



THE SECURITY SECTOR LEGISLATION OF UKRAINE

2012-2014 UPDATES



2015

OLEKSANDR LYTVYNNENKO, MARCIN KOZIEL, PHILIPP FLURI (EDS.)

**THE SECURITY SECTOR
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This book presents collection of new laws and decrees on key issues of national security and defence, which were added to legislation of Ukraine during the period of 2012-2014, after publication of the second background collection 'The Security Sector Legislation of Ukraine' (2012).

For a wide range of readers.

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INTRODUCTION

Oleksandr LYTVYENKO

Deputy Secretary

National Security and Defence Council of Ukraine

UKRAINIAN PARLIAMENT HAS CONFIRMED ITS POLICY OF DEMOCRATISATION

Ukraine is going through the most difficult period of its modern history as an independent state. The Russian Federation has annexed the Crimea and provides direct support for terrorist activities in Luhansk and Donetsk regions while waging political, economic and information war against our country. Ukraine's territorial integrity has been breached, and there is a direct threat endangering its national sovereignty and further progress as a democratic, law-abiding, European state. In this situation, Ukrainian society is going through a radical transformation, and the country's military, intelligence and law enforcement forces are re-emerging in a new guise. These transformations have been enshrined in amendments to the legislative framework for national security and homeland defence.

Although this volume encompasses amendments made to national security and homeland defence legislation from 2012 to 2014, one can easily see that most of the legislative acts contained herein were adopted in 2014 when military aggression was already well underway.

A special mention should be made about the legislative acts concerning homeland security and defence sector development. First and foremost, we are talking about the conduct of a major anti-terrorist operation in Ukraine's Luhansk and Donetsk Oblasts, limited mobilisation, the establishment of the National Guard of Ukraine etc. As a matter of fact, it was a comprehensive modernization of the Law of Ukraine on Counter-Terrorism that has enabled implementation of nationwide mission to deter aggression and defend the Ukrainian State.

At the same time, it should be emphasized that, even at the time of *special period*, a great many legislative acts were adopted to adjust the country's national security sector, most particularly its law enforcement sector, to European standards. To this end, amendments and updates have been made to a number of Ukrainian laws: the Law of Ukraine on the Militia (with respect to the use of physical force, special operations gear and firearms in the antiterrorist operation area), the Law of Ukraine on Institutional and Legal Framework for Combating of Organized Crime, the Law of Ukraine on the Procuracy (with respect to the establishment of military procuracies), and the Law of Ukraine on the Foundations for Prevention and Combating of Corruption".

Also importantly, a clear-cut legal framework has been set out for social care of military personnel and their families; parliament has established additional social care assurances for soldiers during the *special period*, and changes and updates have been introduced to provisions on the status of and social care assurances for war veterans.

Ukraine is moving towards reinstating its military might and strengthening its national security sector. But all that means is the Legislature's understanding that the entire state building process should be focused on individual, and on promotion and protection of human interests and liberties.

Marcin KOZIEL **Director, NATO Liaison Office in Ukraine**

I am pleased to present to your attention this newly revised overview of Ukrainian security legislation, which we produce in cooperation with the Geneva Centre for the Democratic Control of Armed Forces (DCAF).

It is worth noting that such a publication today has never been more relevant. The 2014 developments in Ukraine, which were in the focus of NATO's attention, demonstrated that security issues must be a first priority. Russia's annexation of a part of Ukraine's territory, its violation of the basic principles of international law are one of the challenges that requires us to review our strategic vision of the security environment and, subsequent to this, review a range of programs and priorities. For Ukraine this is, first and foremost, the issue of the strengthening of its ability to defend itself through implementation of defence and security sector reforms.

The Alliance was among the first to respond to the Ukrainian crisis. Particularly when the annexation of Crimea occurred, NATO demonstrated consolidated, unconditional support for Ukraine. At a meeting of the NATO-Ukraine Commission at the level of foreign ministers on April 1, 2014, a declaration was adopted that stated that the Allies are unanimous in our condemnation of Russia's illegal military invasion of Ukraine and its violation of Ukraine's sovereignty and territorial integrity. As practical demonstration of the Allies' commitment to a distinctive partnership between Ukraine and NATO, we agreed to implement concrete measures in order to strengthen Ukraine's ability to provide its own security.

As the Russian Federation continued its aggressive actions aimed at providing support for illegal armed groups of the self-proclaimed republics in eastern Ukraine, the Alliance continued providing further active support for Ukraine. In particular, the Ukraine crisis was a key item on the agenda of the NATO Wales Summit on September 3-5, 2014. The Joint Statement of the NATO-Ukraine Commission meeting, which was held in the framework of the Wales Summit, stressed that the Allies welcomed the efforts undertaken by the Ukrainian Government, particularly with respect to implementation of the peace plan for Donbas.

Furthermore, we made several important decisions on enhancing Ukraine's national defence capacity. In particular, the Alliance announced the launch of four Trust Funds for Ukraine to support defence capacity-building in logistics, command, control, communications and computers (C4), and cyber defence, and separate resources were provided to Ukraine for medical treatment and rehabilitation of injured soldiers.

NATO is also providing the advisory and expertise assistance to Ukraine, who is going through a complex evolutionary process of reform and development of its Armed Forces in the changing security environment. This is a difficult process as it requires considerable effort, including particularly the working out of a coherent conceptual

vision for the national security sector development. Beyond that, a critical success factor for reforms is that they are transparent to the society, the civil society that is now emerging as a driving force behind the strengthening of Ukraine's ability to defend itself. With this in mind, I would like to emphasize the importance of parliamentary control over the defence and security sector, which not only involves the monitoring of state security sector activities but the ability to be actively engaged in the shaping of national security policy.

The NATO-Ukraine Joint Working Group on Defence Reform (JWGDR), under whose auspices this volume has been published, was engaged in the Comprehensive Security and Defence Sector Review that was carried out pursuant to the Decree of the President of Ukraine of May 13, 2014 No. 468/2014. The Alliance stands ready to continue to use all opportunities and instruments available to support the Ukrainian government in developing and updating key defence planning documents in the light of significant transformations of the military and political situation.

As it has been reiterated by the Alliance's officials, we are open to share with Ukraine best practices from NATO countries for building modern, effective and efficient armed forces. NATO's strive to deepen relations with Ukraine as an important partner in the Euro-Atlantic region remains unchanged.

This book that you hold in your hands is an excellent example of the joint international effort meant to support an integrated, comprehensive approach to the security and defence sector reform in Ukraine. It also demonstrates the effectiveness of NATO's collaboration with reputable international organisations, to which the Geneva Centre for the Democratic Control of Armed Forces undoubtedly belongs. We do hope that this publication will be a worthy contribution to our joint effort to assist the Ukrainian people who are now upholding their sovereignty and security.

Philipp FLURI, Ph.D.
Deputy Director DCAF

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.

In Ukraine, as a founding member of DCAF and an enthusiastic supporter of our organisation, cooperation with the Security and Defence Committee was substantial and highly inspiring throughout most of the last decade, even though cooperation was subsequently limited by the marginalization of parliament from 2010 onwards.

The three preceding volumes to this collection testify to intense cooperation for more than ten years. The newly elected parliament will need to re-establish its authority. This volume will undoubtedly be useful in the process, if only by offering a comprehensive overview of laws passed in both the period prior to as well as after the Maidan revolution.

Part I

The Constitutional Framework of Ukrainian National Security and Defence Policy

Law of Ukraine “On Terminating the Validity of the Law of Ukraine on Amending Individual Legislative Acts of Ukraine to Bring them into Conformity with the Constitution of Ukraine”

(Bulletin of the Verkhovna Rada (BVR), 2014, No. 12, p.189)

{As amended by Law No. 798-VII of 02/27/2014, BVR, 2014, N 13, p. 224}

Ukrainian Verkhovna Rada hereby resolves:

1. To terminate the validity of the Law of Ukraine on Amending Individual Legislative Acts of Ukraine to Bring them into Conformity with the Constitution of Ukraine (*Bulletin of the Verkhovna Rada*, 2011, No. 10, p. 63).
2. To establish that the provisions of the Ukrainian laws that were amended under the Law of Ukraine on Amending Individual Legislative Acts of Ukraine to Bring them into Conformity with the Constitution of Ukraine, which ceased to be in effect under clause one of this Law, shall be henceforth effective as worded in a revised wording effective from October 7, 2010, with the amendments introduced under the laws of Ukraine after October 7, 2010, to the extent that they are not in conflict with the constitutional provisions effective as of the enforcement date of this Law.

{Article 2 as amended by Law No. 798-VII of 27/02/2014}

3. This Law shall become applicable on the date following its official promulgation date.
4. The Cabinet of Ministers of Ukraine shall within a three months' deadline from the date of official promulgation of this Law:
 1. Amend its legal regulatory acts that this Law affects;

2. Make sure that Cabinet Ministries and other Central Executive Authorities amend their legal regulatory acts that this Law affects.

Acting President of Ukraine,
Chairman of the Verkhovna Rada of Ukraine
Oleksandr TURCHYNOV
Kyiv
February 23, 2014
No. 763-VII

Part II

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

Law of Ukraine “On Mobilisation Preparation and Mobilisation”

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.

No. 5404-VI of 02.10.2012, BVR, 2013, No. 41, p. 550

No. 5463-VI of 16.10.2012, BVR, 2014, No. 4, p. 61

No. 1127-VII of 17.03.2014, BVR, 2014, No. 17, p. 595

No. 1169-VII of 27.03.2014, BVR, 2014, No. 20-21, p. 746

No. 1190-VII of 08.04.2014, BVR, 2014, No. 23, p. 871

No. 1194-VII of 09.04.2014, BVR, 2014, No. 25, p. 890

No. 1275-VII of 20.05.2014, BVR, 2014, No. 29, p. 942

No. 1575-VII of 03.07.2014, BVR, 2014, No. 35, p. 1178

No. 1614-VII of 25.07.2014, BVR, 2014, No. 36, p. 1194

{In the text of the Law, words “the Executive body for economic policy” are substituted with “the Executive body responsible for the formation of the state policy in the area of economic development” as stipulated by the Law No. 5463-VI of 16/02/2012}

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, 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

The terms used in this Law shall have the following meaning:

- **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, the State Service for Special Communication and Information Protection and the 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*;
- **System of control over mobilisation preparation.** Part of the overall system of state administration, which directs the activity of Executive, Local Self-Government, integrated national system of civil protection 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;
- **Mobilisation** in Ukraine is a complex set of actions, which are carried out with the purpose of the systematic transfer of organs of the Executive, Local Self-Government, the national economy, enterprises, institutions and organisations to support a *special period*; and the Armed Forces and other military formations, Operational-Rescue System of Civil Protection be transferred to wartime structures. Mobilisation can be general or partial, conducted openly or covertly.
- **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 Self-Government, the Armed Forces, the civil protection forces, enterprises, institutions and organisations begins.

- **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 other military formations, Operational-Rescue System of Civil Protection continue be transferred to peacetime structures.
- **Mobilisation plan.** Set of documents, which define content, volumes, responsible personnel, order and terms of executions for measures of mobilisation of the Armed Forces and other military formations, Operational-Rescue System of Civil Protection be transferred to wartime structures, 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;
- **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).
- **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;
- **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 necessities of the population;
- **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. The Executive in accordance with the procedure established by the Cabinet shall make decisions on the transfer of mobilisation capacities to other enterprises, institutions and organisations.

Article 2. The Legal Basis for Mobilisation Preparation and Mobilisation

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 coordination;
 - 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 protection 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 items, 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 a military-trained reserve predisposed for military service and conscription for manning wartime positions;
- 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, integrated national system of civil protection, 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 and other military formations, Operational-Rescue System of Civil Protection, enterprises, institutions and organisations, as well as the administrative and territorial units of Ukraine;
- International cooperation 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 and other military formations, Operational-Rescue System of Civil Protection 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. This Law, Presidential Decrees and Cabinet predetermine the organisation and procedures for conducting mobilisation preparation and mobilisation.
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, Operational-Rescue System of Civil Protection, 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, Operational-Rescue System of Civil Protection, enterprises, institutions and organisations.
4. Article excluded by Law No. 5404-VI of 02.10.2012.
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.

During the *special period*, validity of all previously adopted acts requiring reductions in the total strength, supply or budgeting of the Armed Forces, other military formations and special purpose law enforcement bodies shall be postponed.

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.

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;

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;

10. Procedures for creation, development, maintenance, transfer, liquidation and sale of mobilisation capacities shall be defined by the Cabinet.
11. 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.
12. Functions for the coordination of planning, methodological, methodical, scientific support of mobilisation preparation and mobilisation in national economy industries is carried out by the Executive body responsible for the formation of

the state policy in the area of economic development, unless the different option is determined by law.

13. 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.
14. 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 the Cabinet.
15. Cooperation 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.

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.

6. 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.

7. 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.
8. 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 predetermined 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 is established by the Cabinet. The procedure for 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.
3. The military transport duty during mobilisation, in case emergency or martial law regimes are not enacted, shall be executed in accordance with the Mobilisation Plan of Ukraine through non-refundable use of transportation vehicles owned by enterprises, institutions and organisations of all forms of ownership for the needs of the Armed Forces and other military formations provided they will be returned to the owners after demobilisation.

Specific types and models of transportation vehicles supposed to be used during mobilisation are determined in accordance with the Mobilisation Plan of Ukraine for enterprises, institutions and organisations of all forms of ownership by Local Self-Government on the basis of applications from military commissariats.

Practical alienation of transportation vehicles during mobilisation is performed by military commissariats on the basis of decisions made by Local Self-Government issued in the form of relevant ruling.

The processes of transportation vehicles transfer from owners during mobilisation and their subsequent return after declaration of demobilisation are performed on the basis of transfer-return acts, which contain all information about owners, tech-

nical condition, remaining (balance) value and other relevant data to allow identification of the transportation vehicles.

Process of the transportation vehicles return to the owners shall be finished within 30 days since demobilisation is declared.

The procedure for compensation of the damage to transportation vehicles resulted from their exploitation during mobilisation shall be determined by the Cabinet.

Article 7. Financing Mobilisation Preparation and Mobilisation

1. Mobilisation preparation is financed by the State 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 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 enterprises, institutions and organisations.
5. Additional financial support to mobilisation preparation and/or measures of mobilisation can be made at the expense of donations from physical and legal persons according to procedures established by the Cabinet.
6. The activities for mobilisation preparation and mobilisation are financed in accordance with the procedures stipulated in the Budgetary Code and in other normative-legal acts.

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 established 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

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

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

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 wartime 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

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 wartime;
- 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 activating 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 sale of mobilisation capacities;
- Organises the work connected to the creation of an insurance fund for the documentation of mobilisation and defence production;
- Develops drafts for the 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 free use, or confiscation of, vehicles and technical equipment for a period of mobilisation and wartime;
- 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, Operational-Rescue System of Civil Protection to the organisational structures during 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 personnel policy within mobilisation organs (i.e., experts on mobilisation issues);
- 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 competencies, decides upon granting privileges to enterprises, institutions and organisations that carry out mobilisation tasks;
- Determines the compensation procedures for the cost of property subject to 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 in the sphere of mobilisation preparation;
- Organises international cooperation on the issues of military and technical cooperation in the sphere of mobilisation preparation.

Article 13. Powers of the Central Executive body responsible for the formation of the state policy in the area of economic development

The Central Executive body responsible for the formation of the state policy in the area of economic development:

- Provides methodological support for the mobilisation preparation of the national economy of Ukraine;
- 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;
- 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 the 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;
- Develops the estimates for the levels of mobilisation preparedness of the national economy of Ukraine and enterprises, institutions and organisations, which have mobilisation tasks (orders);
- 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;
- Executes 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 the Cabinet.

Article 13-1. Powers of the Central Executive body responsible for the execution of the state policy in the area of economic development

The Central Executive body responsible for the execution of the state policy in the area of economic development

- Carries out the analysis of economic and military-economic potentials of the national economy;

- 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;
- Conducts analysis of the condition the mobilisation preparation of the national economy of Ukraine, and in accordance with established procedure submits proposals to annual report of the Cabinet;
- 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;
- Executes control over the condition the mobilisation preparation 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*;
- Develops proposals on drafting the State programmes of economic and social development of Ukraine with taking into account mobilisation requirement, and in accordance with established procedure submits them;
- 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.

Article 14. Powers of the Ministry of Defence of Ukraine

1. The Ministry of Defence:

- Organises planning, methodological, scientific, financial, material and technical support for mobilisation preparation and mobilisation of the Armed Forces;

- In peacetime, organises the stockpiles of “untouchable” reserves and the mobilisation reserve for the Armed Forces of arms, military equipment, 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 of 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 of 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 to the Cabinet the draft mobilisation plan for the Armed Forces and other military formations;
 - 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 matrices to equip with material and technical resources the special formations intended to join the Armed Forces during mobilisation; participates in developing organisational structures and matrices to equip with material and technical resources during mobilisation the special formations intended to join the other military formations;
- 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 national industries and regions of Ukraine;
- Provides methodological, methodical and scientific support for mobilisation preparation and mobilisation of the national industries for which they are responsible;
- Plans, organises and exercises control over mobilisation preparation for the national industries for which they are responsible, and the transfer of operations during a *special period*;

- Provides for the regulation of mobilisation preparation in certain areas of the 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 certain areas of national economy may meet the needs of the Armed Forces and other military formations, civil protection forces as well as the urgent needs of the national economy and population during a *special period*;
- Determines the needs 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 the 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 range of activities concerning the transfer of enterprises, institutions and organisations in the relevant sphere to operation under the conditions of a *special period*;
- Submits to the Central Executive body responsible for the formation of the state policy in the area of economic development 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;
- Organises and improves the professional skills of members of mobilisation organs and specialists on mobilisation issues;

- Organises 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);
- Organises the creation, structure and maintenance of an insurance fund of documentation to ensure the production of mobilisation and defence-related products;
- Organises the creation, storage and maintenance of mobilisation reserve material and technical resources at enterprises, institutions and organisations belonging to or recruited for the execution of mobilisation tasks (orders);
- Develops and within limits of legal authority approves the normative-legal acts concerning mobilisation preparation and mobilisation in the relevant sphere of administration, or in certain branches of the national economy;
- Formulates the basic parameters of mobilisation plans for the industries in the relevant sphere of administration, or in certain branches of the 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 Executive body responsible for the formation of the state policy in the area of economic development 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 the Cabinet.
- Cooperates 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 of Ministers of the Autonomous Republic of Crimea

1. The Council of Ministers of the Autonomous Republic of Crimea:
 - Develops draft key indicators for the 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 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 the republic's industries to function during a special period;
- Determines the capacity of the economy of the Autonomous Republic of Crimea to meet the needs of the Armed Forces and other military formations, civil protection forces as well as the needs of the national economy and population during a special period;
- Determines the financing requirements for 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 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 and approved by the Cabinet;
- Provides the military commissariats with information on registration, insolvency (liquidation) of enterprises, institutions and organisations in accordance with legal requirements;
- Organises and improves the professional skills of members of mobilisation organs and specialists on mobilisation issues;
- Organises the creation, development, maintenance, transfer, liquidation and realisation of mobilisation capacities;
- Organises the creation, structuring and maintenance of an insurance fund of documentation to ensure the production of mobilisation and defence related products;
- Organises control over the creation, storage and maintenance of a mobilisation reserve of material and technical resources and raw materials;
- Submits to the Central Executive body responsible for the formation of the state policy in the area of economic development annual reports on the condition of mo-

bilisation 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 procedure established by parts three-five Article 22 of this Law, 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, Operational-Rescue System of Civil Protection 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. Local Bodies' Executive Power

1. The Local Executive:

- Takes part in the development of draft mobilisation plans;
- Develops mobilisation plans, long-term and annual programmes for mobilisation preparation in 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 during 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, other military formations, civil protection forces, the 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 in the relevant administrative territories;
- Submits to the 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;
- Organises and improves the professional skills of members of mobilisation organs and specialists on mobilisation issues;
- Organises the creation, development, maintenance, transfer, liquidation and realisation of mobilisation capacities at enterprises, institutions and organisations involved in execution of the mobilisation tasks (orders);
- Organises the creation, structuring and maintenance of an insurance fund of documentation to ensure the production of mobilisation and defence related products;
- Organises 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);
- Organises warning to ensure arrival of citizens called up for military service during mobilisation in accordance with procedure established by parts three-five of Ar-

title 22 of this Law, delivery of military equipment in assembly points and military units, allocation of buildings, construction, land areas, transport and other material and technical means and the providing of services to the Armed Forces and other military formations, Operational-Rescue System of Civil Protection 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 Executive body responsible for the formation of the state policy in the area of economic development annual reports on the condition of mobilisation preparedness on the territory of oblasts, the 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 enterprises, 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:
 - Plan, organise and ensure mobilisation preparation and mobilisation in the relevant territory of settlements;
 - Take part in the development of drafts of mobilisation plans;
 - Develop 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 their territory to function under *special period* conditions;
 - Inform 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;
 - Supervise mobilisation preparation of enterprises, institutions and organisations involved in execution of the mobilisation tasks (orders);
 - Have 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), provide for the transfer of orders to other local enterprises, institutions, and organisations under the procedure established by Cabinet;
 - Have to organise warning to ensure arrival of citizens called up for military service during mobilisation in accordance with procedure established by parts three-five of Article 22 of this Law, delivery of military equipment in assembly points and military units, allocation of buildings, construction, land areas, transport and other material and technical means and the providing of services to the Armed Forces and other military formations, Operational-Rescue System of Civil Protection 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 the procedures approved by the Cabinet;
 - Provide the military commissariats with information on registration, insolvency (liquidation) of enterprises, institutions and organisations in accordance with legal requirements;
 - Support military commissariats in their work during peacetime and mobilisation;
 - Receive 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 resolve 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;
 - Provide 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

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

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, construction and installations in proper condition, subject to the transfer in case of mobilisation to the Armed Forces and other military formations, Operational-Rescue System of Civil Protection 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 for military service during mobilisation in accordance with procedure established by parts three-five of Article 22 of this Law 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, Operational-Rescue System of Civil Protection 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, Operational-Rescue System of Civil Protection 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 materials 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 reserving 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 specialists on mobilisation issues;
 - To support their employees serving in the reserve in carrying out their duties of service in military reserve and in their timely arrival to military headquarters and military units;
 - In case of the registration (change of registration), re-equipping or removal from registration of transportation vehicles, potentially targeted for supplementary equipment of the Armed Forces and other military formations during the *special period*, submit to the relevant bodies and structures, responsible for state registration of transportation means in accordance with the Law of Ukraine "On Road Traffic", the documents with confirmation from regional (city) military commissariat of the fact of vehicles' military registration (removal from registration).
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 (service personnel 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, construction, vehicles and other property at the disposal of the Armed Forces and other military formations, Operational-Rescue System of Civil Protection 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, or were not called for wartime mobilisation duties at

the relevant positions, can be recruited according to the law for the execution of defence work.

Citizens performing commercial activity shall fulfil mobilisation tasks (orders) in accordance with the signed agreements (contracts).

3. In case of mobilisation and transfer of the Armed Forces and other military formations, Operational-Rescue System of Civil Protection to war time structures, citizens predisposed for military service (excluding those who serve in the military reserve) are obliged to report to military units or to assembly points of military commissariats within specified deadlines by order of mobilisation documents (mobilisation mandates, drafting orders or directives by military commissars (Security Service of Ukraine – by the heads of units where they are registered, service personnel of Operational-Rescue System of Civil Protection – by the heads of respective units of the Central Executive body responsible for formulation and execution of the state policy in the sphere of civil protection). Reservists must report to military units in time, established by commanders of military units, where they serve in military reserve.
4. Citizens who are in the reserve are pre-registered with military units to carry out military service in wartime, or with other units and formations where they are performing the wartime mobilisation duties at the relevant positions.
5. 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 (service personnel 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.

Reservists already called for training in case of mobilisation remain at training bases. If needed, these persons are called for military service by orders of respective military units' commanders or by directive of the General Staff of the Armed Forces of Ukraine.

Specific procedures for medical examination of reservists during mobilisation, for the special period shall be approved by the Ministry of Defence of Ukraine jointly with the Ministry of Health Protection of Ukraine.

6. 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 an official indicated in Paragraph 3 of this Article.

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 a subsequent health checkup);
- Men with three or more children younger than 18 years old (these men can volunteer for call up and shall serve near their household);
- Single women and single men who support children younger than 18 years old (these persons can volunteer for call up and shall serve near their household);
- Women and men who support children with disabilities of the I or II group, younger than 23 years old;
- Adoptive parents, tutors, guardians, foster parents, who support children-orphans or children without parental care younger than 18 years old (these persons 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;
- Students of graduate and post-graduate residential programmes are excluded from call up for military service during mobilisation, for a *special period*.

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. These citizens are not liable for service in the military reserve.

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 the 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, other military formations, Operational-Rescue System of Civil Protection, 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.

President of Ukraine Leonid Kravchuk

Decree of the President of Ukraine No. 189/2014 “On Ukraine’s National Security and Defence Council Resolution of March 1, 2014 on Urgent Actions to Protect National Security, Sovereignty and Territorial Integrity of Ukraine”

In pursuit of Articles 107 and 112 of the Constitution of Ukraine, I hereby decree:

1. To enact Ukraine’s National Security and Defence Council Resolution of 1st March 2014 on Urgent Actions to Protect National Security, Sovereignty and Territorial Integrity of Ukraine (attached below).
2. The Secretary of the National Security and Defence Council of Ukraine shall supervise the enforcement of the National Security and Defence Council Resolution, which this Decree enacts.
3. This Decree becomes applicable upon official promulgation.

Acting President of Ukraine,
Chairman of the Verkhovna Rada of Ukraine
Oleksandr TURCHYNOV
March 2, 2014

NATIONAL SECURITY AND DEFENCE COUNCIL OF UKRAINE Resolution of March 1, 2014, on Urgent Actions to Protect National Security, Sovereignty and Territorial Integrity of Ukraine

In pursuit of the need to protect the security, rights and interests of Ukrainian citizens; to secure sovereignty, territorial integrity and inviolability of the State Border of Ukraine; to prevent interference in its internal affairs; in view of Russia’s violation of the Memorandum on Security Assurances in connection with Ukraine’s accession to the Treaty on the Non-Proliferation of Nuclear Weapons of December 5, 1994, the Treaty of Friendship, Cooperation and Partnership between Ukraine and the Russian Federation of May 31, 1997, and the Agreement of May 28, 1997 between Ukraine and the Russian Federation on the Status and Conditions of the Russian Black Sea Fleet’s deployment on the Ukrainian territory, as well as in view of the Federal Assembly of the Russian Federation’s Federation Council resolution on sending Russian troops into Ukraine, Ukraine’s National Security and Defence Council hereby resolves:

1. Chief of General Staff – Commander-in-Chief of the Ukrainian Armed Forces, commanders of other militarised services shall immediately bring the Armed Forces of Ukraine and respective military units to complete readiness, pursuant to the revised combat readiness and deployment plan.

2. Confidential.
3. The Ministry of Defence of Ukraine shall manage and conduct training assemblies for draft-liable individuals, to the sufficient extent and within the timeframes established by the Ukrainian Armed Forces' General Staff.
4. The Cabinet of Ministers of Ukraine shall immediately earmark the financial, logistical and other resources needed to appropriately protect the security, rights and interests of Ukrainian citizens; to secure sovereignty, territorial integrity and inviolability of the State Border of Ukraine.
5. The Ministry of Foreign Affairs of Ukraine shall immediately urge foreign ministries of individual Signatory States to the Memorandum of December 5, 1994, on Security Assurances in connection with Ukraine's accession to the Treaty on the Non-Proliferation (the United States of America, the United Kingdom of Great Britain and Northern Ireland) to protect the security of Ukraine and to conduct relevant official consultations in Kyiv.
6. The Ministry of Internal Affairs of Ukraine shall enhance the security of energy and critical infrastructural assets.
7. In pursuit of Article 14 of the Law of Ukraine on The National Security and Defence Council of Ukraine, a crisis centre shall be set up to respond to the situation in the Autonomous Republic of Crimea and the City of Sevastopol (hereinafter referred to as the 'crisis centre'). The crisis centre will be headed by the Secretary of the National Security and Defence Council of Ukraine and include officials of the Cabinet of Ministers of Ukraine, Ministry of Defence of Ukraine, Ministry of Internal Affairs of Ukraine, State Border Guard Service of Ukraine and other Central Executive Authorities; the Security Service of Ukraine, the Ukrainian Armed Forces General Staff, as well as the General Procuracy of Ukraine (by agreement), the Council of Ministers of the Autonomous Republic of Crimea and the Sevastopol City State Administration.

The Crisis Centre shall:

- Monitor, assess and analyse the situation in the Autonomous Republic of Crimea and the City of Sevastopol;
- Work out initiatives for the prevention and elimination of national security threats, and submit them for consideration to the National Security and Defence Council of Ukraine;
- The Office of the National Security and Defence Council of Ukraine shall provide the information support and institutional support for the Crisis Centre operations.

Head of the National Security and Defence Council of Ukraine

Oleksandr TURCHYNNOV

Secretary of the National Security and Defence Council of Ukraine

Andriy PARUBIY

Decree of the President of Ukraine “On Limited Mobilisation”

{This Decree is enacted by Law of 03/17/2014, No. 1126-VII, BVR, 2014, No. 15, p 328}

The socio-political situation on the Crimean peninsula has deteriorated; a blatant aggression and Russia’s seizure of a part of territory of the Autonomous Republic of Crimea and the City of Sevastopol are underway. Pro-Russia illegal armed groups, aided by service members of the Russian Federation’s armed forces are seizing and blockading buildings of public authorities and institutions of local governance in the Autonomous Republic of Crimea, as well as airports, land and sea transport communications, military command and control organisations, and the Ukrainian Armed Forces’ military units and establishments stationed in the Crimean Peninsula.

In view of the severe aggravation of the domestic political situation, the Russian Federation’s interference in Ukrainian affairs, rising social tensions in the Autonomous Republic of Crimea and the City of Sevastopol, and in pursuit of Article 106 section one clauses 1, 17, 20, and Article 112 of the Constitution of Ukraine I hereby decree:

1. To proclaim and hold limited mobilisation (hereafter, mobilisation).
2. Shall be held in Vinnytsia, Volyn, Dnipropetrovsk, Donetsk, Zhytomyr, Transcarpathian, Zaporizhia, Ivano-Frankivsk, Kyiv, Luhansk, Lviv, Mykolayiv, Odesa, Poltava, Rivne, Sumy, Ternopil, Kharkiv, Kherson, Khmelnytsky, Cherkasy, Chernivtsi and Chernihiv Oblasts, and in the City of Kyiv.

Mobilisation in the Autonomous Republic of Crimea and the City of Sevastopol shall be held among the volunteering citizens who display willingness to be called up for military service, particularly by arriving at military registration and enlistment offices or military units.

3. Mobilisation shall be held within 45 days from the enforcement date of this Decree.
4. The chief of the Security Service of Ukraine, chief of the State Security Guard Department of Ukraine, chief of the Foreign Intelligence Service of Ukraine, senior leaders of the National Guard of Ukraine, heads of Central Executive Authorities that have jurisdiction over military services, Civil Search and Rescue Service shall switch to institutional and personnel standards that apply in wartime.
5. Conscription for military service, including army reservists, and the provision of transport facilities required by the Ukrainian Armed Forces and National Guard shall be carried out to the extent specified in the mobilisation plans, with allowances made for the Reserve components.
6. Local Executive Authorities joined with local self-governments shall arrange for and ensure, pursuant to legally prescribed procedures:
 1. Timely notification and the arrival of individuals called up for military service, the arrival of vehicles at assembly stations and military units;

2. The temporary allocation of buildings, land, vehicles and other logistical support to the Ukrainian Armed Forces, National Guard and other militarised services pursuant to mobilisation plans.
7. The Cabinet of Ministers of Ukraine shall provide financing and take any other appropriate action within their competences with respect to the proclamation and holding of limited mobilisation.
8. This Decree shall become applicable upon its legislative enactment.

Acting President of Ukraine
Ukrainian Verkhovna Rada Speaker
Oleksandr TURCHYNOV
Kyiv
March 17, 2014
No. 303/2014

**Law of Ukraine “On Enacting the Decree
of the President of Ukraine on Limited Mobilisation”
(*Bulletin of the Verkhovna Rada (BVR)*, 2014, No. 15, p. 328)**

Pursuant to Article 85 section one clause 31 of the Constitution of Ukraine, the Ukrainian Verkhovna Rada hereby resolves:

1. To enact the Decree of the President of Ukraine of March 17, 2014, No 313 on Limited Mobilisation.
2. This Law shall become applicable upon its official promulgation.

Acting President of Ukraine

Ukrainian Verkhovna Rada Speaker

Oleksandr TURCHYNOV

Kyiv

March 17, 2014

No 1126/VII

Law of Ukraine “On Amending Individual Laws and Legislative Acts of Ukraine with Respect to Ensuring the Success of Mobilisation”
(*Bulletin of the Verkhovna Rada (BVR), 2014, No. 20-21, p 746*)

The Verkhovna Rada of Ukraine hereby resolves:

I. TO AMEND THE LAWS OF UKRAINE AS FOLLOWS:

1. Article 6 section two of the Law of Ukraine on Mobilisation Preparation and Mobilisation (*Bulletin of the Verkhovna Rada, 2005, No. 16, p 255*) shall be amended to read as follows:
 - “2. Procedures for the exercise of the military transport duty are prescribed by the Cabinet of Ministers of Ukraine.
Procedures for state compensation of the value of property or damage caused to Central and Local Executive Authorities, other government agencies, institutions of local governance, businesses, institutions, organisations and individuals as a result of forced confiscation or the expropriation of vehicles in a period of Contingency are prescribed by law”.
2. In the Law of Ukraine on Military Duty and Military Service (*Bulletin of the Verkhovna Rada, 2006, No. 38, p 324; 2011, No. 31, p 303, No. 45, p 487; as amended by the Law of Ukraine of March 17, 2014, No. 1127-VII*):
 - 1) in Article 2:
 - in section four, after the second paragraph, there shall be inserted a new paragraph to read as follows:
“Military service under mobilisation in a *special period*”.
 - Subsequent to this, paragraphs three, four, five and six shall respectively be four, five, six and seven;
 - 2) in Article 17 section one, after the words “for acquiring an education” there shall be inserted “service in the Reserve Component”;
 - 3) in Article 18 section one, after the third paragraph there shall be inserted a new paragraph to read as follows:
“who have served out their duty time in the Reserve Component during the term of the first contract.”
Subsequent to this, paragraphs four, five, six and seven shall respectively be five, six, seven, and eight;
- 4) in Article 24:
 - in clause one, there shall be inserted “draft-enlisted personnel mobilised for military service for a *special period*”;

in clause two, there shall be inserted “draft-enlisted personnel during training periods, and active-duty reservists during periods of mobilisation”;

5) in Article 28:

sections two, three and five shall be amended to respectively read as follows:

“2. Reserve privates and non-commissioned officers will be divided into two age categories as follows:

- 1) Category One – up to 35 years of age;
- 2) Category Two – up to 50 years of age.

3. Reserve officers will be divided into age categories as follows:

1) Category One:

junior officers – up to 45 years of age;

senior officers:

Major/Captain 3rd rank, Lieutenant Colonel/Captain 2nd rank – up to 50 years of age;

Colonel/Captain 1st rank – up to 55 years of age;

higher officers – up to 60 years of age;

2) Category Two:

junior officers – up to 55 years of age;

senior officers:

Major/Captain 3rd rank, Lieutenant Colonel/Captain 2nd rank – up to 55 years of age;

Colonel/Captain 1st rank – up to 60 years of age;

higher officers – up to 65 years of age”;

“5. Women service members, of whatever military rank, will be assigned to Category Two. The military Reserve age limit for women will be 50 years of age”;

6) in Article 39:

there shall be inserted section two to read as follows:

“2. Ukrainian citizens who have been mobilised to serve in the military for a *special period* of up to one year shall keep their jobs (positions) and average salaries at businesses, agencies and organisations, regardless of jurisdiction or ownership status”;

there shall be inserted section three to read as follows:

“3. Certificates of state registration as private entrepreneurs shall be kept valid for the Ukrainian citizens who have been mobilised to serve in the military for a *special period*”.

3. In the Law of Ukraine on Pension Benefits for Discharged Armed Forces Personnel and Some Other Individuals (*Bulletin of the Verkhovna Rada*, 1992,

No. 29, p. 399; 2005, No. 17-19, p. 267; 2006, No. 30, p. 258, No. 37, p. 318; 2009, No. 24, p. 296; 2012, No. 12-13, p. 82):

1) in Article 2, after section two, there shall be inserted a new section to read as follows:

“During a *special period*, released military personnel and other individuals eligible for pension benefits under this Law shall keep their pension benefits in case they are mobilised to serve in the Ukrainian Armed Forces and other militarised services established under Ukrainian laws, as well as in the State Service for Special Transport, law enforcement agencies, Special Communications and Information Security Service, civil protection agencies and their constituent units, the Tax Militia Service and State Criminal Law Enforcement Service. After release from regular service, the herein-mentioned individuals will be eligible for pension benefits with account of the additional time in service as of their demobilisation date. If the new rates of retirement pensions for the individuals herein mentioned will be lower than the pension rates they were eligible for in peacetime, the pension size will remain equivalent to the level for which the individuals thereof were eligible as of their mobilisation date.

Subsequent to this, section three shall be section four;

2) In Article 12, there shall be inserted section two to read as follows:

“The individuals with 20 years’ service who have been discharged from service prior to the enforcement date of the Law of Ukraine of July 8, 2011, No. 3668-VI on Legislative Action to Support the Pension System Reforms shall continue to be eligible for long-service pension in case they have been mobilised for and subsequently demobilised from service”.

4. In the Law of Ukraine on State Secret (*Bulletin of the Verkhovna Rada*, 1996, No. 49, p. 428; 2010, No. 46, p. 537; 2011, No. 33, p. 329):

1) In Article 20, there shall be inserted section 11 to read as follows:

“In the event of a crisis that threatens the national security of Ukraine, or the proclamation of mobilisation and/or the introduction of martial law, there shall be a ten-day deadline for the issue of State Secret clearance to command and control organisations, military units, agencies and institutions of the Ukrainian Armed Forces and other militarised services, special task law enforcement agencies, the State Service for Special Transport, the State Service for Special Communications and Information Security that are being mobilised, brought up to full strength or set up anew”;

2) Article 21 section three shall be amended to read as follows:

“Security/secretcy agencies shall have subunits to deal with security, cryptography, information security technologies and secret files management, in addition to other subunits that are directly responsible for securing State Secret – de-

pending on specific activity types of a state agency, institution of local governance, business entity, agency or organisation”;

3) in Article 24:

section one shall be amended to read as follows:

“Background investigations on individuals applying for State Secret clearance will be conducted by the Security Service of Ukraine within a one month deadline, pursuant to the procedures prescribed by this Law and the Law of Ukraine on Detective-Investigative Activities;

there shall be inserted section five to read as follows:

“In the event of a crisis that threatens the national security of Ukraine, or the proclamation of mobilisation and/or the introduction of martial law, there shall be a ten-day deadline for the issue of State Secret clearance to the Ukrainian citizens conscripted for military service, as well as to military personnel and civilian employees of the Ukrainian Armed Forces and other militarised services, special-task law enforcement agencies, the State Service for Special Transport, the State Service for Special Communications and Information Security, who are transferring into positions requiring security clearance for State Secret. The rules for background investigations on individuals applying for State Secret clearance are prescribed by the Cabinet of Ministers of Ukraine”.

5. In the Labour Code of Ukraine (*Bulletin of the Verkhovna Rada*, 1971, Annex to No. 50, p. 375):

1) In Article 49-2, after section three, there shall be inserted a new section to read as follows:

“Provisions of sections one, two and three of this Article will not extend to the employees being released due to production and workplace changes related to mobilisation during a *special period*”.

Subsequent to this, section four shall be section five;

2) in Article 119, there shall be inserted section three to read as follows:

“Employees mobilised to serve in the military for a *special period* of up to one year will have assurance that their jobs, positions and average salaries will be kept for them”.

6. In Article 15 clause two of the Law of Ukraine on Social Care and Legal Protection of Military Personnel and their Families (*Bulletin of the Verkhovna Rada*, 1992, No. 15, p. 190 with subsequent amendments) there shall be inserted paragraph seven to read as follows:

“One-off cash benefits provided under this clause for draft-enlisted military service members who have been mobilised for military service will be paid for the duration of the service from the date of their enrolment in military service, without notice of the period of prior military service they did in peacetime, except for the individuals who were not eligible for such cash benefits as of the date of their release from

military service in peacetime. The aforementioned cash benefits will be paid as of the demobilisation date of the personnel hereinbefore mentioned. The conditions and procedures for the payment of one-off cash benefits to draft-enlisted service members who have been mobilised for military service are prescribed by the Cabinet of Ministers of Ukraine”.

7. In Chapter II, clause one of Final Provisions of the Law of Ukraine on Amending the Law of Ukraine on Military Duty and Military Service of September 19, 2013, No. 589-VII, after the words “except for” there shall be inserted “Article 26 section eight, which becomes applicable on March 25, 2014, and”.

II. FINAL PROVISIONS

1. This Law shall become applicable on the date following the date of its official promulgation.
2. The Cabinet of Ministers of Ukraine shall within a one month’s deadline from the enforcement date of this Law:
 - 1) amend its legal regulatory acts which this Law affects;
 - 2) make sure that Cabinet Ministries and other Central Executive Authorities amend their legal regulatory acts which this Law affects.

Acting President of Ukraine,
Ukrainian Verkhovna Rada Speaker
Oleksandr TURCHYNOV
Kyiv
March 27, 2014
No. 1169-VII

Decree of the President of Ukraine No. 447/2014 “On Actions to Enhance National Defence Capacity”

In view of the further aggravation of the socio-political situation in eastern and southern Ukraine, the facts of undisguised aggression, the intensification of offensive operations by the illegal pro-Russia armed groups, the seizures and blockades of buildings of public authorities and local government agencies, military command and control organisations, military units and transport communications in Donetsk and Luhansk Oblasts, which carries a risk of territorial integrity violation and the Russian Federation's interference in Ukrainian affairs; in order to maintain combat efficiency of the Ukrainian Armed Forces and other militarised services, and to increase their ability to adequately respond to the existing and potential threats to Ukraine; in pursuit of Article 106 section one clauses one and seventeen, and Article 112 of the Constitution of Ukraine

I hereby decree:

1. Pursuant to the Law of Ukraine on Military Duty and Military Service, the following actions shall be taken in the prescribed manner during 2014:
 - 1) Call up for regular service in the Ukrainian Armed Forces and other militarised services Ukrainian male citizens who are physically qualified for military service, are over 18 years of age and older, but have not reached the age of 27 and who are not eligible for exemption or deferment from military service;
 - 2) Call up for service in the Ukrainian Armed Forces the Ukrainian citizens who hold officer ranks, have a Bachelor's Degree (min), completed a full reserve officer-training program and have been commissioned as reserve officers.
2. Make the following amendments to the Decree of the President of Ukraine of October 14, 2013, No. 562 on the Timing of Regular Conscriptios; Regular Conscriptios of Ukrainian Citizens for Regular Service in the Internal Forces of the Ukrainian Ministry of Internal Affairs; and the Release of Military Personnel in 2014:
 - 1) in the title of the Decree, the words “in the Internal Forces of the Ukrainian Ministry of Internal Affairs” shall be deleted;
 - 2) in Article 1:
 - a) section one shall be deemed void;
 - b) in section two:

in the first paragraph, the words “in the Internal Forces of the Ukrainian Ministry of the Internal Affairs” shall be substituted for “in the Ukrainian Armed Forces and other militarised services”;

in clause one, the words “April – May” shall be substituted for “May – July”;
 - 3) in Article 2 clause 1, the words “April – May” shall be substituted for “May – July”;

4) Article 3 and Article 4 shall be amended respectively to read as follows:

"3. The Cabinet of Ministers of Ukraine will establish the number of the Ukrainian citizens to be conscripted for military service, and the level of expenditure for regular conscriptions".

4. The Cabinet of Ministers of Ukraine, state regional administrations, and Kyiv City state administration will ensure the success of measures regarding the preparation and holding of regular military conscriptions of Ukrainian citizens";

5) in Article 5, clause one paragraph three, and clause two paragraphs two and three, there shall be inserted "but not until demobilisation will be proclaimed in the prescribed manner";

6) Article 6 shall be amended to read as follows:

"6. The Ministry of Infrastructure of Ukraine will provide transportation of individuals referred to in Articles 1 and 5 of this Decree, on demand of the High Command and the State Service for Special Transport – in compliance with transport safety regulations, and with transportation service charges paid at current rates."

3. The Minister of Defence of Ukraine and heads of other Central Executive Authorities who are legally empowered to exercise command over military personnel will:

1) assure successful military conscription of the Ukrainian citizens referred to in Article 1 of this Decree;

2) step up efforts regarding the procurement of territorial defence units, particularly through contractual enlistment of Ukrainian citizens.

4. The Cabinet of Ministers of Ukraine will:

1) take in the prescribed manner actions arising from this Decree;

2) join with regional state administrations and Kyiv City state administration, enforce measures regarding the preparation and carrying out of military conscription campaigns.

5. Regional state administrations, Kyiv City State Administration will set up cooperation with military command and control organisations in addressing matters regarding the procurement and provisioning of territorial defence units.

6. This Decree will become applicable on its promulgation date.

Acting President of Ukraine,
Ukrainian Verkhovna Rada Speaker
Oleksandr TURCHYNOV
May 1, 2014

Decree of the President of Ukraine No. 453/2014 “On the National Security and Defence Council of Ukraine Resolution of May 5, 2014, concerning Integrated Actions to Strengthen National Military Security of Ukraine”

Pursuant to Articles 107 and 112 of the Constitution of Ukraine I hereby decree:

1. To enact the National Security and Defence Council of Ukraine Resolution of May 5, 2014, concerning Integrated Actions to Strengthen National Military Security of Ukraine (attached hereto).
2. The Secretary of the National Security and Defence Council of Ukraine will supervise the enforcement of the National Security and Defence Council of Ukraine Resolution, which this Decree enacts.
3. This Decree shall take effect on its promulgation date.

Acting President of Ukraine,
Ukrainian Verkhovna Rada Speaker
Oleksandr TURCHYNOV
May 5, 2014

NATIONAL SECURITY AND DEFENSE COUNCIL OF UKRAINE Resolution of May 5, 2014, Concerning Integrated Actions to Strengthen National Military Security of Ukraine

In the interest of stepping up efforts to stabilise Ukraine and prevent Russian Federation conduct of intelligence collection, sabotage and otherwise subversive activities for the purpose of getting a pretext for the introduction of Russian regular troops into Ukraine, the National Security and Defence Council of Ukraine hereby resolves:

1. To request the Acting President of Ukraine, the Verkhovna Rada Speaker to take, pursuant to the prescribed procedure, a decision on limited mobilisation.
2. The Security Service of Ukraine will make additional actions to prevent the leakage of information relevant to the preparation and performance of the assigned missions of the Ukrainian Armed Forces, other militarised services and law enforcement agencies.
3. The Cabinet of Ministers of Ukraine will:
within a week’s deadline, work out solutions for raising the level of pension benefits for discharged military personnel, and submit relevant draft provisions in the prescribed manner;

take actions to ensure that the payroll system for active-duty military personnel be unified with the payroll system for Ukrainian citizens who are doing military service in the Armed Forces Reserve and other militarised services, and are eligible to enrol in the performance of missions assigned to the Ukrainian Armed Forces and other militarised services during times of peace.

Head of the National Security and Defence Council of Ukraine

Oleksandr TURCHYNOV

Secretary of the National Security and Defence Council of Ukraine

Andriy PARUBIY

Law of Ukraine “On Amending Individual Laws and Legislative Acts of Ukraine with Respect to Improving the Effectiveness of Defence and Mobilisation during Mobilisation Periods”

(Bulletin of the Verkhovna Rada (BVR), 2014, No. 29, p. 942)

{As amended by Law No. 1556-VII of 01/07/2014, BVR, 2014, No. 37-38, p. 2004}

Ukrainian Verkhovna Rada hereby resolves:

I. TO AMEND THE FOLLOWING LAWS AND LEGISLATIVE ACTS OF UKRAINE:

1. In the Labour Code of Ukraine (*Bulletin of the Verkhovna Rada*, 1971, Annex to No. 50, p. 375):
 - 1) in Article 36 section one clause three, after the words “enrolment of an employee” there shall be inserted “or physical-person owner”; after the words “alternative (non-military) service” there shall be inserted “except an employee’s mobilisation for military service in a *special period* of up to one year”;
 - 2) 2) in Article 40 section one, there shall be inserted clause ten to read as follows:

“10) conscription or mobilisation of a physical-person owner in a *special period*”;
 - 3) in Article 43-1 section one, there shall be inserted paragraph ten to read as follows:

“conscription or mobilisation of a physical-person owner in a *special period*”;
 - 4) in Article 47, there shall be inserted section three to read as follows:

“In case a physical-person owner being mobilised [for military service], he or she shall execute his or her duties referred to in this Article within a month’s deadline from his or her demobilisation date, without sanctions or penalties being applied”;
 - 5) in Article 119:

in section two, after the words “On Alternative (Non-Military) Service” there shall be inserted “On Mobilisation Preparation and Mobilisation”;

section three shall be amended to read as follows:

“Employees who have been mobilised for military service in a *special period* of up to one year will keep their jobs and positions at businesses, agencies and organisations where they were employed as of their mobilisation date, regardless of jurisdiction or ownership status; for this period, they will keep also their average wages/salaries, which will be paid off by State Budget funds, pursuant to procedures prescribed by the Cabinet of Ministers of Ukraine.
2. In the Code on Administrative Offences of Ukraine (UkrSSR *Bulletin of the Verkhovna Rada*, 1984, Annex to No. 51, p. 1122):

- 1) in Article 210-1:
 - in the Article title, after the words “legislation on” there shall be inserted “defence”;
 - in section one:
 - in the first paragraph, after the words “legislation on” there shall be inserted “defence”;
 - in the second paragraph, the words “one to three” and “seven to ten” shall be respectively substituted for “ten to thirty” and “thirty to one hundred”;
 - in section two paragraph two, the words “three to seven” and “ten to fifteen” shall be respectively substituted for “thirty to one hundred” and “one hundred to three hundred”;
- 2) in Article 235 section one, the words “of mobilisation preparation and mobilisation” shall be substituted for “on defence, mobilisation preparation and mobilisation.”
3. In the Tax Code of Ukraine (*Bulletin of the Verkhovna Rada*, 2011, No. 13-17, p. 112):
 - 1) in Article 137 clause 137.8, there shall be inserted the provision reading: “Interest on loans that is not to be awarded pursuant to the Law of Ukraine” On Social Care and Legal Protection of Military Personnel and their Families” will be non-deductible [on income tax return];
 - 2) In Article 164 clause 164.2 sub-clause 164.2.17 sub-sub-clause “f”, after the word “taxpayer” there shall be inserted “except for the payments specified in Article 165 clause 165.1 sub-clause 165.1.53 of this Code”;
- 3) in Article 165 clause 165.1:
 - in sub-clause 165.1.1, after paragraph ten, there shall be inserted a new paragraph to read as follows:
 - “j) cash benefits (in cash or in kind) granted pursuant to the Law of Ukraine on Social Care and Legal Protection of Military Personnel and their Families to individuals or their family members (children, spouse, parents), and to military servicemen mobilised for military service; and/or average wages/salaries that are paid off by State Budget funds to employees mobilised for military service in a *special period*.
 - Subsequent to this, paragraph eleven shall be paragraph twelve;
 - there shall be inserted sub-clause 165.1.53 to read as follows:
 - “165.1.53. Interest on loans that is non-deductible pursuant to the Law of Ukraine on Social Care and Legal Protection of Military Personnel and their Families;
- 4) in Transitional Provisions Chapter XX sub-chapter ten, there shall be inserted clause twenty-five to read as follows:

“25. Self-employed individuals (physical person-entrepreneurs, individuals engaged in independent professional activity), whether employing or not employing hired help, who have been mobilised for military service or commissioned for mobilisation duties at wartime positions in a *special period* as prescribed by the Law of Ukraine on Mobilisation Preparation and Mobilisation will be exempt from charging and deducting individual income tax and filing individual income tax return pursuant to Chapter IV of this Code; and, also, exempt from charging and deducting Self-employment tax and filing Self-employment tax return for the full duration of service, pursuant to Chapter XIV sub-Chapter One of this Code.

The tax exemptions referred to herein will be granted based on a self-employed individual's written request and a copy of his or her military registration card, or a copy of any other document issued by a relevant authority, which reports data relevant to the herein mentioned individual's mobilisation for military service in a *special period*; the written request and the documents mentioned herein will have to be submitted to a tax authority for the locality where the self-employed individual is registered, within a ten days' deadline from the self-employed individual's demobilisation date. Should a self-employed individual undergo treatment (rehabilitation) arising from or related to injuries sustained whilst being mobilised for military service in a *special period*, the self-employed individual's written request and a copy of military registration card, or a copy of any other document issued by a relevant authority, will have to be submitted within a ten days' deadline from the end of treatment (rehabilitation).

If a self-employed person who has been mobilised for military service in a *special period* employs help and delegates to a proxy the authority to pay wages/salaries and other income to employees for the duration of his or her or her leave of absence due to mobilisation for military service in a *special period*, the proxy will be made eligible to charge and deduct individual income tax on the payments referred to herein as long as the self-employed person is absent due to military service.

A self-employed individual will – within 180 calendar days from his or her demobilisation date – have to pay, free of penalties or fines, the amount of individual income tax that his or her proxy charged on and deducted from the payments referred to herein. In such a case, the demobilised self-employed individual, in his or her written request referred to in this clause, will have to report the amount of tax his or her proxy charged on and deducted from payments to employees over the full period when the self-employed individual was doing military service.

Tax records of the amount of tax a self-employed individual's proxy charged on and deducted from payments to hired help and other individuals over the period when the self-employed individual was doing his or her military service

will have to be submitted in the manner and time as prescribed under this Code, free of penalties or fines otherwise imposed under this Code.

This clause shall become applicable beginning on the first day of mobilisation proclaimed under the Decree of the President of Ukraine of March 17, 2014, No. 303 on Limited Mobilisation, enacted by the Law of Ukraine on Enacting the Decree of the President of Ukraine on Limited Mobilisation.

4. In the Law of Ukraine on Social Care and Legal Protection of Military Personnel and their Families (*Bulletin of the Verkhovna Rada*, 1992, No. 15, p. 190 with subsequent amendments):
 - 1) in Article 8 there shall be inserted section six to read as follows:

“6. Service members who have been called up for military service under mobilisation in a *special period* will have priority in signing military enlistment contracts after termination of a *special period*”;
 - 2) in Article 10-1, there shall be inserted clause 17 to read as follows:

“17. During a *special period*, military personnel will be eligible for up to a maximum of ten-days’ paid leave of absence for family reasons or other personal reasons, subject to consent of the commander (chief officer) of the military unit in which they serve.

The granting of other types of leave – other than maternity leave, childcare leave until the child turns three years old (or, in cases where a child needs in-home care, for the time specified in a medical assessment report, but no longer than when the child turns six years old), leave due to illness or severe injuries, confirmed by a relevant military medical commission’s report – will be terminated”;
 - 3) in Article 14, there shall be inserted clause fifteen to read as follows:

“15. Active-duty military personnel, from the first to last dates of a *special period*, as well as mobilised reservists and draft-enlisted personnel will be exempt from penalties for late payment to business entities, agencies and organisations, regardless of jurisdiction or ownership status, including banks and individuals, and from payment of the rate of interest on loans, for the time up until termination of a *special period*”;
 - 4) in Article 15 clause two paragraph one, after the words “contract by the commander”, there shall be inserted “as well as due to the beginning of a *special period*, or an unwillingness on the part of a female service member supporting a child (children) under 16 years of age to continue in military service”.
5. In Article 9 section one of the Law of Ukraine on Pension Benefits for Discharged Military Personnel and Some other Individuals (*Bulletin of the Verkhovna Rada*, 1992, No. 29, p. 399; 2005, No. 17-19, p. 267; 2006, No37, p. 318; 2007, No. 33, p. 442; 2012, No. 22, p. 216; 2013, No. 14, p. 89), after the words “terms and conditions of the enlistment contract by commanding officers”, there shall be inserted “as well as

due to the beginning of a *special period*, or an unwillingness on the part of a female service member supporting a child (children) under 16 years of age to continue in military service”.

{Chapter I clause six has become void pursuant to Law No. 1556-VII of 07/01/2014}

7. In the Law of Ukraine on Mobilisation Preparation and Mobilisation (*Bulletin of the Verkhovna Rada*, 2005, No. 16, p. 255; 2011, No. 31, p. 303; 2013, No. 41, p. 550; 2014, No. 17, p. 595, as amended by the Law of Ukraine of March 27, 2014, No. 1169-VII):

1) in Article 4 section eight, there shall be inserted a paragraph to read as follows:

“The laws and legislative acts that are effective as of the beginning of a *special period*, which prescribe personnel reductions, or limitations on procurement of forces or the level of State Budget expenditure allocations for the Ukrainian Armed Forces, other militarised services and special-task law enforcement agencies – will be suspended temporarily for the duration of a *special period*”;

2) in Article 6:

in section two paragraph two, the words “forced confiscation or expropriation” shall be substituted for “confiscation or forced expropriation”;

there shall be inserted section three to read as follows:

“3. During mobilisation in periods other than martial law or proclaimed civil emergency, the military transport duty will be executed in accordance with Ukraine’s Mobilisation Plan, through non-compensable acquisition of transport facilities from business entities, agencies and organisations, regardless of ownership status, to meet the requirements of the Ukrainian Armed Forces and other militarised services, with a provision that the acquired transport facilities thereof would be returned to their respective owners after the proclamation of demobilisation.

Specific amounts, types and models of vehicles to be acquired from business entities, agencies and organisations, regardless of ownership status, will be established pursuant to the Mobilisation Plan of Ukraine by local state administrations based on the assessments to be submitted by respective military registration and enlistment authorities.

The acquisition of transport vehicles during a mobilisation period will be carried out by military registration and enlistment authorities on the strength of binding decisions to be issued by local state administrations.

Handover and acceptance of the vehicles subject to acquisition for the purposes of mobilisation, and their return to owners after the proclamation of demobilisation will be held on the ground of Certificates of Acceptance that will report data regarding the vehicles’ owners, operating condition, net-book (balance-sheet) value and other vehicle identification data.

The vehicles thereof will be returned to their respective owners within a thirty-day deadline from the proclamation of demobilisation.

The rules for state compensation for the damage caused to vehicles as a result of acquisition for the purposes of mobilisation are prescribed by the Cabinet of Ministers of Ukraine”;

3) Article 12 paragraph eighteen shall be amended to read as follows:

“defines and enacts limitations and the extent of the acquisition, confiscation or forced expropriation of vehicles and equipment for the duration of mobilisation or wartime periods”;

4) in Article 21 section one, there shall be inserted paragraph seventeen to read as follows:

“In case of (re-)registration, conversion or deregistration of vehicles that might potentially be useful for resupply of the Ukrainian Armed Forces and other militarised services for mobilisation purposes, submit documents certifying Draft Registration (removal from Military Registration) – to be issued by district (city) military registration and enlistment offices – to relevant authorities and establishments that are empowered by the Law of Ukraine on Vehicular Traffic to make State Registration of vehicles”;

5) in Article 22 section five, there shall be inserted paragraphs two and three to respectively read as follows:

“Draft-enlisted Service Members and active-duty reservists who are performing active duty training as of the date of proclamation of mobilisation will continue on their training days. The individuals referred to herein will be called up for military service, as appropriate, by commanding officers of their respective military units, pursuant to a binding directive issued by the Ukrainian Armed Forces General Staff.

Mobilisation period-specific health screening procedures for draft-enlisted service members and active-duty reservists are prescribed by the Ukraine Ministry of Defence and Ministry of Health”.

8. In the Law of Ukraine on Military Duty and Military Service (*Bulletin of the Verkhovna Rada*, 2006, No. 38, p. 324 with subsequent amendments):

1) In Article 2 section eight, the words “established by the Ministry of Defence of Ukraine and enacted” shall be substituted for “established”;

2) Article 18 section one paragraph four shall be amended to read as follows: “who have executed their Reserve duty over the duration of the first and second contracts”;

3) in Article 20 section one:

in paragraph two, after the words “three months or longer”, there shall be inserted “draft-enlisted personnel who have been mobilised for military service in a *special period*”;

in paragraph eight, the word “or” shall be deleted; after the words “Reserve Service”, there shall be inserted “and mandatory military service under mobilisation during a *special period*”;

4) in Article 22 section one, there shall be inserted clause 5 to read as follows:

“5) for draft-enlisted service members and active-duty reservists who have been called up for mandatory military service during a *special period*, and active-duty personnel doing military service in a *special period* – until they reach the upper age limit for inactive duty and active duty reserves”;

5) in Article 23:

in section two, there shall be inserted paragraph six to read as follows:

“for personnel enrolled in Military Service due to the proclamation of (limited) mobilisation and (or) the introduction of martial law – for the duration of a *special period*, but not less than one month”;

in section eight, the word “extended” shall be substituted for “for contract service members, the duration of their contacts will be extended”;

6) in Article 24 section one:

in clause one, the words “individuals called up for military service under mobilisation in a *special period*” shall be deleted;

there shall be inserted clause four to read as follows:

“4) the date of departure for service from district (city) military registration and enlistment office – for citizens called up for military service under mobilisation in a *special period*, and for conscripted military reserve officers”;

7) in Article 26:

in section three clause one sub-clause “b”, the words “paragraph four” shall be substituted for “paragraph five”;

in section six, there shall be inserted clause “n” to read as follows:

“n) due to the beginning of a *special period*, or an unwillingness on the part of a female service member supporting a child (children) under 16 years of age to continue in military service”;

section eight shall be amended to read as follows:

“8. In a *special period*, the following categories of military personnel will be eligible to be discharged from military service, and in case of/if:

1) during a period of mobilisation:

a) women supporting child(ren) under 16 years of age, unless they have expressed a desire to continue in military service;

b) [early discharge] for health reasons – based on a military medical commission’s report declaring a service member unfit for military service in peacetime, or physically limited for service in wartime, unless the service member expressed a desire to continue in military service;

- c) withholding military rank in the disciplinary procedure;
- d) [a service member has been] convicted by a court ruling that has taken effect and calls for imprisonment, custodial restraint or withholding of military rank;
- e) there are certain family circumstances or other viable reasons that include:
 - a service member is a single unmarried parent, whether male or female, supporting child(ren) who live(s) with him/her;
 - a service member is a single unmarried parent, whether male or female, supporting a special-needs adult child with first-degree or second-degree disabilities, aged up to 23 years old;
 - a service member is providing full-time care to sick spouse or a child, and the need for such care is substantiated in a relevant medical report issued by an authorised medical-social expert commission or medical advisory commission for individuals of above 18 years of age and under 18 years of age, respectively;
 - service members supporting three or more children;
- f) due to institutional measures prescribed by the Ukrainian Armed Forces General Staff, provided all the mandated missions have been successfully completed;
- g) privates or non-commissioned officers (except warrant officers, senior warrant officers, midshipmen and senior midshipmen) who have been found incompetent to perform their service duties;
- 2) under martial law:
 - a) service members who have reached the Retired Reserve age limit, unless they expressed a desire to continue in military service during *a special period*;
 - b) service members who have been declared medically unfit for military service and eligible to be removed from Military Registration;
 - c) service members who have been convicted by a court ruling that has taken effect and calls for a term in prison or restriction of liberty;
- 3) after the proclamation of demobilisation:
 - a) service members who have been called up for mandatory military service under mobilisation in *a special period*, as well as those who have served out a full term of conscription duty (reserve military officer conscription duty) – within the deadlines prescribed by the President of Ukraine;
 - b) due to the expiration of a contract signed in *a special period*, unless a service member expressed the desire to continue in active duty military service under a new contract“;
- 8) in Article 29, sections three and twelve shall be amended to respectively read as follows:

"3. Service members (except reservists) can be called up by district (city) military registration and enlistment authorities for up to five training duty periods of two months each";

"12. Reservists, during their Reserve duty service periods, are eligible for monthly payments of up to two basic salaries to be paid by State Budget expenditure allocations for the Ministry of Defence of Ukraine and other central Executive Authorities that are legally empowered to exercise command over military services.

The rates of cash benefits, salaries and incentive rewards for reservists, and procedures for the payments thereof are prescribed by the Cabinet of Ministers of Ukraine";

9) In Article 37 section three, there shall be inserted "and – not until three days prior to the departure from the place of residence – to get removed from the registration record referred to herein";

10) Article 38 paragraph two shall be amended to read as follows:

"shall not carry out place of residence/stay registration and de-registration of draft-liable individuals, recruits and active-duty reservists unless their military registration documents carry military enlistment and recruitment offices' stamps certifying that the individuals thereof have got registered (de-registered) with military enlistment and recruitment offices at their respective places of residence or stay".

9. In the Law of Ukraine on Collecting and Accounting the Unified Compulsory Social Security Tax (*Bulletin of the Verkhovna Rada*, 2011, No. 2-3, p. 11, No. 13-17, p. 112; 2013, No. 15, p. 108, No. 32, p. 413; 2014, No. 6-7, p. 80, No. 13, p. 220, as amended by the Law of Ukraine of July 4, 2013, No. 406-VII):

1) in Article 7 section seven, there shall be inserted a provision to read as follows: "The unified tax will not be charged from payments that are subject to being offset from State Budget funds within the range of average salaries/wages of employees who have been called up for military service under mobilisation in a *special period*";

2) in Final and Transitional Provisions Chapter VIII ", there shall be inserted clause 9-2 to read as follows:

"9-2. During a *special period* as established and defined by the Law of Ukraine on Mobilisation Preparation and Mobilisation, Unified Tax payers identified by Article 4 of the Law of Ukraine on Collecting and Accounting the Unified Compulsory Social Security Tax, who have been called up for military service under mobilisation or got involved in performance of mobilisation-related duties at wartime positions, will be exempt from their duties as specified in Article 6 clause two of the Law of Ukraine on Collecting and Accounting the Unified Compulsory Social Security Tax for the full duration of their service, unless they are employers.

The tax exemptions referred to herein will be granted based on a self-employed individual's written request and a copy of his military registration card, or a copy of any other document issued by a relevant authority, which reports data relevant to the herein mentioned individuals' military service under mobilisation in a *special period*; the written request and the documents mentioned herein will be submitted to a tax authority for the locality where the self-employed individual is registered, within a ten days' deadline from the self-employed individual's demobilisation date. Should a demobilised self-employed individual undergo treatment (rehabilitation) arising from or related to injuries sustained whilst being mobilised for military service in a *special period*, the self-employed individual's written request and a copy of military registration card, or a copy of any other document issued by a relevant authority, shall be submitted within a ten days' deadline from the end of treatment (rehabilitation).

If a self-employed person, who has been called up for military service under mobilised in a *special period*, employs hired help and delegates to a proxy the authority to pay wages/salaries and other income to hired help during his leave of absence due to military service under mobilisation in a *special period*, the obligations imposed on the self-employed person by Article 6 section two sub-clause 1 (except for the Unified Tax payment), 2, 3, 4, 5, 6, 10 and 12 of this Law will be done by his proxy.

A self-employed individual will – within 180 calendar days from his demobilisation date – pay, free of penalties or fines, the amount of the Unified Tax that his proxy charged on the payments referred to herein. In such a case, the demobilised self-employed individual, in his written request referred to in this clause, will report the amount of the Unified Tax that his proxy charged on payments to hired help over the full period when the self-employed individual was doing his military service.

Tax records of the amount of the Unified Tax that a self-employed individual's proxy charged on payments to hired help and other individuals over the period when the self-employed individual was doing his military service will be submitted in the manner and time as prescribed under this Law, free of penalties or fines otherwise imposed under this Law.

This clause shall become applicable beginning on the first day of the mobilisation period proclaimed under the Decree of the President of Ukraine of March 17, 2014, No. 303 on Limited Mobilisation, enacted by the Law of Ukraine on Enacting the Decree of the President of Ukraine on Limited Mobilisation, and will remain effective until the end of a *special period*.

10. In the Law of Ukraine on the Framework for Prevention and Combating of Corruption" (*Bulletin of the Verkhovna Rada*, 2011, No 40, p. 404; 2014, No 11, p. 132):

- 1) in Article 4 section one clause 1 sub-clause "d", there shall be inserted "and military personnel called up for service under mobilisation in a *special period*, with respect to their business activities";

2) in Article 11 section one paragraph one, after the words “mayors”, there shall be inserted “individuals who have been called up for conscription service in the capacity as officers, recruited for military service under mobilisation in a *special period* or got involved in performance of duties at wartime positions”.

II. FINAL PROVISIONS

1. This Law shall take effect on the date following the date of its official promulgation, except Chapter I clause 8 sub-clause 8 paragraph three of this Law, which shall take effect on January 1, 2015.
2. Article 39 sections two and three of the Law of Ukraine on Military Duty and Military Service, Article 2 section three of the Law of Ukraine on Pension Benefits for Discharged Military Personnel and Some other Individuals, and Article 119 section three of the Labour Code of Ukraine as amended by this Law shall be extended to the Ukrainian citizens who, beginning on March 18, 2014, have been called up for military service under the Decree of the President of Ukraine of March 17, 2014, No. 303 on Limited Mobilisation, enacted by the Law of Ukraine on Enacting the Decree of the President of Ukraine on Limited Mobilisation.
3. Chapter I clause 9, clause 4 sub-clause 3, and clause 3 of this Law shall be extended to active-duty military personnel, as well as reservists and draft-liable individuals, and shall remain applicable to the individuals thereof from the first till the last day of the *special period*, and from their mobilisation date till the end of their service in a *special period*, respectively.
4. Recommend that the President of Ukraine should plan for a gradual rotation of the military personnel who have been called up for service under mobilisation, by replacing them with officer conscripts, professional soldiers and regular service members, after an adequate period of pre-deployment training.
5. The Cabinet of Ministers of Ukraine shall within a three months' deadline from the enforcement date of this Law:
 - 1) bring its legal regulatory acts into conformity with this Law;
 - 2) ensure that Cabinet Ministries and other Central Executive Authorities adjust their legal regulatory acts to this Law.

Acting President of Ukraine,
Ukrainian Verkhovna Rada Speaker
Oleksandr TURCHYNOV
Kyiv
May 20, 2014
No. 1275-VII

Decree of the President of Ukraine No. 607/2014 “On Limited Mobilisation”

In view of expanding manifestations of terrorism in Ukraine, resulting in deaths of civilians, military personnel and members of other military and law enforcement services in the eastern regions of the country; the build-up of forces with substantial offensive capabilities in the Russian Federation's territory in close vicinity of Ukraine's border; the risk of an attack and a threat to state independence of Ukraine; in the interest of ensuring homeland defence; on the ground of a proposal submitted by the National Security and Defence Council of Ukraine, in pursuit of Article 106 section one clauses 1, 17 and 20 of the Constitution of Ukraine, I hereby decree:

1. To proclaim and hold limited mobilisation (hereinafter mobilisation).
2. Mobilisation shall be held in Vinnytsia, Volyn, Dnipropetrovsk, Donetsk, Zhytomyr, Transcarpathian, Zaporizhia, Ivano-Frankivsk, Kyiv, Luhansk, Lviv, Mykolayiv, Odesa, Poltava, Rivne, Sumy, Ternopil, Kharkiv, Kherson, Khmelnytsky, Cherkasy, Chernivtsi and Chernihiv Oblasts, and in the City of Kyiv.
3. Mobilisation shall be completed within 45 days from the enforcement date of this Decree.
4. Conscription of draft-liable individuals and active-duty reservists, and the provision of requisite transport facilities to the Ukrainian Armed Forces, National Guard, Security Service, State Border Guard Service, State Service for Special Transport, and other militarised services shall be carried out to the extent prescribed in the mobilisation plans, with allowances made for the Reserve components.
5. The chief of the Security Service of Ukraine, chief of the State Security Guard Department of Ukraine, chief of the Foreign Intelligence Service of Ukraine, senior leaders of the National Guard of Ukraine, heads of Central Executive Authorities that have jurisdiction over uniformed services, Civil Search and Rescue Service shall switch to institutional and personnel standards that apply in wartime.
6. The local Executive Authorities joined with institutions of local governance, assisted by business entities, agencies and organisations of all ownership categories shall arrange for and ensure, pursuant to legally prescribed procedures:
 1. timely notification and the arrival of individuals called up for military service, the arrival of vehicles at assembly stations and military units;
 2. the temporary allocation of buildings, land, vehicles and other logistical support, the provision of services to the Ukrainian Armed Forces, National Guard and other militarised services in the manner prescribed under mobilisation plans.
7. The Ukrainian Cabinet of Ministers, Ministry of Internal Affairs, Security Service, State Border Guard Service Administration shall ensure the informing of families of members of the armed forces, other militarised services and law enforcement

agencies who are performing their duties in the anti-terrorist operation area in Donetsk and Luhansk Oblasts on how their service is running; take action to preclude unauthorised disclosure of limited access information.

8. The Cabinet of Ministers of Ukraine shall provide financing and take any other appropriate action within their competences with respect to the proclamation and holding of limited mobilisation.
9. This Decree shall become effective upon its legislative enactment.

President of Ukraine
Petro POROSHENKO
July 21, 2014

**Decree of the President of Ukraine No. 842/2014
“On the National Security and Defence Council of Ukraine Resolution
of September 12, 2014, on Integrated Actions to Strengthen National
Defence Capacity, and on Draft Law Proposals Relating to State Budget
of Ukraine 2015, with Respect to Budget Items Dealing with National
Security and Homeland Defence of Ukraine”**

Pursuant to Article 107 of the Constitution of Ukraine I hereby decree to:

1. Enact the National Security and Defence Council of Ukraine Resolution of September 12, 2014, on Integrated Actions to Strengthen National Defence Capacity, and on Draft Law Proposals Relating to State Budget of Ukraine 2015, with Respect to Budget Items Dealing with National Security and Homeland Defence of Ukraine (attached below, except for clause two sub-clause one sub sub-clause “b” paragraph three – in classified content, and clause three sub-clause “a” – in unclassified content).
2. The Secretary of the National Security and Defence Council of Ukraine shall supervise enforcement of the National Security and Defence Council of Ukraine Resolution that this Decree enacts.
3. This Decree shall take effect on its promulgation date.

President of Ukraine
Petro POROSHENKO
November 3, 2014

**NATIONAL SECURITY AND DEFENCE COUNCIL OF UKRAINE
Resolution of September 12, 2014
on Integrated Actions to Strengthen National Defence Capacity, and on Draft
Law Proposals Relating to Ukraine’s State Budget 2015, with Respect to Budget
Items Dealing with National Security and Homeland Defence of Ukraine**

In the interest of securing Ukraine’s national interests and strengthening its defence capacity, the National Security and Defence Council of Ukraine hereby resolves:

1. The building up of Ukraine’s national security and defence capacity as a key enabler of lasting peace for sustainable socio-political and socioeconomic development of Ukraine shall be deemed a first priority task for the Executive Authorities involved in the implementation of national security and defence policies.
2. Ukraine’s Cabinet of Ministers shall:
 - 1) in the national security and defence sector development planning;

a) on a first-priority basis:

update procedures for the procurement of volunteer personnel for the Ukrainian Armed Forces and other legally established militarised services, particularly by providing for short-term active duty service contracts;

act to reinstate elementary military training in the secondary schools;

b) within a month's deadline:

explore a more effective national security framework for Ukraine, that would particularly include the signing of a multi-country international agreement or binational agreements on effective security assurances to secure Ukraine's sovereignty and territorial integrity;

paragraph three – in classified content;

draw up and submit, pursuant to prescribed procedures, proposals on upgrading the defence mobilisation preparation and mobilisation system;

update the 2014 Key Action Plan on Civil Defence;

take actions pursuant to prescribed procedures to increase the number of civilian positions in legally established military services and law enforcement agencies of Ukraine;

c) draw up within a two months' deadline and submit, in the prescribed manner, for consideration to the Ukrainian Verkhovna Rada a draft law on the Government forecasting and long-range planning system;

d) submit by December 15, 2014, for consideration to the National Security and Defence Council of Ukraine a Draft Vision of the defence and security sector development, based on a comprehensive security and defence sector review;

2) in the field of financial provision for Ukraine's security and defence sector:

a) on a first-priority basis:

finalise draft of 2015 Ukraine's State Budget, with provisions to ensure first-priority funding for programs included in State Budget items dealing with national security and homeland defence;

take actions to relieve, pursuant to prescribed procedures, the Ministry of Defence of functions that it is not supposed to perform, which are management of state-owned property assets and the sale of surplus military property and property that has become unfit for use for the purposes pursued by the Ukrainian Armed Forces;

establish rewards for members of the Armed Forces, other legally established military services and law enforcement agencies who were involved as direct participants in the Anti-Terrorist Operation, which will be awarded based on the complexity of combat missions performed;

b) ensure, within a month's deadline from the approval of the comprehensive security and defence sector review findings, the introduction of relevant up-

dates to Government-run programs dealing with national security and homeland defence matters, and ensure that such programs are adequately funded;

c) draw up and submit, in a prescribed manner, for consideration to the Ukrainian Verkhovna Rada draft laws on the following:

amending the Budget Code of Ukraine with respect to raising the ceiling of the State Budget's emergency fund beginning in 2015;

increasing the country's level of defence spending to 3 per cent of Gross Domestic Product expected for the respective year;

d) ensure the drawing up and adoption by April 1, 2015, of a State-run program on the Ukrainian defence industry's growth and reform up to 2020;

e) take actions during 2015 to ensure guaranteed allocation of expenditures earmarked in the State Budget's general fund for security and defence sector institutions, with due regard for their substantiated requirements, as well as for the security and defence sector development programs in the priority areas as follows:

strategic planning and analytical support for national security and homeland defence activities;

intensive combat training of units and sub-units of the Ukrainian Armed Forces and other legally established military services;

State Defence Procurement Order execution, with a focus on R&D and procurement of new defence technologies;

ensuring effective operation of intelligence and counterintelligence;

physical demarcation of Ukraine's State Border;

ensuring sustained operation and development of the Government-run special communications and information security system;

carrying out the work under the program on the disposal of solid rocket fuel and empty engine casings of the RS-22 intercontinental ballistic missiles;

3) in areas related to defence industry growth and development:

a) urgently work out solutions to boost domestic production of defence and dual-use technologies, and, to this end, make an inventory of domestic defence industrial capabilities;

b) within a month's deadline:

take actions to improve the national military and dual-use products and goods standardisation and codification systems;

take actions to modernise domestic defence-industrial capabilities, and to turn technical research (experimental) developments into defence and dual-use products;

simplify procedures for the commissioning of arms, military equipment and special-purpose technologies into service in the Ukrainian Armed Forces;

- c) within a two months' deadline, arrange for and make an ad hoc inventory of arms, ammunition, military equipment and special-purpose technologies in the Ukrainian Armed Forces' military units and in the defence industries;
- d) arrange for the introduction of the position of Authorised Government Representative for technological development and innovation affairs;
- 4) in the field of international cooperation:
 - a) develop within a month's deadline practical cooperation projects under the framework of the recently established NATO Trust Fund to boost Ukraine's national defence capacity;
 - b) take actions in a prescribed manner to ensure that the NATO Liaison Office in Ukraine, the NATO Information and Documentation Centre in Ukraine and Advisors of NATO Member States have their offices located in one and the same building;
- 5) in the field of logistics:
 - a) urgently take actions necessary to establish a centralised public procurement system in Ukraine's defence and security sector; take actions to establish cooperation with NGOs (volunteer organisations supporting the needs of the Ukrainian military forces deployed in the ATO area) in provision of logistic support to the Ukrainian Armed Forces, other legally established military services and law enforcement agencies;
 - 6) draw up within a seven days' deadline and adopt in the prescribed manner uniform standards on military goods procured to meet the needs of the Ukrainian Armed Forces and other legally established military services;
 - c) within a two weeks' deadline, carry out an evaluation of the logistics situation in Donetsk and Luhansk Oblasts in the context of fall/winter operational readiness, and report the results to the President of Ukraine;
 - d) within a month's deadline, draw up and introduce in a prescribed manner simplified procedures for the procurement of arms, military equipment and special-purpose technologies to meet urgent requirements of the Ukrainian Armed Forces and other legally established military services and law enforcement agencies.
- 3. Ministry of Defence of Ukraine shall:
 - sub-clause "a" in classified content;
 - b) within a month's deadline:
 - develop jointly with Ukraine's State Emergency Management Service a Mine Action Plan for Donetsk and Luhansk Oblasts;
 - draw up and submit in a prescribed manner for consideration to the President of Ukraine initiatives for updating Ukraine's territorial defence regulations;

speed up the work under the framework of intergovernmental commissions on military-technical cooperation with potential donor States; develop and coordinate with Ukraine's Ministry of Foreign Affairs work plans 2014/15 for the commissions mentioned herein.

4. Ministry of Foreign Affairs of Ukraine shall:
 - a) ensure regular updates to the international community, influential international political, government, business and cultural circles and international media outlets on the situation in Ukraine and facts proving external military involvement in its internal affairs;
 - b) invite the European Commission and the Organization for Security and Cooperation in Europe to send an ad hoc mission to monitor the Ukraine-Russia border situation.
5. Ukraine's defence and security sector institutions shall take actions to improve fiscal discipline in the management of budget allocations to assure the proper and most efficient and effective use of budget allocations.

Head of the National Security and Defence Council of Ukraine

P. POROSHENKO

Part III

The Legislative Framework for the Development and Reform of the Ukrainian Armed Forces

Law of Ukraine “On Amending the Laws of Ukraine on Military Duty and Military Service and on the Foundations for Prevention of and Combating Corruption”

(Bulletin of the Verkhovna Rada (BVR), 2014, No. 39, p. 2010)

Ukrainian Verkhovna Rada hereby resolves:

I. TO AMEND THE LAWS OF UKRAINE AS FOLLOWS:

1. In the Law of Ukraine on Military Duty and Military Service (Ukrainian *Bulletin of the Verkhovna Rada*, 2006, No. 38, p. 324 with subsequent amendments):
 - 1) in Article 2:
 - in section two, after the word “law” there shall be inserted the words “other laws”;
 - in section four:
 - paragraph four shall be substituted for two paragraphs to read as follows:
“contractual military service in the rank of Private;
contractual military service in non-commissioned officer ranks”.
 - Subsequent to this, paragraphs five, six and seven shall respectively be six, seven and eight;
 - 2) in Article 5:
 - in the Article title, after the word “service members” there shall be inserted “reservists”;
 - in section one, after the word “service members” there shall be inserted “reservists”;

in section five, there shall be inserted a sentence reading "Military ranks are assigned for life";

3) in Article 6:

in section six, the words "Law of Ukraine on The Armed Forces of Ukraine and other laws" shall be substituted for "laws of Ukraine";

section nine shall be amended to read as follows:

"9. Service members of the Armed Forces and other militarised services of Ukraine can be dispatched to Government agencies, businesses, institutions and organisations, as well as state-run and municipal education (educational) institutions to perform national security and homeland defence tasks while continuing in military service. The listing of positions in Government agencies, businesses, institutions and organisations, as well as state-run and municipal education (educational) institutions that are eligible to be filled by service members is subject to approval by the President of Ukraine";

in the first sentence, section ten, the words "as well as Ukraine's diplomatic missions to foreign countries" shall be substituted for "Ukraine's diplomatic missions to foreign countries and international organisations";

4) in Article 17, the words "who is an orphan" shall be substituted for "who is an orphan child or a child deprived of parental care";

5) in Article 19:

in paragraph one:

after the words "regular military service" there shall be inserted "conscription military service under mobilisation in a *special period*, conscription military service in officer ranks;

the words "or complete" shall be substituted for "complete or basic";

after section two there shall be inserted a new section to read as follows:

"3. If a service member switches over to a different type of military service, his or her contract will be terminated and a new contract for respective type of military service will be signed for a term specified in Article 23 section two of this Law".

Subsequent to this, section three shall be section four;

6) in Article 20:

in section one:

paragraph two shall be amended to read as follows:

"Soldier privates on regular service duty or performing service under mobilisation during a *special period*; conscription-age individuals with higher, vocational, complete or basic secondary education; individuals liable for compulsory military service; reservists who are not NCOs or commissioned officers, and women with appropriate education, aged 18 to 40 years old – in contractual military service in the rank of Private";

after paragraph two there shall be inserted a new paragraph to read as follows:

“service members on regular service duty or compulsory military service under mobilisation in a *special period*; contract soldiers; conscription age individuals with university degrees; draft-liable individuals; reservists who are not NCOs or commissioned officers, and women with appropriate education, skills and experience, aged 18 to 40 years old – in contractual military service in NCO positions”.

Subsequent to this, paragraphs three, four, five, six, seven and eight shall respectively be four, five, six, seven, eight and nine.

Paragraph six shall be amended to read as follows:

NCOs doing contractual military service or military service under mobilisation in a *special period*, who are holders of at least a bachelor’s degree in a particular specialty and have completed (as appropriate) a Service-specific training course; including the NCO reservists eligible for initial promotion to officer ranks – in contractual military service in officer positions”;

in section four there shall be inserted paragraphs two, three and four respectively to read as follows:

“All appointments to executive/managerial and administrative economic positions, for the purpose of bringing up to full strength the Ukrainian Armed Forces and other militarised services will be made in the event of:

the occurrence of an emergency that threatens the national security of Ukraine – up until the publication of the special data screening findings;

proclamation of mobilisation and (or) the introduction of martial law – without the conduct of a special data screening procedure”;

in section five paragraph one, after the words “regular service” there shall be inserted “mandatory military service in officer positions and mandatory military service under mobilisation in a *special period*”;

7) in Article 23:

section two shall be amended to read as follows:

“2. For Ukrainian citizens doing contractual military service in military positions, the length of active-duty service (in calendar count) will be as follows:

for soldier privates – 3 years;

for NCOs – from 3 to 5 years;

for military college cadets and students studying in reserve officer training programs at civilian institutions of higher education (military department cadets) – the length of study at a military college or military training unit attached to a civilian institution of higher education;

for commissioned officers:

for individuals who were initially promoted to officer ranks after having completed reserve officer training programs or as a result of competency test for initial promotion to reserve officer grades – from 2 to 5 years;

for other individuals – 5 years”;

after section two there shall be inserted a new section to read as follows:

3. For individuals enrolled in contractual military service in the event of the occurrence of an emergency that threatens national security, the proclamation of mobilisation and (or) the introduction of martial law, and who are assigned to military positions, the length of active duty service in calendar count will be determined prior to the end of a *special period* or the proclamation of mobilisation.”

Subsequent to this, sections three to eight shall respectively be four to nine;

Section seven shall be amended to read as follows:

“7. For the Ukrainian citizens called up for military service, the length of active duty service in calendar count will be as follows:

for commissioned officers doing mandatory military service in peacetime – 18 months;

for service members doing mandatory military service under mobilisation in a *special period* – up until the end of a *special period* or the proclamation of demobilisation”;

8) Article 25 paragraph two shall be amended to read as follows:

“The training of Ukrainian citizens enlisted in contractual military service can be carried out at military colleges, training units (centres) and military units through the provision of relevant training programs. The procedures and conditions for Ukrainian citizens’ enlistment in training programs, and their performance of service during the training periods thereof are prescribed under the Regulations respecting the Ukrainian citizens’ performance of military service”;

9) in Article 26:

in clause “e”, section two, the words “in the event of the proclamation of demobilisation within the deadline established by the President of Ukraine” shall be substituted for “on the grounds specified in section eight of this Article”;

clause “n” section six shall be amended to read as follows:

“n) if a special data screening procedure reveals the presence of inconsistencies with legally established military service position assignment (military enlistment) criteria, during the bringing of the Ukrainian Armed Forces and other militarised services to full strength in the event of the occurrence of an emergency that threatens Ukraine’s national security”;

10) in Article 37 section one clause two, there shall be inserted a paragraph to read as follows:

“have reached the upper age limit (25 years old) while being registered with the military enlistment and recruitment authorities as being eligible for mandatory military service”;

11) Article 39 section one shall be amended to read as follows:

“1. The call-up of draft-liable individuals and active-duty reservists for military service under mobilisation will be held pursuant to procedures prescribed under this Law and the Law of Ukraine on Mobilisation Preparation and Mobilisation.

The release from military service of military servicemen who have been called up for service under mobilisation in a *special period*, in the event of the proclamation of demobilisation, will be made pursuant to Article 26 clause “n” of this Law.

2. In Article 11 section one of the Law of Ukraine on the Framework for Prevention and Combating of Corruption” (Ukrainian *Bulletin of the Verkhovna Rada*, 2011, No. 40, p. 404 with subsequent amendments) there shall be inserted paragraph six to read as follows:

“A special data screening procedure concerning candidates applying for positions specified in sub-clause “d”, Article 4 section one of this Law will be carried out in terms of the specific procedures prescribed under legislation on military duty and military service”.

II. FINAL PROVISIONS

1. This Law shall take effect on the date of its official promulgation.
2. Other laws and legislative acts shall remain to applicable to the extent that they are not in conflict with this Law.
3. The Cabinet of Ministers of Ukraine shall within a six-month’s deadline from the enforcement date of this Law make sure that Cabinet Ministries and other central Executive Authorities amend their legal regulatory acts that this Law affects.
4. Recommend that the President of Ukraine amend his legal regulatory acts that this Law affects.

President of Ukraine

P. POROSHENKO

Kyiv

August 12, 2014 No. 1634-VII

Decree of the President of Ukraine No. 618/2012 “On Regulation of Ukrainian Citizens’ Performance of Service in the Military Reserve of the Armed Forces of Ukraine”

Pursuant to the Law of Ukraine “On Military Duty and Military Service”, I hereby decree:

1. To enact the Regulation of Ukrainian Citizens’ Performance of Service in the Military Reserve of the Armed Forces of Ukraine (attached below).
2. To ensure that contracts on service in military reserve signed before enacting the “Regulation of Ukrainian Citizens’ Performance of Service in the Military Reserve of the Armed Forces of Ukraine” shall remain valid till the end of contract’s term.
3. The following acts shall be deemed void:
 - Decree of the President of Ukraine No.66 of February 1, 2007, “On Regulation of Ukrainian Citizens’ Service in the Military Reserve of the Armed Forces of Ukraine”;
 - Decree of the President of Ukraine No.353 of April 25, 2007, “On Amending the Regulation of Ukrainian Citizens’ Service in the Military Reserve of the Armed Forces of Ukraine”;
 - Decree of the President of Ukraine No.1226 of December 31, 2008, “On Amending the Regulation of Ukrainian Citizens’ Service in the Military Reserve of the Armed Forces of Ukraine”;
 - article 4 of the Decree of the President of Ukraine No.1226 of December 31, 2008, “On Amending certain Decrees of the President of Ukraine”.

This Decree shall take effect on its promulgation date.

President of Ukraine
Viktor YANUKOVYCH
October 29, 2012

ENACTED

under Decree of the President of Ukraine
of October 29, 2012, No. 618/2012

REGULATION of Ukrainian Citizens’ Performance of Service in the Military Reserve of the Armed Forces of Ukraine

GENERAL PROVISIONS

1. This Regulation sets out procedures for the Ukrainian citizens’ (hereinafter citizens) selection for enlistment in the Military Reserve of the Armed Forces of

Ukraine (hereinafter – Military Reserve) and their performance of service in the Military Reserve.

2. Service in the Military Reserve will be performed by draft-liable individuals who are physically fit for military service.
3. Citizens will serve in the Military Reserve on a voluntary basis.
4. Citizens who perform their military duty in the Military Reserve will hold the status as reservists.
5. Reservists' service in the Military Reserve consists of conduct of service duties pursuant to the missions assigned to the command-and-control authority, formations, military units, educational institutions (hereinafter military units) in which they serve Reserve duty, in appropriate positions and pursuant to employment laws and the terms of the enlistment contract.
6. The Military Reserve age limit is the same as the upper age limit for draft-liable individuals who are assigned to the Retired Military Reserve Category Two.
7. Citizens enlisted in the Military Reserve will take the Oath of Allegiance to the Ukrainian people during their first reserve duty training period in accordance with procedures stipulated by Internal Service Regulations of the Armed Forces of Ukraine, unless they already did it in the past.
8. Service in the Military Reserve will begin on the date when the commander (chief officer) of a military unit issues an order to enlist a citizen in the Military Reserve and assign him to a position designated as staffed by reservists.

Service in the Military Reserve will end on enlistment contract expiration date or any other date specified under clause 30 of this Regulation, but not until the date when the military unit commander (chief officer) issues an order to release a reservist from Military Reserve service.

9. Reservists will be considered to be performing their Military Reserve service while:
 - preparing for reserve training assemblies in a military unit; in other locations of training events in on-duty (training) hours, including reservist training drills and breaks scheduled in the day's program (drill schedule);
 - travelling to and from the locations of training assemblies and drills, and during service duty trips;
 - outside of a military unit or other location of training, where this is required for the performance of reservist's duties or is prescribed under a directive from the military unit commander (chief officer) concerned.
10. Reservists' performance of service in the Military Reserve will be recorded in their military registration documents, the form of which and record keeping procedures are prescribed by the Ukrainian Armed Forces General Staff.

11. Information on dates of reservist training in the following year will be notified to reservists and their employers before December 1 of each current year.

ENLISTMENT IN MILITARY RESERVE. ENLISTMENT CONTRACT

12. Candidates for enlistment in Military Reserve will be selected from among citizens who passed the professional-psychological selection, physical fitness test, certified as fit for service in Military Reserve on medical grounds. They are enlisted as:
 - draft-liable individuals 18-40 years old who do not have the rank of commissioned officer, but have required education and specialized training – for service in Military Reserve in positions of privates or non-commissioned officers;
 - reserve officers who have not reached the upper age limit for draft-liable individuals of the Retired Military Reserve Category Two – for service in Military Reserve in positions of commissioned officers.
13. Candidates for enlistment in Military Reserve components will be selected by military units commanders (chief officers) from among citizens who are:
 - active-duty personnel being released into the retired military reserve from active-duty service;
 - citizens who reside (stay) in localities where, or in which vicinity military units are located.
14. Eligible candidates for enlistment in Military Reserve will be required to undergo a compulsory medical examination pursuant to procedures prescribed by law.
15. Procedures for appointment of reservists on selected military positions in time of peace, appointment on military positions under wartime personnel charters during transition from peace to wartime General Schedule, specifics of reservists' records processing, time and terms of drills and assembly training inspections, programs for reserve training, procedures and volumes for specialized reserve training, time and terms of all other forms of preparation are determined by the General Staff of the Armed Forces of Ukraine
16. If approved for enlistment in the Military Reserve, a citizen will sign an enlistment contract on citizen service in the Military Reserve of the Armed Forces of Ukraine (hereinafter contract), a form of which is attached hereto.

The contract is a written agreement concluded between a citizen and the State represented by the Ministry of Defence of Ukraine, an authorised headquarters, military unit or military educational institution to establish legal relations during the citizen's performance of service in the Military Reserve.
17. The contract will be concluded in two copies, signed by the enlisted citizen and an authorised representative of the Ministry of Defence, other military headquar-

ters, military unit or military educational institution of the Armed Forces of Ukraine whose remit includes assignment to relevant positions. The representative's signature will be appended with a seal of the Coat of Arms.

The effective date of enlistment contract will be recorded in both copies of the contract.

18. One copy of the contract will be attached to the Reservist's personnel record, while the other will be kept by the Reservist.
19. Reservists may conclude a new contract in case of expiration of the previous contract.
20. First-time contract will be signed with:
 - reservists appointed to soldiers' positions – for 3 years;
 - reservists appointed to non-commissioned officers' positions – for 5 years;
 - reservists appointed to commissioned officers' positions – for 5 to 10 years.
21. New contract will be signed with:
 - reservists appointed to soldiers' positions – for 3 years;
 - reservists appointed to non-commissioned officers' positions – for 5 years;
 - reservists appointed to commissioned officers' positions – for 5 years.
 - Reenlistment contract will have to be endorsed by the order of an authorised official specified under clause 17 of this Regulation.
22. The contract length will not exceed the Military Reserve age limit for a particular reservist.
23. The duration of Military Reserve service will be calculated in full years, except where contracts are signed for periods until reservists attain the Military Reserve age limit.
24. Duration of the contract is calculated from the date of its taking effect.
25. The contract will take effect on the date when the military unit commanding officer (chief officer) issues an order of enlisting a citizen in the Military Reserve and assigning him to a position.
26. The reenlistment contract will be concluded at least one month prior to the expiration date of the current contract, and will take effect after the expiration of the previous contract.
27. Duration of the contract concluded with a reservist who found him- or herself under circumstances which for objective reasons made it impossible to conclude reenlistment contract (being hostage, interned person in neutral state, when verification of the location is impossible or under similar circumstances) is extended until the end of the direct impact of these circumstances and his arrival to military unit. If needed, the contract can be extended until testing of reservist's physical

fitness for further service in Military Reserve and commander's positive decision to conclude a new contract.

28. The contract will be terminated and reservist released from the Military Reserve due to:
 - 1) contract expiration;
 - 2) health reasons – based on a military medical commission's report declaring a service member unfit or physically limited for Military Reserve service;
 - 3) age reasons – if a service member attains the Military Reserve age limit;
 - 4) personnel reduction or institutional measures that render impossible the continuation of Military Reserve service;
 - 5) family reasons or other admissible reasons falling under a listing approved by the Cabinet of Ministers of Ukraine with respect to active-duty service members;
 - 6) incompetency or inaptitude;
 - 7) conviction by a court ruling that has taken effect and calls for imprisonment, custodial restraint, withholding of military rank or withholding of right to hold specific positions;
 - 8) withholding of military rank as a disciplinary measure;
 - 9) persistent breaches of contract by command (should the reservist be willing to retire);
 - 10) persistent breaches of contract by the reservist;
 - 11) enlistment in professional military service;
 - 12) reserving draft-liable personnel for a mobilisation period or wartime, or in the event of circumstances specified by law that render draft-liable personnel ineligible to be called up for military service under mobilisation.
 - 13) punishment of the service member in connection with entry into force of the court ruling on responsibility for administrative violation of anti-corruption norms;
 - 14) impossibility to be reassigned to another position in connection with direct subordination to a close relative.
29. Early contract termination will be initiated by:
 - 1) the commander (chief officer) of a military unit, on the grounds specified under sub-clauses 2 – 4, 6 – 8, 10 – 14 of this Regulation;
 - 2) a reservist, on the grounds specified under clause 28 sub-clauses 2 – 3, 5, 9 and 11 of this Regulation.
30. The date of contract termination (early termination) will be:
 - 1) the date the contract expires;

- 2) the date following the date when a reservist died or was killed, or the date when a reservist was declared by a court as missing or dead;
- 3) the issue date of an order discharging a reservist from Military Reserve service due to early contract termination.
31. In the event of contract termination (early termination), the grounds for and the date of contract termination (early termination) will be recorded in the copy of the enlistment contract attached to the reservists' personnel file; the record will be attested by signature of the military unit commander concerned, and appended with a seal of the Coat-of-Arms.

The reservist may request the personnel section at the military unit in which he or she serves to record the grounds for and the date of termination (early termination) of contract in his or her copy of the contract. The reservist's failure to submit his or her copy of the contract for the purpose herein stated will be recorded in the copy of the contract attached to his or her personnel record.

RESERVISTS' CALL-UP FOR DRILLS AND TRAINING ASSEMBLIES

32. Reservists will be called up for drills or training assemblies by commanders (chief officers) of military units, as prescribed by annual drill plan for the relevant year.
Reservists will be called up for military service under mobilisation by commanders (chief officers) of the military units in which they serve their reserve duty, pursuant to the Law of Ukraine "On Mobilisation Preparation and Mobilisation".
33. Reservists will be summoned to arrive at military units, in which they serve their reserve duty for drills or reserve training assemblies by commanders (chief officers) of the military units concerned. Military unit commanders (chief officers) will notify employers, district state administrations, institutions of local governance about the purpose and expected timelines for reservist drills or training assemblies, or their call-up for military service. Time limits for notifying and informing are determined by the General Staff of the Armed Forces of Ukraine.
34. Commanders (chief officers) of military units will, within three days after calling up reservists for drills, training assemblies and boot camps, notify the military registration and enlistment authorities with which the reservists are registered about the number of reservists called up, their military occupation specialties and the positions to which they have been assigned.
35. Reservists may be exempted from reservist training assemblies or capability exercises on the basis of:
 - the death of a close family member (a parent, spouse, child, birth sibling, grandfather or grandmother) or a close family member of a spouse, which occurred fewer than seven days prior to the first day of training assembly;

- illness or a need to provide care to an ill spouse, a child or his or her own or spouse's parents who live with him, unless such care can be provided by other family members;
- being under criminal investigation, or the application of a criminal or administrative penalty to a reservist that renders impossible his or her attendance;
- the emergence of an emergency situation at the time of call-up for a reservist training assembly that prevented timely arrival;
- a need to take state exams at an institution of higher education.

Exemption from a training assemblies or capability exercises will be allowed to a reservist by military unit commander (chief officer) based on a written request, with attached relevant documents, from a reservist or his or her family member.

While on a training assembly, a reservist may be entitled to a leave of absence for family reasons pursuant to law.

MILITARY RANKS

36. Citizens will be enlisted to serve in the Military Reserve with the ranks they already hold.
37. Promotion to the next higher rank will be made in the manner prescribed under this or her Regulation.

The word "Reserve" will be added to the title of the reservist's rank.

The words "Reserve Medical Service" or "Reserve Legal Service" will be added to the titles of Reserve officers, reservists serving in the Armed Forces Reserve Medical Service or Reserve Legal Service, who have University degrees in Law or Medicine and work in appropriate positions.

38. Commander (chief officer) of the military unit concerned will, within three days, notify the military enlistment and recruitment authority with which the reservist is registered about his or her promotion to (withholding of) a rank by mailing an abstract of relevant order to the military enlistment and recruitment authority concerned.
39. Reservists will be eligible for promotion to the following ranks:
 - 1) NCO ranks up to and including Senior Sergeant – commanders of regiments (battle ship 1st rank) and brigades or officials of equal or higher authority;
 - 2) NCO ranks up to and including Senior Warrant Officer (Petty Officer) – Army Corps Commanders or officials of equal or higher authority;
 - 3) officer ranks up to and including Major (Captain Navy 3rd rank) – Armed Forces Services Commanders or First Deputy Chief of the General Staff of the Armed Forces of Ukraine;

- 4) officer ranks up to and including Lieutenant Colonel (Captain Navy 2nd rank) – First Deputy Minister of Defence of Ukraine, Chief of the General Staff of the Armed Forces of Ukraine or Commander of military unit A0515;
- 5) officer ranks up to and including Colonel (Captain Navy 1st rank) – Minister of Defence of Ukraine;

The officials referred to in this clause are competent to award promotion to the next higher rank only to the reservists over whom they have direct authority.

40. The rank of Private First Class may be awarded as incentive by commanders of regiments (battle ship 1st rank) and brigades or officials of equal or higher authority.
41. There are the following Time-in-Grade requirements for promotion for enlisted and NCO reservists:
 - Reserve Private (Seaman) – two years;
 - Reserve Private First Class (Seaman First Class) – one year;
 - Reserve Junior Sergeant (Sergeant Major Second Class) – two years;
 - Reserve Sergeant (Sergeant Major First Class) – two years;
 - Reserve Senior Sergeant (Senior Sergeant Major) – two years;
 - Reserve Sergeant Major (Ensign) – two years;
 - Reserve Warrant Officer (Senior Ensign) – five years.
42. There are the following Time-in-Grade requirements for promotion for junior and senior reserve officers (except Reserve Aircrew officers and submarine crew members):
 - Reserve Junior Lieutenant, Reserve Lieutenant – two years;
 - Reserve First Lieutenant, Reserve Captain (Captain-Lieutenant) – three years;
 - Reserve Major (Captain Navy 3rd rank) – four years;
 - Reserve Lieutenant Colonel (Captain Navy 2nd rank) – five years.
43. There are the following Time-in-Grade requirements for promotion for Reserve Aircrew officers and submarine crewmembers:
 - Reserve Junior Lieutenant – one year;
 - Reserve Lieutenant, Reserve First Lieutenant- two years;
 - Reserve Captain (Captain-Lieutenant), Reserve Major (Captain Navy 3rd rank) – three years;
 - Reserve Lieutenant Colonel (Captain Navy 2nd rank) – four years.
44. There are no set Time-in-Grade requirements for promotion for Reserve Senior Warrant Officers (Senior Ensign) and Reserve Colonels (Captain Navy 1st rank).

45. Time-in-Grade will be computed from the date the reservist was promoted to his or her current rank.

Time-in-Grade will be computed inclusive of:

- period of service in the grade on active duty, reserve duty and in the inactive reserve;
 - a gap in the period of military reserve service due to unlawful criminal prosecution or unlawful discharge from Military Reserve service.
 - Time-in-Grade will be computed exclusive of a period of service in a lower grade due to a disciplinary sanction.
46. Promotion of reservists to the next higher grades will be made in succession, with account taken of their permanent appointments and other factors specified under this Regulation.
47. Eligibility requirements for promotion of reservists to the initial officer rank of Reserve Junior Lieutenant include:
- 1) reservists at the rank of Reserve Warrant Officer (Ensign), Reserve Senior Warrant Officer (Senior Ensign) having a university degree in the field appropriate to their permanent appointment in the field relative to their military occupation specialty; serving at least one year commissioned officer's position; being selected for promotion to the initial officer rank, based on how many vacancies exist in the reservist's job; minimum three years of time in service in active Military Reserve.
 - 2) reservists having a university degree obtained while on active duty in the military reserve in the field relative to their military occupation specialty; being selected for promotion to the initial officer rank, based on how many vacancies exist in the reservist's job; minimum three years of time in service in active Military Reserve.
48. Those reservists will be eligible for promotion to the next higher grade who have served out the required time in grade and hold permanent appointments that require higher ranks than the reservist's current rank; and who meet eligibility requirements in terms of professional competence, organisational abilities, leadership (professional) development training results and breadth of experience.
49. Those reservists who hold the rank of Reserve Private (Seaman) may be promoted, as an incentive or "reward" pursuant to the Ukrainian Armed Forces Disciplinary Regulations, to the rank of Reserve Private First Class (Seaman First Class).
50. Promotions of reservists to the next higher grades will be ceremoniously announced by military unit commanders, with the award of shoulder straps of the appropriate rank; and in periods in between reserve training assemblies – by chiefs of the military registration and enlistment authorities with which the reservists are registered.

51. Those reservists who hold army (shipboard) ranks will be awarded appropriate military ranks simultaneously at the same time they are awarded permanent appointments.
52. Those reservists will not be eligible for promotion to the next higher rank who have been:
 - 1) discharged from duty while on drills or a tour of reserve assembly training;
 - 2) imposed a disciplinary sanction such as a "service incompetence note" while on drills or a tour of reserve assembly training;
 - 3) sentenced by court to a non-custodial sanction, or discharged from serving the punishment and put on probation for the full term of sentence.
53. Reservists (except those who have been awarded an initial rank) while on drills or a tour of reserve assembly training may be demoted by one rank in a disciplinary procedure.
54. Demotion to another lower rank is forbidden until the reservist is reinstated in his or her previous rank.
55. Reservists may be stripped of their rank due to criminal conviction, or, in a disciplinary procedure, while on drills or a tour of reserve assembly training.
56. An order of depriving a reservist of his or her rank will be issued by an officer who is entitled to do this by the Ukrainian Armed Forces Disciplinary Regulations.
57. Reservists who have been stripped of their ranks:
 - by court decision – will be dishonourably discharged from Military Reserve service once relevant court decision takes legal effect, from the starting date of sentence set out in the court decision;
 - in a disciplinary procedure – will be dishonourably discharged from Military Reserve service no later than three days after the military unit's receipt of a directive document regarding the withholding of a rank, or three days from the issue date of the said directive document.

An order to discharge the reservist from service in Military Reserve will be issued on the basis of the approved act about transfer of position this reservist previously occupied.
58. Assumed a reservist was stripped of his or her rank, he or she will be registered for service and concurrently awarded the rank of inactive Reserve Private (Seaman) by the chief enlistment officer concerned.
59. The reservist who was stripped of his or her rank in a disciplinary action while on drills or a tour of reserve assembly training may be reinstated in his or her rank as a "reward" or "incentive" pursuant to the Ukrainian Armed Forces Disciplinary Regulations.

60. Citizen who was stripped of his or her military rank, will be reinstated in his or her rank from the date of military rank withholding in the event of/when:
- 1) cancellation or change of the court sentence as it pertains to the withholding of military rank;
 - 2) withholding of a reservist of his or her military rank in a disciplinary action has been declared unlawful pursuant to the prescribed procedure.
61. A citizen who has been stripped of a military rank may be reinstated in his or her rank by an officer entitled to award ranks of the relevant grade, in the event the individual has been discharged from serving punishment involving the withholding of military rank under amnesty law or an act of clemency.
62. A citizen who has been reinstated in his or her military rank will be entitled to the legally established rights and benefits appropriate to the reinstated rank.

***PERMANENT AND INTERIM DUTY ASSIGNMENTS,
ROTATIONAL DUTY ASSIGNMENTS FOR RESERVISTS***

63. Duty assignments for reservists will be made by military unit commanders (chief officers).

Reserve officers may be assigned to the positions contained in military units' General Schedules, which are no more than two grades higher or one grade lower than their current grades.

64. The reservist will be assigned to:

- 1) a higher-grade position – as a developmental assignment;
- 2) an equivalent-grade position – as rotational duty assignment;
- 3) a lower grade position:
 - due to a personnel downsizing or institutional actions that render impossible reservist's agreement for the assignment to an equivalent grade position;
 - due to health reasons – based on a military medical commission's conclusion (report);
 - Family reasons – at a personal request;
 - as a disciplinary sanction imposed on the reservist pursuant to the procedure prescribed under the Ukrainian Armed Forces Disciplinary Regulations while on drills or a tour of reserve assembly training.

The military unit commander (chief officer) will, within three days, notify the military enlistment and recruitment authority with which the reservist is registered about his or her assignment to a position by mailing an abstract of relevant directive.

65. A higher-grade position will be deemed such if a relevant General Schedule requires a higher military rank for assignment to this position than the rank the reservist holds in his or her current position; or, in case the reservist's rank or grade being appropriate to his or her current position, is higher paid. If a General Schedule allows a choice from two military ranks or a graded pay structure, the higher rank or higher salary will be taken into account.
66. Reservists will be appointed on specific positions and rotated during their service with regard to their primary and secondary specialization pursuant to the breadth of the practical experience gained. If needed, appointment of a reservist on a new specialty related position shall be preceded by relevant training (retraining) course.
67. Reservists who had not attained the military reserve age limit but for health reasons were recognized as unfit for flying missions, underwater and surface water service or for service in specialised bunkers, but had been recognized as generally fit or fit with limitations for service in Military Reserve – will be appointed on positions without the requirement for flying missions, underwater and surface water service or for service in specialized bunkers. In case of the absence of such options, reservists will be released from service in Military Reserve in accordance with established procedures.
68. Reservists who were transferred from higher to lower positions will further be appointed on higher positions in accordance with regular procedures specified under this Regulation. Reservists who were downgraded as a disciplinary measure in the process of training or reserve assembly – after this disciplinary measure is cancelled.
69. In peacetime, reservists may be appointed on specific military positions in accordance with procedures as specified by the General Staff of the Armed Forces of Ukraine.
70. The issue of a State Secret clearance to a reservist, or the renewal or cancellation of a State Secret clearance held by a reservist will be made pursuant to procedures prescribed by law.
71. A reservist who has failed to obtain a higher level State Secret clearance or has been stripped of a State Secret clearance will be assigned to positions appropriate to the level of State Secret clearance that he or she holds, or positions that do not involve access to information classified as State Secret. In the event of impossibility of assignment to the positions thereof, the reservist's enlistment contract will be terminated early, and the reservist released from Military Reserve service.
72. Reservists will be assigned to positions of chief or vice chief of a security and secret clearance authority with the advice and consent of relevant department at the Security Service of Ukraine, and pursuant to procedures prescribed by law.
73. Assignment of a reservist to position of chief of the special communication unit (encrypted and secure communication) and release from this position will be done

with consent of the relevant section of the General Staff of the Armed Forces of Ukraine.

74. Appointments in the ranks of Reserve Junior Sergeant (Sergeant Major of Second Class), Reserve Sergeant Major (Ensign), Reserve Senior Warrant Officer (Petty Officer) will be made to reservists who have appropriate professional qualifications and skills.
75. Appointments in the rank of Reserve Warrant Officer (Senior Ensign) may be made as needed to appropriately qualified, disciplined reservists who hold the ranks of Reserve Sergeant Major (Ensign), Reserve Senior Sergeant (Senior Sergeant Major) or Reserve Sergeant (Sergeant Major of First Class); have served at least three years in positions appropriate to their current rank; and have been recommended by military unit commanders (chief officers) for assignment to said positions, provided they would not be placed in authority over higher grade personnel.

If there is need to assign a reservist in the rank of Reserve Warrant Officer to the position referred to in the first paragraph of this clause, the reservist who holds the rank of Reserve Sergeant Major (Ensign), Reserve Senior Sergeant (Senior Sergeant Major) or Reserve Sergeant (Sergeant Major of First Class), and holds said position will be assigned to an equivalent-grade position or, in the absence thereof, to any other position to which he or she would agree.
76. Reservists who hold the ranks of Reserve Warrant Officer (Senior Ensign) or Reserve Senior Warrant Officer (Petty Officer) are not eligible to be assigned to positions reserved for commissioned officers.
77. Reservists will not be placed, in connection with the discharge of their duties, in direct authority over or under direct authority of their friends or family members specified in clause three, Part 1, Article 1 of the Law of Ukraine "On the Foundations for Prevention and Combating of Corruption".
78. Reservists may be transferred, subject to their consent, to equivalent-grade positions in the same or another military unit due or in order to:
 - personnel downsizing or institutional actions;
 - gain practical management experience with command-and-control authorities of different levels of command – by a decision of relevant military unit commander (chief officer), particularly if the reservist requests so, if a new position will be more appropriate to his or her professional qualifications;
 - health reasons – based on a military medical commission's conclusion (report);
 - family reasons – at reservist's own request, provided he or she has documentary confirmation.
79. Transfers of reservists to equivalent-grade positions within their respective military units will be made under directive documents issued by the military unit commander (chief officer) concerned.

80. Transfers of reservists to equivalent-grade positions within the Army Corps – under directive documents issued by the Army Corps commander; within the Services – under directive documents issued by the Service Commander; between the Services – under directive documents issued by the First Deputy Chief of the General Staff of the Armed Forces of Ukraine; between military units subordinated to the Ministry of Defence of Ukraine – under directive documents issued by the First Deputy Minister of Defence of Ukraine.
81. The reservist will be required to receive pay for all kinds of allowances eligible to him or her no later than the date following the separation date and receipt, by mail or telecommunications, of an abstract of a directive document ordering the transfer of the reservist to a position in another military unit; and, in the case the reservist being temporarily absent due to an assignment or medical treatment – not later than the date following his or her arrival date at the military unit in which he or she served prior to being transferred to serve in another military unit.
82. In the event of personnel downsizing or institutional activities involving a reduction in the number of reservist positions, a list of the names of reservists slated for the release, and proposals on their future duty assignments will be submitted to the Services headquarters and the General Staff of the Armed Forces of Ukraine no later than two months prior to the scheduled starting date of said activities.
83. In the event of impossibility of assigning a released reservist to an equivalent-grade position, or his or her failure to agree to be transferred to a lower grade position, the reservist will be released from Military Reserve service pursuant to clause 28 sub-clause 4 of this Regulation.
84. In the event of personnel downsizing or institutional activities involving a reduction in the number of military positions, priority on vacancies will be given to reservists who qualify most for the positions in terms of professional competence and personal qualities.
85. A reservist who holds a permanent appointment while being on drills or a tour of active-duty training may be assigned as needed to another equal or higher-grade appointment in the case a service member holding this appointment being temporarily absent or having been discharged from the appointment.
86. Reservists will be assigned to interim appointments for periods not exceeding 30 days.
87. Reservists will be assigned to interim appointments by the military unit commanders (chief officers) concerned.
88. Reservists holding the following ranks will be assigned to the following interim appointments:
 - 1) Reserve Private (Reserve Seaman), Reserve Sergeant, Reserve Sergeant Major – appointments reserved in General Schedules for respective NCO ranks;

2) Reserve Warrant Officer (Ensign), Reserve Senior Warrant Officer – appointments reserved in General Schedules for the ranks of Warrant Officer (Ensign), Senior Warrant Officer;

3) Junior Officer – appointments reserved in General Schedules for Junior or Senior Officer ranks, provided they would not be placed in authority over higher-grade personnel;

4) Senior Officer – appointments reserved in General Schedules for Senior Officer ranks.

ASSIGNMENTS

89. Reservist while on drills or reserve assemblies training will be dispatched on assignments, alone or as members of a military unit (team), for the purpose to:
- assist in actions related to forces combat training;
 - provide security, escort protection or delivery of military materiel, arms, military equipment and other types of materiel;
 - provide security escort to a courier carrying secret documents or classified materials; or do a courier assignment by him- or herself;
 - provide escort (as needed) for individuals or teams of individuals, particularly those who are sick, who have been called up for a training assembly of reservists or draft-liable personnel;
 - receive an award;
 - attend court hearings or court proceedings, on summons from an agency of the inquiry or pre-trial investigation;
 - attend scheduled events, e.g., conferences, seminars, meetings, conventions, etc.;
 - assist in emergency response operations;
 - case-based assignments for other purposes will be made under a directive document issued by a higher-level commander (chief officer).
90. Reservists will be dispatched on assignments by the military unit commander (chief officer) concerned, whereof a directive document will be issued.
91. Reservists being dispatched on assignments will be issued a standard form of travel authorisation.
92. Upon arriving at the place of assignment the reservist will, in a timely manner, appear before the officer at whose disposal he or she was placed; notify his or her arrival to the commander (chief officer) of the military unit in which he or she serves his or her reserve duty; duly register him- or herself with an appropriate authority and proceed to performing his or her assignment.

93. While traveling to and from the place of assignment the reservist will not be allowed to deviate from the route set out in his or her travel authorisation document or to make unauthorised stopovers.
94. In case of the reservist being unable to depart on time from the place of assignment for permissible reasons, he or she will be required to notify this and the reasons for the delay to the commander (chief officer) of the military unit in which he or she serves his or her reserve duty, via the chief command-and-control officer of the Ukrainian Military Law Enforcement Service or the military enlistment and recruitment officer concerned, or in absence thereof – via officials at local state administrations or institutions of local governance.
95. In case of loss of service documents, personal papers, firearms or other items of military materiel while travelling to and from the place of assignment, the reservist will be required to immediately contact the traffic officer at the place of the alleged loss, or the chief command-and-control officer of the Ukrainian Military Law Enforcement Service, or the military enlistment and recruitment officer concerned, or in absence thereof – the nearest law enforcement agency, railway or road traffic officer, or officials at local state administrations or institutions of local governance, in addition to commander (chief officer) of the military unit in which he or she serves his or her reserve duty.
96. In the event of any delays while traveling at the time of assignment, for reasons beyond the reservist's control, he or she will be required to have a confirmation of the delay recorded in his or her travel authorisation document, or to request a document verifying the reasons for the delay from a traffic officer, or the chief command-and-control officer of the Ukrainian Military Law Enforcement Service, or the military enlistment and recruitment officer concerned, or in absence thereof – from railway or road traffic authorities, or officials at local state administrations or institutions of local governance; and will have to additionally contact commander (chief officer) of the military unit in which he or she serves his or her reserve duty.
97. Excuses deemed admissible for return from assignment past the time set out in the travel authorisation document will include an illness that prevented timely return, a natural disaster and other emergencies. Causes or reasons for the delay will have to be verified by appropriate documents.
98. The officer at whose disposal the reservist was placed, or the chief command-and-control officer of the Ukrainian Military Law Enforcement Service, or the military enlistment and recruitment officer concerned will be required to report the reservist's failure to return from assignment on the date set out in his or her travel authorisation document, and the causes and reasons for the delay to commander (chief officer) of the military unit in which he or she serves his or her reserve duty.
99. In the event a reservist has not returned from assignment on the date set out in his or her travel authorisation document, and there has been no report about the

causes or reasons for the delay submitted to appropriate authorities, commander (chief officer) of the military unit in which the reservist serves his or her reserve duty will be required to immediately contact the official at whose disposal the reservist was placed, or the chief command-and-control officer of the Ukrainian Military Law Enforcement Service, or the military enlistment and recruitment officer concerned, for information whether or not the reservist had arrived at the assigned place, or departed as scheduled for his or her military unit. If the answer is “no” in former and “yes” in the latter instance, the military unit commander (chief officer) will order a search operation for the missing person pursuant to prescribed procedures.

BASIC TRAINING, CONVERSION TRAINING AND ADVANCED TRAINING FOR RESERVISTS

100. Draft-liable individuals (women included) without prior military service who have been enlisted in active Military Reserve will be required to receive initial training at the training centres.
Reserve officers without prior military service will receive training at higher military educational institutions.
101. Draft-liable individuals (women included) with prior military service, who have been enlisted to serve in active Military Reserve in positions other than their major military occupation specialties will receive conversion training at the training centres, and reserve officers – at the higher military educational institutions.
102. Reservists with at least one year in active reserve service will be eligible for advanced training as may be required by the needs of the service.
103. Selection of eligible candidates for enrolment in advanced training, particularly at the reservists’ own request, will be made by the military unit commanders (chief officers) concerned.
104. The procedures for reservists’ enrolment in basic training, conversion training and advanced training at the higher military educational institutions and training centres, and the listing of military occupation specialties to be trained will be prescribed by the General Staff of the Armed Forces of Ukraine.
105. Upon completing basic training, conversion training or advanced training, reservists will take examinations prescribed by appropriate academic programs.
Reservists who have received training under NCO training programs and successfully passed exams will then be awarded appropriate military ranks pursuant to procedures set out in this Regulation.
106. Reservists will be dismissed from training at the higher military educational institutions and training centres on health grounds in the event they have developed an illness while on training, based on a medical assessment report of the chief medical officer at the higher military educational institution or training centre concerned.

A decision to dismiss a reservist from training will be made by chief officer in charge of the higher military educational institution or training centre concerned.

107. Further and in-service training will be given to reservists during reserve training assemblies and capability exercises of regular military units in which they serve their reserve duty, pursuant to training programs approved and procedures prescribed by the General Staff of the Armed Forces of Ukraine.

RELEASE FROM MILITARY RESERVE SERVICE

108. Reservists will be released from Military Reserve service on grounds prescribed in clause 28 of this Regulation, under a directive document issued by the military unit commander (chief officer) concerned.

The military unit commander (chief officer) concerned will, within three days after the issue date of an order releasing a reservist from service in the Military Reserve, send an abstract of the order and the reservist's personnel records to the military enlistment and recruitment authority with which the reservist is registered.

109. A reservist who is willing to be released from Military Reserve service will have to submit a release request with a command endorsement, with attached documents verifying the grounds for release. The release request will specify the grounds for release from Military Reserve service and the title or number of the military enlistment and recruitment authority with which the reservist is registered.
110. Release processing procedures will include collecting details about the reservist's service in a reserve component and documents verifying periods of service in the Military Reserve.
111. Three months prior to attainment of the military reserve age limit, a reservist will have to undergo a medical examination by a military medical commission, whose assessment will be taken into account in determining the grounds for release from Military Reserve service.
112. The reserve service release date of a reservist will be the date prescribed under clause 30 of this Regulation, whereof a record will be made in directive document on release from Military Reserve service. The directive document will be issued on the ground of a duly approved statement of the transfer of position the reservist held, and/or an endorsement report from his or her immediate leader.
113. An order to impose on reservist disciplinary sanctions such as discharge for service incompetence or the withholding of a military rank will be deemed valid grounds for the issue of an order of his or her release from Military Reserve service.
114. A reservist who is slated to be released from Military Reserve service due to a personnel downsizing or institutional actions will be given notice of dismissal by the military unit commander concerned at least two months prior the starting date of personnel downsizing or institutional actions. The State Employment Service is not informed in this case.

115. A decision on further military reserve service with respect to a reservist who has been declared by a medical military commission to be physically fit for limited reserve service in peacetime will be made by the military unit commander (chief of-ficer) concerned.
116. In the event there are several valid grounds for release from Military Reserve service prescribed under clause 28 sub-clauses 2-5 and 9 of this Regulation, a reservist will be allowed to choose one at will.
- Reservists being released from Military Reserve service (except those being released on grounds prescribed under clause 28 sub-clauses 6- 8, 10, 13 and clause 57 of this Regulation) may, on a unit commander's endorsement, be offered awards prescribed in the Ukrainian Armed Forces Disciplinary Regulation.
117. A retirement ceremony may be held for a reservist who has been honourably discharged from Military Reserve service.
118. A reservist with respect to whom a decision on early termination of Military Reserve service contract has been made will be eligible to appeal the order of early termination of Military Reserve service contract and release from Military Reserve service pursuant to legally prescribed procedures. The lodging of the appeal thereof will not suspend enforcement of the order. Assumed a reservist has been released unlawfully from Military Reserve service, he or she will be eligible to be reinstated in Military Reserve service in his or her previous position or, subject to his or her consent, assigned to another equivalent or higher position. The gap in the period of Military Reserve service due to unlawful discharge will be counted in calculating the time in grade and time in service required for promotion to the next higher grade.
119. A reservist who has been released unlawfully from Military Reserve service will be reinstated in his or her previous position or assigned to another equivalent or higher position under a directive document issued by the military unit commander who ordered his or her release from Military Reserve service.
120. Reservists who have been declared missing or dead by a court will be discharged from Military Reserve service on the ground of the court decision on declaration of missing or dead:
- Reserve Officers – by Service Commanders; Chief of the General Staff–Commander-in Chief of the Armed Forces of Ukraine, Minister of Defence of Ukraine, within their remits;
- Reserve Privates and NCOs – by Service Commanders or officials with equal or higher authority.

SALARIES AND OTHER PROVISIONS

121. Salaries and monetary incentives payable to reservists, and procedures for their payment are prescribed by the Cabinet of Ministers of Ukraine.

122. Regulations for the provision of medical care to reservists during drills, reserve training assemblies or boot camps are prescribed by the Ministry of Defence of Ukraine.
123. Reservists performing active-duty service in a reserve component will be provided with uniformed clothing in accordance with set standards. Reservists will wear Internal Forces' insignia and distinctive insignia indicating they are reservists. Reservists are affected by general rules and regulations on uniform wear.
124. While on drills, reserve training assemblies or boot camps, reservists will be provided with meals in accordance with set standards and pursuant to procedures prescribed by the Cabinet of Ministers of Ukraine.
125. Financial and logistics support for activities related to performance of service in Military Reserve components will be funded by State budgetary expenditures allocated for the Ministry of Defence of Ukraine operational expenses.

RESERVISTS' RESPONSIBILITY

126. While on drills, reservist training assemblies and boot camps, reservists will bear responsibility pursuant to law.

Head of the Presidential Administration of Ukraine

S. LYOVOCHKIN

Decree of the President of Ukraine No. 502/2014 “On Amendments to the Regulation of Ukrainian Citizens’ Performance of Service in the Military Reserve of the Armed Forces of Ukraine”

According to Article 112 of the Constitution of Ukraine, I hereby decree to:

1. Amend the Regulation of Ukrainian Citizens’ Performance of Service in the Military Reserve of the Armed Forces of Ukraine, adopted by the Decree of the President of Ukraine No.618 of October 29, 2012, as follows:
 - 1) in paragraph 2, omit the words “persons liable for military service”;
 - 2) in paragraph 5:
replace the words “official duties” with “obligations of duty, including training”;
follow the words “military educational facilities” with “institutions and organizations”;
 - 3) in paragraph 9:
in the first unnumbered paragraph, replace the term “official duties” with the term “obligations of duty”;
present sub-paragraphs 1 and 2 as follows:
 - 1) in the territory of the military unit where they are serving as part of the military reserve, or in another place of service, during the time of duty (training), including training periods and break time, as established by the routine (training schedule);
 - 2) on the way towards the place of duty as part of the military reserve, or from duty, and during official trips”;in sub-paragraph 3, omit the words “or another place of training”;
 - 4) add to paragraph 11 “and in the current year, during signing of the first contract; or, in case of changes to the reservist training periods, no later than one month before the start of training”;
 - 5) in paragraph 12:
in the first unnumbered paragraph, follow the words “accepting citizens” with “(except for those not subject to enlistment to military service during mobilization)”;
supplement the sub-paragraph following the first unnumbered paragraph with:
“citizens without military ranks, with appropriate education, aged 18 to 40 – for service in military reserve, in the private corps”.Due to the above, consider the second and third unnumbered paragraph to be third and fourth, respectively;

6) present paragraph 13 as follows:

“13. Selection of citizens, including persons liable for military service, for service in the military reserve is done:

from among military servicemen retiring from military service into reserve – by commanders (heads) of military units;

from among citizens living (residing) in settlements, in which or next to which military units are deployed – by commanders (heads) of military units and chief enlistment officers of district (city) military commissariats”;

7) in paragraph 15, the words “time and schedules for training and testing events, reservist training programs, procedure and scope of reservist training in military specialties, time and schedules for training” replace with “training procedure, scope, and timeframes”;

8) supplement the Regulation with paragraph 15-¹ as follows:

“15-¹. Reservists are subject to military registration according to the procedure determined by the General Staff of the Armed Forces of Ukraine”;

9) in paragraph 16, second unnumbered paragraph, omit the words “another military command body or unit” and “military education facility”;

10) in paragraph 17, first unnumbered paragraph:

omit the words “another military command body or unit” and “military education facility”;

supplement the paragraph with the word “law” following the words “whose competence includes”;

11) in paragraph 21, fourth unnumbered paragraph, replace the words “up to 5 years” with “for a term of 5 years”;

12) in paragraph 27 following the words “with the reservist, who” add “while performing their obligations of duty in the military reserve”;

13) in paragraph 28:

supplement sub-paragraph 13 with the words “related to violation of restrictions under the Law of Ukraine “On Fundamentals of Corruption Prevention and Counteraction”;

supplement the paragraph with sub-paragraphs 15-19 as follows:

“15) in case it is impossible to locate the reservist during two months, unless that is related to their service in the military reserve;

16) in case their Ukrainian citizenship is terminated;

17) in case they depart Ukraine for a term exceeding three months;

18) in case they are enlisted to military service during mobilization, for the special period;

19) by agreement of the parties”;

14) paragraph 29 present as follows:

"29. Early termination of the contract shall be initiated:

1) by the commander (head) of the military unit – in cases provided for by sub-paragraphs 2 – 4, 6 – 8, 10-19, paragraph 28 of this Regulation;

2) by the reservist – in cases provided for by sub-paragraphs 2, 3, 5, 9, 11, 16, and 19, paragraph 28 of this Regulation";

15) present paragraph 32 as follows:

"32. Reservists can be summoned to perform obligations of duty in the military reserve by commanders (heads) of military units in the time of peace (special period) based on:

a resolution of the President of Ukraine made according to the Constitution of Ukraine;

plans for training of reservists in the Armed Forces of Ukraine.

Reservists are summoned to military service during mobilization by commanders (heads) of military units where they are serving as part of the military reserve, according to the Law of Ukraine "On Mobilization Preparation and Mobilization";

16) supplement the Regulation with a paragraph 33-¹ as follows:

"33-¹. Reservists shall personally inform the command of the military unit where they are serving, of any circumstances that make it impossible for them to arrive at the military unit to serve as part of the military reserve, as well as of any changes in their marital status, health, address of permanent (temporary) residence, education, employment, and job title:

in the time of peace – within seven days;

during the special period – within one day";

17) in paragraph 35:

follow the sixth unnumbered paragraph with a new, seventh unnumbered paragraph as follows:

"other circumstances – by decision of the commander (head) of the military unit".

Due to the above, consider the seventh and eighth unnumbered paragraph to be eighth and ninth, respectively;

present the eighth unnumbered paragraph as follows:

"A reservist can be relieved from serving in the military reserve by the commander (head) of the military unit, based on the reservist's statement or an application of their family member, submitted with relevant documents attached."

in the ninth unnumbered paragraph, follow the words “for family reasons” with “and other reasons”;

18) in sub-paragraph 3, paragraph 39, follow the words “by commanders of different services of the Armed Forces of Ukraine” with “forces of operational command”;

19) present paragraph 47 as follows:

“47. The primary officer rank of Junior Lieutenant is awarded to reservists who, during their service in the military reserve, completed a higher education degree in a specialty related to the appropriate military specialty; the rank is awarded based on the results of attestation, with regard to the need for officers of respective specialty, and provided that the reservist has served for a minimum of three years in the military reserve”;

20) present paragraphs 52 and 53 as follows:

“52. A reservist is not promoted to the next military rank:

1) while they are under command of an appropriate commander, discharged from performing obligations of duty, suspended from exercising their authority, suspended from official authority, or removed from office;

2) if they have been served with a disciplinary award, such as notice of incomplete fitness for service;

3) if they have been served with a court sentence not related to deprivation or restriction of freedom, or released on probation;

53. While performing obligations of duty during their service in the military reserve, reservists (except for those awarded the primary military rank) can be demoted by one rank, according to the procedure determined by the Disciplinary Statute of the Armed Forces of Ukraine”;

21) omit the fourth unnumbered paragraph of paragraph 57;

22) present paragraph 59 as follows:

“59. A reservist demoted in rank during their performance of obligations of duty in the military reserve, as part of their disciplinary award, can be restored to their previous military rank, according to the procedure determined by the Disciplinary Statute of the Armed Forces of Ukraine”;

23) in the fifth unnumbered paragraph, sub-paragraph 3, paragraph 64, replace “implementation” with “performance”;

24) present paragraph 68 as follows:

“68. Reservists appointed from higher to lower posts are subsequently appointed to higher posts as part of the official promotion procedure, with regard to the requirements of this Regulation, and those demoted to lower posts according to the procedure determined by the Disciplinary Statute of the Armed

Forces of Ukraine during the performance of obligations of duty while serving in the military reserve – after the disciplinary award has been lifted”;

25) present paragraph 80 as follows:

“80. Rotation of reservists between equivalent posts within the operational command of the army corps shall be done by order of the commander of the operational command forces and the army corps commander; within the services of the Armed Forces of Ukraine, by order of the commander of the respective service of the Armed Forces of Ukraine; between different services of Armed Forces of Ukraine, by order of the first deputy Chief of the General Staff of the Armed Forces of Ukraine; and between military units subordinated to the Ministry of Defense of Ukraine, by order of the First Deputy Minister of Defense of Ukraine”;

26) in paragraph 82, omit “personnel reduction or”;

27) in the sixth unnumbered paragraph, paragraph 89, add “or other incentives”;

28) present paragraph 100 as follows:

“100. Reservists without military service experience shall undergo training in military units. Subject to necessity and availability of funding, reservists are trained as follows:

sergeant and top sergeant corps – at training centers;

officer corps – at higher military educational facilities”;

29) in paragraph 101, replace “at training centers” with “in military units (training centers)”;

30) present paragraph 107 as follows:

“107. Reservists shall be trained as part of divisions in the military units where they are undergoing service in the military reserve, or as part of other units with similar training, according to the training programs and procedures established by the General Staff of the Armed Forces of Ukraine”;

31) in paragraph 116:

in the first unnumbered paragraph, after “9” add “18”;

in the second unnumbered paragraph, after “13” add “15, 16”;

32) in paragraph 120:

in the second unnumbered paragraph, after “commanders of different services of the Armed Forces of Ukraine”, add “forces of operational command”;

present the third unnumbered paragraph as follows:

“reservists of private, sergeant and top sergeant corps – by commanders of different services of the Armed Forces of Ukraine, forces of operational command, and persons of equivalent rank or higher”;

33) in the text of the Regulation, replace the words “undergoing training and exercises”, “undergoing training exercises and tests”, “undergoing training or exercises” with “performing obligations of duty in the military reserve”;

34) present the Annex to the Regulation in the new version (enclosed).

2. Establish that contracts for service in the military reserve of the Armed Forces of Ukraine concluded with citizens of Ukraine before this Decree comes into effect shall remain in effect during the period they were concluded for.
3. This Decree comes into effect on the day of its publication.

Acting President of Ukraine,
Chairman of the Verkhovna Rada of Ukraine
O.TURCHYNOV

Kyiv
June 6, 2014
N 502/2014

Part IV

The Legislative Framework for Defence Industry Activities

Law of Ukraine “On Some Issues of Debt Settlement and Securing Sustainable Growth of Constituent Military-Industrial Enterprises of the Ukroboronprom State Holding Company”

(Bulletin of the Verkhovna Rada (BVR), 2013, No. 32, p. 413)

This Law sets forth comprehensive integrated economic actions addressing issues of debt settlement and securing sustainable growth of the State-owned military-industrial enterprises, including Government sponsored entities, that have been merged into and are operating under the umbrella of the Ukroboronprom State Holding Company (hereinafter – military-industrial enterprises).

Article 1. Settlement of Debts to Social Insurance Funds

1. Subject to writing off are the amounts of contributions (including those prescribed by court judgments or rescheduled) owed by military-industrial enterprises as of the enforcement date of this Law to Ukraine’s Pension Fund, Temporary Disability Social Insurance Fund, Compulsory National Unemployment Social Insurance Fund, Occupational Injury and Disease Social Insurance Fund (hereinafter social insurance funds), viz. unpaid contributions to compulsory national pension insurance and social security; unified compulsory social security tax; contributions to the payment of privileged pensions (including delivery costs) and academic pensions; imposed (accrued) penalties and fines, as well as the amounts of penalties that are subject (or will be subject) to imposition (accrue) as of the enforcement date of this Law.
2. Social insurance agencies will determine the amount of debt to be written off, based on the records of social insurance contributions.
3. Social insurance agencies will reconcile the amounts of outstanding debts with military-industrial enterprises within 10 calendar days from the enforcement date of this Law, with the results to be formalized in a reconciliation statement.

4. The debts will be written off within a two-months' deadline from the enforcement date of this Law, on the ground of social security agencies' decisions, whereof military-industrial enterprises will be informed in written notifications reporting the amount of the written off debt.
5. The forgiven debts will be reported in a separate line in records of social insurance contributions, specifying the date of the debt relief decision.
6. Social insurance agencies will report to the Ministry of Finance of Ukraine the amounts of debts written off in accordance with this Article.
7. The period of time for which owed contributions to compulsory national pension insurance and unified compulsory social security funds have been forgiven will be recorded in the State Register of compulsory national social insurance contributions as period for which the insurance contributions have been paid in full.
8. Forgiven amounts of contributions owed by the herein mentioned enterprises to Ukraine's Pension Fund will be written off from the amount of funds loaned to Ukraine's Pension Fund from the single treasury account, by charging all the amounts to budget settlement payments, with the funds to be reimbursed onto the single treasury account in the manner prescribed by the Cabinet of Ministers.

Article 2. Settlement of Natural Gas, Electricity, Heat, Water Supply and Wastewater Disposal Debts

1. Subject to writing off under the conditions set out in this Article will be:
 - 1) debts (including those prescribed under court judgments or rescheduled) owed by military-industrial enterprises for heat and natural gas, including transportation charges, to enterprises producing, transporting and supplying heat; economic entities supplying natural gas at regulated tariffs; the National Joint Stock Company *Naftogaz* of Ukraine and its subordinate companies (entities), which had accrued as of September 1, 2012, and have not been settled as of the enforcement date of this Law;
 - 2) electricity debts (including those prescribed under court judgments or rescheduled) owed by military-industrial enterprises to economic entities supplying natural gas at regulated tariffs, which had accrued as of September 1, 2012, and have not been settled as of the enforcement date of this Law;
 - 3) water supply and water discharge debts (including those prescribed under court judgments or rescheduled) owed by military-industrial enterprises to economic entities providing water supply and water discharge services, which had accrued as of September 1, 2012, and have not been settled as of the enforcement date of this Law;
 - 4) fines, penalties and late payment interest fees (3 per cent per annum plus inflation rate), (including those prescribed under court judgments or rescheduled) owed by military-industrial enterprises for the debt for natural gas (including transporta-

- tion charges), heat, electricity and water supply and water discharge, which had accrued as of September 1, 2012, and have not been settled as of the enforcement date of this Law;
- 5) debts to natural gas suppliers, owed by companies producing, transporting and supplying heat, within the amounts of the debts written off from military-industrial companies eligible for debt relief under this procedure, which had accrued as of September 1, 2012, and have not been settled as of the enforcement date of this Law;
 - 6) debts owed by electricity suppliers to companies providing water supply and water discharge services, within the amounts of the debts written off from military-industrial companies eligible for debt relief under this procedure, which had accrued as of September 1, 2012, and have not been settled as of the enforcement date of this Law;
 - 7) debts (including those prescribed under court judgments or rescheduled) owed by entities supplying electricity at regulated tariffs to the wholesale electricity supplier, which had accrued as of January 1, 2007, and have not been settled as of the enforcement date of this Law, in amounts not exceeding the amount of the electricity, water supply and water discharge debts written off from military-industrial companies eligible for debt relief under this procedure;
 - 8) debts (including those prescribed under court judgments or rescheduled) owed by the wholesale electricity supplier to electricity generating companies, which had accrued as of January 1, 2007, and have not been settled as of the enforcement date of this Law, in amounts not exceeding the amount of the electricity, water supply and water discharge debts written off from military-industrial companies eligible for debt relief under this procedure;
 - 9) natural gas debts owed by the National Joint Stock Company *Naftogaz* of Ukraine to the State Reserve Agency of Ukraine, which arose as a result of the Ukrainian Cabinet of Ministers decisions, have been prescribed under court judgments, accrued as of September 1, 2012, have not been settled as of the enforcement date of this Law, and have been calculated based on the natural gas price as of the delivery date;
 - 10) debts (including those rescheduled) owed by electricity generating companies to the State Reserve Agency of Ukraine for the natural gas delivered pursuant to Ukrainian Cabinet of Ministers decisions, which accrued as of September 1, 2012, have not been settled as of the enforcement date of this Law, and have been calculated based on the natural gas price as of the delivery date;
2. The debts (including fines, penalties and late payment interest fees) owed by military-industrial enterprises will be written off, pursuant to this Article, by economic entities supplying natural gas and electricity at regulated tariffs, the wholesale electricity supplier, electricity generating companies, the National

Joint Stock Company *Naftogaz* of Ukraine and its subordinate companies (entities), as well as economic entities supplying heat and providing water supply and water discharge services (hereinafter – stakeholders in the debt relief procedure) in the manner as follows:

- 1) the amount of the debts (including rescheduled debts) will be determined in accordance with relevant legislative provisions that regulate procedures for the inventory of fixed assets, intangible assets, material goods and material values, cash, documents and payments, and will be written off by the stakeholders in the debt relief procedure in the amounts recorded in the stakeholders' accounting records, inclusive of the amounts of fines, penalties and late payment interest fees (3 per cent per annum plus inflation rate as of the debt relief date);
 - 2) for the purpose of debt relief, each stakeholder in the debt relief procedure will set up a debt relief commission that will determine the amount of the debt and the debt relief period, separately for each stakeholder; among the officials minimally included in the commission thereof will be CEO of the respective stakeholder entity (commission chairperson) and an accounting manager;
 - 3) debt relief will be implemented on the ground of mutually agreed reconciliation statements specifying the amounts and the periods of debt relief;
 - 4) debt relief date will be the date of signing mutually agreed reconciliation statements by stakeholders in the debt relief procedure;
 - 5) if a stakeholder in the debt relief procedure is an enterprise with state-owned interest exceeding fifty per cent, the respective mutually agreed reconciliation statement will have to be additionally agreed with the government agency that has an authority over the stakeholder entity thereof.
3. The debt relief provisions of this Article will apply to natural gas debts owed by the National Joint Stock Company *Naftogaz* of Ukraine and fuel and energy companies to the State Reserve Agency of Ukraine, which arose as a result of the Ukrainian Cabinet of Ministers decisions, have been prescribed under court judgments, accrued as of September 1, 2012, and have not been settled as of the enforcement date of this Law;

Debts owed by the National Joint Stock Company *Naftogaz* of Ukraine and fuel and energy companies to the State Reserve Agency of Ukraine will be relieved within the relieved amount of the natural gas, electricity, heat, water supply and water discharge debts owed by military-industrial enterprises to respective economic entities supplying natural gas and electricity (at regulated tariffs), heat and water, and providing water discharge services.

For the purpose of debt relief, the debts referred to above (or an obligation to return material assets in kind) will be translated into cash terms pursuant to applicable legal procedures, in accordance with cash value of the material assets specified in relevant court judgments.

Article 3. The Specifics of Business Activities of Military-Industrial Enterprises

1. To establish that revenues from real estate asset sales by military-industrial enterprises, exclusive of net-book (balance-sheet) value of the assets thereof and 95 per cent of revenues exceeding their net-book (balance-sheet) value, will be credited to Ukraine's State Budget general fund account.
2. Revenues from real estate asset sales by military-industrial enterprises that have not been credited to Ukraine's State Budget general fund account will be devoted to funding for production modernization, R&D and corporate innovation development programs, based on plans agreed with the *Ukroboronprom* State Holding Company.
3. Rental of real estate assets exceeding 200 square meters per enterprise will be carried out by asset-owning military-industrial enterprises in consultation with the *Ukroboronprom* State Holding Company, except rental of integral property complexes carried out by owning military-industrial enterprises of which Ukraine's State Property Fund (its regional branches and agencies) is the lessor.
4. Military-industrial enterprises, by a decision of the *Ukroboronprom* State Holding Company, will be eligible to transfer the property free of charge to a third party in cases where such transfers are carried out for the purposes as follows:
 - demonstrations of military and dual-use products, with subsequent return of the property to the owner entity;
 - testing an evaluation of military products, single-handedly or with partners, with or without subsequent return of the property to the owner entity;
 - support for R&D projects by state-run enterprises, agencies and organisations, with or without subsequent return of the property to the owner entity;
 - satisfying the needs of representative offices of the *Ukroboronprom* State Holding Company and military-industrial enterprises, with or without subsequent return of the property to the owner entity;

Article 4. Final Provisions

1. This Law shall become effective and applicable on its promulgation date.
2. This Law applies to military-industrial enterprises that were merged into the *Ukroboronprom* State Holding Company as of the enforcement date of this Law.
3. The following Laws of Ukraine shall be amended:
 - 1) In the Law of Ukraine on Restoring Debtor's Solvency and Declaring a Debtor Bankrupt (Ukrainian *Bulletin of the Verkhovna Rada*, 1999, No. 42-43, p. 378; 2002, No. 17, p. 117) there shall be inserted Article 46-2 to read as follows:

"Article 46-2. Bankruptcy procedures specific to military-industrial enterprises

1. For the purposes of this Law, military-industrial enterprises are the enterprises operating underneath the umbrella of the *Ukroboronprom* State Holding Company.
2. In bankruptcy proceedings of a military-industrial enterprise, the *Ukroboronprom* State Holding Company will be joined as a party in proceedings.
3. Where no debtor's forgiveness plan has been approved at a general creditors' meeting, an economic court can issue a ruling on debtor's forgiveness at the request of the *Ukroboronprom* State Holding Company, with a provision that the debtor entity will conclude a debt guarantee agreement with its creditors.

The debt guarantee agreement will be concluded and signed by an authorised representative of the *Ukroboronprom* State Holding Company.

4. The *Ukroboronprom* State Holding Company will be eligible to propose, for consideration by an economic court, candidates for the position of debt forgiveness manager or investor.
 5. The *Ukroboronprom* State Holding Company will be eligible, at any time before the end of debt forgiveness proceedings of a military-industrial enterprise, to settle all the debts owed to the creditors, using the procedures prescribed under this Law.
- 2) in Chapter XV "Final Provisions" of the Law of Ukraine on Compulsory State Pension Insurance (Ukrainian *Bulletin of the Verkhovna Rada*, 2003, No. 49-51, p. 376) there shall be inserted clause 14-3 to read as follows:

"14-3. To establish that the debt relief period referred to in Article 1 of the Law of Ukraine on Some Issues of Debt Settlement and Securing Sustainable Growth of Constituent Military-Industrial Enterprises of the *Ukroboronprom* State Holding Company will be recorded in the individual contributions record-keeping system as period for which the insurance contributions have been paid in full";

- 3) in Chapter VIII "Transitional Provisions" of the Law of Ukraine on Collection and Accounting of the Unified Contribution to Compulsory State Social Insurance (Ukrainian *Bulletin of the Verkhovna Rada*, 2011, No. 2-3, p. 11) there shall be inserted clause 9-1 to read as follows:

"9-1. To establish that the debt relief period referred to in Article 1 of the Law of Ukraine on Some Issues of Debt Settlement and Securing Sustainable Growth of Constituent Military-Industrial Enterprises of the *Ukroboronprom* State Holding Company will be recorded in the State Register of compulsory national social insurance contributions as period for which the insurance contributions have been paid in full;

- 4) in the Economic Code of Ukraine (Ukrainian *Bulletin of the Verkhovna Rada*, 2003, No. 18-22, p. 144):

in Article 75 section two paragraph two, there shall be inserted the words "unless otherwise provided by law";

in Article 287 section one clause 3, there shall be inserted the words “unless otherwise provided by law”;

5) in Article 27 section three of the Budget Code of Ukraine (Ukrainian *Bulletin of the Verkhovna Rada*, 2010, No. 50-51, p. 572) there shall be inserted the words “unless otherwise provided by the Law of Ukraine on Some Issues of Debt Settlement and Securing Sustainable Growth of Constituent Military-Industrial Enterprises of the *Ukroboronprom* State Holding Company”;

6) in Article 1 of the Law of Ukraine on Lease of State and Municipal Property (Ukrainian *Bulletin of the Verkhovna Rada*, 1995, No. 15, p. 99 with subsequent amendments) there shall be inserted section eight to read as follows:

“8. Lease and rental of movable and real property assets of the State-owned military-industrial enterprises, including Government sponsored entities, that have been merged into and are operating underneath the umbrella of the *Ukroboronprom* State Holding Company are regulated by this Law with regard to the specific provisions provided by the Law of Ukraine on Some Issues of Debt Settlement and Securing Sustainable Growth of Constituent Military-Industrial Enterprises of the *Ukroboronprom* State Holding Company”;

7) in the Law of Ukraine on Management of State Property Assets (Ukrainian *Bulletin of the Verkhovna Rada*, 2006, No. 46, p. 456; 2011, No. 29, p. 272; 2012, No. 7, p. 53, as amended by the Law of Ukraine of March 13, 2012, No. 4498-VI):

in Article 11 section five, there shall be inserted a paragraph to read as follows:

“The net profit of business companies in which Government has participatory interest, and business companies in which a majority interest is held by 100-percent Government-owned business companies, from which dividends are paid to shareholders pursuant to paragraphs three and five of this Article, will be reduced by the amount of profit arising from enforcement of the Law of Ukraine on Amending the Tax Code of Ukraine with Respect to Natural Gas and Electricity Taxation, the Law of Ukraine on Some Issues of Debt Settlement and Securing Sustainable Growth of Constituent Military-Industrial Enterprises of the *Ukroboronprom* State Holding Company, and the Law of Ukraine on Amending the Tax Code of Ukraine with Respect to Taxation of Constituent Enterprises of the *Ukroboronprom* State Holding Company”;

in Article 11-1 section two, there shall be inserted a paragraph to read as follows:

“The net profit of State-owned companies of the energy sector, from which part of net profit (earnings) is calculated and paid, will be reduced by the amount of profit arising from enforcement of the Law of Ukraine on Amending the Tax Code of Ukraine with Respect to Natural Gas and Electricity Taxation, the Law of Ukraine on Some Issues of Debt Settlement and Securing Sustainable Growth of Constituent Military-Industrial Enterprises of the *Ukroboron-*

prom State Holding Company and the Law of Ukraine on Amending the Tax Code of Ukraine with Respect to Taxation of Constituent Enterprises of the *Ukroboronprom* State Holding Company;

4. The Cabinet of Ministers of Ukraine shall within a month's deadline from the enforcement date of this Law:
 - 1) amend its legal regulatory acts which this Law affects;
 - 2) ensure that Cabinet Ministries and other Central Executive Authorities amend their legal regulatory acts which this Law affects.

President of Ukraine

Viktor YANUKOVYCH

Kyiv

September 6, 2012

No. 5213-VI

Part V

The Legislative Framework for Ensuring State Security

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, 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, 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
- No. 5461-VI of 16.10.2012, BVR, 2014, No. 5, p. 62
- No. 5502-VI of 20.11.2012, BVR, 2014, No. 8, p. 88
- No. 406-VII of 04.07.2013, BVR, 2014, No. 20-21, p. 712
- No. 763-VII of 23.02.2014, BVR, 2014, No. 12, p. 189
- No. 877-VII of 13.03.2014, BVR, 2014, No. 15, p. 326
- No. 1313-VII of 05.06.2014, BVR, 2014, No. 29, p. 946
- No. 1630-VII of 12.08.2014, BVR, 2014, No 39, p. 2007

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

In this Law the terms given below shall have the following meaning:

- **Terrorism** is an act dangerous to the public, which consists of conscious, purposeful use of violence by reprisal, arson, murder, torture, and 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;
- **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 with the Criminal code of Ukraine;
- **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 international sanctions, as well as incomes derived from exploitation of funds, economic resources, property and non-property rights, and other assets of these persons;
- **Technological terrorism** is 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 installation that directly or indirectly pose a threat or threaten the occurrence of threat to then emergency owing to these activities and pose a threat to personnel, public and the environment, and create conditions for accidents and technogenic catastrophes;
- **Terrorist activities** cover the:
 - Planning, organisation, preparation and implementation of acts of terrorism;
 - Instigation to commit acts of terrorism, violence towards persons or organisations, destruction of material installations with terrorist purpose;
 - Organisation of unlawful armed formations, criminal groups (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.

- **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 an identified by the Criminal Code of Ukraine terrorist act, public appeal to committing a terrorist act, creation of a terrorist group or terrorist organisation, support to committing the terrorist act, any other terrorist activity, as well as an attempt of committing such actions;
- **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, and murder of innocent people or threat to 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;
- **Terrorist** is a person participating in a terrorist activity;
- **Terrorist group** is two and more persons who have united with the purpose of committing acts of terrorism;
- **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 the entire organisation;
- **Fight against terrorism** is the activity to prevent, reveal, suppress, and minimize the consequences of terrorist activity;
- **Antiterrorist operation** is the complex of the coordinated special measures directed toward the prevention, aversion and suppression of terrorist activities, liberation of hostages, protection of the civilian population, neutralisation of terrorists, and minimisation of consequences of terrorist activities;
- The **area** where the antiterrorist operation is carried out is defined by the governing body of the antiterrorist operation as the land or water, vehicles, buildings, organisations, premises and territories or the water adjacent to them and within the limits of which the specified operation is conducted;
- 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 Executive bodies, local self-government organs, enterprises, establishments, organisations;

- 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

The legal basis for the 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 the Fight Against Terrorism

The 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;
- Cooperation 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 the Fight Against Terrorism

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.

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.

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;
- Central Executive bodies responsible for the formation and execution of the state policy in the area of civil protection;
- Central Executive body responsible for the execution of the state policy in the area of state border protection;
- Central Executive body responsible for the execution of the state policy in the criminal sentencing area;
- State Guard Administration of Ukraine.

The following are also involved in the implementation of activities connected with the prevention, disclosure and suppression of terrorist activity:

- Central Executive body responsible for the execution of state policy in the area of prevention and combating the legalisation (laundering) of illegal revenue or financing terrorism;
- Foreign Intelligence Service of Ukraine;
- Ministry of Foreign Affairs of Ukraine;
- State Service for Special Communication and Information Protection;
- Central Executive bodies responsible for the formation and execution of state policy in the area of health protection;
- Central Executive bodies responsible for the formation and execution of state policy in the areas of power generation, coal mining, oil and gas complexes;
- Central Executive body responsible for the execution of the state policy in the area of state property management;
- Central Executive bodies responsible for the formation and execution of state policy in the area of transportation;
- Central Executive bodies responsible for the formation and execution of state financial policy;
- Central Executive bodies responsible for the formation and execution of state policy in the area of environmental protection;
- Central Executive bodies responsible for the formation and execution of state agrarian policy;

- Central Executive body responsible for the formation and execution of state tax and customs policy.

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 to their successors if it is envisaged by the relevant acts of the President of Ukraine.

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.

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

The Security Service of Ukraine fights against terrorism by carrying out investigative and counterintelligence 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 operations, conducting the investigative-technical search activities on systems and channels of telecommunications that 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 investigation of cases of the crimes connected with terrorist activity; initiates according to the law the seizure on indefinite term 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 basic and emergency needs; ensures in cooperation with the intelligence services the security against terrorist attacks on Ukrainian establishments, their employees and members of their families abroad.

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 that is conducted according to the legislation of Ukraine by the competent law enforcement organs; provides the Antiterrorist Centre attached to the Security Service of Ukraine with necessary forces and means; ensures their effective use at carrying out antiterrorist operations.

The Ministry of Defence of Ukraine, military command and control organs, joint formations of troops, and military units of the Armed Forces of Ukraine provide protection

against terrorist attacks on installations and property of the Armed Forces of Ukraine, weapons of mass destruction, missiles and small arms, ammunition, explosive and poisonous substances that 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 the airspace and 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; in case of participation in the antiterrorist operation, utilise all available forces and equipment for executing the tasks aimed at ending activity of illegally militarised and armed formations (groups), terrorist organisations, organised groups and criminal organisations; take part in apprehending individuals, and, in cases, when their actions are threatening to the life and health of hostages, participants of the antiterrorist operations or other persons, exterminate them.

Central Executive bodies responsible for the formation and execution of the state policy in the area of civil protection, 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 practical-educational activities with the purpose of training the population how to respond in the case an act of terrorism is committed.

Central Executive body responsible for the execution of the state policy in the area of state border protection and bodies of border protection carry out the 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 that can be used to commit terrorist acts; ensure the security of sea navigation within the limits of territorial waters and the 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, provide for their effective utilising in antiterrorist operations.

Central Executive body responsible for the execution of the state policy in the area if criminal sentencing carries out measures on the prevention and suppression of terrorist acts against installations of the State Penitentiary Service of Ukraine.

State Guard Administration of Ukraine participates in operations on the suppression of terrorist acts directed against officials and installations that are protected by its subordinate units; provides the Antiterrorist Centre attached to the Security Service of Ukraine with necessary forces and means; ensures their effective use at carrying out antiterrorist operations.

Intelligence services of Ukraine collect, analytically process and submit in accordance with established procedures the intelligence information on activity of foreign and in-

ternational 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 6. Powers of Other Subjects Involved in the Fight Against Terrorism

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

The Antiterrorist Centre attached to the Security Service of Ukraine is entrusted with the tasks of:

- Development of conceptual bases and programmes of the fight against terrorism, recommendations directed toward the increase of efficiency the measures to reveal and eliminate the causes and conditions contributing to the commitment of acts of terrorism and other crimes committed with a terrorist intent;
- 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 antiterrorist operations and coordination of the activity of subjects combating terrorism or involved in concrete antiterrorist operations;
- Organisation and carrying out command-staff and special tactics periodic training;
- Participation in the drafting of international treaties, development and presentation in accordance with the established procedure of the proposals on updating the legislation of Ukraine in the field of the fight against terrorism, financing 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.

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.

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, heads of the Central Executive bodies responsible for the formation and execution of the state policy in the area of civil protection; the Deputy Chief of the General Staff of the Armed Forces of Ukraine; deputies of the heads of the Central Executive body responsible for the execution of the state policy in the area of state border protection, the State Guard Administration of Ukraine, Foreign Intelligence Service of Ukraine, State Service for Special Communication and Information Protection, Central Executive body responsible for the execution of the state policy in the criminal sentencing area; Commander of the National Guard of Ukraine; Head of the Security Service of Ukraine Directorate in Kyiv City, Deputy Head of the Kyiv City State Administration, deputies of the heads of the other Central Executives, as well as the other officials appointed by the President of Ukraine.

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.

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, regional organs and territorial units of the State Service for Special Communication and Information Protection of Ukraine, 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.

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 department chief of the Security Service of Ukraine in the region (oblast), the cities of Kyiv and Sevastopol.

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.

The organisation of the work of the coordination groups is carried out by the regional organs of the Security Service of Ukraine.

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

Subjects who, according to this Law, directly carry out the fight against terrorism are obliged:

- 1) To cooperate 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:
 - Capture or threat of capture by terrorist groups (terrorist organisations) of weapons, explosives, other means of mass destruction;
 - Crossing of the Ukrainian border by its citizens, foreigners and persons without citizenship seeking to commit acts of terrorism;
 - Long-distance and international travel documents revealed by passengers, which appear invalid;
 - 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 committing 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

State bodies of Ukraine, local self-government organs, associations of citizens, organisations, and their officials are obliged to assist the organs carrying out the fight against terrorism, to report data that becomes known to them on terrorist activity or any other circumstances that 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 for Carrying Out an Antiterrorist Operation

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

The decision to carry out an antiterrorist operation is contingent on the degree of public danger of the terrorist act as assessed 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, and coordinated with the Head of the Security Service of Ukraine. The President is immediately informed of the decision to carry out an antiterrorist operation in Ukraine. An antiterrorist operation is conducted by the Antiterrorist Centre attached to the Security Service of Ukraine when:

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;

The situation connected with the commitment or the threat to commit the act of terrorism is uncertain of the reasons and circumstances of its occurrence and further development;

Commitment of the acts of terrorism infringes on the international interests of Ukraine and its relationships with foreign states;

Reaction to the commitment of acts bearing signs of terrorism belongs to the competence of different law enforcement and other executive organs;

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.

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 the executive authority according to their competence.

Article 11-1. Blocking Operations with Assets Related to Financing Terrorism and Linked to Financial Operations, Frozen in Accordance with the Decision Adopted on the Basis of UN Security Council Resolution

Financial transactions, where the 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 Counteracting Legalising (Laundering) Illegal Incomes or Financing Terrorism".

In case of the 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.

Seizure of the asset related to financing terrorism and linked to financial operations, frozen in accordance with the decision, adopted on the basis of a UN Secu-

rity Council Resolution, as well as lifting the seizure of these assets, shall be done by court decision.

Article 11-2. Procedure for Access to Assets Related to Financing Terrorism and Linked to Financial Operations, Frozen in Accordance with the Decision Adopted on the Basis of UN Security Council Resolution

Access to assets related to financing terrorism and linked to financial operations, frozen in accordance with decision, adopted on the basis of UN Security Council Resolution, shall be provided by decision of the court to cover the basic and emergency payments for 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.

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 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.

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 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.

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 or her deputy about granting permission or declining the application.

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 the 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.

Article 12. Management of an Antiterrorist Operation

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 or 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.

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.

Interference with the operative management of an antiterrorist operation by any persons irrespective of their post is forbidden.

The legal requirements of participants of an antiterrorist operation are obligatory for citizens and officials.

Article 13. Forces and Means Involved in Carrying Out an Antiterrorist Operation

While carrying out an 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.

By decision of the Chief of the Antiterrorist Centre attached to the Security Service of Ukraine, coordinated with the leadership of the pertinent subjects of fighting terrorism, large scale, complex antiterrorist operations in the designated area may involve forces and means (personnel and experts of separate divisions, military units, arms, combat hardware, special and transportation equipment, communication gear, other material and technical equipment) from the Security Service of Ukraine, Minister of Internal Affairs of Ukraine, National Guard of Ukraine, Armed Forces of Ukraine, Central Executive body responsible for the execution of the state policy in the area of state border protection and bodies of border protection, State Service for Special Communication and Information Protection, Central Executive body responsible for the formation and execution of state policy in the area of civil protection, State Guard Administration of Ukraine.

Employees of law enforcement organs, military personnel 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

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 a surrounding cordon established.

In the region where the antiterrorist operation is carried out the rights and freedoms of citizens may be temporarily limited.

In order to protect citizens, the state, and society from terrorist threats in the region where the long-term antiterrorist operation is carried out preventive detention of persons suspected in terrorist activity for the term exceeding 72 hours, but no longer than 30 days, may be conducted taking into account specific requirements of this Law.

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.

At the request of the leadership of the antiterrorist operation functioning of the enterprises, institutions and organisations located in the region where the antiterrorist operation is carried out 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 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

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 that 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, in 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 items 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, and to tow vehicles;
- 6) To enter (force entry) into living and other quarters and property belonging to citizens during the suppression of the act of terrorism and to capture persons suspected of committing 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-purpose facilities and vehicles, belonging to citizens (by their consent), enterprises, institutions and organisations, except for vehicles of diplomatic, consular and other represen-

tative 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.

In the situations related to committing or to the threat of committing the terrorist act special divisions and special designation units, directly involved in fighting terrorism, pursuing their assigned missions can do the following:

- 1) Forcible enter the object captured by the terrorists;
- 2) Physically apprehend the terrorists, and, in cases where their activity is clearly threatening the life and health of hostages, operation participants and other persons, exterminate the terrorists;
- 3) Forestall the actions of terrorists, which may lead to dangerous technogenic consequences;
- 4) Free hostages;
- 5) Provide for safe storage of material evidence, documents, belongings and valuables;
- 6) Disarm and guard persons apprehended during the antiterrorist operation.

In the area where the antiterrorist operation is carried out, contacts with representatives of the 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 15-1. Specifics of Preventive Detention for Persons Associated with Terrorist Activity in the Region Where the Antiterrorist Operation is Carried Out

In order to avert the terrorist threats in the region where the antiterrorist operation is carried out preventive detention of persons suspected in terrorist activity for the term exceeding 72 hours may be conducted taking into account specific requirements of this Law.

The term of preventive detention shall not be in excess of 30 days.

The rationale for preventive detention shall be based on the justified suspicion of the person in terrorist activity.

Preventive detention is carried out on the basis of a substantiated decision of the Head of the Main Directorate (Division) of the Security Service of Ukraine or the Head of the Main Directorate (Division) of the Ministry of Internal Affairs of Ukraine in the Crimean Autonomous Republic, relevant region, cities of Kyiv and Sevastopol, with consent of Procurator and without ruling of investigative judge or the court.

Copy of the decision for preventive detention of person suspected in terrorist activity for the term exceeding 72 hours shall be immediately handed over to the detained person and sent without delay to an investigative judge or the court of the relevant

jurisdiction together with the request for appropriate preventive measure in relation to this person.

Preventive detention of the person shall not continue after consideration of the request for appropriate preventive measure in relation to this person by investigative judge or the court.

Article 16. Conditions for Negotiating with Terrorists

During the antiterrorist operation, in order to save people's 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.

Negotiating is entrusted to persons empowered to do so by the chief of the operational staff.

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).

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.

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 of an Act of Terrorism

Informing the public about an act of terrorism is carried out by the chief of the operational staff or by the persons authorised by him or her to maintain public relations.

It is forbidden to give, through the media or through other channels, 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 who resist or call for the resistance of the antiterrorist operation;
- Contains data about subjects and substances that 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

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 the region has ended.

The chief of the operational staff managing the operation makes the decision on the termination of the antiterrorist operation.

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 FROM DAMAGES CAUSED BY THE ACT OF TERRORISM. REHABILITATION OF THE PERSONS WHO HAVE SUFFERED FROM THE ACT OF TERRORISM

Article 19. Reparation of the Damages Caused by the Act of Terrorism

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.

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

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.

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.

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

Persons participating in the fight against terrorism are under protection of the state. The following are subject to legal and social protection:

- 1) Military personnel, employees and officials of central and local executive organs directly participating (having participated) in antiterrorist operations;
- 2) Persons who assist on a continuing or temporary basis organs carrying out the fight against terrorism through the prevention, detection, and suppression of terrorist activity and minimization of its consequences;
- 3) Family members of the persons specified in items 1 and 2 of this section if a need to ensure their protection is caused by the participation of the specified persons in the fight against terrorism.

Social protection of the persons involved in the fight against terrorism is carried out in accordance with the procedure determined by law.

If a person who participated in the fight against terrorism is killed during the antiterrorist operation, the members of his or her family and the persons dependent on him or her for support are paid an extraordinary grant amounting to 20 times minimal living wages at the expense of the State Budget of Ukraine; they are refunded the burial costs for the victim, the bread-winner's pension is granted, and privileges that the victim had on reception of housing, payment of housing and municipal services, etc. are kept.

In case the person who participated in the fight against terrorism became physically disabled owing to an injury inflicted during the antiterrorist operation, an extraordinary grant amounting to ten times minimal living wages paid to this person at the expense of the State Budget of Ukraine and the pension according to the legislation of Ukraine is granted.

In case the person who participated in the fight against terrorism during the antiterrorist operation received a wound that does not result in permanent disability, an extraordinary grant amounting to five times minimal living wages is paid.

Article 22. Damage Liability Reprieve

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

Criminal proceedings in accordance with the procedure envisaged with the law shall be instituted against the persons guilty of terrorist activity.

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

The organisation responsible for the commitment of the acts of terrorism and declared terrorist by a court decision is subject to liquidation and its property subject to confiscation.

In case a 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.

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), and cities of Kyiv and Sevastopol according to the procedure established by the law.

Article 25. Liability for Assistance to Terrorist Activity

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 directly or indirectly belongs to or is 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 COOPERATION OF UKRAINE IN THE FIGHT AGAINST TERRORISM

Article 26. Bases for International Cooperation in the Fight Against Terrorism

Ukraine, according to the international treaties concluded by it, cooperates 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.

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

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

Ukraine, according to 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 intergovernmental 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

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.

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 the Suppression of 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

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.

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

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 or 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.

President of Ukraine Leonid Kuchma

Part VI

The Legislative Framework for the Demilitarisation, Democratisation, and Development of the State Military Organisation

Law of Ukraine “On the National Guard of Ukraine”
(*Bulletin of the Verkhovna Rada (BVR), 2014, No. 17, p. 594*)
{As amended by the Law of October 14, 2014, No. 1697-VII}

This Law sets out the legal framework for the organisation and operations of the National Guard of Ukraine, its overall structure, roles and competences.

SECTION I. GENERAL PROVISIONS

Article 1. The Purpose and Missions of the National Guard of Ukraine

1. The National Guard is a military organisation with law enforcement functions that is overseen by the Ministry of Internal Affairs. Its purpose is to perform duties that include the protection and safeguarding of lives, rights, the freedoms and legitimate interests of citizens, society and the country, against criminal and otherwise illegal acts; protection of public order and public safety, as well as collaboration with other law enforcement agencies in protection of national security and State Border security, combating terrorism, and counteraction to illegal paramilitary or armed groups, terrorist organisations, organised groups and criminal organisations.
2. The National Guard of Ukraine collaborates pursuant to law with the Armed Forces of Ukraine in responding to an armed aggression against Ukraine and eliminating a military conflict by conducting military (combat) operations, as well as in providing for territorial defence.

Article 2. The Main Missions of the National Guard of Ukraine

1. The main missions of the National Guard of Ukraine are:
 - 1) protection of the constitutional order of Ukraine, the integrity of its territory against attempts to change them by force;
 - 2) maintenance of public order; safeguarding and protection of lives, health, rights, the freedoms and legitimate interests of citizens;
 - 3) assistance in the provision of public safety and maintenance of public order during meetings, marches, demonstrations and other crowd events that can endanger lives and health of citizens;
 - 4) security of government institutions identified by the Cabinet of Ministers of Ukraine; assistance in the provision of security guard services for government institutions and government and state officials;
 - 5) security of nuclear facilities, nuclear materials, radioactive waste and other government-owned radiation sources, vital national sites identified by the Cabinet of Ministers of Ukraine;
 - 6) security of special cargo identified by the Cabinet of Ministers of Ukraine;
 - 7) security of diplomatic missions, foreign consulates and representative offices of international organisations in Ukraine;
 - 8) security of the Ukrainian Ministry of Internal Affairs' logistics centres;
 - 9) assistance in operations to avert military conflicts and other provocations on the State border, as well as actions to deter mass cross-border intrusions from neighbouring states;
 - 10) assistance in special operations to neutralise armed criminals, dissolve unofficial paramilitary or armed groups, organised groups and criminal organisations in Ukraine, as well as in counter-terror operations;
 - 11) assistance in suppressing riots involving violence against people;
 - 12) assistance in operations to restore law and order during inter-ethnic and religious conflicts; to unblock vital national sites or localities, or to deal with illegal acts that threaten the security of civilians and disturb the normal work of institutions of public administration and local governance;
 - 13) assistance in operations to maintain or restore law and order in localities affected by very serious man-made, technological or natural emergencies (e.g., natural disasters, catastrophes, extremely serious fires, shelling, pandemics, zoonotics) that pose a threat to life and health of the populations;
 - 14) assistance in operations to restore constitutional law and order where there are attempted seizures of power or change of the constitutional order by armed force; to restore the normal work of institutions of public administration and local governance;

- 15) assistance in disaster relief and crisis management at sites under its guard;
 - 16) assistance in martial law actions;
 - 17) performance of territorial defence duties;
 - 18) defence of special cargo identified by the Cabinet of Ministers of Ukraine, and the Ukrainian Ministry of Internal Affairs' logistics centres.
2. National Guard reservists on training duty can be engaged in operations on maintenance of public order; safeguarding and protection of lives, health, rights, the freedoms and legitimate interests of citizens; security guarding of government institutions; averting military conflicts and other provocations on the State border, as well as operations to deter mass cross-border intrusions from neighbouring states.
 3. National Guard personnel can be engaged in international peace support and security operations under the auspices of international peace support forces or peacekeeping contingents, pursuant to the procedures and on the conditions prescribed under the laws of Ukraine and the international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine.
 4. The National Guard of Ukraine performs its mandated missions in collaboration with central and local Executive authorities, institutions of local governance, Procuracy agencies, internal security agencies, the State Guard Directorate, the Armed Forces, special law enforcement agencies, public associations and religious organisations, and joined with the administrations and security services at facilities being safeguarded, as well as the population.

Article 3. Policies of the National Guard of Ukraine

1. The National Guard of Ukraine's activities are based on the principles of the rule of law, respect for human and civil rights and freedoms, non-affiliation with political parties, consistency, legitimacy, openness to democratic civilian oversight, transparency, accountability, centralized leadership and unity of command.
2. The National Guard of Ukraine's activities are prohibited from using torture and other cruel, inhumane or degrading treatment or punishment.

Article 4. Legal Framework for the National Guard of Ukraine's Activities

1. The National Guard of Ukraine is guided in its activities by the Constitution of Ukraine, this and other laws of Ukraine, Ukraine's international agreements ratified by the Verkhovna Rada of Ukraine, acts of the President of Ukraine and the Cabinet of Ministers of Ukraine, as well as legal regulatory acts issued by Ukraine's Ministry of Internal Affairs pursuant to the herein mentioned acts and other legal regulatory acts.

**SECTION II. OVERALL STRUCTURE, NUMERICAL STRENGTH
AND ORGANIZATION OF THE NATIONAL GUARD OF UKRAINE***Article 5. Overall Structure and Numerical Strength of the National Guard of Ukraine*

1. The National Guard of Ukraine consists of:
 - 1) the principal military command-and-control centre of the National Guard of Ukraine;
 - 2) operational and territorial components of the National Guard of Ukraine;
 - 3) formations, military units and establishments; institutions of higher education, drilling units (centres), bases, establishments and institutions operating beyond the scope of operational and territorial components of the National Guard of Ukraine.
2. In organisational terms, the National Guard of Ukraine consists of command and control bodies (the principal command-and-control centre of the National Guard of Ukraine and command and control bodies of operational and territorial components of the National Guard of Ukraine), military units (establishments) providing security for vital national sites, special cargo, foreign diplomatic missions, consulates and representative offices of international organisations in Ukraine; formations, military units and establishments engaged in maintenance of public order; special operations units (squads); military operations units; military aircraft units; military communications units and establishments; logistics units and establishments; institutions of higher education; drilling units (centres); bases; agencies and organisations.
3. The National Guard of Ukraine's military units can include sub-units (battalions, divisions, squadrons, detached units, companies, batteries, etc.), special commandant's offices (commandant's offices), communications centres, centres, groups and platoons.
4. Institutions of physical fitness and athletics can be established pursuant to the Law of Ukraine on Physical Fitness and Athletics to provide general and specialized training in service (combat task) performance to the National Guard of Ukraine personnel; support fitness and health recreation events and athletic activities; and achieve highest levels of athletic fitness.
5. Procedures for the management and performance of service and combat tasks by operational territorial components, formations, units and sub-units will be prescribed based on relevant service regulations approved by the Cabinet of Ministers of Ukraine and legal regulatory acts issued pursuant to these regulations.
6. Provisions of the principal command-and-control centre of the National Guard of Ukraine are subject to approval by the President of Ukraine. Provisions of command-and-control bodies of the National Guard of Ukraine's operational and territorial components; military units (establishments) providing security for vital national sites, special cargo, foreign diplomatic missions, consulates and representa-

tive offices of international organisations in Ukraine; formations, military units and establishments engaged in maintenance of public order; special operations units (squads); military operations units; military aircraft units; military communications units and establishments; logistics units and establishments of the National Guard of Ukraine are subject to approval by the Minister of Internal Affairs of Ukraine.

7. The overall numerical strength of the National Guard of Ukraine is established at up to 60,000 personnel. If necessary, the numerical strength of the National Guard of Ukraine can be increased pursuant to relevant legislation.
8. The establishment, reorganisation and dismissal of operational and territorial components of the National Guard of Ukraine, their respective command and control bodies, formations, military units and establishments, drilling units (centres), bases, agencies and organisations of the National Guard of Ukraine, within the limits of their overall numerical strength and State Budget expenditure allocations, will be held by the Minister of Internal Affairs of Ukraine; and the establishment, reorganisation and dismissal of the National Guard of Ukraine's institutions of higher education with a III-IV level of accreditation will be held, in the prescribed manner, by the Cabinet of Ministers of Ukraine.
9. The principal command-and-control centre of the National Guard of Ukraine, operational and territorial components of the National Guard of Ukraine, their respective command and control bodies, formations, military units and establishments of the National Guard of Ukraine are deployed in Ukraine depending on their respective areas of responsibility (rapid response), the location of facilities being safeguarded and places of service (combat mission) performance.
10. Redeployment, change of location and assignment of areas of responsibility (rapid response) of operational and territorial components of the National Guard of Ukraine, their respective command and control bodies, formations, military units and establishments, drilling units (centres), bases, agencies and organisations will be carried out in accordance with the decisions of the Minister of Internal Affairs of Ukraine.
11. The principal command-and-control centre of the National Guard of Ukraine, operational and territorial components of the National Guard of Ukraine, their respective command and control bodies, formations, military units and establishments of the National Guard of Ukraine, institutions of higher education, drilling units (centres), bases, agencies and organisations of the National Guard of Ukraine are legal entities which keep seals with their respective titles and a depiction of the State Coat of Arms of Ukraine; accounts in institutions performing treasury servicing of State Budget's disbursements, and their respective banking institutions.

Article 6. The Minister of Internal Affairs of Ukraine

1. The Minister of Internal Affairs of Ukraine performs military/political and administrative leadership over the National Guard of Ukraine.

Military/political leadership over the National Guard of Ukraine is activity aimed at implementing Government policies addressing the activities of the National Guard of Ukraine, its political and strategic objectives, principles and growth areas.

Administrative leadership over the National Guard of Ukraine is activity aimed at providing an all-round, comprehensive support to vital activity of the National Guard of Ukraine, its performance and growth in terms of key priorities of Government policies addressing the National Guard's activities.

2. The scope of the Minister of Internal Affairs of Ukraine's authority in terms of leadership over the National Guard of Ukraine, his or her powers and responsibilities are defined by this Law and other laws of Ukraine.

Article 7. Commander of the National Guard of Ukraine

1. The National Guard of Ukraine Commander, who is ex officio head of the National Guard of Ukraine's principal command-and-control centre, exercises direct military leadership over the National Guard of Ukraine.

Direct military leadership over the National Guard of Ukraine is activity aimed at development and growth of the National Guard of Ukraine; improving its material status, training standards and logistics; developing underlying principles for its activities; as well as exercising leadership over it.

2. The Commander of the National Guard of Ukraine is appointed to office and dismissed from it by the Ukrainian Verkhovna Rada, by a move from the President of Ukraine.
3. The Headquarters of the Commander of the National Guard of Ukraine includes five vice Commanders, including one Senior Vice Commander, who are all members of the High Command of the National Guard of Ukraine.

The Senior Vice Commander and Vice Commanders of the National Guard of Ukraine are appointed to office and dismissed from it by the President of Ukraine.

4. The scope of the National Guard Commander's authority in terms of leadership over the National Guard of Ukraine and the principal command-and control centre of the National Guard of Ukraine; his or her powers and responsibilities are prescribed under the Provisions of the principal command-and control centre of the National Guard of Ukraine, which is subject to approval by the President of Ukraine.

Article 8. Operational and Territorial Components of the National Guard of Ukraine

1. Operational and territorial components are core military-administrative units of the National Guard of Ukraine, which are responsible for performing the roles and missions assigned to the National Guard of Ukraine within their respective areas of responsibility (rapid response).
2. The organisational structure and composition of the National Guard's operational and territorial components are subject to approval by the Minister of Internal Affairs of Ukraine.

3. Leadership over the National Guard's operational and territorial components and their respective command and control bodies is performed by the chief of the respective command and control body thereof.

SECTION III. PERFORMANCE OF MILITARY SERVICE AND LABOR RELATIONS IN THE NATIONAL GUARD OF UKRAINE

Article 9. Personnel of the National Guard of Ukraine

1. Personnel of National Guard of Ukraine consist of uniformed personnel and civilian employees.

Personnel of the National Guard of Ukraine are a mix of professional soldiers and conscripted men and women.

Personnel of the principal command and control centre of the National Guard of Ukraine and command and control bodies of operational and territorial components of the National Guard of Ukraine can include civilian employees.

2. Draft-liable individuals (except individuals who are not eligible to be called up for military service under mobilisation) can be enlisted as volunteers in the National Guard's Reserve Component, which is manned by individuals performing active-duty service in the Reserve Component, and those selected as candidates for enlistment in the Military Reserve.
3. Procurement of military personnel for active-duty service in the National Guard of Ukraine will be carried out pursuant to the Law of Ukraine on Military Duty and Military Service and the Regulation respecting the Ukrainian citizens' performance of military service in the National Guard of Ukraine, which is subject to approval by the President of Ukraine.
4. Rules for the selection for enlistment and enlistment in the military Reserve; the time, terms, conditions and procedures for the performance of service, as well as the grounds and procedures for the release from service are prescribed under the Law of Ukraine on Military Duty and Military Service and the Regulations on the Ukrainian citizens' performance of military service in the National Guard of Ukraine's Reserve Component, which are subject to approved by the President of Ukraine.
5. Ukrainian citizens performing active-duty service in the National Guard of Ukraine and its Military Reserve Component will take the Oath of Allegiance to the Ukrainian people, wear a military uniform, and will be entitled by law to military ranks to be assigned to them for life. Procedures for the withholding of military rank are prescribed legislatively.
6. Civilian personnel management in the National Guard of Ukraine is regulated under legislation on employment and civil service, and employment agreements (contracts).

7. Individuals who apply for enlistment to serve in relevant positions in the National Guard of Ukraine will be subject, by their written consent, to a special background screening procedure, which will be conducted in the manner prescribed under the Law of Ukraine on the Framework for Prevention and Combating of Corruption.
8. Individuals whose enlistment in the National Guard of Ukraine is prohibited are those who have an unexpired or non-expunged criminal record (except rehabilitated individuals) or were brought to administrative liability for corrupt behaviour during the year prior to submitting an enlistment application.

Article 10. Education and Manpower Training for the National Guard of Ukraine

1. Basic training, refresher training and promotion training of commissioned officers of the National Guard of Ukraine will be delivered, pursuant to Ukrainian legislation, by the National Guard's institutions of higher education, other institutions of higher education in Ukraine, as well as in foreign countries.
2. Basic training, refresher training and training for promotion of the National Guard of Ukraine's personnel who assist in security of nuclear facilities, nuclear materials, radioactive waste and other government-owned radiation sources, vital national sites and special cargo will be delivered on a contractual basis by training institutions (centres) of the government-run network of basic training, refresher training and promotion training institutions for professionals in the field of physical protection, accounting and control of nuclear materials.
3. Education and training of private soldiers and NCOs will be delivered by appropriate drilling units (centres) of the National Guard of Ukraine, as well as, on a contractual basis, by training units of the Armed Forces of Ukraine or special law enforcement agencies, and educational institutions affiliated with the Ministry of Internal Affairs of Ukraine.
4. Procedures for the performance of reservist training and training duty in the National Guard of Ukraine are prescribed under the Regulation respecting the Ukrainian citizens' performance of service in the National Guard of Ukraine's Reserve Component.

Article 11. Restrictions and Limitations set for Uniformed Personnel of the National Guard of Ukraine

1. Uniformed personnel of the National Guard of Ukraine will terminate their membership in political parties and labour unions for the duration of their military service.
2. Uniformed personnel of the National Guard of Ukraine are allowed to be members of public associations – other than the associations the statutory provisions of which are inconsistent with the underlying principles and policies pursued by the National Guard of Ukraine – and participate in such associations in off duty times.
3. Uniformed personnel of the National Guard of Ukraine are prohibited from staging strikes or participating in the strikes.

**SECTION IV. RESPONSIBILITIES OF THE NATIONAL GUARD
OF UKRAINE. AUTHORITY AND RESPONSIBILITIES
OF UNIFORMED PERSONNEL OF THE NATIONAL GUARD OF UKRAINE**

Article 12. Responsibilities of the National Guard of Ukraine

1. The National Guard Ukraine, pursuant to its legislatively assigned role and mission, is required to:
 - 1) protect and safeguard lives, rights, the freedoms and legitimate interests of citizens, society and the country, against criminal and otherwise illegal acts;
 - 2) assist in the provision of public safety and maintenance of public order during meetings, street marches, demonstrations and other mass public events, as well as during official visits and other events involving the participation of Ukrainian and foreign-country officials eligible for State security guard while in Ukraine;
 - 3) take actions aimed at the prevention and detection of criminal (administrative) offences;
 - 4) provide security guard services to facilities being safeguarded by the National Guard of Ukraine;
 - 5) provide access control services to facilities being safeguarded by the National Guard of Ukraine;
 - 6) provide security guard services to special cargos, including nuclear materials while being transported across the territory of Ukraine;
 - 7) safeguard government institutions; assist in the provision of State security guard services for government institutions and Government and State officials;
 - 8) take actions to curb the activities of illegal paramilitary or armed organisations (groups), terrorist organisations, organised groups and criminal organisations;
 - 9) assist in anti-terrorist operations;
 - 10) assist in operations to apprehend suspects in criminal offences, escaped prison fugitives and men on the run;
 - 11) assist in consequence management of natural, man-made, technological and ecological emergencies;
 - 12) assist in operations to avert military conflicts and other provocations on the State border, as well as actions to deter mass cross-border intrusions from neighbouring states;
 - 13) participate in international cooperative programs, international peacekeeping and security operations under international treaties ratified by the Verkhovna Rada of Ukraine, in the manner and under the terms and conditions prescribed by Ukrainian Laws;

- 14) assist in operations to restore constitutional law and order where there are attempted seizures of power or change of the constitutional order by armed force; restore the normal work of institutions of public administration and local governance, which was disturbed as a result of unlawful actions, including those motivated by ethnic or religious intolerance;
- 15) maintain or restore law and order in localities affected by very serious man-made, technological or natural emergencies (e.g., natural disasters, catastrophes, extremely serious fires, shelling, pandemics, and zoonotics) that pose risk to lives and health of significant segments of the population in the affected area;
- 16) assist in operations to unblock vital national sites or localities, or to deal with illegal acts that threaten the security of civilians and disturb the normal work of institutions of public administration and local governance;
- 17) assist in suppressing riots involving violence against people;
- 18) set up military units and sub-units during *special periods*, defend vital national sites identified by the Cabinet of Ministers of Ukraine, safeguard special cargo, including nuclear materials while being transported via the territory of Ukraine;
- 19) wage military (combat) operations in the event of military conflict or perceived threat of attack on Ukraine;
- 20) perform territorial defence duties;
- 21) perform martial law actions.

Article 13. Authority of Uniformed Personnel of the National Guard of Ukraine

1. Uniformed personnel of the National Guard of Ukraine, pursuant to assigned role and mission of the National Guard of Ukraine, will have the authority to:
 - 1) in the event of being engaged to contribute to the maintenance of public order, uniformed personnel of the National Guard of Ukraine will have the same responsibilities and authority as prescribed under the Law of Ukraine on the Militia;
 - 2) apprehend intruders who have breached the access controls or made an attack on a facility being safeguarded by the National Guard of Ukraine, and transfer them to Militia officers or administration officials at the facilities being safeguarded by the National Guard of Ukraine;
 - 3) apprehend individuals armed with firearms during counterterrorism operations;
 - 4) apprehend suspects in criminal offences, escaped prison fugitives and men on the run;
 - 5) unblock vital national sites or localities, or deal with illegal acts that pose risk to security of civilians and disturb the normal work of institutions of public administration and local governance;
 - 6) conduct vehicle and cargo inspections at access points to facilities being safeguarded by the National Guard of Ukraine;

- 7) possess, carry and use special operations gear and firearms;
- 8) use municipal, commuter and long-distance public transport (except taxi) at no cost while on duty;
- 9) in emergency situations, have unrestricted, unfettered access to electronic communications equipment owned by central and local executive authorities, institutions of local governance, businesses, agencies and organisations regardless of ownership status; and access by consent to communications equipment owned by individuals;
- 10) use – with a provision of damage repair and repayment of losses incurred, in the manner prescribed by the Cabinet of Ministers of Ukraine – ground and floating transport vehicles owned by individuals or businesses, whether privately owned or government owned (except vehicles owned by foreign diplomatic missions and consular offices in Ukraine, special-purpose transport vehicles) for purposes to avert criminal acts; travel to places of occurrence of accidents or natural disasters; transport urgent patients to medical care centres; chase offenders or escort them to police stations;
- 11) liaison, within their remit, with other law enforcement agencies.

Article 14. Responsibilities of Uniformed Personnel of the National Guard of Ukraine

1. Uniformed members of the National Guard of Ukraine will be held liable for unlawful acts (or inaction) under disciplinary, financial, civil, administrative or criminal liability pursuant to law.
2. Damage caused to individuals or businesses as a result of unlawful decisions, acts or inaction by the National Guard's authorities or uniformed personnel during the performance of their official duties will have to be recovered and repaid on the grounds and in the manner prescribed by law.

SECTION V. THE USE OF PHYSICAL FORCE, SPECIAL OPERATIONS GEAR, FIREARMS, WEAPONS AND MILITARY EQUIPMENT BY UNIFORMED PERSONNEL OF THE NATIONAL GUARD OF UKRAINE

Article 15. Terms and Conditions for the Use of Physical Force, Special Operations Gear, Firearms, Weapons and Military Equipment by Uniformed Members of the National Guard of Ukraine

1. Uniformed members of the National Guard of Ukraine have the authority to use physical force and, in situations of exceptional need, special operations gear, firearms, weapons and military equipment, in the manner and in situations set out under this Law, and, in the performance of routine and guard duties, under the Armed Forces Internal Service Regulations and Garrison and Guard Services Regulations.
2. Uniformed members of the National Guard of Ukraine are required to receive special training, and must undergo periodic examination of their ability to act in

situations involving the use of physical force, special operations gear, firearms, weapons and military equipment; and their ability to provide first aid to those needing attention.

3. In situations involving the use of physical force, special operations gear, firearms, weapons and military equipment, uniformed members of the National Guard of Ukraine will be required to:
 - 1) warn of their intention to use force, special operations gear, firearms, weapons or military equipment, and grant the people who will be affected by the use of the means thereof a period of time sufficient to fulfil the requested orders (the warning will be made by voice, with or without the use of a loud-speaker, depending on the distance and the size of the crowd, preferably using a language understandable by the people who will be affected by the use of the means thereof, as well as the Ukrainian language, at least twice, with providing sufficient time to allow a breach of law to be stopped), except where the delay in the use of physical force, special operations gear, firearms, weapons or military equipment poses a direct risk to life and health of the National Guard's personnel, militia officers, members of foreign diplomatic missions and consular offices in Ukraine, other individuals; or may cause severe consequences; or where such warning is impossible or inappropriate to the situation;
 - 2) in any occurrence involving the use of special operations gear, urgently provide necessary aid to those who have suffered injuries, report doctors and medical care institutions about what means were used against the individuals affected;
 - 3) report to their immediate leaders (commanding officers) of their independent use of physical restraint, special operations gear, firearms, weapons or military equipment, for further notifying a public prosecutor.
4. Uniformed members of the National Guard of Ukraine must urgently report to their immediate leaders (commanding officers) of injuries or death caused by their use of physical force, special operations gear, firearms, weapons or military equipment, for further notifying a public prosecutor.
5. Uniformed members of the National Guard of Ukraine who have used physical force, special operations gear, firearms, weapons or military equipment in excess of the powers conferred by law, will be held liable pursuant to law.

Article 16. The use of Physical Force

1. Uniformed members of the National Guard of Ukraine, after they do what is prescribed under Article 15 section three of this Law, will be eligible to use physical force, including unarmed combat techniques, for the purpose to avert crimes and other breaches of law; apprehend and detain the perpetrators; suppress resistance to legitimate demands by uniformed members of the National Guard of Ukraine, if performance of their service duty is impossible by other methods or means.

2. The use of physical force is forbidden against obviously pregnant women, elderly people, individuals with obvious disabilities, or minors, except in situations where a group of these individuals is committing an assault that carries serious potential risk to lives and health of uniformed members of the National Guard of Ukraine, or situations involving armed assault or resistance.

Article 17. The use of Special Operations Gear

1. Uniformed members of the National Guard of Ukraine, after they do what is prescribed under Article 15 section three of this Law, will be eligible to use special operations gear in situations where there is exceptional need and other previous measures of influence on wrongdoers have not produced the desired effect, for the purpose to:
 - 1) repulse an attack on the National Guard of Ukraine's personnel, Militia officers, administration officials at facilities being safeguarded by the National Guard of Ukraine, members of foreign diplomatic missions and consular offices in Ukraine and other individuals;
 - 2) suppress resistance to legitimate demands by uniformed members of the National Guard of Ukraine and other individuals performing service duties in maintaining public order and combating crime, providing public safety;
 - 3) apprehend and detain perpetrators in the act of committing an offence, particularly those who try to escape or resist;
 - 4) escort (deliver) detained individuals to police stations, where their behavior suggests that they try to escape, inflict injuries to people nearby or self-inflict injuries to themselves, or use force to resist uniformed members of the National Guard of Ukraine;
 - 5) repulse an attack on military compounds, trains (transports), National Guard of Ukraine's vehicle convoys or the facilities under its guard, or special cargo;
 - 6) release hostages, seized buildings, placements, constructions, transportation facilities and local regions;
 - 7) suppress riots and mass and group violations of public order;
 - 8) forcibly stop vehicles in case drivers refuse to comply, or detain criminal perpetrators trying to escape in a vehicle.
2. The official listing of special operations gear and the rules for their use are prescribed by the Cabinet of Ministers of Ukraine.
3. Specific types of special operations gear, start time and the intensity of its use will be selected as appropriate to the situation, the nature of the offence and the perpetrator's behaviour.

Decision to use special operations gear will be taken by the officer responsible for maintaining public order, or commander of a specific operation.

Article 4. The use of special operations gear is forbidden:

- 1) against obviously pregnant women, elderly people, individuals with obvious disabilities, or minors, except in situations where a group of these individuals is committing an assault that poses serious potential risk to the lives and health of uniformed members of the National Guard of Ukraine;
- 2) in premises or properties of foreign diplomatic missions and consular offices in Ukraine, unless the head of the diplomatic mission or other representative office (organisation) files an official written request (consent) that the gear thereof be used against perpetrators;
- 3) in premises or industrial buildings related to explosive or flammable material production, in schools and hospitals.

Article 18. The Use of Firearms

1. Uniformed members of the National Guard of Ukraine have the authority to use firearms, in situations where there is exceptional need, for the purpose to:
 - 1) protect civilians from an armed attack that endangers their lives and health, or release hostages;
 - 2) repulse an armed attack on uniformed members of the National Guard of Ukraine, or their families in situations endangering their lives or health;
 - 3) repulse an armed attack on facilities being safeguarded by the National Guard of Ukraine, residential properties, premises of public and civil enterprises, agencies and organisations, and free them if seized;
 - 4) apprehend and detain an armed person committing armed resistance to legitimate orders, or a perpetrator caught in the act of committing a serious or extremely serious offence, particularly if one tries to escape;
 - 5) apprehend and detain a person committing armed resistance or threatening to use firearms;
 - 6) restore law and order in rioting situations involving the use of firearms against civilians and uniformed members of the National Guard of Ukraine and other law enforcement agencies, if such situations put their lives at obvious risk;
 - 7) suppress organised armed resistance committed by illegal paramilitary groups, terrorist organisations, organised groups and criminal organisations;
 - 8) physically damage and stop a vehicle being driven in a manner that endangers lives and health of members of the National Guard of Ukraine's personnel;
 - 9) deal with armed conflicts and other provocations on the State border of Ukraine.
2. Uniformed members of the National Guard of Ukraine have the authority to use firearms as a means for alerting and warning or calling for help in an emergency, or for neutralizing a dangerous animal whose behaviour poses a direct risk to the lives and health of civilians or members of National Guard of Ukraine.

3. The use of firearms is forbidden:
 1. against obviously pregnant women, elderly people, individuals with obvious disabilities, or minors;
 2. in premises or land properties of foreign diplomatic missions and consular offices in Ukraine, unless the head of the diplomatic mission or other representative office (organisation) files an official written request (consent) that the means thereof be used against perpetrators;
 3. in premises or industrial buildings related to explosive or flammable material production, in schools and hospitals.
 4. The application and use of firearms is forbidden in crowded areas.

Article 19. The use of Weaponry and Military Equipment

1. Uniformed members of the National Guard of Ukraine have the authority to use weaponry and military equipment for the purpose to:
 - 1) release hostages, buildings, placements, construction, special cargo, military vehicles and other equipment that seized by criminals using vehicles and armoured equipment;
 - 2) wage special operations to neutralise armed criminals, break up illegal paramilitary or armed groups, terrorist organisations, organised groups and criminal organisations;
 - 3) during periods of martial law or emergency rule, forcibly stop armoured and military vehicles whose drivers refuse to comply;
 - 4) repulse a group armed attack on facilities or special cargo being safeguarded by the National Guard of Ukraine, where the attack thereof involves the use of armoured or military vehicles;
 - 5) in performance of territorial defence duties, protect and defend vital national sites, special cargo, foreign diplomatic missions and consular offices, and representative offices of international organisations in Ukraine;
 - 6) provide physical security services to offices, buildings, constructions, residential premises and other property of foreign diplomatic missions, consular offices and representative offices of international organisations in Ukraine in case of their evacuation; safeguard areas of concentration of members of the missions and institutions thereof; provide escort services to convoys of vehicles used for the evacuation of property and members of the missions and institutions thereof;
 - 7) deal with armed conflicts and other provocations on the State border of Ukraine;
 - 8) perform territorial defence duties.
4. The use of weaponry and military equipment is forbidden:
 - 1) against obviously pregnant women, elderly people, individuals with obvious disabilities, or minors;

- 2) in premises or properties of foreign diplomatic missions and consular offices in Ukraine, unless the head of the diplomatic mission or other representative office (organisation) files an official written request (consent) that the means thereof be used against perpetrators;
- 3) in premises or industrial buildings related to explosive or flammable material production, in schools and hospitals.

SECTION VI. LEGAL STATUS, SOCIAL CARE AND LEGAL PROTECTION OF UNIFORMED PERSONNEL OF THE NATIONAL GUARD OF UKRAINE AND THEIR FAMILIES

Article 20. Legal Status of Uniformed Members of the National Guard of Ukraine. Uniform Clothing and Insignia

1. Uniformed members of the National Guard of Ukraine, while in the conduct of their official duties, act on behalf of the State and under State protection.
2. Legitimate instructions and orders issued by officials and officers of the National Guard of Ukraine while in the conduct of their official duties are binding on individuals and legal entities. Individuals who defy legitimate instructions from uniformed members of the National Guard of Ukraine or otherwise impede them in the conduct of their official duties will be held liable pursuant to law.
3. Uniformed members of the National Guard of Ukraine are provided with uniform clothing and insignia, the appearance and composition of which are subject to approval by the Cabinet of Ministers of Ukraine. Uniformed members of the National Guard of Ukraine are issued warrant cards, the standard appearance of which is subject to approval by the Minister of Internal Affairs of Ukraine.

Article 21. Social Care and Legal Protection of Uniformed Members of the National Guard of Ukraine and Their Families

1. The State ensures social care and legal protection of uniformed members of the National Guard of Ukraine, their families, civilian employees and active-duty reservists; as well as families of members of the uniformed personnel who have been killed (died), missing, disabled as a result of military service (service in a reserve component), or injured while in captivity at the time of hostilities (war), martial law or emergency rule, while performing military service under a military cooperation program in a foreign country, or service in international operations under the auspices of international peace support and security forces.
2. Uniformed members of the National Guard of Ukraine are eligible for social care and legal protection prescribed under the Law of Ukraine on Social Care and Legal Protection of Military Personnel and their Families, this Law and other relevant acts of legislation.
3. Uniformed members of the National Guard of Ukraine who are engaged in the maintenance of public order and public safety, or in suppressing riots are eligible

for the same social care and legal protections as members of the Militia, prescribed under the Law of Ukraine on the Militia.

4. Uniformed members of the National Guard of Ukraine who are engaged in safeguarding and defence of vital national sites, special cargo, particularly nuclear materials, except as specified in section two of this Article, are eligible for the same social care and compensations as employees of the sites thereof, prescribed under the Law of Ukraine on Nuclear Energy and Radiation Safety.
5. Uniformed members of the National Guard of Ukraine will be provided by local authorities, local governments, government-run enterprises, institutions and organisations whose facilities are safeguarded by the National Guard of Ukraine, with residential premises, to the extent and in the manner prescribed by laws and other legislative acts.

The amount of rental expenses reimbursement eligible for uniformed members of the National Guard of Ukraine, and cash compensations for the residential premises to which they are entitled, as well as the rules for the payment of the reimbursement and compensations thereof are prescribed by the Cabinet of Ministers of Ukraine.

6. The amount of salaries payable to uniformed members of the National Guard of Ukraine, and the rules for their payment are prescribed by the Cabinet of Ministers of Ukraine.

The amount of salaries and cash incentives payable to members of the National Guard of Ukraine's reserve component, and the rules for their payment are prescribed by the Cabinet of Ministers of Ukraine.

7. The rules for the provision of food and clothing allowances to uniformed members of the National Guard of Ukraine, as well as the rules for payment of cash compensations for the value of the food and clothing allowances to which they are entitled but have not been provided are prescribed by the Cabinet of Ministers of Ukraine.
8. Rules for the provision of pension benefits to the released uniformed members of the National Guard of Ukraine are prescribed under the Law of Ukraine on Pension Benefits for Discharged Military Personnel and some other Individuals.
9. If released from regular service, uniformed members of the National Guard of Ukraine who have been granted veteran's status pursuant to the Law of Ukraine on the Status of Military Service Veterans, Law Enforcement Veterans and some other Individuals, and on their Social Care will be eligible for legal protection and social care under the said Law.
10. Uniformed members of the National Guard of Ukraine, civil servants, civilian employees, individuals released from regular or reserve service on the grounds of age or ill health; and military service veterans of the National Guard of Ukraine will be eligible for free medical care in medical care institutions affiliated with the National Guard of Ukraine and the Ministry of Internal Affairs.

The right to free medical care in medical care and disease prevention institutions affiliated with the National Guard and the Ministry of Internal Affairs of Ukraine extends to families of uniformed members of the National Guard of Ukraine (except army conscripts), individuals released from military service on the grounds of age or ill health, who have served out 20 or more years.

Military-medical examination of enlisted service members, candidates for enlistment in contractual service, candidates for training programs, and service members being released from military service will be carried out in form of general medical examination by military medical commissions attached to the Ministry of Internal Affairs of Ukraine.

The enforcement of sanitary and epidemiological laws and regulations in the National Guard of Ukraine will be carried out by laboratory institutions attached to the Ministry of Internal Affairs of Ukraine.

11. Social care of the National Guard of Ukraine's civilian employees is provided on general grounds pursuant to laws on employment and civil service.

SECTION VII. FINANCIAL AND LOGISTICS SUPPORT, OVERSIGHT OF THE NATIONAL GUARD OF UKRAINE

Article 22. Budget of the National Guard of Ukraine

1. The budget of the National Guard of Ukraine consists of expenditure allocations from the State Budget of Ukraine and other legal sources.

Article 23. Logistics Support of the National Guard of Ukraine

1. Logistics support of the National Guard of Ukraine's operational and territorial components, their respective regional branches, formations, military units and establishments; institutions of higher education, drilling units (centres), bases, establishments and institutions will be provided by the National Guard of Ukraine's General Directorate and other Executive Authorities via the National Guard of Ukraine's logistics authorities and establishments, within the limits of expenditures allocated for the purposes hereof.
2. Financial and logistics support for activities related to performance of service in the National Guard of Ukraine's reserve component will be funded by State budgetary expenditures allocated for the National Guard of Ukraine's operational expenses.
3. Construction or the allocation of premises for the accommodation and operation of military units and establishments that provide safeguard services to vital national sites and special cargo, and the maintenance of the premises hereof will be carried out pursuant to legislatively established standards, at the expense of central Executive Authorities, enterprises, institutions and organisations owning the facilities being safeguarded by the National Guard of Ukraine.
4. Construction or the allocation of premises for accommodation and operation of the principal command-and-control centre of the National Guard of Ukraine,

command-and-control bodies of the National Guard of Ukraine's operational and territorial components; military units and establishments providing security guard services to foreign diplomatic missions, consulates and representative offices of international organisations in Ukraine; formations, military units and establishments engaged in the maintenance of public order; special operations units (squads); military operations units; military aircraft units; military communications units and establishments; logistics units and establishments; institutions of higher education; training units (centres); bases; agencies and organisations of the National Guard of Ukraine will be funded by allocations from the State Budget of Ukraine.

5. Local executive authorities and institutions of local governance are required to facilitate the National Guard of Ukraine in providing residential premises, social care services, vehicles and communications.
6. Residential premises built at the expense of State Budget allocations will be added to public housing inventory.

Article 24. Oversight of the National Guard of Ukraine and the Legality of its Activities

1. Oversight of the National Guard of Ukraine and democratic civilian control of the National Guard of Ukraine's activities are pursued in accordance with law.
2. Oversight of the legality of the National Guard of Ukraine's activities is carried out by a public prosecutor by exercising powers of oversight of legality in the enforcement of judicial decisions on criminal procedure, as well as in the application of other measures of coercion involving the restraint of personal liberty of citizens.

{Article 24 section two has been amended under Law No. 1697-VII dated 10/14/2014}

SECTION VIII. FINAL AND TRANSITIONAL PROVISIONS

1. This Law shall take effect on the date following its promulgation date.
2. The following shall be deemed void:

The Law of Ukraine on Internal Forces of the Ministry of Internal Affairs of Ukraine (Ukrainian *Bulletin of the Verkhovna Rada*, 1992, No. 29, p. 397; 1995, No. 42, p. 304; 1999, No. 4, p. 35; 2000, No. 10, p. 79; 2001, No. 9, p. 38; 2005, No. 11, p. 198; 2006, No. 51, p. 519; 2007, No. 33, p. 442; 2009, No. 36-37, p. 511, as amended by the Law of Ukraine of May 16, 2013, No. 245-VII);

Ukrainian Verkhovna Rada Resolution on Enactment of the Law of Ukraine on Internal and Escort Security Forces of the Ministry of Internal Affairs of Ukraine (Ukrainian *Bulletin of the Verkhovna Rada*, 1992, No. 29, p. 398).

3. To establish that:
 - 1) The principal command-and-control centre of the National Guard of Ukraine, command-and-control bodies of the National Guard of Ukraine's operational and territorial components; military units and establishments providing security guard services

to vital national sites and special cargo; military units and establishments providing defence and security guard services to vital national sites; military units and establishments providing security guard services to foreign diplomatic missions, consulates and representative offices of international organisations in Ukraine; military units engaged in the maintenance of public order; special operations units (squads); military operations units; military aircraft units; institutions of higher education; training units (centres); bases; agencies and organisations of the National Guard of Ukraine are successors to command-and-control bodies, military units and establishments, institutions of higher education, drilling units, logistics units and establishments, agencies and organisations of the Ministry of Internal Affairs of Ukraine, without having to re-legalize land use and real property entitlement certificates;

- 2) The National Guard of Ukraine continues to discharge the duties of guarding detained individuals and convicted prisoners, particularly during extradition of the individuals thereof; and guarding detained individuals during court proceedings in courts identified by the Minister of Internal Affairs of Ukraine, pending the enforcement of laws meant to regulate government activities respecting the duties thereof.
- 3) Provisions of this law respecting social care and legal protection of uniformed members of the National Guard of Ukraine extend to members of Internal Forces of the Ministry of Internal Affairs of Ukraine who have been released from active military service to the inactive Reserve or retirement, as well as to families of members of Internal Forces of the Ministry of Internal Affairs of Ukraine who have been killed (died), missing, or disabled while performing military service prior to the enforcement date of this Law.
4. The Cabinet of Ministers of Ukraine shall within a three-months' deadline from the enforcement date of this Law:
 - amend its legal regulatory acts which this Law affects;
 - issue and enact legal regulatory acts arising from this Law;
 - make sure that Cabinet Ministries and other central Executive Authorities amend their legal regulatory acts which this Law affects;
 - take appropriate actions with respect to reform of Internal Forces of the Ministry of Internal Affairs of Ukraine;
 - make allowance for the National Guard of Ukraine in drafting law proposals relating to the State Budget.

Acting President of Ukraine,
Ukrainian Verkhovna Rada Speaker
Oleksandr TURCHYNOV
Kyiv
March 13, 2014
No. 876-VI

Law of Ukraine “On Amending Selected Laws of Ukraine Respecting Service in the Military Reserve”

(Ukrainian Bulletin of the Verkhovna Rada (BVR), 2014, No. 17, p. 595)

Ukrainian Verkhovna Rada hereby resolves:

I. TO AMEND THE LAWS OF UKRAINE AS FOLLOWS:

1. In the Law of Ukraine on the Armed Forces of Ukraine (Ukrainian *Bulletin of the Verkhovna Rada*, 2000, No. 48, p. 410; 2006, No. 51, p. 519; 2013, No. 38, p. 499):

1) In the first sentence, Article 5 section four, after the words “perform military service” there shall be inserted “and service in the Military Reserve”;

2) the title of Article 16, and Article 16 sections one and two shall be amended to read as follows:

“Article 16. Social care and legal protection of military personnel, reservists and conscripted personnel who have been called up for training duty; their families, civilian employees of the Armed Forces of Ukraine.

The State ensures social care and legal protection of military personnel; reservists performing their military reserve duty; and conscripted personnel called up for a training assembly (capability exercise) or special duty; their family members, civilian employees of the Ukrainian Armed Forces, as well as families of members of military personnel, reservists and members of conscripted personnel who have been killed (died), missing, or disabled in the conduct of their service duties, or injured while in captivity at the time of hostilities (war), martial law or emergency rule, or while performing military service under a military cooperation program in a foreign country, or service in international operations under the auspices of international peace support and security forces.

Social care and legal protection of military personnel, reservists performing their duty in the Military Reserve; conscripted personnel called up for a training assembly (capability exercise) or special duty; and their families will be provided in accordance with the Law of Ukraine on Social Care and Legal Protection of Military Personnel and their Families, and other legal regulatory acts”;

3) in Article 17:

in section three, after the words “military personnel” there shall be inserted “and reservists performing their service duties in the Military Reserve”;

in section four, after the words “military personnel” there shall be inserted “reservists performing their service duties in the Military Reserve”;

in section eight, after the words “member of military personnel” there shall be inserted “and reservist”;

- in section nine, after the words “military personnel” there shall be inserted “and reservists.”
2. In Article 17 of the Law of Ukraine on Defence of Ukraine (Ukrainian *Bulletin of the Verkhovna Rada*, 2000, No. 49, p. 420):
 - in section three, after the words “military service” there shall be inserted “service in the Military Reserve”;
 - in the first sentence, section four, after the words “military service” there shall be inserted “service in the Military Reserve”.
 3. In the Law of Ukraine on Mobilisation Preparation and Mobilisation (Ukrainian *Bulletin of the Verkhovna Rada*, 2005, No. 16, p. 255; 2011, No. 31, p. 303; 2013, No. 41, p. 550):
 - 1) in Article 21 section one:
 - in paragraph thirteen, the words “including reservists” shall be substituted for “reservists”;
 - there shall be inserted paragraph sixteen to read as follows:

“facilitate their employees who are reservists in the performance of their service duty in the Military Reserve and in their timely arrival at command-and-control centres, military units”;
 - 2) in the first sentence, Article 22 section three, the words “citizens (except those performing service in the Military Reserve) will arrive at assembly stations within the period of time specified in the documents issued to them (mobilisation ticket” shall be substituted for “citizens (except those performing service in the Military Reserve) will be required to arrive at military units or assembly stations of military enlistment and recruitment offices, within the period of time specified in the documents issued to them (mobilisation warrants”;
 - 3) in Article 25 section one, there shall be inserted a provision to read as follows: “Said draft-liable individuals are not eligible to enlist in the Military Reserve.”
 - 4) In the Law of Ukraine on Military Duty and Military Service (Ukrainian *Bulletin of the Verkhovna Rada*, 2006, No. 38, p. 324 with subsequent amendments):
 - 1) in Article 1:
 - the sixth paragraph, section nine, shall be amended to read as follows:

“Reservists are individuals who voluntarily perform service in the Military Reserve of the Ukrainian Armed Forces and other militarised services, and are meant for enlistment in active-duty service in the Ukrainian Armed Forces and other militarised services in the times of peace and war”;
 - in section ten:
 - in the first paragraph, after the words “Armed Forces of Ukraine” there shall be inserted “or performing service in the Military Reserve”;
 - there shall be inserted the sixth paragraph to read as follows:

- “Reservists are required to arrive at the military units in which they are performing their reserve duty, at request of commanding officers of their respective military units”;
- 2) in Article 2:
 - in section nine, after the words “in military service” there shall be inserted “enlisted in the Military Reserve”;
 - in the first sentence, section ten, the words “and draft-liable individuals who are being enlisted in the Reserve Component” shall be substituted for “enlisted in the Military Reserve, and individuals liable for compulsory military service”;
 - 3) In Article 3:
 - The Article title shall be amended to read as follows:
“Article 3. The Legal Framework for Military Duty and Military Service; Military Reserve Service;
 - in section one, after the words “performance of military service” there shall be inserted “service in the Military Reserve”;
 - 4) in Article 4 section three, after the words “during a special period” there shall be inserted “and, in case the President of Ukraine issues a relevant directive document, under the circumstances and in the manner prescribed by law, in time of peace as well”;
 - 5) in Article 20:
 - in the second paragraph, after the words “individuals liable for mandatory military service” there shall be inserted “reservists”;
 - in the third paragraph, the words “service members and draft-liable individuals” shall be substituted for “service members, reservists and draft-liable individuals”;
 - in the fourth paragraph, after the words “service members” there shall be inserted “and active-duty reservists”;
 - in the fifth paragraph, after the words “official activities” there shall be inserted “including those performing service in the military Reserve”;
 - in the eighth paragraph, after the words “compulsory military service” there shall be inserted “or service in the Military Reserve”;
 - 6) in Sub-Chapter V:
 - The title shall be amended to read as follows:
“Sub-Chapter V. Performance of Service in the Military Reserve. Performance of Service in the Retired Reserve”;
 - There shall be inserted Article 26-1 to read as follows:
“Article 26-1. Performance of Service in the Military Reserve
 1. Ukrainian citizens (except those who are not liable to be called up for compulsory military service under mobilisation) can be voluntarily enlisted in the Military Re-

serve components of the Ukrainian Armed Forces and other militarised services. Applicants will have to pass professional and psychological examinations, be physically fit for Military Reserve service, and meet eligibility requirements for enlistment in the Military Reserve.

2. Applicants qualified as suitable under section one of this Article will be eligible to sign enlistment contracts to serve in the Military Reserve components of the Ukrainian Armed Forces and other militarised services.
3. Reservists performing service in the Military Reserve, after the expiration of their enlistment contracts, will be eligible to re-enlist to serve in the Military Reserve.
4. The specifics of service in the Military Reserve, including the reservists' performance of service duty in the Military Reserve, are prescribed under this Law and relevant provisions respecting the Ukrainian citizens' performance of service in the Military Reserve.
5. Reservists are not part of employed population in Ukraine and, pursuant to employment legislation, are eligible to be registered with the State Employment Service as unemployed job seekers who are willing and fit to take up a suitable job.
6. Service in the Military Reserve is introduced for the purpose of systematic reservist training for enlistment in the Ukrainian Armed Forces and other militarised services in the times of peace and war, by acquiring and fostering the proper level of skills in their respective areas of concentration.
7. Ukrainian Armed Forces reservist training plans; procedures and the extent of training in specific areas of concentration, the timelines and length of training are prescribed by the Ukrainian Armed Forces General Staff and chiefs of militarised services, with the approval of the Ukrainian Armed Forces General Staff.
8. Financial and material support for activities related to the performance of service in the Military Reserve will be funded by State budgetary expenditures allocated for the Ministry of Defence of Ukraine and other central Executive Authorities that are legislatively empowered to exercise command and control over militarised services. The rates of salaries and incentive rewards payable to draft-liable individuals and reservists, and procedures for their payment are prescribed by the Ukrainian Cabinet of Ministers, the Ministry of Defence and other central Executive Authorities that are legislatively empowered to exercise command and control over militarised services";
- 7) Article 27 shall be amended to read as follows:
 1. Ukrainian citizens who are physically fit for military service in the times of peace or war, and have not reached the Retired Reserve age limit will be eligible to be enrolled in the Retired Reserve of the Ukrainian Armed Forces and other militarised services. They will be registered with the district (city) military enlistment and recruitment authorities and appropriate bodies of other militarised services.
 2. Draft-liable individuals will be assigned to one of two categories in the Retired Reserve.

3. Draft-liable individuals with prior military service who received a military occupation specialty while serving on active duty will be placed in Category 1.
4. Draft-liable individuals without prior military service or military occupation specialty, as well as draft-liable women will be placed in Category 2.
5. Draft-liable individuals placed in the Retired Reserve Category 2 will be eligible to be transferred to the Retired Reserve Category 1, if they received a military occupation specialty while in the retired military reserve or active military reserve (except draft-liable women)";
- 8) in Article 29:
 - in section four, the words "including reservists" shall be substituted for "and reservists";
 - section seven shall be amended to read as follows:
 - "7. Overall duration of active-duty service in the Military Reserve will not exceed three months per year, unless otherwise provided by law";
- 9) Article 35 section three shall be amended to read as follows:
 - "3. Specific rules for reservists' registration with command-and-control authorities, military units, city (district) military enlistment and recruitment authorities are prescribed by the Ukrainian Armed Forces General Staff";
- 10) in Article 39 section one, after the words "individuals liable for compulsory military service" there shall be inserted "and reservists";
- 11) in Article 42 section one, after the words "regular military service" there shall be inserted "performance of Military Reserve service."

II. FINAL PROVISIONS

1. This Law shall take effect on the date following its promulgation date.
2. The Cabinet of Ministers of Ukraine shall within a three-month' deadline from the enforcement date of this Law:
 - amend its legal regulatory acts which this Law affects;
 - make sure that Cabinet Ministries and other central Executive Authorities amend their legal regulatory acts which this Law affects.

Acting President of Ukraine,
Ukrainian Verkhovna Rada Speaker
Oleksandr TURCHYNOV
Kyiv
March 17, 2014
No. 1127-VII

Law of Ukraine “On Amending Article 39 of the Law of Ukraine on Public Procurement”

(Ukrainian Bulletin of the Verkhovna Rada, 2014, No. 26, p. 901)

Ukrainian Verkhovna Rada hereby resolves:

1. In Article 39 section two clause three of the Law of Ukraine of April 10, 2014, on Public Procurement, the words “of natural origin, as well as the provision, under prescribed procedures, of humanitarian aid to foreign countries by Ukraine” shall be substituted for “of natural origin, in a *special period*, if the Customers are the Ukrainian Ministry of Defence, Ministry of Internal Affairs, Security Service, National Guard, the State Border Guard Service, Foreign Intelligence Service, State Service for Special Communications and Information Security, State Service for Emergency Management; as well as the provision, under prescribed procedures, of humanitarian aid to foreign countries by Ukraine. The public procurement negotiation procedure in cases thereof will be used on a case-by-case basis as deemed appropriate by the Customer.”
2. This Law shall become applicable on the date following its promulgation date.

Acting President of Ukraine,
Ukrainian Verkhovna Rada Speaker
Oleksandr TURCHYNOV
Kyiv
May 6, 2014
No. 1234-VII

Decree of the President of Ukraine No. 470/2012 “On Regulation of Ukrainian Citizens’ Performance of Military Service in the Ukrainian Ministry of Internal Affairs’ Internal Forces Reserve”

Pursuant to Article 2 section seven of the Law of Ukraine on Military Duty and Military Service, I hereby decree:

4. To enact the Regulation of Ukrainian Citizens’ Performance of Military Service in the Ukrainian Ministry of Internal Affairs’ Internal Forces Reserve (attached below).
5. This Decree shall take effect on its promulgation date.

President of Ukraine
Viktor YANUKOVYCH
August 10, 2012

ENACTED

under Decree of the President of Ukraine
of August 10, 2012, No. 470 /2012

REGULATION on Ukrainian Citizens’ Performance of Military Service in the Internal Forces Military Reserve of the Ukrainian Ministry of Internal Affairs

GENERAL PROVISIONS

1. This Regulation sets out procedures for the Ukrainian citizens’ (hereinafter citizens) selection for enlistment in the Internal Forces Military Reserve of the Ukrainian Ministry of Internal Affairs (hereinafter – Internal Forces) and their performance of service in the Internal Forces Military Reserve.
2. Service in the Internal Forces Military Reserve (hereinafter Military Reserve) will be performed by draft-liable individuals who are private soldiers, non-commissioned officers and commissioned officers, are physically fit for military service, have not reached the Military Reserve age limit, have the professional and moral qualifications required, and qualify in terms of place of residence (stay).
3. Citizens who perform their military duty in the Military Reserve will hold the status as reservists.
4. Numerical strength of the Military Reserve will be determined based on the size of the Internal Forces’ budget.
5. Citizens will serve in the Military Reserve on a voluntary basis.

6. Reservists' service in the Military Reserve consists in adequate and efficient conduct of service duties pursuant to the missions assigned to command-and-control authority, formations, military units, educational institutions and establishments of the Internal Forces (hereinafter military units) in which they serve Reserve duty, in appropriate positions and pursuant to employment laws and the terms of enlistment contract.
7. The Military Reserve age limit is the same as the upper age limit for draft-liable individuals who are assigned to the Retired Military Reserve Category Two.
8. Citizens enlisted in the Military Reserve will take the Oath of Allegiance to the Ukrainian people during their first reserve duty training period, unless they already did it in the past.
9. Service in the Military Reserve will begin on the date when the commander (chief officer) of a military unit issues an order to enlist a citizen in the Military Reserve and assign him or her to a position, or re-enlist a citizen in the Military Reserve.
Service in the Military Reserve will end on enlistment contract expiration date or any other date specified under clause 37 of this Regulation, but not until the date when the military unit commander (chief officer) issues an order to release a reservist from Military Reserve service.
10. Reservists will be considered to be performing their Military Reserve service while:
 - 10) preparing for drills or reserve training assemblies in a military unit; in other locations of training events in on-duty (training) hours, including reservist training assemblies, drills and break-times scheduled in the day's program (drill schedule);
 - 11) travelling to and from the locations of active-duty training, drills or boot camps, during service trips;
 - 12) beyond a military unit or other location of training, where this is required for the performance of reservist's duties or is prescribed under a directive from the military unit commander (chief officer) concerned.
11. Reservists' performance of service in the Military Reserve will be recorded in their military registration documents, the form of which and record keeping procedures are prescribed by the Ukrainian Armed Forces General Staff.
12. Information on the timing of reservist training assemblies in the following year will be notified to reservists and their employers before December 1 of each current year.
13. The listing of the Internal Forces' command-and-control authorities, formations and military units that will enlist reservists during *special periods*; the number of reservists and specific positions reserved for them for *special periods* are prescribed by the Ministry of Internal Affairs of Ukraine, with the advice and consent of the Directorate General for Internal Forces at the Ministry of Internal Affairs of Ukraine.

The rules for reservists' enlistment in military units during *special periods* are prescribed by the Ministry of Internal Affairs of Ukraine.

14. The Directorate General for Internal Forces at the Ministry of Internal Affairs of Ukraine will ensure and monitor the enforcement of legislation on citizens' performance of service in the Military Reserve. The rules for the notification of reservists and their arrival at military units or other locations of reservist training assemblies are prescribed by the Ministry of Internal Affairs of Ukraine.

The Ministry of Internal Affairs of Ukraine will report the Ukrainian Armed Forces General Staff before November 1 of each current year about the number of reservists to be enlisted in military units in the following year.

15. Military units will hold public awareness campaigns and citizens' selection and enlistment in Military Reserve service; maintain reservists' registration statistics; manage and hold reservist training assemblies; create conditions for reservists' performance of service in the Military Reserve.

ENLISTMENT IN MILITARY RESERVE. ENLISTMENT CONTRACT

16. Candidates for enlistment in Military Reserve components will be selected by military unit commanders from among citizens who are:
 - 1) members of active-duty personnel who are being released into the retired military reserve from active-duty service in military units or nearby military units, and who reside (stay) in the vicinity of locations of those military units;
 - 2) draft-liable individuals who reside (stay) in localities where, or in which vicinity military units perform the selection of said candidates.
17. Citizens may be selected for enlistment in a Military Reserve component if they qualify under clause 2 of this Regulation and are at least five years younger than the Military Reserve age limit.

Citizens who are not eligible, on legally prescribed grounds, to be called up for military service under mobilisation, are not eligible to be selected for enlistment in the Military Reserve.

18. Applicants for enlistment in the Military Reserve components will be required to submit:
 - 1) service members being released into the Retired Military Reserve – separation requests to chief officers of the military units in which they serve;
 - 2) draft-liable individuals – enlistment applications to chief officers of the military units stationed in or in the vicinity of localities where the applicants reside.

Citizens who are willing to enlist in the Military Reserve, have submitted enlistment applications and have been qualified as eligible will become candidates for enlistment in the Military Reserve (hereinafter – candidates).

19. Candidate's personnel records will be maintained in the manner prescribed by the Ministry of Internal Affairs of Ukraine and the military units of choice by Military Reserve enlistment candidates.
20. Eligible candidates will be required by military units to undergo a compulsory general medical examination pursuant to procedures prescribed by law, to determine the extent of their health fitness for military service.
21. Paperwork related to State Secret clearance of eligible candidates will be performed, as needed, pursuant to procedures prescribed by relevant legislation.
22. The commander (chief officer) of the military unit of choice by a Military Reserve enlistment candidate will take a decision on enlisting the candidate in a Military Reserve component and invite him or her to sign enlistment contract, or will deny enlistment upon investigating the candidate's personnel records. The military unit commander (chief officer) will notify the candidate in written about the decision taken.
23. In case a candidate has been denied enlistment into the Military Reserve, the military unit commander, in his or her written notification about this decision, will explain reasons for enlistment denial. The military unit will keep the rejected candidate's personnel records for the period of time prescribed by the Ministry of Internal Affairs of Ukraine.
24. A citizen who was denied enlistment, but who qualifies under clause 2 of this Regulation, will remain to be a qualified candidate if he or she wishes so. The rules for maintaining qualified candidates' registration statistics are prescribed by the Ministry of Internal Affairs of Ukraine.
25. If approved for enlistment in the Military Reserve, a citizen will sign enlistment contract (hereinafter contract), a form of which is attached hereto.

The contract is a written agreement concluded between a citizen and the State represented by an authorised military unit to establish legal relations during the citizen's performance of service in the Military Reserve.
26. The contract will be concluded in two copies, signed by the enlisted citizen and a military unit commanding officer in charge of personnel management, whose remit includes assignment to relevant positions. The commanding officer's signature will be appended with a seal of the Coat of Arms.

One copy of the contract will be attached to the Reservist's personnel record, while the other will be kept by the Reservist.
27. First-time contract will be signed with:
 - reservists appointed to soldier's positions – for 3 years;
 - reservists appointed to NCO's positions – for 5 years;
 - reservists appointed to commissioned officer's positions – for 5 years.

28. Reenlistment contract will be signed with:

- reservists appointed to soldier's positions – for 3 years;
- reservists appointed to NCO's positions – for 5 years;
- reservists appointed to commissioned officer's positions – for 5 to 10 years.

Reenlistment contract will have to be endorsed by commanding officer of the military unit specified under clause 26 of this Regulation.

Reenlistment contract will be concluded at least one month prior to the expiration date of the current contract, and will take effect after the expiration of the previous contract.

29. The contract length will not exceed the Military Reserve age limit.

30. The duration of Military Reserve service will be calculated in full years, except where contracts are signed for periods until reservists attain the Military Reserve age limit.

31. The contract will constitute authority for the military unit commanding officer concerned to issue an order of enlisting a citizen in the Military Reserve and assigning him or her to a position, or reenlisting him or her in the Military Reserve.

32. Contract will take effect on the date when military unit commanding officer issues an order of enlisting a citizen in the Military Reserve and assigning him or her to a position, or reenlisting him or her in the Military Reserve.

The effective date of enlistment contract will be recorded in both copies of the contract, one of which will be stored in the reservist's personnel record and the other kept by the reservist.

33. The contract will not be terminated if a reservist transfers from one military unit to another. Some terms of the contract can be reviewed if a reservist is transferred to a new place of service, which will be attested by signatures of the military unit commanding officer and the reservist concerned.

34. If a citizen is enlisted to serve in the Military Reserve and appointed to a position, or reenlisted in the Military Reserve, the military unit concerned will report this to the military enlistment and recruitment authority with which the reservist is registered, by mailing an abstract of relevant order to the military enlistment and recruitment authority concerned. A written notification reporting that a citizen was enlisted to serve in the Military Reserve will be additionally sent by the military unit commanding officer concerned to CEO of an enterprise, agency or organisation with which the reservist is employed.

35. The contract will be terminated and reservist released from the Military Reserve due to:

- 1) contract expiration;

- 2) health reasons – based on a military medical commission’s report declaring a service member unfit or physically limited for Military Reserve service;
 - 3) age reasons – if a service member attains the Military Reserve age limit;
 - 4) personnel reduction or institutional measures that render impossible the continuation of Military Reserve service;
 - 5) family reasons or other admissible reasons falling under a listing approved by the Cabinet of Ministers of Ukraine with respect to active-duty service members;
 - 6) incompetency or inaptitude;
 - 7) conviction by a court ruling that has taken effect and calls for imprisonment, custodial restraint, withholding of military rank or withholding of right to hold specific positions;
 - 8) withholding of military rank as a disciplinary measure;
 - 9) persistent breaches of contract by the command (should the reservist is willing to retire);
 - 10) persistent breaches of contract by the reservist;
 - 11) enlistment in professional military service;
 - 12) reservation of draft-liable personnel for a mobilisation period or wartime, or in the event of circumstances specified by law that render draft-liable personnel ineligible to be called up for military service under mobilisation.
36. Early contract termination will be initiated by:
- 36) commander (chief officer) of a military unit, on the grounds specified under clause 35 sub-clauses 2, 3, 4, 6, 7, 8, 10, 11 and 12 of this Regulation;
 - 37) a reservist, on the grounds specified under clause 35 sub-clauses 2, 3, 5, 9 and 11 of this Regulation.
37. The date of contract termination (early termination) will be:
- 36) the date when the contract expires;
 - 37) the date following the date when a reservist died or was killed, or the date when a reservist was declared missing or dead by court;
 - 38) the issue date of an order of discharging a reservist from Military Reserve service due to the early termination of contract.
38. In the event of termination (early termination) of the contract, the grounds for and the date of termination (early termination) of the contract will be recorded in the copy of the enlistment contract attached to the reservists’ personnel file; the record will be attested by signature of the military unit commander concerned, and appended with a seal of the Coat-of-Arms.

The reservist may request a personnel officer at the military unit in which he or she serves to record the grounds for and the date of termination (early termination) of

contract in his or her copy of the contract. The reservist's failure to submit his or her copy of the contract for the purpose herein stated will be recorded in the copy of the contract attached to his or her personnel record.

39. Reservists will be released from Military Reserve service into:
 - 1) the Retired Reserve – if the reservist has not attained the Retired Reserve age limit and is physically fit for military service;
 - 2) retirement, with removal of registration with military registration and enlistment authorities – if the reservist has reached the Retired Reserve age limit or is physically unfit for wartime military service.
40. Commander (chief officer) of the military unit concerned will, within five days after the issue date of relevant directive document, hand over the retired reservist's personnel record with attached abstract of relevant directive document to the military registration and enlistment office concerned.

RESERVISTS' CALL-UP FOR DRILLS, TRAINING ASSEMBLIES AND BOOT CAMPS

41. Reservists will be call up for drills, training assemblies and boot camps by commanders (chief officers) of military units, as prescribed by annual drill plan for the relevant year, which is subject to the Internal Forces Commander's approval with the advice and consent of the Ukrainian Armed Forces General Staff.

Annual drill plans, which will be formulated based on the size of the Internal Forces' budget for the relevant year, will specify the number of reservists to be called for drills, training assemblies and boot camps; and will set out the timelines for the holding of drills, training assemblies and boot camps.

Reservists will be called up for military service under mobilisation by commanders (chief officers) of the military units in which they serve their reserve duty, pursuant to the Law of Ukraine on Mobilisation Preparation and Mobilisation.

42. Reservists will be summoned to arrive at military units in which they serve their reserve duty for drills, reserve training assemblies and boot camps by commanders (chief officers) of the military units concerned. Military unit commanders (chief officers) will notify employers, district state administrations, institutions of local governance about the purpose and expected timelines for reservist drills, training assemblies and boot camps, or their call-up for military service.
43. Commanders (chief officers) of military units will, within three days after calling up reservists for drills, training assemblies and boot camps, notify the military registration and enlistment authorities with which the reservists are registered about the number of reservists called up, their military occupation specialties and the positions to which they have been assigned.
44. Reserve training assemblies and boot camps usually take place in the military units in which reservists serve their reserve duty.

45. If called up for training assemblies in permanent military compounds, reservists will be accommodated in barracks, usually in isolated rooms; and in training grounds (boot camps) – in the locations in which they perform their routine reserve duty.

While on reservist training assembly, a reservist may be allowed by his or her commanding officer to spend his or her off-duty hours at his or her place of residence (stay).

46. Reservists may be exempted from reservist training assemblies or capability exercises on the ground of:
- death of a close family member (a parent, spouse, child, birth sibling, grandfather or grandmother) or a close family member of spouse, which occurred less than seven days prior to the first day of training assembly;
 - illness or a need to provide care to sick spouse, a child or his or her own or spouse's parents who live with him or her, unless such care can be provided by other family members;
 - being under criminal investigation, or the application of a criminal or administrative penalty to a reservist that renders impossible his or her attendance;
 - the emergence of an emergency situation at the time of call-up for a reservist training assembly that prevented timely arrival;
 - a need to take state exams at an institution of higher education.

Exemption from a training assemblies or capability exercises will be allowed to a reservist by military unit commander (chief officer) based on a written request, with attached relevant documents, from a reservist or his or her family member.

While on a training assembly, a reservist may be entitled to a leave of absence for family reasons pursuant to law.

MILITARY GRADES AND RANKS

47. Citizens will be enlisted to serve in the Military Reserve with the ranks they already hold.
48. Promotion to the next higher rank will be made in the manner prescribed under this Regulation.

The word "Reserve" will be added to the title of the reservist's rank.

The words "Reserve Medical Service" or "Reserve Legal Service" will be added to the titles of Reserve officers, reservists serving in the Internal Forces Reserve Medical Service or Reserve Legal Service, who have University degrees in Law or Medicine and work in appropriate positions.

49. Commander (chief officer) of the military unit concerned will, within three days, notify the military enlistment and recruitment authority with which the reservist is registered about his or her promotion to (withholding of) a rank by mailing an

abstract of relevant order to the military enlistment and recruitment authority concerned.

50. Reservists will be eligible for promotion to the following ranks, which will be awarded by:

- 1) NCO ranks up to and including Sergeant First Class – commanders of regiments, brigades, independent battalions, whose permanent appointments under the General Schedule are required to be filled by officers in the rank of Colonel and higher; and officials of equal or higher authority;
- 2) officer ranks up to and including Colonel – the Internal Forces Commander, the Minister of Internal Affairs of Ukraine.

The officials referred to in this clause are competent to award promotion to the next higher rank only to the reservists over whom they have direct authority.

51. The rank of Private First Class will be awarded as incentive by commanders of regiments and brigades or officials of equal or higher authority.

52. There are the following Time-in-Grade requirements for promotion for enlisted and NCO reservists:

- Reserve Private – two years;
- Reserve Private First Class – one year;
- Reserve Corporal – two years;
- Reserve Sergeant – two years;
- Reserve Sergeant First Class – two years;
- Reserve First Sergeant – two years;
- Reserve Warrant Officer – five years.

53. There are the following Time-in-Grade requirements for promotion for junior and senior reserve officers (except Reserve Aircrew officers):

- Reserve Second Lieutenant, Reserve Lieutenant – two years;
- Reserve First Lieutenant, Reserve Captain – three years;
- Reserve Major – four years;
- Reserve Colonel – five years.

54. There are the following Time-in-Grade requirements for promotion for Reserve Aircrew Officers:

- Reserve Second Lieutenant – one year;
- Reserve Lieutenant, Reserve First Lieutenant – two years;
- Reserve Captain, Reserve Major – three years;
- Reserve Colonel – four years.

55. There are no set Time-in-Grade requirements for promotion for Reserve Chief Warrant Officers and Reserve Colonels.
56. Time-in-Grade will be computed from the date the reservist was promoted to his or her current rank.
Time-in-Grade will be computed inclusive of:
 - period of service in the grade on active duty, reserve duty and in the inactive reserve;
 - a gap in the period of military reserve service due to unlawful criminal prosecution or unlawful discharge from Military Reserve service.Time-in-Grade will be computed exclusive of a period of service in a lower grade due to a disciplinary sanction.
57. Promotion of reservists to the next higher grades will be made in succession, with account taken of their permanent appointments and other factors specified under this Regulation.
58. Eligibility requirements for promotion of reservists to the initial officer rank of Reserve Lieutenant Second Class include: a university degree in the field appropriate to their permanent appointment, or a university degree obtained while on active duty in the military reserve, in the field relative to their military occupation specialty; being selected for promotion to the initial officer rank, based on how many vacancies exist in the reservist's job; minimum three years of time in service in active Military Reserve.
59. Those reservists will be eligible for promotion to the next higher grade who have served out the required time in grade and hold permanent appointments that require higher ranks than the reservist's current rank; and who meet eligibility requirements in terms of professional competence, organisational abilities, leadership (professional) development training results and breadth of experience.
60. Those reservists who hold the rank of Reserve Private may be promoted, as an incentive or "reward" pursuant to the Ukrainian Armed Forces Disciplinary Regulations, to the rank of Reserve Private First Class.
61. Promotions of reservists to the next higher grades will be ceremoniously announced by military unit commanders, with the award of shoulder straps of the appropriate rank; and in periods in between reserve training assemblies – by chiefs of the military registration and enlistment authorities with which the reservists are registered.
62. Those reservists who hold shipboard ranks will be awarded appropriate military ranks simultaneously when they are awarded permanent appointments.
63. Those reservists will not be eligible for promotion to the next higher rank who have been:

- 1) discharged from duty while on drills or a tour of active duty training;
- 2) imposed a disciplinary sanction such as a “service incompetence note” while on drills or a tour of active duty training;
- 3) sentenced by court to a non-custodial sanction, or discharged from serving the punishment and put on probation for the full term of sentence.
64. Reservists (except those who have been awarded an initial rank) while on drills or a tour of active duty training may be demoted by one rank in a disciplinary procedure.
65. Demotion to another lower rank is forbidden until the reservist is reinstated in his or her previous rank.
66. Reservists may be stripped of their rank due to criminal conviction, or, in a disciplinary procedure, while on drills or a tour of active duty training.
67. An order depriving a reservist of his or her rank will be issued by an officer who is authorised to do so by the Ukrainian Armed Forces Disciplinary Regulations.
68. Reservists who have been stripped of their ranks:
 - by court decision – will be dishonourably discharged from Military Reserve service once the relevant court decision takes legal effect, from the starting date of sentence set out in the court decision;
 - in a disciplinary procedure – will be dishonourably discharged from Military Reserve service no later than three days after the military unit’s receipt of a directive document regarding the withholding of a rank, or three days from the issue date of the said directive document.
69. Assumed a reservist was stripped of his or her rank, he or she will be registered for service and concurrently awarded the rank of inactive Reserve Private by the chief enlistment officer concerned.
70. The reservists who were stripped of their rank in a disciplinary action while on drills or a tour of active-duty training may be reinstated in their rank as a “reward” or “incentive” pursuant to the Ukrainian Armed Forces Disciplinary Regulations.
71. Reservists who were stripped of their military rank will be reinstated in their rank from the date of military rank withholding in the event of/when:
 - 1) cancellation or change of the court sentence as it pertains to the withholding of military rank;
 - 2) the withholding of a reservist of his or her military rank in a disciplinary action has been declared unlawful pursuant to the prescribed procedure.
72. An individual who has been stripped of a military rank may be reinstated in his or her rank by an officer entitled to award ranks of the relevant grade, in the event the individual has been discharged from serving punishment involving the withholding of military rank under amnesty law or an act of clemency.

73. An individual who has been reinstated in his or her military rank will be entitled to the legally established rights and benefits appropriate to the reinstated rank.

***INTERIM AND PERMANENT DUTY ASSIGNMENTS,
ROTATIONAL DUTY ASSIGNMENTS FOR RESERVISTS***

74. Duty assignments for reservists will be made by military unit commanders (chief officers) who are authorised to issue personnel management directives.
75. Initial duty assignments for reservists will be made taking into account their major or secondary military occupation specialties.
76. Reserve officers may be assigned to the positions contained in military units' General Schedules, which are no more than two grades higher or one grade lower than their current grades.
77. The reservist will be assigned to:
- 1) a higher-grade position – as a developmental assignment;
 - 2) an equivalent-grade position – as a rotational duty assignment;
 - 3) a lower grade position:
 - due to personnel downsizing or institutional actions that render impossible the assignment to an equivalent grade position;
 - due to health reasons – based on a military medical commission's report;
 - at personal request;
 - as a disciplinary sanction imposed on the reservist pursuant to the procedure prescribed under the Ukrainian Armed Forces Disciplinary Regulations while on drills or a tour of active-duty training.

The military unit commander (chief officer) will, within three days, notify the military enlistment and recruitment authority with which the reservist is registered about his or her assignment to a position by mailing an abstract of relevant directive document to the military enlistment and recruitment authority concerned.

78. A higher-grade position will be deemed such if a relevant General Schedule requires a higher military rank for assignment to this position than the rank the reservist holds in his or her current position; or, in case the reservist's rank or grade being appropriate to his or her current position, is higher-paid. If a General Schedule allows a choice from two military ranks or a graded pay structure, the higher rank or higher salary will be taken into account.
79. Appointments in the ranks of Reserve Sergeant (junior grade), Reserve Sergeant Major, Reserve Chief Warrant Officer will be made to reservists who have appropriate professional qualifications and skills.
80. Appointments in the rank of Reserve Warrant Officer may be made as needed to appropriately qualified, disciplined reservists who hold the ranks of Reserve

Sergeant Major, Reserve Sergeant (senior grade) or Reserve Sergeant; have served at least three years in positions appropriate to their current rank; and have been recommended by military unit commanders (chief officers) for assignment to said positions, provided they would not be placed in authority over personnel in a higher grade.

If there is need to assign a reservist in the rank of Reserve Warrant Officer to the position referred to in the first paragraph of this clause, the reservist who holds the rank of Reserve Sergeant Major, Reserve Sergeant (senior grade) or Reserve Sergeant, and holds said position will be assigned to an equivalent-grade position or, in the absence thereof, to any other position to which he or she would agree.

81. Reservists who hold the ranks of Reserve Warrant Officer or Reserve Chief Warrant Officer are not eligible to be assigned to positions reserved for commissioned officers.
82. Reservists will not be placed, in connection with the discharge of their duties, in direct authority over or under direct authority of their friends or family members specified in the Law of Ukraine on the Framework for Prevention and Combating of Corruption.
83. Reservists may be transferred, subject to their consent, to equivalent-grade positions in the same or another military unit due or in order to:
 - personnel downsizing or institutional actions;
 - gain practical management experience with command-and-control authorities of different levels of command;
 - a decision of relevant military unit commander (chief officer), particularly if the reservist requests so, if a new position will be more appropriate to his or her professional qualifications;
 - health reasons – based on a military medical commission’s report;
 - family reasons – at reservist’s own request.
84. Transfers of reservists to equivalent-grade positions within their respective military units will be made under directive documents issued by military unit commanders (chief officers) concerned, and positions in other military units – under directive documents issued by commander of a formation, or chief of a Territorial Command or Interior Forces Commander, depending on the unit’s size and level of command.
85. The issue of a State Secret clearance to a reservist, or the renewal or cancellation of a State Secret clearance held by a reservist will be made pursuant to procedures prescribed by law.
86. A reservist who has failed to obtain a higher level State Secret clearance or has been stripped of a State Secret clearance will be assigned to positions appropriate to the level of State Secret clearance that he or she holds, or positions that do not

- involve access to information classified as State Secret. In the event of impossibility of assignment to the positions thereof, the reservist's enlistment contract will be terminated early, and the reservist released from Military Reserve service.
87. Reservists will be assigned to positions of chief or vice chief of a security and secret clearance authority with the advice and consent of the relevant department at the Security Service of Ukraine, and pursuant to procedures prescribed by law.
 88. The reservist will be required to receive pay for all kinds of allowances eligible to him or her no later than the date following the separation date and receipt, by mail or telecommunications, of an abstract of a directive document ordering the transfer of the reservist to a position in another military unit; and, in the case the reservist being temporarily absent due to an assignment or medical treatment – not later than the date following his or her arrival date at the military unit in which he or she served prior to being transferred to serve in another military unit.
 89. In the event of personnel downsizing or institutional, reorganisational and staffing activities involving a reduction in the number of reservist positions, a list of the names of reservists slated for the release, and proposals on their future duty assignments will be submitted to the General Directorate for Internal Forces at the Ukraine Ministry of Internal Affairs no later than two months prior to the scheduled starting date of said activities.
 90. In the event of impossibility of assigning a released reservist to an equivalent-grade position, or his or her failure to agree to be transferred to a lower grade position, the reservist will be released from Military Reserve service pursuant to clause 35 sub-clause 4 of this Regulation.
 91. In the event of personnel downsizing or institutional, reorganisational and staffing activities involving a reduction in the number of military positions, priority on vacancies will be given to reservists who qualify most for the positions in terms of professional competence and personal qualities.
 92. A reservist who holds a permanent appointment while being on drills or a tour of active-duty training may be assigned as needed to another equal or higher-grade appointment in the case a service member holding this appointment being temporarily absent or having been discharged from the appointment.
 93. Reservists will be assigned to interim appointments for periods not exceeding 30 days.
 94. Reservists will be assigned to interim appointments by the military unit commanders (chiefs) concerned.
 95. Reservists holding the following ranks will be assigned to the following interim appointments:
 1. Reserve Private, Reserve Sergeant, Reserve Sergeant Major – appointments reserved in General Schedules for respective NCO ranks;

2. Reserve Warrant Officer, Reserve Chief Warrant Officer – appointments reserved in General Schedules for the ranks of warrant officer, chief warrant officer or junior officer ranks;
3. Junior Officers – appointments reserved in General Schedules for junior or senior officer ranks, provided they would not be placed in authority over higher-grade personnel;
4. Senior Officer – appointments reserved in General Schedules for senior officer ranks.

ASSIGNMENTS

96. Reservists while on drills or reserve training assemblies will be dispatched on assignments, alone or as members of a military unit (team), for the purpose to:
 - assist in actions related to forces combat training;
 - provide security, escort protection or delivery of military materiel, arms, military equipment and other types of materiel;
 - provide security escort to a courier carrying secret documents or classified materials; or conduct a courier assignment by him- or herself;
 - provide escort as needed for individuals or teams of individuals, particularly those who are sick, who have been called up for a training assembly of reservists or draft-liable personnel;
 - receive an award;
 - attend court hearings or court proceedings, on summons from an agency of the inquiry or pre-trial investigation;
 - attend scheduled events, e.g., conferences, seminars, meetings, conventions;
 - assist in emergency response operations;
 - case-based assignments for other purposes will be made under a directive document issued by a higher-level commander (chief officer).
97. Reservists will be dispatched on assignments by the military unit commander (chief officer) concerned, whereof a directive document will be issued.
98. Reservists being dispatched on assignments will be issued a standard travel authorisation.
99. Upon arriving at the place of assignment the reservist will, in a timely manner, appear before the officer at whose disposal he or she was placed; notify his or her arrival to the commander (chief officer) of the military unit in which he or she serves his or her reserve duty; duly register him- or herself with an appropriate authority and proceed to performing his or her assignment.

100. While travelling to and from the place of assignment the reservist will not be allowed to deviate from the route set out in his or her travel authorisation document or to make unauthorised stopovers.
101. In case the reservist being unable to depart on time from the place of assignment for permissible reasons, he or she will be required to notify this and the reasons for the delay to the commander (chief officer) of the military unit in which he or she serves his or her reserve duty, via the chief command-and-control officer of the Ukrainian Military Law Enforcement Service or the military enlistment and recruitment officer concerned, or in absence thereof – via officials at local state administrations or institutions of local governance.
102. In case of loss of service documents, personal papers, firearms or other items of military materiel while travelling to and from the place of assignment, the reservist will be required to immediately contact the traffic officer at the place of the alleged loss, or the chief command-and-control officer of the Ukrainian Military Law Enforcement Service, or the military enlistment and recruitment officer concerned, or in the absence thereof – the nearest law enforcement agency, railway or road traffic officer, or officials at local state administrations or institutions of local governance, in addition to the commander (chief officer) of the military unit in which he or she serves his or her reserve duty.
103. In the event of any delays while travelling at the time of assignment, for reasons beyond the reservist's control, he or she will be required to have a confirmation of the delay recorded in his or her travel authorisation document, or to request a document verifying the reasons for the delay from a traffic officer, or the chief command-and-control officer of the Ukrainian Military Law Enforcement Service, or the military enlistment and recruitment officer concerned, or in absence thereof – from railway or road traffic authorities, or officials at local state administrations or institutions of local governance; and additionally will have to contact the commander (chief officer) of the military unit in which he or she serves his or her reserve duty.
104. Excuses deemed admissible for return from assignment past the time set out in travel authorisation document will include an illness that prevented timely return, a natural disaster and other emergencies. Causes or reasons for the delay will have to be verified by appropriate documents.
105. The officer at whose disposal the reservist was placed, or the chief command-and-control officer of the Ukrainian Military Law Enforcement Service, or the military enlistment and recruitment officer concerned will be required to report the reservist's failure to return from assignment on the date set out in his or her travel authorisation document, and the causes and reasons for the delay to the commander (chief officer) of the military unit in which he or she serves his or her reserve duty.
106. In the event a reservist has not returned from an assignment on the date set out in his or her travel authorisation document, and there has been no report about the causes or reasons for the delay submitted to appropriate authorities,

the commander (chief officer) of the military unit in which the reservist serves his or her reserve duty will be required to immediately contact the official at whose disposal the reservist was placed, or the chief command-and-control officer of the Ukrainian Military Law Enforcement Service, or the military enlistment and recruitment officer concerned, for information whether or not the reservist had arrived at the assigned place, or departed as scheduled for his or her military unit. If the answer is “no” in the former and “yes” in the latter instance, the military unit commander (chief officer) will order a search operation for the missing person pursuant to prescribed procedures.

CORE TRAINING, CONVERSION TRAINING AND ADVANCED TRAINING FOR RESERVISTS

107. Draft-liable individuals (women included) without prior military service, who have been enlisted in active Military Reserve will be required to receive initial training with the Internal Forces’ training centres.

Reserve officers without prior military service will receive training at the Internal Forces’ higher military educational institutions.

108. Draft-liable individuals (women included) with prior military service, who have been enlisted to serve in active Military Reserve in positions other than their major military occupation specialties will receive conversion training at the Internal Forces’ training centres, and reserve officers – at the Internal Forces’ higher military educational institutions.

109. Reservists with at least one year in active reserve service will be eligible for advanced training as may be required by the needs of the service.

110. Selection of eligible candidates for enrolment in advanced training, particularly at the reservist’s own request, will be made by military unit commanders (chief officers) concerned.

111. The procedures for reservists’ enrolment in basic training, conversion training and advanced training at the Internal Forces’ higher military educational institutions and training centres, and the listing of military occupation specialties to be trained will be prescribed by the General Directorate for Internal Forces at the Ukrainian Ministry of Internal Affairs.

112. Upon completing basic training, conversion training or advanced training, reservists will take examinations prescribed by appropriate academic programs.

Reservists who have received training under NCO training programs and successfully passed exams will then be awarded appropriate military ranks pursuant to procedures set out in this Regulation.

113. Reservists will be dismissed from training at the Internal Forces’ higher military educational institutions and training centres on health grounds, in the event they have developed an illness while on training, based on a medical assessment report

of the chief medical officer at an Internal Forces' higher military educational institution or training centre concerned.

A decision to dismiss a reservist from training will be made by chief officer in charge of an Internal Forces' higher military educational institution or training centre concerned.

114. Further and in-service training will be given to reservists during reserve training assemblies and capability exercises of regular military units in which they serve their reserve duty, pursuant to training programs approved and procedures prescribed by the General Directorate for Internal Forces at the Ukrainian Ministry of Internal Affairs.

RELEASE FROM MILITARY RESERVE SERVICE

115. Reservists will be released from Military Reserve service on grounds prescribed in clause 35 of this Regulation, under a directive document issued by the military unit commander (chief officer) concerned.

The military unit commander (chief officer) concerned will, within three days after the issue date of an order releasing a reservist from service in the Military Reserve, send an abstract of the order and the reservist's personnel records to the military enlistment and recruitment authority with which the reservist is registered.

116. A reservist who is willing to be released from Military Reserve service will have to submit a release request with a command endorsement, with attached documents verifying the grounds for release. The release request will specify the grounds for release from Military Reserve service and the title or number of the military enlistment and recruitment authority with which the reservist is registered.
117. Release processing procedures will include the collection of details about the reservist's service in a reserve component and documents verifying periods of service in the Military Reserve.
118. Three months prior to attainment of military reserve age limit, a reservist will have to undergo a medical examination to be made by a military medical commission, whose assessment will be taken into account in determining the grounds for release from Military Reserve service.
119. The reserve service release date of a reservist will be the date prescribed under clause 37 of this Regulation, whereof a record will be made in directive document on release from Military Reserve service. The directive document will be issued on the ground of a duly approved statement of the transfer of position the reservist held, and/or an endorsement report from his or her immediate superior.
120. An order to impose on a reservist disciplinary sanctions such as discharge for service incompetence or the withholding of a military rank will be deemed valid grounds for the issue of an order of his or her release from Military Reserve service.

121. A reservist who is slated to be released from Military Reserve service due to a personnel downsizing or institutional actions will be given notice of dismissal by the military unit commander concerned at least two months prior the starting date of personnel downsizing or institutional actions.
122. A decision on further military reserve service with respect to a reservist who has been declared by a medical military commission to be physically fit for limited reserve service in peacetime will be made by the military unit commander (chief officer) concerned.
123. In the event there are several valid grounds for release from Military Reserve service prescribed under clause 35 sub-clauses 2-5 and 9 of this Regulation, a reservist will be allowed to choose one at will.

Reservists being released from Military Reserve service (except those being released on grounds prescribed under clause 35 sub-clauses 6, 7, 8, 10, and clause 68 of this Regulation) may, on a unit commander's endorsement, be offered awards prescribed in the Ukrainian Armed Forces Disciplinary Regulation.
124. A retirement ceremony may be held for a reservist who has been discharged honourably from Military Reserve service.
125. A reservist with respect to whom a decision on early termination of Military Reserve service contract has been made will be eligible to appeal the order of early termination of Military Reserve service contract and release from Military Reserve service pursuant to legally prescribed procedures. The lodging of the appeal thereof will not suspend enforcement of the order. Assumed a reservist has been released unlawfully from Military Reserve service, he or she will be eligible to be reinstated in Military Reserve service in his or her previous position or, subject to his or her consent, assigned to another equivalent or higher position. The gap in the period of Military Reserve service due to unlawful discharge will be counted in calculating the time in grade and time in service required for promotion to the next higher grade.
126. A reservist who has been released unlawfully from Military Reserve service will be reinstated in his or her previous position or assigned to another equivalent or higher position under a directive document issued by the military unit commander who ordered his or her release from Military Reserve service.
127. A reservist who has been declared missing or dead by court will be discharged from Military Reserve service by the Internal Forces Commander or the Minister of Internal Affairs of Ukraine, within their remits and on the ground of the court decision.

SALARIES AND OTHER PROVISIONS

128. The rates for salaries and monetary incentives payable to reservists, and procedures for their payment are prescribed by the Cabinet of Ministers of Ukraine.

129. Regulations for the provision of medical care to reservists during drills, reserve training assemblies or boot camps are prescribed by the Ministry of Internal Affairs of Ukraine.
130. Reservists performing active-duty service in a reserve component will be provided with uniformed clothing in accordance with set standards. Reservists will wear Internal Forces' insignia and distinctive insignia indicating they are reservists. Reservists are affected by general rules and regulations on uniform wear.
131. While on drills, reserve training assemblies, or boot camps, reservists will be provided with meals in accordance with set standards and pursuant to procedures prescribed by the Cabinet of Ministers of Ukraine.
132. Financial and logistics support for activities related to performance of service in Military Reserve components will be funded by State budgetary expenditures allocated for the Ukrainian Internal Forces' operational expenses.

RESERVISTS' RESPONSIBILITY

133. While on drills, reservist training assemblies and boot camps, reservists will bear responsibility pursuant to law.

Head of the Presidential Administration of Ukraine

S. LYOVOCHKIN

Part VII

The Legislative Framework for Participation of Ukraine in International Peacekeeping Activity, Cooperation in Military and Military Technical Areas

Law of Ukraine “On Amending Selected Laws of Ukraine Concerning Ukrainian Armed Forces’ Participation in International Peacekeeping and Security Operations”

(*Bulletin of the Verkhovna Rada (BVR)*, 2013, No. 38, p. 499)

{As amended by Law No. 794-VII of 02/27/2014, BVR, 2014, No. 13, p. 222}

Ukrainian Verkhovna Rada hereby resolves:

I. TO AMEND THE LAWS OF UKRAINE AS FOLLOWS:

1. In the second paragraph, Article 11 section two of the Law of Ukraine on Social Care and Legal Protection of Military Personnel and their Families (Ukrainian *Bulletin of the Verkhovna Rada*, 1992, No. 15, p. 190; 2006, No. 51, p. 519), the words “peacekeeping operations” shall be substituted for “peace support and security operations”.
2. In section one clause “m”, Article 17 of the Law of Ukraine on Pension Benefits for Discharged Armed Forces Personnel and Some Other Individuals (Ukrainian *Bulletin of the Verkhovna Rada*, 1992, No. 29, p. 399; 2006, No. 37, p. 318) the words “United Nations peacekeeping personnel” shall be substituted for “national contingents or personnel”.

3. In the second paragraph, Article 6 section one clause two of the Law of Ukraine on the Status of and Social Care Assurances for War Veterans (Ukrainian *Bulletin of the Verkhovna Rada*, 1993, No. 45, p. 425; 1996, No. 1, p. 1; 2006, No. 14, p. 116), the words “peacekeeping missions” shall be substituted for “participation in international peace support and security operations”.
4. In the Law of Ukraine on Ukraine’s Participation in International Peacekeeping Operations (Ukrainian *Bulletin of the Verkhovna Rada*, 1999, No. 22-23, p. 202; 2004, No. 7, p. 50):
 - 1) in the title of the Law, the words “peacekeeping operations” shall be substituted for “international peace support and security operations”;
 - 2) in the Preamble:
 - in the first paragraph, after the word “settlement” there shall be inserted “in keeping with national policy priorities concerning Ukraine’s participation in the improvement and development of the European and regional collective security systems, and, as part of a constructive partnership with the North Atlantic Treaty Organization (hereinafter – NATO) and other international security organisations”;
 - in the second paragraph, the words “for the purpose of participation in operations to maintain or restore international peace and security” shall be deleted;
 - 3) in Article 1:
 - the second paragraph shall be amended to read as follows:

“international peace support and security operations are international operations or actions aimed at the enforcement of peacekeeping or humanitarian missions mandated by the UN Security Council pursuant to the Charters of the United Nations, the OSCE and other international organisations that are responsible for maintaining international peace and security under the provisions of Chapter VIII of the UN Charter, as well as operations and actions of multinational forces, high readiness multinational forces being performed under the supervision of the UN Security Council with the purpose of”;
 - after the fourth paragraph there shall be inserted three new paragraphs to read as follows:
 - “Combating international terrorism and piracy;
 - evacuation of civilians from the conflict areas;
 - response to natural and man-made emergencies”.
 - Subsequent to this, the fifth to eleventh paragraphs shall be the eighth to fourteenth paragraphs;
 - in the tenth paragraph, there shall be inserted “and the restoration of peace”;
 - in the twelfth paragraph, after the word “including” there shall be inserted “high readiness multinational forces”;

there shall be inserted the fifteenth and sixteenth paragraphs to read as follows:

“High readiness multinational forces are high readiness forces consisting of personnel and equipment provided by State members and/or State partners of an appropriate international organisation, and created pursuant to resolutions of the UN Security Council, the North Atlantic Council, the Council of the European Union and other international organisations, or under Ukraine’s international treaties – for joining in and performing the assigned tasks;

high readiness alert duty – maintaining a high degree of readiness of the Ukrainian Armed Forces’ designated personnel and equipment for performance of the assigned tasks”;

4) in Article 2:

in section one there shall be inserted paragraph five to read as follows:

“high readiness multinational forces”;

there shall be inserted section three to read as follows:

“Ukraine’s participation in international peace support and security operations as part of high readiness multinational forces is composed of performance of alert duty missions, the dispatch of a national contingent and national personnel under the control of authorities specified in resolutions on the conduct of said operations, as well as the provision of logistics and services”;

5) in Article 6, the words “training centres” shall be substituted for “training, special centres or designated command-and-control authorities, military units (sub-units)”;

6) in the second paragraph, Article 9 section one, after the words “United Nations” there shall be inserted “NATO and the EU”; after the words “international peacekeeping operations” there shall be inserted “or under the international treaties to which Ukraine is a party”;

7) in the title of Article 10, the words “international peacekeeping activities” shall be substituted for “operations for maintenance of international peace and security”;

8) throughout the text of the Law:

the words “peacekeeping operation” and “regional” in all the grammatical cases and numbers shall be respectively substituted for “peace support and security operation” and “international” in the appropriate grammatical case and number;

the words “peacekeeping contingent” and “peacekeeping personnel” in all the grammatical cases shall be respectively substituted for “national contingents” and “national personnel” in the appropriate grammatical case.

5. In the Law of Ukraine on Procedures for Dispatching Ukrainian Armed Forces’ Units to Foreign Countries” (Ukrainian *Bulletin of the Verkhovna Rada*, 2000, No. 19, p. 144; 2003, No. 28, p. 215; 2011, No. 36, p. 363):

- 1) in the second paragraph, Article 1, the words “Air Defence Forces, Air Forces” shall be substituted for “Air”; the words “combat or peacekeeping tasks, or humanitarian tasks related to the protection of civilian populations against radiological, chemical, and biological hazards; and consequence management to respond to weapons of mass destruction use” shall be substituted for “combat, peacekeeping or humanitarian tasks”;
- 2) in Article 9 sections one and two, the words “peacekeeping operations as part of peacekeeping contingents” shall be substituted for “peace support and security operations as part of national contingents”.
6. In the Law of Ukraine on the Armed Forces of Ukraine (Ukrainian *Bulletin of the Verkhovna Rada*, 2000, No. 48, p. 410; 2005, No. 10, p. 188; 2006, No. 51, p. 519; 2009, No. 36-37, p. 513; 2012, No. 25, p. 264):
 - 1) in Article 1 section four, the words “peacekeeping operations” shall be substituted for “other international peace support and security operations”;
 - 2) in the eighth paragraph, Article 9, the words “peacekeeping operations” shall be substituted for “peace support and security operations”;
 - 3) in Article 16, the words “performance of military service” shall be substituted for “the conduct of service duties”; the words “UN peacekeeping forces during participation” shall be substituted for “national contingent or national personnel”.
7. In the Law of Ukraine on Defence of Ukraine (Ukrainian *Bulletin of the Verkhovna Rada*, 2000, No. 49, p. 420; 2003, No. 27, p. 209; 2004, No. 2, p. 8; 2009, No. 19, p. 258):
 - 1) in the nineteenth paragraph, Article 11 section three, the words “peacekeeping contingent and peacekeeping personnel” shall be substituted for “national contingent and national personnel”;
 - 2) throughout the text of the Law, the words “peacekeeping operations” shall be substituted for “peace support and security operations”
8. The seventh paragraph, Article 8 of the Law of Ukraine on Fundamentals of National Security of Ukraine (Ukrainian *Bulletin of the Verkhovna Rada*, 2003, No. 39, p. 351; 2010, No. 40, p. 527, as amended by the Law Ukraine of May 17, 2012, No. 4711-VI) shall be amended to read as follows:

“participation in international peace support and security operations under the auspices of the UN, OSCE and other international security organisations, as well as under international agreements of Ukraine”.
9. In the Law of Ukraine on Democratic Civilian Control over the State Military Apparatus and Law Enforcement Agencies (Ukrainian *Bulletin of the Verkhovna Rada*, 2003, No. 46, p. 366):
 - 1) in the ninth paragraph, Article 5 and the fourteenth paragraph, Article 8, the words “peacekeeping and antiterrorist operations” shall be substituted for “peace support and security operations”;

- 2) in the eighth paragraph, Article 13 section one, the words “peacekeeping operations” shall be substituted for “peace support and security operations”.
 10. In Article 6 section seven of the Law of Ukraine on Military Duty and Military Service (Ukrainian *Bulletin of the Verkhovna Rada*, 2006, No. 38, p. 324), the words “peacekeeping operations as part of peacekeeping contingents or peacekeeping personnel” shall be substituted for “peace support and security operations as part of national contingents or national personnel”.
- {Chapter I, Clause 11, has become void pursuant to Law of February 27, 2014, No. 794-VII}

II. FINAL PROVISIONS

1. This Law shall take effect on the date following its promulgation date.
2. The Cabinet of Ministers of Ukraine shall within a three-months’ deadline from the entry into force of this Law:
 - draw up in the prescribed manner and submit for consideration to the Ukrainian Verkhovna Rada draft legislation on amending the legal regulatory acts that this Law affects;
 - amend its legal regulatory acts that this Law affects;
 - make sure that Cabinet Ministries and other central Executive Authorities amend their legal regulatory acts that this Law affects;
 - recommend that the President of Ukraine should amend his legal regulatory acts that this Law affects.

President of Ukraine
Viktor YANUKOVYCH
Kyiv
September 18, 2012
No. 5286-VI

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 Service Personnel 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;
No. 4711-VI of 17.05.2012, BVR, 2013, No. 14, p. 89
No. 5040-VI of 04.07.2012, BVR, 2013, No. 25, p. 246
No. 5286-VI of 18.09.2012, BVR, 2013, No. 38, p. 499
No. 5462-VI of 16.10.2012, BVR, 2014, No. 6-7, p. 80
No. 224-VII of 14.05.2013, BVR, 2014, No. 11, p. 132
No. 1166-VII of 27.03.2014, BVR, 2014, No. 20-21, p. 745
No. 1169-VII of 27.03.2014, BVR, 2014, No. 20-21, p. 746
No. 1194-VII of 09.04.2014, BVR, 2014, No. 25, p. 890
No. 1241-VII of 06.05.2014, BVR, 2014, No. 27, p. 907
No. 1275-VII of 20.05.2014, BVR, 2014, No. 29, p. 942
No. 1316-VII of 05.06.2014, BVR, 2014, No. 29, p. 947
No. 1543-VII of 20.06.2014, BVR, 2014, No. 32, p. 1128
No. 1589-VII of 04.07.2014, BVR, 2014, No. 35, p. 1179
No. 1614-VII of 25.07.2014, BVR, 2014, No. 36, p. 1194
No. 1697-VII of 14.10.2014, BVR, 2015, No. 2-3, p. 12

In accordance with the Constitution of Ukraine, this Law determines the basic principles of state policy in the field of social protection of service personnel and members of their families, establishes the uniform system of their social and legal protection, guarantees to service personnel 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.

PART I. GENERAL PROVISIONS

Article 1. Social Protection of Service personnel

Social protection of service personnel 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 service personnel 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 independent of their circumstances, in old age, as well in other cases foreseen in the law.

Article 1-1. Legislation on Social and Legal Protection of Service personnel and their Family Members

The legislation on social and legal protection of service personnel and members of their families is based on the Constitution of Ukraine and consists of this Law and other normative-legal acts.

If an international agreement ratified by the Verkhovna Rada of Ukraine establishes higher norms concerning the social and legal protection of service personnel and members of their families than those established in the legislation of Ukraine, the norms of the international agreement are applied.

Article 1-2. Guarantees of Social and Legal Protection of Service personnel and Members of their Families

Service personnel 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.

Because of the special character of military service related to the defence of the Motherland, service personnel are entitled to privileges, guarantees and indemnifications established in the law, which cannot be abolished or suspended without an equivalent replacement.

Normative-legal acts of state authorities and local self-government organs limiting the rights and privileges of service personnel and members of their families are invalid.

Article 2. Prohibition of restriction of the rights of service personnel

No one has the right to limit the rights and freedoms of service personnel and members of their families determined by the legislation of Ukraine.

Article 3. The Purview of this Law

The Purview of this Law applies to:

- 1) Service personnel 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, the State Service for Special Communication and Information Protection of Ukraine who carry out military service on the territory of Ukraine, as well as service personnel in aforementioned military formations and law enforcement organs – citizens of Ukraine who carry out military service outside Ukraine and members of their families;
- 2) Service personnel who became disabled as a result of illness related to the performance of military service or as a result of illness after discharge from military service related to the performance of military service and members of their families, as well as members of families of service personnel 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.

The purview of this Law does not apply to members of families of service personnel, 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 service personnel, 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 service member, a person liable for military service or a reservist.

Article 4. Ensuring the Implementation of the Legislation on Social and Legal Protection of Service Personnel and Members of Their Families

Ensuring the implementation of this Law and other normative legal acts on the social and legal protection of service personnel and members of their families is the responsibility of the state authorities and local self-government organs.

PART II. THE RIGHTS OF SERVICE PERSONNEL

Article 5. Safeguarding the Civil Rights and Freedoms of Service Personnel

Service personnel – 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. The provisions of the Law of Ukraine "On Presidential Elections in the Ukrainian Soviet Socialist Republic" are applied to them.

Commanders (chiefs) of service personnel who are candidates for People's Deputies and deputies of local councils should create the appropriate conditions for the exercise of this right.

Service personnel 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 service personnel returns to the military formation where he or she served before the election for further service of the former post, and at its absence, of other equivalent post.

The People's Deputy of Ukraine, being a service member during the term of deputy duty, forms part of the Verkhovna Rada of Ukraine while continuing his or her military service. After the expiration of the powers of the People's Deputy of Ukraine, he or she, according to the established procedure, returns to the relevant military formation for further service of the former post or, by his or her consent, of another post which is not lower than the previous post held.

Service personnel have the right to create public associations according to the legislation of Ukraine. Service personnel cannot be members of any political parties or organisations and movements. Service personnel are not allowed to organise and participate in strikes.

Article 6. Liberty of Conscience

1. Service personnel 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 service personnel in religious ceremonies and rituals in their free from service duties time.
2. Service personnel 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. Service personnel are allowed to acquire, possess and use religious literature in any language, as well as other religious items. Nobody has the right to prevent the exercise of their religious needs by service personnel.
4. The State is not responsible for providing for religious needs of service personnel 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.

Article 7. Immunity of Service Personnel

Service personnel are guaranteed personal immunity. He/she cannot be arrested other than on the basis of a court decision.

Article 8. Fundamental Rights of Service Personnel Connected with Service

1. The use of service personnel for tasks not connected with military service is forbidden and entails liability according to the law. Service personnel can be called on to alleviate the consequences of catastrophes, accidents, and natural disasters and in other individual cases only upon the decision of the Verkhovna Rada of Ukraine.

Term of duty is included in their record of insured work, total work record, work record according to their speciality, as well as their civil service record. The term of conscript service is included in 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 a professional education school, worked in accordance with a primary profession and occupied the position that granted the right to have an age-pension benefits prior to the date of validity of the Law of Ukraine "On Pension Provisions" and 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. Term of military duty during the *special period* declared in accordance with the Law "On Defence of Ukraine" is included in their record of insured work, total work record, work record according to their speciality, as well as their civil service record in accordance with preferential procedure approved by the Cabinet.

Service personnel are guaranteed the freedom of scientific, technical and artistic creativity. Service personnel cannot be engaged in entrepreneurial activity.

In case of temporary fulfilment by a service member of a higher command post, the payment is made according to the established procedure in the post replaced.

2. Service personnel (except for service personnel 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 expiration of the term of the contract, in connection with direct subordination to close relative or 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 entry into force of the court ruling on punishment for criminal act of corruption

related to the violation of limitations stipulated by the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption", in connection with the denial 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 service member carrying out military service on a contract basis or in the cadre military service shall be renewed in the previous position or, with his or her 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 service member 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 service member (both in calendar and preferential calculation) and in the period established for the conferment of the next military rank.

3. Active service personnel, 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 months 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 financial assistance 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 state budget funds. They enjoy, under other equal conditions, the priority right 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.

Service personnel 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 before the end of their 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 service personnel discharged in connection with staff reductions or organisational measures, for health reasons, as well as service personnel 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 service personnel at their request. The adaptation of the aforementioned category of persons is carried out by the Central Executive body responsible for the formation and execution of the state policy in the area of employment and labour migration, labour relations, social protection of population at the expense of the state budget funds.

Service personnel having a record of honourable 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 centres of retraining and employment assistance of all forms of ownership during working hours.

6. Service personnel mobilised for military duty during the *special period* have preferential right for signing the contract for military service after the end of the *special period*.

Article 8-1. The right of Service Personnel to Select the Place of Residence and to Travel Abroad

1. Service personnel 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. Service personnel have rights equal with other citizens of Ukraine to travel abroad in accordance with procedure established by the law.

Article 9. Financial Support to Service Personnel

1. The state guarantees adequate material, financial and other types of support to service personnel in amounts that correspond to the conditions of military service and stimulates the development of the qualified military personnel.

The Central Executive body responsible for the execution of state policy in the area of labour and social policy and other Central Executive bodies according to their competencies develop and follow established procedures introduce proposals on financial allowance for military service personnel.

The following belongs to 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.
2. Financial support is determined on the basis of the post, military rank, duration, intensity and conditions of military service, qualifications, education level and scholarly degree of the service member.

Financial support is subject to relevant prices-related correction in accordance with the law.

3. 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.
4. Service personnel 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.
5. Service personnel captured, taken as hostages, interned in neutral states or who are missing in action are guaranteed financial support and other types of support. Families of the aforementioned service personnel receive monthly financial support, including additional and other types of financial support, in amounts assigned to the service member on the day of his or her capture, hostage taking, and internment in a neutral state or disappearance.

The purview of this item does not apply to service personnel who were voluntarily captured.

Financial support is paid to the following family members of service personnel:

To the wife (husband), if the service member has no wife (husband) – to the adult children who live together with her (him), legal representatives (guardians) or adoptive parents of minors (of disabled from childhood, regardless of their age), as well as to persons who depend on service personnel's support or to parents of service personnel in equal parts if service personnel 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 service personnel, or after the recognition of service personnel 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 service personnel from the list of the personnel of military units.

In case of the relevant prices-related correction of financial support of service personnel 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 service personnel who are captured, taken as hostages, interned in neutral states or have disappeared is paid, taking into account such indexation.

6. Service personnel 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 that can be occupied by service personnel in these state organs, enterprises, establishments and organisations.

Article 9-1. Food, Clothing and Other Supply for Service Personnel

1. The food and clothing supply of service personnel 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 service personnel carrying out military service on a contract basis or service personnel 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 service member and 50 per cent of monthly financial support for each family member of the service member 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 service member and every family member of the service member who moves together with him.

Article 10. Working Time and Rest Time of Service Personnel

1. The general duration of working time of service personnel 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 service personnel during a day and a week in military units is carried out in such a way as to ensure consistent readiness in military units, the carrying out of combat training, the creation of conditions for the maintenance of order, military discipline, education of service personnel,

increase in cultural standards, as well as to ensure comprehensive domestic services, rest and meals.

3. The distribution of working time of service personnel 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. Service personnel, except for service personnel in regular military service, are entitled to a five-day workweek with two days off; service personnel 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 workweek with one day off.
5. Military training, naval 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, holidays and days off are assigned days of rest for all personnel, except for service personnel carrying out official duties. These days are allocated for rest, cultural-educational work, sports and games. Service personnel, except for service personnel 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 service personnel 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 10-1. The Right of Service Personnel to Vacations. The Procedure for Granting a Vacation to Service Personnel and Recall from it

1. Service personnel, except for service personnel 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 healthcare equal to a month's salary. The duration of an annual basic vacation for service personnel 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; and for over 20 calendar years – 45 calendar days. Service personnel 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 service personnel 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 the 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 service member. The same procedure is used to give the annual basic leave for service personnel, who were on maternal leave till the age of three of their child.

3. Upon request of the service member, 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 service personnel (except for conscripts) doing military service under heavy emotional and intellectual burdens or in specific natural geographic, geological, climate and ecological conditions and life and health threatening conditions can be given with the preservation of 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 burdens 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 service member 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. Service personnel 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 fewer 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. Service personnel (except for conscripts) on business trips outside Ukraine are allowed upon their request to combine annual basic leave for two years. The total duration of the combined leave should not exceed 90 calendar days
8. Service personnel's (except for conscripts) additional leave in connection with education, creative works and on social grounds are given as provided by the Law of Ukraine "On Leaves". Other additional leaves are granted 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 leave to service personnel shall be provided without keeping the level of regular service payment.

9. Leave for reasons of family circumstances without keeping the level of financial support is given to service personnel 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 service personnel, father (mother) of spouse or the person who adopted the service personnel – 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 service personnel 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 other exceptional circumstances, when the presence of the service personnel 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 a calendar year.

10. By the decision of the commander (chief) of military unit the service personnel (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. Convalescent leave in connection with illness with the preservation of the material and financial support is given to the service personnel on the basis of the findings of the military-medical commission. Duration of such leave is determined by the nature of the illness. 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, service personnel 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 service member 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 service member has the right to receive leave in her (his) suitable time simultaneously with the annual basic leave of the service personnel.
14. Service personnel (except for conscripts) who leave military service, except for the persons discharged for reasons of age, health, in connection with direct subordination to close relative 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.

Service personnel (except for conscripts) who leave military service for reasons of age, health, in connection with direct subordination to close relative and in con-

nection 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, service personnel 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 service personnel with children.

When discharged from service prior to the end of the calendar year, for which the service member was given leave, except for the persons discharged for reasons of age, health, in connection with direct subordination to close relative and in connection with staff reduction, the withdrawal from the service member's pay is made in compensation for days of leave that were accounted for the part of the year after discharge of the service member 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.

In case of the death of service personnel the withdrawal for unused days of leave from his payment shall not be made.

Service personnel 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 the entry into force of the court ruling on punishment for criminal act of corruption related to the violation of limitations on punishment by the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption", in connection with revoking military rank through disciplinary procedure, as well as in connection with systemic violation of contract conditions by the service personnel) while annual leave was not used by the service personnel, they have the right to use their leave first and subsequently leave the service. The date of discharge of service personnel 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 service personnel 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 the contract shall be extended until the end of the leave.

16. The recall of service personnel 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.

In case of recall from annual consecutive leave the part that was not used is given to service personnel in the current year. If the unused part of leave is 10 calendar days or more, the service personnel 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.

17. During the *special period*, from the time of declaration of mobilisation until the time of the martial law introduction or until the time of demobilisation, granting service personnel the basic annual leaves shall be done only under condition of simultaneous absence of no more than 30 per cent of the total number of the same category of service personnel in a given unit.
18. During the *special period*, in time when the martial law is introduced, service personnel can be granted a family related leave or another important reason leave when regular allowance is kept for no more than 10 calendar days.
19. Providing service personnel with other types of leaves during the periods indicated in Articles 17 and 18 shall be halted, except for maternity leaves to female service personnel, childcare leave until the child turns three years old or longer in accordance with medical recommendation in case a child needs homecare, but not exceeding six years old, as well as leaves for medical treatment or leaves for recovering after a serious wound in compliance with a military medical commission's recommendation.

Article 11. The Right of Service Personnel to Healthcare and Medical Treatment

1. Healthcare for service personnel 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 cooperation with local executive authorities and local self-government organs.

Care for the preservation and strengthening of the health of service personnel 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.

Service personnel, 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 medical establishments. Service personnel undertake medical examinations annually and medical prophylactic measures.

If there are no medical 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. Service personnel 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 service personnel (except for service personnel 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 service personnel and persons discharged from the reserve or in retirement, as well as of service personnel who have perished (died), disappeared, became disabled during the performance of military service or suffered in captivity during military operations (wars) or participation in international peace-keeping 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 service personnel 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. Service personnel (except for service personnel 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 service personnel 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 service personnel 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 disabled from childhood (regardless of age).

Benefits indicated in the first sentence of the first paragraph of this clause are granted to service personnel and their family members under condition that the total average income of the family member for the last six months does not exceed the amount of the tax social benefit level calculated in accordance with procedure approved by the Cabinet.

The treatment of service personnel 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.

Service personnel in regular military service, students (cadets) at higher military education establishments and higher education establishments with military education departments, educational centres (units) and service personnel and women, as a result of medical recommendation, are provided with health care treatment in sanatoriums free of charge.

Service personnel who have contracted a illness 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.

Service personnel subject to harmful workplace conditions due to the special nature of their service, service personnel who became disabled 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 become disabled (I and II groups) as a result of illness resulting from the performance of military service are treated in sanatoriums regardless of the type of pension they receive.

Disabled 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. Service personnel who became disabled as a result of military operations, as well as participants in military operations have the same rights as disabled and participants in the Great Patriotic War.
5. Service personnel and women have all the privileges foreseen in the legislation on social protection of women, maternity and childhood. These privileges also apply to parents: service personnel 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. Service personnel discharged from military service as a result of illness related to the performance of military service duties and family members of service personnel 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 command 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 12. Housing Support to Service Personnel and Members of Their Families

1. The state provides service personnel 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 the Ukrainian Soviet Socialist Republic and other normative-legal acts.

Service personnel 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 service personnel 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 one off-base site during the entire duration of service, provided they have not yet exercised their right to free privatisation of housing.

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 service personnel, 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 for providing service personnel and members of their families with housing, and also the amount and the procedure of payment to the service personnel of financial compensation for rent of housing are determined by the Cabinet of Ministers of Ukraine.

2. Service personnel 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 disabled due to injury, contusion, and mutilation, received during the performance of military service, or due to illness received during military service, are provided, taking into account the established procedure, with housing in the settlements chosen by them for re-

siding 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 service personnel 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. Service personnel having served 20 years or more, in case of receiving assignment outside Ukraine or transferred to service in the area of intensive radioactive pollution as a result of the 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. Service personnel as well as persons discharged from military service who became disabled during military service and the members of their families supported by them, to parents and members of families of service personnel, 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 disabled during military service are given a 50 per cent discount for instalment and use of home phones.

Benefits indicated in the first paragraph of this clause are granted to service personnel and their dependent family members under condition that the total average income of the family member for the last six months does not exceed the amount of the tax social benefit level calculated in accordance with procedure approved by the Cabinet.

6. Service personnel having served 17 years and requiring improvement of living conditions have the right to a 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 service personnel, parents and members of families of the service personnel lost (died) or reported missing during military service, and also the persons discharged from military service who became disabled during military service if they have expressed the desire to construct individual apartments.

7. Service personnel 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 for 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 service personnel only once during all term of duty.

The procedure and conditions to grant the service personnel credits for individual residential building or purchase of an individual apartment are determined by the Cabinet of Ministers of Ukraine.

8. Service personnel 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 disabled (I or II groups), members of families of service personnel lost (died) or reported missing during military service, have the right to free receipt of private property of premises where they hold in houses of the state available housing fund.
9. Service personnel 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 receipt 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 receipt of housing.

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 receipt of housing, his or her family keeps the right to reception of housing according the same procedure.

Article 13. The right of Service Personnel and Their Family Members to Education

1. Service personnel have the right to study (including postgraduate education) in military education establishments, appropriate subdivisions of training, retraining and improving the level of their skills. Service personnel 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 service personnel, except for service personnel 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.

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 service personnel carrying out military service on a contract basis or service personnel 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 service personnel are granted in priority order places in general and preschool education establishments and in children's healthcare camps regardless of forms of their ownership at the place of residence of their families.
5. Children of service personnel 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 service personnel who have died during the performance of military service duties, disappeared or became disabled as a result of illness 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 during the period of three years after obtaining the level of school education required for enrolment.

Persons, who have one of the parents (guardians) service personnel dead or missing by court's decision during the performance of military service duties, during the period of three years after obtaining the required level of school education can be enrolled without competition for individually selected course in the State and community higher and professional educational establishments of Ukraine for study at the expense of the State and local budgets.

Article 14. Privileges of Service Personnel and Members of their Families

1. Service personnel 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;
 - 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;

Benefits indicated in the paragraph "b" of the sub-clause 1) of this clause are granted under condition that the total average income of the family member for the last

six months does not exceed the amount of the tax social benefit level calculated in accordance with procedure approved by the Cabinet.

- 2) By all types of public city, suburban and inter-town transport (except for taxi), only service personnel in regular military service.
2. During the transfer of service personnel 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 service personnel (except for service personnel 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 service member in connection with his transfer;
 - 2) To the place where a service member goes on vacation within the territory of Ukraine;
 - 3) In case of the discharge of a service member from military service and in case of the death of a service member – to the selected place of residence within the territory of Ukraine.

The family members of service personnel during the journey to the selected place of residence in connection with the death of a service member 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.

Benefits indicated in the sub-clause 2) of this clause are granted under condition that the total average income of the family member for the last six months does not exceed the amount of the tax social benefit level calculated in accordance with procedure approved by the Cabinet.

4. Service personnel who became disabled as a result of military operations, participants of military operations and persons with an equal status, as well as the parents of service personnel 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. Service personnel 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. Service personnel 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, service personnel are compensated for expenses in accordance with the procedure established by the Cabinet of Ministers of Ukraine.
7. Service personnel, except for service personnel in regular military service, have the right to a priority installation of a home telephone and home security system.
8. Service personnel in regular military service have the right to send and receive letters free of charge. 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 service personnel, members of their families and their private property by railway, air, water and automobile (except for taxi) transport and hotel reservations for service personnel 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. Service personnel 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 service member, 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 service member in regular military service sentenced to confinement in the disciplinary battalion of service personnel 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 pro-

cedure for the delivery of identity documents are established by the Cabinet of Ministers of Ukraine.

14. Service personnel and members of their families who suffered as a result of the Chernobyl catastrophe 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".
15. For service personnel on duty from the introduction and until the end of the *special period*, and for reservists and citizens liable for service – from the moment of their mobilisation and until the end of the *special period*, the penalty for failure to meet obligations to enterprises, offices and organisations of all forms of property, including banks, and to physical persons, as well as interest on loan, is not charged.

Article 15. Pensions and Help

1. The provision with pensions of service personnel 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. Service personnel, except for service personnel 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, in connection with direct subordination to close relative, with a systematic failure of commanders to fulfil contract terms, as well as in connection with introduction of the *special period* and refusal to continue military service by a female service member who has a child (children) under the age of 18 after the expiration of a contract, service personnel 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.

Service personnel 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.

Service personnel 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 that has entered into force, in connection with the entry into force of the court ruling on punishment for criminal act of corruption related to the violation of limitations stipulated by the Law "On Fundamentals of Prevention and Countering Corruption" 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 service personnel 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.

Service personnel 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.

Service personnel 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.

Service personnel mobilised for conscript military service receive a one-time allowance envisaged in this item for the period of their service from the day of the first entry in service without counting the period of previous peacetime service, except for persons who during the previous peacetime service have not acquired the right to such an allowance. This allowance is paid on the day of their demobilisation. Conditions and procedure for payment of a one-time allowance to service personnel mobilised for conscript military service shall be approved by the Cabinet.

A one-time allowance envisaged in this item is not paid to the service personnel who on March 16, 2014, were serving in the territory of the Crimean Autonomous Republic and city of Sevastopol but failed to continue their service orderly outside of temporarily occupied territory of Ukraine.

3. Service personnel are paid an allowance for improvement of health and the state assists families with children according to the procedure and at the rate determined by the legislation of Ukraine.
4. The military formations of a service member lost or having died during military service provides the service member'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 established by the Cabinet of Ministers of Ukraine.

The parents and minor children, and also children – disabled since childhood (irrespective of their age) – of the service personnel 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 service personnel taking into account the factor of indexation of monetary income.

Article 16. Payment of a One-Time Financial Allowance in Case of Death, Disability or Partial Disability Without Formal Disability of Service Personnel, Persons Liable For Military Service and Reservists Called Up for Instruction (Inspection) and Special Training, or for Service in the Military Reserve

1. One-time financial allowance in case of death, disability or partial disability without formal disability of service personnel, persons liable for military service and reservists called up for instruction (inspection) and special training, or for service in

military reserve (further on – one-time financial allowance) – the State guaranteed payment to the individuals who have the right to receive it assured by this Law.

2. One-time financial allowance is assigned and paid in case:
 - 1) Death of a service member as a result of his or her performance of military service duties or as a consequence of illness resulted from his or her performance of military service duties;
 - 2) Death of a service member in the period of his performance of military service duties or as a consequence of illness or accident occurred in the period of his or her performance of military service duties;
 - 3) Death of a person liable for military service or a reservist called up for instruction (inspection) or special training or reserve service as a result of his performance of military service duties or service in the military reserve;
 - 4) Confirmation of service member disability resulting from a wound (contusion, trauma, mutilation) received by a service member during the performance of military service duties as a consequence of illness resulted from his or her performance of military service duties or confirmation of disability after discharge from military service as a consequence of factors indicated in this sub-clause;
 - 5) Confirmation of service member disability received in the period of his performance of military service duties or as a consequence of illness occurred in the period of his performance of military service duties, or confirmation of disability after discharge of the service member from military service no later than three months after discharge from service, or later, but as a consequence of illness or accident occurred in the period of military service;
 - 6) Confirmation to a person liable for military service or a reservist called up for instruction (inspection) or special training or reserve service, of disability resulted from wound (contusion, trauma, mutilation) received by a service member or reservist during the performance of military service duties or service in military reserve, or no later than three months after the end of training, service in military reserve, but as a consequence of illness or accident occurred in the period of this training or service in military reserve;
 - 7) Wound (contusion, trauma, mutilation) received by a service member during the performance of military service duties which lead to partial disability without his or her formal recognition of invalidity status;
 - 8) Wound (contusion, trauma, mutilation) received by a conscript service member during the performance of conscript military service duties which lead to partial disability without his or her formal recognition of invalidity status;
 - 9) Wound (contusion, trauma, mutilation) received by a service member, or reservist called up for instructive (inspection) or special training or reserve service, during

the performance of military service duties or service in military reserve which led to partial disability without his or her formal recognition of invalidity status;

3. Service personnel are considered to be performing the military service duties if the performance corresponds to conditions stipulated by the Law "On Military Duty and Military Service".

Persons liable for military service and reservists are considered to be performing the military service duties, service in military reserve, if the performance corresponds to conditions stipulated by the Law of Ukraine "On Military Duty and Military Service" or decrees by the President of Ukraine.

Article 16-1. Persons Having the Right for Allocation and Receiving One-Time Financial Allowance

1. In cases indicated in sub-clauses 1-3 of clause 3 Article 16 of this Law the right for allocation and receiving one-time financial allowance have the family members, parents or dependents of the deceased service member, person liable for military service or reservist.
2. Family members and parents of the deceased service member, person liable for military service or reservist are identified on the basis of the Family Code of Ukraine, and dependents – on the basis of the Law of Ukraine "On Pension of Persons Discharged from Military Service and Other Persons".

Article 16-2. Amount of one-time financial allowance

1. One-time financial allowance is allocated and paid in the amount of:
 - 1) 500 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 – in case of the death of service member, person liable for military service or reservist under circumstances indicated in sub-clauses 1-3 of clause 2 Article 16 of this Law;
 - 2) 250 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; in case of establishment of the I group disability for the service member, 200 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; in case of establishment of the II group disability for the service member, 150 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 in case of establishment of the III group disability for service member (sub-clause 4 of clause 2 Article 16 of this Law). One-time financial allowance, in cases indicated in sub-clauses 5-9 of clause 2 Article 16 of this Law, is allocated and paid depending on the established degree of invalidity or partial disability of service member, person liable for military service or reservist in the amount approved by the Cabinet. In view of that, in cases indicated in sub-clause 5 of clause 2 Article 16 of this Law, the amount of one-time finan-

cial allowance can not be less 70 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.

Article 16-3. Allocation and Payment of One-Time Financial Allowance

1. One-time financial allowance, in cases indicated in sub-clauses 1-3 of clause 2 Article 16 of this Law, is allocated and paid in equal shares to all individuals who have the right to receive it. In case individuals, indicated in Article 16-1 of this Law, refuse to receive one-time financial allowance, their share is distributed among the other individuals who have the right to receive it.
2. In cases indicated in sub-clauses 4-9 of clause 2 Article 16 of this Law, one-time financial allowance is allocated and paid to pertinent service personnel, persons liable for military service or reservists.
3. Establishment of invalidity or determining of the degree of disability without formal invalidity of service personnel, persons liable for military service and reservists is conducted on individual basis in accordance with established procedures by the State health care institutions.
4. In case during two years after the first instance of establishment of invalidity or determining of the degree of disability without formal invalidity of service member, person liable for military service or reservist, the next repeated examination would establish the higher group of invalidity or determine the higher degree of disability, this would allow for the right to receive larger sum of one-time financial allowance paid with taking into account previously paid amount.
5. In case of establishment of invalidity or determining of the degree of disability without formal invalidity of service member, person discharged from military service who on the day of establishment of invalidity or determining of the degree of disability without formal invalidity, or on the day of discharge from military service assigned to serve in the public administration institution or organisation preserving his (her) status of military service member, shall be paid one-time financial allowance from the budgets of these administrative institutions or organisations they assigned to.

In the same order one-time financial allowance is paid to individuals who have the right to receive it in case of the death of service member assigned to serve in the public administrative institution or organisation preserving his (her) status of military service member.

6. One-time financial allowance is allocated and paid by the Ministry of Defence of Ukraine, other Central Executives which have under their control military formations and law enforcement bodies, as well as by public administration bodies, military formations and law enforcement bodies in which military service is performed

by military service personnel, instructive (inspection) and special training – by persons liable for military service, service in military reserve – by reservists.

7. In case an individual simultaneously has the right for one-time financial allowance provided by this Law and one-time financial allowance or compensation stipulated by other normative-legal acts, payment shall be made according to one of the chosen options.
8. Individuals who have the right for one-time financial allowance provided by this Law can exercise it in the course of a three-year term starting from the day of obtaining this right.
9. Procedure for allocation and payment of one-time financial allowance is approved by the Cabinet.

Article 16-4. Grounds for Cancellation of Allocation and Payment of One-Time Financial Allowance

1. Allocation and payment of one-time financial allowance shall be cancelled when death, wound (contusion, trauma, mutilation) invalidity or partial disability without formal invalidity of service personnel is a consequence of:
 - 1) Criminal act or administrative offence;
 - 2) Action under alcoholic, narcotic or toxic type of intoxication;
 - 3) Intentional infliction of a bodily injury, other harm to individual's own health or suicide (except in case of bringing a person to commit suicide, proved in court);
 - 4) Submitting by individual knowingly false information to get allocation and payment of a one-time financial allowance.

Article 17. Damage Reparation

Reparation to the service personnel for moral and material damage caused is made according to the procedure established by the law.

Article 18. Social Guarantees of the Rights of Family Members of Service Personnel

1. Members of families of service personnel 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 service personnel, except for service personnel 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 service personnel at the rate of 100 per cent of the official salary irrespective of the insurance record.

3. The wives (husbands) of service personnel, except for service personnel 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 service personnel 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 service personnel and children of service personnel 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 service personnel transferred to the reserve or resigned.
6. The widow (widower) of a service member who died, as well as the wife (husband) of a service member 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 disabled from childhood and parents of the service member who depended on him for their support have the right to privileges foreseen in this Law.

Members of families of service personnel who serve during the *special period* declared in accordance with the Law of Ukraine "On Defence of Ukraine" are guaranteed to receive the allowances of these service personnel in case they can not receive it due to participation in combat actions and operations. In this case payment of the allowance is provided to members of families of service personnel indicated in clause 6 of Article 9 of this Law.

Procedure for payment of the allowance to members of families of service personnel as indicated in this clause is determined by the Ministry of Defence of Ukraine, other Central Executives that control military formations and law enforcement organs, as well as military formations, law enforcement and intelligence organs legally having military service personnel in their staff.
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 service personnel as well.

PART III. THE RIGHT OF SERVICE PERSONNEL TO APPEAL AGAINST UNLAWFUL DECISIONS AND ACTIONS AND TO LEGAL ASSISTANCE

Article 19. The Right of Service Personnel to Appeal Against Unlawful Decisions and Actions

Unlawful decisions and actions (inaction) of military management organs and commanders (chiefs) can be appealed by service personnel in accordance with the pro-

cedure established in the laws, the Statutes of the Armed Forces of Ukraine and other normative legal acts.

Article 20. The Right of Service Personnel to Legal Assistance

Service personnel are guaranteed the right to defence in accordance with the procedure established in the laws of Ukraine.

Legal proceedings in cases on the participation of service personnel in military service on the territory of Ukraine are carried out in accordance with the laws of Ukraine; with the participation of service personnel in military service outside the territory of Ukraine – in accordance with the requirements of international agreements ratified by the Verkhovna Rada of Ukraine.

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

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 is excluded as provided by the Law No. 1697-VII of 14.10.2014}

PART V. FINANCING OF EXPENSES RELATED TO THE IMPLEMENTATION OF THIS LAW

Article 23. Financing of Expenses Related to the Implementation of this Law

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 that control military formations and law enforcement organs, as well from other sources envisaged in the law.

President of Ukraine Leonid Kravchuk

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, BVR, 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, BVR, 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.
No. 4652-VI of 13.04.2012, BVR, 2013, No. 21, p. 208
No. 4711-VI of 17.05.2012, BVR, 2013, No. 14, p. 89
No. 5286-VI of 18.09.2012, BVR, 2013, No. 38, p. 499
No. 5462-VI of 16.10.2012, BVR, 2014, No. 6-7, p. 80
No. 224-VII of 14.05.2013, BVR, 2014, No. 11, p. 132
No. 231-VII of 14.05.2013, BVR, 2014, No. 11, p. 135
No. 1166-VII of 27.03.2014, BVR, 2014, No. 20-21, p. 745
No. 1169-VII of 27.03.2014, BVR, 2014, No. 20-21, p. 746
No. 1194-VII of 09.04.2014, BVR, 2014, No. 25, p. 890
No. 1241-VII of 06.05.2014, BVR, 2014, No. 27, p. 907
No. 1243-VII of 06.05.2014, BVR, 2014, No. 27, p. 909
No. 1275-VII of 20.05.2014, BVR, 2014, No. 29, p. 942

(In the text of the Law "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 criminal execution system of Ukraine" in all cases with the words "the State Penitentiary 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 Penitentiary Service of Ukraine, as well as other persons who have the right to a pension in accordance with this Law.

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.

PART I. GENERAL PROVISIONS

Article 1. Types of Pension Support

Officers, ensigns and warrant officers, service personnel 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 Penitentiary Service of Ukraine have the right to long-service pension.

Service personnel, persons having the right to pension according to this Law who became disabled under the conditions stipulated by this Law, acquire the right to the disability pension.

Members of families of service personnel, 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

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.

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.

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".

Article 1-2. Persons who Have the Right to a Pension in Accordance With This Law

The following persons discharged from service have the right to a pension:

- a. Officers, ensigns, warrant officers, service personnel 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 Penitentiary Service of Ukraine and persons holding the rank of commander and private in the civil defence organs and subdivisions;
- c. Service personnel 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;
- e. Citizens of other states – service personnel 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. Service personnel in regular military service, members of families of officers, ensigns and warrant officers, service personnel 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.

Article 2. Conditions of Pension Support

Service personnel, 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.

The pensioners from among service personnel 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 the State Service for Special Communication and Information Protection and the State Special Transport Service, service in law enforcement organs, organs and units of civil defence, tax militia and penitentiary 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.

For the pensioners from among the service personnel and persons receiving pension under this Law, in case of their call up for military service in the event of partial or general mobilisation, during the *special period* in the Armed Forces of Ukraine, other military formations created in accordance with the Laws of Ukraine, organs and units of civil defence the payment of pensions for the period of their service shall not be suspended. After discharge from service of these persons the payment of pensions is carried out taking into account the additional term of duty since the date of call up until the date of demobilisation or discharge. In case the new amount of their pensions appears to be lower than correspondent amount prior to the call up for service, the pension is paid in the amount, which they had before call up or enrolment to service in case of mobilisation, during the *special period*.

Procedures indicated in the third part of this Article for the preservation, allocation and payment of pensions is valid for military service personnel and persons receiving pension under this Law, accepted for service on positions of commanding officers

and privates at law enforcement organs in units of patrol service of special designation militia.

The disability pension to service personnel, 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 3. Persons Having the Right to Pension on a Level With Service Personnel of Active Service and Their family members

Conditions, norms and procedure for pension support established by this Law for service personnel 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 disabled in connection with injury, mutilation or due to the illness 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. Citizens who became disabled in connection with injury, mutilation or due to illness connected with service in pursuit battalions, platoons and detachments for public protection, and members of their families;
- d. Reservists called to refresher courses, special or testing periodical training, or became disabled 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, Service Personnel of Additional Service and Contractual Military Service and Members of Their Families

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.

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 service personnel of additional service and contractual military service and members of their families.

Article 5. Granting of Pensions on the Bases Established by the Law of Ukraine "On Compulsory State Pension Insurance"

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.

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.

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 5-1. 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

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).

Article 6. Pensions to Families of Dead Pensioners

Families of dead pensioners from among service personnel, persons having the right to pension according to this Law, have the right to loss of support pension on a level equal to members of families of service personnel and persons having the right to pension according to this Law.

Article 7. Option of Pension

Service personnel, 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 pen-

sion 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 or 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 8. Sources for Payment of Pensions

Payment of pensions, including additional pensions, extra payments, bonuses and increases to the above, compensations established by the law to retired military service personnel and individuals having the right for pension according to this Law, is provided at the expense of the State Budget of Ukraine.

Article 9. Payment of the Grant

Service personnel 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, in connection with direct subordination to close relative, systemic violation of the terms of contract by commanders, as well as in connection with introduction of the *special period* and refusal to continue military service by female service member who has a child (children) under the age of 16 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.

Service personnel 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.

Officers, ensigns, warrant officers, service personnel 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, in connection with the entry into force of the court ruling on punishment for administrative offence of corrupt nature related to the violation of limitations stipulated by the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption" do not receive a one-time allowance envisaged in this article.

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, service personnel car-

rying 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 Internal Affairs of Ukraine, the State Service for Special Communication and Information Protection, Central Executives responsible for execution of the state policy in the areas of civil protection, transportation, penitentiary service, fire and technogenic protection, universal state tax policy, 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.

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 Penitentiary 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 Penitentiary 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.

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.

Members of families of officers, ensigns, warrant officers, service personnel 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.

This article does not cover service personnel who on March 16, 2014, were serving on the territory of the Crimean Autonomous Republic and city of Sevastopol, except for those individuals who continued their service orderly outside of temporarily occupied territory 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

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.

The conditions for granting and the procedure for payment of the monthly allowance are determined by the Cabinet of Ministers of Ukraine.

Article 10. The Organs of Pension Support

Allocation and payment of pensions to individuals indicated in Article 1-2 of this Law are carried out by the organs of the Pension Fund of Ukraine.

Article 11. Pensions to Persons who have Suffered from the Chernobyl Accident

Conditions, norms and procedure of pension support of service personnel, 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.

Article 11-1. Social Support to Pensioners

Local self-government organs within limits of their legal authority may initiate the allocation supplements to the pensions allocated in accordance with this Law at the expense of local budget, additional compensations to certain pensioners determined by this Law and their family members.

PART II. LONG-SERVICE PENSIONS

Article 12. Conditions for Granting Pensions for Time-in-Service

A pension for time-in-service is granted to:

- a. Officers, ensigns, warrant officers, service personnel 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.
- b. Officers, ensigns, warrant officers, service personnel 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 a documented 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 Penitentiary Service of Ukraine.
- Persons who are combat-disabled receive a pension on the conditions determined in this item regardless of age;
- c. Officers, ensigns, warrant officers, service personnel 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 Service personnel and their Families when Discharged from Service during Armed Forces Reform”;
- d. Officers, ensigns, warrant officers, service personnel 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 in 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.

Right to receive pension for the time-in-service is preserved for persons discharged from service prior to entering into force of the Law of Ukraine of July 8, 2011, “On Measures of Legal Support to Reformation of Pension System” and have 20 years of the time-in-service in case of their call up for military service in the event of mobilisation and subsequent demobilisation.

Article 13. Amounts of Long-Service Pensions

Long-service pensions are fixed at the following rates:

- a. To officers, ensigns and warrant officers, service personnel 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, service personnel 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 a documented 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 Penitentiary 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);
- c. Officers, ensigns, warrant officers, service personnel 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 Service personnel 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);

The total amount of pension calculated according to this Article should not exceed 70 per cent of the relevant sum of monetary allowance (Article 43); the pension of persons who while performing service took part in the mitigation of the aftermath 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.

Article 14. Minimum Amount of Long-Service Pension

The minimum amount of long-service pensions fixed according to this Law has to be equivalent to minimum survival level for persons with disabilities established by the law.

Article 15. Rise in Pensions for Time-in-Service

Officers, ensigns, warrant officers, service personnel 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 16. Increments and Aid Paid in Addition to the Pension for Time-in-Service

In addition to the pension for time-in-service, officers, ensigns, warrant officers and service personnel 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 non-working pensioners taking care of the members of their families with disabilities 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 persons with disabilities for every family member with disabilities. 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 the disabled, state social aid for those disabled from childhood, 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 family member with disabilities, 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 family members with disabilities, increments are paid only to one of the pensioners at their discretion for every person with disabilities;
- b. State social aid provided for the care of those with disabilities 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 illness, 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 are Disabled";
- 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".

Increments and aid envisioned in this Article can be granted simultaneously.

Article 17. Types of Service and Periods of Time Counted Toward Granting Pensions for Time-in-Service

For officers, ensigns, warrant officers, service personnel 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 Penitentiary Service of Ukraine for persons holding the rank of commander and private from the day of appointment to the corresponding position;
- 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 Penitentiary Service of Ukraine;
- 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 Penitentiary Service of Ukraine;
- 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 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 Penitentiary 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 where service personnel 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 Penitentiary 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, Central Executives responsible for formation of the state policy in the areas of penitentiary service, civil protection, fire and technogenic protection, and state financial policy;
- k. The time of work on positions of civil servants at the State Penitentiary Service of Ukraine and in the subordinate divisions 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 Central Executives responsible for formation of the state policy in the areas of penitentiary service, civil protection, fire and technogenic protection;
- l. The time of military service outside Ukraine in the framework of military cooperation or in the staff of national contingent or national personnel in accordance with the international agreements ratified by the Verkhovna Rada of Ukraine.

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 subordinate divisions, the tax police and the State Penitentiary 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 Penitentiary 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.

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.

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 17-1. 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

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.

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

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 personnel file of a service member, the person who has the right to a pension in accordance with this Law.

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 Penitentiary 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

PART III. DISABILITY PENSIONS

Article 18. Conditions of Establishment of Disability Pensions

Disability pensions are granted to persons who have the right to a pension in accordance with this Law in case the 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 illness (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 19. Establishment of Invalidity

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.

Depending on a degree of disability, which is divided into three categories.

Article 20. The Reasons for Disability

Depending on the reason for disability, persons having the right to a pension according to this Law are divided into the following categories:

- a. Combat disabled- invalidity due to injury, contusion, mutilation, illness 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 disabled from among service personnel, persons having the right to pension according to this Law, disability due to mutilation received as a result of accident not connected with the performance of duties of military service (official duties), or due to illness connected with service.

Article 21. Amounts of Disability Pensions

Disability pensions to service personnel, persons having the right to pension according to this Law, are fixed at the following rates:

- To combat disabled of I group – 100 per cent, II group – 80 per cent, III group – 60 per cent of the relevant monetary allowance (earnings);
- To other disabled 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

The following minimum disability pensions are established:

- To combat disabled 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 disabled 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 disabled 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, service personnel of additional service and contractual military service, persons of junior commanding personnel and privates of law enforcement organs, the State Penitentiary 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 Penitentiary Service of Ukraine and the state fire department – 130 per cent of the relevant minimal amount of pension stipulated by this Article for disabled from among the soldiers and sailors of active service.

Article 23. Establishment of Disability Pensions at the Rate of Long-Service Pension

If the disabled is from among officers, ensigns and warrant officers, service personnel 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 24. Increments and Aid Paid in Addition to Disability Pension

In addition to disability pensions, officers, ensigns, warrant officers and service personnel 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 non-working-disabled taking care of members of their families with disabilities (Article 30) equal to 50 per cent of the minimum living standard for persons for every family member with disabilities. 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 those with disabilities, state social aid for disabled from childhood and children with disabilities, 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 family members with disabilities, increments are paid only to one of the pensioners at their discretion for every person with disabilities;
- 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 are Disabled";
- 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".

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 25. Rises in Disability Pensions

Officers, ensigns, warrant officers and service personnel 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 26. Terms of Establishment and Payment of Disability Pensions

Disability pensions to service personnel, persons having the right to a pension according to this Law, are established for the whole period of invalidity fixed by a commission of medical-social experts, and to disabled, 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 disabled is made only by the latter’s request.

In case of recognition of the pensioner who has not attained the able-bodied pension age, the pension is paid to him or 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 Classification of Disability

At the change of the classification of disability that takes place after the establishment of pension, the amount of pension changes accordingly. If the state of health of the person with disabilities deteriorates in connection with a systemic illness, a work-related mutilation or occupational illness, the pension is recalculated according to the new group of disability, with preservation of its reason.

Article 28. Conditions of Renewal of Payment of Pension for Interruption of Disability

In case of infringement by the person with disabilities from among service personnel, persons having the right to a 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 or her recognition disabled again – renews from the date of suspension, but no more than within one month prior to day of repeated examination.

In case of infringement by the person with disabilities 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 disability for this period. If under these conditions upon repeated examination another group of disability is established (lower or higher), the pension for the specified time is paid according to former group of disability.

PART IV. LOSS OF SUPPORTER PENSIONS

Article 29. Conditions of Establishment of Loss of Supporter Pensions

Loss of supporter pensions to families of service personnel, 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 illness received during service, and to families of pensioners from among these service personnel, persons having the right to pension according to this Law, if the supporter died while receiving the pension or no later than five years after the termination of its payment. At that, families of the service personnel reported missing during operations are equated to families of those killed in combat.

Article 30. Family Members that have the Right to Loss of Supporter Pension

Loss of supporter pensions are granted to the members of families of the lost with disabilities, dead or reported missing service personnel, persons having the right to pension according to this Law, who supported them (Article 31).

Irrespective of dependence of the supporter the pension is granted: to children with disabilities; to parents with disabilities and wife (husband) if they have after the death of the supporter lost their source of subsistence, and also parents with disabilities and the wife (husband) of service personnel, 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 illness developed during service.

Parents of service personnel 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 illness related to a combat operation, the mitigation 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 a documented record of not less than 25 years for men, and not less than 20 years for women.

The following are considered to be members of family with disabilities:

- a. Children, brothers, sister and grandsons/-daughters who have not attained the age of 18 or more when they became disabled. 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 have disabilities;
- c. Parents and wives (if they remain single) of service personnel, 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 illness connected with active service, mitigation 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 disabled. 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.

- 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 or 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 or 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.

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 Penitentiary Service of Ukraine as a result of an injury, contusion, mutilation or a illness 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".

For parents and wives (husbands) of individual categories of lost service personnel, 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. Family Members Considered as Dependents

Members of family of the dead are considered to be his or her dependents if they fully depended on him or her or received from him or her help that was permanent and constituted their basic source of subsistence.

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

The children who have lost both parents are paid pension in full during the whole period of full state maintenance.

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

Stepparents have the right to a pension on a level equal to parents, and the adopted – on a level equal to children.

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

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 deceased stepson or the stepdaughter for no fewer than five years.

The stepson and the stepdaughter if they do not receive support from parents have the right to pension on a level equal to birth children.

Article 35. Preservation of Loss of the Supporter Pension in Case of Remarriage

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

Loss of supporter pensions are fixed at the following rates:

- a. To members of families of service personnel, persons having the right to a pension according to this Law, death due to injury, contusion or mutilation received during the protection of Ukraine, mitigation of the consequences of the Chernobyl accident or performance of other duties of military service (official duties), or due to illness connected with combat service, in partisan detachments and troop formations, the underground organisations and detachments recognised by the legislation of Ukraine, mitigation of the consequences of the Chernobyl accident or participation in peacetime operations – 40 per cent of earnings of the supporter on each invalid member of family. The pensions to members of families of the dead combat disabled 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 service personnel, 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

illness connected with service – 30 per cent of earnings of the supporter on each invalid member of family.

Article 37. Minimal Amounts of Loss of Supporter Pensions

Loss of supporter pensions granted to members of families of service personnel, 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, service personnel 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 service personnel, persons having the right to pension according to this Law.

Article 38. Calculation of Loss of Supporter Pensions to Orphans

The families of service personnel 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 39. Increase of Loss of Supporter Pensions

In case of the loss of the breadwinner, war veterans and 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 above-mentioned Law.

Article 40. Period to Which the Loss of Supporter Pension is Fixed. Change of the Amount of Pension

The loss of supporter pension is established for all periods during which the family member of the deceased is considered to be disabled 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.

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 the family or the family

as a whole lose the right to a pension, its recalculation or cancellation are made from the first date of the month following the month when the change took place.

Article 41. Establishment of One Loss of Supporter Pension for all Family Members. Allocation of a Share of Pension

All members of the family having the right to a pension are granted common pension, except for the case mentioned in Part 4 of this Article.

On demand of a family member, his or her share of the pension can be allocated and paid to him or her individually.

Allocation of a share of a pension is made from the first of the month following the month when the relevant application was issued.

In case of the loss of the breadwinner, a pension is granted to each parent, the wife (husband) of an officer, ensign, warrant officer, service member 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 42. The Procedure and Terms of Establishment of Invalidity to Family Members

The members of the family being invalid are subject to the rules about the procedure and terms of an establishment the invalidity stipulated in Articles 19, 26-28 of this Law.

PART V. CALCULATION OF PENSIONS

Article 43. Earnings (Monetary allowance) for Calculation of Pensions

Pensions granted in accordance with this Law to service personnel in conscript service and members of their families are calculated on the basis of norms as percentages of their average monthly salaries 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".

Service personnel 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.

The pensions of officers, ensigns, warrant officers, service personnel 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 of 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.

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.

The pensions of officers, ensigns, warrant officers, service personnel carrying out extended service or military service on a contract basis and other persons mentioned in item “e” of Article 1-2 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.

The pensions of officers, ensigns and warrant officers, service personnel 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 service personnel 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 service personnel and other abovementioned persons.

The pensions of officers, ensigns and warrant officers, service personnel 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 Penitentiary Service of Ukraine and who are appointed to positions with lower salaries than before are calculated (with their consent) on the basis of the salary they received before 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.

The pensions of officers, ensigns and warrant officers, service personnel carrying out extended service or military service on a contract basis who are transferred for health or age reasons from aviation duty, work in submarines (submarine cruisers), atomic surface vessels and minesweepers to positions with lower 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 they occupied before the transfer if on the day of transfer they had the right to a pension for the time-in-service.

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.

The pensions of officers, ensigns and warrant officers, service personnel 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 service personnel 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.

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.

The pensions of warrant officers and service personnel carrying out extended service or military service on a contract basis transferred from work on atomic submarine cruisers, atomic submarines and diesel submarines 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.

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.

Service personnel and certified employees of the internal affairs organs of Ukraine, the tax police, the State Penitentiary 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".

Article 44. Recalculation of Pensions to Service Personnel of Conscript Service and their Family Members

The pensioners from among service personnel 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 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 pensions fixed in the minimal amount in connection with absence of earnings.

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.

Pension amounts for service personnel 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 45. Calculation of Loss of Supporter Pensions to Family Members of pensioners

The families of pensioners from among service personnel, persons having the right to a 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.

The members of families of pensioners from among the service personnel 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

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 minimum pension age.

PART VI. ESTABLISHMENT OF PENSIONS

Article 48. Application for Pensions

Applications for establishment of pensions in accordance with this Law are filed 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 responsible for formation of the state policy in the sphere of labour and social protection of population and other central executive organs and the Foreign Intelligence Service.

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 49. The Organs Granting Pensions, and Terms for Consideration of Documents on the Granting of Pensions

Pensions stipulated by this Law are granted by organs of the Pension Fund of Ukraine.

Documents on the establishment of pensions are examined by the organs granting pensions and no longer than 10 days from the date of their receipt makes a decision on establishment or refusal in establishment of pension.

Document confirming the establishment of pension is a pension certificate granted by an 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 50. Terms of Establishment of Pensions

In accordance with this Law, pensions are granted:

- a. To service personnel 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 service personnel in regular service and service personnel-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 service personnel 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, service personnel 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 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 disabled within three months from the day of discharge from service as a result of illness (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, service personnel 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, service personnel 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, service personnel 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 disabled within three months from the day of their discharge from service or as a result of an accident or illness that happened after their discharge from service – from the day of the establishment of disability;
- g. To officers, ensigns and warrant officers, service personnel 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.

To family members of officers, ensigns and warrant officers, service personnel 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;

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 51. Terms of Recalculation of the Granted Pensions

In case of circumstances ensuing the change of the amount of pensions granted to service personnel in 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”.

Recalculation of pensions granted to the officer personnel, ensigns and warrant officers, service personnel 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 an increase of pension, the difference in pension can be paid to him or her but for no more than for 12 months.

PART VII. PAYMENT OF PENSIONS

Article 52. Organs Paying Pension

The pensions to pensioners from among service personnel 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.

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 that are issued by organs of the Pension Fund of Ukraine.

The payment of pensions is carried out after each current month in total on the established date, but not later than the last day of the month for which the pension is paid.

By desire of the pensioner delivery of pension may be done through the post office at the place of actual residence, irrespective of the place of registration. Transaction of pension by post and its delivery to the place of actual residence is at the expense of the State Budget of Ukraine.

Article 53. Payment of Pensions by Proxy

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)

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 members of family with disabilities (Clause "a" of Part 1 of Article 16 and Clause "a" of Part 1 of Article 24) are not paid.

Article 55. Payment of Pensions for Past Time

The sum of the pension added to the pensioner from among service personnel, the persons having the right to a 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.

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 is paid without restriction.

Article 56. Payment of Pensions to the Persons Living on Full State Support

During the period of pensioner from among the service personnel, persons having the right to pension according to this Law and members of their families living on full state support in pertinent institution (establishment) he is paid 25 per cent of allocated pension. In cases when the size of his pension exceeds the cost of living, the difference between the pension and the cost of living is paid, but not less than 25 per cent of allocated pension.

When a pensioner living on full state support in a pertinent institution (establishment) has a fully dependent member of the family with disabilities, as indicated in part four of Article 30 of this Law, the pension is paid according to the following procedure: 25 per cent of pension is paid to the pensioner, and the other part of pension, but no more than 50 per cent of the allocated amount – to the specified members of family.

Any remaining part of pension after payment of the corresponding amount of pension to the pensioner and members of his family according to the first and second parts of this Article is transferred to the institution (establishment) where the pensioner is living on full state support, if he submits a personal request. The transferred amount is credited to the bank accounts of these institutions (establishments) and appropriated exclusively for improving the living conditions according to procedure approved by the Cabinet.

Children-orphans are paid for the period of living on full state support in connection with the loss of their breadwinner in the full amount of pension, which is transferred to their personal bank accounts.

Other children living on full state support in connection with the loss of their breadwinner are paid 50 per cent of allocated pension, which is transferred to their personal bank accounts. Any remaining part of the pension after payment of the corresponding amount of pension in connection with the loss of the breadwinner is transferred to the institution (establishment) where the child is living on full state support and appropri-

ated exclusively for improvement of living conditions for children in these institutions according to procedure approved by the Cabinet.

Payment of pensions as stipulated by this Article is carried out on the first day of the month, which comes after the pensioner is approved for living on full state support.

Article 57. Payment of Pension During Hospitalisation

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 58. Payment of Pension for the Period of Imprisonment

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 59. Deduction from Pensions

Deduction from pensions of service personnel, the persons having the right to a 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 60. The Duty of Pensioners to Inform Organs of Pension Support About the Change of the Conditions Influencing Payment of Pensions

Pensioners are obliged to inform the organs of pension support on the circumstances ensuing change of the amount of pension or its cancellation.

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.

Collecting the 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 or 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 the Pension Fund Officials for Pensions Paid Without due Justification

Civil servants providing pensions who paid superfluous or insufficient pension sums to a pensioner without grounds are legally liable.

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 service personnel, the persons having the right to pension according to this Law, members of their families and remained half-received in connection with his or her death do not enter the inheritance and are paid to those members of his or 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 or her death have the right to receive 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 or 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 62. Payment of Pensions to Citizens who Emigrated for Permanent Residence Abroad

Persons mentioned in Article 1-2 of this Law 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".

PART VIII. THE PROCEDURE OF RECALCULATING PENSIONS

Article 63. Recalculation of Pensions Fixed Beforehand

Recalculation of pensions fixed beforehand to service personnel, 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 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 service personnel, 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 from 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 service personnel and persons having the right to pension according to this Law are lower, the earlier established pensions are preserved.

Article 64. Increase of Pensions in Connection with Indexation of Monetary Income of the Population

Pensions granted to the service personnel, 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 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 specious information and documents for granting pensions bear civil, administrative or criminal liability in accordance with the law.

Article 66. Appeal Against the Decisions of the Organ Granting Pensions

Decisions about a refusal to grant a pension or to recalculate 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.

President of Ukraine Leonid Kravchuk

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

No. 3898-XII of 01.02.94, BVR, 1994, No. 20, p. 120;

No. 458/95-BP of 23.11.95, BVR, 1995, No. 44, p. 329;

No. 488/95-BP of 22.12.95, BVR, 1996, No. 1, p. 1;

No. 498/95-BP of 22.12.95, BVR, 1996, No. 3, p. 11;

No. 608/96-BP of 17.12.96, BVR, 1997, No. 8, p. 62;

No. 367-XIV of 25.12.98, BVR, 1999, No. 24, p. 209;

No. 944-XIV of 14.07.99, BVR, 1999, No. 38, p. 342;

No. 2349-III of 05.04.2001, BVR, 2001, No. 22, p. 106;

No. 52-IV of 04.07.2002, BVR, 2002, No. 35, p. 263;

No. 231-IV of 21.11.2002, BVR, 2002, No. 52, p. 379;

No. 662-IV of 03.04.2003, BVR, 2003, No. 27, p. 209;

No. 760-IV of 15.05.2003, BVR, 2003, No. 30, p. 245;

No. 968-IV of 19.06.2003, BVR, 2003, No. 45, p. 359;

No. 1109-IV of 10.07.2003, BVR, 2004, No. 7, p. 52;

No. 1219-IV of 02.10.2003, BVR, 2004, No. 10, p. 106;

No. 1770-IV of 15.06.2004, BVR, 2004, No. 37, p. 450;

No. 2010-IV of 10.09.2004, BVR, 2005, No. 1, p. 19;

No. 2202-IV of 18.11.2004, BVR, 2005, No. 4, p. 98;

No. 2212-IV of 18.11.2004, BVR, 2005, No. 4, p. 101;

No. 2285-IV of 23.12.2004, BVR, 2005, No. 7-8, p. 162;

No. 2505-IV of 25.03.2005, BVR, 2005, No. 17, 18-19;

No. 2878-IV of 08.09.2005, BVR, 2005, No. 52, p. 564;

No. 2939-IV of 05.10.2005, BVR, 2006, No. 4, p. 52;

No. 3174-IV of 01.12.2005, BVR, 2006, No. 22, p. 181;

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. 3505-IV of 23.02.2006, BVR, 2006, No. 33, p. 281;

No. 186-V of 21.09.2006, BVR, 2006, No. 47, p. 461;
No. 489-V of 19.12.2006, BVR, 2007, No. 7-8, p. 66;
No. 727-V of 13.03.2007, BVR, 2007, No. 22, p. 295;
No. 818-V of 22.03.2007, BVR, 2007, No. 25, p. 341;
No. 880-VI of 15.01.2009, BVR, 2009, No. 25, p. 309;
No. 1254-VI of 14.04.2009, BVR, 2009, No. 36-37, p. 511;
No. 1439-VI of 03.06.2009, BVR, 2009, No. 42, p. 631;
No. 1760-VI of 15.12.2009, BVR, 2010, No. 8, p. 62;
No. 2171-VI of 11.05.2010, BVR, 2010, No. 31, p. 418;
No. 2756-VI of 02.12.2010, BVR, 2011, No. 23, p. 160.
No. 5279-VI of 18.09.2012, BVR, 2013, No. 36, p. 480
No. 5286-VI of 18.09.2012, BVR, 2013, No. 38, p. 499
No. 5462-VI of 16.10.2012, BVR, 2014, No. 6-7, p. 80
No. 5477-VI of 06.11.2012, BVR, 2013, No. 50, p. 693
No. 284-VII of 21.05.2013, BVR, 2014, No. 12, p. 181
No. 285-VII of 21.05.2013, BVR, 2014, No. 12, p. 182
No. 1233-VII of 06.05.2014, BVR, 2014, No. 26, p. 900
No. 1538-VII of 19.06.2014, BVR, 2014, No. 32, p. 1127
No. 1547-VII of 01.07.2014, BVR, 2014, No. 34, p. 1171
No. 1661-VII of 02.09.2014, BVR, 2014, No. 43, p. 2031
No. 1697-VII of 14.10.2014, BVR, 2015, No. 2-3, p. 12

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

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

The legislation of Ukraine on the status of war veterans and their social guarantees includes this Law and other legislative act of Ukraine.

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.

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.

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 3. International Treaties of Ukraine

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.

Article 3-1. Authority of The Central Executive Body Responsible for Executing State Policy in the Social Protection of the Disabled, War Veterans and Other Persons Under the Law of Ukraine "On the Status of War Veterans And Guarantees of Their Social Protection", Labour Veterans, Military Service Veterans, Retired Service Personnel and Victims of Nazi Persecution

The Central Executive body responsible for executing the state policy in the social protection of the disabled, war veterans and other persons under the Law of Ukraine "On the Status of War Veterans and Guarantees of Their Social Protection", labour veterans, military service veterans, retired service personnel and victims of Nazi persecution:

- Makes a proposal to the Central Executive body responsible for the formation of the state policy in the areas of labour relations and social protection for allocation of lifetime state stipends to participants in combat actions during the Great Patriotic War of 1941-1945 and lifetime state personal stipends to citizens of Ukraine who were persecuted for their human rights protection work;
- Takes measures to provide for return to the Fatherland former prisoners of war, search for those missing in action during wars and local conflicts and performing duties of military service; takes part in resolving the issues of social and professional reintegration of former prisoners of war who returned to the Fatherland;
- Organises preparation for and celebration of state holidays, memorial dates, and celebration at the level of state of the international days devoted to the disabled, veterans, retired military service personnel and victims of Nazi persecution;
- Provides for cooperation between organs of the state power, civic organisations and enterprises on the issues of search, accounting, restoration and preservation of military and war victims' burial sites on the territory of Ukraine and other states;

- Takes part in organising the publication of books, memoirs, fiction and audiovisual works, creating museums, memorials and expositions, conduct of research projects devoted to immortalising of the memory of the Motherland defenders and victims of wars;
- Exercises other powers as stipulated by the laws and specifically designated by the acts of the President of Ukraine.

PART II. CONCEPT AND NATURE OF THE STATUS OF WAR VETERANS AND PERSONS THIS LAW IS APPLICABLE TO

Article 4. War Veterans

War veterans are the persons who took part in protection of Ukraine or took part in operations in the territory of other states.

The following are considered to be war veterans: participants in combat operations, combat disabled and participants of the war.

Article 5. Participants in Combat Operations

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 Participants in Combat Operations

The following are considered to be participants in combat operations:

- 1) Service personnel 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 II;
- 2) Participants in combat operations in the territory of other countries – service personnel of the Soviet Army, Navy, Committee of state security, privates, command personnel and service personnel 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).

Service personnel of the Armed Forces of Ukraine, Security Service of Ukraine, Foreign Intelligence Service, privates, command personnel and service personnel 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 international peacekeeping missions or to business trips in the states where during this period operations took place.

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) Service personnel, and also privates and commanding personnel of organs of the Ministry of Internal Affairs and organs of Committee of state security of the former USSR, during World War II that served in cities participating in the defence of which is included in the term of duty for fixing of pension on preferential terms established for service personnel of the units of a field army;
- 4) 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 that formed part of a field army during World War II 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 service personnel of the units of a field army;
- 5) Former service personnel, civilian personnel, and also former fighters of fighting battalions, platoons and detachments of public protection and other formations that 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 the former USSR, sea and river fleet, flight personnel of aircraft of Central administrative board of the northern seaway, transferred during World War II to the position of 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 II belonged to elements and units of a field army and fleet as sons, cadets of regiments and sea cadets before attainment of majority age;
- 8) The persons who participated in operations against fascist Germany and its allies in World War II 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) Cultural service employees who during World War II 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 in 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;
- 13) Reservists called to refresher courses and were sent to Afghanistan during operations conducted there;
- 14) Service personnel of transport battalions who went to Afghanistan to deliver cargo during operations conducted there;
- 15) Aviation service 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) Service personnel 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, mitigation of the consequences of bombings and artillery barrages that 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, ghettos and other places of detention created by fascist Germany and its allies during World War II, and also children who were born in the specified places of compulsory detention;
- 18) Persons who were enlisted to people's militia and participated in combat actions of the Great Patriotic War;
- 19) Military service personnel (reservists, persons liable for military duty) and civilians of the Armed Forces of Ukraine, National Guard of Ukraine, Security Service of Ukraine,

Foreign Intelligence Service of Ukraine, State Border Service of Ukraine, privates and commanding personnel, service personnel and civilian personnel of the Ministry of Interior of Ukraine, State Guard Directorate of Ukraine, State Service for Secure Communication and Information Protection of Ukraine and other military formations, which were created according to the laws of Ukraine and directly participated in anti-terrorist operation, particularly provided support to the operation directly in the areas where it was conducted, as well as the personnel of enterprises, institutions and organisations that were involved and directly participated in anti-terrorist operations in the areas where it was conducted according to the established procedure. The procedure for providing persons indicated in paragraph one of this clause with a status of participant in combat operations, categories of these persons and dates of their participation (providing support) in anti-terrorist operations, as well as the areas of antiterrorist operations, shall be determined by the Cabinet.

Article 7. The Persons Considered to be War Disabled

Persons considered to be war disabled are service personnel of field army and fleet, partisans, underground organisations members, workers who became disabled due to injury, contusion, mutilation, illness 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 airfields during civil and World War II or during participation in peacetime operations.

The following persons with disabilities are also considered war disabled:

- 1) Service personnel, civilian personnel who became disabled due to injury, contusion, mutilation or illness received at protection of the Ukraine land, performance of other military service connected with service at the front during other periods, with mitigation of the consequences of the 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 the 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 disabled due to injury, contusion, mutilation or illness received on duty, at mitigation of the consequences of the Chernobyl accident, nuclear catastrophes, nuclear-weapon tests, participation in military nuclear warfare exercises, other injuries with nuclear materials;
- 3) *(Clause 3 of Part 2 of Article 7 is excluded as provided by the Law No. 2256-IV of 16.12.2004)*
- 4) Persons who became disabled due to injuries or other damage of health received in the areas of battle operations during World War II and from explosives, ammuni-

tion and military arms in the post-war period, and during demining of munitions of the times of World War II irrespective of when the demining took place;

- 5) The persons who became disabled due to military activities of the civil war and World War II or became civil and Great Patriotic War disabled for the specified reasons at a minor age in military and post-war years;
- 6) Service personnel, civilian personnel, and also former fighters of fighting battalions, platoons and detachments of public protection and other persons who participated directly in combat operations on liquidation of subversive and terrorist detachments and other unlawful formations in the territory of the former USSR and became disabled 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;
- 7) Participants in combat operations in the territory of other states who became disabled due to injury, contusion, mutilation or illness connected with service in these states;
- 8) Participants in combat operations during World War II and war with Japan and minors who were called to or volunteered for the Soviet Army and Navy during the military call-ups of 1941-1945 who became disabled due to systemic illness or the illness received during military service or service in law enforcement organs, state security, other military formations;
- 9) The persons of formations of the civil defence who become disabled due to illness connected with mitigation of consequences of the Chernobyl accident.

Article 8. War Participants

The participants of war are considered to be service personnel 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 War Participants

The following are considered war participants:

- 1) Service personnel who did military service in the Armed Forces, troops and organs of the Ministry of Internal Affairs, Committee of state security of the former USSR or in armies of its allies during World War II and war with imperial Japan of 1941-1945 or studied during this period in military schools, schools and on courses. Persons who during World War II 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, raised 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 estab-

lishments, 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 II 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 war participant 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 the former USSR for self-denying work and faultless military service on the home front during World War II and war with imperial Japan;

- 2) Members of detachments of self-defence and recovery teams of local air defence, and the national home guard which operated during World War II;
- 3) Persons who were during World War II in the army and fleet as sons, cadets of regiments and sea cadets before attainment of majority age;
- 4) *(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 service personnel who worked for a wage in the states specified in item 6 of this Article during operations conducted in them and did not form not part of the limited contingent of the Soviet troops;
- 7) Persons who during World War II 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;
- 8) *(Clause 9 of Article 9 is excluded as provided by the Law No. 2256-IV of 16.12.2004)*
- 9) Persons who during World War II voluntarily rendered material, financial or other help to military units, hospitals, partisan detachments, underground detachments, other formations and individual service personnel in their struggle against fascist aggressors under the stipulation of confirmation of these facts;
- 10) Persons who after September 9, 1944, were moved to the territory of Ukraine from other countries;
- 11) Persons who during the defence of Sevastopol from October 30, 1941, to July 4, 1942, lived in its territory. As proofs of residency on the territory of besieged Sev-

astopol 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 10. Persons This Law is Applicable to

This Law is applicable to:

- 1) Families of service personnel, 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 wounds or mutilation received due to injury during the protection of Ukraine or performance of other duties of military service (official duties), and also due to the illness connected with service at the front or received during military service or in the territory of other states during military activities and conflicts;
- 2) Families of service personnel, 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 emergencies connected with displays of public disorder;
- 3) Families of those lost during World War II from among the staff of detachments of self-defence and recovery teams of local air defence, families of employees of hospitals and other medical facilities killed during fighting.
- 4) Families of privates and commanding personnel of law enforcement organs of Ukraine who died as a result of wounds, contusions or mutilations received during participation in antiterrorist operation while defending the independence, sovereignty and territorial integrity of Ukraine.
- 5) Family members of lost (reported missing) service personnel, 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 or she receives pension or not;
 - Children who do not have (and never had) families;
 - Children having families but those who became disabled before attaining adulthood;
 - Children of whom both parents were lost or reported missing.

- 6) Wives (husbands) of the deceased disabled of World War II, 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 disabled due to a systemic illness, labour mutilation and for other reasons, and who remained single.

This Article is applicable to wives (husbands) of the deceased disabled of war, participants in combat operations, partisans, members of underground members and participants of the war who were conferred awards and medals of the former USSR for self-denying work and the faultless military service recognised during their lifetime disabled irrespective of the time of death of the person with disabilities.

- 7) Wives (husbands) who remained single, parents, minor 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);
- 8) 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 11. Persons Having Special Merits for Ukraine

Persons having special merits for Ukraine are considered to be those awarded by the Order of Sky Hundred Heroes, the Heroes of the Soviet Union, full knights of the award of Glory, the person conferred four or more medals "For courage", and also Heroes of the Socialist Work awarded this rank for the work during World War II of 1941-1945.

PART III. PRIVILEGES TO WAR VETERANS AND GUARANTEE OF THEIR SOCIAL PROTECTION

(To establish, that privileges on payment to the participants in combat operations, disabled 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 minimum 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 disabled of war of I group – 400 hrivnas, to disabled of war of II group – 330 hrivnas, to disabled of war of III group – 270 hrivnas, to participants in combat operations – 250 hrivnas, to the persons having special merits for Ukraine – 400 hrivnas, 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

disabled – 130 hrivnas, to participants of the war – 50 hrivnas 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

The following privileges are given to participants in combat operations (Articles 5, 6):

- 1) No-cost medication 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 increments of 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 area of housing discount is given at calculation of central heating charges of 21 square meters of the heating area on each person permanently living in the housing (house) and having the right to discount and in increments of 10,5 square meters per family.

For the families consisting only of disabled 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 the 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) of residence;
- 8) Use 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 loss 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, or organisation;
- 14) Priority provision with accommodation of the persons requiring improvement of living conditions, and allocation of plots for single-family home construction, gardening and commercial farming, priority repair of apartment houses and apartments of these persons and provision with fuel.

The participants of the operations who have received a wound, 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, institutions 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 construction with its repayment within 10 years beginning from the fifth year after the completion of construction, and also receipt of the loan for building or purchase of country houses and development of garden sites;
- 16) Priority right to enter a building (housing) cooperative, cooperative on building and operation of collective garages, parking for vehicles and their maintenance service, in summer housing cooperatives on purchase of materials for single-family home construction and construction of garden homes;
- 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 a 50 per cent discount;
- 18) Exemption from taxes, collections, fees and other payments to the budget as stipulated in tax and customs legislations;
- 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 phone use 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, and long-distance transport;
- 21) Extraordinary enrolment to institutions of social protection of the population, and also service by social protection of the population in-home services. In case rendering such service is not possible the establishments of social protection of the

population refund the expenditures connected with care of the war veteran according to the procedures established by 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 of the relevant trades.

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 form of ownership.

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 to 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 the 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.

The participants in combat operations have their pensions or monthly lifelong cash allowance or the state social assistance that is paid instead of pension increased at the rate of 25 per cent of the survival level for persons with disabilities. Annually until May 5, the replacement cash benefit at the rate approved by the Cabinet of Ministers within budgetary appropriations is paid to participants in combat operations.

Article 13. Privileges to war Disabled

The following privileges are given to war disabled and the persons equal to them (Article 7):

- 1) No-cost medication 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 annual sanatorium treatment with compensation of the cost of return travel to sanatoriums.

War disabled who participated directly in combat actions during the Great Patriotic war and war with Japan are provided with sanatorium treatment as top priority.

Procedure for providing sanatorium treatment and procedure of compensation are determined by the Cabinet.

War disabled of 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 Executive body responsible for exercising of the state

policy in the areas of health and social protection, protection of the state border of Ukraine and other organs in the place of registration of work.

Instead of sanatorium treatment, persons with disabilities may choose to receive biannually financial compensation: disabled of war I-II group – in the amount of the average cost of treatment, disabled of war III group – in the amount of 75 per cent of the average cost of treatment. Financial compensation is provided regardless of the availability of medical recommendation to pursue sanatorium treatment or medical contraindications.

- 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 for each person permanently living in housing (house) and having the right to the discount, and in increments of 10,5 square meters 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 area of housing on which the discount is given, at calculations of a payment for heating for 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 increments of 10,5 square meters per family.

For the families consisting of solely of persons with disabilities, a 100 per cent discount for using gas for heating housing for double the size of the standard heating area (42 square meters for each person having the right to the discount, and 21 square meters per family);

- 6) The 100 per cent discount for the cost of fuel, including liquefied, 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 person with disabilities of I group;
- 8) Out-of-turn free major overhaul of private apartment houses and priority operating repair of apartment houses and apartments in accordance with procedure approved by the Cabinet of Ministers of Ukraine;
- 9) Extraordinary service by out-patient-polyclinic establishments, and also extraordinary hospitalisation. Liquidation of hospitals for the disabled of World War II 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 use 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 disabled

- of the Great Patriotic War and war with Japan – discount of 100 per cent of the approved tariffs;
- 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 the war disabled is regulated by the relevant norms of the legislation of Ukraine about work and social protection of those with disabilities;
 - 14) The right to priority preservation of the place of employment during reduction of numeric strength or of the 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 disability allowance to working disabled of war at the rate of 100 per cent of average wages irrespective of the record of service;
 - 16) Payment to working disabled 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 receipt of an additional holiday without losing 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 on the waiting list, and those persons with disabilities 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 the war disabled in building individual apartment houses. The plots for individual house-building, gardening and commercial farming are given to the specified persons in the priority procedure;
 - 19) Receipt of the loan for individual (cooperative) home construction 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) cooperatives, cooperatives on building and operation of collective garages, parking for vehicles and their maintenance service, in summer housing cooperatives, on purchase of materials for individual home construction and garden homes. Garages, parking for the vehicles of war disabled having medical indications for transport support, as a rule, are constructed near to houses;
- 21) The disabled 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 disabled 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 disabled of III group. Disabled of war and the persons accompanying on trips the disabled 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. Disabled 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;
- 23) From all kinds of taxes, collections, duties and other payments to the budget as stipulated in tax and custom legislations;
- 24) Exemption from rent for the uninhabited housing rented by disabled 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.

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 disabled and war veterans are freed from payment of value added tax.

Privileges on payment for housing, public utilities and fuel, stipulated by items 4-6 of this Article are given to disabled of war and the members of their families living together with them, irrespective of the kind of housing or form of ownership.

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.

The disabled of war's pension or monthly lifelong cash allowance or state social help paid instead of pension increases: to disabled 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 disabled of war at the rate approved by the Cabinet of Ministers within budgetary appropriations is paid.

Disabled of war who are participants of combat actions during the Great Patriotic War 1941-1945 and the war with imperial Japan of 1945 after they reached 85 years shall be provided with benefits stipulated by this Article for the disabled of war I group.

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 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 loss 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) cooperatives, cooperatives on building and operation of collective garages, in summer housing cooperatives, on purchase of materials for individual house-buildings and garden home construction, 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 a 50 per cent discount;

- 17) From paying taxes, collections, duties and other payments to the budget as stipulated in tax and custom legislations;
- 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 rendering of such service by establishments of social protection of the population is not possible, 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.

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.

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.

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.

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.

Article 15. Privileges to persons this Law is applied to

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 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 loss 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 organisa-

tion 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 disabled of war and families of the lost service personnel 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) cooperatives, cooperatives on organisation and operation of collective garages, in summer housing cooperatives, 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;
- 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 the phone is established at the rate of 50 per cent from the approved tariffs. The procedure for 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 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 rendering of such service by establishments of social protection of the population is not possible they are to 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.

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 with them irrespective of the kind of housing or form of ownership.

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.

Family members specified in item 1 of Article 10 of this Law, and also wives (husbands) of the deceased disabled of World War II 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 combat operations, partisans and underground organisations members recognised during their lifetime disabled from a systemic illness, labour injury, 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.

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 disabled 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 disabled of a systemic illness, labour mutilation, etc., who remained single, are paid a replacement cash benefit at the rate approved by the Cabinet of Ministers within budgetary appropriations.

The privilege to 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 injury or mutilation received during military activities and conflicts in the territory of other states, and also due to the illness connected with service in the territory of other states during these activities and conflicts.

Article 16. Privileges for Persons Having Special Merits for Ukraine

Persons having special merits for Ukraine (Article 11) receive 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 May 5;

- 2) From paying taxes, collections, duties and other payments to the budget as stipulated in tax and custom legislations;
- 3) Out-of-turn free personal and free for family members (the wife (husband) and children under 18 years old) service in 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 under 18 years of age;
- 4) Out-of-turn free provision of medication prescribed by a doctor, delivery upon medical certificate of medication to the home;
- 5) Free manufacture and repair of dentures (except 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 under 18 years of age) – for 25 per cent of cost. At those places for sanatorium treatment in sanatoriums, dispensaries and rest houses are allocated for reduced cost stipulated for employees of those ministries and other central organs of state executive authority in charge of which there are specified sanatorium establishments. All types of health services in sanatoriums, 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 I class cabins. Specified privileges are kept for one of the surviving spouses;
- 7) Exemption of persons stipulated by this Article and family members living 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 homes 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 individuals awarded by the Order of Sky Hundred Heroes, Heroes of the Soviet Union, full knights of the award of Glory, persons conferred four or 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 homes (apartments) that are in their property according to Regulations on the system of maintenance service, repair and rebuilding of apartment homes;
- 11) Priority purchase of local building materials on building of individual apartment homes 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 the Soviet Union, full knight of the award of Glory, the person conferred four or more medals "For courage ", to the Hero of Socialist Work, family members living with them;
- 14) Priority purchase, at the expense of their own means of shares on their face value on half of the 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 first class cabins 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 loss of wages for three weeks in a year during time convenient for them;

- 23) Free burial with military honours of the deceased individuals awarded by the Order of Sky Hundred Heroes, deceased (lost) Hero of the Soviet Union, full knight of the award of Glory, the person conferred four or more medals "For courage", Hero of Socialist Work;
- 24) The placement 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 a 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.

PART IV. FINAL PROVISIONS

Article 17. Financing Expenditures connected with Implementation of this Law

Reimbursement of expenses connected with implementation of this Law is carried out from the state and local budgets.

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.

Costs for 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.

Enterprises, establishments and organisations where war veterans worked assist the organisation and financing of ritual services at the burial of veterans. Graves of veterans are inviolable and are protected by the law. Disrespect for the state awards, monuments, communal graves, and graves of war veterans is punished under the law.

Article 17-1. Payment of Replacement Cash Benefit

Annual payment of replacement cash benefit until May 5, at the rate stipulated by Articles 12-16 of this Law is carried out by the Central Executive body responsible for formation of the state policy in the areas of labour relations 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 receipt of the cash allowance.

Serving service personnel, privates and commanding personnel of law enforcement organs of Ukraine, privates and commanding personnel of the State Penitentiary 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.

Persons serving sentences in places of imprisonment or arrest (except for pensioners) are paid a replacement cash benefit by transfer of the means by the Central Executive body responsible for formation of the state policy in the areas of labour relations and social protection of the population to special accounts of establishments of penitentiary system of Ukraine.

Persons not having received a replacement cash benefit until May 5, have the right to address for it and to receive it until September 30, of the year of payment.

Citizens belonging to several categories of persons, according to this Law, one replacement cash benefit – in the greater amount – is paid.

A 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.

The sum of the replacement cash benefit due to the person according to this Law and not received in connection with his or her death does not enter an inheritance and is paid to his or her parents, husband (wife), or to the relatives who lived with him or her.

Article 18. Awards and Decorations for Persons this Law is Applied to

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 19. Application of this Law to Citizens of Other States

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

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.

Central and Local Executives, organs of local self-government, the Council of Ministers of the Autonomous Republic of Crimea within the limits of their competence donate to veteran organisations financial support, credits from means of the relevant budgets, and also gratuitously donate homes, 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.

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 21 is excluded on the basis of the Law No. 1697-VII of 14.10.2014)

Article 22. Appeal Against the Decisions of Enterprises, Establishments and Organisations Giving Privileges

Decisions of enterprises, establishments and organisations giving privileges can be appealed in district state administrations, executive committees of city council or in district (city) court.

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 23. Liability of Officials and citizens

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.

President of Ukraine Leonid Kravchuk

Part IX

The Legislative Framework for Law Enforcement and Regulations within the Armed Forces and other Security Formations

**Law of Ukraine “On Amending the Law of Ukraine on the Procuracy
with Respect to the Creation of Military Procuracies”
(*Bulletin of the Verkhovna Rada (BVR)*, 2014, No. 39, p. 2013)**

Ukrainian Verkhovna Rada hereby resolves:

I. MAKE AMENDMENTS TO THE LAW OF UKRAINE ON THE PROCURACY (Ukrainian *Bulletin of the Verkhovna Rada*, 1991, No. 53, p. 793, with subsequent amendments) as follows:

1. In Article 9, there shall be inserted section five to read as follows:
“Military prosecutors are eligible to take part in institutional actions held by the agencies whose law observance they supervise”.
2. In Article 13:
in the first sentence, section one there shall be inserted “as well as military procuracies”;
after section one, there shall be inserted four new sections to read as follows:
“The military procuracy system is composed of the Chief Military Procuracy (as a structural division of the General Procuracy of Ukraine), regional military procuracies (as Oblast procuracies), military garrison procuracies and other military procuracies that enjoy the same status as city and district procuracies.
Departments may be created as needed within the structure of military procu-

racies that enjoy the same status as city procuracies, by the use of their respective authorised employee complements.

Where individual administrative territories are not covered by civilian prosecutorial supervision by virtue of exceptional circumstances, the Prosecutor General of Ukraine may order that this function be performed by military procuracies.

The Prosecutor General of Ukraine will establish, reorganise and dismiss military procuracies and prescribe their status, competences, organisation and employee complements”.

Subsequent to this, sections two and three shall respectively be six and seven.

3. In Article 14:

in section one there shall be inserted “and Deputy Prosecutor General of Ukraine – Chief Military Prosecutor”;

after section one there shall be inserted a new section to read as follows:

“The Chief Military Procuracy with deputy Prosecutor General of Ukraine – Chief Military Prosecutor at its head has been set up as a structural division of the General Procuracy of Ukraine. The Prosecutor General of Ukraine may order that the Chief Military Prosecutor perform other official duties in addition to his or her duties as head of the Chief Military Procuracy”.

Subsequent to this, sections two to five shall be three to six.

4. In Article 17 section one there shall be inserted a sentence to read as follows: “The Chief Military Procuracy, regional military procuracies (as Oblast procuracies) have in their staffs major crimes investigators and senior investigators; military garrison procuracies and other military procuracies that enjoy the same status as city and district procuracies may have in their staffs senior investigators and investigators”.

5. In the first clause, Article 20 section one, after the words “military units” there shall be inserted “and headquarters regardless of their regimes”.

6. Insert Article 46-1 to read as follows:

“Article 46-1. Military Procuracy Employees

Citizens eligible to be appointed military prosecutors and investigators will be active-duty or Retired Reserve officers who have University degrees in Law.

In exceptional cases, citizens who are not active-duty service members or members of the Retired Reserve, but qualify under Article 46 of this Law may be appointed by the Prosecutor General of Ukraine to the Military Prosecutor and Investigator positions in military procuracies.

Uniformed employees of military procuracies are guided in their activities by the Law of Ukraine on the Procuracy, and perform military service pursuant to the Law of Ukraine on Military Duty and Military Service and other legislative acts of Ukraine that regulate their legal and social status, pension and health-

care benefits, and other legally established benefits available to the Ukrainian Armed Forces officer corps”.

7. In Article 46-2 section one there shall be inserted a sentence to read as follows:
Uniformed employees of military procuracies may be released from military service in accordance with the legislation regulating the performance of military service”.
8. In Article 47:
in section one, after the words “grade ranks” there shall be inserted “and military ranks to uniformed employees of military procuracies”;
in section three, after “grades 1, 2 and 3” there shall be inserted “senior officer ranks”;
after the words “Prosecutor General of Ukraine” there shall be inserted “other military ranks will be awarded to uniformed employees of military procuracies pursuant to legislation regulating the performance of military service”;
there shall be inserted sections four and five to read as follows:
“The Military Prosecutor and Investigator positions and appropriate military ranks are included into the list of military positions.
Officer ranks of military procuracy employees are equivalent to grade ranks of procuracy employees. Military procuracy employees holding officer ranks (up to and including Colonel) who are being released from military service, and individuals being appointed to the Military Prosecutor and Investigator positions at regional or specialised procuracies will be awarded grade ranks that will be equivalent to their military ranks; while individuals holding grade ranks (up to and inclusive of Senior Counsellor of Justice), who are being enlisted to serve in military procuracies in the Military Prosecutor and Investigator positions will be awarded equivalent military ranks pursuant to law”.
9. In Article 49:
in section four, after the words “local authorities,” there shall be inserted “and uniformed employees of military procuracies – at the expense of the Ministry of Defence of Ukraine at the place of service”;
in section six, after the words “executive committees of local councils” there shall be inserted “and uniformed employees of military procuracies – at the expense of the Ministry of Defence of Ukraine at the place of service”;
there shall be inserted section nine to read as follows:
“Uniformed employees of military procuracies are affected by the provisions of the Law of Ukraine on Social Care and Legal Protection of Military Personnel and their Families, and other legislative acts of Ukraine that define their legal and social status”.
10. In Article 52 there shall be inserted sections six and seven to read as follows:
“Salaries payable to prosecutors, investigators and other military procuracy employees, as well as military procuracies’ operational expenses will be paid by the General Procuracy of Ukraine”.

Provision of military procuracies with security guard services, transport, communications (including special communications), Individual Protective Equipment, firearms and other necessary provisions, and uniformed employees of military procuracies with uniformed clothing will be the responsibility of the Ministry of Defence of Ukraine”.

11. In Article 53, after the words “grade ranks” there shall be inserted “(military ranks)”.
12. In Article 56, after “Article 46” there shall be inserted “Article 46-1”.

II. FINAL PROVISIONS

- 1) This Law shall take effect on the date following its promulgation date.
- 2) Military garrison procuracies are located within the boundaries of appropriate military garrisons. They will be provided as needed with premises from reserves of the Ministry of Defence of Ukraine.

At times of Contingency, martial law, emergency rule or counterterrorist operations involving the use of military formations, units and establishments of the Ukrainian Armed Forces, National Guard, State Border Guard Service and other militarised services that are permanently deployed within the boundaries of military garrisons, military procuracy employees (prosecutors, investigators) will be dispatched to deployment locations of these military formations, units and establishments, for a period as long as the military formations, units and establishments will be performing their assigned missions.

- 3) Establish that civilian prosecutors and investigators at military procuracies, when and where they are commissioned to perform their duties in counterterrorist operation areas, will be affected by provisions of legislation regulating the provision of legal protection and social care assurances for uniformed employees of military procuracies.
- 4) The Cabinet of Ministers of Ukraine shall within two months from the entry into force of this Law:
 - amend its legal regulatory acts which this Law affects;
 - make sure that Cabinet Ministries and other central Executive Authorities amend their legal regulatory acts which this Law affects;
- 5) Recommend that the General Procuracy of Ukraine should amend its legal regulatory acts that this Law affects, and take institutional actions arising from this Law.

President of Ukraine

Petro POROSHENKO

Kyiv

August 14, 2014

No. 1642-VII

**Law of Ukraine “On Amending the Law of Ukraine on the Militia
with Respect to the Rules for the Use of Physical Force, Special
Operations Gear and Firearms in the Anti-Terrorist Operation Area”
(*Bulletin of the Verkhovna Rada (BVR)*, 2014, No. 36, p.1199)**

Ukrainian Verkhovna Rada hereby resolves:

I. TO MAKE AMENDMENTS TO THE LAW OF UKRAINE ON THE MILITIA (UkrSSR *Bulletin of the Verkhovna Rada*, 1991, No. 4, p. 20 with subsequent amendments) as follows:

1. In the second sentence, Article 12 section two there shall be inserted “as well as in the anti-terrorist operation area”.
2. In Article 15, after section one there shall be inserted a new section to read as follows:
“Militia officers will be eligible to use firearms while in the anti-terrorist operation area”.
Subsequent to this, sections two, three and four shall respectively be three, four and five.

II. THIS LAW SHALL COME INTO FORCE ON ITS PROMULGATION DATE.

President of Ukraine
Petro POROSHENKO
Kyiv
August 12, 2014
No. 1633-VII

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The Security Sector Legislation of Ukraine
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