

**J. Šedivý, P. Fluri, A. Grytsenko (Eds.)**

**The Security Sector Legislation of Ukraine  
2006-2007 Updates**

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The book gives the characteristics of the new laws, the alterations and supplementations made to the present normative and legal basis of Ukraine after the issue of the Digest of the major laws of Ukraine, regulations of Verkhovna Rada, and decrees of the president on the matters of national security and defense.

For a wide range of readers.

В книге охарактеризованы новые законы, изменения и дополнения, которые были внесены в существующую нормативно-правовую базу Украины после издания Сборника важнейших законов Украины, постановлений Верховной Рады Украины и указов Президента Украины по вопросам национальной безопасности и обороны.

Для широкого круга читателей.

У книзі схарактеризовані закони, зміни й доповнення, що були внесені в існуючу нормативно-правову базу України після видання Збірника найважливіших законів України, постанов Верховної Ради України та указів Президента України з питань національної безпеки і оборони.

Для широких читацьких кіл.

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## PREFACE

*Ambassador Jiří Šedivý*

*NATO Assistant Secretary General for Defence Policy and Planning,  
Co-Chairman of the NATO-Ukraine Joint Working Group on Defence Reform*

Democracy is more than just democratic institutions. Democracy is a system in which lawmaking and governance are transparent and accountable, maximising opportunities for every citizen to voice his/her opinion and subject to quality control. Legislation and legislative authority, which is a parliament, plays a primary role in a democracy.

In the contemporary fluid security environment, in a world of multiple and complex threats and challenges, security and defence policy have become much wider than traditional military tasks of protecting independence and territorial integrity and increasingly focus on multilateral action in support of crisis management, the promotion of stability and combating terrorism. In democracies, legal mechanisms and parliamentary scrutiny have to adapt to these changing circumstances.

In general terms, security sector reform is not a one-off event but a continuous process; it is not a goal in itself, but aims at providing security both to the state and to its citizens. The reforms concern both the organisation of the security sector (that is legal framework, structure of institutions, division of labour) and the human dimension of the security sector services, that is creating services staffed with true professionals, who combine excellent expertise with high ethical standards. This equally applies to Ukraine, which, in the course of its overall transition to a fully-fledged democracy and its alignment with Euro-Atlantic community, has given a first priority to defence and security sector reform.

This is a long-term and challenging process, but Ukraine has not been left alone. Based on Ukrainian requests, since 1998 NATO has been providing increasing levels of support including Allied expert advice and consultations on drafting legislation. The key framework for all these activities to bear fruit has been the NATO-Ukraine Joint Working Group on Defence Reform (JWGDR), which is a permanent consultation mechanism in moving forward Ukraine's defence and security sector reform. NATO's Intensified Dialogue with Ukraine launched in 2005 is a major instrument in this regard.

Ukraine's security sector review, as part of the Intensified Dialogue, successfully completed in 2007, reflects a comprehensive approach to security, embracing all parts of Ukrainian security sector and bringing about systemic changes across Ukraine's security structures. Unquestionably, the departure point of this review is its conceptual basis, in other words, legal foundation. Assisting Ukraine in transforming its system of national security towards Euro-Atlantic standards, including by developing parliamentary oversight and democratic control of the security sector, is one of the most important policy objectives on the NATO-Ukraine and the JWGDR agenda.

That said, I am honoured to introduce to researchers, scholars and practitioners an updated English version (1<sup>st</sup> edition published in 2006) of this volume of the legislation on Ukraine's security

sector, which is a joint product of cooperation between NATO, the Geneva Centre for the Democratic Control of Armed Forces (DCAF), the National Security and Defence Council of Ukraine and the Parliament of Ukraine – the *Verkhovna Rada*. This publication is direct proof of the successful NATO-Ukraine cooperation in preparing the conceptual basis for defence and security sector reform in Ukraine.

It should be noted that in the legislative field Ukraine's achievements during the past few years are immensely encouraging. Suffice it to mention the first ever adopted National Security Strategy of Ukraine, the 2006-2011 State Programme for the development of the Ukrainian Armed Forces, two editions of the Defence White Book, and the White Book on the Security Services and Intelligence Agencies in Ukraine, as a practical result of NATO experts' engagement with Ukraine's intelligence community on building democratic oversight mechanisms.

These achievements notwithstanding, a lot still remains to be done to improve Ukrainian national security legislation in terms of aligning and harmonising it with Euro-Atlantic legal standards. In addition to this, a strong focus now should be on *the effective implementation* of this legislation. This, in turn, would probably require new laws and regulations to be introduced based on Allied expertise and best practices. But it should be stated clearly that it is the Ukrainian ownership of the overall process of its security sector reform that matters most, as it is about Ukraine and its long-term security.

## PREFACE

Dear Sirs/Mesdames,

We would like to offer for your consideration the second English language edition of the collection “The Legal Framework for Military Construction and Civil and Military Relations”, prepared by the Verkhovna Rada Committee on National Security and Defense in association with NATO and the Geneva Center for the Democratic Control of Armed Forces. This edition was preceded by Ukrainian and Russian language editions.

The Collection contains the most important laws of Ukraine, resolutions of the Verkhovna Rada of Ukraine, decrees of the President of Ukraine on national security and defense issues, providing insight into the Ukrainian state’s approach to issues related to military construction, the legislative framework for reliable homeland security and defense, the protection of constitutional rights and freedoms, citizens’ life and health, peaceful and creative labor of the Ukrainian people.

The laws and regulations are based on a comprehensive analysis of the current geopolitical environment, new challenges, real and potential threats to Ukraine’s security, other nations’ expertise in tackling military and security issues. These documents provide a foundation for strengthening the legal and democratic framework, ensuring the law-abiding nature of the activities of the Armed Forces of Ukraine and of other defense and law enforcement agencies, assuring their maximum possible openness and subjection to public oversight, improving the whole system of civil and military relations.

A special place belongs to legislative acts regulating issues associated with social protection of military personnel, law enforcement personnel, retirees from the armed forces, and their family members.

Issues related to the active development of Ukraine’s cooperation in the military and military-technical spheres, participation of Ukrainian military personnel in international peacekeeping activities, implementation of Ukraine’s policy aimed at its integration into the European and Euro-Atlantic security environment, promotion of business cooperation with the neighboring and other countries in the sphere of regional and global security to advance both Ukraine’s national interests and the interests of the European and global community have been extensively reflected in the materials contained in the Collection.

A review of documents included in the Collection bears witness to the magnitude of work conducted in Ukraine to provide a legislative framework for the activities of all branches of government with regard to this important area of state-building, as well as to ensure its implementation in the modern legal environment.

We believe that this edition will be of interest and use not only to experts in defense and security issues, but also to the general public.

We would like to express our gratitude to all those who contributed to the publication of this Collection.

Yours faithfully,

*Head of Verkhovna Rada Committee  
on National Security and Defense*



*A. Grytsenko*





## PREFACE

*Philipp Fluri*

*Deputy Director , Geneva Centre for the Democratic Control of Armed Forces (DCAF)*

Strengthening parliamentary capacity to oversee and scrutinise national security sectors remains one of the most important tasks the Geneva Centre for the Democratic Control of Armed Forces (DCAF) undertakes in the emerging democracies of South East and Eastern Europe. Since 2002, DCAF has cooperated with parliaments via several platforms: stocktaking and mapping activities; awareness-raising and training; conferences on legislative reform issues; and the training of parliamentary staffers.

Cooperation with the Verkhovna Rada of Ukraine has been especially fruitful. The joint efforts of the Rada Defence Committee, under its former Chairman G. K. Kriuchkov, and the National Institute for International Security Problems (NIISP), under its then Director S. I. Piroshkov, with DCAF (via conferences, seminars and the DCAF Legal-Political Assistance Group's (LPAG) commentaries) led to legislation on Parliamentary Oversight of the Defence and Security Sector. Such efforts led to the Verkhovna Rada becoming the principal agency – and advocate – for democratic security sector oversight in the Ukraine.

Since 2005, cooperation on these issues has also included closer cooperation and partnership on oversight issues with the NATO Ukraine Joint Working Group on Defence Reform and the NATO Liaison Office. This has enabled an intensification of Ukrainian parliamentarians and security professionals' cooperation on defence and intelligence reform issues, as well as civil society's role in security sector oversight. This cooperation led to the previous edition of Ukraine's collated security sector laws (John Colston, Philipp Fluri and Sergei Piroshkov (eds.), *The Security Sector Legislation of Ukraine*, Brussels: DCAF, 2006), which this volume updates.

Overall, the Ukrainian parliament's consistent focus on security sector reform and governance issues has not only been recognized as an expression of the Ukraine's intent and ability to adapt to Western European and Transatlantic standards of good practice, but the repeated discussions have also greatly contributed to the emergence of a 'strategic community' of informed and committed experts on matters of security sector governance. A brief glance at the record of DCAF's cooperation with Ukraine's democratic institutions, civil society, and security sector shows the predominance of the Rada and NIISP's relentless documentation and awareness raising efforts.<sup>1</sup>

From 2002 onwards, expert conferences, seminars and roundtables have been held every year via intensive cooperation with the Verkhovna Rada, the Rada Defence Committee and NIISP, all contributing to improved parliamentary oversight of the security sector. 2007 was no different, with a broad array of projects taking place.

- The DCAF-Rada-NATO JWGDR Ukraine Roundtable on the Role of Parliament's Role in National Security and Defence focused on the current status of SSR programming and democratic oversight in Ukraine. Ongoing priorities and needs were discussed in detail with the new Defence Committee.  
[http://www.dcaf.ch/news/\\_diarydetailskms.cfm?lng=en&id=29538&nav1=2](http://www.dcaf.ch/news/_diarydetailskms.cfm?lng=en&id=29538&nav1=2)
- The DCAF-Rada-NATO Workshop on Practical Aspects of Parliamentary Oversight of the Intelligence Sector focused on the function of parliamentary committees and sub-

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<sup>1</sup> <http://www.dcaf.ch/dcaf-activities-ukraine/index.cfm>

committees responsible for intelligence oversight, providing practical support for the development or improvement of the relevant legal and procedural bases.

[http://www.dcaf.ch/news/\\_diarydetailskms.cfm?lng=en&id=29535&nav1=2](http://www.dcaf.ch/news/_diarydetailskms.cfm?lng=en&id=29535&nav1=2)

- The NATO-Ukraine Joint Working Group on Defence Reform (JWGDR) Civil Society Network Meetings in Warsaw and Kiev saw priorities for civil society activities in Euro-Atlantic Integration identified, and a public meeting of the NATO-Ukraine Civic League and its CSO coalition was held to assess civil society involvement in Euro-Atlantic Integration.
- The DCAF Parliamentary Staffers Programme invited the then Defence Committee Chair Anatoliy Kinakh's Defence Committee staffers to participate in the DCAF training programme.
- And the Expert Twinning Programme was continued with MoD Ukraine focused on creating policy and planning tools for reform.

Thus, this revised and even more comprehensive collection of Ukrainian legislation on the Security Sector will serve two purposes: it will give Ukrainian and Western experts an overview in Ukrainian, Russian and English of what legal documents already exist in Ukraine; and it will serve as a tool for identifying possibilities for adaptations to the law. In terms of the latter, Ukrainian experts and members of the DCAF Legal-Political Assistance Group will be invited to annotate and comment on the laws in the light of good practices elsewhere.

DCAF's cooperation with the Verkhovna Rada remains among the most successful and promising of its parliamentary programmes. The Geneva Centre will stay committed to close cooperation with the Rada Defence Committee and NIISP on the legislative process.

Two years have passed since the publication of the collection of Ukraine's most important laws, decisions of the Verkhovna Rada of Ukraine and decrees of the President of Ukraine in the area of national security and defence. The time in between has been characterized by complex internal political processes, which have had an impact on the formation of the normative legal base in the sphere of security and defence.

Further improvement of the legislative base included the elaboration of legal norms concerning the activity of security bodies under conditions of ongoing constitutional reform in Ukraine as well as bringing the structure, functions, tasks, guarantees of social protection of various elements of the security sector in line with internal and external conditions influencing the security of the country.

The most important changes and amendments to the current legislation were made through the improvement of the conceptual base in the sphere of security and defence (the National Security Strategy of Ukraine was developed and approved by the Decree of the President of Ukraine), the formation of new structures (for example, the State Service for Special Communications and Information Protection of Ukraine; amendments to some legislative acts of Ukraine on intelligence bodies) or the specification and changes to legislation concerning the provision of pensions and social protection of servicemen, persons liable for military service and reservists called up for education (control) and special training, as well as other persons.

Important changes were made in the Law of Ukraine «On Universal Military Duty and Military Service».

When characterizing the new laws, changes and amendments which have been made to the existing normative legal base and need to be reflected in this collection of legislative acts in the area of national security, it is necessary to expand on the following aspects:

## **PART II**

### **THE LEGISLATIVE AND CONCEPTUAL FRAMEWORK FOR THE PROVISION OF NATIONAL SECURITY AND THE IMPLEMENTATION OF DEFENCE POLICY**

It is necessary to add an essentially new document, the development of which (according to items 1 and 17 of Part 1 of Article 106 of the Constitution of Ukraine (254к/96-BP) and Part 2 of Article 2 of the Law of Ukraine «On National Security of Ukraine») is the responsibility of the President of Ukraine. This is the National Security Strategy of Ukraine which was approved by presidential decree on 12 February 2007 N 105/2007.

This document makes a broad assessment of strategic priorities and objectives in the sphere of national security, corresponding to the challenges and threats of the 21<sup>st</sup> century. The document also characterizes Ukraine's interaction with current international and regional security systems. The National Security Strategy of Ukraine (herein referred to as the Strategy) defines principles, priority objectives, tasks and mechanisms for ensuring the vital interests of an individual, society and the state, as well as their protection against external and internal threats. The Strategy analyzes in detail the character of internal and external threats, challenges and risks in the sphere of national security, defines the sphere of competences of the President, as well as the legislative, executive and judicial branches of power with respect to the provision of national security.

**THE DECREE  
OF THE PRESIDENT OF UKRAINE  
ON THE NATIONAL SECURITY STRATEGY OF UKRAINE**

According to items 1 and 17 of the first part of Article 106 of the Constitution of Ukraine (254к/96-BP), the second part of Article 2 of the Law of Ukraine “On National Security of Ukraine” (964-15), **I decree:**

1. To approve the National Security Strategy of Ukraine
2. That the Cabinet of Ministers of Ukraine shall provide for the implementation of the aforementioned Strategy.
3. That the Secretary of the National Security and Defence Council of Ukraine shall inform the President of Ukraine on the status of the implementation of the aforementioned Strategy.

President of Ukraine V. Yushchenko

Kyiv, 12 February 2007  
N 105/2007

**APPROVED**  
**By the decree of the President of Ukraine**  
**On 12 February 2007 N 105/2007**

**National Security Strategy of Ukraine**

**1. General provisions**

Ukraine is a sovereign, unitary, European state based on the rule of law, with a history of state-building, development of democratic institutions, ancient national cultural and spiritual traditions. At the beginning of the 21<sup>st</sup> century, Ukraine is developing within its existing borders on the basis of the Ukrainian people's inalienable right to self-determination.

The events of 2004, known as the Orange Revolution, became a catalyst for the democratic development of Ukrainian society. Ukraine has clearly declared its aspiration to take an appropriate place in the European community. New opportunities have emerged for reforming the foundations of social life on democratic principles and pursuing a sovereign foreign policy.

There is a growing understanding in society that freedom and human dignity are not only universal human values, but also cornerstones for building a civilized state, as well as developing and executing foreign, internal and national security policies.

The perception of Ukraine in the world has significantly changed. Ukraine is embracing new opportunities to realize its national interests in a changing and contradictory global environment.

The further development and protection of Ukraine's most significant achievements require that the state clearly determines its strategic priorities and objectives, which shall be adequate for the challenges and threats of the 21<sup>st</sup> century, as well as its interaction with present day international and regional security systems.

The Strategy determines the principles, priority objectives, tasks and mechanisms required for protecting the vital interests of an individual, society and the state from external and internal threats.

The legal basis for the development and implementation of the Strategy is the Constitution of Ukraine (254к/96-BP), the Law of Ukraine on National Security of Ukraine (964-15), other laws and international instruments ratified by the Verkhovna Rada of Ukraine, which in the aggregate determine the basic principles of state policy in the sphere of national security.

The main objective of the Strategy is to ensure a level of national security that guarantees the progressive development of Ukraine, its competitiveness, respect for human and civil rights and freedoms, as well as the further strengthening of its international position and authority in the modern world.

The achievement of this objective is possible through the implementation of the national security policy of the state which envisages strengthening the foundations of national unity in order to build a democratic and competitive state based on the rule of law, to develop a socially oriented market

economy, to strengthen scientific and technological potential, to ensure innovation development, to raise the standard of living and well-being of the population, to ensure information security as well as environmentally and technogenically safe conditions for the vital functioning of society.

The national security policy of Ukraine is being developed and implemented under conditions whereby differences between the internal and external aspects of security are disregarded, and the non-coercive (political, economical, social, energy-related, environmental, informational, etc.) components for ensuring it are growing in importance.

## **2. Principles for Ensuring National Unity and the Protection of Vital Interests of an Individual, Society and the State from External and Internal Threats**

National unity as a guarantee for ensuring the effective protection of interests of an individual, society and the state can be achieved through the respect for human dignity and the realization of the following vital national interests of Ukraine:

human and civil rights and freedoms;

sovereignty of Ukraine, its territorial integrity, inviolability of its frontiers, democratic constitutional order, the rule of law;

integrity of the state on the basis of convergence of all territorial communities, social strata and ethnic groups around the values of an independent, free, sovereign and democratic development of a unified Ukraine;

competitiveness of the state and economic well-being of the population through the comprehensive development of the human, scientific, technical and innovation potentials of the country;

improved mechanisms of implementation of the constitutional principle of division of power into the legislative, executive and judicial branches;

strict observance of the guarantees of independence and impartiality of the courts;

restricted interference of the state in the activities of economic entities, citizens, civil organizations, political parties, and religious organizations;

safe conditions for vital functions, protection of environment;

the preservation and development of spiritual and cultural values of society;

harmonious relations with other states, perception of the Ukrainian state by the international community as a full-fledged and equal member.

The national security policy, which is aimed at safeguarding these vital national interests, shall be based on the following principles as defined by the legislation of Ukraine:

priority of human and civil rights and freedoms;

the rule of law;

priority of treaty-based (peaceful) means of dispute settlement;

timely and adequate measures for the protection of national interests against real and potential threats;

clear division of responsibilities and interaction among bodies of state power in ensuring national security;

democratic civilian control over the armed forces and law enforcement organs of the state;

engagement of civil society in the processes of development and implementation of the national security policy;

use of international collective security mechanisms in the interests of Ukraine.

The vital national interests of Ukraine are being realized in the complex internal and external environment, characterized by a number of challenges and threats.

2.1. The socio-political developments in Ukraine in recent years, particularly during the first years of independence, have raised the issue of ensuring the national unity and integrity of the Ukrainian state, the provision of which has been aggravated by:

the value-based and ideological divisions in Ukrainian society due to cultural and historical differences between certain regions in Ukraine which, in turn, have been aggravated by their exploitation by certain internal and external political forces, in particular the extremist ones;

low effectiveness of state decision-making and implementation mechanisms as a result of ill-coordinated actions between various branches and bodies of state power, the diminishing professionalism of civil servants, the spread of corruption and bribery, as well as the fusion between business and politics in that environment;

weakness and dissociation of civil society institutions which makes it impossible to appropriately develop their capacity with respect to the democratization of public life;

demographic deformations historically caused by wars, famines, repression, deportations and the Chernobyl disaster, which acquired features of demographic crises during periods of radical socio-economic reform.



2.2 The state of economic security continues to be undermined by a number of challenges and threats caused by the following factors:

an unstable economic growth and its excessive dependence on external factors;

enduring structural deformations in the national economy, ineffective use of material, in particular energy, resources, prevalence of sectors with an insignificant value-added element resulting in the low competitiveness of domestic products;

an ineffective protection of property rights, absence of conditions for developing the necessary investment potential in the national economy, in particular developed financial and stock markets, unfavourable macroeconomic and politico-legal climate for the attraction of foreign investments and development of domestic investment processes;

an imperfect tax system, inefficiency of tax management and control over budget allocations;

a low competitiveness, monopolization of some branches of the economy, goods and services delivery;

imperfect mechanisms of protection of the domestic market from unfair competition originating from imported products and ineffective prevention of contraband;

the overdependence on imported energy resources and non-diversification of energy supplies;

the monopolization of certain strategically important sectors of the national economy by foreign capital which threatens the stability of certain commodity markets;

the degradation of the scientific and technical potential, underdevelopment of the national innovation system, low innovation activity of economic entities;

an uncontrollable outflow of intellectual and labor resources abroad, including labor migration;

a deepening regional differentiation;

a high level of shadow economy caused *inter alia* by the spread of shadow employment, spread of semi-legal methods of tax evasion, criminalization of economic relations, existence of organized criminal groups in the country seeking to gain control over the activities of economic entities.

2.3. An increase in environmental and technogenic threats to the national security as a result of:

a critical state of the basic production facilities and municipal infrastructure of inhabited localities which creates the preconditions for emergencies and environmental disasters;

unresolved issues relating to the adequate maintenance of nuclear facilities and hydro-technical structures, in an effort to overcome the consequences of the Chernobyl disaster;

an unacceptably heavy anthropogenic weight on the environment caused, among other things, by the stockpiling of superfluous and unusable ammunition, outdated and unnecessary military and special equipment, armaments and explosives.

#### 2.4. Ukraine's security sector is inadequate given society's needs:

the law enforcement agencies of Ukraine in their current state are unable to provide adequate protection of human and civil rights and freedoms, to effectively prevent crime, in particular organized crime, criminalization of the economy and corruption;

activities of Ukraine's intelligence and counter-intelligence agencies are not entirely adequate in light of the challenges and threats to its national security;

a critical state of armaments and military equipment, low level of logistical support and personnel training in the Armed Forces of Ukraine which threaten their ability to perform the tasks of defending the state.

#### 2.5. A serious problem is posed by the inappropriate state and functioning of the judicial branch of power, the spread of bribery and corruption in its institutions, slow judicial procedure and sometimes even unjust court decisions.

Systemic deficiencies in the activities of the judicial authorities undermine people's trust in the realization of the rule of law principle in the state. Moreover, they threaten the rights and freedoms of citizens as well as the legitimate interests of economic entities.

#### 2.6. The changing and contradictory external environment is characterized by the enhanced effect of factors which threaten the strategic stability of the world:

the great powers of the world and international organizations are losing their ability to effectively fight the deepening gap between rich and poor countries in terms of the pace of their development and living standards;

the struggle for natural resources, first of all for control over energy sources and energy supply routes, is gathering momentum; this is clearly manifested in the growth of tensions associated with the formation of new energy transportation corridors from the Caspian region, which are strategically important for Ukraine;

the problem of the uncontrolled proliferation of weapons of mass destruction and means of delivery thereof is becoming more acute. The scientific and technological potential, nuclear, chemical and space rocket industries of Ukraine may become an object of interest for international terrorist groups;

there is an increasing danger that “frozen” conflicts might escalate and new regional conflicts might emerge close to Ukraine’s borders. This specifically refers to the long-term unresolved conflicts in the regions of Transdnistria and the Caucasus, which are being further aggravated by the involvement of other states as well as “shadow business” and international criminal groups.

2.7 Terrorism presents the most serious threat to the international community and individual states, including Ukraine. This threat becomes even more important in view of a possible use of weapons of mass destruction by terrorists. Terrorist acts can also serve economic and political interests as a tool for achievement.

Ukraine has also become an object of increasing interest amongst international criminal groups, in particular in the spheres of money laundering, illegal migration, trafficking in people, arms, hazardous materials, drugs, etc.

2.8. The negative external influence on the information sphere of Ukraine is being intensified, threatening to erode social values and national identity.

The output of competitive national information products continues to be insufficient.

The state of security for data-processing computer systems is close to critical, particularly in the sphere of public administration, finance and banking, energy, transportation, domestic and international communications, etc.

### **3. Strategic Objectives, Priorities and Tasks of the National Security Policy**

The current dynamics of social processes in Ukraine and the world calls forth the necessity to establish an adequate, effective and economically viable system of national security governance capable of ensuring the movement of society and the state towards the community of developed democratic countries.

The strategic objective of the national security policy of Ukraine is to ensure state sovereignty, territorial integrity and national unity on the basis of democratic development of society and the state, observance of human and civil rights and freedoms, establishment of the conditions necessary for dynamic economic growth, achievement of European social standards and general well-being of the population.

The strategic priorities of the national security policy are:

3.1. Achievement of national unity and the consolidation of society by overcoming both the objective and artificial contradictions of socio-cultural, religious, ethnic, language-related, inter-regional and regional natures through strict observance of the constitutional guarantees of human and civil rights and freedoms.

To that end, it is necessary to promote the idea of common historic destiny, the benefits of close cooperation and mutual assistance, as well as the direct connection which exists between the success of every Ukrainian citizen and the degree of unity in Ukrainian society. This facilitates the development of the national idea in its broadest sense among people of various ages and from different social, educational, cultural groups.

It is necessary to continue to reform the political system towards the establishment of a pluralistic democracy, European values, freedom of speech and the development of civil society on the basis of the Constitution of Ukraine (254к/96-BP).

Special attention needs to be paid to the development of basic principles and effective mechanisms of communication and interaction between the legislative, executive and judicial branches of power in Ukraine at the time of implementation of the constitutional reforms.

### 3.2. Improvement in the effectiveness of public administration and local self-government systems

To that end, it is necessary to consolidate the efforts of the bodies of state power with a view to improving the constitutional regulation of social relations in Ukraine, ensuring the balance of national, regional and local interests, establishing a system of strategic planning and creating effective monitoring mechanisms to adjust the security policy priorities in a timely manner.

A new impetus needs to be provided in an effort to improve the system of interaction between bodies of state power and civil society institutions.

It is necessary to ensure a real separation between public, state and commercial (private) interests, between business and power, to enhance the fight against corruption, including political corruption, in particular through the improvement of the relevant legislation.

Legal guarantees for the separation of political and administrative functions in state bodies shall ensure effectiveness, stability and a high level of professionalism in the civil service.

Democratic transformations and the realization of Ukraine's European alignment necessitate the improvement of the system of state power. This system shall be built upon European democratic values and ensure openness and the transparency of activities. Radical systemic reforms aimed at the democratization of the entire system of state power are critically needed. Slowing down the administrative reform process delays other transformations, in particular in the socio-economic sphere.

### 3.3. Ensuring adequate economic security is impossible without structural transformation and an increased competitiveness of the national economy.

To that end, it is necessary first of all to improve the investment climate, *inter alia*, by effectively protecting property rights, amending the regulatory and corporate legislation, restricting monopoly, developing financial and stock markets.

One of the most important tasks in this context is to reform the taxation system and to direct the fiscal policy of the state towards the reduction of the share of all material expenses in the economy.

It is necessary to radically improve the effective utilization of public funds, to ensure effective state control over the activities of natural monopoly entities as well as transparency in the use of financial resources by these entities, effective tariff and regulatory policy.

The economic policy of the state shall also be directed to enhance the financial state of economic entities and to ensure that the latter achieve higher profitability and capitalization.

Along with the realization of the state policy of export promotion, firstly of high-tech products, it is necessary to ensure proactive expansion of the domestic market and to avoid critical dependence of the national economy on the world markets.

It is impossible to improve the competitiveness of the national economy under the existing level of innovation activity of enterprises. To improve that activity, it is necessary to establish a national innovation system and to expand investment possibilities for the implementation of innovation projects.

Enhancement of the innovation processes in the education, science and technology, information and communications spheres shall receive priority attention from the state; in the aggregate these spheres shape the infrastructure of the economy of knowledge – the basis of Ukraine's future competitiveness in a globalized world.

Ukraine shall consistently implement land reform initiatives and prioritise the development of the agro-industrial complex as a basis of food security for the state.

3.4. Ensuring the energy security of the country, firstly, by radically increasing the effectiveness of fuel and energy consumption.

It is critically important to urgently address the need to reduce Ukraine's energy dependence, diversification of energy supply sources, realization of the state's transit potential and modernization of energy infrastructure on the basis of the introduction of modern technologies.

It is impossible to accomplish these tasks without considerable improvement in the effectiveness of the fuel and energy complex management system, the establishment of adequate control over the activities of state-run companies in this sector, the use of the transit oil and gas pipelines, underground gas storage facilities, electric power grids, railways, ports and the like in the national interest.

3.5. Achievement of high social standards and resolution of urgent demographic problems on the basis of this achievement.

This envisages the realization of comprehensive measures aimed at strengthening the middle class and eliminating poverty, harmonizing national living standards with those in European countries, establishing conditions for improving the health of the nation and reducing mortality rates, ensuring

access to high-quality medical services for all groups of the population, providing housing to citizens in need of assistance from the state and implementing the social security reform process, in particular pension reforms, etc.

The following concerns shall be determined as priority areas of activity for state bodies: the overcoming of negative tendencies in the development of the demographic situation, disproportions in migration processes, outflow of qualified manpower abroad and providing for the need of the economy and social sphere with labor resources.

State policy in the humanitarian sphere shall be aimed at the development of education and science, reform of the public health care system, protection of the national cultural and spiritual heritage, improvement of the moral health of the nation, *inter alia* by introducing effective mechanisms for strengthening family values and preventing the spread of violence, racial, ethnic and religious intolerance, immoral action, etc. in the mass media.

The language policy, as one of the key components of the national humanitarian policy, shall be based on the necessity to strictly observe the constitutional guarantees concerning the comprehensive development and functioning of the Ukrainian language as the state language and the language of official communication in all spheres of social life on the entire territory of Ukraine as well as free use of Russian or other native languages by citizens in all aspects of life.

Problems of vagrancy and child homelessness shall be urgently addressed.

### 3.6. Creation of safe conditions for vital activities of the population

A balanced system for natural resource usage shall be established on the basis of an introduction of economic mechanisms encouraging the efficient use of natural resources, a reduction in hazardous emissions, the use of modern environment-friendly resources and energy-saving technologies. It is necessary to considerably improve the ecological condition of water resources and the quality of drinking water. Effective measures shall be taken to prevent further pollution of the Black and Azov Seas.

It is necessary to ensure effective functioning of the integrated system of civil defence, prevention and liquidation of the destruction caused by technogenic disasters and increases in the level of environmental, nuclear and radiation security, in particular the transformation of the “Shelter” facility into an environmentally-safe system.

Reform of housing and communal services, modernization of capital assets in this sector and improvement of the quality of housing and communal services, primarily through the development of competition in this sector, shall be identified as conditions necessary for the establishment of a safe environment for the vital activities of Ukraine’s population.

3.7. Reform of Ukraine’s security sector institutions — the Armed Forces of Ukraine, other military formations and law enforcement agencies — to ensure their readiness to perform tasks pertaining

to the national defence, increasing the effectiveness of activities on human and civil rights protection, ensuring national security and preventing corruption and crime, especially in their organized forms.

The following areas have been prioritised:

maintaining high combat readiness and mobilization preparedness of the Armed Forces of Ukraine and other military formations; bringing the structure, command and control system, education and training, the level of ammunition and military equipment in line with standards of the armed forces of North Atlantic Treaty Organization (NATO) member states;

ensuring budgetary funding of the security sector as a holistic system sufficient for reform and development;

determining the optimal structure and strength of Ukraine's security sector agencies on the basis of the vital necessities of national security and the economic capacity of the state;

raising the level of professionalism and responsibility of all bodies of the security sector, further introduction of European democratic standards into the everyday activities of the security agencies;

improving the legal framework for activities of the security sector agencies taking into account the European and Euro-Atlantic criteria;

bringing criminal legislation and criminal legal proceedings into conformity with standards and recommendations of the Council of Europe (CoE) and the European Union (EU);

developing a system of strategic planning, coordination and control over the activities of the security sector agencies;

managing the state border and its infrastructure according to the European criteria;

promoting the fight against the legalization (laundering) of earnings obtained in a criminal way.

3.8. An acceleration of the implementation of the judicial reform process in order to establish a judicial system and legal procedures which function on the basis of the rule of law and in accordance with European standards while also guaranteeing the right of an individual to a fair trial.

To this end, the following tasks shall be accomplished:

overcoming negative tendencies arising from an inconsistent realization of the reform of the judicial branch of power;

ensuring accessible and fair legal proceedings, transparency of court activities, optimization of the system of courts of general jurisdiction;

- practically realizing citizen's rights to access judicial decisions;
- raising the level of public trust in the judicial system;
- raising the status of judges in society;
- strengthening guarantees of the independence of judges;
- qualitatively raising the professionalism of judges and improving the conditions of their professional activities;
- developing effective mechanisms and clear criteria for the disciplinary liability of judges;
- radically improving the state of implementation of court decisions;
- creating conditions for the development of alternative (extrajudicial) ways of dispute settlement.

Effective implementation of the rule of law in society and guarantees of the right to a fair trial in an independent and impartial court for every individual shall become the main elements of further developments in the sphere of justice.

3.9. Development of the system of democratic civil control over the armed forces and law enforcement agencies of the state which envisages:

- the improvement of the legal framework in that sphere;
- the development of civil-military relations in society, *inter alia* by bringing the percentage of civilians and military personnel in the security sector agencies into conformity with European standards;
- the demilitarization of law enforcement and intelligence agencies taking into consideration the optimal number of servicemen and civilian personnel in these agencies;
- the involvement of the public in the development and implementation of Ukraine's national security policy.

3.10. Ensuring favourable external conditions for the development and security of the state which envisages:

- establishing a secure international environment, strengthening collective security systems in the European and Transatlantic regions, developing relationships and cooperation in global and regional frameworks;
- protecting and supporting Ukrainian citizens and their interests abroad;
- finalizing the legal regulation (delimitation and demarcation) of the state border of Ukraine, in particular resolving, on the basis of norms of international law, the issues of delimitation in the



Sea of Azov, the Black Sea and the Strait of Kerch with the Russian Federation, settling contentious issues concerning delimitation of the continental shelf and exclusive economic zones in the Black Sea with Romania;

ensuring an adequate place for Ukraine in the global division of labor, safe and balanced entry of the Ukrainian economy into the global economic system, in particular in the World Trade Organization (WTO) framework;

concluding a new framework agreement, establishing a free trade zone with the EU and the basis for Ukraine's full-fledged membership in the EU;

Ukraine's accession to the European and Euro-Atlantic security systems which envisages mutually beneficial cooperation with NATO (950\_008), creation of conditions for Ukraine's accession to NATO; participation in the EU and Organization for Security and Co-operation in Europe (OSCE) security programs;

developing the Ukrainian-Russian partnership on the basis of pragmatism and openness, mutually beneficial cooperation and collaboration as key conditions for ensuring national and regional security;

developing harmonious, mutually beneficial, good-neighbourly relations with countries in the region, establishing Ukraine's regional leadership role on that basis;

expanding active interaction with the United States, Canada, EU member-states, other European countries and leading regional states;

supporting international peace and security through further participation in international peacekeeping activities, multilateral measures to counteract the proliferation of weapons of mass destruction, terrorism, transnational organized crime, trafficking in people and drugs and other challenges to international security;

ensuring information security during the process of integration into the structures of the global information society.

The main priorities of regional cooperation in the Baltic-Black Sea-Caspian region are:

strengthening democracy and security in the region, expanding and deepening cooperation in the framework of the Community of Democratic Choice and the Organization for Democracy and Economic Development – GUAM;

expanding bilateral and multilateral cooperation with countries of the region concerning the development of a common energy policy, in particular in the field of energy resource transportation;

expanding cooperation with European regional organizations and participation in multilateral

projects, establishing sub-regional collective security systems in the interests of all states of the region.

Ukraine shall continue to take an active part in the settlement process of “frozen” conflicts in the region, first of all in Transdnistria.

#### **4. Mechanisms of Implementation of Ukraine’s National Security Policy**

A critical condition for the effective implementation of the national security policy is to ensure a functioning system of state power through a balanced division of functions and powers among branches and bodies of power, clear division of political and administrative powers, functions and responsibilities at the legislative level and regulation of activities of bodies of state power.

The effective implementation of the strategic priorities, basic principles and tasks of the national security policy of the state specified in this Strategy requires improvements in the legal and organizational mechanisms of national security management and its provision of professional staff and resources.

##### **4.1. Improvement of the national security management system**

The national security management system of Ukraine shall be developed in the following directions:

the improvement of the legislature in the sphere of national security, first of all through:

- bringing the legislation in the sphere of national security and defence in conformity with the Constitution of Ukraine (254к/96-BP), its harmonization with relevant European laws;
- the legal definition of tasks and functions of the national security bodies, including in emergency and crisis situations threatening the national security of Ukraine;
- the development of a legal framework for the management of national security by developing relevant laws, concepts, doctrines, strategies and programs, in particular anti-corruption laws, the National Program on Counteracting Terrorism and Extremism, the Concept of Development of the Military Organization of the State, the Concept of Development of the National Innovation System, the National Strategy of Development of Information Society, the Doctrine of Innovation, Scientific and Technological Development, etc.;
- the development and adoption of the revised Criminal Code (2341-14) and Code of Criminal Procedure (1001-05, 1002-05, 1003-05), Laws of Ukraine “On Civil Service” (3723-12), “On the Security Service of Ukraine” (2229-12) and other security sector agencies, new laws “On Crime Prevention”, “On Interception of Telecommunications”, etc., amendment of the Code of Administrative Offences (80731-10, 80732-10);
- the elimination of existing contradictions, discrepancies and gaps in the laws and other normative legal acts pertaining to national security and defence;

- the development and implementation of national standards and technical regulations regulating the use of information and communication technologies in line with the relevant European standards, including with the Convention on Cybercrime (994\_575) ratified by the Verkhovna Rada of Ukraine;
- bringing laws on the protection of state secrets into conformity with European standards;
- improving laws on the social protection of servicemen, employees of law enforcement and intelligence agencies and members of their families in order to increase the level of social protection for these categories of citizens;
- improving the efficiency of planning, coordination and control mechanisms for national security bodies in terms of their activities and responsibilities through:
  - the specification and clear division of tasks and spheres of responsibility of national security bodies;
  - the optimization of the system of strategic, socio-economic and defence planning;
  - strengthening the forecast function of the national security management system;
  - improving the efficiency of activities of national security bodies concerning early information collection in order to identify in a timely manner existing and new types of internal and external threats; taking effective measures in regards to threat prevention and counteraction;
  - the provision of information and analytical support for bodies of state power, firstly in crisis and emergency situations, including a special period;
  - the introduction of protected information and telecommunication networks for bodies of state power;
  - the development and introduction of a national system of identification and monitoring of threshold indexes (indicators) that characterize the level of national interests protection in various vital spheres as well as the emergence of real threats to national security;
- carrying out a comprehensive review of the security sector;
- carrying out a comprehensive review of the defence and industrial complex of Ukraine; development of the state program regarding its integration into the Euro-Atlantic area;
- the introduction of a system of comparative analysis of the state of the security sectors of Ukraine, its neighbouring countries and other developed countries;
- the implementation of mechanisms for the coordination of and control over the activities of executive authorities concerning the reform of the armed forces and other military formations

envisaged by the Laws of Ukraine “On National Security of Ukraine” (964-15) and “On the National Security and Defence Council of Ukraine” (183/98-BP);

— the identification of the main directions needed to develop and improve the management of the defence-industrial complex, as well as to increase the level of scientific and technological cooperation in that sphere with other countries.

#### 4.2 Ensuring resources for national security

The realization of the national security policy of the state is supported by intellectual, human, financial, logistical, informational and other necessary resources.

An appropriate level of financial and logistical support for the implementation of measures envisaged by the National Security Strategy shall be based on the sustainable and dynamic development of the national economy and enhancement of the financial capacity of the state.

The priority financing areas of the national security policy are:

the reform and development of security sector agencies;

the improvement of programs of adaptation and social protection for servicemen and employees dismissed as a result of reform of the security sector;

the realization of modernization programs aimed at the industrial, scientific and technological potential in the strategic sectors of the economy;

the state’s support for investment and innovation projects aimed at improving the effectiveness of the use of material, firstly energy, resources in the national economy;

the development of transport, information and telecommunications infrastructure;

the reform and development of education and health care systems; bringing them in conformity with European standards;

conducting fundamental research and applied projects in the field of innovation activities;

encouraging the implementation of modern technologies and their transfer from the defence-industrial complex to civilian production;

training personnel for bodies of state power as well as highly-qualified professional personnel in accordance with the priorities defined by the Strategy.

Resources for the implementation of measures envisaged in the National Security Strategy of Ukraine are provided through mandatory annual appropriations in the state budget and in relevant programs.

It is envisaged to gradually bring the budget financing of the security sector to a level similar to allocations in Central European countries, with the concurrent optimization of the organizational and personnel structures of security agencies; to bring them into conformity with the new functions and tasks as well as the economic capabilities of the state.

Measures aimed at the provision of scientific support for the implementation of the National Security Strategy of Ukraine are coordinated by the National Academy of Sciences and research institutions of the National Security and Defence Council of Ukraine.

#### 4.3. Principles and mechanisms of the state and civil control over the implementation of the strategy

According to the Law of Ukraine “On National Security of Ukraine” (964-15), the National Security Strategy of Ukraine is a document mandatory for execution.

One of the key conditions required to accomplish the objectives and tasks of the national security policy defined by the Strategy is the introduction of effective state and civil control over its realization.

Such control is carried out on the basis of the following principles:

the rule of law, strict observance of the legislation regulating the activities of the national security bodies ;

a clear division of functions and powers among the bodies of state power and bodies of local government in the field of national security management;

an interaction between and responsibility of the national security bodies for the realization of the national security policy and provision of the policy with the necessary resources;

transparency of spending on national security and defence;

effective state control over the use of financial and material resources in the sphere of national security;

openness of non-classified information on activities of the national security bodies;

the responsibility of state officials to provide timely, complete and credible information and to react, in accordance with the regulations, to petitions of citizens, civil organizations and mass media statements.

Control over the implementation of the National Security Strategy of Ukraine is carried out by the President of Ukraine, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine and the National Security and Defence Council of Ukraine within their competences as defined by the Constitution (254к/96-BP) and the Laws of Ukraine.

The President of Ukraine, as the Head of State, Commander-in-Chief of the Armed Forces of Ukraine and Head of the National Security and Defence Council of Ukraine, oversees the process of Strategy implementation and submits, whenever necessary, draft laws required for the implementation of the Strategy for priority consideration of the Verkhovna Rada of Ukraine.

The Verkhovna Rada of Ukraine develops the legal framework necessary for Strategy implementation and exercises parliamentary control.

The Cabinet of Ministers of Ukraine, as the highest body in the system of executive state authorities, guided by the Constitution (254к/96-BP) and the laws of Ukraine, decrees of the President of Ukraine and resolutions of the National Security and Defence Council of Ukraine, ensures that the Strategy is implemented and approves action plans for Strategy implementation on an annual basis.

The National Security and Defence Council of Ukraine coordinates and controls the activities of executive authorities concerning the implementation of the Strategy and, taking into account changes in the external or internal environment, submits proposals to the President of Ukraine concerning resource specification and provision which is taken into consideration during the preparation of the draft Law on State Budget of Ukraine for the following year.

The Secretary of the National Security and Defence Council of Ukraine informs the President of Ukraine on an annual basis or, if necessary, without delay about the state of Strategy implementation and submits relevant conclusions and proposals.

The central executive authorities of Ukraine, the Armed Forces of Ukraine and other military formations, law enforcement and intelligence agencies, established in accordance with the laws of Ukraine, ensure within their competences the realization of the tasks relating to the implementation of the Strategy envisaged by the Constitution (254к/96-BP) and the laws of Ukraine, decrees of the President of Ukraine, the Cabinet of Ministers of Ukraine and resolutions of the National Security and Defence Council of Ukraine.

Other executive authorities, local state administrations and local self-government bodies ensure the resolution of questions pertaining to the implementation of the Strategy that fall under their responsibility in accordance with the laws of Ukraine.

An essential role in the implementation of the national security policy shall be played by civil society institutions, *inter alia* by exercising civil control over the activities of bodies of state power in this sphere. An active participation of civil society institutions will promote the strengthening of the guarantees of observation of the law, human and civil rights and freedoms and will ensure that the national security system is adequate with regards to threats to the national interests and economic capabilities of the state.

The Constitution (254к/96-BP) and the laws of Ukraine provide for the necessary capabilities to that end. At the same time, civil control mechanisms require further improvement through:

informing society in a timely and credible manner, including through the preparation and periodical publication of “white books,” about the activities of bodies of state power in this sphere;

civil expertise of draft normative legal acts, concepts and programs on national security issues and due consideration of its conclusions;

broad public involvement in the discussion of the most critical national security issues in the course of preparation of relevant state decisions;

the establishment of civil expert councils to provide support for executive authorities responsible for ensuring national security.

The Strategy is a basis for the development of concrete programs, projects and action plans for various components of the national security policy of the state and mechanisms of their realization; the Strategy will remain in force until the set objectives are accomplished.

Head of the Secretariat of the President of Ukraine V.BALOHA

The Decree of the President of Ukraine «On Additional Measures to Further Guarantee the Democratisation of Society and the Strengthening of Civil Control over the Activities of Law Enforcement and Intelligence Organisations of Ukraine» expanded its purview by covering bodies and establishments executing punishments and investigatory cells of the State Criminal Execution Service of Ukraine according to changes brought by the Decree of the President of Ukraine “On Introducing Amendments to Some Decrees of the President of Ukraine N 316/2006.”

In connection with the adoption of the Law of Ukraine «On the State Criminal Execution Service of Ukraine,» the Decree of the President of Ukraine «On Introducing Amendments to Some Decrees of the President of Ukraine» N 316/2006 specifies some stipulations of the previous Decree of the President of Ukraine «On Additional Measures to Further Guarantee the Democratisation of Society and the Strengthening of Civil Control over the Activities of Law Enforcement and Intelligence Organisations of Ukraine.» The purview of this Decree includes bodies and establishments executing punishments and investigatory cells of the State Criminal Execution Service of Ukraine.

**In Part III “The Legislative Framework for the Development and Reform of the Ukrainian Armed Forces”,** it is necessary to mention a new revision of the Law «On Universal Military Duty and Military Service,» which under the new title «On Military Duty and Military Service» has a number of important differences from the previous Law.



**Law of Ukraine**  
**On Introducing Amendments to the Law of Ukraine “On Universal Military Duty and Military Service”**

(Bulletin of the Verkhovna Rada (BVR), 2006, No 38, p. 324)

The Verkhovna Rada of Ukraine **decrees:**

To introduce amendments to the Law of Ukraine “On Universal Military Duty and Military Service” (2232-12) (Bulletin of the Verkhovna Rada (BVR), 1999, No 33, p. 270; 2000, No 4, p. 27; No 30, p. 235; 2001, No 9, p. 38; 2003, No 4, p. 34; No 5, p. 37; No 15, p. 108; No 27, p. 209; No 29, p. 234; 2004, No 8, p. 67; No 10, p. 94; No 36, p. 444; 2005, No 16, p. 259; No 20, p. 276; No 27, p. 361; 2006, No 14, p. 116, with the following wording:

The Law of Ukraine on Military Duty and Military Service

This law regulates relationships between the state and citizens of Ukraine relating to citizens’ constitutional duty to defend the Motherland.

**PART I**

**GENERAL PROVISIONS**

**Article 1. Military Duty**

1. Defence of the Motherland, the independence and territorial integrity of Ukraine is the constitutional duty of citizens of Ukraine
2. Military duty is introduced with the purpose of ensuring the preparation of citizens of Ukraine for defence of the Motherland, the manning of the armed forces, other military formations created in accordance with the Laws of Ukraine, special purpose law enforcement bodies and the State special transport services (hereinafter — the Armed Forces and other military formations) manned by servicemen.
3. Military duty includes:
  - the preparation of citizens for military service;
  - the registration of citizens at enlistment offices;
  - the enlistment on a voluntary (contract) basis and conscription to the military service;
  - the performance of military service;
  - the performance of the military duty in reserve;
  - observation of the rules of military registration.
4. Citizens of Ukraine have the right to substitute the performance of military duty by alternative (non-military) service in accordance with the Constitution of Ukraine (254к/96-BP) and the Law of Ukraine “On Alternative (Non-Military) Service” (1975-12).
5. Citizens of Ukraine are exempt from the performance of military duty on the grounds defined by this Law.
6. Military duty does not apply to foreigners or stateless persons who reside in Ukraine.

7. The performance of military duty by citizens of Ukraine is ensured by state authorities, self-government bodies, military formations created in accordance with the Laws of Ukraine, enterprises, institutions and organizations regardless of their subordination and form of ownership within their competences defined by law, regional (united regional), city (united city) military commissariats (hereinafter – regional (city) military commissariats), military commissariats of the Autonomous Republic of Crimea, oblasts, cities of Kyiv and Sevastopol as well as territorial centres (in the Autonomous Republic of Crimea, oblasts and the city of Kyiv) and centres (in regions and cities) of enlistment of servicemen on a contract basis.
8. The procedure of creation and the competences of the territorial centres and centres of enlistment of servicemen on a contract basis are defined by the regulation approved by the Cabinet of Ministers of Ukraine.
9. Military service carried out by the citizens of Ukraine is subdivided into the following categories:
  - pre-conscripts – persons subject to registration with enlistment offices;
  - conscripts — persons registered with enlistment offices;
  - servicemen – persons carrying out military service;
  - persons liable for military service – persons in reserve manning the armed forces and other military formations during a special period as well as in order to perform other tasks relating to the defence of the state
  - reservists — persons liable for military service who, on a voluntary basis, carry out military service in the reserve of the armed forces and other military formations.
10. Citizens of Ukraine, who are registered with enlistment offices or who are in the reserve of the Armed Forces and other military formations, are obliged to:
  - when summoned by the regional (city) military commissariat, report to the commissariat for the drawing up of military registration documents, passing of a medical examination, military professional training, conscription for military service or for gatherings of persons liable for military service;
  - pass a medical examination and treatment in medical establishments in accordance with the decision of the registration commission, conscription commission or military medical commission of the regional (city) military commissariat;
  - pass training for the military service, carry out military service and perform military duty in the reserve;
  - conform to the military registration regulations established by the legislation.
11. Women with military-related specialities, the list of which is adopted by the Cabinet of Ministers of Ukraine, and who are fit for military service in terms of health, age and family status are included in the list of registered persons liable for military service.
12. In wartime, women registered with enlistment offices can be drafted into military service or involved in activities relating to the defence of the state. In peacetime, women can undertake military service only on a voluntary (contractual) basis.

## **Article 2. Military Service and Military Duty in the Reserve**

1. The military service is a special state service which involves the professional activity of citizens of Ukraine, who are fit in terms of health and age, to defend the Motherland. Insurance is provided for citizens of Ukraine who spend time on duty, which contributes to a general and professional work record as well as a State service work record.

2. The procedure for performing military service by citizens of Ukraine as well as their rights and duties are defined by this Law, by regulations relating to the performance of military service by citizens of Ukraine approved by the President of Ukraine, and by other normative-legislative acts.
3. Military service in Ukraine is carried out with the observance of the constitutional requirement of the separation of church, religious organizations and the state.
4. There are the following types of military service:
  - regular military service;
  - military service on a contractual basis for soldiers, sergeants and sergeant-majors;
  - military service (training) for cadets (students) at higher military educational establishments as well as at higher education establishments with military institutes, military training facilities and departments for military training (hereinafter – higher military education establishments and departments for military training at higher education establishments);
  - military service for officers on a contractual basis;
  - military service for officers on a conscription basis.
5. Citizens of Ukraine perform regular military service in the Armed Forces of Ukraine and other military formations in accordance with the laws of Ukraine to obtain a military speciality and practical skills relating to armed defence of the Motherland.
6. Military duty in reserve involves the observation by persons who are liable for military service of the procedures and regulations of military registration, as well as participation in periodic training with the purpose of preserving and improving the knowledge and skills which are necessary for the performance of military service during a special period.
7. Citizens of Ukraine can perform military service in the reserve or in other military formations on a voluntary basis. The selection procedures and the conditions of service are defined by this law, by regulations on the carrying out of military service by citizens of Ukraine in the reserve, which are approved by the President of Ukraine, as well as by other normative-legislative acts.
8. The personnel structure of the military reserve is established by the Ministry of Defence of Ukraine and approved by the Cabinet of Ministers of Ukraine.
9. Citizens of Ukraine who are conscripted into the military or who join the service on a voluntary basis take an oath of allegiance to the people of Ukraine.
10. Citizens of Ukraine who are registered with enlistment offices, carry out military training, are conscripted or enlisted for military service, carry out military service in the reserve or those with military specialities who fill relevant posts during mobilization are expected to complete a compulsory medical examination. The procedures for medical examinations are approved by the Ministry of Defence as well as by the central executive authorities, in accordance with military formations and in agreement with the central executive body for health care. The list of military specialities is approved by the Ministry of Defence.

### **Article 3. Legal Basis for Military Duty and Military Service**

1. The legal basis of military duty and military service is established by the Constitution of Ukraine (254к/96-BP), this Law, the Law of Ukraine “On Defence of Ukraine” (1932-12), “On the Armed Forces of Ukraine” (1934-12), ‘On Mobilization Preparation and Mobilization” (3543-12), other Laws of Ukraine, as well as decrees of the President of Ukraine and normative-legislative acts adopted in accordance with these laws which ensure the defence capability of

the state, the performance of the military, military service and the status of military men, as well as the international agreements which are ratified by the Verkhovna Rada of Ukraine.

**Article 4. Manning for the Armed Forces of Ukraine and other Military Formations**

1. The Armed Forces of Ukraine and other military formations are manned by means of:
  - conscription of citizens of Ukraine for military service;
  - enlistment of citizens of Ukraine into the military service on a contractual basis.
2. The procedure for manning the Armed Forces of Ukraine and other military formations is pre-determined by this Law and the normative-legislative acts which are adopted in accordance with this Law.
3. With the purpose of manning the Armed Forces of Ukraine and other military formations during a special period, regular military training is organised and an adequate number of military trained citizens are transferred to the reserve.
4. The General Staff of the Armed Forces of Ukraine distributes conscripts proportionally among the armed forces and other military formations depending on the state of health and level of education of the conscripts.

**Article 5. The Military Ranks for Servicemen and Persons Liable for Military Service**

1. The servicemen and persons liable for military service are divided into the following ranks: private soldiers, sergeants, sergeant majors and officers.
2. The following military ranks are established:

ARMY	NAVY
The rank of privates	
Soldier Senior soldier	Seaman Senior seaman
The rank of sergeants and sergeant majors	
Junior sergeant Sergeant Senior sergeant Sergeant-major Ensign Senior ensign	Sergeant-major-second rank Sergeant-major of first rank Senior sergeant-major Petty officer Warrant Officer Senior Warrant Officer
The rank of officers	
The rank of junior officers	
Junior lieutenant Lieutenant Senior lieutenant Captain	Junior lieutenant Lieutenant Senior lieutenant Captain-lieutenant
The rank of senior officers	
Major Lieutenant-colonel Colonel	Captain of third rank Captain of second rank Captain of first rank
The rank of superior officers	
Major-general Lieutenant-general Colonel-general General of the Army of Ukraine	Rear-admiral Vice-admiral Admiral

2. The words “of medical service” or “of justice” are added to the military ranks of officers from the medical and legal services of the Armed Forces of Ukraine and other military formations, military courts and prosecuting offices with corresponding education and occupying corresponding posts.
3. The words “reserve” and “retired” are added to the military ranks of citizens of Ukraine who have retired or have been transferred into the reserve.
4. Conferment or deprivation of military ranks, a reduction and restoration to the ranks of servicemen, persons liable for military service and reservists, re-certification of persons liable for military service with specialities for conferment of a military rank are carried out in accordance with the procedures determined by the statutes of the Armed Forces of Ukraine, the regulations on the performance of citizens serving in the military and the regulations on the performance of citizens in the military reserve.

## **Article 6. Military Posts**

1. Military posts (staff posts filled by servicemen) and corresponding military ranks are listed on the staff lists of military units, ships, military management bodies, institutions, organisations, higher military educational establishments, and the military departments of higher education establishments.
2. A list of posts to be filled by superior officers is approved by the President of Ukraine, whereas the posts of other military personnel are approved by the Ministry of Defence of Ukraine.
3. Individual military posts in peacetime can be filled by civilians (on the basis of fixed contracts) in accordance with the procedure determined by the Ministry of Defence of Ukraine.
4. During the transfer of the Armed Forces of Ukraine and other military formations to the organization and personnel structure of wartime, military posts shall be filled by reservists or other persons liable for military service in accordance with the procedure determined by the General Staff of the Armed Forces of Ukraine.
5. The numbers of persons with the military rank of officer, who can fill posts in the Armed Forces of Ukraine and other military formations, as well as their age limits, are determined correspondingly by the Ministry of Defence of Ukraine and other central executive authorities in accordance with legal military formations.
6. The procedure for appointment to military posts is determined by the Constitution of Ukraine (254к/96-BP), the Law of Ukraine “On the Armed Forces of Ukraine” (1934-12) and other laws and regulations on the military service performance of citizens of Ukraine.
7. Military posts in the units of the Armed Forces of Ukraine sent abroad for participation in international peacekeeping missions, as part of a peacekeeping contingent or peacekeeping personnel in accordance with the international agreements ratified by the Verkhovna Rada of Ukraine are filled by servicemen who serve on a contractual basis.
8. The procedure for the performance of military service by servicemen who do not occupy any military posts is determined by the regulations on the performance of military service by citizens of Ukraine.
9. Servicemen from the Armed Forces of Ukraine and other military formations can be attached to the state organs, enterprises and organisations to carry out duties in the interests of the defence and security of the State while keeping their status of servicemen. The list of posts in

these state organs, enterprises and organisations that can be filled by the military is approved by the President of Ukraine.

10. In accordance with international agreements signed by Ukraine, servicemen from the Armed Forces of Ukraine and other military formations can be sent to perform military service with multinational bodies of military management as well as in Ukraine's diplomatic missions abroad. These servicemen are financed by the Ministry of Defence of Ukraine and also from the budget of other military formations as established by the law. The procedures for transferring servicemen and the duration of duty in the aforementioned posts are established by the Ministry of Defence of Ukraine and other military formations.

#### **Article 7. Military Uniform and Insignia for Servicemen**

1. Military uniform and insignia are provided for servicemen.
2. Reservists and persons liable for military service are provided with a military uniform during periodical training sessions.
3. Models of military uniform and insignia for servicemen and the rules of dress are established by the Ministry of Defence and other central executive authorities in accordance with military formations. They are approved by the Cabinet of Ministers of Ukraine. Patent regulations are determined in accordance with the established procedure.
4. The wearing of a military uniform and insignia by persons who are not entitled to do so is prohibited and prosecuted by law.

### **PART II**

#### **PREPARATION OF CITIZENS OF UKRAINE FOR MILITARY SERVICE**

#### **Article 8. Preparation for Military Service**

1. The preparation of citizens of Ukraine for military service includes patriotic education, pre-conscription training, training of conscripts in military and technical specialities, training in military orchestras, military schools, schools with enhanced military and physical training, preparation for entering higher military educational establishments and higher education establishments with military departments, military training at higher education establishments following training of the officers in the reserve programme: physical training, health treatment, raising levels of education, and the study of the state language.
2. The Ministry of Defence of Ukraine, other central executive authorities, the Council of Ministers of the Autonomous Republic of Crimea, Local State Administrations, Local Self-Government bodies and the Society on Assistance to Defence of Ukraine are responsible for the organisation and fulfilment of pre-conscription training of citizens of Ukraine within their competences.
3. The procedure for the organisation and execution of pre-conscription training and training of conscripts in military and technical specialities is determined by the Regulation on Pre-conscription Training and the Regulation on Training of Conscripts in Military and Technical Specialities, which are approved by the Cabinet of Ministers of Ukraine.
4. Control over the organisation and execution of pre-conscription training and conscript training in military and technical specialities as well as programme and methodical support is exercised by the Ministry of Defence of Ukraine and by other central executive authorities with educational

establishments under their jurisdiction, by the Council of Ministers of the Autonomous Republic of Crimea, local state administrations and local self-government organs.

### **Article 9. Pre-conscription Training**

1. Pre-conscription training is part of the State's compulsory curriculum for full secondary education at vocational and general schools as well as an education and qualification degree obtained on the basis of secondary education at higher education establishments. Training is carried out in accordance with the programmes approved by the Ministry of Defence of Ukraine.

### **Article 10. Training of Conscripts in Military and Technical Specialities**

1. The training of conscripts in military and technical specialities is carried out in the following way:
  - for conscripts, who are students at vocational schools and trained in military related specialities – directly in these educational establishments;
  - for conscripts, who work or are temporarily unemployed, as well as students of vocational schools trained in specialties not related to the military – in vocational schools of the Ministries, other central executive authorities and in the educational establishments of the Society of Assistance to Defence of Ukraine.
2. Conscripts, who are 17 years of age, fit for military service and are liable for conscription after graduation from educational establishments, are engaged in training.
3. The number of conscripts predisposed for training in military and technical specialities as well as the list of these specialities are defined by the Ministry of Defence of Ukraine together with other concerned central executive authorities and are approved by the Cabinet of Ministers of Ukraine.

### **Article 11. Military Training for Citizens of Ukraine Following the Officers' in Reserve Programme of Training**

1. The military training of citizens of Ukraine following the programme of training for officers in the reserve is conducted at higher military educational establishments and higher education establishments with military departments.
2. The programme of training for officers in the reserve is followed on a voluntary basis by students enrolled in day programmes at higher education establishments of a grade III and IV accreditation, fit for military service, in light of health, moral and professional qualities.
3. The procedure for the organization of military training for students from higher education establishments following the programme of training for officers in the reserve is established by the Cabinet of Ministers of Ukraine upon the submission of the Ministry of Defence of Ukraine in agreement with the central executive body in the field of education and science.
4. The military training of students at higher education establishments following the programme of training for officers in the reserve is introduced as a separate subject in the curriculum of higher education establishments. Military training programmes are developed in accordance with the required professional characteristics for officers in the reserve in the relevant military speciality. The procedures for the development and approval of the required professional

characteristics for officers and the programmes for military training of officers in the reserve are established by Ministry of Defence of Ukraine.

5. Citizens of Ukraine, who have obtained a higher education degree not lower than a specialist degree, have completed a full course of military training following the programme of training for officers in the reserve, have passed the established exam and have been certified as officers, are conferred the basic ranks of officers in the reserve. If necessary, they can be called up to perform military service for officers by order of the Minister of Defence of Ukraine.
6. Citizens of Ukraine, who have not been certified as officers after graduation from a higher education establishment and have not carried out regular military service, are liable for conscription to the regular military service taking into account, if possible, the speciality they have obtained at higher education establishments and any military related speciality.
7. A list of military specialties in which citizens of Ukraine following the programme of training for officers in the reserve are trained for is defined by the Cabinet of Ministers of Ukraine upon the submission of the Ministry of Defence of Ukraine in agreement with the central executive body in the field of education and science. The level of training for officers in the reserve in military related specialties is defined by the General Staff of the Armed Forces of Ukraine.
8. A list of higher education establishments where students undergo training following a programme of training for officers in the reserve is defined by the Cabinet of Ministers of Ukraine upon the submission of the Ministry of Defence of Ukraine in agreement with the central executive body in the field of education and science. Military educational departments are structural departments within these higher education establishments. Decisions concerning the establishment, reorganisation and closure of military education departments are taken by the Cabinet of Ministers of Ukraine following submissions made by the Ministry of Defence of Ukraine in agreement with the central executive authorities who have higher education establishments under their jurisdiction.
9. The Ministry of Defence of Ukraine, in agreement with a Rector from a higher education establishment, enlists and appoints pedagogical personnel for military education departments and exercises control over the training of students following a programme of training for officers in the reserve.
10. During training sessions, citizens of Ukraine following the programme of training for officers in the reserve have rights and duties established by the legislation for persons who are liable for military service and called up for periodic training.

#### **Article 12. Preparation for Entering Higher Military Education Establishments and Higher Education Establishments with Military Departments**

1. Citizens of Ukraine, wishing to enter higher military education establishments and higher education establishments with military departments, can undergo preliminary training in general education establishments, military lyceums, lyceums with intensive military and physical training, military orchestras, education establishments of civil organizations, preparatory courses at higher military education establishments and higher education establishments with military departments.
2. Physical training for pre-conscripts and conscripts is organized by the central executive organs in the field of education, science, physical education and sports in higher, vocational, general and other non-school education establishments, as well as in sport societies and clubs which offer physical education programmes.



3. Health treatment for citizens entering higher military education establishments and higher education establishments with military departments is carried out by relevant health care institutions in a close proximity to the citizens' place of residence.
4. Medical examinations for citizens ranging from 15-17 years of age are conducted annually by medical specialists who are involved in the examination of conscripts. When necessary, citizens are prescribed with the required medical treatment.
5. Management bodies working in education are responsible for organising the education training of pre-conscripts and conscripts, and where necessary, organizing additional lessons to teach the state language to those citizens who have poor or no command of it.

### **Article 13. Rights and Duties of Citizens Receiving Military Training**

1. Citizens of Ukraine who receive training in military and technical specialities are guaranteed their place of employment, position and average salary in enterprises, institutions and organizations regardless of their position or form of ownership for the entire training period. This includes travel time to and from their place of training.
2. Housing expenditures during training periods, travel costs to and from training sites and salaries are covered by the budget of the Ministry of Defence of Ukraine and other military formations in accordance with the procedure established by the Cabinet of Ministers of Ukraine.
3. Participation of citizens of Ukraine, who are sent by regional (city) military commissariats in military training and other related training exercises for pre-conscripts and conscripts, is compulsory.

## **PART III REGISTRATION OF CITIZENS OF UKRAINE WITH ENLISTMENT OFFICES, CONSCRIPTION AND ENLISTMENT TO THE MILITARY SERVICE**

### **Article 14. Registration of Citizens of Ukraine with Enlistment Offices**

1. Registration of male citizens of Ukraine with enlistment offices is carried out with the purpose of listing citizens in the military register, determining available conscription resources, assessing educational backgrounds, acquired specialities or professions, as well as levels of physical fitness and personal qualities.
2. In order to register citizens of Ukraine with enlistment offices, registration commissions are established in regions and cities.
3. Pre-conscripts, who have turned 17 at the time of registration, are registered with enlistment offices from January to March each year. Registration is carried out by regional (city) commissariats close to conscripts' places of residence.
4. Citizens of Ukraine, who serve sentences in penitentiaries or receive compulsory medical treatment, are not subject to registration with enlistment offices.
5. Heads of enterprises, institutions and organizations managing the development of buildings regardless of their subordination or form of ownership, independent bodies responsible for the primary registration of persons liable for military service and conscripts as well as heads of other enterprises, institutions, organisations and educational establishments regardless of their subordination or form of ownership shall annually submit to the relevant regional or city military

commissariats within deadlines established by the Cabinet of Ministers of Ukraine a list of citizens of Ukraine subject to registration with enlistment offices.

6. In order to register with an enlistment office, citizens of Ukraine are obliged to report in person to a military regional (city) commissariat by a date specified in call-up papers and present necessary documents, a list of which is established by the Ministry of Defence of Ukraine.
7. In order to register citizens of Ukraine with enlistment offices of military regional (city) commissariats, registration commissions with the following composition are established:
  - the chairman of the commission – regional (city) military commissar;
  - members of the commission:
    - a representative from the regional (city) management body working in the field of education;
    - a representative from the department of the regional (city) body for internal affairs dealing with young people;
    - a doctor managing medical staff and carrying out medical examinations of citizens of Ukraine subject to registration;
    - a psychologist from the social services department of the local state administration (an executive body of the municipal council);
    - a secretary from the commission.
8. The personal composition of a regional (city) registration commission and procedures for registration are approved annually by the head of the local state administration (an executive body of the municipal council).
9. Regional (city) registration commissions are responsible for:
  - the organisation and carrying out of medical examinations for pre-conscripts who are summoned to the commission in order to establish if they are fit for military service;
  - the identification and preliminary selection of candidates for higher military education establishments and higher education establishments with military education departments;
  - the assignment of conscripts for training in military and technical specialties;
  - sending conscripts who are found to be unfit for military service for health reasons and those who do not agree with the results of a medical examination to the Conscription Commission in the Autonomous Republic of Crimea, oblast or Kyiv city Conscription Commissions;
  - sending citizens of Ukraine who are found during the registration process to be temporarily unfit for military service and those who require examination or treatment to medical care facilities in the vicinity of the citizens' residence. Attendance by pre-conscripts at these facilities as a consequence of the registration commission's decision is obligatory;
  - the enrolment of citizens of Ukraine with low standards of education and little or no command of the state language into corresponding education establishments;
  - gauging the personalities of conscripts, their moral and professional qualities, as well as their family status;
  - removing from the register conscripts and registering persons liable for military service, who:
    - are found to be unfit for military service for health reasons in peacetime and fit, to a limited degree, in wartime;

- were previously sentenced to a deprivation of liberty, a restriction of liberty, an arrest or correctional labour for committing a crime of minor or medium gravity, including liberation from serving the sentence;
    - eliminating from the military registration list citizens, who:
      - are found unfit for military service for health reasons with consequent elimination from the registration list;
      - were previously sentenced to a deprivation of liberty for committing a grave or an especially grave crime.
10. After a medical examination of a citizen of Ukraine, taking into account his level of education, personal qualities, type of work and speciality, the registration commission can take one of the following decisions:
- fit for military service and preliminarily designated for service in the Armed Forces of Ukraine and other military formations;
  - temporarily unfit for military service and requires medical care;
  - needs an additional medical check-up and another medical examination (with mention of the date of examination);
  - unfit for military service in peacetime and fit, to a limited degree, in wartime, needs to be included in the register of persons liable for military service;
  - unfit for military service with consequent elimination from the registration list, needs to be eliminated from the registration list;
  - needs to be included in the register of persons liable for military service as the person who has previously been sentenced to a deprivation of liberty, a restriction of liberty, an arrest or correctional labour for committing a crime of minor or medium gravity, including liberation from serving the sentence;
  - needs to be eliminated from the military registration list as the person who has previously been sentenced to a deprivation of liberty for committing a grave or an especially grave crime.
11. Citizens of Ukraine, registered with enlistment offices, are provided with registration certificates. Their rights and duties, the rules of military registration and the responsibility for violating these rules are explained to them.

### **Article 15. Conscription Age. Conscription of Citizens of Ukraine for Regular Military Service**

1. Male citizens of Ukraine fit for military service for health reasons, who are 18 years of age by the time they are sent to a military unit and older persons, who are under 25 years of age and are not entitled to exemption or postponement, are called up for regular military service in peacetime (hereinafter – citizens liable for call-up).
2. Citizens liable for call-up can be enlisted for military service voluntarily on a contractual basis under conditions stated in the first part of Article 20 of this Law and in accordance with the procedure determined in the regulations on the performance of military service by citizens of Ukraine.
3. The conscription of citizens of Ukraine for regular military service involves reporting to the Conscription Commission and being dispatched to military units.
4. The preparation and implementation of conscription for regular military service is conducted

- by city (regional) state administrations (executive bodies of municipal councils) in cooperation with city (regional) military commissariats.
5. The procedures involving the organization and implementation of conscription for regular military service is determined by this Law and the normative legal acts of the Cabinet of Ministers.
  6. The deadline for conscripting citizens of Ukraine for regular military service for the following year is established in a decree of the President of Ukraine, which is published no later than a month prior to the end of the current year.
  7. The number of citizens of Ukraine liable for call-up for regular military service and the total expenditure required for the subsequent conscription are determined by the Cabinet of Ministers of Ukraine.
  8. Once the decree of the President of Ukraine on the implementation of the subsequent conscription comes into force:
    - conscripts, who have received a call-up paper from city (regional) military commissariats, are obliged to report to the enlistment office in order to attend the conscription commission by the deadline as specified by the call-up paper;
    - if a call-up paper has not arrived under any circumstances, citizens liable for call-up are obliged to report to the enlistment office within 10 days from the date of the beginning of conscription as defined in the decree of the President of Ukraine;
    - conscripts, who have changed their place of residence, are obliged to report to a city (regional) military commissariat in the new place of residence within a seven-day period for registration;
    - heads of enterprises, institutions, organizations and educational establishments regardless of their subordination or form of ownership are obliged to ensure the timely report of citizens who are liable for call-up to enlistment offices at the request of military commissariats.
  9. During the regular military conscription period, changes in the place of registration by citizens liable for call-up is not permitted, with the exception of cases supported by relevant documents, involving:
    - a transfer to work in other areas;
    - a move to a new place of residence;
    - entry into an educational establishment and departure from another;
    - graduation from an educational establishment and assignment to a place of work in other areas.
  10. A conscript is liable, in accordance with the law, for the failure to report to an enlistment office without good reason when summoned by a city (regional) military commissariat.
  11. Good reasons for the failure of conscripts to report to an enlistment office by a designated deadline, evidenced by relevant documents, can be the following:
    - an obstacle of an unpremeditated character, illness of a conscript or other circumstances which made it impossible for the conscript to report personally in the assigned place by the designated deadline;
    - a death of a close relative of the conscript (parents, wife, child, siblings, grandfather or grandmother) or a close relative of his wife.

## Article 16. The Conscription Commissions

1. In order to carry out the conscription of citizens for regular military service in regions (cities), Conscription Commissions with the following composition are formed:
  - the Chairman - the deputy head of the local state administration (an executive body of the municipal council);
  - Commission members include:
    - the regional (city) military commissar;
    - the deputy head of the regional (city) management body in the field of education;
    - the deputy head of the regional (city) body for internal affairs;
    - a doctor who is responsible for managing medical staff carrying out the medical examination of conscripts;
    - a psychologist from the social service of the local state administration (an executive body of the municipal council);
    - representatives from the armed forces and other military formations, civil society organizations, enterprises, institutions and organisations in preliminary agreement with the Chairman;
    - a secretary.
2. The personal composition of a regional (city) Conscription Commission, the schedule of its sessions and the procedure for carrying out and ensuring the organization of the conscription of citizens of Ukraine for regular military service is approved by the head of the local state administration (an executive body of the municipal council).
3. The regional (city) Conscription Commissions are responsible for:
  - the organisation of medical examinations for conscripts, conscription of citizens of Ukraine for regular military service and their assignment for service in the Armed Forces of Ukraine or other military formations;
  - the postponement of call-up for regular military service on the grounds stated in Article 17 of this Law;
  - the exemption from conscription for regular military service on the grounds stated in Article 18 of this Law; the registration of conscripts in the register of persons liable for military service or elimination of conscripts from the register;
  - sending conscripts, who have expressed a desire to enter higher military education establishments or higher education establishments with military education departments, to pass the tests and entrance examinations or taking a decision to refuse these conscripts to do so;
  - sending citizens found temporarily unfit for military service to medical care establishments close to their place of residence;
  - the study of the personalities, moral and professional qualities, and family status of conscripts;
  - sending information about conscripts who evade conscription to the relevant law enforcement bodies;
  - taking off the registration citizens who undertake alternative (non-military) service;
  - the submission to the superior Conscription Commission of requests on the

- postponement of conscription for the regular military service for citizens of Ukraine in cases not foreseen by this Law.
4. In case of a loss (change) of grounds for the postponement of conscription for the regular military service foreseen by this Law, the Conscription Commission can abolish (change) previous decisions.
  5. A decision of the Conscription Commission can be appealed by a citizen of Ukraine at a superior Conscription Commission or in a court in accordance with the procedure established by the law.
  6. To manage and control the activities of the regional (city) Conscription Commissions in the Autonomous Republic of Crimea, in the oblasts and the city of Kyiv, the Conscription Commissions for the Autonomous Republic of Crimea, oblasts and Kyiv city are formed. The personal composition of the Conscription Commissions for the Autonomous Republic of Crimea, oblasts and Kyiv city, the procedure for carrying out and ensuring the organization of conscription are approved accordingly by the Head of the Council of Ministers of the Autonomous Republic of Crimea and by the heads of local and Kyiv city state administrations.
  7. The Conscription Commissions in the Autonomous Republic of Crimea, the oblasts and Kyiv are responsible for:
    - the management of the activities of the regional (city) Conscription Commissions;
    - the organisation of medical examinations for citizens of Ukraine found by the regional (city) Enlistment Commissions or by the regional (city) Conscription Commissions to be unfit or temporarily unfit for military service for health reasons, and for citizens of Ukraine who lodge a disagreement with respect to the results of a previous medical examination or with the decisions of a regional (city) Enlistment Commission or a regional (city) Conscription Commission, as well as for citizens who are called up for regular military service immediately before being sent out to military units;
    - verifying the grounds for the postponement of a call-up or exemption of citizens of Ukraine from call-up to the regular military service;
    - the control over the grounds for the assignment of conscripts for service in the Armed Forces of Ukraine or other military formations in view of their education, experience, skills, interests and personal abilities;
    - the consideration of citizens' complaints against the actions of regional (city) Conscription Commissions.
  8. The Conscription Commissions for the Autonomous Republic of Crimea, oblasts and city of Kyiv have the right to reconsider and change the decisions of the relevant regional (city) Conscription Commissions and regional (city) Enlistment Commissions concerning citizens of Ukraine found to be unfit for military service for health reasons.
  9. A decision made by the Conscription Commissions for the Autonomous Republic of Crimea, oblasts and city of Kyiv can be appealed in a court according to the procedures established by the Law.

#### **Article 17. The Postponement of a Call-Up for Regular Military Service**

1. The postponement of a call-up for regular military service is granted to conscripts upon the decision of a regional (city) Conscription Commission according to this Law for family, health reasons, education or continuing professional activities.

2. The postponement of a call-up for family reasons, at the request of conscripts, is granted to conscripts who are:
  - 1) unable to work: invalid parents, single father (or single mother), persons under whose care, guardianship or support is provided for by a conscript or persons whose care or guardianship is provided by a conscript where no other person is capable of providing such support – citizens of Ukraine – who are providers in accordance with the legislation. The invalidity of these persons is determined according to the procedure established by the legislation;
  - 2) underage (kin or otherwise) siblings or those who are unable to work invalid (kin or otherwise) siblings irrespective of age, if no person, aside from a conscript, is able to provide for them in accordance with the legislation;
  - 3) a single parent who is responsible for providing for two or more minors until the eldest reaches adulthood;
  - 4) a child younger than three years of age or a child more than three years of age who is raised without a mother (deceased) or following a court decision;
  - 5) two or more children;
  - 6) an invalid child;
  - 7) an invalid wife;
  - 8) a pregnant wife.
3. The postponement of a call-up for regular military service for family reasons, at the request of conscripts, can be granted to conscripts who are orphans.
4. If a family has two or more sons, one of whom is carrying out regular military service, the postponement of a call-up for regular military service for family reasons can be granted to a conscript for the duration of time that his brother is carrying out regular military service.
5. In cases where several sons from the same family are simultaneously called up for military service, postponement can be granted to one son on request and taking into account his parent's considerations.
6. A regional (city) Conscription Commission has the authority to grant postponement to a conscript who is liable for call-up for family reasons regardless of his wish not to ask for postponement and particularly when a conscript's call-up is likely to substantially worsen the material situation of those for whom he is responsible.
7. Postponement of a call-up for regular military service for health reasons for a period of up to one year is granted to conscripts who are found to be temporarily unfit for military service following a medical examination.
8. Postponement of a call-up for regular military service for those who wish to further their education is granted for the whole period of study to citizens of call-up age, who undertake:
  - full-time study in general and vocational education establishments. If a conscript turns 21 years of age, the postponement of a call-up becomes invalid.
  - full-time study at higher education establishments, including for higher degrees;
  - full-time study at secondary and higher religious education establishments;
  - post-graduate or doctorate degrees regardless of the person's employment status.
9. The right to the postponement of a call-up for regular military service for educational reasons is granted to citizens of Ukraine who in the framework of international agreements are studying in education establishments in other states.
10. The postponement of a call-up for regular military service for educational reasons is granted

once during the whole period of study, and for citizens liable for call-up who discontinue their studies on their own initiative, fail to complete a study programme, violate a contract or lose the right to postpone a call-up for regular military service regardless of new enrolment in a higher education establishment.

11. Citizens of Ukraine of a call-up age, who take a break in their studies for health or family reasons, to take care of close relatives as mentioned in paragraph three, part eleven of Article 15 of this Law, do not lose the right to the postponement of a call-up for regular military service.
12. In cases where a conscript who studies at a higher education establishment (III-IV levels of accreditation) in a daytime form of study transfers to another higher education establishment with the equivalent level of accreditation and form of study, the right to a postponement of call-up for regular military service is maintained, provided that a conscript transfers during the same academic year into a year of study no lower than that which he has been following and, upon the completion of the academic year, that he is accepted into the next year.
13. The postponement of a call-up for regular military service for professional reasons is granted to the following citizens who are liable for call-up:
  - pedagogical workers who have completed higher education, whose main place of employment is in a secondary education establishment - for the duration of their full-time work;
  - medical personnel - for the duration of their full-time work in the countryside;
  - graduates of education establishments and postgraduates assigned to work in the institutions of the National Academy of Sciences of Ukraine - for the whole period of work;
  - graduates of vocational schools under the condition that their employment is in an acquired profession in state-owned enterprises, institutions or organizations - for one year from the time of graduation;
  - clergymen, who graduated from higher or secondary religious education establishments and hold posts in one of the religious orders that act according to the statutes (regulations) registered in accordance with established procedures - for the duration of work;
  - candidates running for office as a People's Deputy of Ukraine registered in accordance with the established procedure – at their request - until the publication of election results;
  - the heads of village and or city administrations and deputies of local councils - for the duration of their time in office;
  - persons who are involved in farming, both independently or with their parents, - for a period of no more than one year from the moment a land plot for this activity is received.
14. The postponement of a call-up for regular military service is granted to conscripts who are involved in an inquest, prejudicial inquiry or on trial for criminal charges in a court – until the relevant decision is taken.
15. In other cases not pre-determined by this Law, the postponement of a call-up for regular military service can be granted to conscripts according to the decisions of the Conscription Commissions for the Autonomous Republic of Crimea, oblast, and Kyiv city Conscription Commissions, upon submission of regional (city) Conscription Commissions.



16. Conscripts, who are granted postponement from regular military service, are obliged to annually present to the regional (city) military commissariats documents confirming their right to a postponement, by 1 October.
17. Conscripts, who no longer show suitable grounds for postponement of a call-up for regular military service, as well as persons who do not have the right to a postponement or the grounds for an exemption from conscription to regular military service envisaged by Articles 17 and 18 of this Law and have not been called up for different reasons for military service by the established deadlines, shall be called up during the next conscription period.

#### **Article 18. An Exemption from Conscription to Regular Military Service**

1. The following citizens of Ukraine are exempt from conscription to regular military service in peacetime:
  - those recognised as unfit for military service in peacetime for health reasons;
  - those who turn 25 years old on the day of conscription to regular military service;
  - those whose father, mother or (kin or not kin) siblings have perished, died or became invalid during the performance of military service or during training for persons liable to military service. Conscripts, who have the right to an exemption from conscription on these grounds, may renounce this right;
  - those who before becoming citizens of Ukraine carried out military service in other states;
  - those who were previously sentenced for committing a crime to a deprivation of liberty, a restriction of liberty, an arrest or correctional labour, including liberation from serving the sentence;
  - those who after graduation from higher education establishments have been conferred the military (special) rank of an officer (commanders).

#### **Article 19. General Conditions for Concluding Contracts on the Performance of Military Service**

1. Servicemen on military staff or regular military service, citizens of call-up age who have completed higher or vocational education who have not yet passed regular military service, persons liable for military service as well as women who are not registered with enlistment offices conclude a contract about the performance of military service on a contractual basis observing the conditions stipulated in Article 20 of this Law.
2. Servicemen who carry out military service on a contractual basis can conclude a new contract on the performance of military service in case the previous contract expires.
3. The form, procedures and rules of concluding a contract, the termination (abrogation) of a contract and the consequences of a termination (abrogation) are defined by the regulations on carrying out military service by citizens of Ukraine unless otherwise provided by the legislation.

#### **Article 20. The Contractual Basis for Enlistment in Military Service**

1. Citizens who pass the professional and psychological selection and meet the requirements of military service can be enlisted in military service on a contractual basis:

- servicemen in regular military service, who have served for no less than six months, citizens of call-up age who have undertaken higher or vocational education and have not yet passed regular military service, persons liable for military service as well as women who do not have military ranks as officers, have a relevant education, undertaken special preparation and are between 18-40 years of age – for military service on a contractual basis as privates, sergeants and sergeant-majors;
  - persons who have completed secondary education and are between 17-21 years of age, including those who turn 17 in the year they begin their military service, servicemen in regular military service, servicemen in contractual military service, persons under 23 years of age who are liable for military service, who have completed their secondary education, but do not hold the rank of officer, in case of their enrolment in the first and consequent years of study, as well as persons under 25 years of age with a basic higher education in case of their enrolment in the last year of study - for military service (study) as cadets at higher military education establishments or higher education establishments with military education departments;
  - servicemen who have graduated from higher military education establishments or higher education establishments with military education departments and were conferred the rank of officer - military service on a contractual basis as officers;
  - ensigns (senior ensigns) and warrant officers (senior warrant officers) who have completed higher education and specialised in a field that corresponds to the type of service concerned - for military service on a contractual basis as officers;
  - reserve officers who have not yet reached the age limit required for military service - for military service on a contractual basis as officers;
  - officers who are cadres in the military service - for military service on a contractual basis as officers;
  - officers who have been conscripted into the military service - for military service on a contractual basis as officers.
2. For military service on a contractual basis as officers in the Security Service of Ukraine, intelligence services of Ukraine and the Department of the State Protection of Ukraine are enlisted citizens of Ukraine who have completed a higher level of education no lower than a bachelor's degree and specialised in a field that corresponds to the type of service concerned and who have not reached the age limit required for officer service, servicemen in regular military service who have served for no less than six months, privates, sergeants and sergeant-majors in contractual military service, persons liable for service and women under 40 years of age.

#### **Article 21. The Material Support for Citizens Called-up or Enlisted in Military Service**

1. Citizens of Ukraine called up for regular military service receive financial support amounting to two minimum salaries from the State budget of Ukraine in accordance with the procedure established by the Cabinet of Ministers of Ukraine.
2. Citizens of Ukraine, who undergo military registration, conscription or enlistment for military service, as well as persons sent by regional (city) military commissariats for medical examination (medical examination in ambulatory settings or a hospital) or treatment are excused from work for the period of time necessary for the execution of these duties and for the period of

stay in a medical establishment. They retain their place of employment, job position and average salary.

3. Transportation for citizens of Ukraine to the place of service (following conscription) and the meals that are provided during the journey are financed by the funds allocated in the State budget of Ukraine for the Ministry of Defence and other central executive authorities, managed in accordance with the legislation on military formations to which servicemen are attached.
4. Transportation of citizens who carry out military service on a contractual basis to the place of service is financed by the funds allocated in the State budget of Ukraine for the Ministry of Defence of Ukraine and other central executive authorities managed in accordance with the legislation on the military formations in which servicemen carry out their military service.

## **PART IV CARRYING OUT MILITARY SERVICE**

### **Article 22. Age Limits for Military Service**

1. The established age limits for military service are:
  - 1) for privates, sergeants and sergeant-majors who serve on a contractual basis – up to 45 years;
  - 2) for junior officers – up to 45 years;
  - 3) for senior officers: Majors (captains of the 3<sup>rd</sup> rank), Lieutenant-colonels (captains of the 2<sup>nd</sup> rank) – up to 50 years; Colonels (captains of the 1<sup>st</sup> rank) – up to 55 years;
  - 4) for superior officers – up to 60 years.
2. Officers, ensigns (senior ensigns) and warrant officers (senior warrant officers) with a high level of professional training, practical experience in their posts and recognised by the military medical commission as fit for military service may, upon request, remain in the service upon reaching the age limit for military service and until they reach the age limit for service in the reserve in accordance with the procedure established by the regulations on the carrying out of military service by citizens of Ukraine.

### **Article 23. The Duration of Military Service**

1. The duration of regular military service in calendar terms is the following:
  - for soldiers, seamen, sergeants and sergeant-majors in regular military service in the Armed Forces of Ukraine and other military formations - up to 12 months;
  - for seamen and sergeant-majors who carry out regular military service on ships, vessels, in the coastal battle units of the Navy of Ukraine and in the Sea Guard of the State Border Service of Ukraine - up to 18 months;
  - for persons with a Specialist or Master's degree - up to nine months;
2. For citizens of Ukraine who are enlisted in military service on a contractual basis for the first time, the duration of military service in calendar terms is the following:
  - for servicemen enlisted in the rank of privates – three years;
  - for servicemen enlisted in the ranks of sergeants and sergeant-majors – five years;
  - for cadets from higher military education establishments and higher education establishments with military education departments – the time of study at higher

- military education establishments and higher education establishments with military education departments;  
— for officers – five years.
3. The duration of military service for the categories of servicemen mentioned in the second part of this Article can be prolonged after the conclusion of a new contract for a period from three to five years before the attainment of the age limit for military service.
  4. For officers who have less than five years left before reaching the age limit for cadre military service and who wish to enlist in military service on a contractual basis, the duration of the first contract is determined by the period left before they reach the established age limit for military service.
  5. Servicemen in regular military service or citizens of call-up age who have not passed regular military service, who become enlisted in military service on a contractual basis, in case of the termination of their contract are sent to perform regular military service if they have not served for the period established for regular military service with the exception of cases stipulated in items b), d), e) or i) of the sixth part of Article 26 of this Law.
  6. The duration of military service for officers who are in regular military service is up to 18 months.

#### **Article 24. The Beginning and Termination of Military Service**

1. The beginning of military service is considered the following:
  - 1) the day of departure from a regional (city) military commissariat to a military unit - for citizens called up for regular military service;
  - 2) the day of enlistment as personnel of a military unit (a military education establishment, institution etc.) - for citizens enlisted in military service on a contractual basis;
  - 3) the day of appointment to the post of a cadet at a higher military education establishment or a military education department of a higher education establishment - for citizens who have not passed regular military service and persons liable for military service.
2. The termination of military service is considered the day when a serviceman is excluded from the list of the personnel of a military unit (a military education establishment, institution etc.) in accordance with the procedure established by the regulations on the carrying out of military service by citizens of Ukraine.
3. Servicemen considered to be carrying out military service duties are:
  - 1) On the territory of a military unit or in another place of work (study) during work (study) hours, including scheduled breaks (study timetable);
  - 2) On the way to or from the place of service, during missions or return to the place of service;
  - 3) Outside the military unit if it is required for the performance of military duties by a serviceman, or if he has been sent there by a commander's (superior's) order;
  - 4) During the performance of public duties, including in cases where these duties were not connected with military service;
  - 5) During the performance of a duty connected to a rescue of human life, protection of state property, maintenance of military discipline and protection of law and order.

## **Article 25. Training of Citizens of Ukraine for Military Service in Officer Posts**

1. The training of citizens of Ukraine for military service in the posts of officers is carried out in higher military education establishments and higher education establishments with military education departments. Cadets, students, graduate and doctorate students study in these establishments.
2. The procedure for training citizens of Ukraine for military service in the posts of officers is determined by the Ministry of Defence of Ukraine, other central executive authorities with education establishments under their jurisdiction in conjunction with the central executive body in the field of education and science.
3. The enrolment of citizens of Ukraine in higher military education establishments and higher education establishments with military education departments is carried out on a voluntary basis after the submission of personal applications and successful completion of entrance exams and other relevant tests.
4. Citizens of Ukraine who have enrolled in accordance with the established procedure in higher military education establishments and higher education establishments with military education departments to obtain a professional degree and do not hold the rank of officer are called cadets, those who have such a rank – students.
5. A contract on the performance of military service (study) for the duration stipulated in paragraph four of the second part of Article 23 of this Law is concluded with citizens of Ukraine – cadets from military education establishments and higher education establishments with military education departments
6. The legal relationship between cadets who are younger than 18 years of age and the state are established on the basis of the Civil Code of Ukraine (435-15). The procedure for the performance of military service (study) by cadets is established by the regulations on the carrying out of military service by citizens of Ukraine and other normative legal acts of Ukraine.
7. Cadets who are servicemen on contractual military service following enrolment in higher military education establishments and higher education establishments with military education departments conclude a new contract on the performance of military service (study) for the duration stipulated in paragraph four of the second part of Article 23 of this Law.
8. Cadets who do not have any military rank before enrolling in a higher military education establishment or a higher education establishment with the military education department are conferred the rank of private. Servicemen and persons liable for military service retain the military ranks that have been conferred to them during the performance of military service.
9. Military ranks are conferred to the graduates of higher military education establishments and higher education establishments with military education departments according to the procedure established by the regulations on the carrying out of military service by citizens of Ukraine.
10. In cases of a pre-term termination of a contract because of an unwillingness to continue to study, lack of discipline or refusal to continue military service in the posts of officers, cadets and students after graduation from a higher education establishment shall reimburse the costs related to their study at the higher military education establishment to the Ministry of Defence of Ukraine and other central executive authorities which have these education establishments under their jurisdiction according to the procedure and norms established by the Cabinet of Ministers of Ukraine. When officers, cadets or students refuse to voluntarily reimburse these expenditures, compensation is claimed through a court procedure.
11. Male cadets who are expelled from higher military education establishments or higher education

establishments with military education departments (with the exception of cases stipulated in items b), d), e) or i) of the sixth part of Article 26 of this Law) are sent to military units for the continuation of military service if they have not completed the full period established for regular military service. At the same time, the following is counted towards the duration of military service:

- the duration of regular military service before enrolment in higher military education establishments or higher education establishments with military education departments;
  - the duration of military service on a contractual basis, enrolment in higher military education establishments or higher education establishments with military education departments;
  - the duration of military service during studies in higher military education establishments or higher education establishments with military education departments with two months of service (study) on a contractual basis equal to one month of regular military service.
12. Male cadets expelled from higher military education establishments or higher education establishments with military education departments in accordance with items b), d), e) or i) of the sixth part of Article 26 of this Law are sent to regional (city) military commissariats close to their place of residence to be registered with an enlistment office.
13. Female cadets expelled from higher military education establishments or higher education establishments with military education departments are discharged from military service if they:
- have no military-related speciality - without registration with an enlistment office;
  - have a military-related speciality - are sent to regional (city) military commissariats close to their place of residence to be registered with an enlistment office.

## **Article 26. Discharge from Military Service**

1. A discharge of servicemen from military service is carried out in the following ways:
  - a) to the reserve, if servicemen have not attained the service age limit for the reserve and are fit for health reasons for military service;
  - b) retirement, if servicemen have reached the age limit for the reserve or are found by military medical commissions to be unfit for health reasons for military service and are consequently taken off military registration.
2. Discharge from military service is carried out:
  - a) by servicemen in regular military service, who have completed the established term of service – on the basis of a Decree of the President of Ukraine;
  - b) by servicemen in contractual military service - on the grounds envisaged in part six of this Article;
  - c) by officers in cadre military service - on the grounds envisaged in part seven of this Article;
  - d) by officers called up for regular military service – after the completion of the established term of service, called up to military service from the reserve - if they have completed the established term of service.
3. Servicemen in regular military service and officers called up for regular military service can be discharged from service before the established end of their term:

- a) for health reasons - on the basis of the conclusion (decision) of a military medical commission;
  - b) for family reasons - in case they acquire the right to a postponement owing to changes in family circumstances, as well as in case of the emergence of circumstances envisaged by paragraph four of part one of Article 18 of this Law;
  - c) in case they are sentenced to a deprivation or restriction of liberty, including with consequent liberation from serving the sentence.
4. In case of need, servicemen in regular military service who have completed the established term of service can remain in service for a period of up to six months upon a decision of the President of Ukraine.
5. Servicemen who are transferred from regular military service to the reserve or are discharged are provided with regimentals according to the list established by the Ministry of Defence of Ukraine, travel documents to the place of residence, meals during the journey and an allowance, the amount of which is established by the Cabinet of Ministers of Ukraine. Servicemen in regular military service, at their request, can be transferred to the reserve in their civilian clothes.
6. The contract expires (terminated) and servicemen in contractual military service are discharged from military service:
- a) after the expiration of the contract's duration;
  - b) for health reasons - on the basis of the conclusion (decision) of a military medical commission: poor condition or limited fitness for military service;
  - c) for age reasons - after the attainment of the service age limit;
  - d) in connection with staff reductions or organizational measures – if it is impossible to retain them on service;
  - e) for family circumstances or other important reasons, the list of which is determined by the Cabinet of Ministers of Ukraine;
  - f) professionally unfit;
  - g) in connection with a court conviction which has entered into force and envisions a sentence in the form of deprivation or restriction of liberty, deprivation of a military rank or of the right to occupy certain posts;
  - h) in connection with the deprivation of the military rank as a disciplinary measure;
  - i) in connection with a systematic failure of military superiors to carry out contract provisions (at serviceman's request);
  - j) in connection with a systematic failure of servicemen to carry out contract provisions.
7. Officers in the cadre military service are discharged from military service:
- a) at their own request;
  - b) for health reasons - on the basis of the conclusion (decision) of a military-medical commission about incapacity or limited fitness for military service;
  - c) for age reasons - on reaching the service age limit;
  - d) in connection with staff reductions or organizational measures – if it is impossible to retain them on service;
  - e) family circumstances or other important reasons, the list of which is determined by the Cabinet of Ministers of Ukraine;
  - f) professionally unfit;
  - g) in connection with a court conviction which has entered into force and envisions a

- sentence in the form of deprivation or restriction of liberty, deprivation of the military rank or of the right to occupy certain posts;
- h) in connection with the deprivation of a military rank as a disciplinary measure.
8. The discharge of servicemen from military service is carried out in accordance with the regulations on the carrying out of military service by citizens of Ukraine.
  9. Servicemen who have acquired the right to retire for age reasons, as well those who are war veterans or participants in the liquidation of the consequences of the Chernobyl nuclear disaster, who have less than five years left before reaching the service age limit, at their request, can be discharged from military service on the grounds stipulated in item “c” of parts six and seven of this Article.

## **PART V**

### **PERFORMANCE OF MILITARY DUTY IN THE RESERVE. CARRYING OUT MILITARY SERVICE IN THE RESERVE**

#### **Article 27. Transfer to the Reserve. Categories of Servicemen in the Reserve. Carrying Out Military Service in the Reserve**

1. Citizens of Ukraine fit for military service for health reasons in peace and wartime and who have not reached the service age limit are transferred to the reserve of the Armed Forces of Ukraine and other military formations. They are registered with enlistment offices in regional (city) military commissariats and the relevant bodies of other military formations.
2. Persons liable for military service can be transferred to the reserve and to other military formations on a voluntary basis. The reserve comprises citizens who carry out military service and citizens who are selected as candidates for enlistment in military service in the reserve.
3. The purpose of the service in the reserve is to prepare citizens of Ukraine for manning the Armed Forces of Ukraine and other military formations during a special period by acquiring or improving military related specialities and practical skills while in the service.
4. When enlisted for service in the military reserve or to prolong the existing term of service, citizens conclude a contract about carrying out service in the reserve of the Armed Forces of Ukraine and other military formations.
5. The programmes for training reservists in the Armed Forces of Ukraine and other military formations, the amount of training required in military related specialities and the time and duration of training are determined by the General Staff of the Armed Forces of Ukraine. For other military formations, these issues are determined by their heads in agreement with the General Staff of the Armed Forces of Ukraine.
6. The financial and material support for service in the reserve is provided from the funds allocated in the State budget for the Ministry of Defence of Ukraine and other central executive authorities in accordance with the legislation on military formations.
7. Persons liable for military service in the reserve are divided into two categories.
8. Persons liable for military service who have carried out military service and have acquired a military speciality while in the service belong to the reserve of the first category.
9. Persons liable for military service who have not acquired a military speciality during military service, persons who have not carried out military service, as well as women liable for military service belong to the reserve of the second category.



10. If persons liable for military service who belong to the reserve of the second category acquire a military speciality while in the reserve, they are transferred to the reserve of the first category.

### **Article 28. Reserve Classes and Service Age Limit for Persons Liable for Military Service in the Reserve**

1. Persons liable for military service in the reserve are divided into two classes, which are established in accordance with their age.
2. Persons liable for military service in the reserve who have the ranks of privates, sergeants and sergeant-majors are divided into the following age classes:
  - 1) first class - up to 35 years;
  - 2) second class:  
privates - up to 40 years;  
rank of sergeants and sergeant-majors:  
sergeants and sergeant-majors - up to 45 years;  
ensigns and warrant officers - up to 50 years.
3. Officers in the reserve are divided into the following age classes:
  - 1) first class:  
junior officers - up to 45 years;  
rank of senior officers:  
major (captain of the 3<sup>rd</sup> rank), lieutenant colonel (captain of the 2<sup>nd</sup> rank) - up to 50 years;  
colonel (the captain of 1<sup>st</sup> rank) - up to 55 years;  
superior officers - up to 60 years;
  - 2) second class:  
junior officers - up to 50 years;  
rank of senior officers:  
major (captain of the 3<sup>rd</sup> rank), lieutenant colonel (captain of the 2<sup>nd</sup> rank) - up to 55 years;  
colonel (the captain of 1<sup>st</sup> rank) - up to 60 years;  
superior officers - up to 65 years;
4. The age limit for the second category in the reserve is equivalent to the age limit for the military reserve.
5. Irrespective of their rank, women liable for military service are transferred to the reserve of the second class. The service age limit in the reserve for women is: for officers – 50 years, for other women liable for military service – 40 years.

### **Article 29. Periodical Training for Persons Liable for Military Service and Servicemen in the Reserve**

1. Persons liable for military service are called up for study (control) training or special training. Servicemen in the reserve carry out training according to the programme for training of servicemen in the reserve of the Armed Forces of Ukraine and according to the procedure established in the regulations on the carrying out of service by citizens of Ukraine in the military reserve.

2. The rights and duties of persons liable for military service and servicemen in the reserve who are called up for training are established by this Law and other normative legal acts.
3. Officers in the reserve who have not carried out military service as officers, officers in the reserve discharged from military service before acquiring the right to retire for age reasons, as well as privates, sergeants and sergeant-majors can be called up by regional (city) military commissariats for study training:
  - persons belonging to the first class - up to five times for a period of up to two months each time;
  - persons belonging to the second class - up to three times for a period of up to one month each time.
4. The dates and the duration of training for persons liable for military service are defined by the General Staff of the Armed Forces of Ukraine in accordance with this Law.
5. Between training periods, persons liable for military service can be called up according to the plan of the General Staff of the Armed Forces of Ukraine for control training for a period of up to 15 days, both with an interruption of employment and without.
6. The overall training time for servicemen in the reserve cannot exceed 10 months. The time spent in control training is counted towards the overall period of study training.
7. The overall time of training carried out by reservists cannot exceed three months.
8. In case of the introduction of a state of emergency in Ukraine or in some of its parts by a decision of the President of Ukraine and approved by the Verkhovna Rada, as well as the designation of some regions of Ukraine as ecological emergency zones, persons liable for military service can be called up for special training for a period of no more than two months.
9. Persons liable for military service and reservists who are called up for periodical training are provided with financial and material means in accordance with the procedure and amount established by the Cabinet of Ministers of Ukraine.
10. Persons liable for military service and reservists who are called up for periodical training retain their place of employment, position and average salary for the whole period of training, including for the time of travel to and from the place of training.
11. Financial allowance amounts, incentives to reservists and payment procedures are determined by the Cabinet of Ministers of Ukraine.
12. The payment of an average salary to persons liable for military service as well as reservists for the whole period of training is provided for by funds from the State budget and in accordance with the procedure established by the Cabinet of Ministers of Ukraine.
13. If a person liable for military service or a reservist falls ill during training and continues to be ill after its termination, he retains his place of employment and his position. Following the termination of training, in case of temporary unfitness, the person receives an allowance in place of a salary in accordance with the legislation.
14. Persons liable for military service and reservists who are not working at the time of a call-up for training receive an allowance equal to minimum salary for the whole period of training, covering the travel time to and from the place of training, from funds allocated in the State budget for the Ministry of Defence and other central executive authorities in accordance with the legislation on military formations.

### **Article 30. Exemption from Training**

1. The following persons are exempt from training:

- 1) employees in the Armed Forces of Ukraine and other military formations;
  - 2) employees in civil aviation enterprises, institutions and organizations carrying out the transportation, maintenance and repair of aircraft and aerodrome equipment;
  - 3) the sailing staff of sea, river and fishing industry vessels during the period of navigation;
  - 4) persons employed in agriculture and enterprises responsible for repairing the agricultural machinery - during sowing and harvest works, except for control training;
  - 5) teaching staff at higher education establishments, vocational and secondary schools – during the period of studies;
  - 6) full-time and part-time (evening) students at higher education establishments - for the whole period of studies; students at higher education establishments engaged in long-distance learning programmes, students permitted to take examinations without attending classes, postgraduate and doctoral students – during the period of exams;
  - 7) women liable for military service except for control training;
  - 8) persons discharged from military service - within a year after the transfer to the reserve except for control training;
  - 9) persons liable for military service who have children younger than three years of age or three or more children younger than 16 years of age;
  - 10) persons liable for military service who are deputies;
  - 11) persons liable for military service reserved for the state authorities, local self-government bodies, enterprises, institutions and organizations for the period of mobilization and wartime;
  - 12) students who study at higher and secondary religious education establishments;
  - 13) clergymen, who hold a post in one of the religious orders that act according to the statutes (regulations) registered in accordance with established procedure;
  - 14) candidates running for office in the People's Deputies of Ukraine registered in accordance with the established procedure, at their request – up until the publication of election results.
2. If persons liable for military service provide other important reasons and documents to confirm their situation, in some cases, their exemption from training can be authorised by a regional (city) military commissariat where they are registered.

### **Article 31. Conferment of Military Ranks in the Reserve**

1. Persons liable for military service and reservists who have completed their training and passed their exams in accordance with their programme of study, or have acquired the relevant education or experience in managerial posts can be conferred a superior military rank in the reserve in accordance with the procedure established by the regulations on carrying out military service by citizens of Ukraine, the regulations on carrying out military service by citizens of Ukraine in the reserve and normative legal acts concerning the military registration of persons liable for military service.

### **Article 32. Discharge of Persons Liable for Military Service**

1. Persons liable for military service who have reached the age limit for persons in the reserve and are found by a military medical commission to be unfit for military service in wartime are removed from the military register and discharged.

## **PART VI MILITARY REGISTRATION OF CITIZENS OF UKRAINE**

### **Article 33. General Rules of Military Registration**

1. Military registration is divided into the registration of conscripts and persons liable for military service.
2. The general management of the organization and execution of the military registration of conscripts and persons liable for military service, control over the process of registration by local self-government bodies, enterprises, institutions and organizations irrespective of their subordination and form of ownership is carried out by the General Staff of the Armed Forces of Ukraine. The functioning of the military registration system is ensured by the organs of the Ministry of Defence of Ukraine, the Ministry of Internal Affairs of Ukraine, the Security Service of Ukraine, other ministries, central executive authorities, local state administration and local self-government bodies.
3. The military registration of all conscripts and persons liable for military service is carried out close to the conscript's/person's place of residence. Depending on the size and the degree of detail, military registration is divided into the following types: qualitative-personal, primary-personal and personal.
4. Depending on its purpose, military registration is divided into general and special.
5. The military registration of conscripts and persons liable for military service is carried out in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

### **Article 34. Qualitative-personal, Primary-personal and Personal Types of Registration of Conscripts and Persons Liable for Military Service**

1. The qualitative-personal registration of conscripts and persons liable for military service involves the registration of information (biographical data, state of health, results of interviews, etc.) about conscripts and persons liable for military service, which is stored in the personal files of conscripts or record cards of persons liable for military service. The qualitative-personal registration is carried out by regional (city) military commissariats.
2. The qualitative-personal registration of persons liable for service of the Security Service of Ukraine is carried out by relevant registration organs of the Security Service of Ukraine.
3. The primary-personal registration of conscripts and persons liable for military service involves the registration of information about conscripts and persons liable for military service close to the conscript's/person's place of their residence. In the countryside, as well as in towns and villages where there are no military commissariats, registration is carried out by local self-government organs.
4. The personal registration of conscripts and persons liable for military service involves the registration of information about conscripts and persons liable for military service at their place of work or study and is carried out by the heads of enterprises, institutions, organizations and educational establishments regardless of their subordination or form of ownership.

### **Article 35. General and Special Registration of Persons Liable for Military Service and Registration of Reservists**

1. Persons liable for military service not reserved for state authorities, local self-government organs, enterprises, institutions and organizations for the period of mobilization and wartime are subject to general military registration.
2. Persons liable for military service reserved for state authorities, local self-government organs, enterprises, institutions and organizations for the period of mobilization and wartime are subject to special military registration.
3. The military registration of reservists is carried out at city (regional) military commissariats as well as in regional centres (the Autonomous Republic of Crimea, oblasts and Kyiv city), in branch offices (regions and cities) carrying out the enlistment of servicemen on a contractual basis and in military units in accordance with the procedure defined by the General Staff of the Armed Forces of Ukraine.

### **Article 36. Military Registration of Citizens of Ukraine who Reside Abroad**

1. The military registration of citizens of Ukraine who temporarily reside abroad is carried out by the diplomatic and consular representations of Ukraine. The diplomatic and consular representations of Ukraine are obliged to ensure the arrival of citizens of Ukraine who have attained their majority and do not have the right to a postponement or an exemption from regular military service to their place of permanent residence for the enlistment with the Conscription Commission, as well as to ensure the return of persons liable for military service in Ukraine during the period of mobilization or in wartime.
2. The particularities of the military registration of citizens temporarily residing abroad are determined by the Cabinet of Ministers of Ukraine.
3. The military registration of citizens of Ukraine who permanently reside abroad is not carried out.

### **Article 37. Military Registration, Deregistration and Elimination from the Military Register**

1. The following citizens of Ukraine are subject to the military registration of conscripts and persons liable for military service at regional (city) military commissariats:
  - 1) military registration of conscripts:
    - who are registered with enlistment offices;
    - who have arrived from other regions (territorial-administrative entities) in Ukraine or from abroad to a new place of residence;
    - who have acquired Ukrainian citizenship and in accordance with this Law are subject to registration with enlistment offices;
  - 2) military registration of persons liable for military service:
    - who are transferred from military service to the reserve;
    - who are discharged from alternative (non-military) service;
    - persons liable for military service who have arrived from other regions

- (administrative-territorial entities) in Ukraine or from abroad to a new place of residence;
  - who are discharged from service in commanding and private posts in the Ministry of Internal Affairs of Ukraine, the central executive body on civil protection, the State Department of Ukraine on the execution of sentences and the State Tax Administration of Ukraine;
  - who acquired Ukrainian citizenship and in accordance with this Law are subject to the registration of persons liable for military service;
  - who are removed from the military register by the Security Service of Ukraine;
  - who in accordance with Article 18 of this Law are exempt from call-up to regular military service.
2. Women who belong to the categories mentioned in part eleven of Article 1 of this Law are subject to the military registration of persons liable for military service;
  3. Conscripts and persons liable for military service after their arrival at a new place of residence are obliged to register within a seven-day period.
  4. In wartime, the departure of conscripts and persons liable for military service from their place of residence without permission from the regional (city) military commissariat is forbidden.
  5. The following citizens of Ukraine are removed from the register of conscripts and persons liable for military service at military commissariats:
    - 1) deregistration of conscripts:
      - who move to another region (administrative-territorial entity) and a new place of residence in Ukraine;
      - who are abroad for a period of more than three months;
      - who are included on the register of persons liable for military service in accordance with the decision of the Registration or Conscription Commission;
      - who have received military ranks of officers after military service following the programme for training of officers in the reserve;
    - 2) deregistration of persons liable for military service:
      - who move to another region (administrative-territorial entity) and a new place of residence in Ukraine;
      - after regular military service, who are enlisted in military service in other military formations or in the organs of internal affairs or tax police;
      - who are abroad for a period of more than three months;
      - in other cases determined by the Minister of Defence of Ukraine.
  6. The following citizens of Ukraine are eliminated from the military registration by regional (city) military commissariats:
    - 1) who are called up or enlisted in military service or sent to perform alternative (non-military) service;
    - 2) who carry out military service (study) at higher military education establishments or higher education establishments with military education departments;
    - 3) who are found by military medical commissions to be unfit for military service with subsequent elimination from military registration;
    - 4) who have attained the age limit for persons in the reserve;
    - 5) who have given up Ukrainian citizenship;
    - 6) who have been sentenced to imprisonment for committing a grave or an especially grave crime;

- 7) who serve their sentence in penitentiary establishments or who undergo compulsory medical treatment;
- 8) who have not acquired a military speciality or a military related speciality before turning 40 years of age;
- 9) who have died.

**Article 38. The Responsibility of the Executive Authorities, Local Self-Government Bodies, Enterprises, Institutions, Organizations, Officials, Conscripts and Persons Liable for Military Service to Observe the Rules of Military Registration**

1. In administrative and territorial entities, where there are no military commissariats, relevant local self-government bodies, the heads of enterprises, institutions, organizations, including educational establishments, regardless of their subordination or form of ownership are obliged upon the request of military commissariats to inform conscripts and persons liable for military service of their call-up to military commissariats, to ensure their expected arrival in accordance with the call-up documents and to inform regional (city) military commissariats within a seven-day period about the employment (enrolment for studies) and dismissal from work (studies) of conscripts and persons liable for military service.
2. The executive authorities carrying out registration in the places of residence (stay) of citizens and executive bodies of village and city councils are obliged:
  - to register citizens in their places of residence (stay) or deregister conscripts and persons liable for military service provided that the necessary notes are made by the military commissariats on the registration documents concerning deregistration and/or registration in places of residence, as well as to inform military commissariats, upon request, of the place of residence of conscripts and persons liable for military service;
  - to provide assistance to regional (city) military commissariats during the military registration of pre-conscripts, in carrying out the conscription of citizens to military service (training), in controlling the observance of military registration rules and in revealing the conscripts and persons liable for military service who violate these rules.
3. Internal affairs organs are obliged, in accordance with the procedure established by the law, to search for, detain and take to military commissariats citizens who evade military duty and to send to military commissariats or local self-government bodies responsible for the military registration process, within a two-week period, information about citizens who are not registered, as well as about persons who have acquired Ukrainian citizenship and require registration.
4. Organs responsible for civil status registration are obliged to inform regional (city) military commissariats, within a seven-day period, about the change by conscripts and persons liable for military service of their surnames, names and patronymics, marriage (divorce) and death as well as about the requisitioned military registration documents, certificates concerning privileges and other data.
5. Investigation and pre-court investigation organs are obliged to inform regional (city) military commissariats, within a seven-day period, about conscripts under investigation or pre-court investigation; the courts are obliged to inform regional (city) military commissariats about

- criminal cases against conscripts on trial, as well as about the sentences against conscripts and persons liable for military service, which have entered into force.
6. Registration certificates of conscripts and military identity cards of persons liable for military service sentenced to imprisonment, deprivation, restriction of liberty or arrest are sent by the courts to the relevant regional (city) military commissariats.
  7. Medical social commissions of experts are obliged to inform the relevant regional (city) military commissariats, within a seven-day period, about conscripts and persons liable for military service who are recognized as invalid.
  8. During the conscription period, the heads of medical establishments are obliged to inform the relevant regional (city) military commissariats, within a three-day period, about citizens of call-up age who receive permanent medical treatment.
  9. Housing organizations, other organizations, enterprises and establishments carrying out the exploitation of buildings, as well as house owners shall send, in due time, the necessary information about conscripts and persons liable for military service to the relevant regional (city) military commissariats and executive organs of the village and city councils which are responsible for registering conscripts and persons liable for military service, ensuring that conscripts and persons liable for military service observe the rules of military registration, as well as informing them about a call-up to military commissariats.
  10. If there are any changes relating to marital status, state of health, place of residence (stay), education, place of employment or position, conscripts and persons liable for military service are obliged to inform the organ with which they registered about these changes within a seven-day period.

## **PART VII**

### **CALL-UP DURING MOBILIZATION. DEMOBILIZATION**

#### **Article 39. Call-up to Military Service during Mobilization. Demobilization**

1. The call-up of conscripts and persons liable for military service in case of mobilization and discharge from military service in case of demobilization are carried out in accordance with the procedure determined in the Law of Ukraine “On Mobilization Preparation and Mobilization” (3543-12).

## **PART VIII**

### **THE LEGAL AND SOCIAL PROTECTION OF CITIZENS OF UKRAINE CARRYING OUT THEIR CONSTITUTIONAL DUTY CONCERNING THE DEFENCE OF THE MOTHERLAND**

#### **Article 40. The Guarantees of Legal and Social Protection of Citizens of Ukraine Carrying out their Constitutional Duty Concerning the Defence of the Motherland**

1. The guarantees of legal and social protection of citizens of Ukraine carrying out their constitutional duty concerning the defence of the Motherland are provided in accordance with the Laws of Ukraine “On the Armed Forces of Ukraine” (1934-12), “On Social and Legal Protection of Servicemen and Members of their Families” (2011-12), “On Pensions of



Servicemen, Persons of Commanding and Private Ranks of the Organs for International Affairs and Other Persons” (2262-12), “On the State Guarantees of Social Protection of Servicemen and Members of their Families Discharged from Service as a Result of Armed Forces’ Reform” (1763-15) and other laws.

**Article 41. The State Insurance and Payments in Case of Death, Injury (Contusion, Trauma, Mutilation), Disease or Invalidity of Servicemen of the Armed Forces of Ukraine and Other Military Formations and Persons Liable for Military Service Called Up for Training**

1. The life and health of servicemen in the Armed Forces of Ukraine and other military formations are subject to compulsory state individual insurance covered by the State Budget of Ukraine. The procedures and conditions of insurance are determined by the Cabinet of Ministers of Ukraine.
2. In case of death of a serviceman who is performing military service in the cadre military service or carrying out military service on a contractual basis in the Armed Forces of Ukraine or in other military formations, the family of the deceased or dependants receive a one-time allowance equal to a ten-year salary according to the last post held by the deceased, in accordance with the procedure and conditions determined by the Cabinet of Ministers of Ukraine, as well as a pension as a result of the loss of the breadwinner.
3. In case of mutilation inflicted while a serviceman performs military service or invalidity incurred during military service or no later than three months after discharge from military service, or, after the end of this period where invalidity results from disease or an incident that occurs during military service. Depending on the degree of invalidity, the serviceman receives an invalidity pension as well as a one-time allowance equal to a three to five-year salary according to the last post held and in accordance with the procedure and conditions determined by the Cabinet of Ministers of Ukraine.
4. Servicemen in regular military service, persons liable for military service and reservists called up for training in case of their death, injury (contusion, trauma, mutilation), disease or invalidity under the conditions stipulated in part three of this Article, receive a one-time allowance in accordance with the procedure determined in the Law of Ukraine “On Social and Legal Protection of Servicemen and Members of their Families” (2011-12).
5. A one-time allowance envisioned in parts two, three and four of this Article is not paid in case the death, injury (contusion, trauma, mutilation), disease or invalidity:
  - are the result of a premeditated crime committed by a serviceman (a person liable for military service or a reservist) or of acts committed in the state of alcoholic, narcotic or toxic intoxication;
  - are the result of deliberate self-injury by a serviceman (a person liable for military service or a reservist).

**PART IX  
RESPONSIBILITY FOR AN INFRINGEMENT OF THE LEGISLATION ON  
MILITARY DUTY AND MILITARY SERVICE**

**Article 42. Responsibility of Officials and Citizens of Ukraine**

1. Heads, officials and executive authorities from local self-government organs, enterprises,

institutions, organizations regardless of their subordination or form of ownership and citizens of Ukraine guilty of an infringement of the rules of military registration, pre-conscription training, registration with enlistment offices, call-up to regular military service, training, mobilization preparation and mobilization preparedness, arrival upon a call-up to the military commissariat, as well as other infringements of the legislation on military duty and military service, are legally liable.

2. Regional (city) military commissariats are obliged during registration with enlistment offices, call-up to regular military service and training to acquaint citizens of Ukraine with their rights and duties in accordance with the requirements of this Law.

## **PART X FINANCIAL AND MATERIAL SUPPORT**

### **Article 43. Financial and Material Support of Activities relating to Military Service and Military Duty**

1. Financial and material support of activities relating to military service and military duty is provided by the State budget in accordance with the procedure established by the Cabinet of Ministers of Ukraine. Additional financing of these activities can come from local budgets and other legal sources of financing.
2. To ensure medical examination of citizens, their call-up to military service, sending of called-up persons to military units and enlistment on a contractual basis, the central executive authorities, the Council of Ministers of the Autonomous Republic of Crimea, local state administrations and local self-government organs are obliged to provide regional (city) military commissariats with the sufficient number of technical and administrative personnel, equipped conscription premises, medicines, instruments, medical and household property, transport, as well as to ensure the protection of public order on conscription premises.
3. To ensure the full and effective implementation of mobilization plans during the special period, the local executive authorities and local self-government organs together with enterprises, institutions and organizations regardless of their subordination or form of ownership as well as regional (city) military commissariats in peacetime set up stations for the notification and assembly of persons liable for military service, man the stations with persons liable for military service without releasing them from the performance of their basic duties at their place of employment, promote the acquisition of professional skills and carry out other measures relating to the implementation of mobilization plans.
4. The local state administration and local self-government organs provide regional (city) military commissariats with buildings, subsidiary premises and conscription premises (stations), carry out every-day and capital repairs of these buildings and premises and pay for public utilities (electricity, water, heating, etc.) for regional (city) military commissariats from the local budget.
5. Everyday and capital repairs of buildings of regional (city) military commissariats, subsidiary premises and conscription premises (stations) that are in the State ownership and under the jurisdiction of the Ministry of Defence of Ukraine as well as the cost of public utilities (electricity, water, heating, etc.) are covered from the funds allocated in the State budget of Ukraine for the Ministry of Defence of Ukraine.
6. Members of registration, conscription and medical commissions of regional (city) military

commissariats, doctors and junior medical personnel, technical workers and service personnel who are assigned to work at enlistment offices and assembly stations during the registration of pre-conscripts, the call-up of citizens to military service, training, medical examination or repeated examination of citizens, as well as for sending conscripts to assembly places keep their posts and average salaries at the main place of employment for the whole period of performance of these duties.

7. During the performance of these duties in other regions, persons mentioned in part six of this Article are reimbursed the cost of travel to and from other regions, accommodation rent (subrent) and other travel expenditures from the funds allocated in the State budget of Ukraine for the Ministry of Defence of Ukraine.

## **PART XI**

### **CONTROL AND OVERSIGHT OVER THE OBSERVANCE OF THE LEGISLATION ON MILITARY DUTY AND MILITARY SERVICE**

#### **Article 44. Control over the Observance of the Legislation on Military Duty and Military Service**

1. Control over the observance of the legislation on military duty and military service by the state authorities, local self-government organs, military management bodies, enterprises, institutions and organizations and their officials is carried out in accordance with the procedure determined in the Constitution of Ukraine (254к/96-BP), the Laws of Ukraine “On Democratic Civilian Control of State Military and Law Enforcement Organisations” (975-15), “On the High Commissioner of the Verkhovna Rada of Ukraine for Human Rights” (776/97-BP) and other Laws.

#### **Article 45. Oversight over the Observance of the Legislation on Military Duty and Military Service**

1. Oversight over the observance of the legislation on military duty and military service by the state authorities, local self-government organs and military management bodies is carried out in accordance with the procedure determined in the Constitution of Ukraine (254к/96-BP) and other Laws of Ukraine.

## **PART XII**

### **FINAL PROVISIONS**

1. This Law enters into force from the date of publication except for part one of Article 21, which enters into force on 1 January 2007.
2. The time and procedure of transition of the Armed Forces of Ukraine and other military formations created in accordance with the Laws of Ukraine towards manning on a contract basis are determined by the relevant programmes on the development of the Armed Forces of Ukraine and the reform of other military formations.
3. The competences of the Ministry of Defence of Ukraine concerning the ensuring of the

- observance of the performance of military duty envisaged by this Law are also granted to other central executive authorities managing military formations in accordance with the law.
4. Citizens of Ukraine who are exempt from call-up to regular military service or who are granted a postponement of call-up to regular military service according to the Law of Ukraine “On Universal Military Duty and Military Service” enjoy the right to an exemption from or a postponement of a call-up until it expires or until the grounds for these rights are lost.
  5. Citizens of Ukraine, who on the day this Law enters into force carry out regular military service in the Armed Forces of Ukraine and in other military formations created in accordance with the Laws of Ukraine, are discharged from military service after the end of the established period of regular military service determined in the Law of Ukraine “On Universal Military Duty and Military Service.”
  6. Contracts about the performance of military service concluded before this Law entered into force remain in force for the period for which they were concluded.
  7. Servicemen and persons liable for military service retain the rank of privates conferred before this Law entered into force.
  8. The Cabinet of Ministers within six months after this Law enters into force is obliged to:
    - submit proposals to the Verkhovna Rada of Ukraine on introducing amendments to other laws of Ukraine following from this Law;
    - develop normative legal acts following from this Law;
    - bring its decisions into conformity with the present Law;
    - ensure the revision and abolition by ministries and other central executive authorities of normative legal acts contradicting this Law.
  9. Propose to the President of Ukraine to develop and bring his/her normative legal acts into conformity with the present Law.
  10. Before the legislation of Ukraine is brought into conformity with this Law, only the clauses of the laws and other normative legal acts adopted before this Law came into force not contradicting this Law are applied.

President of Ukraine V. Yushchenko

Kyiv, 4 April 2007  
N 3597-IV

According to the Decree of the President of Ukraine «On Introducing Amendments to the Decree of the President of Ukraine of 3 June 2004 N 609 “On the Decision of the National Security and Defence Council of Ukraine of 26 May 2004 ‘On the Storage Conditions of Ammunition and Explosives in Arsenals, Bases and Warehouses of the Armed Forces of Ukraine’», the protection of arsenals and ammunition warehouses is exclusively the responsibility of the Armed Forces of Ukraine instead of the internal forces of the Ministry of Internal Affairs. This is evidence of the separation of spheres of responsibility between the Ministry of Defence and the Ministry of Internal Affairs. The next step shall be the transformation of the internal forces of the Ministry of Internal Affairs into a non-military formation. However, the relevant decree is suspended according to the Decree of the President N 1529/2005 (1529/2005) of 03.11.2005.

**The Decree of the President of Ukraine  
On Introducing Amendments to the Decree  
of the President of Ukraine of 3 June 2004 N 609**

1. To introduce the following amendments to the Decree of the President of Ukraine of 3 June 2004 N 609 (609/2004) “On the Decision of the National Security and Defence Council of Ukraine of 26 May 2004 ‘On the Storage Conditions of Ammunition and Explosives in Arsenals, Bases and Warehouses of the Armed Forces of Ukraine’”:
  - 1) To formulate item “e” of Article 2 in the following wording:  
“e) ensure the protection by the Armed Forces of Ukraine of the belonging to them arsenals, bases and warehouses of rockets, ammunition and explosives”
  - 2) Recognize item “a” of Article 3 as invalid
  - 3) To assign control over the implementation of this Decree to the Secretary of the National Security and Defence Council of Ukraine.

President of Ukraine V. Yushchenko

Kyiv, 8 July 2005  
N 1069/2005

In Part IV «The Legislative Framework for Defence Industry Activities», the Law of Ukraine «On State Defence Procurement» is amended in accordance with the Law of Ukraine N 2340-IV (2340-15) of 13.01.2005 by a regulation that the development, production, realization, repair, modernization and recycling of armaments, military equipment, military weapons and ammunition can be carried out by subjects - legal persons - who have a licence to carry out the relevant types of economic activities and not only by state enterprises. This is evidence of the certain liberalization of this traditionally closed sphere and of the intensification of competition.

**The Law of Ukraine**  
**On Introducing Amendments to Some Laws of Ukraine (On the Development,  
Production, Realization, Repair, Modernization and Recycling of Armaments, Military  
Equipment, Military Weapons and Ammunition)**

(Bulletin of the Verkhovna Rada of Ukraine (BVR), 2005, No 9, p. 183)

The Verkhovna Rada of Ukraine **decrees:**

I. To introduce amendments to the following Laws of Ukraine:

1. In Part 2 of Article 4 of the Law of Ukraine “On Entrepreneurship” (698-12) (Bulletin of the Verkhovna Rada of the Ukrainian Soviet Socialist Republic, 1991, N 14, p. 168; Bulletin of the Verkhovna Rada of Ukraine, 2000, N 36, p. 299) delete the words “production and realization of military weapons and ammunition.”
2. In Part 3 of Article 1 of the Law of Ukraine «On State Defence Procurement» (464-14) (Bulletin of the Verkhovna Rada of Ukraine, 1999, N 17, p. 111):

the second paragraph shall have the following wording:

“The development, production, realization, repair, modernization and recycling of armaments, military equipment, military weapons and their ammunition can be carried out by subjects - legal persons - who have a licence to carry out the relevant types of economic activities”;

the fourth paragraph shall be deleted;

3. The Law of Ukraine “On Licensing Some Types of Economic Activity” (1775-14) (Bulletin of the Verkhovna Rada of Ukraine, 2000, N 36, p. 299, N 45, p. 377; 2001, N 11, p. 45, N 16, p. 76, N 22, p. 105, N 49, p. 259; 2002, N 6, p. 39, N 7, p. 50, N 17, p. 121, N 20, p. 134, N 30, p. 207, N 31, p. 214; 2003, N 13, p. 92, N 23, p. 145, N 36, p. 276; 2004, N 12, p. 155, N 13, p. 180, N 15, p. 228, N 38, p. 468, N 50, p. 537):

the ninth paragraph of Part 1 of Article 5 amend by inserting the words “except for cases envisaged in this Law”;

the third paragraph of Part 1 of Article 6 amend by inserting the words “except for cases envisaged in this Law”;

amend Article 8 by adding the following part after Part 5:

“Licensing conditions for carrying out economic activities mentioned in item 72 of Article 9 of this Law and the procedure for the control over their observance is determined by the Cabinet of Ministers of Ukraine”;

In this connection, Parts 6 and 7 become Parts 7 and 8.



Article 9:

item 2 shall have the following wording:

“2) the production and repair of non-military firearms and their ammunition, cold arms, air-guns with a calibre bigger than 4.5 millimetres and the bullet speed of more than 100 meters per second, the trade in non-military firearms and their ammunition, cold arms, air-guns with a calibre bigger than 4.5 millimetres and the bullet speed of more than 100 meters per second”;

amend by adding item 72 in the following wording:

“72) the development, production, realization, repair, modernization and recycling of armaments, military equipment, military weapons and their ammunition.”

## II. Final Provisions

1. This Law enters into force within six months from the date of publication.
2. The Cabinet of Ministers of Ukraine within three months after the publication of this Law:
  - submits proposals to the Verkhovna Rada of Ukraine on introducing amendments to other laws of Ukraine following from this Law;
  - adopts normative legal acts necessary for the implementation of this Law;
  - ensures the revision and abolition by ministries and other central executive authorities of normative legal acts contradicting this Law.

President of Ukraine V. Yushchenko

Kyiv, 13 January 2007

N 2340-IV

There are also some changes in **Part IV** in the Law of Ukraine «On Space Activity». In accordance with the Law of Ukraine of N 3370-IV of 19.01.2006 «On Introducing Amendments to Some Legislative Acts of Ukraine in Order to Bring Them into Conformity with the Legislative Acts of Ukraine in the Field of Licensing», the powers of the Cabinet of Ministers are diminished in this sphere. Before, the Cabinet of Ministers enjoyed the right to license space activity. In the new revision, the list of space activities subject to licensing is determined by the law.

**The Law of Ukraine**  
**On Introducing Amendments to Some Legislative Acts of Ukraine in Order to Bring**  
**Them into Conformity with the Legislative Acts of Ukraine in the Field of Licensing**

(Bulletin of the Verkhovna Rada of Ukraine (BVR), 2006, No 22, p. 184)

The Verkhovna Rada of Ukraine **decrees:**

“I. To amend the following Legislative Acts of Ukraine:

Item 22 of the Law says:

Replace Parts 2 and 3 of Article 10 of the Law of Ukraine «About space activity» (502/96-BP) (Bulletin of the Verkhovna Rada of Ukraine, 1997, N 1, p. 2) with one part in the following wording: «The list of space activities subject to licensing is determined by the law. Licences for carrying out such activities are delivered in accordance with the procedure established by the legislation.»

There are some changes in **Part V “The Legislative Framework for Ensuring State Security”** introduced to the laws regulating the activity of the security services and the newly created state bodies.

The External Intelligence Services are included in the list of subjects ensuring the national security of Ukraine in accordance with amendments introduced by the Law of Ukraine «On Introducing Amendments to Some Legislative Acts of Ukraine concerning the Intelligence Services of Ukraine,» as well as amendments made in accordance with the Law of Ukraine «On National Security of Ukraine.»

In 2006, a new state body was created in Ukraine – *The State Service for Special Communications and Information Protection of Ukraine*. Its goal is to ensure the functioning and development of the state system of governmental communications and of the national system of confidential communications, to protect the state information resources in the information-telecommunication systems and to ensure cryptographic and technical protection of information.

**The Law of Ukraine**  
**On Introducing Amendments to Some Legislative Acts of Ukraine concerning the**  
**Intelligence Services of Ukraine**

(Bulletin of the Verkhovna Rada of Ukraine (BVR), 2006, No 14, p. 116)

The Verkhovna Rada of Ukraine **decrees:**

I. To amend the following Legislative Acts of Ukraine:

1. Item 1 of Part 1 of Article 22 of the Budget Code of Ukraine (2542-14) (Bulletin of the Verkhovna Rada of Ukraine, 2001, N 37-38, p. 189; 2003, N 24, p. 161) after the words “as well as” add the words “organs specially authorized by the law to carry out intelligence activity.”
2. In Article 3 of the Law of Ukraine “On Social and Legal Protection of Servicemen and Members of Their Families” (2011-12) (Bulletin of the Verkhovna Rada of Ukraine, 1992, N 15, p. 190; 2001, N 9, p. 38; 2003, N 27, p. 209), replace the words “the National Intelligence Services of Ukraine” with the words “the Intelligence Services of Ukraine, the External Intelligence Services of Ukraine.”
3. Amend Article 19 of the Law of Ukraine “On the Unified Customs Tariff» (2097-12) (Bulletin of the Verkhovna Rada of Ukraine, 1992, N 19, p. 259; 1996, N 41, p. 192; 1999, N 31, p. 253; 2000, N 3, p. 20, N 21, p. 163, N 35, p. 283, N 38, p. 318, N 48, p. 406; 2001, N 11, p. 46, N 30, p. 143, N 50, p. 261; 2002, N 11, p. 81, N 33, p. 238, N 35, p. 259, N 36, p. 266; 2004, N 14, p. 195, N 25, p. 346, N 29, p. 368; 2005, NN 17-19, p. 267, N 46-47, p. 468) with item «27 (ш)” in the following wording:

«27 (ш)) machinery, equipment, property and materials imported on the customs territory of Ukraine and exported outside its territory destined for own use by the Intelligence Services of Ukraine.»

4. The Law of Ukraine “On Detective-Investigative Activity” (2135-12) (Bulletin of the Verkhovna Rada of Ukraine, 1992, N 22, p. 303, N 39, p. 572; 1993, N 11, p. 83; 1998, N 26, p. 149; 1999, N 4, p. 35; 2001, N 10, p. 44, N 14, p. 72; 2002, N 33, p. 236; 2003, N 27, p. 209, N 30, p. 247, N 45, p. 357; 2004, N 8, p. 66; 2005, N 10, p. 187, N 25, p. 335):

1) in Part 1 of Article 5:

delete the word “intelligence” in the third paragraph;

add a new paragraph after the third paragraph in the following wording:

“The External Intelligence Services of Ukraine – secret service, operative-technical, own security.”

In this connection, paragraphs 4-8 become correspondingly paragraphs 5-9.

add in paragraph five after the words “the intelligence organ of the specially authorized central executive body on issues of protection of the state border” the words “(secret service, operative-technical, own security)”;

- 2) add the seventh part to Article 8 in the following wording:

“The Intelligence Services of Ukraine are granted the rights envisaged in Part 1 of this Article, except for items 2, 3, 5, 6, as well as item 7 in the area of covert detection and establishment of signs of grave or especially grave crimes, documents and other objects that can serve as proof of the preparation or commitment of such crimes.”

- 3) in Article 9:

in Part 1 after the words “protection of high officials” add the words “the Intelligence Services of Ukraine”, and after the words “the Ministry of Defence of Ukraine” add the words “the intelligence organ of the Specially Authorized Central Executive Body on issues of protection of the state border”;

in Part 2 after the words “the Security Services of Ukraine” add the words “the External Intelligence Services of Ukraine”;

in Part 3 substitute the words “the border service” with the words “the State Border Service of Ukraine”, and after the words “the Ministry of Defence of Ukraine” add the words “the External Intelligence Services of Ukraine”;

in Part 8 after the words “the Ministry of Defence of Ukraine” add the words “the intelligence organ of the specially authorized central executive body on issues of protection of the state border, the External Intelligence Services of Ukraine”;

- 4) in Article 9-1:

in Part 2 after the words “the counter-intelligence organs of the Security Services of Ukraine” add the words “the intelligence organ of the specially authorized central executive body on issues of protection of the state border”;

in Parts 2 and 3 after the words “the Head of the State Border Service of Ukraine” add the words “the Head of the External Intelligence Services of Ukraine, the head of the intelligence organ of the Ministry of Defence of Ukraine”;

in Part 4 after the words “the Security Service of Ukraine” add the words “the Head of the External Intelligence Services of Ukraine, the Head of the State Border Service of Ukraine, the head of the intelligence organ of the Ministry of Defence of Ukraine”;

- 5) in Part 2 of Article 9-2 substitute the words “the head of the relevant body or his deputy” with the words “the official who has the right in accordance with Article 9 of this Law to approve a decree about the opening of a relevant detective investigative case.”
5. In the Law of Ukraine “On the Security Service of Ukraine” (2229-12) (Bulletin of the Verkhovna Rada of Ukraine, 1992, N 27, p. 382; 2000, N 10, p. 79; 2002, N 33, p. 236; 2003, N 27, p. 209; 2004, N 32, p. 394):
    - 1) in Article 10:  
  
in the second sentence of Part 1 delete the word “intelligence”;  
  
delete Part 2;
    - 2) in Part 1 of Article 15 and items 11 and 12 of part 1 of Article 25 delete the word “intelligence”;  
  
delete item 1-1 of Article 24;
  6. In the Law of Ukraine “Law on Pensions of Servicemen, Commanders and Lower Ranks of Law Enforcement Organs and Other Persons” (2262-12) (Bulletin of the Verkhovna Rada of Ukraine, 1992, N 29, p. 399; 1994, N 24, p. 178; 1998, N 26, p. 149; 1999, N 4, p. 35, N 48, p. 409; 2001, N 9, p. 38; 2002, N 17, p. 125, N 35, p. 262; 2003, N 27, p. 209; 2004, N 50, p. 536; 2005, N 4, p. 107, NN 17-19, p. 267):
    - 1) in the preamble, after the words “the Security Service of Ukraine” add the words “the External Intelligence Services of Ukraine”;
    - 2) in Part 2 of Article 10 after the words “the Security Service of Ukraine” add the words “the External Intelligence Services of Ukraine”;
    - 3) in Part 1 of Article 48, in part 1 of Article 49 and in Part 2 of Article 52 after the words “the Security Service of Ukraine” add the words “the External Intelligence Services of Ukraine”;
  7. Add to item 3 of Article 5 of the Law of Ukraine «On the Organizational and Legal Bases of the Fight Against Organized Crime» (3341-12) (Bulletin of the Verkhovna Rada of Ukraine, 1993, N 35, p. 358; 1999, N 4, p. 35; 2002, N 33, p. 236; 2003, N 27, p. 209) sub-term “g” in the following wording:  
  
“g) The External Intelligence Services of Ukraine”.
  8. In the Law of Ukraine “On the Status of War Veterans and Guarantees of Their Social Protection” (3551-12) (Bulletin of the Verkhovna Rada of Ukraine, 1993, N 45, p. 425; 1996, N 1, p. 1):

- 1) in the second paragraph of item 2 of Part 1 of Article 6 add the words “the Security Service of Ukraine” the words “the External Intelligence Services of Ukraine”, and substitute the words “other military formations created by the Verkhovna Rada of Ukraine” with the words “other military formations created in accordance with the Laws of Ukraine”;
  - 2) in item 2 of Part 2 of Article 7 substitute the words “and the Security Service of Ukraine” with the words “the Security Service of Ukraine, the External Intelligence Services of Ukraine.”
9. In the Law of Ukraine “On State Protection of Employees of Courts and Law Enforcement Organs” (3781-12) (Bulletin of the Verkhovna Rada of Ukraine, 1994, N 11, p. 50; 1999, N 4, p. 35; 2002, N 33, p. 236; 2003, N 29, p. 233; 2004, N 22, p. 314; 2005, N 25, p. 335):
- 1) in item 1 of Article 2:
 

in the second paragraph substitute the words “of the intelligence service of the Ministry of Defence of Ukraine” with the words “of the intelligence services of Ukraine”;

in sub-item “c” after the words “detective-investigative” add the words “and intelligence”;
  - 2) put item “f” of Article 14 in the following wording:
 

“f) the heads of the intelligence services of Ukraine – concerning the protection of employees of these organs and their close relatives”;
  - 3) put item “c” of Part 1 of Article 15 in the following wording:
 

“c) concerning the employees of the intelligence services of Ukraine and their close relatives – to the relevant intelligence services of Ukraine”;
  - 4) in Part 1 of Article 24 after the words “the Head of the Security Service of Ukraine” add the words “the Head of the External Intelligence Services of Ukraine”.
10. In the Law of Ukraine “On Universal Military Duty and Military Service” (2232-12) (Bulletin of the Verkhovna Rada of Ukraine, 1999, N 33, p. 270; 2003, N 5, p. 37; 2005, N 20, p. 276):
- 1) in Part 1 of Article 20:
 

in the sixth paragraph after the words “the Security Service of Ukraine” add the words “the intelligence services of Ukraine”;



in the ninth paragraph after the words “the Security Service of Ukraine” add the words “the intelligence services of Ukraine”;

- 2) in Part 4 of Article 22 after the words “the Security Service of Ukraine” add the words “and the intelligence services of Ukraine”;
  - 3) in item “d” of part 1 of Article 24 and in Part 2 of Article 34 after the words “the Security Service of Ukraine” add the words “and the External Intelligence Service of Ukraine.”
11. In Part 2 of Article 3 of the Law of Ukraine “On Professional Unions, Their Rights and Guarantees of Their Activities” (1045-14) (Bulletin of the Verkhovna Rada of Ukraine, 1999, N 45, p. 397) after the words “the Security Service of Ukraine” add the words “the External Intelligence Service of Ukraine.”
  12. In item 2 of the Law of Ukraine “On Measures Concerning the Economy of Budget Funds” (1459-14) (Bulletin of the Verkhovna Rada of Ukraine, 2000, N 13, p. 102, N 23, p. 178; 2001, N 31, p. 155; 2002, N 33, p. 236; 2003, N 27, p. 209) after the words “the Security Service of Ukraine” add the words “the External Intelligence Service of Ukraine.”
  12. In the third paragraph of Article 8 and in Article 9 of the Law of Ukraine “On State Awards of Ukraine” (1549-14) (Bulletin of the Verkhovna Rada of Ukraine, 2000, N 21, p. 162; 2003, N 27, p. 209) after the words “the Security Service of Ukraine” add the words “the External Intelligence Service of Ukraine.”
  14. In the Law of Ukraine “On the Intelligence Services of Ukraine” (2331-14) (Bulletin of the Verkhovna Rada of Ukraine, 2001, N 19, p. 94; 2005, NN 17-19, p. 267):
    - 1) in the preamble substitute the words “special organs of state power” with the words “state organs”;
    - 2) put Article 1 in the following wording:

**“Article 1. Main terms**

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

- Intelligence activity is the activity carried out with the help of special means and methods with the purpose of providing the determined by the law state authorities with intelligence information, ensuring the realization and protection of national interests, and counteracting external threats to the national security of Ukraine outside Ukraine;
- Intelligence information is oral and saved on storage devices (including on samples of products and substances) and data, which is not possible to obtain through official channels, about real or potential possibilities, plans, intentions

and activities of foreign states, organisations and individuals threatening the national interests of Ukraine, as well as data about events and circumstances relating to national security and defence;

- The intelligence services of Ukraine are specially authorized by the law services responsible for carrying out intelligence activity. The Intelligence Service of Ukraine can function both as an independent body and as a part of the central executive authorities.”

3) in Article 4:

put the third paragraph in the following wording:

“taking special measures aimed at the protection of national interests and the state policy of Ukraine in the economic, political, military, military-technical, ecological and information spheres, strengthening of defence capability, economic, scientific and technical development, and protection of the state border”;

put the fifth paragraph in the following wording:

“the participation in the fight against terrorism, international organized crime, illegal drugs, arms and arms technologies trafficking and illegal migration in accordance with the procedure defined by the law”.

add the sixth paragraph in the following wording:

“taking measures counteracting external threats to the national security of Ukraine, to the life and health of its citizens, as well as to the state property outside Ukraine”;

4) in Part 1 of Article 5 substitute the words “and to ensure security of its employees” with the words “to ensure security of intelligence action, protection of own forces, means and information systems and stores, as well as sources of intelligence information”;

5) put the title and Part 1 of Article 6 in the following wording:

**“Article 6. The Intelligence Services of Ukraine and the Spheres of Their Activity**

The Intelligence Services of Ukraine carry out intelligence activity in the following spheres:

- The Security Services of Ukraine - in the political, economic, military-technical, scientific-technological, information and ecological spheres;
- The Ministry of Defence of Ukraine - military, military-political, military-technical, military-economic, information and ecological;
- The Intelligence Service of the specially authorized central executive body on

the issues of protection of the state border - in the spheres of border and immigration policy, as well as in other spheres relating to the protection of the state border of Ukraine and Ukraine's sovereign rights in an exclusive (sea) economic zone”;

- 6) in Part 3 of Article 7 add new sentences in the following wording: “The Head of the External Intelligence Service of Ukraine is appointed by the President of Ukraine. Within the limits of their competences, the heads of the intelligence services of Ukraine can issue orders and directives, and in cases envisaged in the law or at the demand of the President of Ukraine, bring to the President's attention information about external threats to Ukraine in accordance with the procedure established by him”;

- 7) in Article 9:

in the eighth paragraph add the words “use the funds and property acquired as a result of their activity in accordance with the procedure established by the Cabinet of Ministers of Ukraine” and after the word “subdivision” add the word “enterprises”;

add paragraphs in the following wording:

“to create, in accordance with the established procedure, territorial subdivisions within the limits of the numbers of cadre employees;

to ensure, in accordance with the procedure established in the legislation of Ukraine, the controlled (under operational control) movement of persons and things across the state border of Ukraine”;

- 8) the text of Article 10 put in the following wording:

“Information obtained and processed by the Intelligence Services of Ukraine is provided to the President of Ukraine, the Chairman of the Verkhovna Rada of Ukraine, the Prime Minister of Ukraine and others determined by the President in accordance with the procedure determined by him, observing the stipulations of the Laws of Ukraine “On the State Secret” (3855-12), “On Information” (2657-12), “On Protection of Information in Computer Systems” (80/94-BP) and other.”

- 9) in Part 2 of Article 11 substitute the word “agreements” with the word “international agreements of Ukraine”;

- 10) in Article 15:

add two new parts after Part 2 in the following wording:

“The Intelligence Services of Ukraine have the right to alienate property acquired for budgetary funds outside Ukraine in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

The funds received from the realization, in accordance with the established procedure, of property acquired for the budgetary funds outside Ukraine are added to the State Budget of Ukraine. These funds are used exclusively for the needs of intelligence activity in accordance with the budgets for the relevant Intelligence Services of Ukraine.”

In this connection, Parts 3-5 become correspondingly Parts 5-7;

put Part 5 in the following wording:

“The Intelligence Services of Ukraine have the right, in accordance with the law, to acquire and import into the territory of Ukraine armaments, material-technical, special technical and other means, firearms and ammunition, including those produced abroad, to satisfy their own needs, as well as in case of need to transfer and export them out of Ukraine in accordance with the procedure determined by the Cabinet of Ministers of Ukraine.”

in Part 7 add the words “and can order the construction of dwellings”;

11) in Article 16:

in Part 1 substitute the words “the departments of the relevant central executive authorities” with the words “organs of Ukraine”;

delete Part 2;

in Part 3 add a sentence in the following wording: “The details of the performance of military service in the Intelligence Services of Ukraine are determined by the President of Ukraine”;

in Part 3 add two new parts in the following wording:

“The procedure for the performance of military service and the conferment of military ranks to persons with special ranks (class ranks) and who are assigned (enlisted) for further performance of military service to the Intelligence Services of Ukraine is determined by the President of Ukraine.

Persons enlisted for military service in the Intelligence Services of Ukraine have the right to return, provided there are vacant posts, in accordance with the established procedure, to the organs that assigned (enlisted) them for further performance of military or state service in accordance with the posts, military (special) ranks, class ranks and ranks of state officials acquired during the service in the Intelligence Services of Ukraine and with consideration of the work (service) period in the Intelligence Services of Ukraine as part of the interrupted work record.”

In this connection, Part 4 becomes Part 6.

12) in Article 17 after Part 1 add a new part in the following wording:

“Cadre employees of the Intelligence Services of Ukraine are state employees. Their posts are attributed to the corresponding categories of state employees by the Cabinet of Ministers of Ukraine in agreement with the relevant state organ. The procedure for employment in an intelligence service is determined in accordance with the law and the regulations on the relevant intelligence service.”

In this connection, Parts 2-4 become Parts 3-5.

13) in Part 1 of Article 19 after the words “this Law” add the words “as well as in case of their involvement in an anti-terrorist operation”;

14) in Article 21:

put Part 2 in the following wording:

“Social protection and financial support (work remuneration) are unified for all employees of all intelligence services of Ukraine”;

in Part 7 after the words “the Intelligence Services of Ukraine” add the words “and departments responsible for the performance of intelligence activity before this Law comes into force, and”;

after Part 8 add a new part in the following wording:

“Cadre employees of the Intelligence Services of Ukraine have the right to a pension on the grounds and conditions envisaged in the Law of Ukraine “On State Service (3723-12).”

In this connection, Part 9 becomes Part 10;

Add Parts 11-14 in the following wording:

“The life and health of cadre employees of the Intelligence Services of Ukraine are subject to compulsory state insurance covered by the State Budget of Ukraine. The procedure and conditions of insurance are determined by the Cabinet of Ministers of Ukraine.

In case of death of a cadre employee in the Intelligence Services of Ukraine during the performance of service duties, the family of the deceased or persons who depend on his support receive a one-time allowance equal to a ten-year salary of the deceased in accordance with his last post and a pension as a result of the loss of the breadwinner.

In case of mutilation received by a cadre employee of the Intelligence Services of Ukraine during the performance of his service duties and of invalidity as a result of his service or no later than three months after the discharge from service or after the end of this period in case the invalidity is the result of disease or an incident that

occurred during service. Depending on the degree of invalidity, the employee receives a one-time allowance equal to a three to five-year salary on the last post and an invalidity pension.

The Intelligence Services of Ukraine reimburse cadre employees for the travel expenses incurred while in the service on all types of public transportation, except for taxis, as well as expenses relating to the use of their own means of transportation for the same purpose in accordance with the procedure determined by the Head of the relevant Intelligence Service of Ukraine.”

15. In Part 2 of Article 4 of the Law of Ukraine “On State Support to Families with Children” (2811-12) (Bulletin of the Verkhovna Rada of Ukraine, 2001, N 20, p. 102; 2003, N 27, p. 209) after the words “the Security Service of Ukraine” add the words “the External Intelligence Service of Ukraine.”
16. In Part 2 of Article 10 of the Law of Ukraine “On Veterinary Medicine” (2498-12) (Bulletin of the Verkhovna Rada of Ukraine, 2002, N 8, p. 62; 2003, N 27, p. 209) after the words “the Security Service of Ukraine” add the words “the External Intelligence Service of Ukraine.”
17. In the Law of Ukraine “On Counterintelligence Activity” (374-15) (Bulletin of the Verkhovna Rada of Ukraine, 2003, N 12, p. 89, N 27, p. 209):
  - 1) in Article 1 delete the word “intelligence”;
  - 2) in Part 2 of Article 7:
    - in item 1 delete the words “intelligence and”;
    - in item 6 delete the word “intelligence”;
  - 3) in Article 8:
    - in Part 8 add the words “by the Head of the Intelligence Service of Ukraine or his deputy within the competences defined by this Law;
    - Part 9:
      - after the words “registration of the received results” add the words “their analysis and operational assessment”;
      - add the words “and in cases relating to ensuring the security of its own forces and means, information systems and operational records, counterintelligence activities can be carried out by the Intelligence Services of Ukraine with the permission of their heads or deputy heads”;

18. In the Law of Ukraine “On the Fight Against Terrorism” (638-15) (Bulletin of the Verkhovna Rada of Ukraine, 2003, N 25, p. 180; 2005, N 25, p. 335):

- 1) in Part 4 of Article 4 after the first paragraph add a new paragraph in the following wording:

“The External Intelligence Service of Ukraine.”

In this connection, paragraphs 2-11 become correspondingly paragraphs 3-12;

- 2) in Article 5:

in Part 1 substitute the words “ensures security” with the words “ensures security in cooperation with the Intelligence Services of Ukraine”;

add Part 8 in the following wording:

“The Intelligence Services of Ukraine carry out the collection, analytical processing and submission, in accordance with the established procedure, of intelligence information about activities of foreign and international terrorist organizations outside Ukraine, as well as take measures to directly counteract terrorist threats to the life and health of the citizens of Ukraine, to establishments and objects of public property of Ukraine in case of the involvement of the Intelligence Services of Ukraine in anti-terrorist operations outside Ukraine.»

19. In the Law of Ukraine “On National Security of Ukraine” (964-15) (Bulletin of the Verkhovna Rada of Ukraine, 2003, N 39, p. 351):

- 1) in the eleventh paragraph of Article 4 after the words “the Security Service of Ukraine” add the words “the External Intelligence Service of Ukraine.”
- 2) in the seventh paragraph of Article 9 substitute the words “the Security Service of Ukraine and other central executive authorities” with the words “other central executive authorities, the Security Service of Ukraine and the External Intelligence Services of Ukraine”;

20. In the Law of Ukraine “On Telecommunications” (1280-15) (Bulletin of the Verkhovna Rada of Ukraine, 2004, N 12, p. 155):

- 1) in Part 2 of Article 38 and item 9 of Part 1 of Article 39 after the words “the Security Service of Ukraine” add the words “the External Intelligence Service of Ukraine”;
- 2) in item 1 of Part 3 of Article 64 after the words “the Security Service of Ukraine” add the words “the External Intelligence Service of Ukraine.”

21. In Article 11 of the Law of Ukraine “On the State Border Service of Ukraine” (661-15) (Bulletin of the Verkhovna Rada of Ukraine, 2003, N 27, p. 208) add Part 2 in the following wording:

“The organizational structure of the intelligence service of the specially authorized central executive body on the issues of protection of the state border is determined by the President of Ukraine.”

22. In Part 2 of Article 5 of the Law of Ukraine “On Radio Frequency Resources of Ukraine” (1770-14) (Bulletin of the Verkhovna Rada of Ukraine, 2004, N 48, p. 526) after the words “the Security Service of Ukraine” add the words “the External Intelligence Service of Ukraine.”

## II. Final Provisions

1. This Law enters into force from the date of its publication.
2. The Cabinet of Ministers of Ukraine within three months after this Law enters into force:
  - brings its normative legal acts in accordance with this Law;
  - ensures the revision and abolition by ministries and other central executive authorities of normative legal acts contradicting this Law.
3. Recommend to the President of Ukraine to bring his decisions into conformity with this Law.

President of Ukraine V. Yushchenko

Kyiv, 15 December 2005  
N 3200-IV



In Ukraine, a new state organ - *the State Service for Special Communications and Information Protection of Ukraine* - was created. The main goals of its activities are determined in the Law “On the State Service for Special Communications and Information Protection of Ukraine.” On the basis of this Law, the basic tasks concerning the provision of the state authorities of Ukraine and state servants with secret and coded communications and concerning the protection of classified information were excluded from the tasks of the Security Service of Ukraine. The Law of Ukraine “On the Legal Regime of Property in the Armed Forces” concerns, in addition to military formations, the State Service for Special Communications and Information Protection in accordance with amendments introduced in the Law of Ukraine “On the State Service for Special Communications and Information Protection of Ukraine.”

**The Law of Ukraine  
On the State Service for Special Communications and Information Protection  
of Ukraine**

(Bulletin of the Verkhovna Rada of Ukraine (BVR), 2006, N 30, p.258)

{With amendments introduced in accordance with the Laws N 328-V (328-16) of 03.11.2006,  
BVR, 2006, N 51, p. 519; N 1014-V (1014-16) of 11.05.2007}

In accordance with the Constitution of Ukraine (254κ/96-BP), this Law determines the legal bases for the organization and activity of the State Service for Special Communications and Information Protection of Ukraine.

**Part I  
GENERAL PROVISIONS**

**Article 1. Definition of terms**

1. In this Law, the terms below shall be used in the following meaning:

Special communication is the transmission, radiation and/or reception of signs, signals, written texts, images, sounds and messages, which contain information with restricted access, on the radio, through cable, optical or other electromagnetic systems with the use of cryptographic and/or technical means of information protection observing the requirements of the legislation on its protection;

Governmental communication is a type of special connection provided through the state governmental communication system;

State governmental communication system is a special communication system intended for ensuring the management of the state in peacetime, during a state of emergency and martial law, as well as in case of the emergence of emergency situations, and for ensuring the observance of the requirements of the legislation on the protection of classified information;

Site of information activity is an engineering-technical structure (building) where activities related to the protection of information are carried out;

State information resource is information, which belongs to the state, and the necessity of protection thereof is mandated by the legislation.

2. The terms «National system of confidential communication», «information-telecommunication system», «cryptographic protection of information», «technical protection of information», «complex system of protection of information», «information with restricted access» are used in this Law in the meaning defined accordingly in the Laws of Ukraine «On the National System of Confidential Communication» (2919-14), «On Protection of Information in

Information-Telecommunications Systems» (80/94-BP), «On Information» (2657-12).

## **Article 2. The Status of the State Service for Special Communications and Information Protection of Ukraine**

1. The State Service for Special Communications and Information Protection of Ukraine is the state body, the purpose of which is to ensure the functioning and development of the state governmental communication system and the national system of confidential communication, the protection of state information resources in information-telecommunications systems, as well as the cryptographic and technical protection of information.
2. Activity of the State Service for Special Communications and Information Protection of Ukraine is managed by the Cabinet of Ministers of Ukraine, which takes measures to ensure its functioning.
3. The State Service for Special Communications and Information Protection of Ukraine is accountable to the Verkhovna Rada of Ukraine. In the area of ensuring the national security of Ukraine, the State Service for Special Communications and Information Protection of Ukraine is subordinate and accountable to the President of Ukraine.

## **Article 3. Main Tasks of the State Service for Special Communications and Information Protection of Ukraine**

1. The main tasks of the State Service for Special Communications and Information Protection of Ukraine are:
  - the participation in the formation and implementation of the state policy in the field of protection of the state informational resources in information-telecommunications systems, as well as the cryptographic and technical protection of information;
  - ensuring governmental communication, in accordance with the established procedure, to the President of Ukraine, the Chairman of the Verkhovna Rada of Ukraine, the Prime Minister of Ukraine, other state officials, local self-government organs, military management organs and heads of enterprises, establishments and organizations in peacetime, during a state of emergency and martial law, as well as in case of the emergence of an emergency situation;
  - ensuring the functioning, security and development of the state system of governmental communication and the national system of confidential communication;
  - the definition of the requirements and the procedure for the creation and development of systems of technical and cryptographic protection of information owned by the state or information with restricted access the necessity of protection thereof is mandated by the law.
  - the execution of the state control over the state of cryptographic and technical protection of information owned by the state or information with restricted access the necessity of protection thereof is mandated by the law, as well as over the observance of the requirements of the legislation in the field of provision of electronic digital signature services;
  - ensuring security of sites, buildings, systems, networks, complexes, governmental and special

communication means and the key documents concerning the cryptographic protection of information of the State Service for Special Communications and Information Protection of Ukraine.

#### **Article 4. Main Principles of Activity of the State Service for Special Communications and Information Protection of Ukraine**

1. The main principles of activity of the State Service for Special Communications and Information Protection of Ukraine are:

legality;

respect for and observance of human and civil rights and freedoms;

undivided authority and centralization of management;

coordination of actions in a special period (during a state of emergency and martial law, as well as in case of the emergence of an emergency situation) with the General Staff of the Armed Forces of Ukraine, the Security Service of Ukraine and the central executive body civil defence;

openness for democratic civil control and observance of the requirements of the legislation concerning the protection of state secrets.

#### **PART II**

#### **GENERAL STRUCTURE, NUMERICAL STRENGTH AND ORGANIZATION OF ACTIVITY OF THE STATE SERVICE FOR SPECIAL COMMUNICATIONS AND INFORMATION PROTECTION OF UKRAINE**

#### **Article 5. General Structure and Numerical Strength of the State Service for Special Communications and Information Protection of Ukraine**

{Article 5 enters into force as of 11.04.2006 in accordance with item 1 of Part IX «Final and Transitional Provisions of this Law»}

1. The general structure of the State Service for Special Communications and Information Protection of Ukraine includes the specially authorized central executive organ on questions of the organization of special communications, protection of information, regional organs and territorial subdivisions subordinated to it.
2. Educational, medical, healthcare and other establishments, research and research and production establishments are created within the State Service for Special Communications and Information Protection of Ukraine. The state enterprises, the activity of which is connected to the implementation of tasks related to the State Service for Special Communications and Information Protection of Ukraine, belong to its sphere of management.
3. The specially authorized central executive organ on questions of the organization of special

communications and protection of information, regional organs, territorial subdivisions, educational, medical, healthcare and other establishments, research, research and production establishments and state enterprises mentioned in Part 2 of this Article are legal entities, which have a seal with the image of the National Emblem of Ukraine and their name on it, other seals, stamps and accounts accordingly in the State Treasury of Ukraine and in banks, including in foreign currency.

4. The numerical strength, in terms of personnel, in the State Service for Special Communications and Information Protection of Ukraine is established by the Cabinet of Ministers of Ukraine, upon submission of the specially authorized central executive organ on questions of the organization of special communications and the protection of information.

#### **Article 6. The Head of the State Service for Special Communications and Information Protection of Ukraine**

{Article 6 enters into force as of 11.04.2006 in accordance with item 1 of Part IX «Final and Transitional Provisions of this Law»}

1. Management of the State Service for Special Communications and Information Protection of Ukraine is carried out by the Head of the State Service for Special Communications and Information Protection of Ukraine, who chairs the specially authorized central executive organ on questions of the organization of special communications and protection of information and bears personal responsibility for the implementation of tasks laid upon the State Service for Special Communications and Information Protection of Ukraine.
2. The Head of the State Service for Special Communications and Information Protection of Ukraine is appointed and dismissed from the post by the Cabinet of Ministers of Ukraine at the proposal of the Prime Minister of Ukraine.
3. Deputy Heads of the State Service for Special Communications and Information Protection of Ukraine are appointed and dismissed from the post by the Cabinet of Ministers of Ukraine at the proposal of the Head of the State Service for Special Communications and Information Protection of Ukraine.
4. The number of Deputy Heads of the State Service for Special Communications and Information Protection of Ukraine is determined the Cabinet of Ministers of Ukraine.

#### **Article 7. The Specially Authorized Central Executive Organ on Questions of the organization of special communications and protection of information**

{Article 7 enters into force as of 11.04.2006 in accordance with item 1 of Part IX «Final and Transitional Provisions of this Law»}

1. The specially authorized central executive organ on questions of the organization of special communications and protection of information:

organizes, co-ordinates and controls the activities of regional organs, territorial subdivisions,

institutions, establishments and state enterprises of the State Service for Special Communications and Information Protection of Ukraine;

takes part in the formation and is responsible for the implementation of state policy in the field of protection of the state information resources in information-telecommunications systems, as well as the cryptographic and technical protection of information, ensures the functioning, security and development of the state system of governmental communications and the national system of confidential communications;

conducts the co-ordination of activities of the state authorities, local self-government organs, military formations formed in accordance with the laws of Ukraine (hereinafter - military formations), enterprises, establishments and organizations regardless of their forms of ownership on questions belonging to the purview of the State Service for Special Communications and Information Protection of Ukraine;

carries out the state control over the state of cryptographic and technical protection of information owned by the state or information with restricted access the necessity of protection thereof is mandated by the law, as well as over the observance of the requirements of the legislation in the field of provision of electronic digital signature services;

carries out, in accordance with the legislation, functions relating to the management of state property, including of state corporate rights, creates and liquidates state enterprises and establishments, the activity of which is connected to the implementation of tasks laid upon the State Service for Special Communications and Information Protection of Ukraine;

generalises the practice of application of the legislation on questions belonging to the purview of the State Service for Special Communications and Information Protection of Ukraine, develops suggestions relating to the improvement of the legislation and, in accordance with the established procedure, submits them for consideration to the President of Ukraine and the Cabinet of Ministers of Ukraine.

2. Regulations on the specially authorized central executive organ on questions of the organization of special communications and protection of information, its organizational structure and the maximum number of its personnel are approved by the Cabinet of Ministers of Ukraine (868-2006-П).

#### **Article 8. The Board of the State Service for Special Communications and Information Protection of Ukraine**

1. For collective discussion of the main areas of its activity and coordinated decision-making on questions belonging to its competences, the Board of the State Service for Special Communications and Information Protection of Ukraine is created.
2. Regulations on the Board of the State Service for Special Communications and Information Protection of Ukraine and its members are approved by the Head of the State Service for Special Communications and Information Protection of Ukraine.

## **Article 9. Regional Organs and Territorial Subdivisions of the State Service for Special Communications and Information Protection of Ukraine**

1. With the purpose of the implementation of the tasks of the State Service for Special Communications and Information Protection of Ukraine, regional organs in the Autonomous Republic of Crimea, oblasts and in the cities of Kyiv and Sevastopol are created upon the decision of the specially authorized central executive organ on questions of the organization of special communications and protection of information, as well as territorial subdivisions ensuring that governmental communications to the President of Ukraine, the Chairman of the Verkhovna Rada of Ukraine and the Prime Minister of Ukraine are created.
2. Regulations on regional organs and territorial subdivisions of the State Service for Special Communications and Information Protection of Ukraine are approved by the Head of the State Service for Special Communications and Information Protection of Ukraine.
3. The heads of regional organs and territorial subdivisions of the State Service for Special Communications and Information Protection of Ukraine are appointed and dismissed from the post by the Head of the State Service for Special Communications and Information Protection of Ukraine.
4. The maximum number of personnel in the regional organs and territorial subdivisions of the State Service for Special Communications and Information Protection of Ukraine is established the Cabinet of Ministers of Ukraine.

### **PART III**

## **PERSONNEL OF THE STATE SERVICE FOR SPECIAL COMMUNICATIONS AND INFORMATION PROTECTION OF UKRAINE**

### **Article 10. Personnel of the State Service for Special Communications and Information Protection of Ukraine**

1. Persons holding the rank of private or commander, who serve on a contract basis, civil servants and other employees, who have concluded labour contracts, belong to the personnel of the State Service for Special Communications and Information Protection of Ukraine.
2. Persons holding the rank of private or commander in the State Service for Special Communications and Information Protection of Ukraine are conferred the following special ranks:

Private of the State Service for Special Communications and Information Protection of Ukraine;

Sergeant of the State Service for Special Communications and Information Protection of Ukraine;

Ensign of the State Service for Special Communications and Information Protection of Ukraine;

Senior ensign of the State Service for Special Communications and Information Protection of Ukraine;

Junior lieutenant of the State Service for Special Communications and Information Protection of Ukraine;

Lieutenant of the State Service for Special Communications and Information Protection of Ukraine;

Senior lieutenant of the State Service for Special Communications and Information Protection of Ukraine;

Captain of the State Service for Special Communications and Information Protection of Ukraine;

Major of the State Service for Special Communications and Information Protection of Ukraine;

Lieutenant-colonel of the State Service for Special Communications and Information Protection of Ukraine;

Colonel of the State Service for Special Communications and Information Protection of Ukraine;

Major-general of the State Service for Special Communications and Information Protection of Ukraine;

Lieutenant-general of the State Service for Special Communications and Information Protection of Ukraine;

3. Citizens of Ukraine, who are 18 years of age and have the necessary personal, business and moral qualities, the educational and professional level, and the condition of health to be able to execute official duties, are taken on to serve in the State Service for Special Communications and Information Protection of Ukraine on a competitive and contract basis.
4. The criteria for professional fitness, professional qualifications and other requirements for persons holding the rank of private or commander, civil servants and other employees in the State Service for Special Communications and Information Protection of Ukraine are determined by the specially authorized central executive organ in reference to questions concerning the organization of special communications and the protection of information.
5. The procedure for carrying out service in the State Service for Special Communications and Information Protection of Ukraine for persons holding the rank of private or commander, the conferment and deprivation of the special ranks, as well as the lowering and renewal of special ranks are determined by this Law and the Regulations on Carrying out Service in the State Service for Special Communications and Information Protection of Ukraine by persons



with the ranks of privates and commanders (868-2006-п), which is approved by the Cabinet of Ministers of Ukraine.

6. Disciplinary statutes, determined in the law, operate in the State Service for Special Communications and Information Protection of Ukraine.
7. Citizens of Ukraine, who are enlisted for service in the State Service for Special Communications and Information Protection of Ukraine, in posts holding the rank of private or commander for the first time, take the following oath:  
  
«I (Last Name, Name, Patronymic), assuming service in the State Service for Special Communications and Information Protection of Ukraine, swear to always remain loyal to the Ukrainian people, to unflinchingly observe the Constitution (254к/96-BP) and the Laws of Ukraine, be honest, conscientious and disciplined and keep the state secret. I swear with high responsibility to carry out the official duties, to constantly perfect professional qualities and not to tolerate violations of human and civil rights and freedoms. Shall I violate this oath, I am ready to assume liability in accordance with the law.»
8. The time of service in the State Service for Special Communications and Information Protection of Ukraine is included in the record of work, in the record of professional work, as well as in the record of work in the civil service.
9. Some of the posts of persons holding the rank of private or commander in the State Service for Special Communications and Information Protection of Ukraine can be occupied by civil servants and other employees of the State Service for Special Communications and Information Protection of Ukraine in accordance with the procedure determined by the Head of State Service for Special Communications and Information Protection of Ukraine.
10. Labour relations among civil servants and other employees of the State Service for Special Communications and Information Protection of Ukraine are regulated by the legislation on work and civil service.

#### **Article 11. Age Limits for Service in the State Service for Special Communications and Information Protection of Ukraine**

1. The age limits for service in the State Service for Special Communications and Information Protection of Ukraine are:

for persons holding the rank of private or commander and the special rank of private or captain of the State Service for Special Communications and Information Protection of Ukraine - up to 50 years;

for persons holding the rank of commander and the special rank of Major to Colonel of the State Service for Special Communications and Information Protection of Ukraine - up to 55 years;

for persons holding the rank of commander and the special rank of Major-General or Lieutenant-General of the State Service for Special Communications and Information Protection of Ukraine - up to 60 years.

2. In case of need, persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine with a high level of professional training, practical experience in their posts and fitness may, at their request, remain in the service upon reaching the age limit for a period of up to five years.

#### **Article 12. Discharge from Service in the State Service for Special Communications and Information Protection of Ukraine**

1. The discharge of persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine is carried out in the following ways:
  - 1) to the reserve of the Armed Forces of Ukraine or, in agreement with the Security Service of Ukraine, to the reserve of the Security Service of Ukraine (registration with an enlistment office), if discharged persons have not attained the age limit for the reserve determined by the law and are fit for health reasons for military service;
  - 2) retirement, if discharged persons have attained the age limit for the reserve determined by the law or are found by military medical commissions to be unfit for health reasons for military service with a consequent removal from the military registration.
2. The contract expires (terminated), and persons holding the rank of private or commander on contractual military service are discharged from service:
  - 1) after the expiration of the contract's duration;
  - 2) for age reasons - after attainment of the service age limit;
  - 3) for health reasons - on the basis of the conclusion (decision) of a military medical commission about the unfitness or limited fitness for military service;
  - 4) in connection with staff reductions – if it is impossible to retain personnel in service as a result of staff reductions or organizational measures;
  - 5) for family circumstances or other important reasons, the list of which is determined by the Cabinet of Ministers of Ukraine;
  - 6) in connection with a systematic failure of persons holding the rank of private or commander to execute contract provisions;
  - 7) in connection with a systematic failure of the management of the State Service for Special Communications and Information Protection of Ukraine to carry out contract provisions;

- 8) for reasons of professional unfitness;
- 9) in connection with a court conviction which has entered into force.

### **Article 13. Limitation of Political Activity in the State Service for Special Communications and Information Protection of Ukraine**

1. Persons holding the rank of private or commander, civil servants and other employees of the State Service for Special Communications and Information Protection of Ukraine for the period of their service or work in the State Service for Special Communications and Information Protection of Ukraine terminate their membership in political parties.
2. Persons holding the rank of private or commander, civil servants and other employees of the State Service for Special Communications and Information Protection of Ukraine, can be members of civic organizations, the statutes of which do not contradict the principles of activity of the State Service for Special Communications and Information Protection of Ukraine and can take part in the work of these organizations in their free time outside official duties.
3. It is forbidden for persons holding the rank of private or commander, civil servants and other employees of the State Service for Special Communications and Information Protection of Ukraine to organize and take part in strikes.

### **Article 14. Training, Retraining and Raising the Level of Skills of Personnel for the State Service for Special Communications and Information Protection of Ukraine**

1. Training, retraining and raising the level of skills of personnel for the State Service for Special Communications and Information Protection of Ukraine are carried out at educational establishments of the State Service for Special Communications and Information Protection of Ukraine and in other educational establishments.
2. The procedure and duration for raising the level of skills and retraining of the personnel for the State Service for Special Communications and Information Protection of Ukraine service are determined by the Head of the State Service for Special Communications and Information Protection of Ukraine.
3. Persons who graduate from educational establishments of the State Service for Special Communications and Information Protection of Ukraine and who are conferred the special rank of commander, are exempt from a call-up to military service.  
{Part 3 of Article 14 with the amendments introduced by Law N 1014-V (1014-16) of 11.05.2007}

### **Article 15. Special Registration of Persons holding the Rank of Private or Commander of the State Service for Special Communications and Information Protection of Ukraine, Their Transfer to the Reserve**

1. Persons holding the rank of private or commander of the State Service for Special

Communications and Information Protection of Ukraine are subject to a special registration in the State Service for Special Communications and Information Protection of Ukraine.

#### **PART IV**

### **COMPETENCES OF THE STATE SERVICE FOR SPECIAL COMMUNICATIONS AND INFORMATION PROTECTION OF UKRAINE**

#### **Article 16. Duties of the State Service for Special Communications and Information Protection of Ukraine**

1. In accordance with its established tasks, the State Service for Special Communications and Information Protection of Ukraine has the following duties:
  - 1) the preparation of proposals concerning the determination of general strategy and priority areas of activity in the field of state information resource protection in information-telecommunications systems, as well as the cryptographic and technical protection of information;
  - 2) the development and realization of measures concerning cryptographic and technical information protection systems;
  - 3) the development of the procedure and requirements concerning the protection of state information resources in information-telecommunications systems, as well as the cryptographic and technical protection of information owned by the state or information with restricted access the necessity of protection thereof is mandated by the law;
  - 4) ensuring the reliable functioning, security and development of the state system of governmental communications, in particular its ability to function during a special period and in case of the emergence of an emergency situation;
  - 5) ensuring, in accordance with the established procedure, governmental communications to the President of Ukraine, the Chairman of the Verkhovna Rada of Ukraine and the Prime Minister of Ukraine in the places of their permanent and temporal stay;
  - 6) ensuring, in accordance with the procedure established by the President of Ukraine, governmental communications to officials of state authorities, local self-government organs, military management organs and heads of enterprises, establishments and organizations;
  - 7) the participation in the implementation of tasks relating to territorial defence, as well as measures directed at the maintenance of the legal regimes of martial law and a state of emergency in accordance with the law;
  - 8) the introduction of complex information protection systems for the sites of information

activity and in information-telecommunications systems of the diplomatic establishments of Ukraine abroad;

- 9) the realization of organisational measures for ensuring the security and proper functioning of a governmental connection with the diplomatic establishments of Ukraine abroad;
- 10) methodological guidance and co-ordination of activities of the state authorities, local self-government organs, military formations and enterprises, establishments and organizations regardless of the forms of ownership in the field of the cryptographic and technical information protection, as well as on questions of the prevention of information security violations in information-telecommunications systems, detection and removal of consequences of other unauthorized actions concerning the state information resources in information-telecommunications systems;
- 11) the accumulation and analysis of data about commitments and/or attempts of illegal actions regarding the state information resources in information-telecommunications systems and their consequences; informing law-enforcement organs about measures on the prevention and cessation of crimes in this sphere; assessment of the state of protection of information resources in information-telecommunications systems and development of the relevant recommendations;
- 12) taking measures concerning the creation, development and functioning of the national system of confidential communications; ensuring its security and operational-technical management;
- 13) the agreement on projects concerning the creation of information-telecommunications systems, which will process the information owned by the state or information with restricted access the necessity of protection thereof is mandated by the law; carrying out their expert assessment and the definition of the possibility of their putting into operation;
- 14) the agreement on and execution of control over the implementation of technical tasks on planning, building and reconstruction of especially important sites, development of samples of military and special equipment, as well as of critical and dangerous technologies in the process of exploitation or application thereof is collected, processed, saved, transferred or accepted information owned by the state or information with restricted access the necessity of protection thereof is mandated by the law;
- 15) the agreement on drafts of normative legal acts on the protection of state information resources in information-telecommunications systems, the cryptographic and technical protection of information owned by the state or information with restricted access the necessity of protection thereof is mandated by the law, as well as on the terms of international transfers of cryptographic systems and means of cryptographic and technical protection of information, including those that produce parts of armaments, military and special equipment;

- 16) the establishment of the procedure and requirements concerning the use of information-telecommunications systems, including their general use, by the state authorities, local self-government organs, enterprises, establishments and organizations regardless of the forms of their ownership, which collect, process, save and transfer information owned by the state or information with restricted access the necessity of protection thereof is mandated by the law;
- 17) the delivery, according to the requirements of the legislation, of licences for conducting economic activity in the field of the cryptographic and technical protection of information, as well as of permission to the state authorities for carrying out work on technical aspects of information protection for their own needs;
- 18) the organization and co-ordination, together with the central executive body, on the standardization, metrology and certification of cryptographic and technical information protection systems; the organization and conducting of state expertise in the field of cryptographic and technical information protection;
- 19) carrying out technical regulation in the spheres of protection of state information resources in information-telecommunications systems, as well as cryptographic and technical information protection; the organization and conducting of conformity assessments; the development, in accordance with the established procedure, of standards, technical regulations and technical terms;
- 20) the development and maintenance of technical development models by collecting and analyzing information about the existent systems and means of technical developments, tactics and methods of their application, as well as prospects for their development; the development of recommendations to the state authorities, local self-government organs, military formations and enterprises, establishments and organizations concerning threat assessment and appropriate measures on information protection;
- 21) participation, within the limits of its competences, in the development of agreements on questions relating to the placement of diplomatic representations and consular establishments of foreign states on the territory of Ukraine;
- 22) the development and organization of scientific and scientific-technical programs in the areas of its activities;
- 23) the execution of state control over the condition of cryptographic and technical information protection owned by the state or information with restricted access the necessity of protection thereof is mandated by the law for state organs, local self-government organs, military formations and enterprises, establishments and organizations regardless of the forms of their ownership, including at diplomatic establishments of Ukraine abroad, as well as over the activity of foreign inspection groups on the territory of Ukraine, in accordance with the international agreements of Ukraine which have been ratified by the Verkhovna Rada of Ukraine;

- 24) the execution of state control over the observance of safety requirements in the process of development, production, use, exploitation, certification tests, thematic research, expertise, import, export and elimination of cryptographic systems, means of cryptographic protection of information and special communication equipment;
  - 25) the submission to the President of Ukraine, the Chairman of the Verkhovna Rada of Ukraine and the Prime Minister of Ukraine of analytical materials resulting from state control on the condition of cryptographic and technical information protection; the development of recommendations concerning its improvement;
  - 26) the execution of state control over the observance of legislation requirements in the field of the provision of electronic digital signature services;
  - 27) the receipt and quality control of products and other military goods made or modernized on demand;
  - 28) the development, production and supply of key documents required in the cryptographic protection of classified information as well as confidential information belonging to the state;
  - 29) the organization and realization, together with the central executive body, in the education and science fields, of the scientific and methodological management of personnel training in the field of cryptographic and technical information protection;
  - 30) the delivery to Internet information systems of certificates of correspondence to the complex system of information protection, envisaged in the Law of Ukraine «On Purchase of Goods, Works and Services for State Funds» (1490-14), provided there is a positive conclusion on the issue of state purchases issued in accordance with Article 17-3 of the abovementioned Law (1490-14).
2. Civil servants from the relevant subdivisions of the State Service for Special Communications and Information Protection of Ukraine are legally liable for any violation of constitutional human and civil rights and freedoms in the process of the use of special communication means.

#### **Article 17. The Rights of the State Service for Special Communications and Information Protection of Ukraine**

1. To ensure the performance of the tasks for which it is responsible, the State Service for Special Communications and Information Protection of Ukraine has the following rights:
  - 1) to obtain, in accordance with the established procedure, upon written request of the heads of the relevant organs and territorial subdivisions of the State Service for Special Communications and Information Protection of Ukraine, information, documents and materials necessary for the performance of its tasks from state authorities, local self-government organs, military formations and enterprises, establishments and organizations regardless of the forms of their ownership;

- 2) to involve the specialists of state authorities, local self-government organs, military formations, enterprises, establishments and organizations regardless of the forms of their ownership, in agreement with their heads, in the consideration of questions belonging to its competences, as well as in the carrying out of common inspections;
- 3) of access, in accordance with the established procedure, of its plenipotentiary representatives to the sites of state authorities, local self-government organs, military formations, enterprises, establishments and organizations regardless of the forms of their ownership, which have its special communication means, as well as to the sites, which are under state control over the condition of cryptographic and technical protection of information owned by the state or information with restricted access the necessity of protection thereof is mandated by the law;
- 4) to provide assistance, on a contractual basis, to enterprises, establishments and organizations regardless of the forms of their ownership in the development and realization of measures on the protection of information resources in information-telecommunication systems, as well as the cryptographic and technical protection of information;
- 5) to carry out planned and unplanned inspections of the state of cryptographic and technical information protection systems owned by the state or information with restricted access the necessity of protection thereof is mandated by the law for state organs, local self-government organs, military formations, enterprises, establishments and organizations regardless the forms of their ownership, including diplomatic establishments of Ukraine abroad, without gaining access to the content of information;
- 6) to terminate the validity or abolish, in accordance with the established procedure, licences for conducting economic activity in the cryptographic and technical securing of information, as well as permission for conducting work on the technical aspect of information protection for the needs of state authorities;
- 7) to raise, in accordance with the established procedure, the question of discontinuing information activity and the use of information-telecommunication systems by state organs of power, local self-government organs, military formations, enterprises, establishments and organizations regardless of the forms of their ownership and in case of violation of legislation requirements in the field of state information resource protection, as well as the cryptographic and/or technical defence of information;
- 8) to obtain, in accordance with the established procedure, the bands of radio frequencies for use by radio means of the special communication;
- 9) to involve special and general users of radio frequency resources in the detection and removal of radio bars to radio electronic means of the state system of government communications and the national system of confidential communications;



- 10) to organize, conduct and execute research and research-design works;
  - 11) to be a state defence procurement customer and a purchaser of goods, works and services for state funds;
  - 12) to order the construction of buildings for the State Service for Special Communications and Information Protection of Ukraine;
  - 13) to create co-ordination, consultative and advisory bodies;
  - 14) to carry out publishing activity in accordance with the established procedure;
  - 15) to carry out, in accordance with the procedure established in the legislation, economic activity directly related to the implementation of its tasks; the list of the types of activities is determined by the Cabinet of Ministers of Ukraine;
  - 16) to alienate, in accordance with the procedure established in the legislation, the state property assigned to it;
  - 17) to draw up reports about administrative offences;
  - 18) to carry out international cooperation on questions belonging to its competences; to develop proposals concerning the conclusion of the relevant international agreements of Ukraine; to co-operate, in accordance with the international agreements of Ukraine, with international organizations on the prevention of information security violations in information-telecommunication systems.
2. The specially authorized central executive organ on questions of the organization of special communications and protection of information, within the limits of its competences, on the basis of and in accordance with the legislation gives orders, organizes and controls their implementation.
  3. Orders of the specially authorized central executive organ on questions of the organization of special communications and protection of information, issued within the limits of its competences, are obligatory for execution by state authorities, local self-government organs, military formations, enterprises, establishments and organizations regardless of the forms of their ownership and natural persons.

**Article 18. Relationships of the State Service for Special Communications and Information Protection of Ukraine with State Authorities, Local Self-Government Organs, Military Formations, Enterprises, Establishments and Organizations**

1. The State Service for Special Communications and Information Protection of Ukraine executes its tasks in co-operation with the Security Service of Ukraine, the Ministry of Defence of Ukraine, the External Intelligence Service of Ukraine, the Ministry of Foreign Affairs of Ukraine,

the Ministry of Internal Affairs of Ukraine, the Department on State Protection of Ukraine, the National Commission on Communication Regulation of Ukraine, the central executive organs on questions of civil defence and in the area of transport and communications, other state authorities, local self-government organs, military formations, enterprises, establishments and organizations.

2. The state authorities and local self-government organs, their officials and civil servants within the limits of their competences, provide assistance to the State Service for Special Communications and Information Protection of Ukraine in the implementation of its tasks.
3. Persons guilty of hindering the legal activity of the State Service for Special Communications and Information Protection of Ukraine are legally liable.
4. Citizens of Ukraine and associations of citizens provide assistance to the State Service for Special Communications and Information Protection of Ukraine on a voluntary basis.

#### **Article 19. The Grounds and the Procedure for the Use of Weapons**

1. For the protection of the sites and property of the State Service for Special Communications and Information Protection of Ukraine, persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine have the right to keep, carry, use and apply weapons on the grounds and in accordance with the procedure envisaged in Articles 15 and 15-1 of the Law of Ukraine «On Police» (565-12) and other normative legal acts.

#### **PART V**

#### **LEGAL AND SOCIAL PROTECTION OF THE PERSONNEL OF THE STATE SERVICE FOR SPECIAL COMMUNICATIONS AND INFORMATION PROTECTION OF UKRAINE**

#### **Article 20. The Legal Status and Legal Protection of the Personnel of the State Service for Special Communications and Information Protection of Ukraine**

1. Persons holding the rank of private or commander, civil servants and other employees of the State Service for Special Communications and Information Protection of Ukraine during the execution of their duties act on the grounds, within the limits of competences and in accordance with the procedure defined in the Constitution of Ukraine (254к/96-BP) and the Laws of Ukraine. Nobody, except for authorized officials of the state authorities in cases foreseen in the Laws of Ukraine, has the right to interfere with their legal activity.
2. Persons holding the rank of private or commander, civil servants and other employees of the State Service for Special Communications and Information Protection of Ukraine receive an official identity document.
3. Persons holding the rank of private or commander of the State Service for Special

Communications and Information Protection of Ukraine have the right to wear service uniforms with insignia, the models of which are approved by the Head of the State Service for Special Communications and Information Protection of Ukraine.

4. The use of special ranks, insignia, service uniform and official identity documents by a person not belonging to the personnel of the State Service for Special Communications and Information Protection of Ukraine entails legal liability.
5. The expenses of persons holding the rank of privates and commander, civil servants and other employees of the State Service for Special Communications and Information Protection of Ukraine for travel on all kinds of public and suburban passenger transport (except for taxi) while on official duty are compensated from the funds of the State Budget of Ukraine allocated for the State Service for Special Communications and Information Protection of Ukraine, in accordance with the procedure defined by the Head of the State Service for Special Communications and Information Protection of Ukraine.

#### **Article 21. Social Protection of the Personnel of the State Service for Special Communications and Information Protection of Ukraine**

1. The state ensures the social protection of the personnel of the State Service for Special Communications and Information Protection of Ukraine in accordance with the Constitution of Ukraine (254к/96-BP), this Law and other legislative acts.
2. The conditions of financial and material support for persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine are determined in the legislation and shall provide the proper financial conditions for manning the Service with highly skilled specialists, shall take into account the character and conditions of service, and shall stimulate the achievement of high results. The procedure and amounts of financial and material support (1702-2006-п) for persons holding the rank of privates and commander of the State Service for Special Communications and Information Protection of Ukraine and financial compensation for material property are established by the Cabinet of Ministers of Ukraine.
3. For persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine the 41-hour working week is established. In case of need, persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine carry out service above the established work hours, as well as on the weekend and festive days; they receive days off in compensation.
4. Persons holding the ranks of private or commander of the State Service for Special Communications and Information Protection of Ukraine are entitled to a planned annual vacation with the preservation of financial support. The duration of such vacations for persons holding the rank of private or commander, who have served up to 10 calendar years - 30 days, from 10 to 20 years - 35 days, from 20 to 25 years - 40 days, for 25 and more calendar years - 45

days, excluding the time necessary for travel to and from the place of vacation. Participants of military operations and persons with an equal status receive 45 days of annual vacation regardless of the time in service and at their convenience.

5. Persons holding the ranks of private or commander of the State Service for Special Communications and Information Protection of Ukraine and members of their families are entitled to free-of-charge travel to the place of vacation, as well as free-of-charge travel and transportation of luggage in case of a transfer to a new place of service; they receive financial aid paid in accordance with the procedure established by the Cabinet of Ministers of Ukraine.
6. Persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine receive financial aid for health care, the amount of which is determined in the legislation of Ukraine.
7. Persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine receive additional annual leave in accordance with the legislation. Persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine can receive additional leave for a period of up to 10 days with the preservation of financial support for family reasons and other important reasons in accordance with the procedure established by the Head of the State Service for Special Communications and Information Protection of Ukraine.
8. The state provides housing for the personnel of the State Service for Special Communications and Information Protection of Ukraine and members of their families on the grounds, in accordance with the procedure and the requirements of the housing legislation. Permanent housing is provided to persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine one time during the whole period of their service at the State Service for Special Communications and Information Protection of Ukraine.
9. Before receiving permanent housing, persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine, who in accordance with the legislation require an improvement in their housing conditions, are provided with service housing or with a place in a dormitory. In case of the unavailability of such housing, the State Service for Special Communications and Information Protection of Ukraine temporarily leases housing for persons holding the rank of private or commander or at their demand compensates them with the sub-rental (rent or, lease) of a housing in accordance with the procedure, the amount and on the conditions determined by the Cabinet of Ministers of Ukraine (1530-2006-п). These persons retain the right to the housing they occupied before the start of service in the State Service for Special Communications and Information Protection of Ukraine. They cannot be excluded from the list of citizens entitled to housing.
10. Persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine and those who have served for no less than 20 years and who were discharged from service for health, age or staff reduction

reasons are provided with housing by the central and local executive authorities in the first place, but not later than in a three-month period from the day of arrival of these persons to the place of residence selected in accordance with the established procedure;

11. Persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine and members of their families supported by these persons, as well as parents and members of families of persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine who have perished (died), disappeared or became invalid while in service receive a 50-percent discount for housing (housing rent) and for public utilities (water-supply, gas, electricity, heating and other services), regardless of the form of housing ownership, in accordance with the norms of the legislation.
12. Persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine are provided with pensions in accordance with the procedure, on the conditions and in the amounts established in the Law of Ukraine «On Pensions of Persons Discharged from Military Service and Other Persons» (2262-12).  
*{Part 12 of Article 21 with the amendments introduced by Law N 328-V (328-16) of 03.11.2006}*
13. Persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine discharged from service for age reasons, after the expiration of contract duration, for health reasons, in connection with staff reductions or with organizational measures in case it is impossible keep them in service receive financial aid equal to 50 percent of their monthly remuneration for every complete calendar year of service. Persons holding the rank of privates and commander of the State Service for Special Communications and Information Protection of Ukraine who are discharged from service for family or other important reasons, the list of which is determined by the Cabinet of Ministers of Ukraine, receive financial aid equal to 25 percent of their monthly remuneration for every complete calendar year of service. Persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine discharged from service for professional unfitness as a result of a court conviction which has entered into force do not receive any financial aid.
14. Persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine, except for persons foreseen in this Law, have the rights and social guarantees envisioned in the Law of Ukraine “On the Status and Social Protection of Veterans of Military Service, Veterans of Law-Enforcement Organs and Other Persons” (203/98-BP) and in other legislative acts.
15. In case of death of a person holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine during the performance of service duties, the family of the deceased, if he has no family – his parents or dependents - receive a one-time allowance equal to a ten-year salary of the deceased according to the last post held in accordance with the procedure and conditions determined by the Cabinet of

Ministers of Ukraine. The family of the deceased retains the right to housing.

*{Part 15 of Article 21 with the amendments introduced by Law N 328-V (328-16) of 03.11.2006}*

16. In case of an injury (contusion, trauma, mutilation) received by a person holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine during the performance of service duties, as well as of an invalidity received during service or no later than three months after discharge from service or after the end of this period in case the invalidity is a result of disease or an incident that occurred during service, depending on the degree of invalidity, the person receives a one-time allowance equal to a three to five-year salary according to the last post held in accordance with the procedure and conditions determined by the Cabinet of Ministers of Ukraine. The definition of the degree of invalidity of a person holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine during service in the State Service for Special Communications and Information Protection of Ukraine is carried out on a case-by-base basis in accordance with the legislation.

*{Part 16 of Article 21 with the amendments introduced by Law N 328-V (328-16) of 03.11.2006}*

17. In all cases the amount of the one-time financial allowance in case of the death of a person holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine shall not be less than 100 times the amount of a minimum salary established by the law for persons capable of working at the time of payment of these sums.

*{Part 17 of Article 21 14 with the amendments introduced by Law N 328-V (328-16) of 03.11.2006 comes into force as of 1 January 2008}*

18. In case a person holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine or his family members concurrently have the right to a one-time financial allowance on the grounds foreseen in this Article, as well as to one-time financial allowances or compensation payments foreseen in other laws, the payment of the due sums is carried out in accordance with one of the grounds at the discretion of the person who has the right to such payments.

*{Part of Article 21 with the amendments introduced by Law N 328-V (328-16) of 03.11.2006}*

19. Children of persons holding the rank of privates and commander, civil servants and other employees of the State Service for Special Communications and Information Protection of Ukraine who have died while performing official duties, have the right to enter into educational establishments of the State Service for Special Communications and Information Protection of Ukraine *hors concours*.

20. Damage caused to the property of persons holding the rank of private or commander, civil servants or other employees of the State Service for Special Communications and Information Protection of Ukraine or to the property of his family members in connection with the

performance of official duties is compensated in full from the funds of the State Budget of Ukraine, with the subsequent reclamation of this sum from guilty persons in accordance with the procedure established in the legislation.

21. The social protection of civil servants and other employees of the State Service for Special Communications and Information Protection of Ukraine is provided on general grounds in accordance with the legislation on labour and civil service.

## **Article 22. Medical and Health Care for Persons holding the Rank of Private or Commander of the State Service for Special Communications and Information Protection of Ukraine**

1. The necessary sanitary, social and psychological conditions are created for persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine. These persons are provided with free-of-charge professional medical care in medical establishments of the State Service for Special Communications and Information Protection of Ukraine, as well as of the Security Service of Ukraine, the Ministry of Defence of Ukraine, the Ministry of Internal Affairs of Ukraine and the Ministry of Health of Ukraine, which is covered from the budgetary funds allocated for the State Service for Special Communications and Information Protection of Ukraine, in accordance with the agreements concluded by the Service with the abovementioned central executive authorities. If there are no medical establishments of the State Service for Special Communications and Information Protection of Ukraine, the Security Service of Ukraine, the Ministry of Defence of Ukraine, the Ministry of Internal Affairs of Ukraine and the Ministry of Health of Ukraine close to the place of service or residence of persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine, the medical care is provided in other state or communal health care establishments in accordance with the legislation. The expenses for treatment of persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine are covered by the budgetary funds allocated for the State Service for Special Communications and Information Protection of Ukraine.
2. Persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine and members of their families have the right to health care treatment and organized rest in sanatoriums of the State Service for Special Communications and Information Protection of Ukraine, as well as in health care sanatoriums of the Security Service of Ukraine, the Ministry of Defence of Ukraine, the Ministry of Internal Affairs of Ukraine and the Ministry of Health of Ukraine financed by the budgetary funds allocated for the State Service for Special Communications and Information Protection of Ukraine, on the basis of the agreements concluded with them in accordance with the legislation.
3. Women holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine have all the privileges foreseen in the legislation on the social protection of women, maternity and childhood. These privileges also

apply to parents - persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine - who care for children without their mother (in case of her death, in case of the deprivation of maternal rights, in case of the mother's stay in a medical establishment and in other cases when maternal care of children is absent).

## **PART VI**

### **FINANCIAL, MATERIAL AND TECHNICAL SUPPORT FOR ACTIVITIES OF THE STATE SERVICE FOR SPECIAL COMMUNICATIONS AND INFORMATION PROTECTION OF UKRAINE**

#### **Article 23. Financial Support for the State Service for Special Communications and Information Protection of Ukraine**

1. The financial support for the Activities of the State Service for Special Communications and Information Protection of Ukraine is provided by the State budget of Ukraine.

#### **Article 24. Material and Technical Support for the Activities of the State Service for Special Communications and Information Protection of Ukraine**

1. The state provides the State Service for Special Communications and Information Protection of Ukraine with the necessary material means, machinery, equipment and other resources for the realization of its activities.
2. The State Service for Special Communications and Information Protection of Ukraine receives land plots, in accordance with the established procedure, for placing administrative and ancillary buildings, stationary technical equipment, engineering installations and other structures necessary for the functioning of the State Service for Special Communications and Information Protection of Ukraine, as well as for placing its regional organs, territorial subdivisions, educational establishments, state enterprises and establishments mentioned in Part 2 of Article 5 of this Law.
3. Property belonging to the State Service for Special Communications and Information Protection of Ukraine is in state ownership and is allocated by the specially authorized central executive organ on questions of the organization of special communications and protection of information to regional organs, territorial subdivisions, educational, medical, health care and other establishments, research and research-and-production establishments of the State Service for Special Communications and Information Protection of Ukraine for operational management.
4. The State Service for Special Communications and Information Protection of Ukraine has a housing fund and can order the construction of buildings. In case of vacations taken by the personnel of the State Service for Special Communications and Information Protection of Ukraine of housing habitations built at the demand of the State Service for Special Communications and Information Protection of Ukraine or purchased with the funds from the State budget of Ukraine allocated for the State Service for Special Communications and



Information Protection of Ukraine, habitations are provided in accordance with the established procedure, to the personnel of the State Service for Special Communications and Information Protection of Ukraine who require improvements in their housing conditions.

## **PART VII CONTROL AND OVERSIGHT OVER THE ACTIVITIES OF THE STATE SERVICE FOR SPECIAL COMMUNICATIONS AND INFORMATION PROTECTION OF UKRAINE**

### **Article 25. Control over the Activities of the State Service for Special Communications and Information Protection of Ukraine**

1. Control over the activities of the State Service for Special Communications and Information Protection of Ukraine is carried out in accordance with the procedure determined in the Constitution of Ukraine (254к/96-BP) and the laws of Ukraine.
2. In accordance with the established procedure, the Head of the State Service for Special Communications and Information Protection of Ukraine:

informs the President of Ukraine about the main areas of activity of the State Service for Special Communications and Information Protection of Ukraine;

informs the Verkhovna Rada of Ukraine about the implementation of tasks for which the State Service for Special Communications and Information Protection of Ukraine is responsible, about the observance of the legislation, human and civil rights and freedoms and other questions;

annually submits a report on the activities of the State Service for Special Communications and Information Protection of Ukraine to the President of Ukraine, the Verkhovna Rada of Ukraine and the Cabinet of Ministers of Ukraine.

### **Article 26. Oversight over the Observance of Legality in Activities of the State Service for Special Communications and Information Protection of Ukraine**

1. Oversight over the observance of legality in activities of the State Service for Special Communications and Information Protection of Ukraine is carried out in accordance with the procedure determined in the Constitution of Ukraine (254к/96-BP) and the laws of Ukraine.

## **PART VIII RESPONSIBILITY FOR INFRINGEMENTS IN THE FIELD OF ACTIVITIES OF THE STATE SERVICE FOR SPECIAL COMMUNICATIONS AND INFORMATION PROTECTION OF UKRAINE**

### **Article 27. Responsibility for Infringements of the Requirements of this Law**

1. Persons guilty of an infringement of the requirements of this Law are legally liable.

2. Persons on the staff of the State Service for Special Communications and Information Protection of Ukraine guilty of issuing and executing apparently criminal instructions or orders are legally liable.

## **PART IX FINAL AND TRANSITIONAL PROVISIONS**

1. This Law comes into force on 1 January 2007, except for Articles 5, 6, 7 and item 7 of Part IX «Final and transitional provisions,» which come into force from the day of publication.
2. The State Service for Special Communications and Information Protection of Ukraine is created on the basis of and out of the Department on Special Telecommunication Systems and Information Protection and appropriate subdivisions of the Security Service of Ukraine. The State Service for Special Communications and Information Protection of Ukraine is the legal successor of the Department on Special Telecommunication Systems and Information Protection of the Security Service of Ukraine. Measures related to the creation of the State Service for Special Communications and Information Protection of Ukraine are carried out in 2006 within the limits of budgetary funds allocated for the Security Service of Ukraine in the Law of Ukraine «On the State Budget of Ukraine for 2006» (3235-15).
3. Servicemen, who at the time this Law comes into force carry out military service in the Security Service of Ukraine, are appointed, with their consent, to the corresponding positions for persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine after the procedure of re-attestation or continue to carry out military service in these positions in accordance with the legislation on the performance of military service by servicemen of the Security Service of Ukraine, but only until 31 December 2007. This Law applies to these servicemen.
4. The servicemen of the Security Service of Ukraine who enter into service in the State Service for Special Communications and Information Protection of Ukraine are conferred the special ranks of the State Service for Special Communications and Information Protection of Ukraine equivalent to those conferred to them during the performance of military service. The duration of military service is included in the duration of service in the State Service for Special Communications and Information Protection of Ukraine.
5. Before being brought in accordance with the Law of Ukraine «On the State Service for Special Communications and Information Protection of Ukraine,» the laws and other normative legal acts are applied in parts not contradicting this Law.
6. To introduce amendments to the following laws of Ukraine:
  - 1) in item 1 of Part 1 of Article 255 of the Code of Ukraine of Administrative Offences (80731-10, 80732-10) (Bulletin of the Verkhovna Rada of the Ukrainian Soviet Socialist Republic, 1984, appendix to N 51, p. 1122):  
  
in the paragraph «organs of the Security Service of Ukraine (Article 164 (in the

section on offences in the area of economic activity licences which are issued by the Service), Articles 195-5, 212-2, 212-5 and 212-6)» replace numbers «212-2» with numbers and words «212-2 (except for item 9 of Part 1)», and after this paragraph add a new paragraph in the following wording:

«organs of the State Service for Special Communications and Information Protection of Ukraine (Article 164 (in the part on offences in the area of economic activity licences for which are issued by the Service), item 9 of Part 1 of Article 212-2)»;

- 2) in the Law of Ukraine «On the Security Service of Ukraine» (2229-12) (Bulletin of the Verkhovna Rada of Ukraine, 1992, N 27, p. 382; 2000, N 10, p. 79; 2003, N 27, item 209, N 29, p. 236; 2004, N 32, p. 394; 2006, N 14, p. 116):

in the second sentence of Part 1 of Article 10, replace the words «governmental connection» with the word «connection»;

in Part 1 of Article 15, delete the words «governmental connection»;

delete item 14 of Part 1 of Article 24;

- 3) in the Law of Ukraine «On Pensions of Servicemen, Commanders and Lower Ranks of Law-Enforcement Organs and Other Persons» (2262-12) (Bulletin of the Verkhovna Rada of Ukraine, 1992, N 29, p. 399; 1994, N 24, p. 78; 1996, N 17, p. 73; 1998, N 26, p. 149; 1999, N 4, p. 35, N 48, p. 409; 2001, N 9, p. 38; 2002, N 17, p. 125, N 35, p. 262; 2003, N 27, p. 209; 2004, N 50, p. 536; 2005, N 4, p. 107, NN 17-19, p. 267; 2006, N 14, p. 116):

in the preamble, after the words «law-enforcement organs of Ukraine» add the words «persons holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine»;

in Part 1 of Article 1, after the words «in the state fire prevention service» add the words «service in the State Service for Special Communications and Information Protection of Ukraine»;

in Part 2 of Article 2, after the words «law-enforcement organs» add the words «the State Service for Special Communications and Information Protection of Ukraine»;

in Part 2 of Article 10, after the words «the Ministry of Internal Affairs of Ukraine» add the words «the State Service for Special Communications and Information Protection of Ukraine»;

in Part 1 of Article 48 and in Part 2 of Article 52 after the words «the External Intelligence Service of Ukraine» add the words «the State Service for Special Communications and Information Protection of Ukraine»;

in Part 1 of Article 49 after the words «the Ministry of Internal Affairs of Ukraine» add the words «the State Service for Special Communications and Information Protection of Ukraine»;

- 4) in the Law of Ukraine “On the Status and Social Protection of Veterans of Military Service, Veterans of Law-Enforcement Organs and Other Persons” (203/98-BP) (Bulletin of Verkhovna Rada of Ukraine, 1998, N 40-41, p. 249; 2003, N 27, p. 209; 2004, N 50, p. 536; 2005, N 4, p. 107):

in items 1, 5 and 7 of Part 1 of Article 6, after the words «the Security Service of Ukraine» add the words «the State Service for Special Communications and Information Protection of Ukraine»;

in the text of the Law:

replace the words «and the veteran of the state fire prevention service» in all cases and forms with the words «the veteran of the state fire prevention, the veteran of the State Service for Special Communications and Information Protection of Ukraine» in the proper case and form;

replace the words «service in the law-enforcement organs and state fire prevention service» in all cases with the words «service in the organs of internal affairs, the state fire prevention service, in the State Service for Special Communications and Information Protection of Ukraine» in the proper case;

- 5) in item 2 of Article 8 of the Law of Ukraine “On the Legal Regime of Property in the Armed Forces” (1075-14) (Bulletin of the Verkhovna Rada of Ukraine, 1999, N 48, p. 407), add the words «and the State Service for Special Communications and Information Protection of Ukraine»;
- 6) in the third paragraph of Part 1 of Article 8 and in Article 9 of the Law of Ukraine «On the State Awards of Ukraine» (1549-14) (Bulletin of the Verkhovna Rada of Ukraine, 2000, N 21, p.162; 2003, N 27, p. 209; 2006, N 14, p.116), after the words «the External Intelligence Service of Ukraine» add the words «the State Service for Special Communications and Information Protection of Ukraine»;
- 7) in Part 2 of Article 38 and item 9 of Part 1 of Article 39 of the Law of Ukraine «On Telecommunications» (1280-15) (Bulletin of the Verkhovna Rada of Ukraine, 2004, N 12, p. 155; 2006, N 14, p.116), after the words «the External Intelligence Service of Ukraine» add the words «the State Service for Special Communications and Information Protection of Ukraine»;
- 8) in Part 2 of Article 5 of the Law of Ukraine «On Radio Frequency Resources of Ukraine» (1770-14) (Bulletin of the Verkhovna Rada of Ukraine, 2004, N 48, p. 526; 2006, N 14, p. 116), after the words «the External Intelligence Service of

Ukraine» add the words «the State Service for Special Communications and Information Protection of Ukraine»;

- 9) delete the sixth paragraph of Part 1 of Article 1 of the Law of Ukraine «On the General Structure and Numerical Strength of the Security Service of Ukraine» (3014-15) (Bulletin of the Verkhovna Rada of Ukraine, 2006, N 4, p. 53).

*{Item 7 comes into force as of 11.04.2006 in accordance with item 1 of Part IX «Final and Transitional Provisions» of this Law}*

7. The Cabinet of Ministers of Ukraine shall:

- 1) take decisions on questions:

concerning the formation of the State Service for Special Communications and Information Protection of Ukraine on the basis of the Department on Special Telecommunication Systems and Information Protection and other relevant subdivisions of the Security Service of Ukraine;

concerning the determination of the general numerical strength of the State Service for Special Communications and Information Protection of Ukraine based on the current numerical strength of the Department on Special Telecommunication Systems and Information Protection and other relevant subdivisions of the Security Service of Ukraine, which are being liquidated in connection with the creation of the State Service for Special Communications and Information Protection of Ukraine (the general numerical strength of which on the day this Law comes into force shall be 8250 persons, including 7400 persons holding the rank of private or commander);

concerning the establishment of conditions and amount of financial support for persons holding the rank of private or commander, salaries for civil servants and other employees of the State Service for Special Communications and Information Protection of Ukraine, as well as the amount of financial support for servicemen who are transferred to the State Service for Special Communications and Information Protection of Ukraine, without worsening the conditions and lowering the amounts provided to them at the Security Service of Ukraine;

concerning the preparation and submission to the Verkhovna Rada of Ukraine of proposals on diminishing the general numerical strength of the Security Service of Ukraine in connection with the creation of the State Service for Special Communications and Information Protection of Ukraine;

- 2) develop and submit to the Verkhovna Rada of Ukraine proposals on bringing other Laws of Ukraine into conformity with the present Law;
- 3) develop normative legal acts following from this Law;

- 4) bring its normative legal acts into conformity with this Law;
- 5) ensure the revision and abolition by ministries and other central executive authorities of the normative legal acts contradicting this Law.

President of Ukraine V. Yushchenko

Kyiv, 23 February 2006  
N 3475-IV

In Part V of this collection of laws, there is also the Law of Ukraine “On the State Secret.” Some questions on the transmission of the state secret to foreign states or international organizations are specified in the Decree of the President of Ukraine N 1483 of 14 December 2004 and the Regulation “On the Procedure of the Preparation of Documents concerning the Transmission of the State Secret to a Foreign State or an International Organization” approved by the same Decree of the President of Ukraine.

## The Decree of the President of Ukraine

### On Some Issues of the Transmission of the State Secret to a Foreign State or an International Organization

With the purpose of the improvement of decision-making procedures concerning the revelation of the state secret to foreign states and international organizations, ensuring at the same time the observance of the national security interests of Ukraine and the legislation of Ukraine and in accordance with Part 1 of Article 5 Law of Ukraine «On the State Secret» (3855-12), I **decree:**

1. To approve the Regulation “On the Procedure for the Preparation of Documents concerning the Revelation of the State Secret to a Foreign State or an International Organization” (attached).
2. The Security Service of Ukraine shall ensure that during the preparation of draft international agreements of Ukraine on mutual protection of secret information the following provisions are included in them:

the procedure for mutual protection of secret information (in accordance with the national legislation of the parties, acts of international organizations and agreed rules);

obligations of the parties concerning the ensuring of the protection of the received secret information, including the guarantee that third parties will have no access to this information, as well as that secret information will not be used with purposes, which do not correspond to the aims of such information transfers;

the procedure for granting access to secret information to the representatives of the parties;

obligations concerning classification, the change of the degree of secrecy and declassification of secret information (of the material carriers of such information);

the procedure for transfer of secret information;

obligations to inform each other in case of a violation of the requirements on the protection of secret information and to take measures to hold guilty persons accountable;

the terms within which the parties are obligated to provide the mutual protection of secret information;

the requirements concerning the executive agreements concluded between the authorized persons of the parties about the transfer of secret information (of the material carriers of such information);

the procedure for dispute resolution;



the determination of organs of the parties responsible for the realization of cooperation in accordance with agreements.

3. To recognize as such that have lost force:

sub-items 18 and 19 of item 4 of the Regulation “On the State Service of Export Control of Ukraine” approved by the Decree of the President of Ukraine of 17 April 2002 N 342 (342/2002) «The Issue of the State Service of Export Control of Ukraine»;

not subject to publication; (recognize the Decree of the President N 423/97 (423/97) of 13.05.97 as such that has lost force)

not subject to publication (recognize the Decree of the President N 1229/97 (1229/97) of 01.11.97 as such that has lost force) .

President of Ukraine L. Kuchma  
Kyiv, 14 December, 2004 N 1483/2004

**APPROVED**  
**By the Decree of the President of Ukraine**  
**Of 14 December 2004**  
**N 1483/2004**

**Regulation**

**On the Procedure for the Preparation of Documents concerning the Transmission of the State Secret to a Foreign State or an International Organization**

1. This regulation determines the procedure for the preparation of documents by the state authorities, local self-government organs, enterprises, establishments and organizations concerning the transmission of secret information until its declassification and material carriers of information until their declassification (hereinafter – secret information) to foreign states or international organizations (hereinafter - foreign party), taking into account the necessity to ensure the national security of Ukraine.
2. The grounds for the transmission of secret information to a foreign party are established in an international agreement of Ukraine ratified by the Verkhovna Rada of Ukraine or in a Decree of the President of Ukraine.
3. The terms used in this regulation shall have the following meaning:

transmission of secret information is the revelation of secret information to a foreign party in any form (texts, signs, characters, images, signals, technical decisions, processes, etc.) by transmitting it, sending it, acquainting with it, etc;

executive agreement is an agreement concluded between a state organ, a local self-government organ, an enterprise, an establishment or an organization of Ukraine and an authorized person from a foreign party, in accordance with which the transmission of secret information is carried out;

permission for the transmission of secret information is a document issued by the Security Service of Ukraine, which confirms the grounds for the transmission by an appropriate state organ, a local self-government organ, an enterprise, an establishment or an organization of secret information to a foreign party and confirms that such a transmission corresponds to the necessity to ensure the national security of Ukraine.

4. Permission for the transmission of secret information in accordance with this regulation is issued by the Security Service of Ukraine provided there are obligations or written guarantees by the foreign party to ensure the protection of secret information, including the guarantee that third parties will have no access to this information.
5. In case secret information is transmitted to a foreign party on the basis of an international

agreement of Ukraine ratified by the Verkhovna Rada of Ukraine, its transmission is carried out in a way determined in the appropriate international agreement of Ukraine.

In case secret information is transmitted to a foreign party on the basis of a decree of the President of Ukraine, the Security Service of Ukraine and the competent organ of the foreign party agree on the way of such transmission.

6. To receive permission for the transmission of secret information to a foreign party, a state organ and a local self-government organ submit to the Security Service of Ukraine proposals concerning the grounds for such transmission.

The state enterprises, establishments and organizations working in the economy field submit proposals concerning the transmission of secret information to a foreign party to the executive organ of power responsible for their management; other enterprises, establishments and organizations submit such proposals on the transmission of secret information to the customers who ordered works related to the state secret. The abovementioned executive organs of power and customers who ordered works related to the state secret examine the received proposals and as a result of their considerations submit proposals concerning the grounds for the transmission of secret information to a foreign party to the Security Service of Ukraine.

7. Proposals submitted to the Security Service of Ukraine need to contain:

- 1) information about the foreign party, to which it is proposed to transmit secret information (a state, an international organization, information about the authorized person of the foreign party);
- 2) information about the availability (absence) of an appropriate international agreement of Ukraine ratified by the Verkhovna Rada of Ukraine, which serves as the grounds for the transmission of secret information to a foreign party;
- 3) the grounds for the expediency and necessity of the transmission of secret information to a foreign party;
- 4) information about secret information (material carriers of secret information) which is to be transmitted to a foreign party, as well as about its category and the degree of secrecy with reference to the articles of the code of information constituting the state secret;
- 5) assessment of possible political, legal, socio-economic, financial, humanitarian and other consequences of the transmission of secret information to a foreign party.

A draft executive agreement added to the proposal shall contain:

- 1) information about secret information which is being transmitted, the list of material information carriers and the degree of their secrecy;

- 2) the determination of the purpose for which secret information will be used by a foreign party;
- 3) information about the subjects of the foreign party that will utilize secret information;
- 4) the obligation to ensure mutual protection of secret information;
- 5) the determination of the procedure for the transmission of secret information;
- 6) the procedure for informing the parties in case of disclosure of secret information and the loss of its material carriers;
- 7) the procedure for dispute resolution and the consequences of violation of agreement stipulations.

Draft executive agreements involving the transmission of secret information to a foreign party in the area of state security and the protection of law and order, in exceptional cases, may not contain the list of material carriers of the state secret. In such cases, the spheres of cooperation, the category of information constituting the state secret, and the degree of its secrecy are indicated in the draft executive agreements.

In case of absence of an international agreement of Ukraine currently in force concluded with a foreign party about the mutual protection of secret information, draft executive agreements shall also contain the stipulations envisaged in the legislation for international agreements of Ukraine about the mutual protection of secret information.

8. The Security Service of Ukraine examines the received proposals and draft executive agreements and submits them for approval by the concerned central executive authorities and establishments.
9. After the consideration of proposals and draft executive agreements, the Security Service of Ukraine, if there is an appropriate international agreement ratified by the Verkhovna Rada of Ukraine, issues permission to a state organ, local self-government organ, enterprise, establishment or organization to transmit secret information to a foreign party and agrees on draft executive agreements. If there are no such international agreements, the Security Service of Ukraine asks the National Security and Defence Council of Ukraine to submit a proposal to the President of Ukraine about issuing a decree on the transmission of secret information to a foreign party.
10. For consideration by the National Security and Defence Council of Ukraine of the question about the submission of a proposal to the President of Ukraine about issuing a decree on the transmission of secret information to a foreign party, the Security Service of Ukraine prepares and submits a draft decree of the President of Ukraine in agreement with the concerned central executive authorities.

A draft decree of the President of Ukraine on the transmission of secret information to a foreign party shall contain:

- 1) information about secret information which is being transmitted, the list of material information carriers and the degree of their secrecy;
  - 2) the name of the state organ, local self-government organ, enterprise, establishment, organization, which carries out the transmission of secret information;
  - 3) information about the foreign party, to which it is proposed to transmit secret information (a state, an international organization, information about the authorized person of the foreign party);
  - 4) the deadlines of the transmission of secret information to a foreign side;
  - 5) organs carrying out control over the transmission of secret information;
  - 6) other information concerning the transmission and protection of secret information.
11. The National Security and Defence Council of Ukraine after establishing that the transmission of secret information corresponds to the national security interests of Ukraine and to the legislation of Ukraine, including international agreements of Ukraine ratified by the Verkhovna Rada of Ukraine, and after the consideration of the submitted materials by the Security Service of Ukraine, submits for consideration by the President of Ukraine proposals about the decree on the transmission of secret information to a foreign party.
  12. For the implementation of the decree of the President of Ukraine, the Security Service of Ukraine issues permission to a state organ, local self-government organ, enterprise, establishment or organization to transmit secret information and agrees on a draft executive agreement.
  13. If, after the consideration of the proposals about the transmission of secret information to a foreign party, this transmission is recognized as such that does not correspond to the national security interests of Ukraine and the legislation of Ukraine, the Security Service of Ukraine informs the state organ, local self-government organ or customer who ordered work related to the state secret and submitted such proposals, about the refusal to grant the permission and agree on a draft executive agreement.
  14. The conclusion of executive agreements is carried out in accordance with the procedure determined in the legislation.
  15. State authorities, local self-government organs, enterprises, establishments and organizations maintain a register of secret information transmitted to and received from foreign parties.

16. Heads of state authorities, local self-government organs, enterprises, establishments and organizations transmitting secret information to foreign parties are obliged to provide control over the state of protection of secret information transmitted to foreign parties.
17. Persons guilty of an infringement of the transmission procedures of secret information to a foreign party are legally liable.
18. Control over the implementation of this regulation is carried out by the Security Service of Ukraine.

The Head of the Administration of the President of Ukraine V. Medvedchuk

**In Part VI “The Legislative Framework for the Demilitarisation, Democratisation, and Development of the State Military Organization”,** the Law of Ukraine N 3428-IV of 09.02.2006 “On Introducing Amendments to Some Laws of Ukraine concerning the Special State Transport Service” specifies the subjects taking part in the defence of Ukraine. The Special State Transport Service, created in 2004, is among them.

**The Law of Ukraine**  
**On Introducing Amendments to Some Laws of Ukraine concerning the Special State**  
**Transport Service**

(Bulletin of the Verkhovna Rada of Ukraine (BVR), 2006, N 26, p. 215)

The Verkhovna Rada of Ukraine **decrees:**

I. To introduce amendments to the following Laws of Ukraine:

1. In Article 3 of the Law of Ukraine “On Social and Legal Protection of Servicemen and Members of Their Families” (2011-12) (Bulletin of the Verkhovna Rada of Ukraine, 1992, N 15, p. 190; 2001, N 9, p. 38; 2003, N 27, p. 209; 2006, N 14, p. 116), after the words «civil defence forces» add the words «of the Special State Transport Service.»
2. In Part 2 of Article 4 of Law of Ukraine «On Associations of Citizens» (2460-12) (Bulletin of the Verkhovna Rada of Ukraine, 1992, N 34, p. 504; 2001, N 9, p. 38; 2003, N 27, p. 209), after the words «the State Border Service of Ukraine» add the words «the Special State Transport Service.»
3. In the Law of Ukraine «On the State Awards of Ukraine» (1549-14) (Bulletin of the Verkhovna Rada of Ukraine, 2000, N 21, p. 162; 2003, N 24, p. 157, N 27, p. 209; 2006, N 14, p. 116):
  - 1) in the seventh paragraph of Article 7, after the words «formed in accordance with the laws of Ukraine» add the words «the Special State Transport Service»;
  - 2) in Article 8:

in the second paragraph, after the words «formed in accordance with the laws of Ukraine» add the words «and also the Special State Transport Service»;

in the third paragraph, after the words «the State Border Service of Ukraine» add the words «the Special State Transport Service»;
  - 3) in Article 9, after the words «the Ministry of Internal Affairs of Ukraine» add the words «and also the Special State Transport Service.»
4. In Part 2 of Article 6 of the Law of Ukraine «On Compulsory State Social Insurance in case of Unemployment» (1533-14) (Bulletin of the Verkhovna Rada of Ukraine, 2000, N 22, p. 171; 2003, N 27, p. 209) after the words “the Security of Ukraine» add the words «the Special State Transport Service.»
5. In Part 1 of Article 12 of the Law of Ukraine «On the Defence of Ukraine» (1932-12) (Bulletin of the Verkhovna Rada of Ukraine, 2000, N 49, p. 420; 2003, N 27, p. 209), after the words «formed in accordance with the laws of Ukraine» add the words «the Special State Transport Service.»



6. In Part 2 of Article 4 of the Law of Ukraine «On State Support for Families with Children» (2811-12) (Bulletin of the Verkhovna Rada of Ukraine, 2001, N 20, p. 102; 2003, N 27, p. 209; 2006, N 14, p. 116) after the words of «other military formations» add the words «and also the Special State Transport Service.»
7. In the Law of Ukraine «On the Special State Transport Service» (1449-15) (Bulletin of the Verkhovna Rada of Ukraine, 2004, N 19, p. 269):
  - 1) in the sixth paragraph of Part 2 of Article 1, after the words «the performance of other tasks related to» add the words «the participation in the defence of the state and»;
  - 2) in Article 2:

in the third paragraph, replace the words «the organization and» with the words «the organization, planning and»;

in the tenth paragraph, replace the words «the railways» with the words «the national transport system of Ukraine»;
  - 3) in Article 5:

in Part 2, add the words «and also on conscription»;

put Part 5 in the following wording:

«The procedure for the performance of service by servicemen of the Special State Transport Service, as well as the conferment and deprivation of military ranks are determined by the regulation developed by the central executive organ in the area of transport and approved by a Decree of the President of Ukraine. The establishment of uniforms and insignia is determined by the regulation developed by the central executive organ in the area of transport and approved by the Cabinet of Ministers of Ukraine»;

after Part 5 add a new part in the following wording:

«The military statutes of the Armed Forces of Ukraine apply to the servicemen of the Special State Transport Service.»

In this connection, Part 6 becomes Part 7;
  - 4) in Article 7, replace the words «by the Cabinet of Ministers of Ukraine at the submission of the Ministry of Transport of Ukraine» with the words «by the head of the central executive organ in area of transport »;
  - 5) In Part 1 of Article 10, after the fifth paragraph, add a new paragraph in the following wording:

«during the special period, organizes the provision of material and technical means, military equipment and other resources in quantities necessary for the implementation of the tasks undertaken by the Special State Transport Service.»

In this connection, the sixth paragraph becomes the seventh paragraph;

- 6) in Article 16, after Part 1, add a new part in the following wording:

«Servicemen and employees of the Special State Transport Service and members of their families are provided with housing by the state. The construction (acquisition) of habitation is financed by the State budget of Ukraine allocated for the Special State Transport Service and other sources not forbidden by the law.»

In this connection, Part 2 becomes Part 3;

- 7) in the text of the Law, the words «the Ministry of Transport of Ukraine» in all cases replace with the words «the central executive organ in the area of transport» in the appropriate case.
8. In Part 2 of Article 5 of the Law of Ukraine «On Radio Frequency Resources of Ukraine» (1770-14) (Bulletin of the Verkhovna Rada of Ukraine, 2004, N 48, p. 526; 2006, N 14, p. 116) add the words «and in the part of application of radio-electronic means by the Special State Transport Service.»

## II. Final Provisions

1. This Law enters into force from the date of its publication.

2. The Cabinet of Ministers of Ukraine:

bring its normative legal acts in accordance with this Law;

ensures, within the limits of its competences, the adoption of normative legal acts necessary for the implementation of this Law;

ensures the revision and abolition by ministries and other central executive authorities of normative legal acts contradicting this Law.

President of Ukraine V. Yushchenko  
Kyiv, 9 February 2006  
N 3428-IV

**In Part VII “The Legislative Framework for the Participation of Ukraine in International Peacekeeping Activities, Military and Military Technical-Cooperation,”** the provisions of the Law of Ukraine “On the Procedure for Sending Armed Forces Units to Other States” were amended. Amendments were introduced in Article 8 of this Law. In the new revision, the units of the Armed Forces of Ukraine can be recalled on the demand of the Verkhovna Rada of Ukraine. This is evidence of the increasing role played by the Verkhovna Rada in the decision-making process on questions which were previously considered strictly “presidential” (amendments introduced by the Law of Ukraine “On Introducing Amendments to Article 8 of the Law of Ukraine “On the Procedure for Sending Armed Forces Units to Other States»).

A new entity carrying out the fight against terrorism is the External Intelligence Service of Ukraine, created on 14 October 2004. The State Committee on Border Protection (the body carrying out the fight against terrorism) was replaced by a new structure - the specially authorized organ of executive power on the question of border protection. The Law of Ukraine “On the Fight Against Terrorism” was amended in accordance with the Law of Ukraine of N 2600-IV of 31.05.2005 “On Introducing Amendments to Some Legislative Acts of Ukraine” and by the Law of Ukraine of N 3200-IV of 15.12.2005 “On Introducing Amendments to Some Legislative Acts of Ukraine concerning the Intelligence Services of Ukraine.”

In accordance with the amendments introduced by the Law of Ukraine of N 3200-IV of 15.12.2005 “On Introducing Amendments to Some Legislative Acts of Ukraine concerning the Intelligence Services of Ukraine,” in the Law of Ukraine “On Counterintelligence Activity,” intelligence measures were eliminated from the concept of counterintelligence activity and from functions of subdivisions of the Security Service of Ukraine. Decisions about the establishment of counterintelligence activity are now approved by the head of the intelligence service of Ukraine or his deputies in cases when there is a need to ensure the security of its own forces and facilities, information systems and operational reports. Counterintelligence activity can be conducted by the intelligence services of Ukraine with the permission of their heads or deputies with the purpose of not only registering the received results, but also their analysis and operational assessment. This is connected to the creation of the External Intelligence Service of Ukraine, which is responsible for intelligence functions.

In accordance with the amendments introduced to the Law of Ukraine “On the National System of Confidential Communications” by the Law of Ukraine N 2599-IV (2599-15) of 31.05.2005 “On Introducing Amendments to Some Laws of Ukraine” in connection with the adoption of the Law of Ukraine «On Telecommunications”, the term “the communication system (network)” is replaced by «the telecommunication system (network)”, the term “the resource of the special communication system” is removed, and the terms «operator» and «communication system» are used in this amended Law accordingly in the meaning of terms «operator of telecommunications» and «telecommunication system» as defined in the Law of Ukraine «On Telecommunications.»

The Law of Ukraine N 489-V of 19.12.2006 “On the State Budget of Ukraine for 2007” suspends the action of Article 30 of the Law of Ukraine “On the Security Service of Ukraine” with the purpose of including the provisions of this Law into the State budget of Ukraine for 2007. The Law of Ukraine N 3200-IV of 15.12.2005 “On Introducing Amendments to Some Legislative Acts of Ukraine concerning the Intelligence Services of Ukraine” withdraws the intelligence functions from the Security Service of Ukraine. The subdivision on intelligence is eliminated from the Central

Directorate of the Security Service of Ukraine in connection with the creation of the External Intelligence Service of Ukraine.

Decisions on material support for servicemen, conditions and remuneration for employees of the Security Service of Ukraine are determined not by the President of Ukraine, as in the previous Law, but by the Cabinet of Ministers. This is evidence of the increasing powers of the Cabinet in accordance with the amendments introduced by the Law of Ukraine of N 328-V of 03.11.2006 “On Introducing Amendments to Some Legislative Acts of Ukraine concerning Social Protection of Servicemen” and the Law of Ukraine “On the Security Service of Ukraine.”

Considerable amendments were introduced in the Law of Ukraine “On the Intelligence Services of Ukraine.”

In accordance with the Law of Ukraine N 3200-IV of 15.12.2005 “On Introducing Amendments to Some Legislative Acts of Ukraine concerning the Intelligence Services of Ukraine,” the subdivision on intelligence was eliminated from the set of bodies of the Security Service of Ukraine carrying out detective-investigative activity. New subdivisions were added in connection with the creation of the External Intelligence Service of Ukraine: secret intelligence, operational-technical and security subdivisions. Correspondingly, amendments were introduced in other laws determining the sphere of competences, activity, procedures for the performance of service, social guarantees and pensions for the cadre personnel of the Intelligence Service of Ukraine.

**The Law of Ukraine**  
**On Introducing Amendments to Some Legislative Acts of Ukraine concerning**  
**the Intelligence Services of Ukraine**

(Bulletin of the Verkhovna Rada of Ukraine (BVR), 2006, No 14, p. 116)

The Verkhovna Rada of Ukraine **decrees:**

I. To amend the following Legislative Acts of Ukraine:

1. Item 1 of Part 1 of Article 22 of the Budget Code of Ukraine (2542-14) (Bulletin of the Verkhovna Rada of Ukraine, 2001, N 37-38, p. 189; 2003, N 24, p. 161) after the words “as well as” add the words “organs specially authorized by the law to carry out intelligence activity.”
2. In Article 3 of the Law of Ukraine “On Social and Legal Protection of Servicemen and Members of Their Families” (2011-12) (Bulletin of the Verkhovna Rada of Ukraine, 1992, N 15, p. 190; 2001, N 9, p. 38; 2003, N 27, p. 209), replace the words “the National Intelligence Services of Ukraine” with the words “the Intelligence Services of Ukraine, the External Intelligence Services of Ukraine.”
3. Amend Article 19 of the Law of Ukraine “On the Unified Customs Tariff» (2097-12) (Bulletin of the Verkhovna Rada of Ukraine, 1992, N 19, p. 259; 1996, N 41, p. 192; 1999, N 31, p. 253; 2000, N 3, p. 20, N 21, p. 163, N 35, p. 283, N 38, p. 318, N 48, p. 406; 2001, N 11, p. 46, N 30, p. 143, N 50, p. 261; 2002, N 11, p. 81, N 33, p. 238, N 35, p. 259, N 36, p. 266; 2004, N 14, p. 195, N 25, p. 346, N 29, p. 368; 2005, NN 17-19, p. 267, N 46-47, p. 468) with item «27 (ш)” in the following wording:

«27 (ш)) machinery, equipment, property and materials imported on the customs territory of Ukraine and exported outside its territory destined for own use by the Intelligence Services of Ukraine.»

4. The Law of Ukraine “On Detective-Investigative Activity” (2135-12) (Bulletin of the Verkhovna Rada of Ukraine, 1992, N 22, p. 303, N 39, p. 572; 1993, N 11, p. 83; 1998, N 26, p. 149; 1999, N 4, p. 35; 2001, N 10, p. 44, N 14, p. 72; 2002, N 33, p. 236; 2003, N 27, p. 209, N 30, p. 247, N 45, p. 357; 2004, N 8, p. 66; 2005, N 10, p. 187, N 25, p. 335):

- 1) in Part 1 of Article 5:

delete the word “intelligence” in the third paragraph;

add a new paragraph after the third paragraph in the following wording:

“The External Intelligence Services of Ukraine – secret service, operative-technical, own security.”

In this connection, paragraphs 4-8 become correspondingly paragraphs 5-9.

add in paragraph five after the words “the intelligence organ of the specially authorized Central Executive Body on issues of protection of the state border” the words “(secret service, operative-technical, own security)”;

- 2) add the seventh part to Article 8 in the following wording:

“The Intelligence Services of Ukraine are granted the rights envisaged in Part 1 of this Article, except for items 2, 3, 5, 6, as well as item 7 in the area of covert detection and the establishment of signs of grave or especially grave crimes, documents and other objects that can serve as proof of the preparation or commitment of such crimes.”

- 3) in Article 9:

in Part 1 after the words “protection of high officials” add the words “the Intelligence Services of Ukraine”, and after the words “the Ministry of Defence of Ukraine” add the words “the intelligence organ of the specially authorized central executive body on issues of protection of the state border”;

in Part 2 after the words “the Security Services of Ukraine” add the words “the External Intelligence Services of Ukraine”;

in Part 3 substitute the words “the border service” with the words “the State Border Service of Ukraine”, and after the words “the Ministry of Defence of Ukraine” add the words “the External Intelligence Services of Ukraine”;

in Part 8 after the words “the Ministry of Defence of Ukraine” add the words “the intelligence organ of the specially authorized central executive body on issues of protection of the state border, the External Intelligence Services of Ukraine”;

- 4) in Article 9-1:

in Part 2 after the words “the counter-intelligence organs of the Security Services of Ukraine” add the words “the intelligence organ of the specially authorized central executive body on issues of protection of the state border”;

in Parts 2 and 3 after the words “the Head of the State Border Service of Ukraine” add the words “the Head of the External Intelligence Services of Ukraine, the head of the intelligence organ of the Ministry of Defence of Ukraine”;

in Part 4 after the words “the Security Service of Ukraine” add the words “the Head of the External Intelligence Services of Ukraine, the Head of the State Border Service of Ukraine, the head of the intelligence organ of the Ministry of Defence of Ukraine”;

- 5) in Part 2 of Article 9-2 substitute the words “the head of the relevant body or his deputy” with the words “the official who has the right in accordance with Article 9 of this Law to approve a decree about the opening of a relevant detective-investigative case.”
5. In the Law of Ukraine “On the Security Service of Ukraine” (2229-12) (Bulletin of the Verkhovna Rada of Ukraine, 1992, N 27, p. 382; 2000, N 10, p. 79; 2002, N 33, p. 236; 2003, N 27, p. 209; 2004, N 32, p. 394):
    - 1) in Article 10:  
 in the second sentence of Part 1 delete the word “intelligence”;  
 delete Part 2;
    - 2) in Part 1 of Article 15 and items 11 and 12 of part 1 of Article 25 delete the word “intelligence”;  
 delete item 1-1 of Article 24;
  6. In the Law of Ukraine “Law on Pensions of Servicemen, Commanders and Lower Ranks of Law-Enforcement Organs and Other Persons” (2262-12) (Bulletin of the Verkhovna Rada of Ukraine, 1992, N 29, p. 399; 1994, N 24, p. 178; 1998, N 26, p. 149; 1999, N 4, p. 35, N 48, p. 409; 2001, N 9, p. 38; 2002, N 17, p. 125, N 35, p. 262; 2003, N 27, p. 209; 2004, N 50, p. 536; 2005, N 4, p. 107, NN 17-19, p. 267):
    - 1) in the preamble add after the words “the Security Service of Ukraine” the words “the External Intelligence Services of Ukraine”;
    - 2) in Part 2 of Article 10 add after the words “the Security Service of Ukraine” the words “the External Intelligence Services of Ukraine”;
    - 3) in Part 1 of Article 48, in Part 1 of Article 49 and in Part 2 of Article 52 add after the words “the Security Service of Ukraine” the words “the External Intelligence Services of Ukraine”;
  7. Add to item 3 of Article 5 of the Law of Ukraine «On the Organizational and Legal Bases of the Fight Against Organized Crime» (3341-12) (Bulletin of the Verkhovna Rada of Ukraine, 1993, N 35, p. 358; 1999, N 4, p. 35; 2002, N 33, p. 236; 2003, N 27, p. 209) sub-tem “g” in the following wording:  
 “g) The External Intelligence Services of Ukraine”.
  8. In the Law of Ukraine “On the Status of War Veterans and Guarantees of Their Social Protection” (3551-12) (Bulletin of the Verkhovna Rada of Ukraine, 1993, N 45, p. 425; 1996, N 1, p. 1):

- 1) in the second paragraph of item 2 of Part 1 of Article 6 add the words “the Security Service of Ukraine” the words “the External Intelligence Services of Ukraine”, and substitute the words “other military formations created by the Verkhovna Rada of Ukraine” with the words “other military formations created in accordance with the Laws of Ukraine”;
  - 2) in item 2 of Part 2 of Article 7 substitute the words “and the Security Service of Ukraine” with the words “the Security Service of Ukraine, the External Intelligence Services of Ukraine.”
9. In the Law of Ukraine “On State Protection of Employees of Courts and Law-Enforcement Organs” (3781-12) (Bulletin of the Verkhovna Rada of Ukraine, 1994, N 11, p. 50; 1999, N 4, p. 35; 2002, N 33, p. 236; 2003, N 29, p. 233; 2004, N 22, p. 314; 2005, N 25, p. 335):
- 1) in item 1 of Article 2:  
  
in the second paragraph substitute the words “of the intelligence service of the Ministry of Defence of Ukraine” with the words “of the intelligence services of Ukraine”;  
  
in sub-item “c” after the words “detective-investigative” add the words “and intelligence”;
  - 2) put item “f” of Article 14 in the following wording:  
  
“f) the heads of the intelligence services of Ukraine – concerning the protection of employees of these organs and their close relatives”;
  - 3) put item “c” of Part 1 of Article 15 in the following wording:  
  
“c) concerning the employees of the intelligence services of Ukraine and their close relatives – to the relevant intelligence services of Ukraine”;
  - 4) in Part 1 of Article 24 after the words “the Head of the Security Service of Ukraine” add the words “the Head of the External Intelligence Services of Ukraine.”
10. In the Law of Ukraine “On Universal Military Duty and Military Service” (2232-12) (Bulletin of the Verkhovna Rada of Ukraine, 1999, N 33, p. 270; 2003, N 5, p. 37; 2005, N 20, p. 276):
- 1) in Part 1 of Article 20:  
  
in the sixth paragraph after the words “the Security Service of Ukraine” add the words “the intelligence services of Ukraine”;



in the ninth paragraph after the words “the Security Service of Ukraine” add the words “the intelligence services of Ukraine”;

- 2) in Part 4 of Article 22 after the words “the Security Service of Ukraine” add the words “and the intelligence services of Ukraine”;
  - 3) in item “d” of Part 1 of Article 24 and in part 2 of Article 34 after the words “the Security Service of Ukraine” add the words “and the External Intelligence Service of Ukraine.”
11. In Part 2 of Article 3 of the Law of Ukraine “On Professional Unions, Their Rights and Guarantees of Their Activities” (1045-14) (Bulletin of the Verkhovna Rada of Ukraine, 1999, N 45, p. 397) after the words “the Security Service of Ukraine” add the words “the External Intelligence Service of Ukraine.”
  12. In item 2 of the Law of Ukraine “On Measures Concerning the Economy of Budget Funds” (1459-14) (Bulletin of the Verkhovna Rada of Ukraine, 2000, N 13, p. 102, N 23, p. 178; 2001, N 31, p. 155; 2002, N 33, p. 236; 2003, N 27, p. 209) after the words “the Security Service of Ukraine” add the words “the External Intelligence Service of Ukraine.”
  12. In the third paragraph of Article 8 and in Article 9 of the Law of Ukraine “On State Awards of Ukraine” (1549-14) (Bulletin of the Verkhovna Rada of Ukraine, 2000, N 21, p. 162; 2003, N 27, p. 209) after the words “the Security Service of Ukraine” add the words “the External Intelligence Service of Ukraine.”
  14. In the Law of Ukraine “On the Intelligence Services of Ukraine” (2331-14) (Bulletin of the Verkhovna Rada of Ukraine, 2001, N 19, p. 94; 2005, NN 17-19, p. 267):
    - 1) in the preamble, substitute the words “special organs of state power” with the words “state organs”;
    - 2) put Article 1 in the following wording:

“Article 1. Main terms

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

      - Intelligence activity is the activity carried out with the help of special means and methods with the purpose of providing the determined by the law state authorities with intelligence information, ensuring the realization and protection of national interests, and counteracting external threats to the national security of Ukraine outside Ukraine;
      - Intelligence information is oral and saved on storage devices (including on samples of products and substances) data, which is not possible to obtain through official

channels, about the real or potential possibilities, plans, intentions and activities of foreign states, organisations and individuals threatening the national interests of Ukraine, as well as data about events and circumstances relating to national security and defence;

- Intelligence services of Ukraine are specially authorized by the law services carrying out intelligence activity. The Intelligence Service of Ukraine can function both as an independent body and as a part of the central executive authorities.”

3) in Article 4:

put the third paragraph in the following wording:

“taking special measures aimed at the protection of national interests and the state policy of Ukraine in the economic, political, military, military-technical, ecological and information spheres, the strengthening of defence capability, economic, scientific and technical development, and protection of the state border”;

put the fifth paragraph in the following wording:

“the participation in the fight against terrorism, international organized crime, illegal drugs, arms and arms technologies trafficking and illegal migration in accordance with the procedure defined by the law”.

add the sixth paragraph in the following wording:

“taking measures counteracting external threats to national security of Ukraine, to the life and health of its citizens, as well as to the state property outside Ukraine”;

- 4) in Part 1 of Article 5 substitute the words “and to ensure security of its employees” with the words “to ensure security of intelligence action, protection of its own forces, means and information systems and stores, as well as sources of intelligence information”;

5) put the title and Part 1 of Article 6 in the following wording:

“Article 6. The Intelligence Services of Ukraine and the Spheres of Their Activity

The Intelligence Services of Ukraine carry out intelligence activity in the following spheres:

- The Security Services of Ukraine - in the political, economic, military-technical, scientific-technological, information and ecological spheres;
- The Ministry of Defence of Ukraine - military, military-political, military-technical, military-economic, information and ecological;
- The Intelligence Service of the specially authorized central executive body on the issues of protection of the state border - in the spheres of border and immigration

policy, as well as in other spheres relating to the protection of the state border of Ukraine and Ukraine's sovereign rights in an exclusive (sea) economic zone”;

- 6) in Part 3 of Article 7 add new sentences in the following wording: “The Head of the External Intelligence Service of Ukraine is appointed by the President of Ukraine. Within the limits of their competences, the heads of the intelligence services of Ukraine can issue orders and directives, and in cases envisaged in the law or at the demand of the President of Ukraine, bring to the President's attention information about external threats to Ukraine in accordance with the procedure established by him”;

- 7) in Article 9:

in the eighth paragraph add the words “use the funds and property acquired as a result of their activity in accordance with the procedure established by the Cabinet of Ministers of Ukraine” and after the word “subdivision” add the word “enterprises”;

add paragraphs in the following wording:

“to create, in accordance with the established procedure, territorial subdivisions within the limit number of cadre employees;

to ensure, in accordance with the procedure established in the legislation of Ukraine, the controlled (under operational control) movement of persons and things across the state border of Ukraine”;

- 8) the text of Article 10 put in the following wording:

“Information obtained and processed by the Intelligence Services of Ukraine is provided to the President of Ukraine, the Chairman of the Verkhovna Rada of Ukraine, the Prime Minister of Ukraine and others determined by the President in accordance with the procedure determined by him, with observance of the stipulations of the Laws of Ukraine “On the State Secret” (3855-12), “On Information” (2657-12), “On Protection of Information in Computer Systems” (80/94-BP) and other.”

- 9) in Part 2 of Article 11 substitute the word “agreements” with the word “international agreements of Ukraine”;

- 10) in Article 15:

add two new parts after Part 2 in the following wording:

“The Intelligence Services of Ukraine have the right to alienate property acquired for budgetary funds outside Ukraine in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

The funds received from the realization, in accordance with the established procedure,

of property acquired for the budgetary funds outside Ukraine are added to the State Budget of Ukraine. These funds are used exclusively for the needs of intelligence activity in accordance with the budgets for the relevant Intelligence Services of Ukraine.”

In this connection, Parts 3-5 become correspondingly Parts 5-7;

put Part 5 in the following wording:

“The Intelligence Services of Ukraine have the right, in accordance with the law, to acquire and import into the territory of Ukraine armaments, material-technical, special technical and other means, firearms and ammunition, including those produced abroad, to satisfy their own needs, as well as in case of need to transfer and export them out of Ukraine in accordance with the procedure determined by the Cabinet of Ministers of Ukraine.”

in Part 7 add the words “and can order the construction of dwellings”;

11) in Article 16:

in Part 1 substitute the words “the departments of the relevant central executive authorities” with the words “organs of Ukraine”;

delete Part 2;

in Part 3 add a sentence in the following wording: “The details of the performance of military service in the Intelligence Services of Ukraine are determined by the President of Ukraine”,

in Part 3 add two new parts in the following wording:

“The procedure for the performance of military service and the conferment of military ranks to persons with special ranks (class ranks) and who are assigned (enlisted) for further performance of military service in the Intelligence Services of Ukraine is determined by the President of Ukraine.

Persons enlisted for military service in the Intelligence Services of Ukraine have the right to return, provided there are vacant posts, in accordance with the established procedure, to the organs that assigned (enlisted) them for further performance of military or state service in accordance with the posts, military (special) ranks, class ranks and ranks of state officials acquired during the service in the Intelligence Services of Ukraine and in consideration of the work (service) period in the Intelligence Services of Ukraine as part of the interrupted work record.”

In this connection, Part 4 becomes Part 6.

12) in Article 17 after Part 1 add a new part in the following wording:

“Cadre employees of the Intelligence Services of Ukraine are state employees. Their posts are attributed to the corresponding categories of state employees by the Cabinet of Ministers of Ukraine in agreement with the relevant state organ. The procedure for employment in an intelligence service is determined in accordance with the law and the regulations on the relevant intelligence service.”

In this connection, Parts 2-4 become Parts 3-5.

13) in Part 1 of Article 19 after the words “this Law” add the words “as well as in case of their involvement in an anti-terrorist operation”;

14) in Article 21:

put Part 2 in the following wording:

“Social protection and financial support (work remuneration) are unified for all employees of all intelligence services of Ukraine”;

in Part 7 after the words “the Intelligence Services of Ukraine” add the words “and departments responsible for the performance of intelligence activity before this Law comes into force, and”;

after Part 8 add a new part in the following wording:

“Cadre employees of the Intelligence Services of Ukraine have the right to a pension on the grounds and conditions envisaged in the Law of Ukraine “On State Service (3723-12).”

In this connection, Part 9 becomes Part 10;

Add Parts 11-14 in the following wording:

“The life and health of cadre employees of the Intelligence Services of Ukraine are subject to compulsory state insurance financed by the State Budget of Ukraine. The procedure and conditions of insurance are determined by the Cabinet of Ministers of Ukraine.

In case of death of a cadre employee of the Intelligence Services of Ukraine during the performance of service duties, the family of the deceased or dependents receive a one-time allowance equal to a ten-year salary of the deceased in accordance with the last post held and a pension as a result of the loss of the breadwinner.

In case of mutilation received by a cadre employee of the Intelligence Services of Ukraine during the performance of his service duties and of invalidity received during service or no later than three months after the discharge from service or after the

end of this period in case the invalidity is a result of disease or an incident that happened during service. Depending on the degree of invalidity, the employee receives a one-time allowance equal to a three to five-year salary in accordance with the last post held and an invalidity pension.

The Intelligence Services of Ukraine reimburse cadre employee travel expenses relating to their service on all types of public transportation, except for taxis, as well as expenses relating to the use of their own means of transportation in accordance to the procedure determined by the head of the relevant Intelligence Service of Ukraine.”

15. In Part 2 of Article 4 of the Law of Ukraine “On State Support to Families with Children” (2811-12) (Bulletin of the Verkhovna Rada of Ukraine, 2001, N 20, p. 102; 2003, N 27, p. 209) after the words “the Security Service of Ukraine” add the words “the External Intelligence Service of Ukraine.”
16. In Part 2 of Article 10 of the Law of Ukraine “On Veterinary Medicine” (2498-12) (Bulletin of the Verkhovna Rada of Ukraine, 2002, N 8, p. 62; 2003, N 27, p. 209) after the words “the Security Service of Ukraine” add the words “the External Intelligence Service of Ukraine.”
17. In the Law of Ukraine “On Counterintelligence Activity” (374-15) (Bulletin of the Verkhovna Rada of Ukraine, 2003, N 12, p. 89, N 27, p. 209):
  - 1) in Article 1 delete the word “intelligence”;
  - 2) in Part 2 of Article 7:
    - in item 1 delete the words “intelligence and”;
    - in item 6 delete the word “intelligence”;
  - 3) in Article 8:
    - in Part 8 add the words “by the head of the Intelligence Service of Ukraine or his deputy within the competences defined by this Law;
    - Part 9:
      - after the words “registration of the received results” add the words “their analysis and operational assessment”;
      - add the words “and in cases relating to ensuring security of own forces and means, information systems and operational records, counterintelligence activities can be carried out by the Intelligence Services of Ukraine with the permission of their heads or deputy heads”;

18. In the Law of Ukraine “On the Fight Against Terrorism” (638-15) (Bulletin of the Verkhovna Rada of Ukraine, 2003, N 25, p. 180; 2005, N 25, p. 335):

- 1) in Part 4 of Article 4 after the first paragraph add a new paragraph in the following wording:

“The External Intelligence Service of Ukraine.”\

In this connection, paragraphs 2-11 become correspondingly paragraphs 3-12;

- 2) in Article 5:

in Part 1 substitute the words “ensures security” with the words “ensures security in cooperation with the Intelligence Services of Ukraine”;

add Part 8 in the following wording:

“The Intelligence Services of Ukraine carry out the collection, analytical processing and submission, in accordance with the established procedure, of intelligence information about the activities of foreign and international terrorist organizations outside Ukraine, as well as take measures to directly counteract terrorist threats to the life and health of citizens of Ukraine, to its establishments and objects of public property in case of the involvement of the Intelligence Services of Ukraine in anti-terrorist operations outside Ukraine.»

19. In the Law of Ukraine “On National Security of Ukraine” (964-15) (Bulletin of the Verkhovna Rada of Ukraine, 2003, N 39, p. 351):

- 1) in the eleventh paragraph of Article 4 after the words “the Security Service of Ukraine” add the words “the External Intelligence Service of Ukraine.”
- 2) in the seventh paragraph of Article 9 substitute the words “the Security Service of Ukraine and other central executive authorities” with the words “other central executive authorities, the Security Service of Ukraine and the External Intelligence Services of Ukraine”;

20. In the Law of Ukraine “On Telecommunications” (1280-15) (Bulletin of the Verkhovna Rada of Ukraine, 2004, N 12, p. 155):

- 1) in Part 2 of Article 38 and item 9 of Part 1 of Article 39 after the words “the Security Service of Ukraine” add the words “the External Intelligence Service of Ukraine”;
- 2) in item 1 of Part 3 of Article 64 after the words “the Security Service of Ukraine” add the words “the External Intelligence Service of Ukraine.”

21. In Article 11 of the Law of Ukraine “On the State Border Service of Ukraine” (661-15) (Bulletin of the Verkhovna Rada of Ukraine, 2003, N 27, p. 208) add Part 2 in the following wording:

“The organizational structure of the intelligence service of the specially authorized central executive body on issues of protection of the state border is determined by the President of Ukraine.”

22. In Part 2 of Article 5 of the Law of Ukraine “On Radio Frequency Resources of Ukraine” (1770-14) (Bulletin of the Verkhovna Rada of Ukraine, 2004, N 48, p. 526) after the words “the Security Service of Ukraine” add the words “the External Intelligence Service of Ukraine.”

## II. Final Provisions

4. This Law enters into force from the date of its publication.
5. The Cabinet of Ministers of Ukraine within three months after this Law enters into force:
- brings its normative legal acts into conformity with this Law;
  - ensures the revision and abolition by ministries and other central executive authorities of normative legal acts contradicting this Law.
6. Recommend to the President of Ukraine to bring his decisions into conformity with this Law.

President of Ukraine V. Yushchenko

Kyiv, 15 December 2005  
N 3200-IV



**In Part VIII “The Legislative Framework for the Social Protection of Servicemen and Members of Their Families,”** substantial changes were made to the legislation by further improving the mechanisms of social and legal protection and ensuring the rights and freedoms of different categories of citizens: servicemen and members of their families, veterans of the Great Patriotic War and of the Armed Forces, persons liable for military service and reservists called up for educational, control or special training as well as other persons.

Above all, the changes concern the Law “On Introducing Amendments to Some Laws of Ukraine concerning Pensions and Social Protection of Servicemen,” which establishes the uniform conditions and norms on pensions for the indicated categories of citizens of Ukraine.

## The Law of Ukraine

### On Introducing Amendments to Some Laws of Ukraine concerning Pensions and Social Protection of Servicemen

(Bulletin of the Verkhovna Rada of Ukraine (BVR), 2006, No 37, p. 318)

The Verkhovna Rada of Ukraine **decrees:**

I. To amend the following Laws of Ukraine:

1. In the Law of Ukraine “On Pensions of Servicemen, Commanders and Lower Ranks of Law-Enforcement Organs and Other Persons” (2262-12) (Bulletin of the Verkhovna Rada of Ukraine, 1992, N 29, p. 399; 1993, N 5, p. 34; 1994, N 24, p. 178; 1995, N 16, p. 111, N 34, p. 268, N 44, p. 327; 1996, N 17, p. 73; 1997, N 4, p. 23; 1998, N 26, p. 149; 1999, N 4, p. 35, N 48, p. 409; 2001, N 9, p. 38; 2002, N 17, p. 125, N 33, p. 236, N 35, p. 262; 2003, N 27, p. 209; 2004, N 23, p. 320, N 36, p. 447, N 50, p. 536; 2005, N 4, p. 107, NN 17-19, p. 267; 2006, NN 9-11, p. 96, N 14, p. 116, N 30, p. 258):

- 1) to put the title and the preamble in the following wording:

“On Pension of Persons Discharged from Military Service and Other Persons”

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, in organs and subdivisions of the civil defence service, in the tax police or in the State Criminal Execution Service of Ukraine, as well as other persons who have the right to a pension in accordance with this Law.

The purpose of the law is to ensure the realization 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 (254к/96-BP) 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;

- 2) to add articles 1-1 and 1-2 in the following wording:

«**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 who have the right to a pension in accordance with this Law is based on the Constitution of Ukraine (254к/96-BP) and consists of this Law, the Law of Ukraine of “On Compulsory State Pension Insurance” (1058-15) and other normative legal acts of Ukraine adopted in accordance with these laws.

If an international agreement ratified by the Verkhovna Rada of Ukraine establishes other norms concerning pensions of persons discharged from military service and other persons who have the right to a pension in accordance with this Law, 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” (1058-15).

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, servicemen carrying out extended service and military service on a contract basis;
- b) persons holding the rank of commander and private in the law-enforcement organs of Ukraine, persons holding the rank of commander in the tax police, persons holding the rank of commander and private in the State Criminal Execution Service of Ukraine and persons holding the rank of commander and private in the civil defence organs and subdivisions;
- c) servicemen in the Armed Forces, other military formations, state security and law-enforcement organs of the former USSR, the National Guard of Ukraine, the Border Forces of Ukraine and civil defence forces of Ukraine;
- d) persons holding the rank of commander and private in the state fire prevention service;
- e) citizens of other states - servicemen in the armed forces and other military formations formed in accordance with the legislation of these states who permanently reside in Ukraine and, in accordance with the international agreements ratified by the Verkhovna Rada of Ukraine, whose pensions are provided in accordance with the legislation of the state on the territory of which they reside;

f) persons indicated in Articles 3 and 4 of this Law;

g) servicemen in regular military service, members of families of officers, ensigns and warrant officers, servicemen in extended service and military service on a contract basis, as well as other persons who have the right to a pension in accordance with this Law and in cases foreseen in this Law»;

3) to put Article 5 in the following wording:

«Article 5. Granting of Pensions on the Grounds Established in the Law of Ukraine «On Compulsory State Pension Insurance» (1058-15)

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” (1058-15). 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” (1058-15) 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» (1058-15) is determined by the Cabinet of Ministers of Ukraine”;

4) to add Article of 5-1 in the following wording:

«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)»;

- 5) to put Article 9 in the following wording:

«Article 9. Payment of One-time Allowance upon the Discharge from Service

Officers, ensigns, warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons who have the right to a pension in accordance with this Law, who are discharged from service for age, health reasons, in connection with staff reductions, after the expiration of a contract or in connection with a systematic failure of commanders to fulfil contract terms receive a one-time allowance equal to 50 percent of monthly salary for every complete calendar year of service.

Officers, ensigns, warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons who have the right to a pension in accordance with this Law, who are discharged from service at their request, for family reasons or other important reasons, the list of which is determined by the Cabinet of Ministers of Ukraine, receive a one-time allowance equal to 25 percent of their monthly salary for every complete calendar year of service.

Officers, ensigns, warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons who have the right to a pension in accordance with this Law, who are discharged from service because of professional unfitness, in connection with a systematic failure to fulfil contract terms or in connection with a court conviction which has entered into force do not receive a one-time allowance envisaged in this article.

The payment of the one-time allowance mentioned in Parts 1 and 2 of this Article during a discharge from service to officers, ensigns, warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons who have the right to a pension in accordance with this Law is carried out by the Ministry of Defence of Ukraine, the Ministry of Ukraine for Extraordinary Situations and Protection of the Population from the Consequences of the Chernobyl Catastrophe, the Ministry of Internal Affairs of Ukraine, the Ministry of Transport and Connections of Ukraine, the State Tax Administration of Ukraine, the State Department of Ukraine on the Execution of Punishments, other military formations formed in accordance with the laws of Ukraine and law-enforcement organs from the funds of the State Budget of Ukraine allocated for their support.

Officers, middle, senior and higher level commanders in law-enforcement organs, the state fire prevention service, organs and subdivisions of civil defence, tax police and the State Criminal Execution Service of Ukraine discharged from service directly

from positions they occupied in state organs, in local self-government organs, in the organs formed by them, enterprises, establishments, organizations and higher education establishments as well as continuing military service, service in law-enforcement organs, in state fire prevention service, in organs and subdivisions of civil defence, in the tax police or the State Criminal Execution Service of Ukraine receive a one-time allowance envisaged in Parts 1 and 2 of this Article from the funds of organs in which they worked.

Officers, ensigns, warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons who have the right to a pension in accordance with this Law, who are 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, servicemen carrying out extended service or military service on a contract basis and other persons who have the right to a pension in accordance with this Law, as well as pensioners from among them, who have lost the breadwinner, receive the allowance in accordance with the procedure and in amounts, which are determined by the Cabinet of Ministers of Ukraine;

- 6) to add Article of 9-1 in the following wording:

“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 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”;

- 7) in Article 10:

in the second sentence of Part 1, the words “the Law of Ukraine “On Pensions” (1788-12)” replace with the words “the Law of Ukraine “On Compulsory State Pension Insurance” (1058-15)”;

in Part 2, after the words “the Ministry of Ukraine for Extraordinary Situations and Protection of the Population from the Consequences of the Chernobyl Catastrophe” add the words “the Ministry of Transport and Connections of Ukraine”;

8) to put Article 12 in the following wording:

«Article 12. Conditions for Granting Pensions for Time-in-Service

Pensions for time-in-service is granted to:

a) officers, ensigns, warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons mentioned in items b)-e) of Articles 1-2 of this Law, regardless of their age, in case on the day of discharge from service they have served 20 or more years, except for persons mentioned in Part 3 of Article 5 of this Law;

b) officers, ensigns, warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons mentioned in items b)-e) of Articles 1-2 of this Law in case on the day of discharge from service they turn 45 years of age, except for persons mentioned in Part 3 of Article 5 of this Law, and have an insured record of service of 25 years or more, from which not less than 12 calendar years and six months were spent in military service or service in law-enforcement organs, in the state fire prevention service, the organs and subdivisions of civil defence, the tax police or the State Criminal Execution Service of Ukraine.

Persons who are war invalids receive a pension on the conditions determined in this item regardless of age;

c) officers, ensigns, warrant officers, servicemen carrying out extended service or military service on a contract basis who turn 45 years of age, have served for 15 years and are discharged from military service in accordance with the Law of Ukraine “On the State Guarantees of Social Protection of Servicemen and their Families when Discharged from Service during Armed Forces Reform” (1763-15);

9) in Article 13:

to put items “b” and “c” in the following wording:

“b) officers, ensigns, warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons who have the right to a pension in accordance with this Law and who have an insured record of service of 25 years or more, from which not less than 12 calendar years and six months were spent in military service or service in law-enforcement organs, in the state fire prevention service, the organs and subdivisions of civil defence, in the tax police or in the State Criminal Execution Service of Ukraine (item “b” of Article 12): for 25 years of service receive 50 percent and for every full year over 25 years of service – additional one percent of the corresponding allowance (Article 43);

c) officers, ensigns, warrant officers, servicemen carrying out extended service or military service on a contract basis who are discharged from military service on the

conditions stipulated in the Law of Ukraine “On the State Guarantees of Social Protection of Servicemen and their Families when Discharged from Service during Armed Forces Reform” (1763-15) (item “b” of Article 12): for 15 years of service receive 40 percent and for every full year over 15 years of service – additional 2 percents of the corresponding allowance, but not more than 50 percent (Article 43);

to put Part 2 in the following wording:

“The maximum pension calculated in accordance with this Article may not exceed 90 percent of the corresponding allowance (Article 43); the pension of persons who while performing service took part in the liquidation of the consequences of the Chernobyl disaster and belong to the first category defined in accordance with the procedure determined by the law receive 100 percent, those who belong to the second category - 95 percent”;

- 10) in Article 14, the words “by the Law of Ukraine “On Pensions” (1788-12)” replace with the words “by the Law of Ukraine “On Compulsory State Pension Insurance (1058-15)”;

- 11) to put Articles 15-17 in the following wording:

#### «Article 15. Rise in Pensions for Time-in-Service

Officers, ensigns, warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons mentioned in items b)-e) of Articles 1-2 of this Law who have the right to a pension in accordance with this Law 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” (3551-12) 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 the Time-in-Service

In addition to the pension for time-in-service, officers, ensigns, warrant officers and servicemen carrying out extended service or military service on a contract basis and persons who have the right to a pension in accordance with this Law (including in addition to the minimum pension) receive:

- a) increments for not working pensioners taking care of the disabled members of their families who have the right to a pension in case of the loss of the breadwinner (Article 30) equal to 50 percent of the minimum living standard for disabled persons for every disabled family member. The increments are paid only to those family members who do not receive a pension through the solidarity system of compulsory state pension insurance, state social aid for persons who have no right to a pension



and for invalids, state social aid for invalids from childhood and children-invalids, as well as aid for single mothers with children. If a person has simultaneously the right to a pension, the abovementioned types of aid and increments in addition to the pension for time-in-service, the disabled family member, at the discretion of the pensioner, can receive a pension, state social aid or increments. If there are two or more pensioners in a family taking care of disabled family members, increments are paid only to one of the pensioners at their discretion for every disabled person;

b) state social aid provided for the care of invalids for the first group for reasons mentioned in item «b» of Article 20 of this Law, state social aid provided as a result of a professional injury, professional or general disease, as well as state social aid for single pensioners requiring care on the basis of a conclusion of a medical-advisory commission, granted in accordance with the procedure and on the conditions determined in the Law of Ukraine “On the State Social Aid to Persons Who Have No Right to a Pension and Invalids (1727-15)”;

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” (3551-12); 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 (3721-12)”.

Increments and aid envisioned in this Article can be granted simultaneously.

#### Article 17. Types of Service and Periods of Time Counted for Granting Pensions for Time-in-Service

For officers, ensigns, warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons mentioned in items “b”-“e” of Articles 1-2 of this Law who have the right to a pension in accordance with this Law, the following is included in their service period for granting pensions:

a) military service;

b) the time of service in law-enforcement organs, state fire prevention service, civil defence organs and subdivisions, the tax police or the State Criminal Execution Service of Ukraine for persons holding the rank of commander and private from the day of appointment to the corresponding position;

c) the time of work in state organs, local self-government organs or organs formed by them, enterprises, establishments, organizations and higher education establishments while carrying out military service, service in law-enforcement organs,

the state fire prevention service, civil defence organs and subdivisions, the tax police or the State Criminal Execution Service of Ukraine;

d) the time spent as a deputy while carrying out military service, service in law-enforcement organs, the state fire prevention service, civil defence organs and subdivisions, the tax police or the State Criminal Execution Service of Ukraine;

e) the time spent in custody and the time of imprisonment in penitentiary establishments by persons who have the right to a pension in accordance with this Law and who were groundlessly criminally prosecuted, groundlessly repressed and later rehabilitated;

f) the time spent in fascist concentration camps, ghettos and other places of forced detention, including children who were forcibly moved from the temporally occupied territory of the former USSR during the Great Patriotic War, and after the liberation from these places were called up or enlisted for military service or service in law-enforcement organs, provided that during the time of forced detention in the abovementioned places they did not commit any crimes against peace and humanity;

g) the time spent in captivity or as a hostage, if the capture or the hostage-taking did not occur voluntarily, and the person who has the right to a pension in accordance with this Law while in captivity or as a hostage did not commit any crimes against peace and humanity;

h) the time of work in judicial and public prosecution bodies by persons who worked as a judge, public prosecutor, investigator and are in military service or service in organs and military formations of the Security Service of Ukraine, law-enforcement organs, the tax police or the State Criminal Execution Service of Ukraine in a positions of officer and commander;

i) military service in the armed forces, law-enforcement organs, security organs for the member-states of the Commonwealth of Independent States (CIS), other military formations created by the legislatures of these states and in the Joint Armed Forces of the CIS. In this case, time-in-service (including on preferential terms) is calculated in accordance with the procedure established in the legislation of the CIS member-states, on the territory of which servicemen and persons who have the right to a pension in accordance with this Law carried out military service, service in law-enforcement and state security organs, unless otherwise stipulated in the international agreements of Ukraine ratified by the Verkhovna Rada of Ukraine;

j) the time of work in state organs in case of a transfer to military service in the organs and military formations of the Security Service of Ukraine, the Department of State Protection of Ukraine, law-enforcement organs, the state fire prevention service, civil defence organs and subdivisions, the tax police or the State Criminal Execution Service of Ukraine for those holding the rank of officer and commander in accordance with the lists of positions approved accordingly by the Security Service

of Ukraine, the Department of State Protection of Ukraine, the Ministry of Internal Affairs of Ukraine, the Ministry of Ukraine for Extraordinary Situations and Protection of the Population from the Consequences of the Chernobyl Catastrophe, the State Tax Administration of Ukraine and the State Department of Ukraine on the Execution of Punishments;

k) the time of work on positions of civil servants at the State Criminal Execution Service of Ukraine and in subdivisions of professional (non-military) fire prevention service, consequently transferred into the category of positions occupied by the persons with the ranks of privates and commanders in accordance with the list of positions and on the conditions determined by the State Department of Ukraine on the Execution of Punishments and the Ministry of Ukraine for Extraordinary Situations and Protection of the Population from the Consequences of the Chernobyl Catastrophe;

l) the time of military service outside Ukraine in the framework of military cooperation or in the composition of the UN Peacemaking Forces 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, civil defence organs and subdivisions, the tax police and the State Criminal Execution Service of Ukraine, the period of studies (regardless of the form of study) in civilian higher education establishments and in other educational establishments, after the completion of which the officer (special) rank is conferred, before entry into military service, service in law-enforcement organs, the state fire prevention service, civil defence organs and subdivisions, the tax police or the State Criminal Execution Service of Ukraine or before the assumption of the position within five years is added to the time-in-service at a rate of one year of study for six months of service.

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”;

12) in Part II, add Articles 17-1 and 17-2 in the following wording:

“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 personal file of a serviceman, 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 Criminal Execution Service of Ukraine, which are calculated towards time-in-service in calendar terms or on preferential terms are determined by the Cabinet of Ministers of Ukraine”;

- 13) to put Article 18 in the following wording:

“Article 18. Conditions for Granting Disability Pensions

Disability pensions are granted to persons who have the right to a pension in accordance with this Law in case disability was received during service or no later than three months after discharge from service or after the end of this period in case the disability is a result of disease (trauma, injury, contusion, mutilation, etc.) that happened during service or during a period in captivity or as a hostage, if the capture or the hostage-taking were not voluntary, and the person who has the right to a pension in accordance with this Law while in captivity or as a hostage did not commit any crimes against peace and humanity”;

- 14) to put Articles 24 and 25 in the following wording:

“Article 24. Increments and Aid Paid in Addition to Disability Pension

In addition to disability pensions, officers, ensigns, warrant officers and servicemen carrying out extended service or military service on a contract basis and persons who have the right to a pension in accordance with this Law (including in addition to the minimum pension) receive:

- a) increments for not working-invalids taking care of the disabled members of their families (Article 30) equal to 50 percent of the minimum living standard for disabled persons for every disabled family member. The increments are paid only to those family members who do not receive pension through the solidarity system of compulsory state pension insurance, state social aid for persons who have no right to a pension and for invalids, state social aid for invalids from childhood and children-

invalids, as well as aid for single mothers with children. If a person has simultaneously the right to a pension, to the abovementioned types of aid and to increments in addition to a disability pension, the disabled family member, at the discretion of the pensioner, can receive a pension, state social aid or increments. If there are two or more pensioners in a family taking care of disabled family members, increments are paid only to one of the pensioners at their discretion for every disabled person;

b) state social aid provided for care in accordance with the procedure and on the conditions determined in the Law of Ukraine “On the State Social Aid to Persons Who Have No Right to a Pension and Invalids” (1727-15);

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” (3551-12); 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” (3721-12).

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”(796-12).

#### Article 25. Rises in Disability Pensions

Officers, ensigns, warrant officers and servicemen carrying out extended service or military service on a contract basis and other persons mentioned in items “b”-“e” of Articles 1-2 of this Law who have the right to a pension in accordance with this Law and are war veterans, as well as persons to whom the Law of Ukraine “On the Status of War Veterans and Guarantees of Their Social Protection” (3551-12) applies receive disability pension rises in accordance with the procedure and on the conditions determined in the abovementioned Law”;

15) in Article 30:

to put Part 3 in the following wording:

«Parents of servicemen and other persons who have the right to a pension in accordance with this Law, who perished (died) during the performance of military service (the performance of official duties) or after discharge from service as a result of an injury, contusion, mutilation received during the performance of military service (official duties), or from disease related to an operation at the front, the liquidation of the consequences of the Chernobyl catastrophe or the performance

of international duty, have the right to a pre-term pension for age reasons, 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” (1058-15), and with an insured record of not less than 25 years – for men, and not less than 20 years – for women”;

after Part 6 add a new Part in the following wording:

“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, civil defence organs and subdivisions, the tax police or the State Criminal Execution Service of Ukraine as a result of an injury, contusion, mutilation or a disease received during the performance of these duties, and who were posthumously awarded the state awards of Ukraine or of the former USSR, disabled family members of persons mentioned in Part 4 of this Article who have the right to a pension in case of the loss of the breadwinner, have the right to pension increments on the conditions and in amounts determined in the Law of Ukraine “On Pensions for Special Merits Before Ukraine”(1767-14).

In this connection, Part 7 becomes Part 8;

16) in Article 38, the words “by the Law of Ukraine “On Pensions (1788-12)” replace with the words “by the Law of Ukraine “On Compulsory State Pension Insurance” (1058-15)”;

17) to put Article 39 in the following wording:

«Article 39. Pensions Rises in Case of the Loss of the Breadwinner

In case of the loss of the breadwinner, war veterans and persons to whom applies the Law of Ukraine “On the Status of War Veterans and Guarantees of Their Social Protection” (3551-12), receive disability pension rises in accordance with the procedure and on the conditions determined in the abovementioned Law”;

18) in Article 41:

in Part 1, add the words “except for the case mentioned in Part 4 of this Article”;

add Part 4 in the following wording:

“In case of the loss of the breadwinner, a pension is granted to each parent, the wife (husband) of an officer, ensign, warrant officer, serviceman carrying out extended service or military service on a contract basis and other persons who have the right to a pension in accordance with this Law, who died or disappeared”;

19) to put Article 43 in the following wording::

«Article 43. Salaries (Financial Support) for Pension Calculation

Pensions granted in accordance with this Law to servicemen in regular service and members of their families are calculated on the basis of norms as percentages of their average monthly salaries received by them before call-up to regular military service or after discharge from military service before the application to a pension, or as percentages of their average monthly financial support received by them during military service on a contract basis. The average monthly salary (financial support) for a pension calculation is determined in accordance with the procedure established in the Law of Ukraine “On Compulsory State Pension Insurance” (1058-15).

Servicemen in regular service, who before call-up to regular 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, servicemen carrying out extended service or military service on a contract basis and other persons who have the right to a pension in accordance with this Law as well as members of their families are calculated from the amount of financial support received in the last permanent position before discharge, taking into account the salary scale on the position, for the military (special) rank, percentage increments for the time-in-service, monthly additional types of financial support (increments, additional charges, rises) and bonuses, the amounts of which are established in the legislation.

The pensions of persons who held command positions, which correspond to positions of officers, in partisan detachments and bodies of troops, underground organizations and groups recognized 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 analogical 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, servicemen carrying out extended service or military service on a contract basis and other persons mentioned in item “e” of Article 12 of this Law who have the right to a pension in accordance with this Law and who received before the discharge from service personal (maintained) salaries for service in alpine or remote localities of the member-states of the Commonwealth of Independent States (CIS) are calculated on the basis of personal (maintained) salaries, unless otherwise stipulated in the relevant international agreements ratified by the Verkhovna Rada of Ukraine.

The pensions of officers, ensigns and warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons discharged from service in connection with a conviction or bringing to criminal responsibility and who, for the absence of the event or *corpus delicti* or after a failure to prove their involvement in a crime, were found not guilty or were released from criminal charges by a court ruling, as well as of family members of servicemen and other persons released from criminal charges by a court ruling posthumously, in case they have the right to a pension in accordance with this Law, are calculated on the day of pension allocation on the basis of the amount of the received financial support determined in the legislation for the corresponding categories of servicemen and other abovementioned persons. The pensions of officers, ensigns and warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons renewed in military service, service in law-enforcement organs, the state fire prevention service, civil defence organs and subdivisions, the tax police or the State Criminal Execution Service of Ukraine and who are appointed to positions with smaller salaries than before are calculated (with their consent) on the basis of the salary they received before the discharge. In case of simultaneous renewal and discharge of such persons from service, their pension is calculated on the basis of the salary they received before the unlawful discharge.

The pensions of officers, ensigns and warrant officers, servicemen carrying out extended service or military service on a contract basis who are transferred for health or age reasons from flying work, work on submarine boats (submarine cruisers), atomic surface vessels and minesweepers to positions with smaller salaries are calculated, at the pensioner's choice, on the basis of the salary on the last permanent position occupied before the discharge or on the basis of the aforementioned positions which they occupied before the transfer if on the day of transfer they had the right to a pension for the time-in-service. 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, 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, servicemen carrying out extended service or military service on a contract basis, persons holding the rank of commander of a law-enforcement organ and other persons who have the right to a pension in accordance with this Law and who were assigned to work in state organs, local self-government organs or in the organs formed by them, enterprises, establishments, organizations and higher education establishments and who received salaries in accordance with the procedure and in amounts established for employees of these organs and organizations are calculated on the basis of salaries established for analogical positions of officers, ensigns and warrant officers and servicemen carrying out extended service or military service on a contract basis, persons holding



the rank of commander of a law-enforcement organs and other persons who have the right to a pension in accordance with this Law.

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 servicemen carrying out extended service or military service on a contract basis transferred from work on atomic submarine cruisers, atomic submarine boats and diesel submarine boats equipped with atomic power plants to equivalent positions on other ships, vessels or in naval forces units with the preservation of the salary received before the transfer are calculated in accordance with the procedure envisaged in this Article and on the basis of the salary paid on the day of the discharge from military service.

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.

Servicemen and certified employees of the internal affairs organs of Ukraine, the tax police, the State Criminal Execution Service of Ukraine, civil defence organs and subdivisions, the state fire prevention service 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» (2790-12);

20) in Article 44:

put the title in the following wording:

“Article 44. Re-calculation of Pensions for Servicemen in Regular Service and Members of Their Families”;

in the first sentence of Part 1, the words “by the Law of Ukraine “On Pensions” (1788-12) replace with the words “by the Law of Ukraine «On Compulsory State Pension Insurance” (1058-15);

add Part 3 in the following wording:

«Pension amounts for servicemen in regular service and members of their families who receive pensions from the Pension Fund of Ukraine are subject to re-calculation in the case envisaged in Part 2 of Article 42 of the Law of Ukraine “On Compulsory State Pension Insurance” (1058-15);

- 21) delete Article 46;
- 22) in Part 1 of Article 48, replace the words “the Ministry of Ukraine for Extraordinary Situations” with the words “the Ministry of Ukraine for Extraordinary Situations and Protection of the Population from the Consequences of the Chernobyl Catastrophe, the Ministry of Transport and Connections of Ukraine”;
- 23) in Article 49:

in Part 1, add the words “the Ministry of Transport and Connections of Ukraine”;

add Part 4 in the following wording:

“Pensioners who are officers, ensigns and warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons who have the right to a pension in accordance with this Law as well as members of their families, after being granted a pension by the organs carrying out pension provision, receive a certificate, the form and description of which are established by the Cabinet of Ministers of Ukraine”;

- 24) to put Article 50 in the following wording:

“Article 50. The Terms for Granting Pensions

In accordance with this Law, pensions are granted:

a) to servicemen in regular service - from the day following discharge from hospital, but not earlier than the day after discharge from military service if the establishment of disability by a medical social expert commission and the application for a pension took place not later than three months from the day after discharge from hospital or from the day after discharge from military service; to families of servicemen in regular service and servicemen-pensioners – from the day of death of the breadwinner or the emergence of the right to a pension, but no more than 12 months before an application for a pension. Parents or the wife (husband) of the aforementioned servicemen and pensioners, who acquired the right to a pension in case of the loss of the breadwinner, are granted a pension from the day of application for it;

b) to officers, ensigns and warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons who have the right to a pension in accordance with this Law according to items «a» and «c» of Article 12 of this Law - from the day after discharge from service, but not earlier until which they receive financial support; to family members of the aforementioned persons who have the right to a pension in accordance with this Law and pensioners from among them - from the day of death of the breadwinner, but not earlier until which they receive financial support or pension, except for cases when they receive pensions from later terms. Persons who have the right to a pension in accordance

with this Law and who are recognized as invalids within three months from the day of discharge from service as a result of disease (trauma, injury, contusion, mutilation, etc.) resulting from military service or during a period in captivity or as a hostage, if the capture or the hostage-taking were not voluntary and the person who has the right to a pension in accordance with this Law while being in captivity or a hostage did not commit any crimes against peace and humanity, receive a pension from the next day after discharge from service, but not earlier until which they receive financial support;

c) to persons who have the right to a pension in accordance with this Law according to items «b» of Article 12 of this Law - from the next day after a discharge from service;

d) to officers, ensigns and warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons, whose military (special) ranks were renewed - from the day of the renewal;

e) to officers, ensigns and warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons who have the right to a pension in accordance with this Law and are discharged from service in connection with a conviction for a deliberate crime without deprivation of the military (special) rank and with the right to a pension for the time-in-service - from the day of application for a pension;

f) to officers, ensigns and warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons who have the right to a pension in accordance with this Law and are recognized as invalids within three months from the day of their discharge from service or as a result of an accident or disease that happened after their discharge from service - from the day of the establishment of disability;

g) to officers, ensigns and warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons who have acquired the right to a pension in accordance with this Law in connection with amendments introduced in the earlier published order or other act about time-in-service for granting a pension and their discharge from service - from the day of signature of the order or other act by the appropriate civil servant in reference to the introduction of this amendment.

To family members of officers, ensigns and warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons who have the right to a pension in accordance with this Law and pensioners from among them who have acquired the right to a pension after the death of the breadwinner - from the day of the emergence of the right to a pension; to parents or the wife (husband) who have the right to a pension because of the loss of the breadwinner - from the day of application for a pension;

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”;

- 25) in Part 1 of Article 51, replace the words and numbers “by Article 84 of the Law of Ukraine “On Pensions” (1788-12)” with the words and numbers “by Part 4 of Article 45 of the Law of Ukraine “On Compulsory State Pension Insurance” (1058-15)”;
- 26) in Part 2 of Article 52, replace the words “of the Ministry of Ukraine for Extraordinary Situations” replace with the words «”f the Ministry of Ukraine for Extraordinary Situations and Protection of the Population from the Consequences of the Chernobyl Catastrophe, the Ministry of Transport and Connections of Ukraine”;
- 27) in Article 54, add a sentence in the following wording: “Pensioners who gain an income from carrying out entrepreneurial activity do not receive increments to the pension envisaged for disabled family members (item «a» of Part 1 of Article 16 and item «a» of Part 1 of Article 24)”;
- 28) in Article 59, replace the words and numbers “by Article 90 of the Law of Ukraine “On Pensions” (1788-12)” with the words and numbers “by Part 2 of Article 50 of the Law of Ukraine “On Compulsory State Pension Insurance” (1058-15);
- 29) to add Article 60-1 in the following wording:

“Article 60-1. Responsibility of Civil Servants Working in Organs Providing Pensions for Pensions Paid Without Grounds

Civil servants providing pensions who paid superfluous or insufficient pension sums to a pensioner without grounds are legally liable”;

- 30) to put Article 62 in the following wording:

«Article 62. Payment of Pensions to Citizens Who Reside Abroad

Persons mentioned in Article 1-2 of this Laws who are discharged from service and permanently reside abroad do not receive pensions, unless otherwise stipulated in the international agreements ratified by the Verkhovna Rada of Ukraine.

Pensions granted to the aforementioned persons in Ukraine before their departure for permanent residence abroad are paid in accordance with the procedure determined in the Law of Ukraine “On Compulsory State Pension Insurance” (1058-15);

- 31) to put Article 65 in the following wording:

“Article 65. Responsibility for an Infringement of the Legislation on Pensions for Persons Discharged from Military Service and Other Persons

Persons guilty of an infringement of the legislation on the provision of pensions for persons discharged from military service and other persons envisaged in this Law, as well as guilty of untimely registration or preparation of documents for granting pensions and of delivery of inauthentic information and documents for granting pensions bear civil, administrative or criminal liability in accordance with the law”;

32) to put the text of Article 66 in the following wording:

“Decisions about a refusal to grant a pension or to re-calculate a pension, to include certain periods of service to the time-in-service in calendar calculation or on preferential terms, as well as the violation of terms and lowering of pension amounts can be appealed in higher organs or in a court.”

33) in the text of the Law, replace the words “the criminal execution system of Ukraine” in all cases with the words “the State Criminal Execution Service of Ukraine” in proper cases.

2. To put item 2 of Article 15 of the Law of Ukraine “On Social and Legal Protection of Servicemen and Members of Their Families” (2011-12) (Bulletin of the Verkhovna Rada of Ukraine, 1992, N 15, p. 190; 1997, N 12, p. 103) in the following wording:

“2. Servicemen, except for servicemen in regular service, discharged from military service for age, health reasons, in connection with staff reductions, after the expiration of a contract or in connection with a systematic failure of commanders to fulfil contract terms receive a one-time allowance equal to 50 percent of monthly salary for every complete calendar year of service.

Servicemen discharged from service at their request, for family or other important reasons the list of which is determined by the Cabinet of Ministers of Ukraine receive a one-time allowance equal to 25 percent of their monthly salary for every complete calendar year of service.

Servicemen discharged from service for reasons of professional unfitness, in connection with a systematic failure to fulfil contract terms or in connection with a court conviction which has entered into force do not receive a one-time allowance envisaged in this item.

The payment of the one-time allowance mentioned in this item during the discharge of servicemen from service is carried out by the Ministry of Defence of Ukraine, other military formations formed in accordance with the laws of Ukraine and law-enforcement organs from the funds of the State Budget of Ukraine allocated for their support.

Servicemen discharged from service directly from positions they occupied in state organs, local self-government organs, in the organs formed by them, or in enterprises, establishments, organizations, 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 in which they worked.

Servicemen who are re-discharged from military service receive a one-time allowance envisaged in this item for the period of their calendar service from the day of the last entry in service without counting the period of previous service, except for persons who during the previous discharge have not acquired the right to such an allowance.”

3. To put Part 2 of Article 6 of the Law of Ukraine “On Pensions for Special Merits Before Ukraine” (1767-14) (Bulletin of the Verkhovna Rada of Ukraine, 2000, N 35, p. 289; 2002, N 41, p. 293; 2005, N 6, p. 142; 2006, N 1, p. 18) in the following wording:

“In case of the death of servicemen, persons holding the rank of private or commander of law-enforcement organs, persons holding the rank of private or commander of the State Fire Prevention Service, persons holding the rank of private or commander of organs and subdivisions of civil defence, persons holding the rank of commander of the tax police or persons holding the rank of private or commander of the State Criminal Execution Service of Ukraine, who have perished (died) during the performance of official duties of military service, service in law-enforcement organs, the State Fire Prevention Service, organs and subdivisions of civil defence, the tax police or the State Criminal Execution Service of Ukraine as a result of an injury, contusion, mutilation or disease inflicted during the performance of these duties and who were posthumously awarded the state awards of Ukraine or of the former USSR mentioned in Article 1 of this Law, the disabled family members of the deceased mentioned in Article 36 of the Law of Ukraine “On Compulsory State Pension Insurance” (1058-15) and in Article 30 of the Law of Ukraine “On Pensions of Persons Discharged From Military Service and Other Persons” (2262-12) have the right to pension increments in the following amounts: if there is one disabled family member - 70 percent, two and more members - 90 percent of the amount of increments envisaged for persons mentioned in item 1 of Article 1 of this Law”.

4. In sub-item 9 of item 14 of Part XV “Final Provisions” of the Law of Ukraine “On Compulsory State Pension Insurance” (1058-15) (Bulletin of the Verkhovna Rada of Ukraine, 2003, NN 49-51, p. 376), replace the words “by the Law of Ukraine “On Pensions of Servicemen, Commanders and Lower Ranks of Law-Enforcement Organs and Other Persons” (2262-12) with the words “by the Law of Ukraine “On Pensions of Persons Discharged From Military Service and Other Persons” (2262-12) or persons discharged from military service who expressed the wish to receive a pension in accordance with the procedure and on the conditions envisaged in this Law.”

## II. Final Provisions

1. This Law comes into force from the day of its publication, except for the seventh and eighth paragraphs of sub-item 5, sub-item 18, the fourteenth paragraph of sub-item 19 of item 1 and the sixth and seventh paragraphs of item 2 of Part I of this Law, which come into force from 1 January 2007.

2. To establish that the financing of expenses envisaged in this Law is provided by funds of the State Budget of Ukraine.
3. To guarantee the pensions granted to persons before this Law came into force on the conditions envisaged in item “b” of Article 12 of the Law of Ukraine “On Pensions of Servicemen, Commanders and Lower Ranks of Law-Enforcement Organs and Other Persons” (2262-12) (in the revision of the Law of Ukraine (51-15) of 4 July 2002, N 51-IV).
4. The time-in-service for granting pensions calculated for officers, ensigns and warrant officers, servicemen carrying out extended service or military service on a contract basis and other persons who have the right to a pension in accordance with the Law of Ukraine “On Pensions of Servicemen, Commanders and Lower Ranks of Law-Enforcement Organs and Other Persons” (2262-12) in accordance with the normative legal acts on the provision of pensions before this Law came into force is not subject to revision.
5. The Cabinet of Ministers of Ukraine shall:

with the purpose of creating financial possibilities in the state for the levelling-off of the pension amounts for servicemen and persons discharged from service during different periods who have the right to a pension in accordance with the Law of Ukraine “On Pensions of Servicemen, Commanders and Lower Ranks of Law-Enforcement Organs and Other Persons” (2262-12), regardless of the time of their discharge to the reserve or retirement or the time of the liquidation of the existent disproportion in the amounts of pensions, declare a moratorium on the increase of new additional monthly types of financial support to servicemen, to persons holding the rank of commander or private of law-enforcement organs and other persons who are in military service or service in law-enforcement organs, organs and subdivisions of civil defence, the tax police or the State Criminal Execution Service of Ukraine;

ensure the adoption of normative legal acts on the increase of financial support to servicemen, to persons holding the rank of commander or private of law-enforcement organs and other persons (salary on the position, salary for the military (special) rank, percentage increments for the time-in-service) by replacing the monthly increment paid to them by 100 percent of financial support (salary in the position, salary for the military (special) rank and increments for time-in-service);

as of 2006, budget during the development of a draft law on the State Budget of Ukraine for the next year funds necessary for the implementation of this Law;

before 1 October 2006, submit for the consideration of the Verkhovna Rada of Ukraine a draft of the new Law of Ukraine on pensions for persons discharged from military service and other persons;

develop normative legal acts following from this Law and bring its normative legal acts into conformity with this Law;

ensure that ministries and other central executive authorities bring their normative legal acts into conformity with this Law.

6. Recommend to the President of Ukraine to bring his normative legal acts into conformity with this Law.

President of Ukraine V. Yushchenko  
Kyiv, 4 April 2006  
N 3591-IV



Some specific questions of social protection for servicemen, persons liable for military service and reservists called up for educational (control) and special training and other persons are dealt with in the Law of Ukraine “On Introducing Amendments to Some Laws of Ukraine concerning Social Protection of Servicemen, Persons Liable for Military Service and Reservists Called up for Educational (Control) and Special Training and Other Persons.”

## Law of Ukraine

### **On Introducing Amendments to Some Laws of Ukraine concerning Social Protection of Servicemen, Persons Liable for Military Service and Reservists Called up for Educational (Control) and Special Training and Other Persons**

{Bulletin of the Verkhovna Rada of Ukraine (BVR), 2006, N 51, p. 519}

The Verkhovna Rada of Ukraine **decrees:**

I. To amend the following Laws of Ukraine:

1. In the Law of Ukraine «On Police» (565-12) (Bulletin of the Verkhovna Rada of Ukraine, 1991, N 4, p. 20; with subsequent amendments):

in Article 19:

in Part 1, replace the word «maintenance» with the word «provision»;

in Part 2, replace the words «Local Councils» with the words «Local Self-Government Organs»;

in the first sentence of the title of Part V, add the words «and their pension provision»;

in Article 23:

put the title in the following wording:

«Article 23. Payment of the One-time Allowance in Case of Death or Injury of a Police Employee and Indemnification for Damage Inflicted on his Property»;

delete Parts 1 and 2;

put Parts 3 and 6 in the following wording:

«In case of death of a police employee on service in law-enforcement organs during the performance of service duties concerning the protection of public order and the fight against criminality, the family of the deceased, if he has no family – his parents or dependents, receive a one-time allowance equal to a ten-year salary of the deceased on the last post in accordance with the procedure and on the conditions determined by the Cabinet of Ministers of Ukraine»; “In case of an injury (contusion, trauma, mutilation) received by a police employee during the performance of service duties and of invalidity received during service in law-enforcement organs or no later than three months after the discharge from service or after the end of this period in case the invalidity is a result of a disease or an incident that occurred during service in law-enforcement organs. Depending on the degree of invalidity, the employee receives a

one-time allowance equal to up to a five-year salary for the last post held in accordance with the procedure and on the conditions determined by the Cabinet of Ministers of Ukraine. The definition of the degree of invalidity of a police employee during service in law-enforcement organs is carried out on a case-by-base basis in accordance with the legislation”;

after Part 6 add new parts in the following wording:

“In all cases the amount of the one-time financial allowance in case of death of a police employee shall not be less than 100 times the amount of a minimum living standard established by the law for persons who are capable of working at the time of payment of these sums.

In case a police employee or his family members have concurrently the right to a one-time financial allowance on the grounds foreseen in this Article, as well as to one-time financial allowances or compensation payments foreseen in other laws, the payment of the due sums is carried out in accordance with one of the grounds at the discretion of the person who has the right to such payments.”

In this connection, Parts 7 and 8 become correspondingly Parts 9 and 10;

in Part 10, replace the words «of Parts 3, 4, 5, 6 and 7» with the words «of Parts 3-9»;

add Article 23-1 in the following wording:

«Article 23-1. Pensions of Police Employees

Pensions of police employees discharged from service in law-enforcement organs are provided in accordance with the procedure and on the conditions determined by the Law of Ukraine “On Pensions of Persons Discharged From Military Service and Other Persons” (2262-12).

2. In the Law of Ukraine “On Social and Legal Protection of Servicemen and Members of Their Families” (2011-12) (Bulletin of the Verkhovna Rada of Ukraine, 1992, N 15, p. 190; with subsequent amendments):

- 1) to add a preamble in the following wording:

«In accordance with the Constitution of Ukraine (254к/96-BP), this Law determines the basic principles of state policy in the field of social protection of servicemen and members of their families, establishes the uniform system of their social and legal protection, guarantees to servicemen and members of their families in economic, social, political spheres favourable conditions for the realization of their constitutional duties concerning the defence of the Motherland and regulates relations in this sphere»;

- 2) to put Article 1 in the following wording:

«Article 1. Social Protection of Servicemen

Social protection of servicemen is the activity (function) of the state aimed at the establishment of the system of legal and social guarantees, which provide for the realization of constitutional rights and freedoms, the satisfaction of financial and spiritual necessities of servicemen according to their special type of official activity, the status in society and the maintenance of social stability in the military environment. This is the right to support in case of a complete, partial or temporal loss of ability, the loss of the breadwinner, unemployment as a result of independent of them circumstances, in old age, as well in other cases foreseen in the law»;

- 3) to add Articles 1-1 and 1-2 in the following wording:

«Article 1-1. Legislation on Social and Legal Protection of Servicemen and Members of Their Families

The legislation on social and legal protection of servicemen and members of their families is based on the Constitution of Ukraine (254к/96-BP) 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 servicemen 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 Servicemen and Members of Their Families

Servicemen enjoy all human and civil rights and freedoms, as well as the guarantees of these rights and freedoms established in the Constitution of Ukraine (254к/96-BP) 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, servicemen 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 servicemen and members of their families are invalid»;

- 4) to put Articles 3 and 4 in the following wording:

«Article 3. The Purview of this Law

1. The Purview of this Law applies to:

1) servicemen in the Armed Forces of Ukraine and other military formations formed in accordance with the laws of Ukraine and special-purpose law-enforcement organs (hereinafter - law-enforcement organs) who carry out military service on the territory of Ukraine, as well as servicemen in aforementioned military formations and law-enforcement organs - citizens of

Ukraine who carry out military service outside Ukraine and members of their families;

2) servicemen who became invalids as a result of disease related to the performance of military service or as a result of disease after discharge from military service related to the performance of military service and members of their families, as well as members of families of servicemen who have perished, died or disappeared;

3) persons liable for military service and reservists called up for educational (control) and special training as well as members of their families.

2. The purview of this Law does not apply to members of families of servicemen, persons liable for military service and reservists who perished or died during the performance of military service (training) or during the performance of service in the reserve as a result of their committing of a crime or an administrative offence, or if the death of servicemen, persons liable for military service and reservists occurred as a result of acts committed by them in a state of alcoholic, narcotic or toxic intoxication, or, as a result of deliberate self-injury by a serviceman, a person liable for military service or a reservist.

#### Article 4. Ensuring the Implementation of the Legislation on Social and Legal Protection of Servicemen and Members of Their Families

Ensuring the implementation of this Law and other normative legal acts on the social and legal protection of servicemen and members of their families is the responsibility of the state authorities and local self-government organs»;

5) in Article 7, delete the words «or upon the approval of the public prosecutor or upon the order of the commander given in accordance with the Disciplinary Statute of the Armed Forces of Ukraine»;

6) in Article 8:

in the first sentence of the second paragraph of item 1, substitute the words «to their general and continuous work record, as well as to their work record according to their speciality» with the words «to their insured work record, work record, work record according to their speciality, as well as their civil service work record»;

put item 2 in the following wording:

«2. Servicemen (except for servicemen on regular military service) cannot be discharged from military service before acquiring the right to a pension for time-in-service, except in cases when their service is terminated in connection with the expiry of the term of the contract, in connection with a systematic failure of commanders to fulfil the terms of the contract, for age reasons, at their own request, for health reasons, for professional unfitness, in connection with staff reductions or organizational measures, in connection with a court conviction which has entered into force and envisions a sentence in the form of deprivation or restriction of liberty, deprivation of a military rank or of the right to occupy certain posts, in connection with the

deprivation of a military rank as a disciplinary measure, for family reasons or other important reasons the list of which is determined by the Cabinet of Ministers of Ukraine.

In case of an unlawful discharge from military service or an unlawful transfer, a serviceman carrying out military service on a contract basis or in the cadre military service shall be renewed in the previous position or, with his consent, in another not lower than the previously held position. The position is considered lower if, in the list of staff members, this position is listed with a lower military rank or with the same rank if this position provides a reduced salary. If, in the list of staff members, there are two military ranks or differentiated salaries, the higher military rank or the higher salary is chosen. Moral damage inflicted by such a discharge (transfer) can be indemnified upon a court decision.

In case of a renewal of military service (position), the organ responsible for taking the decision simultaneously decides about the payment to a serviceman of material and financial support for the time of forced leave or the payment of the difference for the time of service in a lower paid position, which were not received because of an unlawful discharge (transfer). This period is included in the time-in-service of a serviceman (both in calendar and preferential calculation) and in the period established for the conferment of the next military rank»;

put the second sentence of the first paragraph of item 3 in the following wording: «Within a month from the day of military registration at the place of residence, the organ for labour and social protection of the population upon the submission of the military commissar and in accordance with the procedure determined by the Cabinet of Ministers of Ukraine provides a financial aid equal to an average monthly salary for the last position (for those who worked before a call-up for regular military service) or equal to a minimum salary (for those who did not work) from the state budget funds»;

put the first paragraph of item 5 in the following wording:

«5. The state ensures social and professional adaptation of servicemen discharged in connection with staff reductions or organizational measures, for health reasons, as well as servicemen in regular military service who before a call-up for regular military service were not employed in case these persons make such a request. In case of necessity, social and professional adaptation is also provided to family members of servicemen at their request. The adaptation of the aforementioned category of persons is carried out by the government body for adaptation of servicemen discharged into the reserve or in retirement and for conversion of former military installations from the state budget funds»;

7) to put Article 9 in the following wording:

«Article 9. Financial Support of Servicemen

1. The state guarantees adequate material, financial and other types of support to servicemen in amounts which correspond to the conditions of military service and stimulates the development of the qualified military personnel.

2. The following belongs to the financial support:

salary in the position, salary for the military rank;

monthly additional types of financial support (salary rises, increments, additional charges, permanent rewards, bonuses);

one-time additional types of financial support.

3. Financial support is determined on the basis of the post, military rank, duration, intensity and conditions of military service, qualifications, education degree and scholarly degree of the serviceman.

Financial support is subject to indexation in accordance with the law.

4. Financial support is paid in amounts determined by the Cabinet of Ministers of Ukraine and shall ensure adequate material conditions for manning the Armed Forces of Ukraine, other military formations formed in accordance with the law and law-enforcement organs with qualified personnel, taking into account the character and conditions of service and stimulating the achievement of high results.

The procedure for payment of financial support is determined by the Minister of Defence of Ukraine, heads of the central executive authorities responsible for managing military formations formed in accordance with the law and law-enforcement organs and heads of the intelligence organs of Ukraine.

5. Servicemen temporarily undertaking military service outside Ukraine receive financial support in the national currency and rewards in foreign currencies in accordance with the norms and the procedure determined by the Cabinet of Ministers of Ukraine.

6. Servicemen captured, taken as hostages, interned in neutral states or who have disappeared are guaranteed financial support and other types of support. Families of the aforementioned servicemen receive monthly financial support, including additional and other types of financial support, in amounts assigned to the serviceman on the day of his capture, hostage-taking, internment in a neutral state or disappearance.

The purview of this item does not apply to servicemen who were voluntarily captured.

Financial support is paid to the following family members of servicemen:

to the wife (husband), if the serviceman has no wife (husband) - to the adult children who live together with her (him), legal representatives (guardians) or adoptive parents of minors (of invalids from childhood - regardless of their age), as well as to persons who depend on servicemen's support or to parents of servicemen in equal parts if servicemen are not married and have no children. The payment of financial support to these family members is carried out after a complete clarification of circumstances of the capture, hostage-taking, internment or

liberation of servicemen, or after the recognition of servicemen as such who have disappeared or died in accordance with the procedure established in the law. In all cases, the payment of financial support is carried out not more than until the day of exclusion of servicemen from the list of the personnel of military units.

In case of the indexation of financial support of servicemen in the Armed Forces of Ukraine, other military formations formed in accordance with the law and law-enforcement organs, the financial support to family members of servicemen who are captured, taken as hostages, interned in neutral states or have disappeared is paid, taking into account such indexation.

7. Servicemen assigned for service in state organs, establishments and organizations 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 list of positions, which can be occupied by servicemen in these state organs, establishments and organizations, is adopted by the President of Ukraine»;

8) to add Article 9-1 in the following wording:

«Article 9-1. Food, Clothing and Other Supply for Servicemen

1. The food and clothing supply of servicemen is carried out in accordance with the norms and deadlines determined by the Cabinet of Ministers of Ukraine.

2. Servicemen carrying out military service on a contract basis or in the cadre military service have the right to receive instead of the clothing articles allocated to them in accordance with the established supply rate financial compensation equal to the cost of the indicated objects.

The procedure for payment of financial compensation is determined by the Cabinet of Ministers of Ukraine.

3. In case of a transfer of servicemen carrying out military service on a contract basis or servicemen in the cadre military service to a new place of military service in another locality, in connection with appointment to a military position, entry into an educational establishment, for a period of study not less than six months, or in connection with the re-deployment of a military unit, receive:

1) a transfer aid equal to a monthly salary of a serviceman and 50 percent of monthly financial support for each family member of the serviceman who moves accordingly to a new place of military service;

2) a daily allowance established by the Cabinet of Ministers of Ukraine for employees who are on a service trip for every day in travel of a serviceman and every family member of the serviceman who moves together with him»;



9) to put Article 10 in the following wording:

«Article 10. Working Time and Rest Time of Servicemen

1. The general duration of working time of servicemen in a week cannot exceed the normal duration of working hours for the given period determined in the legislation of Ukraine, except for cases mentioned in item 5 of this Article.
2. The distribution of working time of servicemen during a day and a week in military units is carried out in such a way as to ensure permanent alertness in military units, the carrying out of combat training, the creation of conditions for the maintenance of order, military discipline, education of servicemen, increase in cultural standards, as well as to ensure comprehensive domestic services, rest and meals.
3. The distribution of working time of servicemen is determined by a timetable approved by the corresponding commander (chief) in accordance with the procedure established in the statutes of the Armed Forces of Ukraine, observing the established general duration of weekly working time.
4. Servicemen, except for servicemen in regular military service, are entitled to a five-day working week with two days off; servicemen in regular military service, students (cadets) at higher military education establishments and students at higher education establishments with military education departments and education centres (units) - a six-day working week with one day off.
5. Military training, ship campaigns, combat shooting, combat duty, daily assignments and other measures related to ensuring the combat readiness of military units are carried out without limitation to the general duration of working time.
6. Weekend, festive days and days off are assigned days of rest for all personnel, except for servicemen carrying out official duties. These days are allocated for rest, cultural-educational work, sports and games. Servicemen, except for servicemen in regular military service and students (cadets) at higher military education establishments, who carry out official duties on the weekend, festive days and days off, are assigned by a commander (chief) the appropriate time for rest in compensation, as a rule, during the following week. The time of rest for servicemen in regular military service and students (cadets) at higher military education establishments who carry out military service duties on the aforementioned days is established by their commander (chief)»;

10) to add Article 10-1 in the following wording:

«Article 10-1. The Right of Servicemen to Vacations. The Procedure for Granting a Vacation to Servicemen and Recall from It

1. Servicemen, except for servicemen in regular military service, are entitled to annual basic vacations with the preservation of the material and financial support and with the granting of

financial aid for health care equal to a monthly salary. The duration of an annual basic vacation for servicemen who have served up to 10 calendar years - 30 calendar days; from 10 to 15 years - 35 calendar days; from 15 to 20 years - 40 calendar days; for over 20 calendar years - 45 calendar days.

2. The procedure for granting a vacation to servicemen and being recalled from it is established in the legislation»;

11) to put Article 11 in the following wording:

«Article 11. The Right of Servicemen to Health Care and Medical Treatment

1. Health care for servicemen is provided through the creation of favourable sanitary- hygienic conditions for the performance of military service, way of life and through the system of measures aimed at the limitation of the impact of dangerous factors of military service, taking into account its specifics and ecological situation, carried out by commanders (chiefs) in co-operation with local executive authorities and local self-government organs.

Care for the preservation and strengthening of the health of servicemen is the duty of commanders (chiefs). They are responsible for ensuring safety measures during training, other measures of combat training, during the exploitation of armaments and military equipment, conducting of work and performance of other military service duties.

Servicemen, persons liable for military service and reservists called up for educational (control) and special training, have the right to free-of-charge medical treatment in military health care medical establishments. Servicemen undertake medical examinations annually and medical prophylactic measures.

If there are no medical care establishments, appropriate departments or specialised medical equipment close to the place of military service, educational (control), special training sites or residence, as well as in emergency cases, medical care is provided in the state or communal health care establishments at the expense of the Ministry of Defence of Ukraine, other military formations formed in accordance with the laws of Ukraine and law-enforcement organs.

Servicemen who are victims of the Chernobyl catastrophe are entitled to medical treatment, health care in sanatoriums and rest in accordance with the legislation.

2. If there are no state or communal health care establishments close to the place of residence, the family members of servicemen (except for servicemen in regular military service and students (cadets) at higher military education establishments and higher education establishments with military education departments) receive medical care in military medical health care establishments.

The family members of servicemen and persons discharged from the reserve or in retirement, as well as of servicemen who have perished (died), disappeared, became invalids during the performance of military service or suffered in captivity during military operations (wars) or

participation in international peacemaking operations, if these persons have served in the Armed Forces of Ukraine, other military formations formed in accordance with the laws of Ukraine and law-enforcement organs for no less than 20 calendar years, have the right to medical care in establishments of the Ministry of Defence of Ukraine, other military formations formed in accordance with the laws of Ukraine and law-enforcement organs.

The sending of servicemen and members of their families for treatment outside Ukraine is carried out on general grounds in accordance with the procedure determined by the Cabinet of Ministers of Ukraine.

3. Servicemen (except for servicemen in regular military service) and members of their families have the right to treatment and rest in sanatoriums, rest-homes, pensions and tourist centres of the Ministry of Defence of Ukraine, other military formations formed in accordance with the laws of Ukraine and law-enforcement organs. Such servicemen pay 25 percent and family members pay 50 percent of the cost of treatment, except for cases when in accordance with the legislation other terms of payment are established. The same right is granted to family members of servicemen who have perished (died) or disappeared during the performance of military service. Such family members include: parents, wife (husband), under age children, as well as children - invalids from childhood (regardless of age).

The treatment of servicemen who are sent to a sanatorium for the continuation of treatment following hospital treatment in accordance with the recommendations of a military medical commission is free of charge.

Servicemen in regular military service, students (cadets) at higher military education establishments and higher education establishments with military education departments, educational centres (units) and servicemen and women, as a result of medical recommendation, are provided with health care treatment in sanatoriums free of charge.

Servicemen who have contracted a disease during the performance of military service duties, after treatment in military medical health care establishments have the right to priority treatment in sanatoriums and resort establishments of the Ministry of Defence of Ukraine, other military formations formed in accordance with the laws of Ukraine and law-enforcement organs.

Servicemen subject to harmful work place conditions due to the special nature of their service, servicemen who became invalids as a result of military operations, participants in military operations and persons with an equal status have the right to priority treatment in sanatoriums.

Pensioners who are invalids (I and II groups) as a result of disease resulting from the performance of military service are treated in sanatoriums regardless of the type of pension they receive. Invalids of III group discharged from military service for health reasons who receive disability pensions are provided with a treatment in sanatoriums on the basis of a medical conclusion.

The procedure for the provision of treatment in sanatoriums is established by the Cabinet of Ministers of Ukraine.

4. Servicemen who became invalids as a result of military operations, as well as participants in military operations have the same rights as invalids and participants in the Great Patriotic War.

5. Servicemen and women have all the privileges foreseen in the legislation on social protection of women, maternity and childhood. These privileges also apply to parents – servicemen who take care of children without a mother (in case of her death, in case of the deprivation of maternal rights, in case of a mother’s stay in a medical establishment and in other cases when maternal care is absent).

6. Servicemen discharged from military service as a result of disease related to the performance of military service duties and family members of servicemen receive an examination and treatment in military medical health care establishments in accordance with the procedure established by the Ministry of Defence of Ukraine, other military formations formed in accordance with the laws of Ukraine and law-enforcement organs»;

12) to put Articles 13 and 14 in the following wording:

«Article 13. The Right of Servicemen and Their Family Members to Education

1. Servicemen have the right to study (including postgraduate education) in military education establishments, appropriate training subdivisions, to retraining and improving the level of their skills. Servicemen, except for servicemen in regular military service, are allowed to study in other higher education establishments without interrupting their military service.

2. Persons called up for regular military service during a period of study in a higher education establishments (I-IV levels of accreditation) after discharge from military service are re-enrolled for the continuation of study in the educational establishment where they studied prior to the call-up for military service regardless of the form of study.

3. In case of a change by servicemen carrying out military service on a contract basis or servicemen in the cadre military service of the place of the performance of military service, as well as in case of discharge from military service for age, health reasons or in connection with staff reductions or organizational measures, members of their families who study in state education establishments have the right to be transferred to state education establishments closer to the new place of military service or residence.

4. Children of servicemen are granted in a priority order places in general and preschool education establishments and in children’s health care camps regardless of forms of their ownership at the place of residence of their families.

5. Children of servicemen who have served for 20 calendar years or more, children of citizens discharged from military service for age, health reasons or in connection with staff reductions or organizational measures and who have served for 20 calendar years or more, children of servicemen who have died during the performance of military service duties, disappeared or became invalids as a result of disease related to the performance of military service have

priority rights to enter military lyceums, lyceums with intensive military and physical training, higher military education establishments and higher education establishments with military education departments provided they pass the examinations and conform to other requirements and the rules of enrolment in these establishments.

#### Article 14. Privileges of Servicemen and Members of Their Families

1. Servicemen have the right to free of charge journeys:

1) by railway, air, water and automobile (except for taxi) transport:

a) to a service mission;

b) to the place of vacation;

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;

2) by all types of public city, suburban and inter-town transport (except for taxi) - only servicemen in regular military service.

2. During the transfer of servicemen to a new place of military service or discharge from military service, the right to the free of charge transportation of 20 tons of private property in containers from the previous to the new place of residence by railway transport, and wherein there is no such type of transport - by other types of transport (except for air transport). In case of the transportation of private property in separate carriages, as luggage or shipping, the actual costs are compensated, but no more than the cost of transportation of property in a container weighing 20 tons.

3. Family members of servicemen (except for servicemen on regular military service) have the right to free of charge journeys by railway, air, water and automobile (except for taxi) transport:

1) from the place of residence to the place of the performance of military service of a serviceman in connection with his transfer;

2) to the place where a serviceman goes on vacation;

3) in case of the discharge of a serviceman from military service and in case of the death of a serviceman - to the selected place of residence.

The family members of servicemen during the journey to the selected place of residence in connection with the death of a serviceman have the right to the free of charge transportation of 20 tons of private property in containers by railway transport, and wherein there is no such type of transport - by other types of transport (except for air transport). In case of transportation

of private property in separate carriages, luggage or shipping, the actual costs are compensated, but no more than the cost of transportation of property in a container weighing 20 tons.

4. Servicemen who became invalids as a result of military operations, participants of military operations and persons with an equal status, as well as the parents of servicemen who have perished, died or disappeared during military service have the right to free of charge journeys by all types of public passenger transport of general use (except for taxi) within the limits of their administrative district at their place of residence, by railway and water suburban transport and by suburban buses. They have the right to a 50 percent discount for intercity railway, air, water and automobile transportation in accordance with the law.

5. Servicemen who are on a service mission, moving to a new place of military service, as well as to and from a holiday location have the priority right to the acquisition of travel documents for themselves and their family members for all types of transport. Servicemen who are sent on a service mission have the priority right to a reservation and a place in a hotel on the basis of the documentation provided on the service mission.

6. During the performance of service duties related to service missions in other localities, servicemen are compensated for expenses in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

7. Servicemen, except for servicemen in regular military service, have the right to a priority installation of a house telephone and house security system.

8. Servicemen in regular military service have the right to send and receive letters free of charge. The personal clothes of citizens called up for regular military service can be mailed in free of charge postal parcels.

9. Expenses related to the transportation of servicemen, members of their families and their private property by railway, air, water and automobile (except for taxi) transport and hotel reservations for servicemen on a service mission are compensated from the funds of the Ministry of Defence of Ukraine, other military formations formed in accordance with the laws of Ukraine and law-enforcement organs in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

10. Servicemen and members of their families who have the right to privileges, guarantees and indemnifications in accordance with this Law also have the right to privileges, guarantees and indemnifications established for citizens of Ukraine in the laws and other normative legal acts, as well as in the decisions of local self-government organs. If such persons simultaneously have the right to the same privilege, guarantee or indemnification on the basis of several grounds, they receive the privilege, guarantee or indemnification only on one ground at their discretion, except for cases foreseen in the law.

11. A serviceman, a person liable for military service or a reservist called up for educational (control) or special training does not have the right to privileges, guarantees and indemnifications foreseen in this Law when, following a court decision, he serves a sentence foreseen in items

2, 3, 5, 6, 9, 11, 12 of Article 51 of the Criminal Code of Ukraine (2341-14). During that period, family members do not have the right to privileges, guarantees and indemnifications, which they normally enjoy as the family members of such persons.

12. A serviceman in regular military service sentenced to a confinement in the disciplinary battalion of servicemen and his family members do not lose the right to privileges.

13. Persons who have the right to privileges, guarantees and indemnifications foreseen in this Law are provided with identity documents. The form and the procedure for the delivery of identity documents are established by the Cabinet of Ministers of Ukraine.

14. Servicemen and members of their families who suffered as a result the Chernobyl 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” (796-12);

13) in Article 15:

in item 1, replace the words «the Law of Ukraine “On Pensions of Servicemen, Commanders and Lower Ranks of Law-Enforcement Organs and Other Persons” with the words of «the Law of Ukraine “On Pensions of Persons Discharged From Military Service and Other Persons” (2262-12);

in the first paragraph of item 2, after the words «in connection with staff reduction» add the words «or organizational measures»;

14) to put Article 16 in the following wording:

«Article 16. Payment of a One-time Financial Allowance in Case of Death or Injury of Servicemen, Persons Liable for Military Service and Reservists Called up For Educational (Control) and Special Training

1. In case of the death of a serviceman of the Armed Forces of Ukraine, other military formations formed in accordance with the laws of Ukraine and law-enforcement organs, while carrying out military service on a contract basis or in the cadre military service, the family of the deceased, if he has no family – his parents or dependents - receive a one-time allowance equal to a ten-year salary of the deceased according to the last post held in accordance with the procedure and conditions determined by the Cabinet of Ministers of Ukraine.

2. In case of an injury (contusion, trauma, mutilation) received by a serviceman during the performance of military service duties, as well as of invalidity received during military service or no later than three months after discharge from service, or, after the end of this period in case the invalidity is a result of disease or a military service-related incident, depending on the degree of invalidity, the serviceman receives a one-time allowance equal to up to a five-year salary according to the last post held in accordance with the procedure and on the conditions determined by the Cabinet of Ministers of Ukraine.

3. In case of the death of a person liable for military service or a reservist called up for educational (control) or special training or reserve service as a result of his performance of military service duties, the family of the deceased, if he has no family – his parents or dependents - receive a one-time allowance equal to a ten-year salary of the deceased based on the salary for the military rank acquired in the reserve and the maximum salary for the occupied post in accordance with the procedure and conditions determined by the Cabinet of Ministers of Ukraine.

4. In case of injury (contusion, trauma, mutilation) received during the performance of service by a person liable for military service or a reservist called up for educational (control) or special training or for reserve service, as well as of an invalidity received during military training or service in the reserve, or no later than three months after the end of training or service in the reserve in case the invalidity is a result of disease or an incident that occurred during military training or service in the reserve, depending on the degree of invalidity, the person liable for military service or a reservist receives a one-time allowance equal to up to a five-year salary on the conditions determined in item 3 of this Article.

5. In case of the death of a serviceman in regular military service during the performance of military service duties, the family of the deceased, if he has no family – his parents or dependents - receive a one-time allowance equal to a ten-year maximum salary of the first category paid to servicemen carrying out military service on a contract basis in accordance with the procedure and conditions determined by the Cabinet of Ministers of Ukraine.

6. In case of an injury (contusion, trauma, mutilation) received by a serviceman in regular military during the performance of military service duties, as well as invalidity received during military service or not later than three months after discharge from service as a result of disease or an incident that occurred during military service, depending on the degree of invalidity, the serviceman receives a one-time allowance equal to the percentage of the sum paid in case of death established in item 5 of this Article.

7. In all cases, the amount of the one-time financial allowance in case of the death of a serviceman shall not be less than 100 times the amount of a minimum living standard established by the law for persons capable of working at the time of payment of these sums.

8. The definition of the degree of invalidity of a serviceman, a person liable for military service or a reservist during the period of military service (training) or during the performance of service in the reserve is carried out on a case-by-base basis in accordance with the legislation.

9. In case servicemen, persons liable for military service or reservists called up for educational (control) or special training or service in the reserve and their family members have concurrently the right to a one-time financial allowance on the grounds foreseen in this Article and to one-time financial allowances or compensation payments foreseen in other laws, the payment of the due sums is carried out in accordance with one of the grounds at the discretion of the person who has the right to such payments”;



15) in Article 17, replace the words «the legislation» with the words «the law»;

16) in Article 18:

in item 2, replace the words «the average monthly earning» and «salary on the post» with the words «the average monthly salary « in the proper case;

delete item 4;

put item 6 in the following wording:

«6. The widow (widower) of a serviceman who died, as well as the wife (husband) of a serviceman who disappeared during the performance of military service in case if she (he) did not remarry, her (his) underage children or adult children if they are invalids from childhood and parents of the serviceman who depended on him for their support have the right to privileges foreseen in this Law»;

17) replace Part III with three Parts in the following wording:

### **«Part III**

#### **THE RIGHT OF SERVICEMEN TO APPEAL AGAINST UNLAWFUL DECISIONS AND ACTIONS AND TO LEGAL ASSISTANCE**

Article 19. The Right of Servicemen to Appeal against Unlawful Decisions and Actions

Unlawful decisions and actions (inaction) of military management organs and commanders (chiefs) can be appealed by servicemen in accordance with the procedure established in the laws, the Statutes of the Armed Forces of Ukraine and other normative legal acts.

Article 20. The Right of Servicemen to Legal Assistance

Servicemen 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 servicemen in military service on the territory of Ukraine are carried out in accordance with the laws of Ukraine; with the participation of servicemen in military service outside the territory of Ukraine - in accordance with the requirements of international agreements ratified by the Verkhovna Rada of Ukraine.

### **Part 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 organizations regardless of the form of their ownership and subordination guilty of the infringement of this Law are legally liable.

Article 22. Oversight over the Observance of this Law

Oversight over the observance of this Law by state authorities, self-government organs and civil servants is carried out by the office of public prosecutor.

## **Part 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 managing military formations and law-enforcement organs, as well from other sources envisaged in the law.»

3. In the Law of Ukraine «On the Security Service of Ukraine» (2229-12) (Bulletin of the Verkhovna Rada of Ukraine, 1992, N 27, p. 382):

in Article 29:

put the title, Parts 1 and 2 in the following wording:

«Article 29. Payment of a One-time Financial Allowance in Case of Death or Injury of Servicemen of the Security Service of Ukraine and of Citizens Involved in the Provision of State Security; Indemnification for Damages Inflicted on their Property

In case of the death of a serviceman of the Security Service of Ukraine in the cadre military service or carrying out military service on a contract basis during the performance of military service duties, the family of the deceased, if he has no family – his parents or dependents - receive a one-time allowance equal to a ten-year salary of the deceased according to the last post held in accordance with the procedure and conditions determined by the Cabinet of Ministers of Ukraine.

In case of an injury (contusion, trauma, mutilation) received by a serviceman of the Security Service of Ukraine during the performance of military service duties, as well as of an invalidity received during military service or no later than three months after discharge from service or after the end of this period in case the invalidity is a result of disease or an incident that occurred during military service related to the performance of military duties, depending on the degree of invalidity, the serviceman receives a one-time allowance equal to up to a five-year salary according to the last post held in accordance with the procedure and on the conditions determined by the Cabinet of Ministers of Ukraine. The definition of the degree of

invalidity of a serviceman of the Security Service of Ukraine during the performance of service is carried out on a case-by-base basis in accordance with the legislation”;

in Article 30:

put the title in the following wording:

«Article 30. Financial Support of Servicemen and the Remuneration of Labour of Employees of the Security Service of Ukraine «;

in Part 1, replace the words «the President of Ukraine» with the words «the legislation»;

add Part 2 in the following wording:

«The conditions and the remuneration of labour of employees of the Security Service of Ukraine are determined by the Cabinet of Ministers of Ukraine.»

4. In Part 1 of Article 13 of the Law of Ukraine «On Internal Forces of the Ministry of Internal Affairs of Ukraine» (2235-12)” (Bulletin of the Verkhovna Rada of Ukraine, 1992, N 29, p. 397; 2000, N 10, p. 79), replace the words «the Law of Ukraine «On Pensions of Servicemen and Employees of Law-Enforcement Organs» with the words «the Law of Ukraine “On Pensions of Persons Discharged From Military Service and Other Persons” (2262-12)”.
5. In Article 23 of the Law of Ukraine «On Fire Safety» (3745-12) (Bulletin of the Verkhovna Rada of Ukraine, 1994, N 5, p. 21; 1998, N 2, p. 12, N 10, p. 36; 2002, N 43, p. 313; 2003, N 30, p. 247; 2004, N 10, p. 95; 2006, N 22, p. 184):

put the title in the following wording:

«Article 23. Payment of a One-time Financial Allowance in Case of Death, an Injury (Contusion, Trauma, Mutilation), a Disease or an Invalidity of Persons with the Ranks of Privates and Commanders of the State Fire Prevention Service»;

Parts 1-3 replace with four new Parts in the following wording:

«In case of the death of a person holding the rank of private or commander of the State Fire Prevention Service during the performance of service duties, the family of the deceased, if he has no family – his parents or dependents - receive a one-time allowance equal to a ten-year salary of the deceased according to the last post held in accordance with the procedure and conditions determined by the Cabinet of Ministers of Ukraine.

In case of an injury (contusion, trauma, mutilation) received by a person holding the rank of private or commander of the State Fire Prevention Service during the performance of service duties, as well as of an invalidity received during service or not later than three months after the discharge from service or after the end of this period in case the invalidity is a result of

disease or an incident that occurred during the performance of service duties, depending on the degree of invalidity, the person receives a one-time allowance equal to up to a five-year salary according to the last post held in accordance with the procedure and on the conditions determined by the Cabinet of Ministers of Ukraine. The definition of the degree of invalidity of a person holding the rank of private or commander of the State Fire Prevention Service during the performance of service is carried out on a case-by-base basis in accordance with the legislation.

In all cases, the amount of the one-time financial allowance in case of the death of a person holding the rank of private or commander of the state fire prevention service shall not be less than 100 times the amount of a minimum living standard established by the law for persons capable of working at the time of payment of these sums.

In case a person holding the rank of private or commander of the State Fire Prevention Service and his family members concurrently have the right to a one-time financial allowance on the grounds foreseen in this Article and to one-time financial allowances or compensation payments foreseen in other laws, the payment of the due sums is carried out on the basis of one of the grounds at the discretion of the person who has the right to such payments.»

In this connection, Parts 4-6 become Parts 5-7;

in Part 5, replace the words «insured employee who died», «employee» accordingly with the words «person with the ranks of privates and commanders who died» and «person with the ranks of privates and commanders»;

to complement Article 23-1 in the following wording:

«Article 23-1. State Insurance of Employees of the State Fire Prevention Service who Take Direct Part in the Extinguishment of Fires

Employees of the State Fire Prevention Service who take direct part in the extinguishment of fires are subject to compulsory state personal insurance.

The procedure and conditions of compulsory state personal insurance for these employees are determined by the Cabinet of Ministers of Ukraine.»

6. In the Law of Ukraine «On the State Protection of State Authorities and Civil Servants» (160/98-BP) (Bulletin of the Verkhovna Rada of Ukraine, 1998, N 35, p. 236):

in Part 7 of Article 20, the words «the Law of Ukraine “On Pensions of Servicemen, Commanders and Lower Ranks of Law-Enforcement Organs and Other Persons” replace with the words «the Law of Ukraine “On Pensions of Persons Discharged From Military Service and Other Persons» (2262-12)”;

in Article 21:

put the title in the following wording:

«Article 21. Payment of a One-time Financial Allowance in Case of Death or an Injury of Servicemen of the Department of State Protection of Ukraine Involved in the Provision of State Protection; Indemnification for Damages Inflicted on their Property»;

replace Part 1 with two new Parts in the following wording:

«In case of the death of a serviceman of the Department of State Protection of Ukraine in the cadre military service or carrying out military service on a contract basis during the performance of military service duties, the family of the deceased, if he has no family – his parents or dependents - receive a one-time allowance equal to a ten-year salary of the deceased according to the last post held in accordance with the procedure and conditions determined by the Cabinet of Ministers of Ukraine.

In case of an injury (contusion, trauma, mutilation) received by a serviceman of the Department of State Protection of Ukraine during the performance of military service duties, as well as of an invalidity received during service or not later than three months after discharge from service or after the end of this period in case the invalidity is a result of disease or an incident that occurred during the performance of service duties, depending on the degree of invalidity, the serviceman receives a one-time allowance equal to up to five-year salary according to the last post held in accordance with the procedure and on the conditions determined by the Cabinet of Ministers of Ukraine. The definition of the degree of invalidity of a serviceman of the Department of State Protection of Ukraine during the performance of service is carried out on a case-by-base basis in accordance with the legislation.»

In this connection, Parts 2 and 3 accordingly become Parts 3 and 4;

7. To put Article 16 of the Law of Ukraine «On the Armed Forces of Ukraine» (1934-12) (Bulletin of the Verkhovna Rada of Ukraine, 2000, N 48, p. 410) in the following wording:

«Article 16. Social and Legal Protection of Servicemen, Members of Their Families and Employees of the Armed Forces of Ukraine

The state ensures the social and legal protection of servicemen, members of their families and employees of the Armed Forces of Ukraine, as well as of family members of servicemen who have perished (died), disappeared or became invalids during the performance of military service or were in captivity during military operations (wars), during a state of emergency or during the performance of military service outside Ukraine in the framework of military cooperation or in the composition of the UN Peacemaking Forces during participation in international peacemaking operations.

The social and legal protection of servicemen and members of their families is carried out in accordance with the Law of Ukraine “On Social and Legal Protection of Servicemen and Members of Their Families” (2011-12) and other normative legal acts.

The social protection of employees of the Armed Forces of Ukraine is provided according to the legislation on labour, civil service and other normative legal acts.»

8. In Article 21 of the Law of Ukraine «On the Intelligence Services of Ukraine» (2331-14) (Bulletin of the Verkhovna Rada of Ukraine, 2001, N 19, p. 94; 2005, NN 17-19, p. 267; 2006, N 14, p. 116):

add the words «and the provision of their pension» to the title;

in Part 10, replace the words «the Law of Ukraine “On Pensions of Servicemen, Commanders and Lower Ranks of Law-Enforcement Organs and Other Persons” with the words «the Law of Ukraine “On Pensions of Persons Discharged From Military Service and Other Persons» (2262-12)”;

delete Part 11;

put Parts 12 and 13 in the following wording:

«In case of death of a cadre employee of the Intelligence Services of Ukraine during the performance of service duties, the family of the deceased, if he has no family – his parents or dependents - receive a one-time allowance equal to a ten-year financial support (salary) of the deceased according to the last post held in accordance with the procedure and conditions determined by the Cabinet of Ministers of Ukraine. The family of the deceased retains the right to housing.

In case of an injury (contusion, trauma, mutilation) received by a cadre employee of the Intelligence Services of Ukraine during the performance of service duties, as well as of an invalidity received during service or not later than three months after discharge from service or after the end of this period in case the invalidity is a result of disease or an incident that occurred during the performance of service duties, depending on the degree of invalidity, the employee receives a one-time allowance equal to up to five-years of financial support (salary) according to the last post held in accordance with the procedure and on the conditions determined by the Cabinet of Ministers of Ukraine. The definition of the degree of invalidity of a cadre employee of the Intelligence Services of Ukraine during the performance of service in the intelligence services is carried out on a case-by-base basis in accordance with the legislation.»

9. In the Law of Ukraine «On the State Border Service of Ukraine» (661-15) (Bulletin of the Verkhovna Rada of Ukraine, 2003, N 27, p. 208; 2005, NN 17-19, p. 267):

in Part 2 of Article 25, replace the words «the Law of Ukraine “On Pensions of Servicemen, Commanders and Lower Ranks of Law-Enforcement Organs and Other Persons” with the words «the Law of Ukraine “On Pensions of Persons Discharged From Military Service and Other Persons” (2262-12)”;

in Article 26:

put the title in the following wording:

«Article 26. Payment of a One-time Financial Allowance in Case of Death or an Injury of Servicemen of the State Border Service of Ukraine and Indemnification for Damages Inflicted on the Property of Servicemen and Employees of the State Border Service of Ukraine»;

in Part 1, replace the words «disease received by a serviceman» with the words «inflicted on a serviceman», and the words “a compensation payment is carried out” - with the words «a one-time financial allowance is paid»;

after Part 1, add a new Part in the following wording:

«If a serviceman and his family members have concurrently the right, except for the grounds foreseen in Part 1 of this Article, to a one-time financial allowance on the grounds foreseen in other laws, the payment of the due sums is carried out on the basis of one of the grounds at the discretion of the person who has the right to such payments.»

In this connection, Part 2 becomes Part 3.

10. In Part 1 of Article 16 of the Law of Ukraine «On the Special State Transport Service» (1449-15) (Bulletin of the Verkhovna Rada of Ukraine, 2004, N 19, p. 269), replace the words «the Law of Ukraine “On Pensions of Servicemen, Commanders and Lower Ranks of Law-Enforcement Organs and Other Persons” with the words «the Law of Ukraine “On Pensions of Persons Discharged From Military Service and Other Persons” (2262-12)”.
11. In the Law of Ukraine «On the Legal Bases of Civil Defence» (1859-15) (Bulletin of the Verkhovna Rada of Ukraine, 2004, N 39, p. 488; 2005, NN 17-19, p. 267):

Put Article 56 in the following wording:

«Article 56. Payment of a One-time Financial Allowance in Case of Death, an Injury (Contusion, Trauma, Mutilation), a Disease or an Invalidity of Persons with the Ranks of Privates and Commanders of the Organs and Subdivisions of Civil Defence»;

1. In case of the death of a person holding the rank of private or commander of the organs and subdivisions of civil defence during the performance of service duties, the family of the deceased, if he has no family – his parents or dependents - receive a one-time allowance equal to a ten-year salary of the deceased according to the last post held in accordance with the procedure and conditions determined by the Cabinet of Ministers of Ukraine. The family of the deceased retains the right to housing.

2. In case of an injury (contusion, trauma, mutilation) received by a person holding the rank of private or commander of the organs and subdivisions of civil defence during the performance of service duties, as well as of an invalidity received during service or not later than three months after discharge from service or after the end of this period in case the invalidity is a result of disease or an incident that occurred during service related to the performance of

service duties, depending on the degree of invalidity, the person receives a one-time allowance equal to up to a five-year salary according to the last post held in accordance with the procedure and on the conditions determined by the Cabinet of Ministers of Ukraine. The definition of the degree of invalidity of a person holding the rank of private or commander of the organs and subdivisions of civil defence during the performance of service is carried out on a case-by-base basis in accordance with the legislation.

3. In all cases, the amount of the one-time financial allowance in case of the death of a person holding the rank of private or commander of the organs and subdivisions of civil defence shall not be less than 100 times the amount of a minimum living standard established by the law for persons capable of working at the time of payment of these sums.

4. In case a person holding the rank of private or commander of the organs and subdivisions of civil defence and his family members concurrently have the right to a one-time financial allowance on the grounds foreseen in this Article and to one-time financial allowances or compensation payments foreseen in other laws, the payment of the due sums is carried out on the basis of one of the grounds at the discretion of the person who has the right to such payments.

5. The payment of insurance contributions is paid from the funds foreseen in the relevant budgets for the financing of the organs and subdivisions of civil defence»;

in Article 63-1, replace the words «the Law of Ukraine “On Pensions of Servicemen, Commanders and Lower Ranks of Law-Enforcement Organs and Other Persons” with the words «the Law of Ukraine “On Pensions of Persons Discharged From Military Service and Other Persons” (2262-12)”»;

in Article 90:

put Part 2 in the following wording:

«2. The conditions of financial support of persons with the ranks of privates and commanders of the organs and subdivisions of civil defence are determined by the Cabinet of Ministers of Ukraine»;

delete Part 3.

12. In Part 3 of Article 23 of the Law of Ukraine «On the State Criminal Execution Service of Ukraine» (2713-15) (Bulletin of the Verkhovna Rada of Ukraine, 2005, N 30, p. 409) replace the words «the Law of Ukraine “On Pensions of Servicemen, Commanders and Lower Ranks of Law-Enforcement Organs and Other Persons” with the words «the Law of Ukraine “On Pensions of Persons Discharged From Military Service and Other Persons” (2262-12)”».
13. In Article 21 of the Law of Ukraine «On the State Service for Special Communications and Information Protection of Ukraine» (3475-15) (Bulletin of the Verkhovna Rada of Ukraine, 2006, N 30, p. 258):



in Part 12, replace the words «the Law of Ukraine “On Pensions of Servicemen, Commanders and Lower Ranks of Law-Enforcement Organs and Other Persons” replace with the words «the Law of Ukraine “On Pensions of Persons Discharged From Military Service and Other Persons” (2262-12)”»;

replace Parts 15-17 with four new parts in the following wording:

«15. In case of the death of a person holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine during the performance of service duties, the family of the deceased, if he has no family – his parents or dependents - receive a one-time allowance equal to a ten-year salary of the deceased according to the last post held in accordance with the procedure and conditions determined by the Cabinet of Ministers of Ukraine. The family of the deceased retains the right to housing.

16. In case of an injury (contusion, trauma, mutilation) received by a person holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine during the performance of service duties, as well as of an invalidity received during service or not later than three months after discharge from service or after the end of this period in case the invalidity is a result of disease or an incident that occurred during service related to the performance of service duties, depending on the degree of invalidity, the person receives a one-time allowance equal to up to a five-year salary according to the last post held in accordance with the procedure and on the conditions determined by the Cabinet of Ministers of Ukraine. The definition of the degree of invalidity of a person holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine during the performance of service is carried out on a case-by-base basis in accordance with the legislation.

17. In all cases, the amount of the one-time financial allowance in case of death of a person holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine shall not be less than 100 times the amount of a minimum living standard established by the law for persons capable of working at the time of payment of these sums.

18. In case a person holding the rank of private or commander of the State Service for Special Communications and Information Protection of Ukraine and his family members concurrently have the right to a one-time financial allowance on the grounds foreseen in this Article and to one-time financial allowances or compensation payments foreseen in other laws, the payment of the due sums is carried out on the basis of one of the grounds at the discretion of the person who has the right to such payments.»

In this connection, Parts 18-20 become accordingly Parts 19-21.

14. In the Law of Ukraine «On Military Duty and Military Service» (2232-12) (Bulletin of the Verkhovna Rada of Ukraine, 2006, N 38, p. 324):

in part 1 of Article 40, replace the words “On Pensions of Servicemen, Commanders and

Lower Ranks of Law-Enforcement Organs and Other Persons” with the words “On Pensions of Persons Discharged From Military Service and Other Persons” (2262-12);

put Article 41 in the following wording:

«Article 41. Payment of a One-time Financial Allowance in Case of Death or Injury of Servicemen, Persons Liable for Military Service and Reservists Called up For Educational (Control) and Special Training

The payment of a one-time financial allowance in case of death or injury of servicemen, persons liable for military service and reservists called up for educational (control) or special training is carried out in accordance with the procedure and on the conditions determined by the Law of Ukraine “On Social and Legal Protection of Servicemen and Members of Their Families” (2011-12)

15. In Part 1 of Article 4 of the Decree of the Cabinet of Ministers of Ukraine of 21 January 1993 N 7-93 (7-93) «About the State Tax» (Bulletin of the Verkhovna Rada of Ukraine, 1993, N 13, item 113; with consequent amendments) add item 47 in the following wording:

«47) servicemen, persons liable for military service and reservists called up for educational (control) or special training carry out service in the military reserve – upon call-ups related to the performance of military duties».

## II. Final provisions

1. This Law comes into force on 1 January 2007, except for the fourteenth paragraph of item 1, the second sentence of the eleventh paragraph of sub-item 11, the ninth paragraph of sub-item 14 of item 2, the seventh paragraph of item 5, the sixth paragraph of item 11, the sixth paragraph of item 13 of Part I of this Law, which come into force on 1 January 2008.
2. Expenses related to the implementation of the norms of this Law in 2007 are carried out within the limits of funds allocated in the State Budget of Ukraine for 2007 for the financing of the Armed Forces of Ukraine, other military formations formed in accordance with the laws of Ukraine and law-enforcement organs.
3. The Cabinet of Ministers of Ukraine shall:

before 1 July 2007, submit for the consideration of the Verkhovna Rada of Ukraine a draft of the new Law of Ukraine on the social and legal protection of servicemen and members of their families;

within six months since this Law enters into force:

develop normative legal acts following from this Law;

bring its normative legal acts into conformity with this Law;

ensure that ministries and other central executive authorities bring their normative legal acts in accordance with this Law.

4. Recommend to the President of Ukraine to bring his normative legal acts into conformity with this Law.

President of Ukraine V. Yushchenko  
Kyiv, 3 November 2006

N 328-V

## **The Law of Ukraine**

### **On Introducing Amendments to Article 10 of the Law of Ukraine “On the Status of War Veterans and Guarantees of Their Social Protection”**

(Bulletin of the Verkhovna Rada of Ukraine (BVR), 2005, N 16, p. 262)

The Verkhovna Rada of Ukraine **decrees:**

1. To put the third paragraph of item 1 of Article 10 of the Law of Ukraine “On the Status of War Veterans and Guarantees of Their Social Protection” (3551-12) (Bulletin of the Verkhovna Rada of Ukraine, 1993, N 45, p. 426; 1996, N 1, p. 1) in the following revision:

«families of persons who died during the Great Patriotic War and who were on the personnel of self-defence groups of installation and emergency commands of the local air defence, as well as family of employees of hospitals and other medical establishments who died as a result of military operations.»

2. This Law comes into force on 1 January 2006.

President of Ukraine V. Yushchenko  
Kyiv, 3 March 2005  
N 2458-IV

**Part IX “The Legal Framework for Law-Enforcement and Regulations within the Armed Forces and other Security Formations”** details the procedure for the performance of military service by the relevant categories of servicemen.

The next military rank for officers can be conferred ahead of schedule by the Minister of Defence of Ukraine, and if the Minister of Defence of Ukraine is a civilian – by the Commander-in-Chief of the Armed Forces of Ukraine in agreement with the Minister of Defence of Ukraine, as a measure of encouragement, provided there are the grounds foreseen in Article 41 of the Disciplinary Regulations of the Armed Forces of Ukraine (551-14). These are the changes introduced by the Decree of the President of Ukraine N 360/2006 (360/2006) of 10.05.2006 “On Introducing Amendments to the Decree of the President of Ukraine of 7 November 2001 N 1053” to the Decree of the President “On the Regulation on the Performance of Military Service by Different Categories of Servicemen.” This Decree also regulates the procedure for the conferment of the next military ranks to officers in the reserve. According to the Decree of President N 619/2006 (619/2006) of 17.07.2006 “The Regulation on the Performance of Military Service by Servicemen of the External Intelligence Service of Ukraine,” the purview of the Regulation on the Performance of Military Service by Different Categories of Servicemen does not apply to servicemen of the External Intelligence Service of Ukraine.

The Law of Ukraine N 2505-IV of 25.03.2005 “On Introducing Amendments to the Law of Ukraine ‘On the State Budget of Ukraine for 2005’” and some other legislative acts of Ukraine introduced amendments to the Law of Ukraine “On the State Border Service of Ukraine,” according to which the provision of pensions to servicemen of the State Border Service of Ukraine is carried out in accordance with the procedure and in the amounts determined in the Law of Ukraine “On Pensions of Servicemen, Commanders and Lower Ranks of Law-Enforcement Organs and Other Persons.”

The organizational structure of the intelligence service of the specially authorized central executive body on issues of protection of the state border is determined by the President of Ukraine according to the amendments introduced by the Law of Ukraine N 3200-IV of 15.12.2005 “On Introducing Amendments to Some Legislative Acts of Ukraine concerning the Intelligence Services of Ukraine” to the Law of Ukraine “On the State Border Service of Ukraine.” The competences of the President of Ukraine in this sphere are increased.

Compensation payments in case of death or injury of different categories of servicemen, persons liable for military service, reservists and some other persons were replaced with one-time financial allowances in accordance with the Law of Ukraine of N 328-V of 3 November 2006 “On Introducing Amendments to Some Legislative Acts of Ukraine concerning Social Protection of Servicemen, Persons Liable for Military Service, Reservists and Some Other Persons.” However, with the purpose of bringing some norms of this law in accordance with the Law N 489-V “On the State Budget of Ukraine for 2007,” the action of this stipulation was suspended for 2007.

The judges of local and soldiery appellate courts martial are eliminated.

The judges of local military courts and military courts of appeal are eliminated from the purview of

the Law of Ukraine “On Strengthening Social Protection of Servicemen, Commanders and Lower Ranks of Law-Enforcement Organs and Other Persons,” which was changed by the Decree of the President of Ukraine “On Introducing Amendments and Recognizing as Such that Have Lost Force Some Decrees of the President of Ukraine” N 46/2006.

In connection with the adoption of the Law of Ukraine «On the State Criminal Execution Service of Ukraine,» the Decree of the President of Ukraine “On Introducing Amendments to Some Decrees of the President of Ukraine” N 316/2006 details some stipulations of the previous Decree of President of Ukraine “On Additional Measures to Further Guarantee the Democratisation of Society and the Strengthening of Civil Control over the Activities of Law-Enforcement and Intelligence Services of Ukraine.” The purview of the Decree applies to the organs and establishments executing punishments and to the investigatory cells of the State Criminal Execution Service of Ukraine.



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**J. Šedivý, P. Fluri, A. Grytsenko (Eds.)**

# **The Security Sector Legislation of Ukraine**

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