplinary influence and may be used in case, when previous measures did not produce positive effect or when the disciplinary offence is incompatible with further service in Civil Defence Service.
- Prior to imposing of disciplinary penalty the offender must submit written explanation. In case the offender refuses to submit written explanation, his superior must record this fact in the form of an act.
- Imposing of disciplinary penalty on the offender who is under intoxication as well as receiving of written explanation from such person must be postponed until he becomes sober.
- Prior to taking decision on imposing the disciplinary penalty on subordinate for gross disciplinary misconduct the superior may initiate the service investigation with the aim to clarify all the circumstances, as well as specify the reasons and circumstances which led to this violation of discipline, assessing correctly the degree of the fault and the extent of the damage.
- Service investigation must be completed in the course of one month after ordering it by a superior. In case of necessity, this term may be prolonged by a senior direct superior, but for no longer than one month.

- The procedure of conducting the service investigation is established by the specially authorised central body of executive power in the area of Civil Defence.
- Disciplinary penalty may be imposed no later than in the course of 30 days since the day when superior has discovered the violation, and in case of conducting the service investigation of the fact of violation – since the day of completion of the service investigation, omitting the days of temporary absence of the offender due to sick calls or leaves.
- Disciplinary penalty may not be imposed during the time of temporary absence of the individual belonging to the rank and file personnel and officers due to sick calls or leaves, or when more than a year have passed since the day of violation.
- Imposing of disciplinary penalty on the individual belonging to the rank and file personnel and officers who is a member of the duty shift for disciplinary violation during the service in the shift must be imposed only after the end of the shift or after the substitution of the offender by other person.
- In case a superior decides that the gravity of disciplinary violation of his subordinate exceeds the authority of his position under the present Regulations, he may address the senior direct superior with request for imposing the penalty on the offender.
- The superior who exceeded his service authority of imposing disciplinary penalties must be held responsible under the present Regulations and the law.
- Senior superior has no right to cancel or reduce the disciplinary penalty imposed by junior chief on the grounds of severity of the penalty, if junior chief has not exceeded his authority and imposed penalty corresponds to the gravity of disciplinary violation.
- Senior superior has the right to increase the disciplinary penalty imposed by junior chief, if it becomes evident that the penalty does not correspond to the gravity of disciplinary violation, or cancel disciplinary penalty if comes to decision that it was imposed without any grounds.
- The individual belonging to the rank and file personnel and officers has the right to appeal against the disciplinary penalty imposed on him to the next senior direct superior or to the court during one month since the day of imposition.
- Complaint on the actions of superior who imposed the disciplinary penalty must be reviewed during the period not exceeding one month since the day of receiving it.

#### *4. Procedure of fulfilment of disciplinary penalty*

- A disciplinary penalty, as a rule, must be fulfilled immediately.
- Individuals guilty of failing to fulfil the disciplinary penalty without a valid excuse must be subjected to disciplinary responsibility under the present Regulations.
- In case of complaint to the senior superior, the fulfilment of the imposed disciplinary penalty must not be postponed, unless the senior superior takes the decision for postponement for the period of reviewing the complaint.
- The fact of imposing the disciplinary penalty is announced to:
  - Individuals belonging to rank and file and junior personnel – in person, in front of the lined up formation or during the meeting;
  - Middle, senior and higher officers – in person, during the meeting or during the session of the corresponding category of officers.
- Announcing the disciplinary penalty to an officer, in presence of his subordinates, is not forbidden.
- An order may be issued to impose a disciplinary penalty upon the offender. The contents of such an order must be announced to and signed by the relevant individual belonging to rank and file personnel or officers, which was brought to disciplinary responsibility. In case of retirement, the individual belonging to rank and file personnel or officers must receive an extract

from this order. In case the individual refuses to get acquainted with such an order, his superior must record this fact in the form of an act.

- Cadets and students of educational establishments of specially authorised central body of executive power in the area of Civil Defence to whom the disciplinary penalty is imposed in the form of assigning the extra duty shift (except for appointment to the guard or sub-unit duty shift) must be assigned to the extra duty shift on any day of the week in their time free of classes. The duration of one such duty shift should not exceed 8 hours per day.
- In case of imposing the disciplinary penalty in the form of demotion in the special rank by one degree to the officer, he must be given time for change to proper insignia.
- In case after the imposition of such penalty, as a warning on incomplete service compliance, an individual belonging to rank and file personnel or officers, has repeated the violation of service discipline and the above-mentioned disciplinary violation was not removed, the corresponding superior must take a decision to transfer this person to the lower position or to dismiss him from the service.

#### **PART IV. TRACKING OF ENCOURAGEMENTS AND DISCIPLINARY PENALTIES**

- All encouragements and disciplinary penalties must be subject to tracking.
- Tracking of encouragements and disciplinary penalties of the rank and file personnel and officers must be kept in the bodies and sub-units of Civil Defence in the personal files in accordance with the register of encouragements and disciplinary penalties (Appendixes 1 and 2).
- All encouragements and disciplinary penalties under the present Regulation, including the encouragements announced by the superior to all personnel of the body or sub-unit of Civil Defence must be registered within a week in the respective section of the personal file according to the registry of encouragements and disciplinary penalties.
- In case of cancellation of the disciplinary penalty a record must be made in the personal file and the registries of encouragements and disciplinary penalties as to who and when has cancelled respective disciplinary penalty.
- In case the disciplinary penalty imposed in the order was not cancelled within a year and an individual belonging to rank and file personnel or officers did not commit during this period any other offence for which the disciplinary penalty may be received, the record must be made in his personal file and the registries of encouragements and disciplinary penalties as for the ending of the validity period of this disciplinary penalty.

#### **PART V. PROPOSALS, APPLICATIONS AND COMPLAINTS**

- All rank and file personnel and officers must have the right for a written address – a proposal, an application, a complaint, or an appeal – personally to officials, bodies and to a court in the instance of:
  - The adoption of illegal decisions or the committal of actions (inaction) with respect to them by superiors or other rank and file personnel or officers or violation of their rights, legal interests and freedoms;
  - Illegal assignment of obligations to them or of illegal bringing of them to account;
  - The emergence of other issues related to service activities and operations.
- Proposal, application or appeal must be submitted to immediate superior while a complaint must be submitted to immediate superior of the person, whose actions became the reason for complaint. In case the person at fault is not known, the complaint must be submitted through the chain of command.

- An individual belonging to rank and file personnel or officers who submitted a proposal, an application, a complaint, or an appeal, has the right to:
  - Personally provide reasons to the person who is reviewing proposal, an application, a complaint, or an appeal and support them with evidence if necessary;
  - Submit additional materials relative to the matter or solicit about their request by the superior or the body reviewing a proposal, an application, a complaint, or an appeal;
  - Be present during the review of a proposal, an application, a complaint, or an appeal;
  - Receive a written response about the results of the reviewing of a proposal, an application, a complaint, or an appeal;
  - Access the records of the review of a proposal, an application, a complaint, or an appeal;
  - Appeal to the court against the decision adopted on his appeal or complaint;
  - Demand reimbursement of the losses in according to the procedure established by law.
- No one must be punished for submitting a proposal, an application, a complaint, or an appeal.
- Submitting of complaint by the individuals belonging to the rank and file personnel and officers of the bodies and sub-units of Civil Defence does not free them from fulfilling their service duties and orders of superiors.
- It is forbidden to submit complaint while on duty, in formation (except for complaints submitted during the questioning of the rank and file personnel and officers), within duty shift and during training lessons.
- During the questioning of the rank and file personnel and officers, a proposal, an application, a complaint, or an appeal may be submitted verbally or in writing directly to the superior, who conducted questioning.
- When the facts like theft or damage of service property, illegal spending of money, violations in resource supply, deficiencies in the norms of technical equipment or other negative facts become evident, an individual belonging to the rank and file personnel and officers must report it to his immediate superior. This individual may also send a written appeal to senior superior up to the head of the specially authorised central body of executive power in the area of Civil Defence, or to the other governmental, including law enforcement, bodies.
- A proposal, an application, a complaint, or an appeal submitted in writing must always be signed. In case there is no information about the author of a proposal, an application, a complaint, or an appeal, it is regarded as anonymous and must not be reviewed.
- Properly submitted proposal, application, complaint, or appeal must be taken for review. If the problem indicated in a proposal, an application, a complaint, or an appeal does not fall within the framework of authority of the particular superior, who received it for further review, then the proposal, the application, the complaint, or the appeal, no later than in five days, must be sent to competent person or the body, and an individual belonging to the rank and file personnel and officers who submitted the proposal, the application, the complaint, or the appeal must be informed about it. If a proposal, an application, a complaint, or an appeal does not contain the information necessary take a well-grounded decision by the body or an official, then it must be returned within the same period to an individual belonging to the rank and file personnel and officers with proper explanation.
- It is forbidden to resend the appeal or complaint of the individuals belonging to the rank and file personnel and officers to the same officials or bodies, actions of which are the subject of the complaint.
- A proposal, an application, a complaint, or an appeal is considered to be resolved, if all its issues are examined and consequent necessary measures are taken or detailed responses provided.



# **THE SECURITY SECTOR LEGISLATION OF UKRAINE**

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