

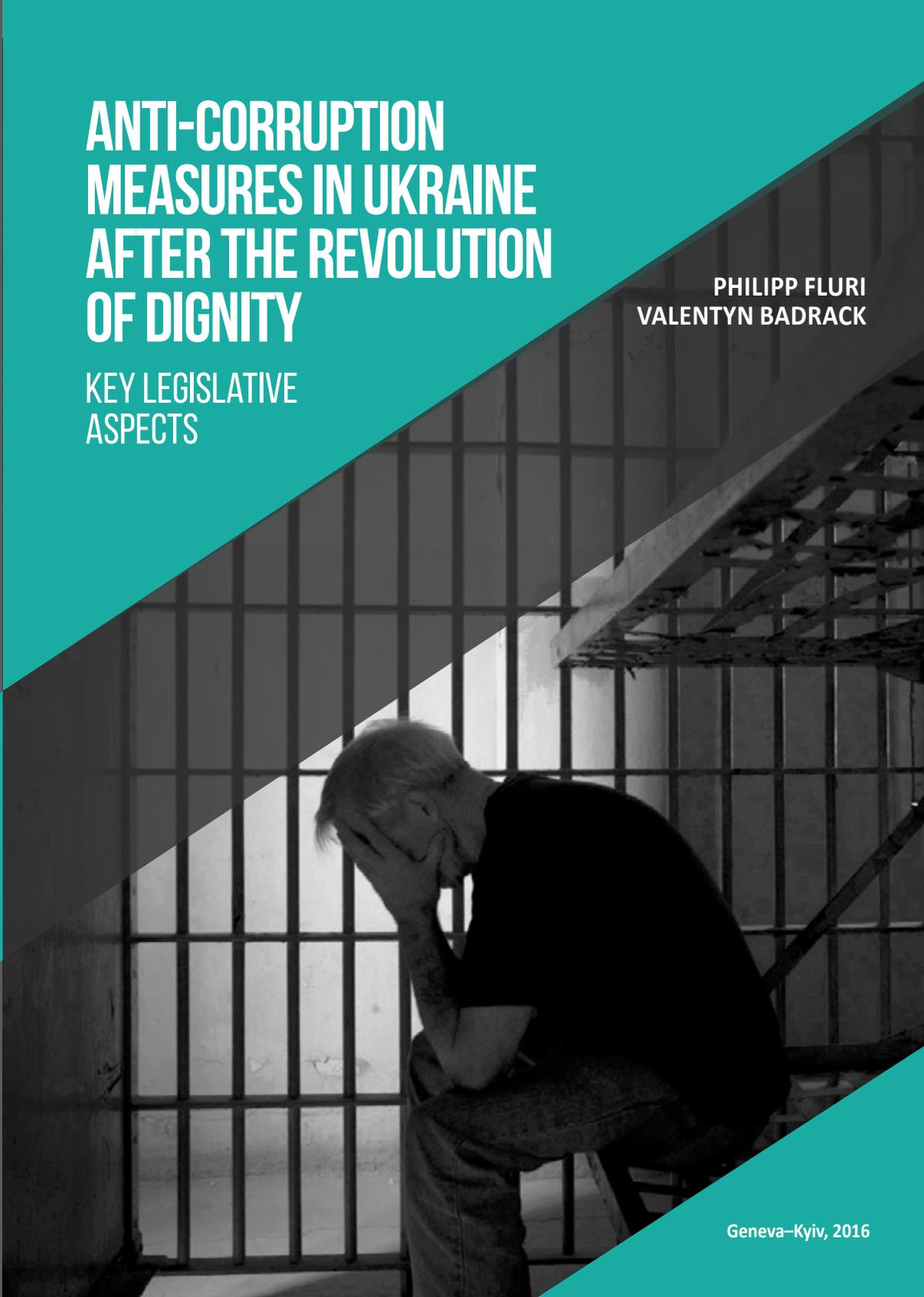
ANTI-CORRUPTION MEASURES IN UKRAINE AFTER
THE REVOLUTION OF DIGNITY: KEY LEGISLATIVE ASPECTS

PHILIPP FLURI
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Philipp Fluri, Valentyn Badrak (Eds.)

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This book presents collection of new laws and regulations dealing with key aspects of anti-corruption measures in Ukraine after the Revolution of Dignity adopted during 2014-2015 period. For a wide range of readers.

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Preface

Philipp Fluri

Deputy Director DCAF

Countries in transition towards democracy frequently are tempted to pass many new laws in the hope of creating a sound foundation for the rule of law. What cannot be created by these laws is the attitude of the country's citizens who will have to adhere to them, and implement them.

The establishment of adequate oversight institutions, along with the emergence of competent public oversight by civil society and the media, are important concomitant steps. Bureaucracies cannot be expected to reform themselves – they need to be guided, encouraged, and corrected.

Public access to new legislation is of crucial importance for the rule of law. The DCAF Centre would like to express its gratitude to the editorial team. This publication was made possible by a grant of the Swiss Ministry of Defence.

Geneva, March 2016

Preface

Velentyn Badrack,

Director of the Center for Army, Conversion and Disarmament Studies

Modern Ukraine is a state in which anti-corruption movement became one of the decisive factors of transition towards Western values. Ukrainian society made a clear and irreversible civilizational choice for democratic development of the country. This in turn brings and understanding of the need to change obsolete norms and standards, including attitudes to combating corruption and manifestations of other abuses of power. Although in practical life these issues have been changing not as fast as we would like them to change, however, Ukraine is taking persistent steps proving its consistency in integration into democratic Euro-Atlantic space.

The analysis of efforts of the legislative branch of Ukraine reasonably well reflects its desire to implement anti-corruption safeguards. A number of new laws that can be found in this collection are creating entirely new conditions for the prevention and fighting corruption in the country. Of course, between establishing rules and their implementation there may be a considerable distance, but it is always new rules that help to recognize the disease and to make the first step. So, this book proves that the first steps have been done, and their uncompromising assessment will be one of the most important tasks of civil society, NGOs and think tanks.

Kyiv, March 2016

Analytical report

Anti-Corruption Measures in Ukraine after the Revolution of Dignity: Key Legislative Aspects

INTRODUCTION

Corruption in Ukraine is a serious problem. In the winter of 2013-2014, it was among the main reasons behind the popular uprising of Ukrainians (the “Revolution of Dignity”) against the rule of President Viktor Yanukovich, who embodied the worst type of criminal and corrupt oligarchic regime. Hence, after the victory of the Revolution it was natural for the new Ukrainian government to direct attention to the adoption of systemic anticorruption measures, key amongst them improving the legislative foundations of these efforts. This endeavour required substantial concerted actions from the Ukrainian government, parliament and the president to overcome the legacies of corruption.

Since independence in 1991, and until 2014, corruption in Ukraine has been a widespread phenomenon. Top Ukrainian authorities and the economic elite were typically preoccupied with their personal interests and enrichment, rather than the interests of Ukraine’s development. During this extended period of post-communist governance, average Ukrainian citizens, police and military officers, and other state servants could not honestly survive on their very low incomes. Besides, people had no real influence on the country’s corrupt decision makers who were ready to ignore the common desire of Ukrainians for European integration.

To a significant degree, Ukraine inherited corruption from the Soviet hypocritical class who were separated from society, where real power and wealth belonged to plutocratic communist “nomenclature”, while the rest of population had to live very modestly. In the first years of independence – termed also as the years of capital accumulation – all successive populist Ukrainian governments generally ignored the real fight against corruption. In the 1990s, the rapid transition from a centrally planned nationalised economy of the Soviet Union to a rudimentary market economy in Ukraine took the form of very unfair privatisation of wealth through corruption and theft and created incredible inequality between different segments of society.

Moreover, the collapse of the previous dominant communist ideology left a moral vacuum. Because of the intolerance of the communist ideology to religious and other non-system organisations, there was practically total absence of influential churches and civic organisations to offer the moral and ethical standards. Politics, society and security institutions became disillusioned and often disoriented, their cultures and ethos grew rather tolerant to widespread social injustice. These developments contributed to the weakening of the early prospects for the stable and secure society in Ukraine and increasingly rapid growth of corruption and criminality.

Corruption became a critical problem in 2000s, when national criminalised oligarchic governments substituted former communists and created a deep gap between their generous promises and the grim realities in people's life. Corruption in the country became systemic. Among other things, it made the foundations of the Ukrainian state very weak and susceptible to manipulation by its assertive neighbour authoritarian Russia.

In 2004, the people of Ukraine rose up against the attempt to stymie their rights to free and fair democratic elections (the "Orange Revolution"). However, they failed both to secure the gains of this victorious revolution and to force the top authorities to introduce systemic changes in preventing corruption. Except for 2006 (the first year after the "Orange Revolution" in 2005), the Transparency International ranking year after year continued to place Ukraine down below the first hundred countries in the TI Corruption Perception Index, which is very close to the most corrupt countries in the world. Later on, Ukrainians' popular passivity and disillusionment allowed the election of Viktor Yanukovich, the representative of the criminalised Donetsk clan.

By the end of 2013, corruption undermined the Ukrainian state to the extent that the Ukrainian people rebelled against pro-Russian President Yanukovich under the slogan of keeping the course for European integration and overcoming widespread corruption. In the following winter of 2013-2014, Ukrainians struggled on Maidan Square against attempts to ignore their desire to live decent, prosperous lives in union with a democratic Europe rather than with corrupt post-Soviet Russia. They struggled during this Revolution of Dignity for their right to decide all aspects of the life in a fair, honest and democratic manner.

The victory came at a price of over a hundred killed and about a thousand wounded, but people managed to remove the highly-corrupt regime from power. After the uprising's victory, it was natural to take major efforts at reducing corruption. In October 2014, the Verkhovna Rada of Ukraine (the Ukrainian Parliament) adopted new legislation on an Anti-Corruption Strategy for 2014-2017, the National Anti-Corruption Bureau (NABU), and the National Agency for the Prevention of Corruption (NAPC), as well as anti-corruption amendments to the number of existing laws. In July 2015, Ukrainian Parliament adopted the new law on National Police, and in November 2015, on the State Bureau of Investigation.

Focusing on the key legislation mentioned above, this analytical overview looks at the general systemic aspects of the recent legal reforms in Ukraine aimed at preventing and investigating corruption. Adoption of principal legislative foundations for anticorruption measures supplemented by important institutional measures in the key segments of Ukraine's security sector, police and judiciary, like creation of NABU, NAPC and SBI, as well as transformation of the former militia in the National Police are analysed with a view of their ability to have a major impact on reducing corruption in Ukraine.

I. GENERAL LEGISLATIVE ASPECTS (APPENDIX I)

In practical terms, the situation surrounding the introduction and implementation of effective anticorruption measures in the period prior the Revolution of Dignity was rather poor. Ukraine ratified key international documents on countering corruption (i.e., the UN Convention against corruption, and the Civil Law Convention on Corruption and Criminal Law Convention on Corruption, both by the European Council). However, the process of national anticorruption legislation development, endorsement and implementation generally reflected the contradictory and inconsistent nature of a national policy towards combating corruption.

The first legal anticorruption act – the Law of Ukraine “On Combating Corruption” – was adopted in 1995, quite soon after Ukraine became independent. It was satisfactory for a mimicry of real policy, but rather shallow in its practical application due to its declared focus on punishing corruption, rather than on its prevention. The history of the law’s approval and its further amendment proved the absence of a clear and consistent vision amongst top Ukrainian officials on overcoming this obstacle to progressive national development. The recognition of the threat of corruption was nominally introduced in key national security acts, like in the Law of Ukraine “On Fundamentals of National Security” (2003) or in the National Security Strategies (2007, 2012), without having any serious impact on reality.

In 2009, the next major anticorruption legislation was endorsed, the so-called anticorruption package comprising the Law of Ukraine, “On the Foundations of Preventing and Countering Corruption”, along with certain amendments to other relevant laws. Nevertheless, the package was cancelled quite soon, in 2010, after Yanukovich became president. Then, only this law within the total package was renewed, but Ukrainian authorities postponed its implementation several times until its final endorsement in 2011. In comparison to this law’s predecessor, the 1995 law “On Combating Corruption”, this one stressed a bit more preventing corruption by developing in greater details the vetting process, as well as such issues as conflict of interests and acceptability of gifts. However, until 2014, during the Yanukovich presidency, its implementation requiring amendments to many other legal acts has never been even marginally effective.

In GRECO¹ reports of that time, summarising Ukraine’s monitoring, this organisation typically called upon Ukraine to increase efforts in combating corruption and enhancing transparency of political financing. It also called upon Ukraine to introduce clearer approaches to counter bribery in national management, especially in gaining non-material advantages, abuse of official powers, among others².

Ukrainian executive authorities of that time, keeping their tradition of playing the game of imitation, supplemented the ineffective anticorruption legislation with separate other general-purpose documents called anticorruption strategies. The first ones were adopted in 1997, during the presidency of Leonid Kuchma, as the national programme of fighting corruption under the title “Clean Hands”, along with “Concept of Fighting Corruption for 1998-2005”. The next similar document was approved by the President Viktor Yushchenko in 2006, under the title “Concept of Overcoming Corruption in Ukraine: On the way to integrity”, later recognised as an anticorruption strategy. Nevertheless, all these documents had no real influence on the nature of the problem. It is worth mentioning that the next “strategy”, approved by Yanukovich in 2011, called the “National Anticorruption Strategy” did not even refer to such key reasons for spreading corruption in Ukraine as “merging of politics and business” and widespread “conflict of interests”.

New Anti-Corruption Strategy

The inconsistency and the contradictory efforts on developing and implementing an anticorruption policy at the legal and administrative levels have been permanently observed, despite the fact that generally appropriate conceptual documents were developed and endorsed regularly. Since the formal attitude to the implementation of different presidentially-approved programmes

1 GRECO: Council of Europe Group of States against Corruption.

2 See, for instance: Council of Europe Group of States against Corruption calls for improved anti-bribery legislation and stricter supervision of political funding in Ukraine, <https://wcd.coe.int/ViewDoc.jsp?id=1879673>

in Ukraine had become a systemic occurrence, the presence of appropriate anticorruption programmes and availability of correct declarations had no impact on the reality of prevention and combating corruption in Ukraine in practice.

Quite naturally, things started changing after Maidan. As soon as the pervasive corruption of the Yanukovich kleptocratic regime was one of the main reasons behind mass protests, the new administration immediately promised eradication of this phenomenon. With active support from civil society and international experts, the key policy document (Anti-Corruption Strategy for 2014-2017) was developed. In October 2014, the Anti-Corruption Strategy, which set clear priorities and provided indicators for progress measurement, was approved.

Since the Strategy was for the first time approved as a law – by the Law of Ukraine “On the Principles of State Anti-Corruption Policy in Ukraine (the Anti-corruption Strategy) for 2014-2017” – it became an appropriate basis for development and further implementation of the anti-corruption package of laws adopted either along with the Strategy, or later. This package opened the way for the first real anti-corruption reform in Ukraine since independence.

The document puts the general emphasis on preventing corruption in the legislative, executive, and judicial branches; systemic reform of criminal justice bodies; raising the role of civil society and overall public awareness about the negative consequences of corruption; and involvement of public and business in monitoring anti-corruption efforts. In comparison with previous similar documents, this one defines performance indicators and an annual public report of the Government on its implementation.

The Strategy traditionally calls for improvement of democratic standards in governance as a way to prevent corruption. Particularly, enhancing transparency in the work of the Government and the Verkhovna Rada, as well as in the work of local administrations and local representative bodies, comprehensive regulation of conflicts of interest, deregulation of business, and coordination of anti-corruption policy development and implementation.

Besides, this new Strategy provides a more specific list of key measures to be taken by Ukrainian authorities. These measures include comprehensive reform of political parties’ finance, detailed legislative regulation of lobbying, adoption of the new law on public service, improvement of the existing law on public procurement, radical reform of the judiciary and prosecution service in line with the Venice Commission recommendations, introduction of effective mechanisms for whistle-blower protection, and radical police reform.

To control implementation of these measures, the Strategy required establishing a special independent state anti-corruption authority and providing it with the necessary financial resources from the State and local budgets. It also stipulated in detail the task to determine the principles for organisation and operation of this specially-authorized corruption prevention body responsible for development and implementation of the anti-corruption policy.

Law “On Preventing Corruption”

The law “On Preventing Corruption”, which *de facto* substituted the law “On Preventing and Countering Corruption,” is a key document of the anti-corruption package of the laws adopted in October 2014. In general, it reflected the radical shift in the system of fighting corruption in the country. The new law calls for new rules and a more comprehensive and balanced approach to control of anti-corruption activities by ensuring stronger efficiency of parliamentary control, balancing responsibilities of presidential control, executive power agencies and local administrative control, as well as for effective public oversight.

The proposed innovations expand the list of preventive barriers and bans for public officials. The law introduced a new system for financial control over property status of public servants: declarations shall go online, be published in open access, and undergo verification by an independent body. It regulates the issues of anti-corruption limits in the process of appropriation of corporate opportunities, receiving gifts, secondary employment, work among those with personal connections, and issues concerning termination in government agencies. Strong sanctions are envisaged for those public servants who are unable to explain their excessive expenses.

It also introduces new terminology, including “gift”, “potential conflict of interest”, and “actual conflict of interest”, and “offence related to corruption”. Addressing the rather complex issue of conflict of interests, particularly the identification and resolution of conflict of interest cases, the law stipulates the details of a conflict of interest and provides guidance on dealing with this phenomenon.

In case of another complex issue, the phenomenon of the “gift”, the law is setting the limit for cost of a one-time gift, as well as the total cost of gifts allowed to be obtained from a single source within the year. Under the law, public officials (persons who are authorised to perform state or local government functions, as well as persons who are considered to be equal to those performing state functions) shall not receive any gifts for making decisions in favour of the person/company that grants the gift. At the same time, the law provides for certain criteria, including limiting the value of such gifts, under which the gifts may be accepted by public officials.

Providing more detailed guidelines concerning gifts, the law specifies the list of the persons subject to gift restrictions. It also stipulates that if an unlawful benefit or gift is proposed, the persons who are subject to gift restrictions must immediately take the clearly prescribed steps, particularly to reject the proposal; identify, if possible, the person that has made the proposal; involve witnesses, if possible, including employees; and notify management in writing.

Besides, the law stipulates a number of other corruption prevention measures. The law prohibits signing employment agreements or any other deals with a person authorised to perform state or local government functions. It obligates companies subject to the public procurement procedure to implement anti-corruption compliance programmes and appoint compliance officers to be in charge of these programmes.

Importantly, the law provides special anti-corruption instruments like anti-corruption expertise, special anti-corruption inspection, the Unified State Register of persons, committed corrupt offenses, protection of the persons, informing on corrupt facts from illegal dismissal, position change, and changes in current terms of a labour agreement (whistle-blower protection). Most importantly, it provides for the establishment of the National Agency for Prevention of Corruption (NAPC, a body consisting of five members), the special-status central executive authority that will ensure the development and implementation of the state anticorruption policy.

II. NEW ANTI-CORRUPTION INSTITUTIONS (APPENDIX II)

There were numerous agencies in the old system of fighting corruption in Ukraine. The Procurator General office, militia (police), Security Service, Military Law and Order Service in the Armed Forces, as well as the network of internal security, auditing, financial and other control structures. However, the level of Ukrainian citizens’ trust in all national agencies and security structures legally tasked with the mission “to prevent and combat corruption” was very low. According to social scientists, the level of Ukrainian people’s confidence for many years fluctuated between 7%-15%, with national police and procurators occupying the lowest place.

One of the key lessons of the previous anticorruption reforms in Ukraine speaks to the faults within attempts to change a situation by reforming a separate individual structure or process, rather than the overall situation in politics, society and the security sector as well. Due to the complete public distrust towards former authorities overall, including anticorruption entities, it was impossible to achieve any noticeable systemic advances in overcoming corruption.

Therefore, after the Revolution of Dignity, it was clear that institutional reforms should be based on firm conceptual ground and political will. As pointed out in the section above, new authorities, empowered by public trust, found the will to amend conceptual and legal foundations for fighting corruption, and to introduce major overhauls of the institutional framework in the anti-corruption policy area as well.

Until recently, the corruption investigations were conducted by the Ministry of Interior, the Security Service of Ukraine, prosecutors and the State Fiscal Agency, while the Ministry of Justice had been responsible for anti-corruption policy. This old anti-corruption system was not effective because the anticorruption bodies were limited in their political independence, as well as functional and resource capacity. Besides, Ukraine has never had a specialised law-enforcement body responsible for anti-corruption activity.

In October 2014, by adopting the Anti-Corruption Strategy and the law “On Preventing Corruption,” legal foundations for the first two new institutions were established – the National Agency for Prevention of Corruption (NAPC) and the National Anti-Corruption Bureau of Ukraine (NABU). The Agency was formally established by the Cabinet of Ministers’ Decree on 18 March 2015; however, it is still not active [January 2016] due to political struggle over its membership. The Bureau was formally established by the law “On the National Anti-Corruption Bureau of Ukraine” on 14 October 2014, but was not officially operational until 16 April 2015, when its Director was finally selected.

By the end of 2015, both institutions had to begin functioning. Besides, in January 2016, yet another important security sector agency was formed, the State Bureau of Investigation (SBI), which is not formally the anti-corruption entity, but it is supposed to provide significant indirect influence by extracting investigative powers from former major pillars of systemic corruption: old law enforcement structures, namely procurator offices, the Security Service and militia (police).

National Agency for Prevention of Corruption

In accordance with the Anti-Corruption Strategy, this new agency has to perform key coordination and preventive missions: 1) preparing an annual report on the status of the Anti-Corruption Strategy implementation and a draft of the report on implementation of the anti-corruption policy principles; 2) analysing the status of corruption-related issues, preparing proposals for measures of normative legal, organisational and staff-related nature; 3) monitoring and coordinating implementation of the anti-corruption programme; 4) controlling adherence to the legislation on conflict of interests, and declaring of property, incomes, expenses, and financial liabilities; 5) involving civil society in the creation, implementation and monitoring of anti-corruption policy; 6) spreading information on corruption, implementing measures to create a worldview of intolerance to corruption. Besides, the Strategy requires that this body must have guarantees of independent operation, with ensured broad participation of civil society representatives.

It is universally understood that democracy is somewhat inconvenient because in order to be effective it demands transparency. Pursuant to the new legislation, this agency is supposed to materialise this truism in Ukraine as well. The law “On Preventing Corruption” stipulates specifics of NAPC status, composition, powers, organisation of activities and other key determinants of this

agency. According to the law, the NAPC is created as a special executive body, which in general ensures development and implementation of state anti-corruption policy. Meanwhile, its central task in the field of combating corruption is collecting and verifying assets declarations submitted by public officials, thus performing the key preventive mission.

The law stipulates that public officials be obliged to submit annual publicly accessible assets declarations (by 1 April each year). The NAPC is supposed to maintain a mechanism for verifying these statements by creating a unified register for civil servants' declarations, monitoring conflict of interest and ethical standards. In addition, this body will oversee whistle-blowers' protection and their appearance in court; inspect the way political parties are financed, among other duties.

The agency is responsible and controlled by the Verkhovna Rada and accountable to the Cabinet of Ministers. It will consist of five members to be selected in open competition and protected from arbitrary dismissal. The detailed procedures for the process of NAPC members' selection, as well as other important norms for its functioning are stipulated by separate chapter (Chapter II, articles 4-17) of the law "On Preventing Corruption" and by the relevant governmental decrees.

National Anti-Corruption Bureau

In comparison to the rather preventive and policy formulating role of the above-mentioned NAPC, the NABU is a new independent law enforcement body created to identify, stop and investigate criminal corruption-related offences committed by high-ranking public officials. The latter include ministers, high-ranking civil servants, judges, parliamentarians, prosecutors at the office of prosecutor general and regional prosecutor offices, directors of state enterprises, etc. Besides, the NABU is in charge of conducting an overarching assessment on government institution vulnerability to corruption.

There were misgivings in comments of some observers that the NABU functions are too narrow, that, for instance, the Latvian experience of a similar office was far from a success story, that a similar Polish agency had much broader functions and included economic relations in the private sector, and so on. In spite of these reservations, a majority of comments were more optimistic and regarded the fact of the creation of NABU as a politically independent office to combat high-level corruption could become the long-awaited shift towards real progress in fighting corruption in Ukraine.

The NABU will consist of the central and territorial administrations that are legal entities under public law. These offices will include information, analytical, research, technical and investigation units, units that will identify property that can be collected, quick-reaction units, departments that will ensure security of the persons involved in criminal proceedings and represent interests in foreign jurisdiction bodies, and other units.

The maximum number of staff in the central and territorial administrations of the NABU is 700 persons, including no more than 200 senior staff. In fact, this number corresponds to the number of previously existing anticorruption specialist positions that will be liquidated at the other specialised bodies currently entrusted with anticorruption work.

In order to ensure transparency and civil control over NABU activities, a Civil Control Board is created, which consists of 15 persons and formed on the principles of open and transparent competition. The NABU will be accountable to the Verkhovna Rada and will be externally audited. Every six months, it will report on its work. Besides, in order to oversee the observance of laws during the pre-trial investigation by the NABU, the Special Anti-Corruption Prosecutor's Office is established. It will support public prosecution in the proceedings and will represent the

interests of citizens or the state in court in cases prescribed by law and related to corruption or corruption-related offences.

The work of the NABU is managed by its Director, appointed to the post by approval of the Verkhovna Rada and dismissed from the post by the President of Ukraine, according to the procedure established by the law. The Verkhovna Rada, by suggestion of at least one third of the members (150), can pass a vote of no confidence (by majority of 226 votes) of the Director of the NABU, which must result in the dismissal from the post. However, the critics of the above norms express concern that they will have a negative impact on the political independence of the NABU since the director and personnel of the NABU may be too dependent on the will of the majority of the Verkhovna Rada.

Nevertheless, the law provides a special clause on the independence of the NABU. According to the law, its activity is guaranteed by the special procedure for competitive selection of the Director and an exhaustive list of grounds for termination of authority of the Director, as determined by the Law; competitive selection principles for other NABU employees, their special legal and social protection, and appropriate labour remuneration conditions; procedure established by the law for financing and material and technical support of NABU; measures determined by the law to ensure personal safety of NABU employees, their immediate family and property; and other measures determined by the law.

State Bureau of Investigation

The idea to create a separate law enforcement investigation structure – the State Bureau of Investigation (SBI) – was introduced many times, but in previous cases, its authors lost to followers of existing investigation systems, based on the use of prosecutors, the Security Service of Ukraine and the Ministry of Interior. This time, in the process of developing drafts of this law, significant support was offered by European experts, who provided for observance of European principles of an effective investigation. In particular, foreign advisory assistance was necessary to ensure key investigation's criteria for effectiveness, like independence, timeliness, diligence, public control and involvement of victims in the process.

Finally, the law “On the State Bureau of Investigation” was adopted in November 2015, and, after an unusually long delay, signed by the President and thus validated in January 2016. According to the law, the SBI is a central executive authority that carries out law enforcement activity for the purpose of prevention, detection, suppression and investigation of crimes within its jurisdiction. This involves crimes associated with organised criminal groups and organisations; cases of torture and other crimes related to cruel, inhumane or degrading treatment or punishment committed by law enforcement officers; especially grave violent crimes for which the Criminal Code of Ukraine provides for life imprisonment; crimes committed by public officials occupying particularly responsible positions; crimes committed by public officials of the NABU, and prosecutors of the specialised anti-corruption Prosecution Service. Exceptions include cases where prejudicial inquiry of the crimes belongs to the jurisdiction of detectives of the internal control unit of the NABU.

The law stipulates the guarantees of independence of SBI by forbidding illegal interference of state agencies, local government authorities, political parties and other subjects in SBI activity. Besides, the law determines the powers of SBI, the structure and size of the SBI; establishes special procedures for obtaining applications and reports about criminal offenses, people under SBI investigation; determines the rules for cooperation between the SBI and other state bodies, the specifics for providing democratic civilian control over the Bureau's activity and ensuring the transparency of its activities.

Furthermore, the law determines the procedure for appointment of the SBI Director, his/her deputies and the powers of the Director. The law requires that the SBI Director, First Deputy Director and Deputy Director shall be appointed by the President of Ukraine on proposal of the Prime Minister, taking into consideration the recommendation of the Commission on competitive selection. To provide for genuine impartiality, the mentioned Commission consists of three people, nominated by the President of Ukraine; three people nominated by the Verkhovna Rada; and three people nominated by the Cabinet of Ministers. Among the complex of other SBI personnel-related issues, the law determines the provision of financial and material support, social and legal protection issues, and responsibilities of SBI employees.

III. THE NEW NATIONAL POLICE (APPENDIX III)

The factors of the general environment define the nature of corruption risks in all segments of the state, including the security sector. On the reverse, the integrity of the security sector, especially the country's law enforcement bodies, is among the major factors determining success or failure of individual state's development towards transparent, uncorrupted democracy. Corrupt political, economic and judiciary cultures in the state cannot exist without corrupt law enforcement structures. In such a way, together they create a system of arbitrary political, judicial and institutional control, virtual impunity for loyal servants, and the vicious circle of corrupt relations between corrupt law enforcement structures leadership and corrupt political authorities.

During the time before the Revolution of Dignity, Ukraine suffered from two major phenomena of corruption: the actual takeover of state institutions by corrupt networks, and politicians' dependence on big business and the sponsoring of political parties by oligarchy groups. In previous years, especially, during the Yanukovich presidency, the almost total domination of presidential powers in control over the security sector led to the actual illegal takeovers of key state institutions by Yanukovich and his close associates, aimed at seizure of funds from the state budget and preventing any responsibility for their corrupt activity. The key role in covering systemic corruption belonged to the procurators and police.

Prior to the Revolution of Dignity in Ukraine, the legacies of the former Soviet culture of total secrecy played a very negative role, in particular covering up corruption within the police. With regard to accountability, corruption in the police was perhaps the greatest reform challenge. So, it was important to conduct reform of the national police in a way that would guarantee the increase in the transparency of police operations and give the public access to its operation's inspections results.

The Revolution of Dignity created favourable preconditions for the introduction of radical security sector reforms in Ukraine. In legal terms, the ultimate vision of any security sector structural reform ought to be engraved in the relevant new law, or key amendments to the previously existing one. In case of the national police reform in Ukraine, a new law "On National Police" was developed to substitute the old law "On Militia", and in July 2015, it was approved by the Verkhovna Rada. When in November 2015, the law entered into force, it finally terminated the activities of its Post-Soviet predecessor militia and introduced a new legal entity of the National Police of Ukraine. There was a universal expectation that if successfully implemented, it may gain real support from among the people and the personnel of the National Police as well.

In a fashion similar to the case of the previously considered new anticorruption laws, European institutions provided significant support in the process of developing the law "On National Police". For example, in one particularly important instance, in September 2014, the Ukrainian

Parliament Commissioner for Human Rights sent a letter to the OSCE Office for Democratic Institutions and Human Rights, requesting the review of the draft Law of Ukraine “On Police and Police Activities”. The OSCE positively responded to this request and prepared a legal opinion on the compliance of the Draft Law with international human rights standards and OSCE commitments. In particular, this opinion has been the subject of informal consultations with the European Union Advisory Mission for Civilian Security Sector Reform in Ukraine. This opinion was instrumental in preparation of the final version of the law “On National Police”.

The new law introduced many improvements, and, in particular, allowed streamlining of the police general structure. The infamous special police detachments, like the special riot control unit “Berkut”, which brutally harassed protesters on Maidan, and the notoriously corrupt counter-narcotics and organised crime counteraction units, were disbanded. Now the National Police consists of the central administration agency and territorial agencies. In particular, the new structure of the National Police will include criminal police, patrol police, security police, special police and special purpose police. It will be under the control of the Head of the National Police, who is independent in administration of police operations. The Head is directly subordinated to the Minister of Internal Affairs.

Several articles of the law either directly, or by way of more specific language, work to strengthen the openness and transparency of the National Police. First of all, police shall provide continuous information to state authorities and local self-governance bodies, as well as to the general public about its activities in the area of securing and protecting human rights and freedoms, combatting crime, and ensuring public security and order. Besides, the police shall ensure access to public information in its possession in the manner and in compliance with requirements defined by the law; relevant legal acts regulating the activities of the police must be published on the website of the central authority of the police, and normative legal acts with restricted access may also be published in cases and in the manner prescribed by law.

To prevent police officers from hiding their identity from public control over their actions, on the new police uniform a service badge with a clear indication of special identification symbols shall be placed. Besides, it is prohibited for the police to take off their uniform or to hide their service badge, or in any other way prevent someone from reading it or recording it with technical means.

This law extensively stipulates in democracy-consistent detail certain aspects of police officer status. In particular, the norm of political neutrality requires Ukrainian police to ensure the protection of human rights and freedoms of a person irrespective of his/her political beliefs or party affiliation; be independent from decisions, statements and positions of political parties and civil associations; restriction on displaying symbols of political parties and any political activity on the persons and in units of the police; and prohibition of expression of personal attitudes to political parties activity when on duty, or the use official powers for political purposes.

The same orientation toward universal democratic values and practices are specified in the articles on the main responsibilities of police officers and the procedures for applying force and preventive measures. For instance, it is written in plain language that when addressing a person, or when a person is addressing a police officer, the latter is obliged to name his last name, position, special rank and at the person’s demand to show his official identity document, giving the opportunity to study the information in it, holding it in his own hands. Similarly, when applying preventive police measures, the police are obliged to inform the person about the reason for applying such measures, and to bring to the attention of the person the legal regulations on which such measures are applied.

Among the many democratic norms included in the law are markedly innovative ones, like the possibility of adoption of a resolution of no confidence to the heads of police bodies, when relevant territorial councils may adopt a resolution of no confidence to the head of the relevant body (subdivision) of the police which serves as grounds for his/her dismissal. Additionally, there is a new rule that prohibits the use of water cannons when the air temperature is below 10 degrees Celsius.

Meanwhile, this law received certain critical comments too. Critics' concerns were related to having special military ranks (e.g., lieutenants, majors, colonels, generals) as contrary to the European tradition for civilian ranks in the police service; imperfect procedures for seizure of property, and for entering into private premises; lack of specifically determined terms of the shelf life of information in police databases, and the need to better clarify the grounds of document inspection.

Overall, adoption of the law "On National Police" signified an important shift in anticorruption efforts in Ukraine. At the same time, the experience of Central and East European nations, which had similar problems but made significant advancements in overcoming police corruption, suggests the importance of developing accessible databases of corruption abuse and implementing real restrictions for those who were caught abusing the system. Besides, the experience of Georgia, the first country in the region that seriously approached police reform, has shown that certain success in security sector reforms is possible only when political leadership, rather than institutional, seriously takes responsibility for the reforms' outcome. Georgian experience proves that corruption cannot be reined in without addressing the corruption issue at the level of political leadership and government as a whole. It cannot be successful without political will, without the senior members of the government and leadership of police establishments personally demonstrating proper behaviour.

So, it was not a big surprise when, after the Revolution of Dignity, several prominent Georgian law enforcement professionals were invited to important positions in the Prosecutor General Office, Ministry of Justice and Ministry of Interior. Even the first Head of the newly created National Police in Ukraine became Ms. Khatia Dekanoidze, the former Georgian minister of education and former Commandant of the National Police Academy in Georgia.

CONCLUSIONS

Since the first years of independence, Ukrainian authorities constantly declared decisive intentions to overcome corruption. Ukraine adopted numerous anti-corruption strategies and legal acts, created different anti-corruption bodies, thus acknowledging the threat of this phenomenon to the national security of the country. However, in general, until after the Revolution of Dignity, the logic of combating corruption in the country has been limited primarily to mimicry – corruption has symbolically been tackled, mainly through fragmentary actions of police, procurators or anticorruption unit of the Security Service demonstrably repressing bureaucracy at the lower levels and sometimes at the middle levels.

The Revolution itself was proof that the Ukrainian people did not intend to tolerate this mimicry any more, that it was necessary to radically eliminate the preconditions for corruption misconduct rather than treating its aftereffects. Hence, it became perfectly clear that Ukraine needed not only to declare and mimic efforts (sometimes selectively prosecuting the "others" and turning a blind eyes toward the "friends"), but also to adopt effective legislative and institutional measures, and implement real systemic reforms aimed at preventing or significant reducing corruption risks.

Besides, corruption was a major factor why pre-Revolutionary Ukraine had easily become hostage to blackmail and expansionism of the neighbouring imperialistic regime of Russia. Hence, after the start of the Russian aggression against Ukraine in February 2014, as an immediate response to the victory of the Revolution of Dignity, corruption became as much a security problem as a cultural or social one. Thus, success of anticorruption measures became a defining factor for success or failure of democratic Ukrainian statehood as much as the outcome of defence against Russian military aggression.

In the two years after the Revolution, in parallel with the efforts to deter Russian aggression, Ukrainians have taken significant measures to amend already existing but rather empty anticorruption laws and strategies, and to adopt new legislation establishing new anticorruption institutions and effective investigative procedures. The comprehensive legal reform has real potential to bring significant improvement in the system of public service integrity and prevention of corruption. As a particular result of this reform, the legislative amendments of 2014-2015 have effectively introduced the new system of anti-corruption bodies in Ukraine, though it remains to be seen how effective they will be.

Just how successful the overall anti-corruption measures will become still remains subject to debate, but on the particular issue of strengthening an anti-corruption legislation, the first actions were rather consistent.

Appendix I

Law of Ukraine “On Principles of State Anti-Corruption Policy of Ukraine (Anti-Corruption Strategy) for 2014-2017”

Verkhovna Rada of Ukraine decrees:

1. Adopt the principles of state anti-corruption policy in Ukraine (Anti-Corruption Strategy) for 2014-2017, which are attached herewith.

2. Amend the Law of Ukraine “On Preventing and Countering Corruption” (published in the Bulletin of Verkhovna Rada of Ukraine, 2011, # 40, page 404; 2014, # 11, page 132) as follows:

1) part four of Article 5 is to be rendered as follows:

“4. Coordination of implementation of the Anti-Corruption Strategy adopted by Verkhovna Rada of Ukraine is carried out by the authorized body entrusted with anti-corruption policy”;

2) paragraph 5 of part two of Article 19, take away the words “defined by the President of Ukraine”.

3. Entrust the Cabinet of Ministers of Ukraine with the following to be completed within three months after the law enters into force:

- elaborate a mechanism (a programme) for operationalization of principles of state anti-corruption policy of Ukraine (Anti-Corruption Strategy) for 2014-2017;
- align its normative legal acts with provisions of this law.

4. The law enters into force on the next day after its publication.

President of Ukraine Petro POROSHENKO

Kyiv

14 October 2014

No. 1699-VII

PRINCIPLES OF STATE ANTI-CORRUPTION POLICY IN UKRAINE (ANTI-CORRUPTION STRATEGY) FOR 2014-2017

I. GENERAL PROVISIONS

Solving the problem of corruption is one of the top priorities for Ukrainian society at the current stage.

Evidence shows that it was corruption underlying, amongst other reasons, massive protests in Ukraine in late 2013 – early 2014. According to Global Corruption Barometer, carried out by Transparency International in 2013, 36% Ukrainians were ready to take to the streets in order to fight corruption. According to the public opinion survey conducted by International Foundation of Electoral Systems in late 2013, 47% citizens have already identified corruption as one of the gravest problems that caused particular concern. According to the Corruption Perception Index research carried out by Transparency International Ukrainians consider their country one of the most corrupt in the world: in 2012-2013, Ukraine was ranked 144 of 176 countries surveyed.

Such high levels of corruption perceptions may testify to lack of reforms in the area of combating corruption, ineffective activity of the law enforcement as to eliciting corruption-related offenses and prosecuting the culprits. It is proved, in part, by unsatisfactory implementation of Ukraine's international obligations on anti-corruption standards: it took six years and three evaluation rounds for Ukraine to implement only 13 recommendations out of 25 provided by the Group of States against Corruption (GRECO) upon the first and second evaluation round, and only 3 recommendations were implemented out of 16 provided upon completion of the third evaluation round. Similarly, only a small part of anti-corruption recommendations of the EU Action Plan on Visa Liberalization for Ukraine was implemented – the one that concerns criminalization of corruption. Key recommendations of GRECO and the EU on setting up anti-corruption institutions, reform of prosecutor's office, public service, system of public procurement, establishing the system of control for prevention of conflict of interest and for asset integrity of public officials, were ignored.

National Anti-Corruption Strategy for 2011-2015 adopted by the Decree of the President of Ukraine # 1001 as of 21 October 2011 is not a functional tool of anti-corruption policy.

One of the reasons why National Anti-Corruption Strategy for 2011-2015 as a framework document in anti-corruption area is poorly implemented is that it lacks clearly defined and approved indicators the status and its efficiency, also international standards require so.

It also lacks a mechanism of monitoring and evaluation – in particular, it does not specify how the National Anti-Corruption Committee should perform its duties and how the civil society should be engaged.

Therefore, Ukraine lacks a strategy of countering corruption that would reflect the urgency of problem and recent developments.

In this regard, it is necessary to approve new strategic document that would define top priority measures to prevent and counter corruption and create grounds for forthcoming reforms in this area.

II. DEVELOPMENT AND IMPLEMENTATION OF THE STATE ANTI-CORRUPTION POLICY

Problem

In line with Articles 5 and 6 of the UN Convention against Corruption, each State Party shall develop and implement or maintain effective, coordinated anti-corruption policies and with this view, set up the specially authorized body (bodies). Ukraine received the respective recommendations from the Group of States against Corruption (GRECO), Organization of Economic Cooperation and Development (OECD) and the European Union experts.

Several institutions in Ukraine are entrusted with the responsibilities for development and implementation of anti-corruption policy, including the National Anti-Corruption Committee, Ministry of Justice of Ukraine, and Governmental Commissioner on Anti-Corruption Policy. Notwithstanding, none of these bodies corresponds to international standards of the bodies authorized to develop and implement anti-corruption policy – neither in terms of special powers nor of independence.

In addition, a number of functions in the area of anti-corruption policy are not performed by any authority. In particular, it concerns regular evaluation of the corruption matters and promoting intolerance to corruption among the society.

The requirements of international legal instruments on partnership between the government and civil society in the area of anti-corruption policy are not implemented as well. Notably, civil society is usually engaged into making socially important decisions just in the form of consultations – it means that the legislative requirements are executed just superficially.

Therefore, Ukraine almost lacks the legislative and institutional machinery for development and implementation of anti-corruption policy on the grounds of cooperation between public authorities and civil society.

Goal: to develop the system of making decisions on anti-corruption policy on the grounds of evidence-based data about the corruption and factors underlying it, in particular statistical surveys, monitoring of their implementation and of their impact on corruption by independent specialized body in partnership with civil society, and to shape social support to counter corruption.

Measures

1) To adopt in cooperation with civil society the legal framework that would set up the body responsible for development and implementation of anti-corruption policy. This body shall have sufficient assurances of its independent operation. The representatives of civil society shall be eligible to contribute to operation of this body. In particular, this body shall perform the following functions:

- developing annual progress reports on implementation of Anti-Corruption Strategy and draft report on implementation of principles of anti-corruption policy;
- analysis of corruption-related matters, development of proposals on legislative, organizational and staff measures;
- monitoring and coordination of implementation of Anti-Corruption Strategy;
- control for observance of legislation on conflict of interest and declaration of assets, revenues, expenses and financial commitments;
- engaging civil society into development, implementation and monitoring of anti-corruption policy;
- disseminating information about the corruption, carrying out actions to shape civic intolerance to corruption.

2) To adopt the draft legal act of Cabinet of Ministers of Ukraine on the national guidelines for evaluation of state of affairs in the area of corruption that would be in line with the UN standards; to carry out (in partnership with civil society) annual survey on corruption perception, public trust to the bodies responsible for prevention and countering corruption, people's willingness to take part into countering corruption, and the incidence and main ways of corrupt behaviour and corruption risks in the respective areas.

3) To carry out in the Verkhovna Rada of Ukraine annual hearing of the National report of corruption-related matters to be produced by specially authorized body on anti-corruption policy and present this report with conclusions and recommendations of Parliamentary hearing to the general public.

4) To ensure the implementation of international standards of cooperation between the government and civil society in making decisions in the area of anti-corruption policy – that are, in particular, reflected in Code of Best Practice for Civil Participation in the Decision-Making Process adopted at the Conference of international non-governmental organization of the Council of Europe on 1 October 2009 – and come over to new cooperation modalities, such as the dialogue and partnership.

5) To regularly conduct awareness raising campaigns targeting different groups of people and aimed at diminishing tolerant attitudes to corruption and improvement of cooperation between the government and citizens in countering corruption.

III. PREVENTION OF CORRUPTION

1. Prevention of corruption in the elected authorities

Problem

The level and scopes of corruption and the efficiency of countering corruption very much depend on the integrity of elected officials and democracy of political system in general and of electoral processes in particular. The last elections in Ukraine (namely, local elections in 2010, Parliamentary elections in 2012 and elections at some constituencies in 2013 prove that as a result of major breaches of democratic principles of the vote (government interventions into electoral processes, vote buying, illicit court decisions, etc.), the elected offices are occupied by persons who do not meet the integrity standards.

Hereafter, the operation of elected officials is also marked by corrupted behaviours, the most widespread of them are:

- conflict of interest in the operation of elected officials, in particular the concurrent service as a member of council and entrepreneurship or serving in executive authority, although such combination is prohibited by the law;
- bribery of elected officials, putting pressure on them or business activities affiliated with them in order to force them to make certain decisions or pass into other faction in the council;
- illicit lobbying of interests of particular persons or business entities.

The main reasons are as follows: the democracy institutions in Ukraine still have low capacity, the electoral law contains lot of corruption risks, the law on financing electoral campaigns and political parties is imperfect, and no legal regulation is available to prevent the conflict of interest in the activities of elected officials and to ensure the transparency of lobbying. It is evident that the problem of political corruption can only be settled in a gradual manner, through adopting new legislation, enhancing control over the activities of elected officials and elected authorities on the

side of the respective state bodies and civil society organizations, mass media in particular, encouraging political responsibility of citizens for their vote and of elected officials for their activities. At the same time, a number of legislative measures have to be taken shortly.

Goal: to create transparent grounds of financing the elections, activities of political parties, removing corruption risks from the activities of elected authorities and strengthening civil control over their activities.

Measures:

1) To carry out anti-corruption expert assessment of electoral law and to revise it in line with findings on its corruption risks and the European standards, in particular, recommendations of the European Commission for Democracy Through Law (Venice Commission), to ensure sustainability and legal clarity of the election law.

2) To adopt the legislation for executing GRECO recommendations in terms of establishing limitations and strengthening the transparency and accountability of financing political parties and electoral processes, namely:

- to unify regulatory acts on financing electoral campaigns that are currently provided for by the laws of Ukraine “On Elections of the Members of Parliament of Ukraine”, “On Elections of the President of Ukraine”, “On Elections of the Members of Verkhovna Rada of the Autonomous Republic of Crimea, Local Councils and Village, Settlement or City Heads”;
- to introduce state financing of the operation of political parties in the form of providing budget funds for statutory activities of the parties as per the results of elections, in particular with the support of political parties not represented in the Parliament, and reimbursement of costs of electoral campaigns to political parties that entered the Parliament;
- to establish the requirements of transparency of regular financing of the parties – in particular, these requirements can presume regular reporting, open publication of reports of political parties with detailed information about the revenues (including the list of persons who made donations), expenses and financial commitments;
- to clearly regulate the modality of donations, to establish limitations on the amount of donations that political parties can receive;
- to define the contents and templates of annual reports of political parties; to ensure proper accounting of revenues, expenses, debts and assets and consolidated reports provision;
- to establish that regular and pre-election reports of parties are subject to independent audit by certified auditors;
- to set up functional mechanism of monitoring of observance of legislation on financing the political parties and electoral campaigns, investigating the violations and prosecution of offenders, to set up/identify a state body to perform the respective functions that will meet international standards on independence and efficiency;
- to establish effective and proportionate penalties for violation of the law on political finances.

3) To adopt the legislation on specific mechanisms on prevention of conflict of interest in the operation of elected officials – in particular, to determine possible forms of the conflict of interest, practices of preventing it and rules of conduct in case if it emerges, to identify institutional machinery for monitoring of the law about conflict of interest and to establish proportionate and restrictive sanctions for violation of this law.

4) To adopt the legislation on creating legal grounds of lobbying that would:

- regulate lobbying as legal democratic way of interaction of civil society and the rule-of-law state, identify legal forms and ways of lobbying;

- create legal safeguards from corruption in law-making activities;
- provide for the protection of law-makers from illicit influence over their activities;
- provide for informing people about actors who lobby the interests in public authorities and whose interests they lobby;
- create efficient mechanisms of control over lobbying;
- establish legal liability for actors engaged into lobbying and identify the respective legal sanctions for delinquencies;

5) To adopt the legislation on strengthening civic control over the decisions made by elected officials – in particular, through the mechanism of preliminary civic discussion of socially-important decisions using positive national experience and international best practices).

6) To increase transparency of the operation of Verkhovna Rada of Ukraine and local councils – in particular, by implementation of the provisions on citizen access to the meetings of elected bodies, publication of information about the activities of Parliamentary committees and committees of local councils (namely, minutes of meetings), publication of information about Members of Parliament and of local councils (about their financing, business trips, assistances, their declarations on property, revenues, expenses, financial commitments, etc.) on the Internet, free access to information about budgets of elected officials and financial reports thereof.

2. Creating fair public service

Problem

One of key elements in creating fair public service is reforming the legislation about public service and service in local self-government bodies. The new draft of the Law of Ukraine “On Public Service” as of 17 November 2011 was expected to settle this problem. Notwithstanding, according to Ukrainian and European experts, this law is not in line with international standards and best practices. In particular, it concerns such issues as admittance to public service and serving public duties, classification of positions (division of positions on groups and sub-groups, delimitation of political and administrative positions, appointing advisers (assistants) to political officers, etc.), termination of public service, remuneration (composition of salary, transparency and salary motivation of public servants) and disciplinary liability.

Therefore, the public service has not been reformed yet.

The problem of conflict of interest and transparency of revenues and expenses of public servants shall be settled simultaneously with reforming the system of public service.

The legislation on prevention of conflict of interest contains too broad definitions and does not set forth special legislative rules for prevention of conflict of interest and settling it with due account of the particular context in certain areas. Another important problem is lack of proper institutional machinery to observe the rules with regard to conflict of interest. The mechanism for observance of the rules on conflict of interest and execution of functional and restricting sanctions is not in place.

The efficient system of monitoring the validity of data in the declarations of revenues, expenses and financial commitments of public servants has not been established as well. There is a de-centralized system of collection, storage, publication and verification of declarations of public servants. The declaration is collected and stored in hardcopy in HR division of the body where a public servant is employed. The tax authorities are entrusted with verification of declarations. However, they lack proper level of independence, powers and resources necessary to perform efficient verification of declarations. Provision of false information in the declaration does not entail any liability. Such system eventually contributes to concealment of property of revenues and property of civil servants.

A number of legal acts are adopted in Ukraine to regulate the ethical rules of conduct, in particular the Law of Ukraine “On Ethical Conduct” and a number of sectoral codes. However, the institutional infrastructure for ensuring the observance of such standards is basically not in place, and the respective functions are partially implemented by the divisions on countering corruption and HR divisions – it is not in line with international anti-corruption standards. In addition, no public authority is entrusted with monitoring of observance of ethical standards of conduct of public servants and development of the respective state policy.

It is also necessary to set up the institute of fair informants about corruption cases, provide for their protection from prosecution, and commit public servants to inform about corruption-related suspicions.

Verifications of integrity can essentially strengthen the resistance of public service to corruption and civil trust to it. Within their framework, the risks similar to those that can take place in regular activities of public servants are simulated and the conduct of a particular person is being tracked. Such verifications shall take place in order to ensure professional incorruptibility, prevention of corruption among public servants, verification of observance of their duties, ethical standards of conduct, identification, evaluation and removal of factors that provoke corruption. At the same time, such verifications can be a kind of provocation of undue advantage, therefore they cannot be a ground for opening criminal prosecution. In order to ensure the observance of human rights within such verifications, the procedure to carry them out should be established by the law.

Goal: to set up the system of fair and professional public service in line with international standards and best international practices.

Measures:

1) To review the Law of Ukraine “On Public Service” adopted in 2011 in line with the proposals of SIGMA project and of civil society, to adjust the law on service in local self-government bodies with its provisions and ensure its practical application, monitoring of its implementation and further review with due account of the experience gained.

2) To adopt the law on implementation of efficient mechanisms of identification and prevention of conflict of interest and declaring the revenues, expenses, property and financial commitments of public servants. In particular, it should provide for:

- legal instruments for identification, prevention and settling of situations related to conflict of interest;
- submitting declarations online;
- revision of the amount of expenses that are subject to declaration and other aspects of declaration template in order to identify possible conflict of interest;
- creating open unified electronic database of declarations;
- setting up independent authority with sufficient powers to perform control over the observance of law on prevention of conflict of interest and over the integrity and validity of declarations;
- proportionate and restrictive sanctions for violations of the law on conflict of interest and declaring the revenues, expenses, property and financial commitments.

3) To entrust specially authorized body on prevention of corruption with functions to monitor the application of ethical standards of conduct and to provide clarifications in order to fix the drawbacks of their application, to ensure regular training of public servants on ethical conduct and observance of anti-corruption duties, to provide for ongoing capacity building of officials autho-

ized to perform the functions of state and local self-government bodies on prevention of corruption and ethical standards, with due account of the possibility to introduce electronic system to test knowledge in this area;

4) To adopt the law on protection of persons who fairly report about the corruption offences and provide for the obligation to report and protection of informants, setting up internal and external communication channels, the system of protection of informants from the clampdown and prosecution, as well as the methods of encouragement of reporting about corruption, entrusting specially authorized body with functions to monitor and analyse the practices of law enforcement and take actions to ensure its proper enforcement; to establish sanctions for concealment of information, to organize wide national awareness raising campaign on clarification of provisions of this law; to permanently train people to fairly report about corruption.

5) To adopt the Law on carrying out the verification of integrity of public servants, which would provide for the definition and procedure of such verifications, safeguards of legality and control and the consequences of verification (motivation or disciplinary prosecution); to establish in the law that such inspections shall not be covert investigative measures, and their results shall not be used in criminal proceedings as evidence and that criminal proceedings shall not be initiated upon the findings of such verifications. To incorporate a provision in the Criminal Code of Ukraine that if a specially authorized officers in the area of countering corruption uses a situation when an official had already an intent to give or obtain an undue advantage, it should not be regarded as a provocation of undue advantage.

6) to reform the system of remuneration of public servants through significant increase of the salaries (that would be based on the level of remuneration on similar positions in private sector), elimination or considerable reduction of awards (additional payments) that are arbitrary awarded by leadership, eliminate unjustified benefits and advantages.

3. Prevention of corruption in the activities of executive authorities

Problem

In addition to number of measures aimed to ensure the integrity of public service, in order to prevent corruption in executive authorities it is necessary to reform the procedures of their operation as well. Taking into account that many of them have to be settled within the framework of administrative reform (limitation of discretionary powers, transparency of administrative decisions, diminishing the opportunities of contacts between executive official and a client, regulation of the procedure of administrative services provision, etc.), this Strategy concerns anti-corruption measures exclusively.

One of the main problems related to high level of corruption in the activities of executive authorities is the lack of functional sectoral anti-corruption programmes. Executive authorities have their annual action plan on countering corruption, but most of them are formalistic and just copy the provisions of the respective supreme acts. Identification of corruption cases does not actually take place, whereas there is a shortage of systems of identification and analysis of corruption-risk procedures and of the mechanisms of reporting about corruption suspicions and protection of informants. The divisions (officials) responsible for their development and implementation lack proper expertise and independence. In many cases, these responsibilities are imposed on HR divisions.

There is no body to perform coordination and monitoring and provide technical support to executive authorities in development of their anti-corruption programmes. The similar problem concerns state, treasury and community enterprises and economic companies, in which state or community share exceeds 50% (hereinafter referred to as "state enterprises").

Another area where the risks of corruption are high is the operation state enterprises.

Limitations on prevention of corruption in state enterprises concern only the officials of legal entities of public law – therefore, they do not encompass the majority of employees of state enterprises. It provokes the conflicts of interest (e.g., concluding agreements with the legal entities affiliated with senior executives of state enterprises), non-transparent selection of employees (which results in proxy employment or employment of non-professional staff members who are affiliated with senior executives), or running own business at the expense of state or community enterprises. Procurement of state enterprises is not transparent, and the policy to prevent corruption is not almost implemented. In addition, the operation of state enterprises is not transparent, the community is not able to obtain information about the goals and reasons for their establishment, economic effects of their operation, property provided by the state and financial commitments of these enterprises.

All these factors result in significant losses from operation of state sector of economy and ineffective management of state property.

Goal: to introduce functional anti-corruption programmes in central executive authorities and state enterprises, to ensure their transparent activities.

Measures:

1) To introduce amendments to the law on adoption and periodic review of anti-corruption programmes in central executive bodies and state enterprises. The programmes shall be designed on the basis of results of corruption risk analysis in the area of activities of respective authority or enterprises, approved by the specially authorized body on anti-corruption policy. They should *inter alia* provide for:

- setting the principles of general sectoral policies on prevention and countering corruption in the respective area and appointment of officers responsible for monitoring of its implementation, periodic evaluation and review;
- guidelines on assessment of corruption risks in the activities of authority or enterprise, corruption risks, their reasons and factors that provoke them;
- measures to remove corruption risks and officers responsible for implementation of these measures, deadlines and necessary resources;
- training and measures to disseminate information about anti-corruption programmes;
- procedures to monitor and evaluate their implementation.

2) To set up commissions in the authorities and enterprises that shall be composed of senior executives and chaired by the deputy Head of authority/enterprise. Their functions shall include definition of priorities, coordination and monitoring of programme implementation, providing consultations and advices with regard to corruption prevention, and considering information about the corruption suspicions. To introduce other mechanisms to prevent corruption, such as code of ethics, internal and external (to specially authorized bodies on prevention of corruption) channels of information about corruption and mechanisms to safeguarding the anonymity of informant and protecting him/her from prosecution, and systems of identification and assessment of corruption risks and responding to them.

3) To make amendments to the laws and bylaws in order to:

- introduce the standards of Organization for Economic Cooperation and Development on corporate governance at state-owned enterprises in the activities of state enterprises;
- to apply the standards of prevention of corruption stipulated by the Law of Ukraine “On the Principles of Prevention and Countering Corruption” at the state enterprises – in par-

ticular, the standards that concern prevention of conflict of interest, ethical conduct and declaration of property, revenues, expenses and financial commitments.

4. Prevention of corruption in the area of public procurement

Problem

The problem of corruption offences in public procurement is a very big deal. According to Security Service of Ukraine, and the losses from corruption offences during public procurement made 10-15% (UAH 35-52.5 billion) of total budget expenditures annually. According to official statistics, in 2013 the total value of agreements for procurement of goods, works and services amounted to UAH 186 billion. Significant part of procurement takes place outside state control through non-competitive procedure (through one-supplier-tenders). Almost 50% all public procurement in 2013 was arranged this way. The things went worse after the Law of Ukraine # 5044-VI "On Amending Certain Legislative Acts of Ukraine on the Issues of Public Procurement" as of 4 July 2012 was adopted. It basically sets up corruption rules at the market of state enterprises procurement (the volume of this market numbers to UAH 307 billion annually).

One of the first steps of new government was the adoption of new draft of the Law on Ukraine "On Public Procurement".

The main ideas of the Law are:

- to reduce the number of cases not governed by this law from 44 to 10;
- to identify the notion of customers and adapt the procedure of one-supplier tender in line with provisions of EU directives;
- to reduce the list of grounds for non-competitive procedure in order to limit its application;
- to cancel the need of publication of information on public procurement in state official printed bulletin on public procurement and in international bulletin on public procurement, but to keep the requirement on mandatory publication of this information on the web-portal of authorized body in order to simplify the access to it, save budget costs to be allocated to publishing this information and ensuring transparent access to information on public procurement;
- to publish annual work plans on the web-portal of authorized body in order to save budget costs and ease the access of public to information about public procurement planned;
- to provide customers with opportunity to use electronic means at several procurement processes.

Therefore, when the Law is adopted, many urgent legislative problems in this area will be settled. At the same time, it is necessary to ensure the monitoring of implementation of new legislative provisions, analyse their efficiency in terms of elimination of corruption risks and adjust drawbacks if any.

Goal: to go on reforming the legislation on public procurement in order to remove the risks of corruption and introduce transparent system of public procurement.

Measures:

1) To monitor application of the Law of Ukraine "On Public Procurement" together with civil society and business community in order to identify drawbacks in its application, reasons and factors provoking corruption risks in public procurement;

2) To revise the law on public procurement with due account of the practice of its application, the need of further improvement of its provisions – in particular those that concern prevention of the conflict of interest, enhance penalties for its violation, etc.;

3) To take other measures to prevent corruption in public procurement, in particular:

- to ensure functional system of imposing bans on participation into public procurement (in particular, with regard to legal and natural persons that were brought to liability for corruption or procurement-related offences) and develop the register of unfair participants of public procurement;
 - to establish the system of electronic procurement;
- 4) To extend access to information about procurement, in particular, through publication the procurement contracts.

5. Prevention of corruption in judicial system and criminal justice bodies

Problem

According to social surveys – in particular, Global Corruption Barometer of Transparency International and Gallup International Association, Ukrainians consider that the judicial authority is the most corrupted (66%). The survey carried out by the Ukrainian Centre for Economic and Political Studies named after Oleksandr Razumkov demonstrated the same findings: the judicial authority is considered the most corrupted sector in Ukraine, and 47% respondents believe that everything is hurt by corruption in the judicial authority. According to Rule of Law Index of World Justice Project, Ukraine is ranked 94th in 99 countries free from corruption in the judiciary.

According to court index of the European Business Association, the judicial power lost its reputation among business community as well: all the aspects of judicial systems are assessed negatively.

One of the main reasons of destruction of judicial system is judicial reform of 2010 that was performed improperly. The Law of Ukraine “On the Judicial System and Status of Judges” that was adopted in 2010 made negative impact on the bodies of judiciary self-government – they became fully dependent from political authority. Combined with political nature of composing the Supreme Council of Justice and unclear grounds for disciplinary prosecution, the judges have almost lost the guarantees of independence of their activities. The mechanism of selection of judges was abused by the authorities responsible for it.

As the first step in reform of the judiciary, the Law of Ukraine “On Restoration of Trust to the Judiciary” was adopted on 8 April 2014. It contributed to creating legal framework for self-purification of the judiciary with direct involvement of the community.

Taking into account that the main principles of judicial system and status of judges are laid down in the Constitution of Ukraine, it is necessary to make sure that international standards of the judiciary are referred to while the amendments are introduced to the Constitution of Ukraine.

Prosecutor’s office and other bodies of criminal justice system need reforming as well. Results of the survey carried out by the Ukrainian Centre for Economic and Political Studies named after Oleksandr Razumkov show that according to public opinion, law enforcement bodies are hurt by corruption by more than 45%.

Notwithstanding the Code on Criminal Procedure was adopted in 2012 that sets forth a new role of prosecutor in criminal proceedings, the law on prosecutor’s office has not been brought in line with the Council of Europe standards yet. The main problems of prosecutor’s office are to broad extra-proceeding powers of the prosecutor that enable him/her to intervene in the activities of enterprises, institutions, organizations, lack of adequate safeguards of independence of prosecutors and of transparent principles of employing the staff of prosecutor’s office.

Reform of police and other law enforcement bodies is not less important. The system of law enforcement bodies is featured by a cumbersome structure that is deteriorated by duplicated and obsolete functions, inadequate legislative framework, low efficiency and lack of system to evalu-

ate its activities, inefficient system of employment and training of staff and of the mechanisms to bring law enforcement officers to liability. One of the effects of inability to advance reforms of criminal justice authorities is that the number of law enforcement officers is among the highest worldwide (e.g., in Ukraine the number of police officers per 100 thousand people is two times higher than in other countries in average), and budget costs are spent inefficiently. Herein, more than 1 million Ukrainian citizens suffered from violence in law enforcement bodies during 2012.

Goal: to reform judicial authority of Ukraine and eliminate the corruption risks in the judiciary and activities of criminal justice authorities.

Measures:

1) To introduce amendments to the Constitution of Ukraine and laws of Ukraine in line with conclusions of the European Commission for Democracy through Law (Venice Commission) aimed at reforming the judicial system and status of judges according to European standards. In particular, such amendments shall provide for:

- decrease of the scope of immunities of judges and providing just functional immunities to judges (immunities from charge for actions made when performing the functions of judge);
- regulation of the issues of prevention and settling the conflict of interest in the activities of judicial officials;
- providing for procedure of special verification of candidates to the position of a judge;
- submitting, publishing (in particular on the Internet) and monitoring of the validity of judges' declarations of property, revenues, expenses and financial commitments;
- setting up special body within the judicial system or entrusting the bodies of judicial self-government (not related to disciplinary functions) with the consultative functions with regard to ethical standards, conflict of interest and declaration of property, revenues, expenses and financial commitments;
- carrying out regular training for judges on the matters that concern the standards of prevention and combating corruption, take them into account at evaluation of judges.

2) To introduce amendments to the Constitution of Ukraine and laws of Ukraine in line with conclusions of the European Commission for Democracy through Law (Venice Commission) aimed at reform of the prosecutor's office according to European standards. In particular, such amendments shall provide for:

- limitation of the powers of prosecutor's office only to the area of criminal justice;
- to ensure adequate safeguards of independence in the activities of prosecutors;
- change of the principles of creating territorial networks of prosecutor's offices in order to eliminate corruption factors in the form of "corruption alliances" of local executive authorities, prosecutor's office, police and courts;
- implementation of transparent competition-based principles of employing the staff of prosecutor's office.

3) To adopt normative legal acts on reforming of law enforcement bodies. They should provide for:

- modern and clear structure of law enforcement bodies, elimination of the most corrupted police units;
- creating local police;
- the principle that powers of law enforcement officers should be determined by the law exclusively, sectoral legal acts should be reduced to the extent possible and brought in line with the Constitution and laws of Ukraine;

- framework for transparency and accountability of law enforcement bodies and independent evaluation of their activities;
- ensuring adequate investigation of abuse committed by law enforcement officers.

6. Prevention of corruption in private sector

Problem

The main problem that provokes corruption in private sector is the merge of business and government. It leads to using political power for running business, illicit lobbying for adoption of certain laws and other normative legal acts.

Another problem is that the conditions for running business create grounds for corruption practices. First of all, this is due to improper and instable legislation that was adopted *inter alia* as a result of illicit lobbying of some business interests, complicated procedures of regulation of entrepreneurship and corrupted controlling authorities and judicial system. The measures of bringing to liability for corruption offences are not efficient, whereas corruption is widespread among law enforcement and judicial systems. It resulted in systematic corruption in private sector, so that entrepreneurs are not able to counter it by themselves. Finally, it led for shaping tolerant attitudes to corruption among business community.

Therefore, the corruption in private sector may be countered only if a comprehensive approach is taken. To this end, it is necessary to ensure the political will for delimitation of business and government, implement the reform in public sector (in particular, it concerns administrative reform that should decrease the opportunities of officials to abuse their powers), to decrease the number of various regulations in the area of entrepreneurship, to ensure free competition and observance of antimonopoly rules, to carry out reform of law enforcement and judicial authorities and to diminish the level of corruption in public sector. On the other hand, the government shall develop partnership with business community through encouraging it to use the ways of conduct that would be alternative to corruption, and provide any assistance to business community in this regard.

Goal: to eliminate corruption conditions of running business, to shape business climate conducive for refusal from corruption practices and intolerant attitudes to corruption among business community.

Measures:

1) To implement measures aimed at lessening regulation of economy, ensuring free competition, administrative and judicial reforms, to reform law enforcement and controlling authorities.

2) To adopt normative legal acts that would deprive legal entities involved into corruption offences of the access to public resource (take part in public procurement, auctions, obtain state loans, subsidies, subventions, tax benefits, etc.), set legal commitments and strict rules for external and internal auditors on reporting about corruption offences; to ensure efficient implementation of the law on liability of legal entities for corruption offences;

3) To adopt normative legal acts aimed at ensuring the transparency of running business and property relations, in particular with regard to establishing the obligation of recording private persons who are beneficiaries of legal entities during their formal registration and including this information in the Unified state registry of legal entities and individual entrepreneurs;

4) To set up the office of business Ombudsman who would represent the interests of business community in the government and engage him/her into establishing regular dialogue with business community in order to raise awareness of the corruption risks and available solutions for private sector, obtaining advices from business community on amending the respective legislation

(commercial legislation, accounting and audit legislation, tax legislation, law on public procurement and other legal acts that concern private sector) for lessening the corruption risks;

5) To engage representatives of business community, associations of entrepreneurs and trade unions into development of strategy to promote the implementation of anti-corruption standards in private sector (OECD recommendations on best practices of internal control, ethics and observance of the law and Business principles of Transparency International to combat corruption) and facilitate the development of self-regulation in private sector;

6) To ensure cooperation with business entities in terms of clarification and practices of application of new anti-corruption standards, set up by the law on liability of legal entities for corruption offences;

7) To develop and regularly implement special programmes aimed at ensuring access of entrepreneurs to necessary information, in particular about administrative procedures, rights and responsibilities of entrepreneurs, at shaping intolerance to corruptive behaviour and encouragement to report about corruption cases;

8) To run pilot projects on “integrity pacts” in infrastructure projects or other projects entailing significant budget expenses through creating trilateral (government – business – civil society) mechanism of control over planning and implementation of such projects, due and efficient cost delivery.

7. Access to information

Problem

Effective access to information in the possession of public authorities and other actors is essential for prevention of corruption, identification and termination of corruption offences. Particular significance is given to socially-important information, namely the information about use of public costs, management of state and community property, personal revenues, property, expenses and financial commitments of public servants. Access to information is a necessary tool for journalist investigations and encouraging civic activism in the area of countering corruption.

The Law of Ukraine “On Access to Public Information” is in force since May 2011. It was acknowledged one of the best in the world in terms of regulation. In March 2014 important amendments were made to a number of legislative acts (under Law of Ukraine # 1170-VII) in order to bring them in line with the Law of Ukraine “On Access to Public Information” and new version of the Law of Ukraine “On Information”. At the same time, the level of practical implementation of new provisions on access to information is still poor, the opportunities of access to information are limited, cases of unreasonable refusal in access to information or failure to fulfil requirements on publication of the information are not uncommon. No efficient state control over the observance of right to access to public information is in place.

Goal: to promote the rights of individuals to access to information, ensure openness of socially- important information that can be used for identification and termination of corruption practices, effective state control over the implementation of respective legislation.

Measures:

1) To introduce amendments to the legislation in order to ensure:

- free access to Unified state registry of legal entities and individual entrepreneurs through the Internet – in particular, access to data about final beneficiaries of legal entities, financial reports and statutory documents;
- disclosure of data from State registry of real estate title and State Land Cadastre in open access on the Internet, including the access to data about objects and subject of rights and their encumbrances;

- publication and creating conditions for access to information about the use of public costs administered by state authorities and economic entities in state and community property, bodies of mandatory state insurance and bodies of the Pension Fund of Ukraine – in particular, through publication on the Internet and creating conditions for online access to all transactions at the accounts of central executive authority that implements state policy in the area of treasury and allocation of budget costs;
- that financial institutions disclose information about payments to state and local budgets paid by economic entities that have license to extraction of minerals and use of natural resources;
- creating (appointing) a state body to control observance of the right to access to information that would meet the standards of efficiency and independence;

2) To take stocks of public registries that contain socially important information and provide for their disclosure pursuant to requirements on personal data protection, simplifying access (including cost-cutting of access) to public registries;

3) To create normative, legal and organizational framework for arranging access to information in the form of “open data” and reuse of information (with this view, it is necessary to introduce amendments to legislative acts and adopt bylaws to establish standards of publishing information in the form of “open data” – in particular, on the unified state web-portal of “open data”, of the authorized body responsible for implementation of “open data” standards, implementation of the respective provisions);

4) To ensure that Ukraine actively takes part in international initiatives on transparency and better correspondence to standards of international initiatives – in particular, implementation of the standards of initiatives on transparency of extractive and construction industries and Open Budget Index.

IV. PUNISHMENT FOR CORRUPTION

Problem

The legislation on liability for corruption offences in Ukraine is basically in line with international standards, as proved by the Report of Group of States against Corruption (CREGO) upon the third evaluation round approved in December 2013.

Another important step was the adoption of the Law of Ukraine # 1261 “On Amending Certain Legal Acts of Ukraine in the Area of Anti-Corruption Policy for Implementation of the European Union Visa Liberalization Plan for Ukraine” of 13 May 2014.

This Law entails significant improvement of the national system of prevention and countering corruption. In particular, it provides for:

- criminalization of corruption:
 - increased penalties for private persons and legal entities for criminal corruption offences through introducing imprisonment as an alternative punishment – it would ensure that Ukraine is eligible for cooperation within the framework of international legal assistance, as provided for by Criminal Law Convention on Corruption;
 - establishment of jurisdiction with regard to bribe-related crimes committed by our citizens abroad in conspiracy with foreigners;
 - establishment of liability for bribe of persons employed in private companies at any position;

- clear definitions of the proposal and promise of undue advantage – it would inevitably improve the activity of national law enforcement bodies;
- application of the rules of special forfeiture on all corruption offences, in private sector in particular;
- financial control of material status of public servants:
 - establishment of external control over the declarations on property, revenues, expenses and financial commitments to be performed by tax authorities;
 - establishment of administrative and disciplinary liability for submitting false information in these declarations (fine in the amount UAH 2,550 to 5,100);
- enhancing the safeguards of protection of informants:
 - placing the burden of proof on respondent in cases where informants encountered pressure;
 - establishment of the possibility to inform about corruption anonymously – in particular, through special channels;
 - establishment of the duty of state authorities to establish mechanisms for collecting and verification of notifications about corruption (including anonymous notifications);
- minimization of corruption offences in legal entities:
 - establishment of the duty of companies to develop and introduce rules and procedures on prevention and identification of corruption;
 - establishment of liability of legal entities for failure to deliver anti-corruption measures if it resulted in a corruption offences.

Nevertheless, some problems are still waiting for settlement. It is necessary to align the provisions of Article 368-2 “Illicit Enrichment” with the UN Convention against Corruption, whereas it can be an effective way of depriving criminals of the property that was obtained illegally. Along with criminal legal instruments of bringing to liability for illicit enrichment, it is necessary to establish civil legal sanction: upon the claim of prosecutor (specially authorized anti-corruption office), the property, the legality of which the offender cannot prove in the order stipulated by law, shall be recovered to the state revenues.

In 2013, new legislation on forfeiting of proceeds of crime was adopted. However, it does not presume setting up specialized authority (division) entrusted with tracing of assets that are subject to arrest and forfeiting and with adoption of legislation that would ensure efficient management of the arrested assets. In addition, Ukraine lacks legislation that would provide for collecting to state revenue (forfeit) the proceeds of crime, if a suspect (convict) evades investigation or justice. It is also necessary to ensure legislative regulation of how to return assets divested abroad in the course of crimes, and to establish safeguards for efficient management of such assets – in particular, with the use of civic control mechanisms.

The Law of Ukraine # 314-VII “On Amending Certain Legal Acts of Ukraine for Implementation of the European Union Visa Liberalization Plan for Ukraine with regard to Liability of Legal Entities” of 23 May 2013 provides for establishment of quasi-criminal liability of legal entities for committing crimes related to laundering of proceeds of crime (Articles 209 and 306 of the Criminal Code), terrorist activities (Articles 258-258-5 of the CC) and corruption (Articles 368-3, 368-4, 369 and 369-2 of the CC). The law is new to domestic legal system, so there are risks that it would not be properly implemented at practical level. In addition, some of its provisions have to be elaborated further (in particular, with regards to establishing separate liability of legal entities irrespective of whether private persons acting in the interests of legal entity were brought to liability or not).

Another serious drawback of the national system of combating corruption is the lack of specialized body that would be tasked with identification and investigation of corruption offences committed by senior officials of the state, whereas the existing specially authorized divisions proved inefficient – mostly due to absence of the guarantees of their independent operation.

Goal: to set up the system of tools to efficiently identify and investigate corruption offences, forfeit property that was subject of criminal activities or proceeds of crime, and bring persons engaged into corruption offences to liability.

Measures:

1) To adopt the laws aimed at:

- introducing amendments to the Criminal Code of Ukraine on:
 - providing for definition and list of corruption offences;
 - elimination of possibility to persons who committed corruption offences to get relieved from liability and punishment, in particular through probation, remorse, admission to bail, etc.
 - bringing the provisions of Article 368-2 “Illicit enrichment” of the Criminal Code of Ukraine in conformity with Article 20 of the UN Convention against Corruption and introducing civil legal mechanism of depriving of illegally gained property;
 - regulation of the issues of managing corporate rights and other property under arrest in order to preserve its value and setting up specialized body (division) authorized to tracing of asset that can be forfeited;
 - providing for opportunities of pre-trial investigation and judicial proceedings, as well as collecting to state revenue (forfeiture) of illegally gained property, if a suspect (convict) evades investigation or justice; creating guarantees for efficient management of such assets – in particular, with the use of civic control mechanisms (e.g., by setting up a special fund);
- setting up specially authorized body for identification and investigation of corruption offences on such grounds:
 - availability of sufficient guarantees of independence of the authority (the law strictly determines the grounds for dismissal and the term of office of executives, prohibits to dismiss them for political reasons, identifies the principles of financing the authority and of remuneration of staff, and prohibits to interfere into operation of this authority);
 - transparent competition-based selection of employees in order to prevent the risks of illegal influence on decision-making and selection of qualified staff who meet integrity standards;
 - the authority is specialized on corruption offences committed by senior officials or other person in case if the offense entails essential social danger;
 - availability of the mechanisms of motivation, including financial motivation (e.g., some percentage of the amount of proceeds of crime that this authority managed to forfeit) in order to disclose the corruption cases;
 - civic control and transparency of the authority, reporting about its activities at least twice per year;
 - motivating to cooperate with authorized state authorities in order to identify the cases of corruption;
 - establishment of the positions of special anti-corruption prosecutors that are detached to specially authorized body on identification and investigation of corruption offences;

2) To set up the working group that would be composed of the representatives of government, criminal justice authorities, business community and civil society and would monitor the implementation of the legislation on criminal legal proceedings with regard to legal entities; to develop necessary technical guidelines for officers of criminal justice authorities and judges, organize trainings for officers that would ensure law enforcement; organize wide awareness raising campaign in order to clarify the provisions of law and the need to ensure integrity of business processes and involve civil society and business community into this campaign; to carry out the monitoring of implementation of the law and develop amendments to this law in line with findings of this monitoring;

3) To create unified state registry of legal entities involved into corruption in order to exclude them from participation into public procurement and concluding agreements with state authorities, obtaining state loans, tax benefits, subsidies and subventions, ensure free access to such registry on the Internet;

4) To include national public servants and officials of international organizations into the list of “public actors” in the legislation on prevention and countering legalization of illegally gained incomes (money laundering).

V. SHAPE NEGATIVE ATTITUDES TO CORRUPTION

Problem

One of the major factors of prevention of corruption is public attitude to corruption. According to results of surveys carried out in Ukraine during last years, over 50% population are prone to committing corruption offences if it would help to achieve their goals. In addition, due to lack of the respective data, a significant portion of the population is not able to qualify some behaviours as corruption offences, while understanding that they contradict moral rules and professional code of conduct. The efficient awareness raising campaign vis-à-vis general population would allow for changing attitudes and promoting intolerance to corruption – thus, anti-corruption capacity of society will grow up.

Encouraging the population to inform authorized bodies about corruption cases that they know is also worth attention. The proportion of this population is small, *inter alia* due to high level of tolerant attitudes to corruption, blaming informants as those whose behaviour contradicts with ethical norms, low level of trust to law enforcement authorities, disbelief in the efficiency of anti-corruption measures, a fear of punishment for informing about suspected corruption cases, etc.

At the same time, anti-corruption capacity of the measures aimed at engaging community into identification and informing about corruption is high, as manifested by the experience of other states. One of priorities of anti-corruption policy of the state is to create special conditions for transformation of public attitudes to informing about corruption.

Goal: to shape public idea of zero tolerance to corruption.

Measures:

1) to approve in cooperation with civil society institutions an action plan focused on different social and age groups and aimed at full-fledged change of tolerant attitudes to corruption. The action plan should *inter alia* presume:

- regular awareness raising campaigns for shaping public attitudes and intolerance to corruption as a way to solve a problem;
- improving legal awareness of population – in particular in the area of awareness about citizens’ rights and freedoms, ways to implement them and legal protection means;

- clarification of the most important national anti-corruption measures, of the legislative provisions on prevention and countering corruption – in particular, in identification of forms and types of corruptive behaviours;
- systemic education measures on how to behave in various situations that might entail corruption risks;
- promoting the culture of informing the respective specially authorized bodies about corruption offences;
- overcoming passive attitudes of the society to countering corruption, engaging wider public to effective contribution to anti-corruption activities.

VI. EVALUATION OF RESULTS OF THE STRATEGY IMPLEMENTATION. MECHANISM OF IMPLEMENTATION OF THE STRATEGY

Successful implementation of the Anti-Corruption Strategy would make it possible to lessen the level of corruption in Ukraine, increase the level of public trust to the government, raise more international investments to the economy and create grounds for further anti-corruption reforms.

To ensure implementation of the Strategy, it is necessary to develop and adopt the laws that would *inter alia* provide for:

- framework of organization and activities of specially authorized body responsible for comprehensive measures on development and implementation of anti-corruption policy;
- setting up specially authorized body on identification and investigation of corruption offences;
- implementation of GRECO recommendations with regard to increased transparency of financing political parties and electoral campaigns;
- creating legal framework for lobbying activities;
- strengthening civic control over decision making of elected officials – in particular, through the mechanism of preliminary public discussion of socially important decisions;
- introducing amendments to the Law of Ukraine “On Public Service”, adopted in 2011, in order to reflect SIGMA proposals;
- carrying out integrity verifications of public servants;
- introducing amendments to the laws and bylaws in terms of implementation of OECD standards on corporate management on state enterprises of 22 April 2004 in the activities of state enterprises in Ukraine;
- introducing amendments to the Constitution and laws of Ukraine aimed at reforming judicial system and status of judges in line with European standards;
- introducing amendments to the Constitution and laws of Ukraine aimed at reforming prosecutor’s offices in line with European standards;
- introducing amendments to the Criminal Code of Ukraine in terms of preventing the opportunity of persons who committed corruption offences to be relieved from liability and punishment – in particular through probation, remorse, admission to bail, etc.; aligning Article 368-2 of the Criminal Code along Article 20 of the UN Convention against Corruption and introducing civil legal mechanisms of forfeiture of illegally gained property;
- regulation of management of corporate rights and other property under arrest in order to keep its value, as well as setting up special unit (body) entrusted with tracing assets that can be forfeited.

Evaluation of the efficiency of Strategy will be based on the following tools:

- annual surveys on corruption in Ukraine – to be carried out by wide statistical observations and analysis of anti-corruption law enforcement practices;
- assessing progress in implementation of international standards in the area of anti-corruption policy.

Upon findings of surveys on corruption, the following indicators of successful implementation of the Strategy will be used:

- increase of percentage of people who have negative attitudes towards corruption;
- decrease of percentage of people who have experience of engaging into corruptive behaviours;
- increase of percentage of citizens who are ready to report about cases of corruption and of citizens who reported to authorized bodies about cases of corruption that they faced with;

Implementation of international standards will be assessed according to such indicators:

- implementation of recommendations of the Group of States against Corruption (GRECO) to Ukraine, as well as of recommendations provided within the framework of monitoring of Istanbul Action Plan for Countries of Anti-Corruption Network of the Organization of Economic Cooperation and Development, implementation of the EU Action Plan on Visa Liberalization in terms of preventing and combating corruption and action plan within the framework of Open Government Partnership initiative;
- improvement of Corruption Perception Index published by Transparency International;
- achieving high level of correspondence to standards of international initiatives (initiatives on transparency of extractive and construction industries and Open Budget Index).

The implementation of Strategy shall be evaluated on annual basis upon progress report on the implementation of Anti-Corruption Strategy. The progress report on implementation of the Strategy shall be included into National report on implementation of anti-corruption policy, draft of which should be submitted by the specially authorized body on anti-corruption policy to the Verkhovna Rada of Ukraine, the President of Ukraine and the Cabinet of Ministers of Ukraine by 1 May of the year that follows the reporting period.

In order to implement measures provided for by this Strategy, the Cabinet of Ministers of Ukraine shall approve state programme that is subject to annual revision. These revisions shall take account of the lessons learnt from the implementation of Strategy, conclusions and recommendations of the Parliamentary hearing of the National report on corruption.

Law of Ukraine “On Prevention of Corruption”

October 14, 2014, No. 1700-VII (Bulletin of the Verkhovna Rada (BVR), 2014, № 49, p. 2056)

{With changes according to the Laws No. 77-VIII of 28.12.2014, BVR, 2015, No. 11, p. 75 No. 198-VIII of 12.02.2015, BVR, 2015, No. 17, p. 118 № 576-VIII of 02.07.2015, BVR, 2015, No. 36, p. 360 No. 597-VIII of 14.07.2015, BVR, 2015, No. 35, p. 343 No. 631-VIII of 16.07.2015 No. 679-VIII of 15.09.2015}

This Law defines the legal and organizational grounds for the functioning of the system of prevention of corruption in Ukraine, the content and the order of enforcement of preventive anti-corruption mechanisms, rules to eliminate the consequences of corruption offenses.

SECTION I. GENERAL TERMS

Article 1. Definitions

1. The terms listed below shall have the following meanings in this Law:

- anti-corruption expertise – activity aimed at identifying in normative legal acts or draft legal acts provisions which alone or in combination with other provisions can facilitate the commission of corruption offenses or related to corruption offenses;
- direct subordination – the relationship of direct organizational or legal dependence of subordinate person on his/her supervisor, including through the decision (participation in decision) of employment issues, termination of employment, the use of incentives, disciplinary measures, providing guidance, orders, etc., monitoring their implementation;
- close persons – persons who live together, bounded by common life and have mutual rights and obligations with the subject referred to in part one of the Article 3 of this Law (other than those mutual rights and obligations with such subject which are not of a family nature), including persons who live together but are not married, and – regardless of these conditions – husband, wife, father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, brother, sister, grandfather, grandmother, great-grandfather, great-grandmother, grandson, granddaughter, great-grandson, great-granddaughter, son in law, daughter in law, father in law, mother-father in law, mother in law, adoptive parent or adopted, guardian or trustee, a person who is under the guardianship or trusteeship of the mentioned subject;
- corruption offense – the act having signs of corruption that was committed by a person referred to in part one of the Article 3 of this Law and for which criminal, disciplinary and/ or civil liability is stipulated;
- corruption – the use by a person referred to in part one of the Article 3 of this Law granted official authorities or associated with them opportunities to obtain unlawful benefit or receipt of such benefit or receipt of a promise / offer of such benefit for himself/herself or others, or respectively promise / offer or giving of an unlawful benefit to the person referred to in part one of the Article 3 of this Law or upon his/her request to other persons or entities with a view to persuade the person to unlawfully use granted him/her official authorities or associated with them opportunities;
- unlawful benefit – money or other property, advantages, privileges, services, intangibles, any other intangible or non-monetary benefits which are offered, given or received without legal justifications;

- potential conflict of interest – presence of a person’s private interest in the area in which he/she exercises his/her official or representative powers that could affect the objectivity or impartiality of his/her decisions or affect the commitment or non-commitment of actions in the exercise of mentioned activities;
- gift – cash or another property, advantages, privileges, services, intangibles given/received free of charge or at a price below the minimum market price;
- related to corruption offense – an act that does not have evidence of corruption but violates established by this Law requirements, prohibitions and restrictions, committed by a person referred to in the part one of the Article 3 of this Law, for which the law establishes criminal, administrative, disciplinary and / or civil liability;
- private interest – any tangible or intangible interest of a person including that which is caused by personal, familial, friendly, or other off-duty relationship with natural persons or legal entities, including those arising from membership or activity in social, political, religious or other organizations;
- real conflict of interest – contradiction between private interest of a person and his/her official or representative activities which affects the objectivity or impartiality of his/her decisions and commitment or non-commitment of actions in the exercise of mentioned activities;
- specially authorized subjects in the area of countering corruption – prosecution authorities, internal affairs authorities, National Anti-Corruption Bureau of Ukraine, National Agency for Prevention of Corruption;
- subjects of declaration – persons referred to in paragraph 1, subparagraph “a” of paragraph 2 of Part One of the Article 3 of this Law, other persons who are obliged to file a declaration under this Law;
- family members – persons who are married and their children, including adult ones, parents, persons under guardianship and trusteeship, other persons who live together, bound by common everyday life, have mutual rights and obligations (other than persons whose mutual rights and obligations are not of a family nature), including persons who live together but are not married;
- elected persons – President of Ukraine, people’s deputies of Ukraine, deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, deputies of local councils, village, town and city mayors

Article 2. Legislation in the area of preventing corruption

Relations occurring in the area of preventing corruption shall be governed by the Constitution of Ukraine, international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine, this Law and other laws, and also other legal acts adopted in their furtherance.

Article 3. Subjects covered by this Law

1. Subjects covered by this Law are:

1) persons authorized to perform the functions of the state or local self-government:

- a) President of Ukraine, the Chairman of the Verkhovna Rada of Ukraine, his First Deputy and Deputy, Prime Minister of Ukraine, First Deputy Prime Minister of Ukraine, Vice Prime Minister of Ukraine, ministers, other heads of central authorities of executive power who are not members of the Cabinet of Ministers of Ukraine and their deputies, the Head of the Security Service of Ukraine, the Prosecutor General of Ukraine, the Head of the National Bank of Ukraine, the Head and other members of the Accounting Chamber of Ukraine, Verkhovna Rada’s Commissioner for Human Rights, Chairman of the Verkhovna Rada of the Autonomous Republic of Crimea, the President of the Council of Ministers ARC;

- b) people's deputies of Ukraine, deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, deputies of local councils, village, town and city mayors;
 - c) civil servants, officials of local self-government;
 - d) military officers of the Armed Forces of Ukraine, the State Service for Special Communication and Information Protection of Ukraine and of other established under the laws military units, except for military conscripts;
 - e) judges of the Constitutional Court of Ukraine, other professional judges, members, disciplinary inspectors of the High Qualifications Commission of Judges of Ukraine, officials of the Secretariat of this Commission, the Head, Deputy Head, secretaries of sections of the High Council of Justice and other members of the High Council of Justice, people's assessors and jurors (in the exercise of their functions);
 - f) persons of ranking and senior staff of internal affairs authorities, of the State Penitentiary Service,, the tax police, senior staff of authorities and regional offices of the civil defence, National Anti-Corruption Bureau of Ukraine;
 - e) officers and employees of the prosecution service authorities, the Security Service of Ukraine, diplomatic service,, the state forest protection, nature reserve fund public protection, central government authority which ensures the shaping and implementation of state tax policy and state policy in the customs area;
 - f) members of the National Agency for Prevention of Corruption; g) members of the Central Election Commission;
 - h) officers and employees of other state authorities, authorities of the Autonomous Republic of Crimea;
- 2) persons who for the purposes of this Law are equated to persons authorized to perform the functions of the state or local self-government:
- a) officials of legal entities of public law who are not mentioned in paragraph 1 of Part One of this Article;
 - b) persons who are not civil servants, local self-government officials but render public services (accountants, notaries, appraisers and experts, trustees in bankruptcy, independent brokers, members of labour arbitration, arbitrators in the exercise of their functions, other persons stipulated by law);
- 3) persons permanently or temporarily holding positions related to the implementation of organizational-administrative or administrative-economic duties or specially authorized to perform such duties in the legal entity of private law, regardless of the organizational and legal form, and other individuals who are not officers but working or providing services under the contract with companies, institutions or organizations – in cases stipulated by this Law.

SECTION II. NATIONAL AGENCY FOR PREVENTION OF CORRUPTION

Article 4. Status of the National Agency for Prevention of Corruption

1. The National Agency for Prevention of Corruption (hereinafter – the National Agency) is a central executive body with special status, which ensures shaping and implements the state anti-corruption policy.

2. The National Agency, within the limits defined by this and other laws, is responsible and controlled by the Parliament of Ukraine and accountable to the Cabinet of Ministers of Ukraine.

3. The National Agency is established by the Cabinet of Ministers of Ukraine in accordance with the Constitution and other laws of Ukraine. Issues of the National Agency's activities are presented before the Cabinet of Ministers of Ukraine by the Chairman of the Agency.

4. The legal basis for the Agency's work consists of the Constitution of Ukraine, international treaties of Ukraine, this and other laws of Ukraine and also those adopted in accordance with them other legal acts.

Law of Ukraine "On the central executive power authorities" and other legal acts regulating activities of the executive power authorities and also the Law of Ukraine "On Civil Service" apply to the National Agency, its members, officers and employees of its staff, as well as to its functions regarding authorized units to the extent not inconsistent with this Law.

5. The National Agency for Prevention of Corruption shall be competent upon the moment of appointment of more than half of its total quantitative composition.

Article 5. Composition of the National Agency

1. The National Agency is a collegial body consisting of five members.

2. A member of the National Agency shall be a citizen of Ukraine, not younger than 35 years, who has higher education, possesses the state language and capable of performing respective official responsibilities due to his/her proper business and moral traits, educational and professional level, health condition.

3. Members of the National Agency shall be appointed by the Cabinet of Ministers of Ukraine for four years upon results of a competition. The same person cannot hold this position for more than two consecutive terms. Prime Minister of Ukraine introduces for appointment by the Cabinet of Ministers of Ukraine candidates for members of the National Agency selected by the competition committee, composition of which shall be approved by the Cabinet of Ministers and which organizes and holds the competition.

4. Competition commission shall consist of:

1) a person determined by the Verkhovna Rada of Ukraine upon nomination of its Committee, which is tasked with the fight against organized crime and corruption;

2) a person determined by the President of Ukraine;

3) a person determined by the Cabinet of Ministers of Ukraine;

4) a head of the specially authorized central body of executive power on issues of the civil service;

5) four persons proposed by civil society groups which have work experience in the area of prevention of corruption, selected in accordance with procedure specified in the Regulation on the Competition. 5. Decision of competition commission shall be considered adopted if at the meeting of the competition commission it was supported by at least six members of the competition commission. Statute on competition and regulation on competition commission shall be approved by the Cabinet of Ministers of Ukraine.

Work of the competition commission shall be organized by the Secretariat of the Cabinet of Ministers of Ukraine.

Meetings of the competition commission are open to the media and journalists. Secretariat of the Cabinet of Ministers of Ukraine provides video and audio recording and live video and audio broadcast of relevant information from a meeting of the competition commission at the official website of the Cabinet of Ministers of Ukraine.

Information on the time and place of the competition commission meeting shall be published at the official website of the Cabinet of Ministers of Ukraine no later than 48 hours before it starts.

6. Competition Commission shall:

1) review the documents submitted by candidates for the positions of members of the National Agency; select from all applicants candidates who in accordance with a reasonable decision

of the competition commission has the best professional experience, knowledge and qualities for performing official responsibilities of the National Agency's member;

2) disclose at the official web-site of the Cabinet of Ministers of Ukraine information about the candidates who applied for the competition, as well as information on candidates selected for an interview in the competition commission and on the candidate selected by the competition commission for appointment as a member of the National Agency;

3) hold interviews at its meeting with selected candidates, among the candidates who were interviewed, select by an open ballot voting successful candidate for each vacancy who meets the requirements that apply to a member of the National Agency, and who in accordance with a reasonable decision of the competition commission has the best professional experience, knowledge and qualities for performing official responsibilities of the National Agency's member.

7. No later than two months prior to the expiration of the term of office of the National Agency's member or within fourteen days from the date of his early termination of office the Cabinet of Ministers of Ukraine shall place announcements on the terms and conditions of the competition in the national print media and at the official website of the Cabinet of Ministers Ukraine.

8. A person who applies for participation in the contest shall submit within the specified in the announcement term the following documents:

1) an application for participation in the competition together with an agreement to conduct a special check in accordance with this Law and to the process personal data in accordance with the Law of Ukraine "On Personal Data Protection";

2) curriculum vitae which should include: the second name (all second names in case they were changed), the name (all names, including those changed) and patronymic (if applicable), day, month, year and place of birth, citizenship, information about education, work, position (occupation), place of work, civil work (including elected positions), membership in political parties including those in the past, the presence of labour or any other contractual relationship with a political party during the year preceding the submission of the application (regardless of duration), contact telephone number and email address, presence or absence of criminal record;

3) The declaration of the person authorized to perform functions of the state or local self-government for the year preceding the year in which the announcement about the competition was made public; 4) other documents submittal of which is stipulated in this Law for conducting a special check. The information in documents submitted in accordance with this part, except for information that is in accordance with this Law is referred to classified information, information about contact phone number, email address of the candidate, shall be published at the official website of the Cabinet of Ministers of Ukraine within three working days after the deadline for submission of applications for the competition.

9. It is prohibited to appoint as a member of the National Agency person who:

1) is judicially declared incapable or whose capacity is limited;

2) has been convicted for a crime, if such record is not cancelled or withdrawn in accordance with order stipulated by law (except for rehabilitated persons);

3) was held criminally liable based on a conviction which came into force for committing a corruption offense or related to corruption offense;

4) is not the citizen of Ukraine or acquired the citizenship or nationality of another state;

5) did not pass a special check or refused to give consent for undergoing such check;

6) has not filed in accordance with this Law declaration of a person authorized to perform functions of the state or local self-government for the past year;

7) within one year before applying for the competition to fill this position was a member of governing bodies of a political party, regardless of duration.

10. Office of the National Agency's member shall be early terminated by the Cabinet of Ministers of Ukraine in case of:

- 1) the appointment or election to another office upon his consent;
- 2) reaching the age of 65 years;
- 3) inability to perform his duties due to health reasons in accordance with the opinion of the medical commission, to be created by a specially authorized central executive authority which implements the state policy in the health care area;
- 4) entry into force of a court decision declaring him/her incapacitated or limiting his/her civil capacity, declaring him/her missing or dead;
- 5) entry into force of conviction against him;
- 6) the termination of the citizenship of Ukraine or his/her departure for permanent residence outside Ukraine;
- 7) submission of dismissal at will, resignation;
- 8) refusal to take an oath of the civil servant;
- 9) death;
- 10) the entry into force of the court decision which discovered systematic violation of this Law if the relevant violations do not contain evidence of a crime.

11. Member of the National Agency whose term of office has expired shall exercise the powers up to his dismissal from office by the Cabinet of Ministers of Ukraine.

Article 6. Chairman of the National Agency

1. Chairman of the National Agency is elected by the Agency for a period of two years from among its members. The same person cannot hold the position for more than two consecutive terms.

2. Chairman of the National Agency:

- 1) organizes the work of the National Agency, convenes and conducts meetings, signs the minutes of meetings and decisions of the National Agency, ensures their publication at the official web-site of the National Agency, organizes the preparation of the agenda of the National Commission's meetings and submits it for consideration of the Commission;
- 2) coordinates the work of members of the National Agency, controls the work of employees of its staff;
- 3) appoints and dismisses in accordance with the legislation on civil service employees of the National Agency staff, except for the Chief of Staff and his deputies;
- 4) hires and dismisses in the manner stipulated by labour legislation employees of the National Agency; 5) assigns civil servants' ranks to servicemen of the Commission, takes incentive measures, brings employees of the Commission's staff to disciplinary liability;
- 6) makes decisions in accordance with the established procedure on allocating budget funds which are managed by the National Agency;
- 7) approves manning table and the budget of the National Agency;
- 8) represents the National Agency in its relations with courts, other authorities, enterprises, institutions and organizations in Ukraine and abroad, and with the public;
- 9) convenes and conducts consultations on issues within his/her competence;
- 10) issues decrees, and instructions within his/her competence;

11) has the right to attend meetings of the Verkhovna Rada of Ukraine, its committees and permanent, ad hoc special and temporary investigatory commissions, as well as participate in an advisory capacity in meetings of the Cabinet of Ministers of Ukraine, other state agencies and local self-government when considering issues related to the formation of and implementation of anti-corruption policy;

12) exercises powers under this Law of a member of the National Agency;

13) exercises other powers in accordance with this Law and other laws.

3. Powers of the Chairman of the National Agency shall be terminated in case of:

1) early termination of his office as a member of the National Agency in cases stipulated in paragraph ten of Article 5 of this Law;

2) submission of application for dismissal from office of the Chairman of the National Agency at will without termination of office of Commission's member.

4. The National Agency shall elect from among its members the Deputy Chairman of the National Agency who acts as the Chairman of the National Agency during absence of the latter.

Article 7. Powers of the National Agency's members

1. Member of the National Agency:

1) prepares the issues for consideration by the National Agency, participates in its meetings and voting without a right to abstain;

2) ensures within his/her competence implementation of the decision of the National Agency;

3) exercises the powers and coordinates the work of structural divisions of the National Agency's staff in accordance with the distribution of functional responsibilities determined by the National Agency;

4) on behalf of the National Committee represents the National Agency in relations with state authorities, local self-government, public associations, individuals and legal entities in Ukraine and abroad.

2 Member of the National Agency in the exercise of his/her authorities may:

1) become familiar with the documents that are in the National Agency;

2) to propose for inclusion into the agenda of the meeting of the National Agency issues within its jurisdiction;

3) speak at the National Agency's meetings, to make proposals on issues that are considered, to initiate voting upon them;

4) upon the order of the National Agency conduct inspections on issues which in accordance with this Law are referred to the authority of the National Agency;

5) attend meetings of the Verkhovna Rada of Ukraine, its committees and ad hoc special and temporary investigatory commissions, as well as the meetings held by the Cabinet of Ministers of Ukraine, ministries and other government agencies and local self-government in respect of topics relating the formation and implementation of anti-corruption policy;

6) in case of disagreement with the decision of the National Agency to lay down in writing his dissenting opinion which is attached to the minutes of the meeting of the National Agency;

7) attend events organized by the National Agency.

Article 8. Organization of the National Agency's activities

1. The main form of the National Agency's activities is meetings held at least once a week. The agenda of meetings shall be approved by the National Agency. Decisions of the National Agency shall be adopted by the majority of votes of its total composition. Regulation on the National

Agency, as well as distribution of responsibilities between the Deputy Chairman and the members of the National Agency for appropriate directions to implement its functions shall be approved by the decision of the National Agency.

2. Staff of the National Agency shall perform organizational, informational, reference and other support of Commission's activities. Regulation on the National Agency's staff, its structure and regulations on the separate structural divisions of the staff shall be approved by the National Agency. Maximum number of employees of the National Agency shall be approval by the Cabinet of Ministers of Ukraine upon submittal of the National Agency's Chairman. Chief of Staff and his deputies shall be appointed and dismissed by the National Agency.

3. Regional offices of the National Agency, the territory of which not necessarily coincides with the administrative and territorial division, may be established by decision of the Cabinet of Ministers of Ukraine upon the proposal of the National Agency.

Heads of territorial offices of the National Agency (in case they are established) shall be appointed and dismissed by the decision of the National Agency.

4. Employees of the National Agency Staff and its territorial bodies (if established) on a regular basis, but not less than once every two years, shall undergo mandatory skills improvement trainings.

Article 9. Guarantees of the National Agency's independence

1. National Agency's independence from influence or interference in its activities is guaranteed by:

- 1) the special status of the National Agency;
- 2) special procedure of selection, appointment and termination of office of the National Agency's members;
- 3) special procedure established by law on funding and logistical support of the National Agency;
- 4) proper conditions of remuneration for members and officials of the National Agency staff stipulated by this Law and other laws;
- 5) transparency of its activities;
- 6) by other means stipulated by this Law.

2. In the course of duties performance members and officials of the staff of the National Agency are deemed government officials, acting on behalf of the state and fall under its protection.

3. Use of the National Agency for party, group or private interests is not allowed. Activities of political parties at the National Agency are prohibited.

4. It is prohibited for state authorities, authorities of the Autonomous Republic of Crimea, local self-government and their officers and employees, political parties, associations and other entities to interfere in activities of the National Agency in the course of the performance of its duties.

5. Notification about suspicion of a criminal offense in regard to a member of the National Agency may be performed only by the Prosecutor General of Ukraine (acting Prosecutor General of Ukraine). Prosecutor General of Ukraine or his deputy has the right to file in accordance with established procedure a request for removal from office of a member of the National Agency for Prevention of Corruption who is suspected or accused of a crime.

6. Members and officials of the National Agency staff, their close persons and property are protected by the state. In the case of a relevant notification by a member of the National Agency the internal affairs authorities shall take the necessary measures to ensure the security of the National Agency's member, his close persons, to save their property.

7. Attempt on the life and health of the member or official of the National Agency staff, his close persons, destruction of or damage to their property, threatening them of murder, violence or destruction of property entail legal liability stipulated by the law.

8. A member of the National Agency has the right for protection provided to him by the interior authorities.

Article 10. *The legal status of members, staff officers and regional offices of the National Agency*

1. The National Agency's members are civil servants.

2. Employees of the National Agency staff and its regional offices are civil servants and also other employees who perform supplementary functions.

Article 11. *Powers of the National Agency*

1. The National Agency has the following powers :

1) analysis: of the state of prevention and countering corruption in Ukraine, of the activities of state authorities, authorities of the Autonomous Republic of Crimea and local self-government on preventing and countering corruption; statistics, results of studies and other information on the situation with corruption;

2) drafting Anti-Corruption Strategy and State Program of its implementation, monitoring the coordination and evaluation of implementation effectiveness of Anti-Corruption Strategy;

3) preparing and filing as prescribed by law to the Cabinet of Ministers of Ukraine draft of a national report on the implementation of the grounds of anti-corruption policy;

4) the development and implementation of anti-corruption policy, drafting of legal acts on these issues;

5) organization of research on the issues of exploring the situation with corruption;

6) monitoring and control over implementation of legislation on ethical behaviour, the prevention and settlement of conflicts of interest in the activities of persons authorized to perform the functions of the state or local self-government and persons equated to them;

7) coordination and rendering methodological help in detection by state authorities, authorities of the Autonomous Republic of Crimea, local self-government corruption risks in their activities and implementation of measures to address them, including the preparation and implementation of anticorruption programs;

8) implementation in the manner stipulated by this Law of monitoring and verification of declarations of persons authorized to perform the functions of the state or local self-government, storage and disclosure of such declarations, monitoring lifestyle of persons authorized to perform the functions of the state or local self-government;

9) ensuring that the Unified State Register of declarations of persons authorized to perform the functions of the state or local self-government and the Unified State Register of persons who committed corruption or related to corruption offenses are duly kept;

10) approval in accordance with this Law rules of ethical conduct for civil servants and local self-government officials;

11) coordination within the competence, methodological support and performing analysis of the efficiency of the authorized units (authorized persons) on the prevention and detection of corruption; 12) approval of anti-corruption programs of state authorities, authorities of the Autonomous Republic of Crimea, local self-government, elaboration of a typical form of the anti-corruption program of a legal entity;

13) implementation of cooperation with persons who in good faith report possible evidence of corruption offenses and other violations of this Law (whistleblowers), taking measures concerning their legal and other protection, prosecution of perpetrators violating their rights in connection with such reporting;

14) organization of training, retraining and advanced training of civil servants of state authorities and authorities of the Autonomous Republic of Crimea, local self-government officials on issues related to the prevention of corruption;

15) providing clarification, guidance and consulting on issues of application of legislation on ethical conduct, prevention and settlement of conflicts of interest in the activities of persons authorized to perform the functions of the state or local self-government and persons equated to them;

16) informing the public about measures taken by National Agency to prevent corruption, the implementation of measures aimed at forming public awareness of the negative attitude to corruption,

17) public involvement to the shaping, implementation and monitoring of anti-corruption policy;

18) coordination of implementation of international commitments in the field of development and implementation of anti-corruption policy, cooperation with state authorities, non-governmental organizations of foreign states and international organizations within its competence;

19) exchange of information with the competent authorities of foreign states and international organizations;

20) other powers stipulated by law.

Article 12. Rights of the National Agency

1. The National Agency for the purpose of carrying out its powers has the following rights:

1) to obtain in accordance with a procedure stipulated by law upon written requests in accordance with the established procedure information necessary to fulfil its objectives from state authorities, authorities of the Autonomous Republic of Crimea, local self-government, business entities regardless of ownership and their officials, citizens and their associations information necessary to fulfil its objectives;

2) to have direct access to the databases of state authorities, authorities of the Autonomous Republic of Crimea, local self-government, use state, including government communications systems and special communications networks, as well as other technical means;

3) to engage according to established procedure scientists (on a contract basis as well), employees of state authorities, authorities of the Autonomous Republic of Crimea, local self-government in certain activities, participation in studying certain issues;

4) to create commissions and working groups, to organize conferences, seminars and meetings on preventing and countering corruption;

5) to adopt binding legal acts on issues within its competence;

6) to receive statements from individuals and legal entities regarding violation of this Law, conduct upon its own initiative checks of possible facts of violations of this Law;

7) to conduct inspections of work organization on preventing and identifying corruption in state authorities, the authorities of the Autonomous Republic of Crimea, local self-government, in particular regarding the preparation and implementation of the anti-corruption programs;

8) to adopt requirements on violations of legislation on ethical behaviour, the prevention and settlement of conflicts of interest, other requirements and restrictions stipulated by this Law;

9) to obtain from persons authorized to perform the functions of the state or local self-government a written explanations about circumstances that may indicate a breach of ethical conduct, prevention and settlement of conflicts of interest, other requirements and restrictions stipulated by this Law regarding the correctness of the information specified in the declarations of persons authorized to perform state functions or local self-government;

10) to file claims (applications) to the court to deem unlawful legal acts and personal decisions issued (taken) with breach of requirements and restrictions stipulated by this Law, to invalidate contracts signed as a result of the commission of a corruption or related to corruption offense,;

11) to approve the methodology of corruption risks assessment in the government authorities activities, to conduct analysis of the anti-corruption programs of government authorities and to make mandatory for review suggestions to such programs;

12) to initiate an official investigation, to take measures to hold liable persons guilty of corruption and related to corruption offenses, to send to specially authorized subjects in the area of countering corruption materials that show evidence of such offenses;

12-¹) draw up protocols on administrative offenses within the competence of the National Agency, to apply measures, prescribed by law, to ensure the proceedings in cases involving administrative offenses;

13) other rights stipulated by law.

2. In case of identifying violations of this Law regarding ethical behaviour, prevention and settlement of conflicts of interest in the activities of persons authorized to perform the functions of the state or local self-government and persons equated to them, or any other violation of this Law, National Agency shall send to the head of the body, enterprise, institution a requirement to eliminate violations of the law, to conduct service investigation, to bring the perpetrator to the statutory liability. The requirement of the National Agency is binding. Official to whom the requirement of the National Agency is addressed shall inform the Commission on the results of its fulfilment within ten working days after receipt of the requirement.

3. If signs of administrative offenses linked with corruption are detected, authorized representatives of the National Agency are making report on the offense and send it to the court by a decision of the National Agency. Agency's opinion is binding for consideration the results of which shall be delivered to the Agency no later than five working days upon receipt of information about committed offense.

4. State authorities, the authorities of the Autonomous Republic of Crimea, local self-government, individuals and legal entities are required to provide the requested documents or information requested by the National Agency within ten days upon receipt of the request.

5. Legal acts of the National Agency are subject to state registration by the Ministry of Justice of Ukraine and shall be included into the Unified State Register of Legal Acts.

Legal acts of the National Agency after inclusion in the Unified State Register of Legal Acts shall be published in the state language in the official printed publications.

Normative legal acts of the National Agency which passed the state registration come into force on the day of official publication, unless otherwise is provided by such regulations, but in any case not earlier than the day of the official publication.

Article 13. *Authorized persons of the National Agency for Prevention of Corruption*

1. The authorized persons of the National Agency are the Chairman and members of the National Agency and officials authorized by the National Agency.

2. Authorized persons of the National Agency have the right to:

- enter freely the premises of state authorities, authorities of the Autonomous Republic of Crimea, local self-government upon presenting their service ID and have access to documents and other materials necessary for carrying out the inspection;
- request the necessary documents and other information in connection with the exercise of their powers considering restrictions stipulated by law;

- receive within their competence a written explanation from the officials and employees of the state authorities, the authorities of the Autonomous Republic of Crimea, local self-government;
- put up protocols of administrative violations according to the distribution of duties in matters within the competence of the National Agency;
- represent the National Agency in the courts in the manner stipulated by law.

3. Unless the National Agency authorizes its persons, they may not be members of commissions, committees and other bodies constituted by the state authorities, local self-government.

4. The Chairman and members of the National Agency, officials and employees of its staff are prohibited to disclose classified information acquired in connection with the performance of their official duties, except in cases established by this Law.

Article 14. Supervision over the National Agency

1. Control over the National Agency's fund spending shall be performed by the Accounting Chamber through the audit of the Commission once every two years.

2. Civil control over the activities of the National Agency is ensured through the Public Council of the Commission, which is established and formed by the Cabinet of Ministers of Ukraine by selecting 15 people on the basis of competition. The procedure for the organization and conduct of the competition for the formation of the Public Council of the National Agency shall be determined by the Cabinet of Ministers of Ukraine. Representatives of civil society associations who receive funding from the National Agency to support their activities may not become members of the Public Council.

3. Public Council of the National Agency shall hear reports on the activities, implementation of plans and objectives of the National Agency, approve the annual reports on the activities of the National Agency, give conclusions as a result of expertise of draft acts of the National Agency, delegates his representative to attend meetings of the National Agency in an advisory capacity.

4. National Agency prepares annual reports on its activities, which after approval of the Public Council of the National Agency shall be published on its official website.

Article 15. Social security of members and employees of the National Agency staff

1. Members and employees of the National Agency staff must have compulsory state social insurance in accordance with compulsory state social insurance legislation.

2. In case of death (decease) of a National Agency member in the course of performance of his/her official duties, the family of the deceased (dead), and in case of its absence, his parents and dependents shall receive a one-time financial assistance in a sum of ten years wages earned by the deceased (dead) at the last position he held, in accordance with a procedure and terms established by the Cabinet of Ministers of Ukraine. The family of the deceased (dead) retains the right to receive the housing.

3. Harm caused to the property of a member or employee of the National Agency staff or the property of his/her close relatives in connection with performance of official duties shall be reimbursed in full from the state budget of Ukraine, with subsequent recourse of this amount from the guilty persons in order stipulated by law.

Article 16. Remuneration of the members and employees of the National Agency staff

1. Salaries of members and employees of the National Agency staff shall be high enough to ensure sufficient financial conditions for the proper performance of their duties considering the nature, intensity and danger of the work, to ensure recruitment and consolidation of qualified

personnel in the Agency's staff, encourage achievement of high results in official activities, compensate costs of intellectual efforts of workers.

2. Salaries of members and officials of the National Agency staff consist of a base salary, long service bonuses, bonuses for rank, bonuses and other allowances established by the legislation on civil service. Base salary of a member of the National Agency shall constitute 19.5 times the minimum wage. Base salary of the Chairman of the National Agency shall be established in proportion to the base salary of the National Agency's member with a 1.3 coefficient. Base salary of an official of the National Agency staff is set at the level of the respective categories of the Cabinet of Ministers of Ukraine Secretariat.

3. Long-service bonuses and bonuses for rank, bonuses and other allowances shall be paid to the members and civil servants of the National Agency according to the Law of Ukraine "On Civil Service".

Article 17. Financial and logistical support of the National Agency

1. Financial support of the National Agency shall be secured from the State Budget of Ukraine. Financing of the National Agency through any other sources is prohibited, except in cases envisioned by international treaties of Ukraine or projects of international technical assistance.

2. Expenditures for financing the National Agency shall be determined in the State Budget of Ukraine as a separate line at the level sufficient to ensure the proper exercise of the powers by the Commission. Chairman of the National Agency represents the position of the Commission on issues of its financing at meetings of the Cabinet of Ministers of Ukraine, committees or in plenary sessions of the Verkhovna Rada of Ukraine.

3. National Agency is the senior manager of the State Budget of Ukraine funds allocated for its financing. Expenses for activities of the National Agency shall include funds for the awareness campaigns and trainings on issues of preventing and countering corruption.

4. The National Agency shall be supplied with all the necessary material resources, equipment and other assets to carry out official duties.

SECTION III. DEVELOPMENT AND IMPLEMENTATION OF THE ANTI-CORRUPTION POLICY

Article 18. Anti-corruption policy

1. General grounds of anti-corruption policy (Anti-Corruption Strategy) shall be determined by the Verkhovna Rada of Ukraine.

2. Parliament of Ukraine annually by June 1 holds hearings on the state of corruption, approves and publishes an annual report on the implementation of anti-corruption policy grounds.

3. Draft of Anti-Corruption Strategy is prepared by the National Agency on the basis of the state of corruption analysis and results of the previous Anti-Corruption Strategy implementation.

4. Anti-Corruption Strategy shall be implemented through fulfilment of the state target program which is drafted by the National Agency and approved by the Cabinet of Ministers of Ukraine. Heads of state authorities are personally responsible for ensuring implementation of the state target program of the Anti-Corruption Strategy.

5. State target program to implement Anti-Corruption Strategy is subject to annual review, taking into account the results of implementation of these measures, conclusions and recommendations of the parliamentary hearings on the situation with corruption.

Article 19. Anti-Corruption Programs

Anticorruption programs shall be adopted in:

- the Administration of the President of Ukraine, Verkhovna Rada of Ukraine Staff, The Secretariat of the Cabinet of Ministers of Ukraine, the Secretariat of the Commissioner on Human Rights of the Verkhovna Rada of Ukraine, the Prosecutor General Office of Ukraine, the Security Service of Ukraine, the Accounting Chamber of Ukraine, National Bank of Ukraine, ministries and other central executive authorities, regional, Kyiv and Sevastopol city state administrations, target public trust funds – through approval by their supervisors;
- the National Security and Defence Council of Ukraine Staff – through the approval by the Secretary of the National Security and Defence Council of Ukraine; the Accounting Chamber of Ukraine – through the approval by the Chamber Board,
- and at the National Bank of Ukraine – through the approval by its Management Board;

The Accounting Chamber of Ukraine, the Central Election Commission, the Supreme Council of Justice, the Supreme Rada of the Autonomous Republic of Crimea, regional councils, Kyiv and Sevastopol city councils, the Council of Ministers of the Autonomous Republic of Crimea – through the approval by decisions of these authorities.

Anti-corruption programs shall be approved by the National Agency.

Anti-corruption programs shall envision:

- determining the grounds of general departmental policy on preventing and countering corruption in the relevant area, measures for their implementation and the implementation of Anti-Corruption Strategy and target state anti-corruption program;
- assessment of corruption risks in activities of an authority, institution, organization and causes which originate them and conditions which facilitate them;
- measures to eliminate the identified corruption risks, persons responsible for their implementation, terms and resources required;
- education and measures to disseminate information on anticorruption targeted programs; procedures for monitoring, evaluation of implementation and periodic review of programs;
- other measures aimed at preventing corruption and related to corruption offenses.

Article 20. National report on the implementation of the grounds of anti-corruption policy

1. The National Agency shall prepare a draft annual national report on the implementation of the grounds of anti-corruption policy, which is no later than April 1-st shall be submitted for to the Cabinet of Ministers of Ukraine.

2. The annual report on implementation of the grounds of anti-corruption policy shall contain the following information:

1) statistics on results of performance of the specially authorized subjects in the area of countering corruption together with the obligatory indication of the following data:

- a) the number of statements of corruption or related to corruption offenses registered by each specially authorized subject in the area of countering corruption;
- b) the number of operative and detective cases initiated by specially authorized subjects in the area of countering corruption;
- c) the number of persons against whom indictments were prepared in connection with criminal corruption and related to corruption offenses they committed, as well as protocols for committing administrative offenses related to corruption;
- d) the number of persons with effective court conviction for criminal corruption or related to corruption offenses they committed and those who were held administratively liable for offenses related to corruption;

- e) the number of persons with effective acquittal on relevant offenses they committed and regarding whom relevant administrative proceedings were stopped without the imposition of penalties;
 - f) information separately by categories of persons referred to in part one of the Article 3 of this Law and by liability types for corruption and related to corruption offenses;
 - g) the number of persons dismissed from office (work, service) in connection with the prosecution for corruption or related to corruption offenses, as well as people who have been imposed with the main / additional penalty of deprivation of the right to occupy certain positions or engage in certain activities;
 - h) information on the amount of the damage caused by corruption and related to corruption offenses, the state and amount of reimbursement;
 - i) information about the funds and other property obtained as a result of corruption or related to corruption offenses, forfeited upon a decision of a court, as well as funds in the amount of illicit services or benefits collected for the benefit of the state;
 - j) information about the funds and other property obtained as a result of corruption or related to corruption offenses returned to Ukraine from abroad and their disposal;
 - k) information on the forfeiture of the things and proceeds of criminal corruption offenses;
 - l) the number of proposals to repeal by the relevant authorities or officials legal acts and decisions issued (taken) as a result of committing a corruption offense, and the results of their consideration;
 - m) information about acts, decisions deemed illegal in court at the request of an interested individual, association of individuals, legal entities, state authorities, local self-government, published (adopted) as a result of committing a corruption offense;
 - n) the number of requests to eliminate the causes and conditions that contributed to the commission of corruption and related to corruption offenses or failing to comply with anti-corruption laws;
 - o) information about cooperation with the relevant authorities of other states, international organizations and foreign non-governmental organizations and cooperation agreements signed with them;
 - p) information about cooperation with non-governmental organizations and the media;
 - q) information about staff of specially authorized subjects in the area of countering corruption, qualifications and experience of their employees, improvement of their skills;
 - r) information about activities of internal security units of specially authorized subjects in the area of countering corruption; number of reported offenses of their employees, the results of consideration of such reports, holding employees of internal security units liable;
 - s) size of funding of specially authorized subjects in the area of countering corruption;
 - t) other information related to the performance of activities by authorized subjects in the area of countering corruption and fulfilling their responsibilities;
- 2) summarized results of anti-corruption expertise of legal acts and draft legal acts;
- 3) information on results of implementation of measures taken by public authorities to prevent and counter corruption, including those taken in course of international cooperation;
- 4) summarized analysis of the state of corruption which shall contain:
- a) identified by state authorities, authorities of the Autonomous Republic of Crimea, local self-government corruption factors in their activities and measures they have taken to eliminate specified factors;

- b) results of sociological and analytical research of the situation with corruption performed by the state authorities, authorities of the Autonomous Republic of Crimea, local self-government, international organizations and civil society associations;
 - c) the state of implementation of international legal obligations in the area of preventing and countering corruption; d) the impact of the taken measures on the level of corruption based on the statistical data and sociological research;
- 5) report on the implementation of the Anti-Corruption Strategy;
- 6) conclusions and recommendations.

3. Specially authorized subjects in the area of countering corruption, other state authorities, the authorities of the Autonomous Republic of Crimea, local self-government shall submit no later than February 15 to the National Agency the information which it needs to prepare a national report on implementation of the grounds of anti-corruption policy.

4. The Cabinet of Ministers of Ukraine shall on the annual basis no later than April 15 review and approve the draft national report on the implementation of the grounds of anti-corruption policy which shall be sent to the Verkhovna Rada of Ukraine within ten working days from the date of its approval.

5. The national report on the implementation of the grounds of anti-corruption policy shall be published on the official website of the Verkhovna Rada of Ukraine.

Article 21. *Participation of the public in measures on the prevention of corruption*

1. Civil society associations, their members or authorized representatives and individuals in their activity of preventing corruption have the right to:

1) report discovered facts of committed corruption or related to corruption offenses, real, potential conflict of interest to specially authorized subjects in the area of countering corruption, to the National Agency for Prevention of Corruption, management or other representatives of authority, institution or organization where these offenses have been committed or employees of which have conflict of interest, and also to the public;

2) to request and receive information from state authorities, authorities of the Autonomous Republic of Crimea, local self-government, in the manner stipulated by the Law of Ukraine "On Access to Public Information", information about activities to prevent corruption;

3) conduct, order conducting of public anti-corruption expertise of legal acts and draft legal acts, as a result of such expertise submit proposals to relevant authorities, receive from relevant authorities information about consideration of such proposals;

4) participate in parliamentary hearings and other events on the prevention of corruption;

5) make proposals to subjects having right of legislative initiative on improvement of the legal regulation of relations arising in the area of prevention of corruption;

6) conduct, order conducting research, including scientific, sociological, etc., on the issues of prevention of corruption;

7) to conduct events to inform the public on the prevention of corruption;

8) exercise public control over the implementation of laws in the area of prevention of corruption by using such forms of control which are not contrary to law;

9) perform other activities to prevent corruption which are not prohibited by law.

2. Civil society group, individual, legal entity shall not be denied access to the information concerning the competence of subjects which perform measures to prevent corruption, as well as concerning the main areas of their activities. This information is provided in the manner stipulated by law.

3. Draft laws and other draft legal acts which envision the granting of benefits, advantages to specific entrepreneur entities, as well as delegation of powers of state authorities, authorities of the Autonomous Republic of Crimea or local self-government for the purpose of their public discussion shall be immediately posted on the official website of appropriate authorities, but no later than 20 working days prior to their consideration with a view to adoption.

4. State authorities, authorities of the Autonomous Republic of Crimea, local self-government shall summarize the results of the public discussion of draft laws and other draft legal acts referred to in paragraph three of this article and publish them in at their web-sites.

SECTION IV. PREVENTION OF CORRUPTION AND RELATED TO CORRUPTION OFFENSES

Article 22. Restrictions on use of official powers or his/her position

Persons referred to in part one of the Article 3 of this Law shall be prohibited to use their official powers or their position and the associated opportunities to obtain an unlawful benefit for themselves or others including use of state or communal property or funds for their personal interest.

Article 23. Restrictions on receiving gifts

1. Persons referred to in paragraphs 1, 2 of part one of the Article 3 of this Law shall be prohibited to demand, ask, receive gifts for themselves or close persons from legal entities or individuals:

- 1) in connection with performing by such persons activities connected with functions of the state or local self-government;
- 2) if the person who gives is a subordinate to that person.

2. Persons mentioned in paragraphs 1, 2 of part one of the Article 3 of this Law may accept gifts which meet generally accepted notions of hospitality, except as provided by part one of this Article, if the value of such gifts does not exceed one minimal wage established on the date when the gift was received, it accepted one time, and the aggregate value of gifts received from one source within the year not exceeds two living wages established for labour-abled person on January 1 of the current year.

Restriction on the value of gift stipulated by this part shall not apply to gifts which are:

- 1) given to close persons;
- 2) received as a public discounts for products, services, publicly available benefits, prizes, rewards and bonuses.

3. Gifts received by the persons referred to in paragraphs 1, 2 of part one of the Article 3 of this Law in capacity of gifts to the State, the Autonomous Republic of Crimea, local community, state or municipal enterprises, institutions or organizations shall be deemed as state or municipal property and transferred to the authority, enterprise, institution or organization in accordance with a procedure determined by the Cabinet of Ministers of Ukraine.

4. Decisions taken by a person referred to paragraphs 1, 2 of part one of the Article 3 of this Law in favour of a person who has given him/her or his/her close persons the gift shall be deemed as those taken under conditions of the conflict of interest and provisions of Article 67 of this Law shall be applied to such decisions.

Article 24. Prevention of obtaining unlawful benefit or gift and handling them

1. Persons authorized to perform the functions of the state or local self-government, persons equated to them in case of proposal of an unlawful benefit or gift, regardless of private interests, shall immediately take the following steps:

- 1) reject the proposal;
- 2) identify, where possible, the person who made the offer;
- 3) involve witnesses, if possible, including from among employees;
- 4) notify in written the immediate supervisor (if any) about the proposal or the head of respective authority, entity, institution or organization, and one of the specially authorized subjects in the area of countering corruption stipulated by this Law.

2. If a person falling under the restrictions on the use of office and on the obtainment of gifts has discovered in his/her office property or received property which may be unlawful benefit or gift, he/she shall promptly, but no later than one business day, notify in written about such fact his/her immediate supervisor or head of respective authority, enterprise, institution, organization. Upon discovery of property which may be unlawful benefit a written act shall be prepared and signed by the person who discovered the unlawful benefit or gift, and by his/her immediate supervisor or head of authority, enterprise, institution or organization. In case the property which may be the unlawful benefit or gift is discovered by a person who is a head of the body, enterprise, institution, organization, an act on discovering of property which may be the unlawful benefit or gift shall be signed by such person and the person authorized to perform functions of the head of respective authority, enterprise, institution or organization in the head's absence.

3. Items of unlawful benefit and received or discovered gifts shall be stored in the respective authority before they are transferred to the specially authorized subjects in the area of countering corruption.

4. Provisions of this Article shall not apply to cases of receiving a gift under the circumstances provided for by part two of the Article 23 of this Law.

5. In case a person referred to in items 1 and 2 of the part one of the Article 3 of this Law has doubts about the possibility of receiving a gift, he/she is entitled to seek in writing an advice on the matter from territorial office of the National Agency, which shall provide an appropriate explanation.

Article 25. Restrictions on other part-time activities

1. Persons referred to in paragraph 1 of the part one of the Article 3 of this Law are prohibited to:

- 1) engage in any other paid (other than teaching, research and creative activity, medical practice, instructor and judicial practice in sports) or entrepreneurial activities, unless otherwise is stipulated by the Constitution or laws of Ukraine;

- 2) become a member of the board, other executive or supervisory bodies or supervisory board of a company or organization that seeks profit (unless the person carrying out the functions of management of shares owned by the state or territorial community and represents the interests of the state or territorial community in the board (supervisory board), audit committee of the business organization unless otherwise is stipulated by the Constitution and laws of Ukraine.

2. Limitation stipulated by part one of this article, as well as the requirements of part two of this Article shall not apply to members of the Verkhovna Rada of the Autonomous Republic of Crimea, local deputies (except those who exercise their authority in the respective council on a regular basis), the High Council of Justice (except those working in the High Council of Justice on a regular basis), people's assessors and jurors.

Article 26. Restrictions after termination of activities connected with the functions of the state, local self-government

1. Persons authorized to perform the functions of the state or local self-government referred to in paragraph 1 of part one of the Article 3 of this Law who resigned or otherwise stopped the activities connected with the functions of the state or local self-government shall be prohibited to:

1) within one year from the date of termination of the relevant activities enter into employment agreements (contracts) or perform transactions in business with legal entities of private law and natural persons – entrepreneurs if the persons referred to in the first paragraph of this part within one year since the date of termination of the functions of the state or local self-government exercised powers on control, supervision, preparation or taking decisions on the activities of these legal entities or natural persons – entrepreneurs;

2) disclose or otherwise use for their interests information that becomes known to them in connection with the performance of official duties, except for cases stipulated by law;

3) within one year from the date of termination of the relevant activities represent the interests of any person in the cases (including those heard in courts) where another party is an authority, enterprise, institution, organization, where they had been working at the time of termination of their mentioned activities.

2. Violation of restrictions on entering into employment agreement (contract) set out by paragraph 1 of part one of this Article shall serve as the ground for termination of such contract. Business transactions committed in violation of paragraph 1 of part one of this Article may be invalidated. In case the National Agency detects violations referred to in part one of this article it shall appeal to the court for termination of the employment agreement (contract) and deeming transaction void.

Article 27. Restrictions of joint work with close persons

Persons mentioned in paragraphs “a”, “c” – “h” of paragraph 1 of part one of the Article 3 of this Law may not have in their direct subordination close persons or be directly subordinated to close persons in connection with carrying out official powers.

Persons applying for the positions referred to in paragraph “a”, “c” – “h” of paragraph 1 and of the part one of the Article 3 of this Law are obliged to notify the management of the authority where they seek the position about close persons working at this authority. The provisions of the first and second paragraphs of this paragraph shall not apply to:

- 1) people’s assessors and jurors;
- 2) close persons who are directly subordinated to each other in connection with one of them acquiring the status of an elected person;
- 3) persons who work in the rural areas (except those which are regional centres) and mountain towns.

2. In case circumstances violating the requirements of part one of this Article occur, the respective persons or persons close to them shall take steps to eliminate such circumstances within fifteen days.

If during this period the circumstances were not voluntarily eliminated, the respective person or persons close to them shall be within one month from the date of the circumstances’ occurrence transferred in accordance with established procedure to another position which eliminates the direct subordination.

If it is impossible to perform the mentioned transfer, the person who is in subordination shall be dismissed.

SECTION V. PREVENTION AND RESOLVING OF CONFLICT OF INTEREST

Article 28. Prevention and resolution of conflict of interest

1. Persons referred to in clauses 1 and 2 of part 1, article 3 of this Law shall be obliged:
 - 1) to take measures to prevent the occurrence of actual, potential conflict of interest;

2) to report – no later than the next business day from the date when the person found out or should have found out about having a real or potential conflict of interest – to the immediate supervisor, and if the person holds the position that does not provide for having an immediate supervisor or the position in a collective body – to report to the National Agency or other authority or a collective body determined by the law, where the conflict of interest occurred while exercising authority, respectively;

3) not to take any actions and not to make decisions under the conditions of a real conflict of interest;

4) to take measures to address actual or potential conflict of interest.

2. Persons authorized to perform the functions of the government or local self-government may not directly or indirectly in any way encourage their subordinates to make decisions, take actions or refrain from actions that violate the law and benefit their private interests or the private interests of third parties.

3. Immediate supervisor or the supervisor of an authority which has the powers to dismiss/initiate dismissal from position within two business days after receiving a notice that her/his subordinate has a real or potential conflict of interest makes a decision aiming to resolve the conflict of interest, and reports about it to a respective person.

When the National Agency receives a notice from a person about the presence of a real or potential conflict of interest, it explains within seven working days to the reporting person the procedure for her/his actions to resolve the conflict of interest.

4. Immediate supervisor or the supervisor of an authority which has the powers to dismiss/initiate dismissal from position who became aware of the conflict of interest of his subordinate person shall take in accordance with this Law measures for the prevention and settlement of conflict of interest of such person.

5. If person doubts whether he/she has a conflict of interest he/she shall seek for an explanation at the territorial office of the National Agency. If the person did not receive confirmation about absence of conflict of interest he/she shall act in accordance with the requirements set out in this section of the Law.

6. If a person has received confirmation about absence of conflict of interest he/she shall be exempted from liability even if it turned out later that there had been conflict of interest in actions regarding which he/she sought clarification for.

7. Laws and other legal acts that define the powers of the government authorities, the authorities of the Autonomous Republic of Crimea, local self-government authorities, the procedure of provision of certain types of state services and other activities related to the functions of the state and local self-governments have to provide for procedure and ways of resolving the conflict of interest of officials whose activities they regulate.

Article 29. Measures of external and self-resolving of conflict of interest

1. Conflict of interest shall be resolved externally by:

1) suspension of a person from fulfilling the task, performing actions, making decisions or participation in making decisions under the conditions of a real or potential conflict of interest;

2) use of external monitoring to control how person fulfils certain task, does certain actions or makes decisions;

3) restricting a person to access certain information;

4) reviewing the scope of person's official powers;

5) reassignment of a person to another position;

6) discharge of a person.

2. Persons referred to in clauses 1 and 2 of part one of Article 3 of this Act, who have an actual or potential conflict of interest, can independently take steps to resolve it by eliminating the respective private interest and provide documents that prove it to the immediate supervisor or the supervisor of an authority which has the powers to dismiss/initiate dismissal from position.

Elimination of a private interest shall exclude any possibility of its concealment.

Article 30. *Suspension from fulfilling a task, performing actions, decision-making or participating in decision-making*

1. Suspension of the person authorized to perform the functions of the state or local self-government, or other similar person from fulfilling a task, performing actions, decision-making or participating in decision making in the conditions of a real or potential conflict of interest is carried out by the decision of the head of the relevant body, enterprise, institution, organization, in cases where the conflict of interest does not have a permanent nature and given the fact there is a possibility to involve other employees of the respective authority, enterprise, institution, organization in making such decision or taking respective actions.

2. Suspension of the person authorized to perform the functions of the state or local self-government, or other similar person from fulfilling a task, performing actions, decision-making or participating in decision making in the conditions of a real or potential conflict of interest, as well as involving other employees of the respective agency, enterprise, institution, organization in such decision-making or taking respective actions, shall be carried out by a decision of the head of the agency or respective structural subdivision, for which the person works.

Article 31. *Restricting access to information*

1. Restricting access of a person authorized to perform the functions of the government or local self-government, or other similar person to certain information is carried out by the decision of the head of the agency or respective structural subdivision for which the person works for in instances where the conflict of interest is associated with such access and is of a constant nature, as well as if there is a possibility for the person to continue proper execution of its authority under such restriction, and if there is a possibility to commission another employee of the agency, enterprise, institution or organization, with work involving certain information.

Article 32. *Reviewing the scope of official powers*

Review of the scope of official powers of a person authorized to perform the functions of the state or local self-government, or other similar person is carried out by the decision of the head of the agency, enterprise, institution, organization or respective structural subdivision for which the person works if a conflict of interest in its activities is of permanent nature related to a specific authority of the person, and given the possibility for the person to continue proper performance of her/his official tasks under such review, and in case of vesting another employee with the respective authority.

Article 33. *Exercising powers under external control*

1. A person authorized to perform the functions of the government or local self-government, or other similar person, exercises official powers under the external control, if suspension of the person from fulfilling a task, performing actions, decision-making or participating in decision-making under a real or potential conflict of interest, restricting of person's access to information or reviewing its powers are impossible and there is no reason for her reassignment to another position or discharge.

2. External control is carried out in the following forms:

1) inspection by an employee, appointed by the head of the agency, enterprise, institution, organization, of the status and results of performing tasks, taking actions, content of the decisions or

draft decisions, that are made or being developed by the person or a respective collective agency on issues related to the conflict of interest;

2) performance of tasks, taking actions, considering cases, drafting and making decisions by the person in the presence of an employee appointed by a head of the agency;

3) participation of the authorized person of the National Agency in the work of the collective body as an observer without voting right.

3. Decision on the implementation of external control shall include indication of the form of control, employee authorized to administer control, as well as duties of the person in connection with the use of external control of his/her performance of respective tasks, taking actions or decision-making.

Article 34. Reassignment, discharge of a person due to the conflict of interest

1. Reassignment of a person authorized to perform the functions of the state or local self-government, or other similar person to another position due to presence of a real or potential conflict of interest is carried out by the decision of the head of the agency, enterprise, institution, organization in case if the conflict of interest in the activities of the person is of permanent nature and cannot be resolved by suspension of that person from fulfilling the task, taking actions, decision-making or participating in decision-making, restricting access of the person to information, reviewing its powers and functions, eliminating the private interest and if there is a vacant position, that has characteristics that correspond to the person's personal and professional qualities. Reassignment to another position may be carried out only upon consent of the person authorized to perform the functions of the state or local self-government or equivalent persons.

2. Discharge of a person authorized to perform the functions of the state or local self-governments, other similar persons from their positions in connection with the conflict of interest is carried out if the actual or potential conflict of interest in its activities is permanent and cannot be resolved by other means including absence of the person's consent to reassignment or eliminating the private interest.

Article 35. Peculiarities of resolving conflict of interest arising in the activity of certain categories of persons authorized to perform the functions of the government or local self-government.

1. Rules for resolving conflict of interest in the activities of the President of Ukraine, People's Deputies of Ukraine, members of the Cabinet of Ministers of Ukraine, heads of central executive bodies, which are not part of the Cabinet of Ministers of Ukraine, judges of the Constitutional Court of Ukraine and judges of courts of general jurisdiction, the chairmen, vice-chairmen of oblast and district councils, city, village, settlement heads, secretaries of city, village and settlement councils, deputies of local councils are determined by the laws governing the status of the respective persons and the basis of the organization of respective bodies.

2. In the event of a real or potential conflict of interest of a person authorized to perform the functions of the state or local self-governments, or other similar person, who is a part in a collective body (committee, commission, board, etc.), this person has no right to participate in decision-making process of this body. Any relevant member of the collegial body or participant of the meeting who is directly related to the question under consideration may state about conflict of interest of such person. Statement about conflict of interest of member of the collegial body shall be included into the minutes of meeting of the collegial body. If non-participation in decision-making process of an agency of a person authorized to perform the functions of the state or local self-governments, or other similar person, who is a part of that collective body, results in loss of competence by this agency, the person's participation in decision-making should be subject to external controls. The respective collective agency makes the decision on exercising external control.

Article 36. Preventing conflict of interest when a person owns enterprises or equity rights

1. Persons referred to in clause 1, subclause “a” of clause 2 of part one of Article 3 of this Law shall, within thirty days after the appointment (election) to the position, transfer the management of enterprises and equity rights that she/he owns to another person in the manner prescribed by law. In this case, the persons referred to in clause 1, subclause “a” of clause 2 of part one of Article 3 of this Law, shall not transfer the management of the enterprises and equity rights that they own to their family members.

2. Persons referred to in clause 1, subclause “a” of clause 2 of part one of Article 3 of this Law transfer enterprises that they own, which are unitary based on how they were incorporated (founded) and how their authorized capital was formed, by concluding a contract on property management with a business entity.

3. Persons referred to in clause 1, subclause “a” of clause 2 of part one of Article 3 of this Law, transfer their equity rights by one of the following ways:

1) conclusion of the contract on property management with a business entity (but not the contract on management of securities and other financial instruments);

2) conclusion of a contract on management of securities, other financial instruments and funds meant for investment in securities and other financial instruments, with a securities trader who is licensed by the National Securities and Stock Market Agency to manage securities;

3) conclusion of a contract on the establishment of venture unit investment fund for managing transferred equity rights with assets’ management company that is licensed by the National Securities and Stock Market Agency to conduct asset management activities. Transfer of equity rights as payment of the cost of securities of venture unit investment fund is made after registration by the National Securities and Stock Market Agency of emission of securities of such collective investment institution.

4. Persons referred to in clause 1, subclause “a” of clause 2 of part one of Article 3 of this Law, may not conclude contracts mentioned in parts two and three of this article with business entities, securities traders and asset management companies, where family members of such persons are employed.

5. Persons referred to in clause 1, subclause “a” of clause 2 of part one of Article 3 of this Law, appointed (elected) for the position, within one day after transferring the management of the enterprises and equity rights that they own, are required to notify in writing about it the National Agency and provide a notarized copy of the concluded contract.

SECTION VI. RULES OF ETHICAL CONDUCT

Article 37. Conduct requirements of individuals

1. General requirements for the conduct of persons referred to in clause 1, subclause “a” of clause 2 of part one of Article 3 of this Law, which they are obliged to follow when exercising their official or representative powers, grounds and procedure for bringing to liability for the breach of these requirements are established by this Law, which shall be the legal ground for the codes or standards of professional ethics.

2. The National Agency approves the general rules of ethical conduct for state servants and self-government officials. State authorities, authorities of the Autonomous Republic of Crimea, local self-government authorities if necessary develop and ensure compliance with industry codes or standards of ethical behaviour for their employees and other persons authorized to perform the

functions of the state or local self-governments, persons similar to them that conduct activities in the sphere of their control.

Article 38. Compliance with the law and ethical norms of conduct

Persons referred to in clause 1, subclause “a” of clause 2 of part one of Article 3 of this Law shall strictly comply with the law and generally accepted ethical standards of conduct, be polite in their relations with citizens, supervisors, colleagues and subordinates while exercising their official powers.

Article 39. Priority of interests

Persons referred to in clause 1 of part one of Article 3 of this Act, when representing the state or territorial community, act solely in their interests.

Article 40. Political neutrality

1. Persons referred to in clause 1, subclause “a” of clause 2, part one, Article 3 of this Law are required to be politically neutral, avoid demonstrations in any form of their own political beliefs or opinions, not use official authority for the interests of political parties or branches, or individual politicians, while exercising their official powers.

2. The provisions of part one of this article shall not apply to elected persons and persons who hold political positions.

Article 41. Impartiality

Persons referred to in clause 1, subclause “a” of clause 2 of part one of Article 3 of this Law, shall act impartially, in spite of private interests, personal attitude to any persons, their own political views, ideological, religious or other personal views or beliefs.

Article 42. Competence and efficiency

Persons referred to in clause 1, subclause “a” of clause 2 of part one of article 3 of this Law, in good faith, competently, promptly, efficiently and responsibly perform official functions and professional responsibilities, decisions and instructions of the agencies and persons to which they are subordinate, accountable or under their control, do not allow the abuse and inefficient use of state and municipal property.

Article 43. Non-Disclosure of Information

Persons referred to in clause 1, subclause “a” of clause 2 of part one of Article 3 of this Law shall not disclose or use in another way confidential and other information with restricted access, which has become known to them in connection with their official powers and professional obligations, except as required by law.

Article 44. Refraining from execution of illegal decisions or orders

1. Persons referred to in clause 1, subclause “a” of clause 2 of part one of Article 3 of this Law, in spite of private interests, refrain from execution of decisions or orders of the administration, if they are against the law.

2. Persons referred to in clause 1, subclause “a” of clause 2 of Part one of Article 3 of this Law independently evaluate the lawfulness of decisions or orders provided by the administration and the possible harm that would be caused in case such decisions or orders are executed.

3. If a person referred to in clause 1, subclause “a” of clause 2 of part one of Article 3 of this Law receives decisions or orders to execute that the person regards as unlawful or threatening to legally protected rights, freedoms and interests of individual citizens, legal entities, state or public interests, the person shall immediately notify in writing about it the head of the agency, enterprise, institution, organization, where he/she works and elected persons – the National Agency.

SECTION VII. FINANCIAL CONTROL

Article 45. *Submission of declarations of persons authorized to perform the functions of the state or local self-government*

1. Persons referred to in clause 1, subclause “a” of clause 2 of part one of Article 3 of this Law, are required to file the declaration of a person authorized to perform the functions of the state or local self-government (hereinafter – the Declaration of person authorized to perform functions of the state or local self-government) annually until April 1 – for the last year and in the form, which is determined by the National Agency, through the official website of the National Agency.

2. Persons referred to in clause 1, subclause “a” of clause 2 of part one of Article 3 of this Law who terminate activities related to the functions of state or local self-government shall submit a declaration of the person authorized to perform the functions of the state or local self-government, for a period not covered by previously submitted declarations. Persons who terminated activities related to the functions of state or local self-governments are required the next year after the termination of activity to file in accordance with procedure stipulated in Part One of this article a declaration of the person authorized to perform the functions of the state or local self-government for the past year.

3. A person who aspires to hold the position specified in clause 1, subclause “a” of clause 2 of part one of article 3 of this Law, prior to appointment or election to the respective position shall file in the manner prescribed by this Law a declaration of a person authorized to perform state functions or local self-government for the past year.

4. In case the subject of declaration has identified errors in the declaration he filed, the National Agency upon his/her written application allows him/her to correct them within ten calendar days. Bringing the declarant to liability for failure to submit, late submission of the declaration of a person authorized to perform the functions of the state or local self-government, or submission of it with deliberately false information does not release the declarant from the obligation to file a declaration with trustworthy information.

Article 46. *Information to be included in the declaration*

1. The declaration shall contain information on:

1) last name, first name and patronymic, registration number of the taxpayer registration card (series and number of the passport of a citizen of Ukraine, if persons due to their religious beliefs refuse to accept the registration number of the taxpayer registration card and notify the respective central executive authority responsible for shaping tax policy about it, and have a stamp in the passport of the citizen of Ukraine about it) of the declarant and its family members, address of registration and of actual residence, place of work (military service), or place of future work (military service), current position, or aspired position, and category of the position (if available) of the declarant;

2) real estate owned by the declarant and members of its family on the right of private ownership, including joint ownership, or rented by them or used by them based on other right of use, irrespective of the form of the transaction, by which such a right was acquired. The information shall include data on:

- a) the type, property characteristics, location, date of obtaining the property into ownership, rent or other right of use, value of the property on the date when it came into ownership, possession or use;
- b) if immovable property is in the joint ownership, the information mentioned in clause 1, part one of this Article about all co-owners or the name of the respective legal entity and the code at the Unified State Register of Enterprises and Individual Entrepreneurs shall

be given. If immovable property is leased out or otherwise lawfully used, the information mentioned in clause 1, part one of this Article about such property owner or the name of the respective legal entity and the code at the Unified State Register of Enterprises and Individual Entrepreneurs shall also be given.

2-¹) constructions in progress, constructions not commissioned into operation or where the ownership is not registered in the manner prescribed by law, which:

- a) are owned by a declarator or the members of his/her family in accordance with the Civil Code of Ukraine;
- b) located in land plots owned by a declarator or the members of his/her family as their private property, including joint ownership, leasing or any other lawful use irrespective of legal grounds for acquisition of such right;
- c) built out of the materials or at the cost of a declarator or the members of his/her family.

Such information shall include:

- a) information about the property location;
- b) information about the owner or user of a land plot where the property is being constructed;
- c) if property is in the joint ownership, information mentioned in clause 1, part one of this Article about all co-owners or the name of the respective legal entity and the code at the Unified State Register of Enterprises and Individual Entrepreneurs shall be given;
 - d) if movable property is in the joint ownership, the information mentioned in clause 1, part one of this Article about all co-owners or the name of the respective legal entity and the code at the Unified State Register of Enterprises and Individual Entrepreneurs shall be given. If movable property is owned or being in lawful use, the information mentioned in clause 1, part one of this Article about such property owner or the name of the respective legal entity as well as the code at the Unified State Register of Enterprises and Individual Entrepreneurs shall also be given;

3) valuable movable property the value of which exceeds 50 minimum wages established as of January 1 of the reporting year and which belongs to the declarant or members of its family on the right of private ownership, including joint ownership, or is in its possession or use regardless of the form of the transaction by which such right was acquired. Such data includes:

- a) information on the type of property, characteristics of the property, the date of obtaining the property into the ownership, possession or use, value of the property on the date when it came into ownership, possession or use;
- b) information on the vehicles and other self-propelled machines and mechanisms shall also include data on their make and model, year of manufacture, the identification number, if any. Information on vehicles and other self-propelled machines and mechanisms should be reported regardless of their value;
- c) if movables is in the joint ownership, the information mentioned in clause 1, part one of this Article about all co-owners or the name of the respective legal entity and the code at the Unified State Register of Enterprises and Individual Entrepreneurs shall be given. If movables is leased out or otherwise lawfully used, the information mentioned in clause 1, Part one of this Article about such property owner or the name of the respective legal entity and the code at the Unified State Register of Enterprises and Individual Entrepreneurs shall also be given.

4) securities, including stocks, bonds, checks, certificates, promissory notes belonging to the declarant or members of its family, including the information about the type of the security, its

issuer, the date of obtaining ownership of securities, quantity and par value of the securities. If the securities are transferred to another person for management, the information required in clause 1 of part one of this Article shall be provided on that person as well as owner or the name of the respective legal entity and the code at the Unified State Register of Enterprises and Individual Entrepreneurs shall also be given.

5) other equity rights that belong to the declarant or its family members, with indication of the name of each business entity, its organizational and legal form, code of the Unified State Register of Enterprises and Organizations of Ukraine, the share in the authorized (share) capital of the company, enterprise, organization, in monetary and percentage terms;

5-1) legal entities where the declarator or the members of his/her family is a final beneficiary owner (controller). “

The term “final beneficiary owner” (controller) is used in the meaning established by the Law of Ukraine On Prevention and Counteraction to Legalization (Laundering) of the Proceeds of Crime, Terrorist Financing and Financing Proliferation of Weapons of Mass Destruction”.

6) intangible assets owned by the declarant or its family members, including intellectual property objects that can have value in monetary terms. Information on intangible assets include data on the type and characteristics of such assets, the value of assets at the time of obtaining them into ownership, and the date when the right to them appeared;

7) received (accrued) income, including income in the form of salaries (monetary allowance) obtained at the main place of work, and concurrently for other work, honoraria, dividends, interest, royalties, insurance payments, charitable aid, pension, income from sale of securities and equity rights, gifts and other income.

Such information includes data on the type of income, source of income and its size.

Information about a gift shall only be given if the value of such gift exceeds five minimum wages established as of the 1st January of the reporting year; and for the gifts in a monetary form, if the amount of such gifts received from the same person (the group of persons), within a year, exceeds five minimum wages established as of the 1st January of the reporting year;

8) monetary assets, including cash, funds in bank accounts, contributions to credit unions and other nonbank financial institutions, funds lent to third parties, as well as assets in the form of precious (bank) metals. Information on monetary assets includes information on the type, size and currency of the asset, as well as the name and code of the Unified State Register of Enterprises and Organizations of Ukraine of the institution where respective accounts were opened or to which respective contributions were made. Cash, funds placed on one bank account, contributions to credit unions and other non-bank financial institutions as well as asset in the form of precious (bank) metals, cash, funds lent to third parties, the value of which does not exceed 50 minimum wages set as of January 1 of the reporting year, are not subject to declaring.

9) financial obligations, including loans received, leasing obligations, the size of funds paid towards the principal amount of the loan (credit) sum and interest on the loan (credit), obligations under insurance contracts and non-state pension provision contracts, money lent to others. Information on financial obligations include data on the type of obligation, its size, currency of obligation, details about the person in whose favour such obligations arose in accordance with clause 1 of part one of this Article, or the name of the respective legal entity and the code at the Unified State Register of Enterprises and Individual Entrepreneurs and the date when the obligation appeared. Such information is provided only if the value of the obligation exceeds 50 monthly subsistence minimums established for able-bodied person as of January 1 of the reporting year. If

the value of the obligation does not exceed 50 minimum wages established as of January 1 of the reporting year, only the overall value of such financial obligation is indicated.

If real estate or movable property constitute the subject matter of the transaction to ensure the performance of the obligation, the declaration shall indicate the type of property, its location, price and information about the owner of the property, in accordance with clause 1 of this Article or the name of the respective legal entity and the code at the Unified State Register of Enterprises and Individual Entrepreneurs.

10) expenditures and all transactions made within the reporting period, based on which the declarant obtains or terminates the right of ownership, possession or use, including joint ownership, of real estate or movable property, intangible and other assets, as well and of financial obligations referred to in clauses 2-9 of this article.

Such information is indicated only if the size of the respective expenditure exceeds 20 minimum wages established as of January 1 of the reporting year. In addition, such information includes data on the type of transaction, its subject matter and information about the name of the counterparty;

11) position or job, that is being or was performed concurrently: data on position or job (paid or not) that is performed under the agreement (contract), name of the legal entity or individual for whom the person is or was employed concurrently with indication of the code of the Unified State Register of Legal Entities and Individual Entrepreneurs, or last name, first name and patronymic of an individual with indication of her registration number of the taxpayer registration card;

12) participation of the declarant in management, revisionary or supervisory bodies of public associations, charities, self-regulatory or self-governing professional associations, membership in such associations (organizations) with indication of the names of the respective associations (organizations) and their code of the Unified State Register of Legal Entities and Individual Entrepreneurs.

2. The information referred to in part one of this article shall be provided regardless of whether the declarant is in Ukraine or abroad.

3. A tax return shall also contain information about the property subject to declaration in accordance with clauses 2-8, Part one of this Article, which is owned by third party, if a declarator or the member of his/her family gains proceeds or has the right to proceeds from such property and is entitled, directly or indirectly (through any other individuals or legal entities) to deal with such property in a way similar to disposal.

Information listed in this part, shall not be included into the return if the respective property is owned by a legal entity mentioned in clause 5-¹, part one of this Article and is mainly used within the scope of business activity of such legal entity (industrial equipment, special machinery, etc.)

The provisions of this part shall be applied for submission of tax returns by officers at responsible or especially responsible positions, as well as by declarators holding positions related to a high corruption risk level in accordance with Article 50 of this Law.

4. Information required by clause 10 of Part one of this article is not indicated in the declarations of persons who aspire to hold positions specified in clause 1 and subclause "a" of clause 2 of Part one of Article 3 of this Law.

5. Income and expenditures of the declarants shall be indicated in the currency of Ukraine.

The cost of property, property rights, assets and other objects of declaration referred to in part one of this article shall be indicated in the currency of Ukraine at the time acquisition of their ownership or last monetary valuation.

The cost of property, property rights, assets and other objects of declaration which are in possession of the subject of the declaring shall be indicated in case it is known to the subject of the declaring or had to become known to him/her in result of the commission of the relevant transaction.

6. Income/expenditures received/made in foreign currency, for the purposes of indication in the declaration are calculated in the national currency of Ukraine based on currency (exchange) rate of the National Bank of Ukraine effective for the date of receipt of income/making expenditures. As regards income/expenditures received/made abroad, the state where they were received/made is indicated.

7. In case of refusal of a family member of a subject of declaring to provide any information or its part for inserting in the declaration, subject of declaring shall indicate this in the declaration indicating all known to him//her information about such family member stipulated by paragraphs 1-12 of part one of this Article.

Article 47. Accounting and disclosure of declarations

Submitted declarations are included to the Unified State Register of Declarations of Persons Authorized to Perform the Functions of the State or Local Self-government that is formed and maintained by the National Agency.

The National Agency provides open round-the-clock access to the Unified State Register of Declarations of Persons Authorized to Perform the Functions of the State or Local Self-government at the official website of the National Agency.

Access to the Unified State Register of Declarations of persons authorized to perform the functions of state or local self-government at the official web site of the National Agency is granted through the ability to view, copy and print the information, as well as a set of data (electronic record), organized in a format that allows its automatic processing by electronic means for further reuse.

Information in the declaration about the registration number of the taxpayer registration card or series and number of Ukrainian passports, address of residence, date of birth of natural persons regarding whom information is contained in the declaration, location of objects that are listed in the declaration constitute information with restricted access and are not available in the open access.

Information about the person in the Unified State Register of Declarations of persons authorized to perform the functions of state or local self-government shall be stored all the time during which individual performs functions of the state or local self-government and for five years after the termination of performing such functions, except for the last declaration filed by a person which is stored for a lifetime.

Article 48. Control and verification of declarations

The National Agency conducts the following types of control regarding declarations filed by the declarants:

- 1) control with respect to timeliness of filing;
- 2) control with respect to the accuracy and completeness;
- 3) logical and arithmetic control.

2. The National Agency conducts a complete examination of declarations in accordance with this Law.

3. Procedure for conducting controls provided for by this article, as well as complete examinations of declarations are determined by the National Agency.

Article 49. Verification of timeliness of declaration filing

1. Control for timely filing is made within fifteen working days from the date on which such declaration must be submitted.

2. State authorities, authorities of the Autonomous Republic of Crimea, local self-government, as well as legal entities of public law shall within seven working days inform the National Agency about the termination by declaration subjects who work for them of activities related to the public function or local government.

3. If in the result of control it is found that the subject of declaring did not submit a declaration, the National Agency shall notify in written such subject of declaring of that fact, and the subject shall submit declaration within ten days upon receipt of such notification in the manner specified in the part one of Article 45 of this Law.

At the same time the National Agency shall notify in written about the fact of failure to file the declaration to the head of state authorities, authorities of the Autonomous Republic of Crimea, its staff, local self-government, legal entities of public law, where the relevant subject of declaring is employed and specially authorized subjects in the area of countering corruption.

Article 50. Complete examination of declarations

Complete examination of declarations shall be carried out within ninety days from the date of filing of declarations and is meant to ascertain the reliability of the declared data, accuracy of evaluation of the declared assets, examination for the presence of the conflict of interests and signs of illicit enrichment.

Declarations of officials that have responsible and highly responsible status, of declarants who hold positions associated with high levels of corruption risks, the list of which is approved by the National Agency, are subject to mandatory complete examination.

Declarations filed by other declarants in case of discrepancies discovered in result of arithmetical and logical control shall also be a subject to complete examination. National Agency conducts complete examination of a declaration, as well as independently conduct a complete examination of information to be indicated in the declaration regarding family members of the subject of declaring in cases stipulated by part six of Article 46 of this Law.

When results of the complete examination of the declaration show false information included in the declaration, the National Agency shall notify in writing the head of the relevant public authority, the authority of the Autonomous Republic of Crimea, its office, local self-government agency, public legal entity, where the respective declarant works, and other specially authorized entities in the field of combating corruption in the manner provided by parts two and three of Article 15 of this Law.

Note. When speaking about official persons having responsible and highly responsible status, this article refers to people whose positions are listed in part one of Article 9 of the Law of Ukraine "On State Service", or assigned in accordance with article 25 of the said Law and by the part one of the Article 14 of the Law of Ukraine "On Service at Local Self-Government" to categories 1-3, as well as judges, prosecutors and investigators, directors, deputy directors of state authorities which jurisdiction covers all the territory of Ukraine, their staff and independent structural subdivisions, heads and deputy heads of state authorities, authorities of the Autonomous Republic of Crimea which jurisdiction covers the territory of one or more regions, the Autonomous Republic of Crimea, Kyiv and Sevastopol, heads of state authorities of the Autonomous Republic of Crimea, which jurisdiction covers the territory of one or more areas, of the city of republican significance in the Autonomous Republic of Crimea or regional significance, the district in the city, region-level towns, military officials who are senior officers.

Article 51. Monitoring lifestyle of declarants.

1. The National Agency selectively monitors lifestyles of declarants in order to establish correspondence between their level of living and property and income received by them and their family members according to the declaration of a person authorized to perform the functions of the state or local self-government, that is filed in accordance with this Law.

2. Lifestyle monitoring of the declaring subject is performed by the National Agency on the basis of information received from individuals and legal entities, as well as from the media and other open sources of information, which contains information about the discrepancy between the standard of living of the declaring subjects and their declared property and income.

3. Procedure for monitoring lifestyles of the declarants is determined by the National Agency. Lifestyle monitoring shall be carried out in compliance with the legislation on personal data protection and should not involve undue abuse of the right to privacy and family life of a person.

4. Established inconsistency of the level of living and property and income declared by the declarant serves as a ground for complete examination of declaration. In case the National Agency finds out discrepancies in living standards it shall give opportunity to the declaring subject within ten working days to provide a written explanation about this fact. In the case lifestyle monitoring reveals characteristics of a corruption or related to corruption offense, the National Agency shall inform the specially authorized subjects in the area of countering corruption about those.

Article 52. Additional measures of financial control

1. When a declarant or its family member open a foreign currency account in a non-resident bank the respective declarant is obliged to notify in writing within ten days the National Agency according to the procedure it established, indicating the account number and location of the non-resident bank.

2. If there are significant change in the declarant's material status, namely – receipt of income, purchase of property for the sum exceeding the 50 minimum wages established as of January 1 of the respective year, the mentioned declarant within ten days from the receipt of income or property purchase is obliged to notify about it in writing the National Agency. This information is brought to the Unified State Register of Declarations of persons authorized to perform the functions of the state or local self-government and published on the official website of the National Agency.

3. Procedure for informing the National Agency on opening of a foreign currency account in non-resident banks, as well as on significant changes in material status is determined by the National Agency.

Article 52-1. Specifics of financial control measures in respect of certain categories of persons

1. As for the persons listed in clause 1, sub-clause "a", clause 2 of part one of Article 3 of this Law, related to the staff of the intelligence bodies of Ukraine and/or hold positions involving state secret, in particular, at military units and operational-detective, counterintelligence and intelligence authorities, as well as persons nominated for the above listed positions, measures prescribed by Part VII of this Law, shall be arranged and implemented in a manner which makes it impossible to discover their pertaining to the said authorities (units), in accordance with the instructions given by the National Agency for Prevention of Corruption, subject to agreement with the said authorities (units).

SECTION VIII. PROTECTION OF WHISTLEBLOWERS

Article 53. *State protection of persons assisting in prevention and combating corruption*

1. A person providing assistance in preventing and combating corruption (a whistleblower) – is a person who, having reasonable belief that the information is accurate, reports violations of the requirements of this Law by another person.

2. Persons providing assistance in preventing and combating corruption, are under state protection. When there is a threat of life, dwelling, health and property of persons assisting in preventing and combating corruption, or of their close persons in connection with the made notification about violation of requirements of this Law, law enforcement agencies may apply to them legal, organizational and technical and other measures, aimed to protect against illegal attempts and envisaged by the Law of Ukraine “On Ensuring the Safety of Persons Involved in Criminal Proceedings”.

3. A person or its family member shall not be discharged or forced to resign, brought to disciplinary liability or subjected to other negative measures of impact by a supervisor or employer (re-assignment, certification, changing working conditions denial of appointment to a higher position, wage cutting, etc.) or to the threat of such measures of impact in connection with notification the person makes about violation of the requirements of this Law by other person. Information about the whistleblower may be disclosed only upon his/her consent except for cases stipulated by law.

4. The National Agency, as well as other state authorities, authorities of the Autonomous Republic of Crimea, local self-government authorities provide conditions for their employees to notify about violations of requirements of this Law by other persons, in particular through the phone lines, official websites, electronic means of communication.

5. Reporting about violation of requirements of this Law may be done by an employee of a respective agency without attribution (anonymous).

Requirements for anonymous reports on violations of requirements of this Law and proceedings of their consideration are determined by this Law.

Anonymous report on violation of the requirements of this Law shall be considered if the information provided in the report is about a specific person, contains the actual data that can be verified.

Anonymous reports about violations of requirements of this Law are subject for review within fifteen days from the date of their receipt. If it is impossible to verify the information contained in the report within the said term, head of the relevant agency or his deputy shall prolong term for report’s review up to thirty days from the date of its receipt.

If the information contained in the report on violation of the requirements of this Law is confirmed, the head of the relevant agency takes measures to terminate the revealed violation, eliminate its consequences and bring the offenders to disciplinary liability and, in case of detection of a criminal or administrative offense, the head shall also inform specially authorized subjects in the field of anti-corruption.

6. The National Agency constantly monitors implementation of the law regarding protection of denunciators, conducts an annual review and revision of state policy in this area.

7. Officials of state authorities, authorities of the Autonomous Republic of Crimea, officials of local self-government authorities, legal entities of public law, their structural subdivisions in case of a corruption or related to corruption offense or receiving information on the commission of such offense by employees of relevant state authorities, authorities of the Autonomous Republic of Crimea, local self-government authorities, legal entities of public law, their structural subdivisions are required, within their powers to take measures to stop such violations and immediately report them to specially authorized subject in the field of anti-corruption.

SECTION IX. OTHER MECHANISMS FOR PREVENTING AND COMBATING CORRUPTION

Article 54. *Prohibition for state authorities and local self-government authorities to receive benefits, services and property*

State authorities, authorities of the Autonomous Republic of Crimea, local self-government authorities are prohibited to receive free of charge money or other assets, intangible assets, property advantages, benefits or services, except as provided by applicable laws or international treaties of Ukraine, from individuals and legal entities.

Illegal receipt from individuals, legal entities free of charge money or other property, intangible assets, property advantages, benefits or services in presence of appropriate grounds entails liability officials of state authorities, authorities of the Autonomous Republic of Crimea, local self-government.

Article 55. *Anticorruption expertise*

1. Anti-corruption expertise is carried out in order to identify contributing factors or those that may contribute to the commission of corruption offenses in the effective legal acts and drafts of legal acts, and in order to develop recommendations for their elimination.

2. Mandatory anti-corruption expertise is carried out by the Ministry of Justice of Ukraine, except for anti-corruption expertise of draft legal acts submitted for consideration to the Verkhovna Rada of Ukraine by the People's Deputies of Ukraine, which is carried out by the Committee of the Verkhovna Rada of Ukraine, the scope of which includes the question of fighting against corruption. The Ministry of Justice determines the procedure and methodology for conducting their anti-corruption expertise, as well as the procedure for announcement of its results.

3. All drafts of legal acts submitted for consideration to the Cabinet of Ministers of Ukraine shall be subject to mandatory anti-corruption expertise, which shall be carried out by the Ministry of Justice.

4. The Ministry of Justice carries out anti-corruption expertise of legal acts in accordance with its approved annual plan. The said expertise is carried out according to the laws of Ukraine, acts of the President of Ukraine and the Cabinet of Ministers of Ukraine in the following areas:

- 1) rights and freedoms of humans and citizens;
- 2) powers of state authorities and local self-government authorities, persons authorized to perform the functions of the state or local self-government;
- 3) provision of administrative services;
- 4) allocation and expenditure of state budget and local budgets;
- 5) tenders' procedures. Anti-corruption expertise of legal acts of state authorities, whose legal acts are subject to state registration is carried out during such registration.

5. The National Agency may, at their own initiative, carry out anti-corruption expertise of draft legal acts submitted for consideration to the Verkhovna Rada of Ukraine and the Cabinet of Ministers of Ukraine, following the procedures it established. The Cabinet of Ministers of Ukraine forwards to the National Agency all relevant draft legal acts for conducting anti-corruption expertise. The National Agency shall inform the respective Committee of the Verkhovna Rada of Ukraine or the Cabinet of Ministers of Ukraine about carrying out anti-corruption expertise of the respective draft legal act, which shall serve as basis for suspension of its consideration or approval, but for no longer than 10 days. The Public Council of the National Agency is engaged to participate in its anti-corruption expertise.

6. Results of the anti-corruption expertise of effective legal acts in the cases when factors that contribute or may contribute to corruption offenses are detected, shall be subject to mandatory disclosure at the official website or a relevant authority which performed the appropriate expertise.

7. A public anti-corruption expertise of existing legal acts and draft legal acts may be carried out upon the initiative of individuals, public associations and legal entities. A public anti-corruption expertise of legal acts, draft legal acts, as well as the disclosure of its results are carried out by at the expense of respective individuals, public associations, legal entities or other sources not prohibited by the legislation.

8. Results of anti-corruption expertise including public one are subject to compulsory consideration by subject of publication (approval) of the appropriate act, its successor or authority to which relevant legislative powers in this area were transferred.

9. The National Agency holds periodic reviews of legislation for the presence of corruptogenic standards and submits to the Ministry of Justice proposals to include them into the plan of anti-corruption expertise provided for by part four of this article. The National Agency may engage public associations, scientific institutions, also on the terms of state order on the basis of open competition, to participate in the said monitoring.

Article 56. Special inspection

A special inspection (also in regard to information submitted impersonally) is conducted regarding persons running for positions that lead to having responsible or particularly responsible status and positions with high corruption risk list of which shall be approved by the National Agency.

Special inspection shall not be conducted in regard to:

1) candidates for the post of the President, candidates for People's Deputies of Ukraine, candidates for deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, local councils and for positions of village, settlement and city heads, and regarding the information submitted in person;

2) citizens who are drafted to the military service upon conscription of officers and upon conscription to military service during mobilization, for the special period, or involved in the execution of their duties in accordance with staffing tables of a wartime;

3) applicants who hold positions in state authorities, authorities of the Autonomous Republic of Crimea, local self-government and appointed as a result of transfer or promotion to positions within the same authority or appointed as a result of transfer to positions in other state authorities, authorities of the Autonomous Republic of Crimea, local self-government;

4) applicants who hold positions in state authorities, authorities of the Autonomous Republic of Crimea, local self-government which are terminated and therefore such people are appointed as a result of transfer to other authorities which inherit powers and functions of authorities being terminated;

5) persons when considering their inclusion in the lists of people's assessors and jurors. If the appointment, election or approval for offices is performed by local council, a special inspection is conducted in the manner stipulated by this Law in regard to appointed, selected or approved for the relevant positions persons.

2. The head (deputy head) of the state authority, authority of the Autonomous Republic of Crimea, local self-government authority or their staff, where the person is running for a position, is responsible for organizing special examination, except for instances determined by law. Head of the relevant state authority, authority of the Autonomous Republic of Crimea, local self-government or their staff may determine the unit responsible for conducting a special inspection. Peculiarities of the organization of special examination shall be determined by the National Agency.

liarities of conducting a special inspection regarding candidates for positions of judges are stipulated by the Law of Ukraine “On the Judicial System and Status of Judges”. In regard to candidates for other positions who are appointed (elected) by the President of Ukraine, the Verkhovna Rada of Ukraine and the Cabinet of Ministers of Ukraine, the conduct of special examination is imposed, respectively, to the Head of the Presidential Administration of Ukraine, Head of the Verkhovna Rada of Ukraine Staff, Minister of the Cabinet of Ministers of Ukraine or their deputies. Organization of a special inspection in the newly created state authorities is assigned to the central executive authority that implements the state policy in the civil service until the establishment at such newly formed authority of unit responsible for this.

3. Information about a person running for a position referred to in the part one of this article, is subject to special inspection, namely regarding:

- 1) existence of the court decision which came into force and according to which such person was held criminally liable, including corruption offenses,
- 2) existence of the court decision which came into force and according to which such person was held administratively liable for corruption or related to corruption offenses;
- 3) the reliability of the information specified in the declaration of a person authorized to perform the functions of the state or local self-government;
- 4) person’s possession of equity rights;
- 5) health condition (specifically regarding person’s registration with psychiatric or drug rehabilitation institutions of health care), education, the presence of an academic degree, or an academic rank.
- 6) person’s relation to the military duty;
- 7) whether an individual has access to state secrets, if such access is required under the qualification requirements for a position;
- 8) application to a person of a ban to hold the relevant position envisioned by provisions of the Law of Ukraine “On Lustration”.

The candidate for a transfer to a position at another state authority, authority of the Autonomous Republic of Crimea, local self-government who already undergone special inspection before shall inform the appropriate authority which in the prescribed manner requests information on its results.

Note. Positions which are deemed responsible or particularly responsible are positions envisioned by part one of Article 9 of the Law of Ukraine “On civil service” positions referred in accordance with Article 25 of the said Law and the part one of the Article 14 of the Law of Ukraine “On Service in Local Government” to the first – third categories, as well as positions of judges, prosecutors and investigators, heads and deputy heads of state authorities whose jurisdiction extends to the entire territory of Ukraine, their staffs and independent structural units, heads and deputy heads of state authorities, authorities of the Autonomous Republic of Crimea, jurisdiction in the territory of one or more regions, the Autonomous Republic of Crimea, Kyiv and Sevastopol, heads of state agencies, authorities of the Autonomous Republic of Crimea, jurisdiction in the territory of one or more areas of the city in the Autonomous Republic of Crimea or regional significance, district in the city, region-level towns and positions to be displaced by higher military officers.

Article 57. Procedure of conducting a special inspection

1. Special inspection shall be conducted with the written consent of the person who runs for a position within a period not exceeding twenty-five calendar days from the date when consent for the special inspection is granted. In the person does not grant such consent the question of her

appointment to the position is not considered. Procedure of conducting a special inspection and form of a special inspection shall be approved by the Cabinet of Ministers of Ukraine.

2. For carrying out a special inspection the person running for a position, submits to the respective authority:

- 1) a written consent to carrying out special inspection;
- 2) an autobiography;
- 3) a copy of citizen of Ukraine passport;
- 4) copies of documents on education, academic ranks and academic degrees;
- 5) medical certificate on health condition following the form approved by the Ministry of Healthcare of Ukraine regarding person's registration with psychiatric or drug rehabilitation institutions of health care;
- 6) a copy of a military service card (for military persons or persons liable for call-up);
- 7) a certificate of access to the state secret (if available). Person running for a position also submits to the National Agency in the manner specified by part one of Article 45 of this Law, the declaration of a person authorized to perform the functions of the state or local self-government.

Persons mentioned in the seventh paragraph of Article 56 of this Law shall submit documents stipulated by this part of the article for a special inspection within three business days after the relevant election or approval.

3. After obtaining the written consent of a candidates for the position to conduct a special inspection, an authority where such person seeks the position not later than the next day shall send to the appropriate state authorities in charge of conducting a special inspection of the information provided in the part three of Article 56, or to their territorial bodies (in case any) the request for inspection of information about a person who is a candidate for the respective position in accordance with a form approved by the Cabinet of Ministers of Ukraine. Request shall be signed by the head of the body, the position in which the person seeks, and in his absence – a person acting as the head or one of his deputies according to the distribution of responsibilities. Copies of the documents mentioned in part two of this article shall be attached to the request. Regarding candidates for positions (other than a judges positions), appointment (election) to which is performed by the President of Ukraine, the Verkhovna Rada of Ukraine or the Cabinet of Ministers of Ukraine, such request shall be sent to the relevant government agencies (their territorial bodies), respectively, by the Head of the Presidential Administration of Ukraine, Head of Verkhovna Rada of Ukraine Staff, the Minister of the Cabinet of Ministers of Ukraine (their deputies or other official designated by them) through a central executive body that implements the state policy in the field of civil service.

4. Special inspection is performed by:

- 1) the Ministry of Internal Affairs of Ukraine and the State Judicial Administration of Ukraine – regarding the information about bringing a person to criminal liability, criminal record, its removal, repayment;
- 2) Ministry of Justice of Ukraine and the National Agency on Securities and Stock Market – regarding the presence of individual corporate rights belonging to a person;
- 3) National Agency – regarding the presence in the Unified State Register of persons who have committed corruption and corruption related offenses information about the candidate; as well as the truthfulness of information indicated by the person in the declaration of the person authorized to perform the functions of the state or local self-government for the past year;
- 4) central executive body that implements the state policy in the field of health care, the appropriate executive body of the Autonomous Republic of Crimea, the structural unit of the region-

al, Kyiv and Sevastopol city state administration (regarding person's registration with psychiatric or drug rehabilitation institutions of health care);

5) central executive body that implements the state policy in the field of education, the relevant executive authority of the Autonomous Republic of Crimea, the structural unit of regional, Kyiv and Sevastopol city state administration, the central body of executive power to the educational institution is subordinated, the head of the educational institution – regarding the education, the presence of the candidate's academic degree, academic rank;

6) The Security Service of Ukraine – regarding the presence of person's access to state secret, as well as the relationship of a person to military duty (in terms of personal and quality accounting of military bound persons of the Security Service of Ukraine);

7) Ministry of Defence of Ukraine, Military Commissars of the Autonomous Republic of Crimea, regions, cities of Kyiv and Sevastopol – regarding person's relation to military duty (except for quality accounting of military bound persons of the Security Service of Ukraine). Other central executive authorities or specially authorized subjects in the area of countering corruption may be involved in conducting special inspection in order to verify information about the person referred to in this Article or the authenticity of documents provided for in this Article.

Article 58. *The results of a special inspection*

1. The results of the special inspection signed by the head of the authority which carried out the inspection and in his absence – a person who performs his duties, or deputy head of the body according to the distribution of functional responsibilities, shall be submitted to the authority that sent the appropriate request within seven days upon the receipt of the request. During a special inspection, authorities (departments) conducting it can interact and exchange between themselves information regarding individual, particularly regarding individuals who apply for positions holding which constitutes a state secret. Such interaction and exchange carried out according to the procedure established by the Cabinet of Ministers of Ukraine.

2. The decision on appointment (election) or refusal of appointment (election) for position connected with performing the functions of the state or local self-government shall be taken after a special inspection.

In the case the results of the special inspection establish facts of discrepancies present in the autobiography and/or declaration of a person authorized to perform the functions of the state or local self-government, for the previous year, the official (agency) that organizes special inspection shall provide the candidate for the position with the opportunity to provide a written explanation of such fact and/or to fix this discrepancy within five business days.

In the case the results of the special inspection establish information about the applicant for the position, that does not meet the requirements established by the legislation for the position, the official (agency) that is responsible for the appointment (election) for this position, shall refuse applicant the appointment (election) to the position.

In the case the results of the special inspection and of review of the above explanations by candidate for the position establish facts of submission by him of forged documents or false information the officer (agency) that is responsible for the appointment (election) to this post, shall report to the law enforcement agencies within three business days about the established facts and shall refuse the appointment (election) to the position to the applicant. The person regarding whom the results of the special inspection found circumstances which constitute grounds for denial of his/her appointment (election) shall be deemed as the one who have not passed special inspection.

The powers of the person referred to in paragraph eight of part one of the Article 56 of this Law shall be early terminated without termination of the council deputy powers and relevant person shall be dismissed from the relevant position without decision by relevant council if he/she failed to pass special inspection or did not provide consent for a special inspection within the term stipulated by this Law.

Decision refusing the appointment (election) for the position taken in result of a special inspection may be appealed in court.

3. The agency, for position at which the person is running, on the basis of the information received is preparing a certificate on the results of a special inspection form of which is approved by the Cabinet of Ministers of Ukraine. As for the candidates for positions (other than a judges positions) appointment (election) to which is carried out by the President of Ukraine, the Verkhovna Rada of Ukraine or the Cabinet of Ministers of Ukraine, such certificate shall be prepared by the relevant structural unit of the Presidential Administration of Ukraine, the Verkhovna Rada of Ukraine Staff or the Secretariat of the Cabinet of Ministers of Ukraine.

Persons in respect of which a special inspection was carried out, have the right to familiarize themselves with the certificate of results of the special inspection and in the case of disagreeing with the results of the inspection can submit to the respective state agency, local self-government their comments in writing. These comments shall be reviewed within seven days upon the day of their receipt. Information on the results of a special inspection and documents regarding carrying it out are confidential, unless they contain information constituting a state secret. The documents which were filed for a special inspection by a person who sought to occupy the position, in case of his/her appointment (election) to such position shall be sent for storage to the personal file and in case of refusal of appointment (election) shall be returned to such person on receipt, unless the falsity of these documents was established and other cases provided by law. Certificate on special inspection results shall be attached to the documents submitted by the person or to the personal file, if the decision on her appointment (election) to a position was taken.

Article 59. Uniform State Register of Perpetrators of Corruption or Related to Corruption Offenses.

Information about persons brought to criminal, administrative, disciplinary or civil liability for corruption or related to corruption offenses, as well as about entities which were imposed to measures of criminal law in connection with the commission of the corruption offense, shall be inserted into the Unified State Register of persons who have committed corruption and related to corruption offenses which is established and kept by the National Agency. Information concerning persons who are members of the personnel of the agencies that conduct operative and investigative or intelligence-gathering or counterintelligence activities, whose affiliation to the above authorities constitute a state secret, and who were brought to liability for commission of corruption offenses shall be included to the restricted section of the Unified State Register of Perpetrators of Corruption or Related to Corruption Offenses.

Regulations on the Unified State Register of Perpetrators of Corruption or Related to Corruption Offenses, procedure of its establishment and maintenance are approved by the National Agency.

Entry of information about individuals brought to liability for corruption or related to corruption offenses, as well as entry of information about legal entities subject to the measures of criminal and legal nature in connection with the commission of corruption or related to corruption offenses shall be made in the Unified State Register of Perpetrators of Corruption Offenses, within three business days from the from the date of receipt by the National Agency from the State Judicial Administration of Ukraine of an electronic copy of the court decision that entered into force, from the Unified State Register of Judgments.

Information about the imposition of a disciplinary sanction for corruption or related to corruption offenses shall be entered into the Unified State Register of persons who have committed corruption and corruption related offenses within three working days upon receipt by the National Agency, sent from the personnel department of the state authority, authority of the Autonomous Republic of Crimea, authority of the local self-government, as well as enterprise, institution and organization, duly certified paper copy of the order imposing disciplinary action,

Information from the Unified State Register of Perpetrators of Corruption or Related to Corruption Offenses, about entries regarding the person to the said Register, or about absence of information regarding this person is provided: at the request of state authorities, authorities of the Autonomous Republic of Crimea, local self-government authorities for the purpose of conducting a special inspection of information about persons running for positions connected with the functions of state or local self-government; at the request of law enforcement agencies if it is necessary to obtain such information in the course of criminal or administrative proceedings or at prosecutor's request made in the course of his supervision of compliance with and enforcement of laws; in the case of application of an individual (or an authorized person by the individual) or an authorized representative of a legal entity requesting information about themselves or the entity represented.

3. The National Agency ensures publication on its official web site of information from the Unified State Register of Perpetrators of Corruption or Related to Corruption Offenses, within three business days after entries to the Register are made. The below information about an individual that was prosecuted for corruption or related to corruption offenses is available for free round-the-clock access:

- 1) last name, first name, patronymic;
- 2) place of work, position at the time of commission of a corruption or related to corruption offense;
- 3) legal components of a corruption or related to corruption offense;
- 4) punishment (penalty);
- 5) way of committing a disciplinary corruption offense;
- 6) type of disciplinary sanction.

The below information about a legal entity that was subject to measures of criminal and legal nature is available for free round-the-clock access:

- 1) name;
- 2) legal address, code in the Unified State Register of Legal Entities and Individual Entrepreneurs;
- 3) legal components of a corruption offense, that lead to application of the measures of criminal and legal nature;
- 4) type of measures of criminal and legal nature that were applied. This information is not regarded as confidential about a person and cannot be of restricted access.

Article 60. Requirements for transparency and access information

1. Persons specified in paragraphs 1,2 of the part one of Article 3 of this Law, as well as persons permanently or temporarily holding positions related to administrative and regulatory or administrative and economic duties or specifically authorized to perform such duties in legal entities of private law, regardless of the legal and organizational form, are prohibited:

- 1) to refuse to provide information to individuals or legal entities in the information, who have the right to obtain such information according to the legislation;

2) to provide in an untimely manner, to provide misleading or incomplete information that shall be provided in accordance with the law.

2. Information that cannot be of restricted access:

1) information about sizes, types of charitable and other assistance provided to individuals and legal entities or obtained from them by the persons referred to in clause 1 of part one of Article 3 of this Law, or state authorities, local self-government authorities;

2) information about sizes, types of wages, financial aid and any other payments from the budget to the persons specified in clause 1 of part one of Article 3 of this Law, as well as received by such persons in the course of transactions that are subject to compulsory state registration, as well as gifts stipulated by this Law.

3) transfer to due persons of management of enterprises and corporate rights which shall be performed in the manner stipulated by this Law;

4) conflict of interests of persons referred to in items 1 and 2 of part one of the Article 3 of this Law and measures to resolve it.

SECTION X. CORRUPTION PREVENTION IN THE ACTIVITIES OF LEGAL ENTITIES

Article 61. *General provisions of corruption prevention within activities of a legal entity*

1. Legal entities ensure development and implementation of measures that are necessary and reasonable for preventing and combating corruption within activities of a legal entity.

2. Head, founders (participants) of a legal entity provide regular assessment of corruption risks of its activities and implement appropriate anti-corruption measures. Independent experts may be engaged to identify and eliminate corruption risks within activities of a legal entity – in particular, for conducting audits.

3. Officials and officers of legal entities, other persons performing work and having labour relations with legal persons:

1) not commit and not engage in commission of corruption offenses related to the activities of the legal entity;

2) refrain from conduct, which may be considered as willingness to commit a corruption offense related to the activities of the legal entity;

3) instantly inform the officer responsible for the prevention of corruption within activities of the legal entity, head of the legal entity or founders (participants) of the legal entity about instances of incitement to commit a corruption offense related to the activities of a legal entity;

4) instantly inform the officer responsible for the prevention of corruption within activities of the legal entity, head of the legal entity or founders (participants) of the legal entity about instances when other employees of the legal entity or other persons commit corruption or related corruption offenses.

5) instantly inform the officer responsible for the prevention of corruption within activities of the legal entity, head of the legal entity or founders (participants) of the legal entity about occurrence of a real, potential conflict of interests.

Article 62. *Anti-corruption program of a legal entity*

1. Anti-corruption program of a legal entity is a set of rules, standards and procedures meant to identify, combat and prevent corruption within activities of the legal entity.

2. Anti-corruption program is obligatory for approval by the heads of:

1) state, municipal enterprises, business partnerships, the state or municipal share of which exceeds 50 percent, average number of employees for the accounting (fiscal) year exceeds fifty, and gross revenue from sale of goods (works, services) during this period is more than seventy million hryvnias.

2) legal entities that are participants of pre-qualification, participants of the procurement procedure in accordance with the Law of Ukraine "On Public Procurement", if the cost of procurement of goods and services is equal to or exceeds 20 million UAH.

3. Anti-corruption program is approved after its discussion with employees of the legal entity. Text of anti-corruption program shall be in constant open access for employees of the legal entity.

4. Provisions for mandatory compliance with anti-corruption program are included to employment contracts, internal regulations of legal entity, and may be included to the contracts concluded by legal entity.

5. The person responsible for implementation of the anti-corruption program (hereinafter – the Commissioner) with legal status specified in this law is appointing in legal entities mentioned in Part two of this article,

Article 63. *Requirements for the anti-corruption program of a legal entity*

1. The anti-corruption program of legal entities referred to in Part two of Article 62 of this Law, shall contain:

1) scope of its application and range of individuals that are subject to its provisions;

2) an exhaustive list and description of anti-corruption measures, standards, procedures and their execution (application) manner, in particular the procedure for periodic assessments of corruption risks within activities of a legal entity;

3) professional ethics rules of employees of a legal entity;

4) rights and obligations of employees and founders (participants) of the legal entity in connection with preventing and combating corruption in the legal entity; 5) rights and obligations of the Commissioner as the official responsible for corruption prevention and of his subordinate employees (if any);

6) procedure for regular reporting by the Commissioner to the founders (participants) of the legal entity;

7) procedure for proper supervision, control and monitoring of compliance with anti-corruption program within activities of the legal entity, as well as evaluating its results, implementation of planned activities;

8) privacy terms and conditions applicable when the Commissioner is informed by employees about the facts when they are incited to commit a corruption or related to corruption offense or about corruption offenses committed by other employees or persons;

9) procedures for the protection of employees who have provided information on corruption or related to corruption offenses;

10) procedure for informing the Commissioner by employees about occurrence of a real, potential conflict of interests, as well as the procedure for settling detected conflicts of interests;

11) procedure for individual counselling by the Commissioner of employees of the legal entity regarding the application of anti-corruption standards and procedures; 12) procedure for periodic trainings of employees in the field of preventing and combating corruption;

13) application of disciplinary actions to employees who violate the provisions of the anti-corruption program;

14) procedure for application of measures to respond to the revealed facts of corruption or related to corruption offenses, in particular, informing the authorized state bodies, conducting internal investigations;

15) procedure for amending the anti-corruption program.

Article 64. Legal status of the Commissioner

1. The Commissioner is an officer of a legal entity who is appointed by the head of the legal entity or its participants (founders) in accordance with the labour legislation and in the manner prescribed by the approved anti-corruption program.

2. The Commissioner can be a natural person, who has organisational skill, moral and professional qualities and health condition appropriate for accomplishing the relevant duties.

3. A person cannot be appointed to the position of the Commissioner if the person:

1) has previous convictions that are outstanding or un-quashed according to procedures established by the law;

2) is found to be legally incompetent or partially competent by the court;

3) was discharged from the positions in state authorities, state authorities of the Autonomous Republic of Crimea, local self-government authorities due to violation of the oath, or in connection with commission of a corruption or related to corruption offense – within three years following the date of such discharge.

4. Work at positions referred to in paragraph 1, subparagraph a) of paragraph 2 of part one of Article 3 of this Law, as well as any other activity that creates an actual or potential conflict of interests is incompatible with the activities of the Commissioner.

In case circumstances of incompatibility occur, the Commissioner within two days from the date when such circumstances occurred shall notify the head of the legal entity and simultaneously submit letter of resignation.

5. The Commissioner may be early discharged from his position in case of:

1) termination of employment contract at the Commissioner's initiative;

2) termination of employment contract at the initiative of the head of the legal entity or its founders (participants). Person holding the position of the Commissioner in a legal entity referred to in part two of Article 63 of this Law may be discharged after the consent of the National Agency is granted;

3) inability to exercise authority due to health issues according to the conclusion of the medical commission, which is created by the decision of specially authorized central executive body implementing the state policy in the field of healthcare;

4) entry into force of the court decision on finding him/her incompetent or limiting his/her civil competence, declaring him/her missing or dead;

5) entry into force of a judgment of conviction against him;

6) death.

6. The Head of the legal entity shall inform the National Agency within two business days about the discharge of the person from the Commissioner's position and provides an immediate submission of a new candidate for this position.

SECTION XI. LIABILITY FOR CORRUPTION OR RELATED TO CORRUPTION OFFENSES AND ELIMINATION OF THEIR CONSEQUENCES

Article 65. Liability for corruption or related to corruption offenses

For commission of corruption or related to corruption offenses, persons referred to in Part one of Article 3 of this Law are subject to criminal, administrative, civil and disciplinary liability as prescribed by law.

In the case of commission of a crime on behalf of and in the interests of the legal entity by an authorized person on its own or in conspiracy with a legal entity in the cases determined by the Criminal Code of Ukraine, measures of criminal and legal nature apply.

2. Person who committed corruption or related to corruption offense but the court did not apply to such person punishment or imposed penalty in the form of deprivation of the right to occupy a position or engage in activities related to the implementation of the functions of the state or a local self-government or equalled to such activity shall be brought to disciplinary liability in the manner stipulated by law,

3. Official investigation is conducted in accordance with the procedure established by the Cabinet of Ministers of Ukraine in order to identify the causes and conditions that contributed to the commission of a corruption or related to corruption offense or to non-compliance with the requirements of this Law in other way, upon the recommendation of the specially authorized subject in the field of anti-corruption or a by a regulation of the National Agency upon the decision of the head of the agency, enterprise, institution, organization, for which the person who has committed such an offense works.

4. Restrictions on prohibiting a person who was discharged from the position in connection with the prosecution for a corruption offense, to engage in activities related to the functions of the state, local self-government, or other similar to this activity, take place solely on a reasoned decision of the court, unless otherwise provided by the law.

5 The person who was notified of the suspicion of having committed an offense in the area of service activity shall be subject to suspension from the exercise of powers at his/her position in the manner prescribed by law. The person against whom the protocol on administrative offense connected with corruption was drawn, unless otherwise provided by the Constitution and laws of Ukraine, may be suspended from official duties by a decision of the head of authority (institution, enterprise, organization) in which he/she is employed until the end of the case investigation in court.

In case proceedings on administrative violations related to corruption were stopped due to the absence of the event or *corpus delicti* of the administrative offense, average earnings during forced absence associated with removal from office shall be compensated to suspended from official duties person.

Article 66. Compensation of losses and damage to the State as a result of a corruption offense

Losses and damage caused to the state as a result of a corruption or related to corruption offense shall be compensated by the person who committed the offense, in the manner prescribed by the law.

Article 67. Unlawful acts and transactions

Legal acts, decisions issued (approved) with violation of this Law, shall be annulled by the agency or official authorized to approve or annul relevant acts, decisions, or may be found unlawful in the course of court proceedings at the request of an interested individual, associations of citizens, legal entity, prosecutor, state authority, in particular the National Agency, local self-government authority.

The authority or the official shall send to the National Agency within three working days a copy of the decision about annulment or received for enforcement of the court decision on deeming illegal the relevant acts or decisions.

Transaction concluded as a result of violation of this Law may be revoked.

Article 68. *Restoration of rights and lawful interests and compensation of losses, damage, caused to individuals and legal entities as a result of a corruption offense*

1. Individuals and legal entities whose rights were violated as a result of a corruption or related to corruption offenses and who experienced pain and suffering as well as pecuniary damage, losses, have the right for restoring their rights, compensation of losses, damages in accordance with the law.

2. Losses, damage, caused to an individual or legal entity as a result of unlawful decisions, actions or omissions by the subject carrying out activities to prevent and combat corruption, shall be reimbursed from the State Budget of Ukraine in accordance with the law. The state, Autonomous Republic of Crimea, local self-government authority that compensated losses, damages caused by an unlawful decision, act or omission of the subject carrying out activities to prevent and combat corruption, have the right of recourse (regress) to the person who caused losses, damage, in the amount of paid compensation (except for compensation of payments related to labour relations, compensation for pain and suffering).

Article 69. *Confiscation of illegally obtained property*

Funds and other property obtained in the result of the commission of a corruption offense are subject to confiscation or special confiscation upon the court's decision in accordance with the law.

SECTION XII. INTERNATIONAL COOPERATION

Article 70. *International cooperation in preventing and combating corruption*

1. Ukraine in accordance with the international treaties it has concluded carries out cooperation in the field of preventing and combating corruption with foreign states, international organizations that conduct activities aimed to prevent and combat corruption.

2. International legal assistance and other forms of international cooperation in cases of corruption offenses are carried out by the competent authorities in accordance with the law and international treaties of Ukraine, approved by the Verkhovna Rada of Ukraine.

Article 71. *International treaties of Ukraine in the field of preventing and combating corruption*

If international treaties of Ukraine, approved by the Verkhovna Rada of Ukraine establish rules other than those provided by the law on preventing and combating corruption, rules of international treaties shall apply.

Article 72. *International exchange of information in the field of preventing and combating corruption*

1. Competent authorities of Ukraine can provide the relevant foreign authorities with information and get information from them, including that with restricted access, concerning questions of prevention and combating corruption with compliance with the requirements of the legislation and international treaties of Ukraine, approved by the Verkhovna Rada of Ukraine.

2. Provision of information to foreign authorities on issues related to preventing and combating corruption, is only possible if these authorities and the competent authority of Ukraine can establish a regime of accessing the information, which makes disclosures for other purposes impossible or disclosing of it in any way impossible, including by unauthorized access.

Article 73. *Measures to return to Ukraine funds and other assets obtained as a result of corruption offenses, and disposition of confiscated funds and other property obtained as a result of corruption offenses*

Ukraine takes measures to return to Ukraine funds and other assets obtained as a result of corruption offenses, and disposes of these funds and other assets in accordance with the law and international treaties of Ukraine, approved by the Verkhovna Rada of Ukraine.

SECTION XIII. FINAL PROVISIONS

1. This Law shall enter into force on the next day after the day of its publication and shall become effective six months after its entry into force.

2. Before the system for filing and public disclosure of tax returns by persons authorized to perform the functions of the State or local self-government, is implemented in accordance with this Law, declarants shall submit tax returns on their property, revenues, expenses and financial liabilities in the manner prescribed by the Law of Ukraine “On Principles of Preventing and Countering Corruption”. The said returns shall be publicly disclosed in the manner established by the Law of Ukraine “On Principles of Preventing and Countering Corruption”.

The National Agency for Prevention Corruption shall decide on commencing the work of system for filing and public disclosure of tax returns of persons authorized to perform the functions of the State or local self-government.

3. Until adjusted in accordance with this Law, laws and any other regulatory legal instruments shall be valid to the extent that they are consistent with this Law.

4. The following shall be held invalid:

1) The Law of Ukraine “On Principles of Preventing and Countering Corruption” (The Official Bulletin of the Verkhovna Rada of Ukraine, 2011, No. 40, p. 404; 2013, No. 2, p. 4, No. 33, p. 435; 2014, No. 10, p. 119, No. 11, p. 132, No. 12, p. 178, p. 183, No. 20-21, p. 712, No. 22, p. 816, No. 28, p. 937, No. 29, p. 942 as amended pursuant to the Law of Ukraine No. 1634-VII dated August 12, 2014), except for provisions about financial control which become invalid after the system for filing and public disclosure of tax returns by persons authorized to perform the functions of the State or local self-government, starts working in accordance with this Law;

2) the Law of Ukraine “On the Rules of Ethical Conduct” (The Official Bulletin of the Verkhovna Rada of Ukraine, 2013, No. 14, p. 94.)

5. The below legal instruments of Ukraine shall be amended:

1) In the Code of Laws on Labour of Ukraine (The Official Bulletin of the Verkhovna Rada of the Ukrainian SSR, 1971, Annex to No. 50, p. 375):

a) in part one, Article 36:

clause 7⁻¹ shall be amended and restated as follows:

“7⁻¹) conclusion of labour agreement (contract) in violation of the Law of Ukraine “On Prevention of Corruption” for the persons who resigned or otherwise terminated their activity related to the functions of the State or local self-government, within a year after the day of its termination”;

b) in clause 4, part one, Article 41, replace the words “of the Law of Ukraine “On Principles of Preventing and Countering Corruption” with the words “of the Law of Ukraine “On Prevention of Corruption”, and the word “immediate” replace with the word “direct”;

c) in Article 235:

- in part one after words “for the other job”, add the words “including because of notification on violations of the requirements established by the Law of Ukraine “On Prevention of Corruption”, by the other person”;
- the following new part shall be added after part three:

“If there are any reasons for resumption of an employee fired as the result of notification by him/her or by the member of his/her family on violation of the Law of Ukraine “On Prevention of Corruption”, by the other person, and if the latter refuses such resumption, the body resolving the labour dispute shall make the decision on payment a compensation to such employee in the amount of his/her average six-months salary.”

In view of this, parts four and five are to be considered parts five and six, respectively;

2) In the Code of Ukraine on Administrative Offences (The Official Bulletin of the Verkhovna Rada of the Ukrainian SSR, 1984, Annex to No. 51, p. 1122):

a) part one, Article 21, after words “administrative offence”, the words “except for an officer” shall be added;

b) in clause 5, part one, Article 24, the following new paragraph shall be added:

“deprivation of the right to occupy certain positions or engage in certain activities”;

c) in part one, Article 25 after words “additional administrative sanctions” add the words “deprivation of the right to occupy certain positions or engage in certain activities, only as additional sanction”;

d) in Article 30:

- the words “deprivation of the right to occupy certain positions or engage in certain activities” shall be added to the title;
- the following parts five and six shall be added:

“Deprivation of the right to occupy certain positions or engage in certain activities shall be imposed by the court for a term of six months to one year without reference to a sanction of an article (sanction of the part of article) in the Special Part of this Code, if a court, having regard to the nature of the administrative offense committed by a person in office and other circumstances of the case, decides that such person should be deprived of the right to occupy certain positions or engage in certain activities.

Deprivation of the right to occupy certain positions or engage in certain activities may also be imposed by a court for a term of one year if such penalty is stipulated by sanction of an article (sanction of the part of article) of the Special Part of this Code”;

e) the title of Chapter 13-A shall be amended and restated as follows:

“Chapter 13-A. ADMINISTRATIVE OFFENCES ASSOCIATED WITH CORRUPTION”;

f) Articles 172-⁴-172-⁸ shall be amended and restated as follows:

“Article 172-⁴. Violation of restrictions related to part-time positions and combination with other types of activities

Violation by the person of restrictions established by laws related to engagement in any other paid or entrepreneurial activities (except for teaching, research and creative activities, medical practice, instruction and referee practice in sport),

shall be punishable by a fine of three hundred to five hundred tax-free minimum incomes and confiscation of proceeds gained from entrepreneurial activities or remuneration for part-time job.

Violation by a person of any restrictions related to membership in any board or other executive or controlling bodies or supervisory board of any profitable company or organization (except

where persons perform functions related to the management of shares (interests, stakes) owned by the state or territorial community and represents the interests of the state in the company's board (supervisory board), the audit committee of a business company), –

shall be punishable by a fine of three hundred to five hundred tax-free minimum incomes and confiscation of proceeds gained from the said activity.

Actions as provided by the first and second parts of this Article committed by the person who has already been within the last year the subject to administrative sanction for the same offenses, –

shall be punishable by a fine of five hundred to eight hundred tax-free minimum incomes, with confiscation of gained proceeds or remuneration, and the deprivation of the right to occupy certain positions or engage in certain activities for one year.

Note. The subject of offense in this Article shall be persons mentioned in clause 1, part one, Article 3 of the Law of Ukraine “On Prevention of Corruption”, except for the members of Parliament of the Autonomous Republic of Crimea, deputies of local councils (except for those exercising their powers at the respective council on a permanent basis), members of the High Council of Justice (except for those working for the High Council of Justice on a permanent basis), people's assessors and jurors.

Article 172-⁵. Violation of statutory restrictions for receiving gifts

Violation of statutory restrictions for receiving gifts-

shall be punishable by a fine of one hundred to two hundred tax-free minimum incomes and confiscation of such gift.

The same action committed by the person who has already been within the last year the subject to administrative sanction for violations mentioned in part one of this Article, –

shall be punishable by a fine of two hundred to four hundred of tax-free minimum incomes, with confiscation of such gift (donation), and the deprivation of the right to occupy certain positions or engage in certain activities for one year.

Note. The subjects of offense in this Article shall be persons mentioned in clauses 1 and 2, part one, Article 3 of the Law of Ukraine “On Prevention of Corruption. “

Article 172-⁶. Violation of financial controls

Delayed submission of a tax return by a person authorized to perform the functions of the State or local self-government,-

shall be punishable by a fine of fifty to one hundred of tax-free minimum incomes.

Failure to notify, or delayed notification about an opened currency account with non-resident bank institution or about material change in financial condition, –

shall be punishable by a fine of one hundred to two hundred of tax-free minimum incomes.

Actions as provided by the first and second parts of this Article committed by the person who has already been within the last year the subject to administrative sanction for the same offenses, –

shall be punishable by a fine of one hundred to three hundred of tax-free minimum incomes, with confiscation of proceeds or remuneration, with the deprivation of the right to occupy certain positions or engage in certain activities for one year.

Note. The subjects of offense in this Article shall be persons who in accordance with parts one and two, Article 45 of the Law of Ukraine “On Prevention of Corruption” shall submit a return of a person authorized to perform the functions of the State or local self-government.

Article 172-⁷. Violation of requirements on prevention and settlement of conflicts of interest

Person's failure to notify, in cases and manner prescribed by law, about actual conflict of interest, – shall be punishable by a fine of one hundred to two hundred of tax-free minimum incomes.

Taking actions or making decisions in the environment of the real conflict of interest – shall be punishable by a fine of two hundred to four hundred of tax-free minimum incomes.

Actions as provided by the first and second parts of this Article committed by the person who has already been within the last year the subject to administrative sanction for the same offenses, – shall be punishable by a fine of four hundred to eight hundred of tax-free minimum incomes with the deprivation of the right to occupy certain positions or engage in certain activities for one year.

Note.

1. The subjects of offense in this Article shall be persons mentioned in clauses 1 and 2, part one, Article 3 of the Law of Ukraine “On Prevention of Corruption.”

2. In this article, real conflict of interest shall mean a conflict between private interest of a person and his/ her official or representative duties, which affects the objectivity or impartiality of his/her decisions or causes actions to be taken or omitted in exercising of the said powers by him/her.

Article 172-⁸. Illegal use of information, which became known by a person due to his/her official powers

Unlawful disclosure or use in other way of information by a person in his/her personal interest if such information became known to him/her due to his/her official powers,

shall be punishable by a fine of one hundred to one hundred fifty of tax-free minimum incomes.

Note. The subjects of offense in this Article shall be persons mentioned in clause 1, part one, Article 3 of the Law of Ukraine “On Prevention of Corruption.”

g) in Article 172-⁹:

- the words in paragraph two “from fifty to one hundred twenty five” shall be replaced with the words “from one hundred twenty five to two hundred fifty”;
- the following part two shall be added:

“The same action repeated within a year after the imposition of administrative sanctions, – shall be punishable by a fine of two hundred fifty to four hundred of tax-free minimum incomes”;

h) a new Article 188-⁴⁶ shall be added:

“Article 188-⁴⁶. Failure to comply with any legal requirements (prescriptions) of the National Anti-Corruption Bureau of Ukraine

Failure to comply with any legal requirements (prescriptions) of the National Agency for Prevention Corruption related to remedy of violations of the legislation on preventing and countering corruption; failure to provide information or documents, and violation of legally established time limits for their provision, provision of deliberately false or incomplete information,

shall be punishable by a fine of one hundred to two hundred fifty of tax-free minimum incomes.

The same actions committed by the person who has already been within the last year the subject to administrative sanction for the same offenses, –

shall be punishable by a fine of two hundred to three hundred of tax-free minimum incomes”;

i) Article 221, after figures “188-⁴⁵” shall be supplemented with figures “188-⁴⁶”;

j) in clause 1, part one, Article 255, the following new paragraph shall be added:

“The National Agency for Prevention of Corruption (Article 188-⁴⁶)”;

3) The Criminal Code of Ukraine (The Official Bulletin of the Verkhovna Rada of Ukraine, 2001, No. 25-26, p. 131) shall be supplemented by new Article 366-¹ as follows:

“Article 366-¹. Declaring false information

Submitting by the person of deliberately false information in a tax return of a person authorized to perform the functions of the State or local self-government, in a manner prescribed by the Law of Ukraine “On Prevention of Corruption” or intentional failure to submit the said return,

shall be punishable by imprisonment for a term up to two years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Note. The subject of declaration shall be persons who in accordance with parts one and two, Article 45 of the Law of Ukraine “On Prevention of Corruption” shall submit a return of a person authorized to perform the functions of the State or local self-government”;

4) in the Commercial Code of Ukraine (The Official Bulletin of the Verkhovna Rada of Ukraine, 2003, No. 18-22, p. 144):

a) Article 22 shall be supplemented with part eleven reading as follows:

“11. Business entity of the public sector shall implement anti-corruption program in a manner prescribed by laws”;

b) Article 24 shall be supplemented with part six reading as follows:

“6. Business entity of the municipal sector shall implement anti-corruption program in a manner prescribed by law”;

5) in the Civil Procedural Code of Ukraine (The Official Bulletin of the Verkhovna Rada of Ukraine, 2004, No. 40-42, p. 492):

a) part two, Article 35 shall be supplemented with paragraph two reading as follows:

The National Agency for Prevention of Corruption may join as a third party making no separate claims with respect to the matter in dispute and acting on the side of a plaintiff in cases when a head officer or employer takes or threatens to take negative measures of influence to a plaintiff (such as dismissal, forcing to resignation, subjecting to disciplinary liability, transfer, attestation, modification of working conditions, refusal to promote, salary cut, etc.) as the result of notification by a plaintiff or by the member of his/her family on violation of the Law of Ukraine “On Prevention of Corruption” by the other person”;

b) paragraph three, part one, Article 60 shall be amended and restated as follows:

“In cases when a head officer or employer takes or threatens to take negative measures of influence to a plaintiff (such as dismissal, forcing to resignation, subjecting to disciplinary liability, transfer, attestation, modification of working conditions, refusal to promote, salary cut, etc.) as the result of notification by a plaintiff or by the member of his/her family on violation of the Law of Ukraine “On Prevention of Corruption” by the other person, the burden of proof regarding whether the decisions or acts were lawful, shall be borne by the defendant”;

6) part two, Article 53 of the Code of Administrative Proceedings Ukraine (The Official Bulletin of the Verkhovna Rada of Ukraine, 2005, No. 35-37, p. 446), shall be supplemented with the following paragraph:

The National Agency for Prevention of Corruption may join as a third party making no separate claims with respect to the matter in dispute and acting on the side of a plaintiff in cases when a head officer or employer takes or threatens to take negative measures of influence to a plaintiff (such as dismissal, forcing to resignation, subjecting to disciplinary liability, transfer, attestation, modification of working conditions, refusal to promote, salary cut, etc.) as the result of notification by the plaintiff or by the member of his/her family on violation of the Law of Ukraine “On Prevention of Corruption” by the other person”;

7) in the Criminal Procedural Code of Ukraine (The Official Bulletin of the Verkhovna Rada of Ukraine, 2013, No. 9-13, p. 88):

a) part one, Article 155 shall be supplemented with words “and about the removal from office of the member of the National Agency for Prevention of Corruption, by the Prosecutor General of Ukraine or his/her deputy”;

b) part one, Article 158, after the word “Prosecutor” shall be supplemented with words “and about the member of the National Agency for Prevention of Corruption, by the Prosecutor General of Ukraine or his/her deputy”;

c) part one, Article 480 shall be supplemented with clause 9 reading as follows:

“9) of the member of the National Agency for Prevention of Corruption”;

d) clause 2, part one, Article 481 after words “to the deputies of the Prosecutor General of Ukraine”, shall be supplemented with words “to the member of the National Agency for Prevention of Corruption”;

8) in the Law of Ukraine “On Public Service” (The Official Bulletin of the Verkhovna Rada of Ukraine, 1993 No. 52, p. 490; 2011, No. 41, p. 416; 2013, No. 14, p. 89; 2014, No. 11, p. 132):

a) Article 9 shall be supplemented with part three reading as follows:

“Specifics of regulation of the legal status of the members and officers of headquarters and local bodies of the National Agency for Prevention Corruption shall be established by laws”;

b) in paragraph three, Article 12, words “or has been subjected, during the last one-year period, to an administrative penalty for a corruption offense”, shall be deleted;

c) Article 13 shall be amended and restated as follows:

“Article 13. Financial control

A person nominated for the vacant position of a civil servant and civil servants shall submit a tax return of a person authorized to perform the functions of the State or local self-government, in a manner prescribed by the Law of Ukraine “On Prevention of Corruption”;

d) part one, Article 14, after words “and for” shall be supplemented by words “breaching the professional ethics rules, other”;

e) in part six, Article 15, the words “by the Law of Ukraine “On Principles of Preventing and Countering Corruption” shall be replaced with words “by the Law of Ukraine “On Prevention of Corruption”;

f) part one, Article 16 shall be amended and restated as follows:

Civil servants shall be subject to other requirements and restrictions stipulated by the Law of Ukraine “On Prevention of Corruption”;

g) Article 16-¹ shall be amended and restated as follows:

“Article 16-¹. Prevention and settlement of conflicts of interest

Civil servants shall comply with the rules for prevention and settlement of conflict of interest mentioned in the Law of Ukraine “On Prevention of Corruption”;

h) part four, Article 22 shall be amended and restated as follows:

“Removing a civil servant from his/her official duties for a corruption or corruption-related offense, shall be in a manner prescribed by the Law of Ukraine “On Prevention of Corruption”;

i) clause 7, part one, Article 30 shall be deleted;

j) in part twelve, Article 37, the words “liability for administrative corruption offense related to restrictions prescribed by the Law of Ukraine “On Principles of Preventing and Countering Corruption” shall be replaced with the words “administrative responsibility for corruption-related offense”;

9) in the Law of Ukraine “On the Constitutional Court of Ukraine” (The Official Bulletin of the Verkhovna Rada of Ukraine, 1996, No. 49, p. 272; 2006, No. 41, p. 355, No. 42, p. 383; 2009, No. 31, p. 461; 2010, No. 41-45, p. 529; 2011, No. 10, p. 63; 2013, No. 14, p. 89; 2014, No. 22, p. 816):

a) in Article 16:

- in part three, the words “by the Law of Ukraine “On Principles of Preventing and Countering Corruption” shall be replaced with the words “by the Law of Ukraine “On Prevention of Corruption”;
- parts four to six shall be replaced with a single part reading as follows:

“Judges of the Constitutional Court of Ukraine shall be subject to the respective requirements and restrictions stipulated for them by the Law of Ukraine “On Prevention of Corruption”;

b) new Article 19⁻¹ shall be added:

“Article 19⁻¹. Conflict of Interest

The Judge of the Constitutional Court of Ukraine shall not be entitled to take part in decision preparation and making process, or have any other powers in issues where he/she has real or potential conflict of interest.

If the Judge of the Constitutional Court of Ukraine faces real or potential conflict of interest in relation to issues to be heard in constitutional proceeding, such Judge of the Constitutional Court of Ukraine shall, within one working day, notify the Constitutional Court of Ukraine thereto and claim disqualification of self with regard to hearing of the respective issue.

Through the same reasons, parties to constitutional proceeding may submit a challenge motion against the Judge of the Constitutional Court of Ukraine.

A challenge shall be grounded and submitted before commencement of hearing in a form of a written application submitted to the Constitutional Court of Ukraine. The Chairperson at the plenary meeting of the Constitutional Court of Ukraine shall notify the meeting attendees about the challenge motion (claim on disqualification of self) of the Judge of the Constitutional Court of Ukraine.

Procedural ruling on challenge motion (claim on disqualification of self) shall be approved at the sitting of the Constitutional Court of Ukraine.

Note. The terms “real conflict of interest” and “potential conflict of interest” shall be used in the meaning prescribed in the Law of Ukraine “On Prevention of Corruption”;

c) part three, Article 63 shall be supplemented with words “except for the cases prescribed by part one, Article 19⁻¹ of this Law, when they must abstain from voting”;

10) in the Law of Ukraine “On Local Self-Government in Ukraine” (The Official Bulletin of the Verkhovna Rada of Ukraine, 1997, No. 24, p. 170, as amended):

a) in Article 55:

- part three shall be supplemented with words “be a member of any board or other executive or controlling bodies or supervisory board of any profitable company or organization (except where persons perform functions related to the management of shares (interests, stakes) owned by the state or territorial community and represent the interests of the state in the company’s board (supervisory board), the audit committee of a business company)”;
- paragraphs one to four of part five shall be replaced with a single paragraph reading as follows:

“The office of the heads of province, oblast, city or district council shall be deemed early terminated without the termination of the deputy’ powers if a person applies to the respective council with the request for his/her resignation from the position of the council head.”

Accordingly, paragraph five shall be renumbered as paragraph two;

b) paragraphs one to four, part four, Article 56 shall be replaced with a single paragraph reading as follows:

“4. The office of the deputy head of city district or province council, as well as the office of the first deputy head of oblast council shall also be deemed early terminated without termination of the powers of deputy of the respective council if a person applies to the respective council with the request for resignation from the position of deputy (first deputy) of the council head”;

c) a new Article 59-¹ shall be added:

“Article 59-¹. Conflict of Interest

1. Village, settlement, or city mayor, secretary, deputy of village, settlement, or city council, the head, deputy head, deputy of province, oblast, district (in a city) council shall take place in preparation and making decisions by the respective council subject to his/her own public announcement thereto during the sitting of a council where the respective issue is to be heard.

2. The permanent commission appointed by the respective council shall be in charge of control over the compliance with the requirements of part one of this Article, consulting of persons mentioned herein and giving explanations on how to prevent and settle conflicts of interest, handle property, which may be an unlawful benefit or gift.

Note. The terms “real conflict of interest”, “potential conflict of interest”, “unlawful benefit” and “gift” shall be used in the meaning prescribed in the Law of Ukraine “On Prevention of Corruption”;

d) in Article 79:

in part one:

- clause 3-¹ shall be amended and restated as follows:

“3-¹) a court decision ordering to hold him/her liable for corruption-related offense imposing penalty in a form of deprivation of the right to occupy certain positions or engage in certain activities related to performance the functions of the State or local self-government”;

- clause 4 shall be deleted;

in part seven:

- in clause 1 the words “part one” shall be replaced with the words and numbers “clauses 1, 2, 5, and 6 of part one”;

the following new clause shall be added after clause 1:

“2) through the reasons listed in clauses 3, 3-¹, part one of this Article, as of the day following the day when a council or its executive committee received the respective court decision without making decision by the respective council”.

Subject to the foregoing, clauses 2 and 3 shall be re-numbered as clauses 3 and 4, respectively;

11) in the Law of Ukraine “On Elections of the President of Ukraine” (The Official Bulletin of the Verkhovna Rada of Ukraine, 2004, No. 20-21, p. 291; 2011, No. 23, p. 160; 2013, No. 14, p. 89, No. 38., p. 501; 2014, No. 4, p. 61; No. 16, p. 582:

a) in part two, Article 48 and in clause 5, part one, Article 51, the words “on assets, income, expenses and financial liabilities” shall be replaced with words “of a person authorized to perform the functions of the State or local self-government”;

b) in Article 50:

- part one shall be amended and restated as follows:

“1. The tax return of a person authorized to perform the functions of the State or local self-government for the recent year preceding the year of commencement of the election process, shall be submitted by a candidate for the post of the President of Ukraine (in hard and electronic form) in a manner prescribed by the Law of Ukraine “On Prevention of Corruption”;

- in part two, the words “The central body of executive power which implements governmental customs policy in the name of “, shall be replaced with the words “the National Agency for Prevention of Corruption, at the request of”;
- in part three, the words “on assets, income, expenses and financial liabilities” shall be replaced with words “of a person authorized to perform the functions of the State or local self-government”;

12) in part one, Article 62 of the Law of Ukraine “On Banks and Banking” (The Official Bulletin of the Verkhovna Rada of Ukraine, 2001, No. 5-6, page 30, as amended):

- sub-paragraph “c”, clause 4 shall be deleted;

Clause 8 shall be added reading as follows:

“8) under the court decision, to the National Agency for Prevention Corruption in relation to existence and status of accounts and transactions under the accounts of certain legal entity or an individual entrepreneur in accordance with the Law of Ukraine “On Prevention of Corruption”;

13) in the Law of Ukraine “On Service at Local Self-Government Bodies” (The Official Bulletin of the Verkhovna Rada of Ukraine, 2001, No. 33, p. 175; 2010, No. 4, p. 18; 2013, No. 14, p. 89, No. 23, p. 218; 2014, No. 11, p. 132):

a) parts three and four, Article 5 shall be replaced with a single part reading as follows:

“As for the persons elected (approved) by the respective council to positions mentioned in paragraph three, Article 3 of this Law, and for the persons nominated to positions at local self-government bodies, mentioned in paragraph four, Article 3 of this Law, upon their written consent, a special check shall be made in the manner prescribed by the Law of Ukraine “On Prevention of Corruption”;

b) in Article 12:

- clause 4, part one shall be deleted;
- in part two, the words “by the Law of Ukraine “On Principles of Preventing and Countering Corruption” shall be replaced with words “by the Law of Ukraine “On Prevention of Corruption”;

c) Article 12⁻¹ shall be amended and restated as follows:

“Article 12⁻¹. Prevention and settlement of conflicts of interest

Officers of the local self-government shall comply with the rules for prevention and settlement of conflict of interest mentioned in the Law of Ukraine “On Prevention of Corruption”;

d) Article 13 shall be amended and restated as follows:

“Article 13. Financial control

Self-government officers shall submit a tax return of a person authorized to perform the functions of the State or local self-government, in a manner prescribed by the Law of Ukraine “On Prevention of Corruption”;

e) paragraph four, part one and part two, Article 20 shall be deleted;

14) clause 7, part one, Article 5 of the Law of Ukraine “On Status of Deputies of Local Councils” (The Official Bulletin of the Verkhovna Rada of Ukraine, 2002, No. 40, p. 290; 2013, No. 14, p. 89; 2014, No. 11, p. 132) shall be amended and restated as follows:

“7) after the entry into effect of a sentence subjecting a person to imprisonment or entry into effect of judgment holding such person liable for corruption or corruption-related offense, and when punishment was served or imposed in a form of deprivation of the right to occupy certain positions or engage in certain activities related to performance the functions of the State or local self-government”;

15) in the Rules of Procedure of the Verkhovna Rada of Ukraine approved by the Law of Ukraine “On the Rules of Procedure of the Verkhovna Rada of Ukraine” (The Official Bulletin of the Verkhovna Rada of Ukraine, 2010, No. 14-17, p. 133, as amended):

a) Chapter 5 shall be supplemented with Article 31⁻¹ reading as follows:

“Article 31⁻¹. Restrictions as for taking part in discussion of issues at the plenary meeting of the Verkhovna Rada of Ukraine related to the conflict of interest

1. The member of Parliament shall participate in the plenary meetings during discussion of issues where he/she has the conflict of interest, only subject to public announcement thereto during the plenary meeting of the Verkhovna Rada of Ukraine hearing the respective issue”.

b) Article 37 shall be supplemented with part six reading as follows:

“6. The member of Parliament shall participate voting at the plenary meetings during discussion of issues where he/she has the conflict of interest, only subject to public announcement thereto during the plenary meeting of the Verkhovna Rada of Ukraine hearing the respective issue”;

c) part two, Article 85 shall be supplemented with paragraph two reading as follows:

“The member of Parliament who will face real or potential conflict of interest in issues for which preparation and preliminary consideration the respective commission is created, may not be elected as the member of temporary special commission. The member of Parliament nominated by deputy faction (deputy group) to the membership at a temporary special commission, must notify the Verkhovna Rada about his inability to participate the temporary special commission if the said reason is available”;

d) part three, Article 87 shall be supplemented with paragraphs six and seven as follows:

“5) if, when elected, he/she will have any other real or potential conflict of interest in relation to issues to be investigated by the respectively established commission.

The member of Parliament who will have real or potential conflict of interest in issues, for which the said commission is created, may not be elected as the member of temporary investigating commission.

e) in Article 173:

- part four shall be amended and restated as follows:

“4. A candidate for the position of special prosecutor or special investigator shall provide the Verkhovna Rada with an individual card and a tax return of a person authorized to perform the functions of the State or local self-government for the previous year”;

- the following paragraph two shall be added to part six:

“A person who, if elected, will face real or potential conflict of interest related to investigation for which the said commission is created, may not be elected as the member of special temporary investigating commission. A person nominated by deputy faction (deputy group) to the membership at special temporary investigating commission, must notify the respective committee and the Verkhovna Rada about his/her inability to participate the temporary special investigating commission if the said reason is available”;

16) in the Law of Ukraine “On the Judiciary and the Status of Judges” (The Official Bulletin of the Verkhovna Rada of Ukraine, 2010, No. 41-45, p. 529; 2013, No. 14, p. 89, No. 38, p. 501; 2014, No. 11, p. 132; No. 23, p. 870):

a) in part four, Article 54:

- in clause 6 the words “by the Law of Ukraine “On Principles of Preventing and Countering Corruption” shall be replaced with the words “by the Law of Ukraine “On Prevention of Corruption”;

- clause 7 shall be amended and restated as follows:

“7) to submit a tax return of a person authorized to perform the functions of the State or local self-government, in a manner prescribed by the Law of Ukraine “On Prevention of Corruption”;

- b) Article 56 shall be supplemented with part two reading as follows:

“2. The Judicial Ethics Commission works on the development of the draft Code of Judicial Ethics and amendments to it, consulting of judges and resigned judges in problematic issues and giving recommendation on judges’ ethical conduct, preventing and regulating conflicts of interests in their activity, preventing gaining unlawful benefits or gifts prohibited by law and handling of them.

The Council of Judges of Ukraine shall create the Judicial Ethics Commission, develop and approve its regulations. Judicial Ethics Commission shall exercise its powers on a pro bono basis. The Administrative Office of the Council of Judges of Ukraine shall ensure its operation”;

- c) in part one, Article 67:

- clause 8 shall be deleted;

The following new paragraph shall be added after paragraph eleven:

“A candidate for the position of judge shall also submit to the National Agency for Prevention Corruption a tax return of a person authorized to perform the functions of the State or local self-government, in a manner prescribed by the Law of Ukraine “On Prevention of Corruption”.

In this connection, paragraphs twelve and thirteen shall be considered as paragraphs thirteen and fourteen, respectively;

d) in clause 7, part four, Article 75, the words “by the Law of Ukraine “On Principles of Preventing and Countering Corruption” shall be replaced with the words “by the Law of Ukraine “On Prevention of Corruption”;

- e) clause 6, part one, Article 83 shall be amended and restated as follows:

“6) delayed submission of a tax return by a person authorized to perform the functions of the State or local self-government, in a manner prescribed by the Law of Ukraine “On Prevention of Corruption”;

- f) in Article 127:

- clause 6⁻¹, part five shall be amended and restated as follows:

“6⁻¹) control the compliance with the legal requirements as for prevention and settlement of conflict of interest in the activity of the Judges of the Constitutional Court of Ukraine and judges of general jurisdiction, the Chairman and members of Higher Qualification Commission of Judges of Ukraine, the Chairman of the State Court Administration of Ukraine and his/her deputies, shall make a decision on settlement of real or potential conflict of interest in activities of the said persons (except for the cases when the conflict of interest shall be settled in the manner prescribed by procedural legislation)”;

- the following new part shall be added after part five:

“6. If the judges of the Constitutional Court of Ukraine and the judges of general jurisdiction (except for the cases when the conflict of interest shall be settled in the manner prescribed by procedural legislation), the Chairman and members of Higher Qualification Commission of Judges of Ukraine, the Chairman of the State Court Administration of Ukraine, have real or potential conflict of interest, they shall, no later than the following working day after such conflict arose, notify the Council of Judges thereto in written.”

Subject to the foregoing, parts six to nine shall be renumbered as parts seven to ten respectively;

17) in the Law of Ukraine “On Elections of Members of Parliament of the Autonomous Republic of Crimea, Members of Local Councils or Village, Settlement and City Mayors” (The Official Bulletin of the Verkhovna Rada of Ukraine, 2010, No. 35-36, p. 491; 2013, No. 14, p. 89):

a) in clause 7, part one, Article 37, and clause 6, part one, Article 39, the words “on assets, income, expenses and financial liabilities” shall be replaced with words “of a person authorized to perform the functions of the State or local self-government”;

b) part one, Article 43 shall be amended and restated as follows:

“1. The tax return of a person authorized to perform the functions of the State or local self-government for the recent year preceding the year of commencement of the election process, shall be submitted by a candidate for the member of Parliament, candidate for village, settlement, or city mayor in a form prescribed by the Law of Ukraine “On Prevention of Corruption”;

18) part six, Article 6 of the Law of Ukraine “On Access to Public Information” (The Official Bulletin of the Verkhovna Rada of Ukraine, 2011, No. 32, p. 314; 2013, No. 14, p. 89; 2014, No. 11, p. 132) shall be restated as follows:

“6. Information listed in the tax return of a person authorized to perform the functions of the State or local self-government submitted under the Law of Ukraine “On Prevention of Corruption”, shall not be deemed restricted access information, except for the information mentioned in paragraph four, part one, Article 47 of the said Law”;

19) Article 19 of the Law of Ukraine “On Central Executive Authorities” (The Official Bulletin of the Verkhovna Rada of Ukraine, 2011, No. 38, p. 385; 2014, No. 13, p. 223) shall be supplemented with the following part six and the note:

“6. If the head of the central executive body has real or potential conflict of interest, he/she shall, no later than on the following working day, notify the minister thereto. The minister shall direct and coordinate the respective central executive body, except for the head of the central executive body with special status, which shall, in the said case, notify the Cabinet of Ministers of Ukraine.

Following the results of consideration of the said information, the minister directing and coordinating the respective central executive body shall make a decision on taking measures to settle the conflict of interest of the respective central executive body head, and then control their implementation. If the conflict of interest arises in the head of the central executive body with special status, the said actions shall be taken by the Cabinet of Ministers of Ukraine.

Note. The terms “real conflict of interest” and “potential conflict of interest” shall be used in the meaning established by the Law of Ukraine “On Prevention of Corruption”;

20) in the Law of Ukraine “On Election of the Members of Parliament of Ukraine” (The Official Bulletin of the Verkhovna Rada of Ukraine, 2012, No. 10-11, p. 73; 2014, No. 22, p. 794):

a) in clause 7, part one, Article 54; clause 5, part one, and clause 3, part two, Article 55; part eleven, Article 107 the words “on assets, income, expenses and financial liabilities” shall be replaced with words “of a person authorized to perform the functions of the State or local self-government”;

b) part one, Article 57 shall be amended and restated as follows:

“1. The tax return of a person authorized to perform the functions of the State or local self-government for the recent year preceding the year of commencement of the election process, shall be submitted by a candidate for the member of Parliament, in a form prescribed by the Law of Ukraine “On Prevention of Corruption”;

21) in the Law of Ukraine “On the Cabinet of Ministers of Ukraine” (The Official Bulletin of the Verkhovna Rada of Ukraine, 2014, No. 13, p. 222; No. 22, p. 816):

a) in part four, Article 7, the words “by the Law of Ukraine “On Principles of Preventing and Countering Corruption” shall be replaced with the words “by the Law of Ukraine “On Prevention of Corruption”;

b) new Article 45-¹ shall be added reading as follows:

“Article 45-¹. Conflict of interest

1. The member of the Cabinet of Ministers of Ukraine shall not use his/her official position for private interest.

2. If a member of the Cabinet of Ministers of Ukraine faces real or potential conflict of interest, he/she shall, no later than on the following working day, notify the Cabinet of Ministers of Ukraine thereto in written.

3. The member of the Cabinet of Ministers of Ukraine shall not be entitled to take part in preparation and making decisions, or have any other powers in issues where he/she has real or potential conflict of interest.

4. If it is impossible to settle the conflict of interest of the member of the Cabinet of Ministers of Ukraine in a manner prescribed by part three of this Article and if he/she cannot resolve the conflict of interest on his own, the Prime Minister of Ukraine shall apply to the Verkhovna Rada of Ukraine with the recommendation to dismiss the said member of the Cabinet of Ministers of Ukraine (the recommendation about the Minister of Foreign Affairs of Ukraine and the Minister of Defence of Ukraine shall be given subject to the consent of the President of Ukraine).

Note. The terms “real conflict of interest”, “potential conflict of interest” and “private interest” shall be used in the meaning established by the Law of Ukraine “On Prevention of Corruption”;

22) clause 1, part one, Article 17 of the Law of Ukraine “On Public Procurement” (The Official Bulletin of the Verkhovna Rada of Ukraine, 2014, No. 24, p. 883) shall be supplemented by clause 1-¹ reading as follows:

“1-¹) information about a legal entity which is a participant or a member of previous qualification was entered into the Uniform State Registers of Persons Committed Corruption or Corruption-Related Offense, or the said legal entity does not have anti-corruption program of a legal entity if it is mandatory according to the law.”

6. The Cabinet of Ministers of Ukraine shall:

1) within three months of the effective date of this Law, ensure the implementation of Regulation on the Competition to Fill the Vacancies of the Members of the National Agency for Prevention Corruption and the Rules of Procedures for the respective Interview Panel;

2) within six month of the effective date of this Law, submit for consideration of the Verkhovna Rada of Ukraine its proposals on the adjustment of legislative acts in accordance with this Law;

- ensure that all legal and regulatory acts envisaged by this Law, except for those envisaged by sub-clause 1 of this clause, are properly adopted;
- bring its legal and regulatory acts into conformity with this Law;
- ensure that regulatory legal acts of the ministries and other central executive bodies are brought in conformity with this Law;
- establish the National Agency for Prevention of Corruption;

3) ensure that the competition to fill the vacancies of the members of the National Agency for Prevention Corruption is duly conducted in a manner prescribed by Article 5 of this Law, before this Law comes into force.

President of Ukraine Petro POROSHENKO

Kyiv

14 October 2014

No. 1700-VII

Appendix II

The Cabinet of Ministers of Ukraine Resolution “On Establishment of the National Agency for Prevention of Corruption”

March 18, 2015, No. 118, Kyiv (The Official Bulletin of Ukraine) dated April 3, 2015 – 2015,
No. 24, page 31, Article 664, act code 76179/2015)

The Cabinet of Ministers of Ukraine hereby resolves:

1. To establish the National Agency for Prevention of Corruption as the central body of the executive branch of government which shall enjoy a special status and have its activity guided and coordinated by the Cabinet of Ministers of Ukraine.

2. The following adjustments shall be made through the respective members of the Cabinet of Ministers of Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine dated September 10, 2014, No. 442 “On Optimizing the System of Central Executive Authorities” (The Official Bulletin of Ukraine, 2014, No. 74, p. 2105, No. 93, p. 2685; 2015, No. 6, p. 127):

1) Section II shall be supplemented with the following paragraph:

“The National Agency for Prevention of Corruption”*;

2) clause 1 section III, after paragraph “the State Communications and Data Protection Service of Ukraine” shall be supplemented with the following paragraph:

“The National Agency for Prevention of Corruption”.

Prime Minister of Ukraine
Arseniy Yatseniuk

The Cabinet of Ministers of Ukraine Resolution “Certain issues of selection of candidates for the positions of members of the National Agency for Prevention of Corruption”

March 25, 2015, No. 170, Kyiv {As amended by the CM Resolutions No. 353 dated May 27, 2015 No. 485 dated July 17, 2015 No. 578 dated August 12, 2015}.

According to paragraph two, part five, Article 5 of the Law Ukraine “On Prevention of Corruption”, the Cabinet of Ministers hereby resolves:

To approve the attached:

Regulation on Competition for Selection of Candidates for the Positions of Members of the National Agency for Prevention of Corruption;

The Rules of Procedure of Interview Panel for Selection of Candidates for the Positions of members of the National Agency for Prevention of Corruption.

Prime Minister of Ukraine
Arseniy Yatseniuk

Law of Ukraine “On the National Anti-Corruption Bureau of Ukraine”

This Law defines the legal basis for the organization and activities of the National Anti-Corruption Bureau of Ukraine.

SECTION I. GENERAL PROVISIONS

Article 1. *Status of the National Bureau*

The National Bureau is a state law-enforcement agency, which is vested with prevention, detection, suppression, investigation and solving of corruption offenses under its competence, as well as prevention of committing the new ones.

The objective of the National Bureau is to counter criminal corruption offenses committed by senior officials authorized to perform the functions of the state or local self-government and which threaten national security.

The National Bureau is established by the President of Ukraine in accordance with this and other laws of Ukraine.

Article 2. *The legal basis for the National Bureau’s activities*

1. The legal basis for activities of the National Bureau includes the Constitution of Ukraine, international treaties of Ukraine, this and other laws of Ukraine, and other legal acts adopted in accordance with them.

Article 3. *The main principles of operation of the National Bureau*

1. The main principles of operation of the National Bureau are:

- rule of law;
- respect for the rights and freedoms of individuals and legal entities;
- legality;
- impartiality and fairness;
- independence of the National Bureau and its employees;
- subjection to control and accountability to the public and state authorities designated by law;
- openness to democratic civic control;
- political neutrality and non-partisanship;
- cooperation with other state agencies, local self-government bodies, non-governmental organizations.

Article 4. *Guarantees of independence of the National Bureau*

Independence of the National Bureau in its work shall be guaranteed by:

- the special procedure for competitive selection of the National Bureau’s Head and exhaustive list of grounds for termination of office of the Head of the National Bureau which are stipulated by this Law;
- competitive selection of other National Bureau’s employees, their special legal and social protection, proper conditions of remuneration of employees;
- stipulated by law procedure for financing and providing material supplies to the National Bureau;

- defined by law protection of the personal safety of employees of the National Bureau, their close relatives and property;
- other means specified by this Law.

Using of the National Bureau for party, group or personal interests is prohibited. Activities of political parties within the National Bureau is prohibited.

Unlawful interference by state authorities, local self-government bodies, their officials and employees, political parties, civic associations and other individuals or legal entities with the activities of the National Bureau shall be prohibited.

Any written or oral instructions, requirements, orders, etc., sent to the National Bureau and its employees which concern matters of pre-trial investigation in specific criminal proceedings and are not provided for in the Criminal Procedure Code of Ukraine shall be deemed illegal and shall not be fulfilled. In case of receipt of such instruction, requirement or order the employee of the National Bureau shall report about that immediately in written to the Head of the Bureau.

Article 5. *The overall structure and number of staff of the National Bureau*

National Bureau consists of a central and territorial offices which are legal entities of public law. The National Bureau is a legal entity of public law.

To ensure that the tasks assigned by the National Bureau are implemented, the Head, by his/her decision, may create no more than seven territorial departments of the National Bureau covering oblasts determined in the decision, Autonomous Republic of Crimea, the cities of Kyiv and Sevastopol.

The National Bureau's Head, in case of reasonable need, may, by his/her decisions, establish additional territorial departments of the National Bureau within any oblast or the Autonomous Republic of Crimea.

The structure and the number of staff of the departments of the National Bureau and regulations about them shall be approved by the National Bureau's Head.

The structure of the central office and territorial offices of the National Bureau includes informational and analytical, operative and detective, operative and technical units, investigative units, units for tracing assets subject to possible forfeiture, prompt response units, protection of participants in the criminal proceedings units, representation of interests in foreign jurisdictions, expert, financial, human resources and other units.

The National Bureau's Head may, by his/her decision, create commissions consisting of the National Bureau employees, the prosecutor of Specialized Anti-Corruption Prosecutors Office, officers of other authorities, local self-government authorities and the representatives of civil associations. Such commissions shall address the issues of violation of rights of persons cooperating with the National Bureau and give recommendations on how to remedy the said violations. The recommendations given by the said commissions are mandatory for consideration by governmental or local authorities.

National Bureau's Head shall establish the operating procedure for the commissions.

The limit number of central and territorial departments of the National Bureau shall be 700 employees, including 200 head officers.

Article 6. *Head of the National Bureau*

Management of the National Bureau is conducted by its Head, who is appointed and dismissed by the President of Ukraine according to the procedure stipulated by this Law.

In case reasons specified in paragraphs 6-11 of the fourth paragraph of this article exist, Verkhovna Rada of Ukraine upon suggestion of not less than one-third of people's deputies of Ukraine

from the Constitutional composition of Verkhovna Rada of Ukraine may express distrust to the Director of the National Bureau, resulting in his resignation.

The Head of the National Bureau shall be a citizen of Ukraine, who has a university degree in law,

- has professional work experience of no less than 10 years, work experience at management positions in public authorities, institutions, organizations or international organizations of no less than 5 years, knows state language and is capable by his/her professional and moral characteristics, educational and professional level, health status to perform relevant official duties.

For the purposes of this Law:

1) higher legal education shall mean education received in Ukraine (or within the territory of the former USSR until December 1, 1991) a specialist's or a master's degree and higher legal education of the respective degree received in a foreign state;

2) work experience in the legal field means a person's work experience according to his or her specialization after receipt of higher legal education, a specialist's or a master's degree and higher legal education of the respective degree received in a foreign state.

A person who, within two years before submitting application for participation in competition for filling such position, regardless of the duration, has been a member of the governing bodies of a political party or had employment or other contractual relations with a political party.

A person who does not comply with the restrictions envisaged by clauses 1 to 7, part one, Article 13 of this Law, may not be appointed to the position of the National Bureau's Head.

A person who has not undergone the check in the manner established by the Law of Ukraine "On Government Cleansing" aimed at restoration trust in government and creation conditions for building a new system of government in line with European standards.

The Head of the National Bureau is appointed for a term of seven years. The same person may not hold this office for two consecutive terms.

The powers and authorities of National Bureau's Head shall be terminated due to the expiration of his/her term of office or death.

The Head of the National Bureau shall be dismissed from his office in case of:

- submission of a written request for termination of office upon his/her own will;
- the appointment or election to another office upon his/her consent;
- reaching the age of 65 years;
- inability to perform his duties due to health reasons in accordance with the opinion of the medical commission, created by the decision of the authorized central executive body that implements the state policy in the field of health care;
- the court's decision on his recognition as incapacitated or limiting his civil capacity, recognition as a missing person or declaring him/her dead;
- the entry into force of conviction against him/her;
- termination of the citizenship of Ukraine or departure for permanent residence outside of Ukraine;
- non-compliance with restrictions on out-of-office and part-time employment stipulated by the Law of Ukraine "On Principles of Prevention and Countering Corruption";
- untimely filing of a declaration of person authorized to perform the functions of the state or local self-government;
- acquisition of citizenship of another state.

11) available opinion issued by the commission following the results of independent evaluation (audit) of the National Bureau in accordance with Article 26 of this Law, showing that the National Bureau was ineffective and its Head improperly fulfilled his/her obligations.

Director of the National Bureau may not be dismissed, and the decree of the President of Ukraine on his appointment may not be revoked except for reasons stipulated in this paragraph.

Article 7. *The procedure for competitive selection and appointment of the Head of the National Bureau*

Candidates for the position of the National Bureau shall be selected by the commission responsible for conducting competition to fill the position of the Head of the National Bureau (hereinafter – the Selection Commission) based on the results of an open competitive selection procedure to fill in this position (hereinafter – the competition). The competition is open to any person meeting the requirements set out in part two of Article 12 of this Law.

Organization and holding of the competition is carried out by the Selection Commission.

The Selection Commission consists of:

- three persons determined by the President of Ukraine;
- three persons determined by the Cabinet of Ministers of Ukraine;
- three persons determined by the Verkhovna Rada of Ukraine.

Members of the Selection Committee may be persons who have impeccable business reputation, high professional and moral qualities, public authority. Persons referred to in subparagraphs 1-3 of paragraph 1 of Article 19 of this Law and persons authorized to perform the functions of the state or local self-government in accordance with the Law of Ukraine “On Prevention of Corruption” may not be members of the Selection Commission.

The Selection Commission shall be deemed competent if at least six members are approved in its composition.

The decision of the Selection Commission shall be considered as adopted if at the session of the Selection Commission at least five members of the Selection Commission voted for it.

The Head and Secretary of the Selection Commission shall be elected by the Commission from among its own members.

Sessions of the Selection Commission are open to the media and journalists. Video and audio recording and live broadcast of the Selection Commission’s sessions shall be ensured at the official website of the President of Ukraine.

Information regarding the time and place of the session of the Selection Commission shall be published on the official website of the President of Ukraine not later than 48 hours before it starts.

The operation of the Selection Commission shall be supported by the agency responsible for the support of activities of the President of Ukraine.

The Selection Commission:

- 1) determine the regulations governing his/her work;
- 2) ensure publishing announcement about the terms and time period for competition;
- 3) review the documents submitted by persons for participation the competition;
- 4) select, from among all candidates, persons for interview to be held at its meeting and persons subjected to special check prescribed by the Law of Ukraine “On Prevention of Corruption”, and check prescribed by the Law of Ukraine “On Government Cleansing”;
- 5) from among candidates who undergone the interview and the parts of check mentioned in clause 4 of this Article, it shall select, by open voting, two or three candidates who, according to the grounded decision of the Interview Panel, have the best professional experience, knowledge

and personal skills to perform the obligations of the National Bureau's Head, and make recommendation to the President of Ukraine about the appointment of one of the said candidates to the position of the National Bureau's Head;

6) publish information about persons who submitted their applications for participation in competition, and information about the candidates who were selected for an interview mentioned in clause 4 of this part of checks, and about candidates selected by the Interview Panel to be recommended to the President of Ukraine for consideration;

7) arrange repeated competition if all candidates were rejected due to their incompliance with the requirements established for the National Bureau's Head or if the selected candidates failed to undergo a special check or a check prescribed by the Law of Ukraine "On Government Cleansing".

Not later than two months before the end of the term of office of the Head of the National Bureau or within fourteen days from the date of early termination of his/her powers (dismissal), the Selection Commission shall be established.

The Selection Commission shall place announcement on the terms and conditions of the competition to fill the position of the Bureau's Head in the national print media and on the official website of the President of Ukraine

A person who applies to participate in the competition shall submit the following documents in term specified in the announcement:

- an application for participation in the competition, including consent to undergo a special vetting in accordance with the Law of Ukraine "On Prevention of Corruption" and consent for the processing of his/her personal data in accordance with the Law of Ukraine "On Personal Data Protection";
- curriculum vitae which should include: the name, the first and patronymic name (if applicable), date, month, year and place of birth, citizenship, educational background, work experience, position (occupation), place of work, community work (including in elected positions), membership in political parties, including those in the past, work or any other contractual relationship with a political party during two years preceding the submission of the application (regardless of duration), contact telephone number and email address, criminal record or its absence;
- the declaration of assets, income, expenses and financial obligations for the year preceding the year in which the announcement about the competition was made public in the form prescribed by the Law of Ukraine "On Prevention of Corruption";
- other documents stipulated by the laws of Ukraine "On Civil Service", "On Prevention of Corruption".

The information presented in accordance with this paragraph shall be published within three working days after the deadline for submission of applications for the competition on the official website of the President of Ukraine, except for information, which according to the Law of Ukraine "On Prevention of Corruption" is defined as information with restricted access and information regarding contact phone number and email address of the candidate.

9. Two or three candidates selected by the Interview Panel shall be recommended to the President of Ukraine for consideration.

The President of Ukraine shall appoint one of the candidates selected by the Interview Panel to the position of the National Bureau's Head within ten days after the Interview Panel gave the respective recommendation.

Article 8. Powers of the Head of the National Bureau

1. Head of the National Bureau:

- is responsible for the activities of the National Bureau, including the legality of operative and detective measures, pre-trial investigations carried out by the Bureau, respect for the rights and freedoms of individuals;
- organizes the work of the National Bureau, determines duties of the First Deputy Head and Deputy Heads of the National Bureau;
- coordinates and controls activities of central office and territorial offices of the National Bureau;
- approves the structure and personnel list of the central office and territorial offices of the National Bureau;
- issues within his/her competence orders and instructions, which are mandatory for employees of the Bureau;

6) appoint and remove employees of the National Bureau;

7) approves prospective, current and operational plans for the work of the National Bureau;

8) establishes the procedure for registering, processing, storing and disposing in accordance with the laws of information, received by the National Bureau, takes measures to prevent unauthorized access to classified information, and ensures compliance with legislation on access to information held by the National Bureau;

9) determines the procedure to encourage persons who assist in the prevention, detection, suppression and investigation of criminal offenses referred to the investigative jurisdiction of the National Bureau;

10) decide on applying bonuses and imposing disciplinary penalties on the National Bureau employees in accordance with the decisions of the Disciplinary Commission of the National Bureau;

11) assigns within his/her powers in accordance with legislation to employees of the National Bureau the civil service ranks and special ranks of ranked persons, submits to the President of Ukraine proposals on assigning ranks of civil servants and special ranks to senior ranked persons of the National Bureau;

12) submits, according to the established procedure, proposals to improve legislation on matters within the competence of the National Bureau;

13) represents the National Bureau in relations with state authorities, local self-government bodies, non-governmental organizations and law enforcement agencies and other organizations of foreign states, international organizations, etc.;

14) has the right to attend sessions of the Verkhovna Rada of Ukraine, its committees, temporary and special temporary investigatory commissions of the parliament, as well as participate in an advisory capacity in meetings of the Cabinet of Ministers of Ukraine;

15) ensures openness and transparency of the National Bureau's activity pursuant to this Law, reports on the activities of the National Bureau in the manner prescribed by this Law;

16) authorizes the use of the special fund of operative and investigative actions of the National Bureau;

17) conducts other duties according to this and other laws.

2. National Bureau's Head shall gain access to all degrees of the state secret as a part of his/her official duties after he/she assumes written obligation to keep the state secret.

Article 9. Heads of territorial offices of the National Bureau

Heads of territorial offices of the National Bureau shall be appointed and dismissed by the Head of the National Bureau.

Head of the territorial office of the National Bureau:

- organizes the work of the relevant territorial office for the implementation of the functions of the National Bureau, execution of orders and directives of the National Bureau;
- submits to the Head of the National Bureau proposals on the structure and staffing of the relevant territorial office;
- issues within his/her authority orders and instructions;
- give recommendation to the National Bureau's Head on bonuses payable to the employees of territorial departments;
- exercise other powers prescribed by laws.

Article 10. Employees of the National Bureau

Employees of the National Bureau are ranked persons and officers, civil servants and other employees who are employed under labour agreements at the National Bureau.

Ranked persons shall be employees of prompt response units, units for protection of participants in the criminal proceedings and protection employees according to this Law, operative units of the National Bureau.

National Bureau senior detectives and detectives who are civil servants, conduct operational-detective activities and pre-trial investigation in criminal proceedings in crimes assumed by the Law to the investigative jurisdiction of the National Bureau, as well as in other cases requested for the National Bureau by the prosecutor supervising over compliance with laws during operational-detective activities, pre-trial investigation by the National Bureau employees.

Time of service in the National Bureau shall be accounted as insurance record, work record according to the specialty, as well as to the record of civil servant's work in accordance with the law.

3. National Bureau's Head shall establish interview panels which hold competitions to fill vacant positions at the National Bureau. The National Bureau's Head shall include to the interview panel, the representatives determined by the Public Control Council at the National Bureau (no more than three persons for each interview panel).

The National Bureau's Head shall develop the Regulation on Interview Panels and their Rules of Procedure.

An announcement about the competition for filling vacant position at the National Bureau shall be placed on the official web-site of the National Bureau no later than ten days before the end of the term for submitting applications for participation in competition.

Competition for filling vacant positions at the National Bureau shall include qualification examination (testing) and an interview.

4. The National Bureau shall, on principle of competition and on voluntary contractual basis, employ persons who are the citizens of Ukraine and have adequate business and moral qualities, age, educational and professional background and health to perform the respective job duties effectively. The National Bureau's Head shall determine qualification requirements to professional aptitude. Employees to the positions at the National Bureau shall only be appointed following the results of open competition conducted in a manner determined by the National Bureau's Head, except for the first deputy and deputies of the National Bureau's Head.

5. Regulation on service of unranked employees and head officers, as well as the Disciplinary Regulation of agencies of internal affairs of Ukraine shall be applicable to head officers of the National Bureau.

6. Labour relations of the Bureau's employees are governed by the labour legislation, legislation on civil service and signed labour agreements (contracts). Specialists of the National Bureau who do not have special ranks are covered by the Law of Ukraine "On Civil Service". Positions of specialists at the National Bureau are referred to the relevant categories of positions of the central office of the ministry, another central executive authority, their territorial office in the manner stipulated by legislation.

7. The National Bureau's employee shall take a mandatory in-service training regularly, but not less than once every two years.

Article 11. Special ranks of ranked personnel of the National Bureau

1. Ranked personnel of the National Bureau shall have the following special ranks:

- middle-level ranking officers:

Lieutenant of the National Anti-Corruption Bureau of Ukraine; Senior Lieutenant of the National Anti-Corruption Bureau of Ukraine; Captain of the National Anti-Corruption Bureau of Ukraine;

- senior-level ranking officers:

Major of the National Anti-Corruption Bureau of Ukraine;

Lieutenant Colonel of the National Anti-Corruption Bureau of Ukraine; Colonel of the National Bureau of Anti-Corruption Investigations;

3. Assignment and deprivation of special ranks, as well as lowering and renovation of special ranks are performed in accordance with procedure stipulated by legislation.

Article 12. Oath of ranked personnel of the National Bureau

Citizens of Ukraine who are enrolled for the first time for positions of ranked personnel of the National Bureau and in established cases have undergone determined probation term, shall take the following oath:

"I (name, surname), entering the service of the National Anti-Corruption Bureau of Ukraine, being aware of my great responsibility, swear to stay loyal to the Ukrainian people, strictly abide the Constitution and laws of Ukraine, to respect and protect the rights, freedoms and legitimate interests of human and citizen, honor of the state, to be honest, diligent and disciplined, keep confidential state and other secrets protected by law."

A person of the ranked personnel of the National Bureau shall sign the text of the oath that is stored in her personal file. Procedure for taking oath is determined by the Head of the National Bureau.

Article 13. Restrictions for employees of the National Bureau

A person cannot be appointed as employee of the National Bureau if he/she:

- has been declared incapable or whose capacity has been limited by court;
- has been convicted of committing a crime, if such record had not been expunged or withdrawn in accordance with the law (except for rehabilitated persons), or who was sanctioned with an administrative penalty for committing a corruption offense within the last year, or who was ever convicted of an intentional crime;
- according to the court decision, was deprived of the right to engage in activities related to performance of state functions or hold relevant positions;
- has the citizenship of another country;
- in case of appointment, would be directly subordinated to the person who is his/her close person under the Law of Ukraine "On Prevention of Corruption";
- did not pass through a special vetting;
- did not pass a vetting and he/she has ban established in accordance with Law of Ukraine "On Lustration";

8) failed to submit a tax return of a person authorized to perform the functions of the State or local self-government prescribed by the Law of Ukraine “On Prevention of Corruption” or if the internal control division of the National Bureau revealed in the said tax return inaccurate information about property (assets), income, expenses and financial liabilities which value exceeds 50 minimum wages.

Employees of the National Bureau do not have the right:

- to be members or participate in the creation or operation of political parties, to organize or participate in strikes;
- to be agents for the third parties for the National Bureau matters;
- use the National Bureau, its employees and assets in the party, group or personal interests.

Employees of the National Bureau are subject to other restrictions and requirements set by the Law of Ukraine “On Prevention of Corruption”.

When appointed for the position at the National Bureau, the person shall be notified of the possibility of him undergoing integrity tests and monitoring of his lifestyle.

If an employee of the National Bureau has a conflict of interest while performing official duties, he/she must immediately notify his/her supervisor. This supervisor is obliged to take all necessary measures to prevent or eliminate the conflict of interest by assigning the task to another employee of the National Bureau, personal execution of this task or as otherwise provided by law.

Note. The term “conflict of interest” in this article is used within the meaning it has in the Law of Ukraine “On Prevention of Corruption”.

Article 14. Internship of employees of the National Bureau

Individuals who have no prior experience in state authorities in positions related to operational activities, pre-trial investigations, after passing the competition to fill the position of the investigator are required to take internship at the National Bureau for a period of one year.

The procedure of internship at the National Bureau is established by the regulations, approved by the Head of the National Bureau.

National Bureau employee may be dismissed based on the results of the internship, if he/she does not meet the requirements that apply to employees of the Bureau.

Article 15. Secondment of prosecutors and other persons to the National Bureau and secondment of employees of the National Bureau to other authorities

Prosecutors shall be seconded to the National Bureau for exercising functions of the prosecutor during the pre-trial investigation of criminal offenses referred to the investigative jurisdiction of the National Bureau.

Procedure for seconding prosecutors to the National Bureau is determined by the Law of Ukraine “On Prosecutor’s Office” and this Law.

Civil servants of other state authorities, institutions, organizations may be seconded to the National Bureau, while staying at the service of the relevant authority or by transferring them to the staff of the National Bureau, in order to perform duties that require special knowledge and skills.

Procedure for assignment to the National Bureau of employees of state authorities, institutions, organizations, and a list of positions that can be substituted in these state authorities, institutions and organizations with employees of the National Bureau shall be determined in accordance with legislation.

Article 16. Duties of the National Bureau

1. The National Bureau:

1) take the operational and detective measures aimed at preventing, detecting, deterring and investigating criminal offenses assumed by the law to its investigative jurisdiction and in operational-detective cases requested from other law enforcement authorities;

2) conducts pre-trial investigation of criminal offenses referred by law to its investigative jurisdiction; assumed by the law to its investigative jurisdiction, and conduct pre-trial investigation of other criminal offenses in cases stipulated by laws;

3) takes measures to trace and seize funds and other assets that may be subject to forfeiture or special forfeiture in criminal offenses referred to the investigative jurisdiction of the National Bureau, conducts activities on preserving of assets and other property that was seized;

4) cooperates with other state agencies, local self-government bodies and others in order to perform its duties;

5) carries out informational and analytical work with a purpose of identifying and eliminating the causes and conditions that contribute to the commission of the criminal offenses referred to the investigative jurisdiction of the National Bureau;

6) ensures personal safety of its employees and other persons specified by law, protection against unlawful acts against persons involved in criminal proceedings, in criminal offenses related to its investigative jurisdiction;

7) ensures a confidential and voluntary cooperation of individuals who report corruption offenses;

- reports on its activities in accordance with the procedure established by this Law and informs the public about the results of its work;
- carries out international cooperation and interaction within its competence in accordance with the legislation and international treaties of Ukraine.

Article 17. Rights of the National Bureau

National Bureau and its employees in order to perform their duties have the following rights:

- to start the operative and detective cases based on order, approved by the appropriate department head of the National Bureau, and carry out, on the grounds and according to the procedure established by law, overt and covert operative and detective actions;

2) under the decision of the National Bureau's Head approved by the prosecutor, request from the other law enforcement authorities, operational-detective cases and criminal proceedings related to the proceedings assumed by the law to the investigative jurisdiction of the National Bureau, as well as the other criminal offenses not assumed to its investigative jurisdiction but may be used for preventing, detecting, deterring and investigating criminal offenses assumed by the law to its investigative jurisdiction;

3) to request, according to decision of the head of structural unit of the National Bureau and receive, in a manner prescribed by laws, in a structure and form stated in the request, any information necessary for the National Bureau to perform its functions, including information about property, revenues, expenses, financial liabilities of persons who declared that in a manner prescribed by laws, as well as the information about use of funds of the State Budget of Ukraine, disposition of government or municipal property, from other law enforcement, governmental and local self-government authorities.

Persons to whom the said request is addressed, shall promptly, but no later than within three working days, give the respective information. If it is impossible to provide information, the per-

son shall promptly notify the National Bureau thereto in written and give grounded explanations. Upon the request of the respective person, the National Bureau may extend the time period for providing information for no more than two calendar days. Failure to provide the National Bureau with information upon its request, providing knowingly inaccurate or incomplete information, breaching the time limits for its provision, notification of third parties that information about them is being gathered, are prohibited and shall entail liability as provided by laws.

The National Bureau, in the manner prescribed by laws, shall have direct access to automated information and directory systems, data registers and banks held (administered) by government or local self-government authorities; it may use public, including governmental, means of communication, special circuit nets and other technical means.

The National Bureau shall process the said information in compliance with legislation on personal data protection and on keeping secrets protected by laws;

4) to get familiar in state authorities, local self-government bodies with documents and other materials necessary for the prevention, detection, termination and investigation of criminal offenses referred by law to the investigative jurisdiction of the National Bureau, including those that contain classified information;

5) in compliance with the decision of National Bureau's Head or his/her deputy, approved by the prosecutor, receive from banks, depositories, financial and other institutions, enterprises and organizations, irrespective of their ownership form, any information about transactions, accounts, deposits, deeds of individuals and legal entities, necessary for the National Bureau to perform its functions. Receiving from banks of information which is bank secret shall be in a manner and scope prescribed by the Law of Ukraine "On Banks and Banking" taking into consideration the provisions of this Law, and information kept in securities depository accounting system shall be received from the Central Securities Depository, the National Bank of Ukraine and depository institutions in a manner and scope prescribed by the Law of Ukraine "On the Depository System of Ukraine" taking into consideration the provisions of this Law. Persons to whom the said decision is addressed shall promptly but no later than within three working days, give the respective information. If it is impossible to provide it within the said time period due to grounded reasons, the National Bureau may extend the time period for providing information for no more than two calendar days upon the request of the respective person.

Upon relevant court decision for the period up to 10 days to seal records, offices, premises (except residential) or other repositories, take under protection, and also seize objects and documents in the manner prescribed by the Criminal Procedural Code of Ukraine;

- to engage on a voluntary basis, including on a contract basis, qualified professionals and experts including foreigners from any institution, organization, control and financial authorities to ensure execution of the National Service's duties;
- upon the written decision of the Head of the National Bureau or his Deputy approved by the prosecutor, to set up joint investigation teams that include operational and investigative personnel;

9) after presenting a service certificate, freely enter the premises of government and local self-government authorities and customs control zone, and, upon written instruction of the National Bureau's Head or his/her deputy, freely enter military units and institutions, as well as checkpoints on the state border of Ukraine;

10) to use with subsequent compensation vehicles that belong to individuals and legal entities (except the vehicles of diplomatic, consular and other representatives of foreign states and

organizations, special purpose vehicles) to travel to the scene of crime, to terminate the criminal offense, to follow and detain persons suspected of committing these criminal offenses, bringing to medical institutions of persons that require emergency medical care;

11) to send to the state bodies, local self-government authorities proposals and recommendations that are mandatory for consideration which address the causes and conditions that contribute to the commission of the criminal offenses referred to the investigative jurisdiction of the National Bureau, and receive from these authorities information about the outcome of such consideration within 30 days;

12) cooperate with individuals, including on contractual basis, in compliance with the principles of voluntariness and confidentiality of such relations, apply material and moral incentives for persons facilitating preventing, detecting, deterring and investigating criminal offenses.

Control over the effectiveness of the use of funds for these purposes shall be performed by the Accounting Chamber of Ukraine;

13) on the grounds provided by law, to file motions to the court for the invalidation of agreements in accordance with the laws of Ukraine;

14) for the purposes of operational and detective activity to create information systems and maintain operational records to the extent and in the manner provided by law;

15) to keep, carry and use firearms and special equipment and apply physical force in cases and in the manner provided by the Law of Ukraine "On Militia";

16) to give in accordance with the legislation weapons, special personal protective equipment and warning devices to the persons taken under protection when there is a danger to their life and health;

17) to conduct legal cooperation with the competent authorities of foreign states and international organizations on the operational and detective activity, pre-trial investigation on the basis of laws and international treaties of Ukraine;

17-¹) receive, within three days, in a form of certificate from authorities of the prosecutor's office of Ukraine and the Ministry of Justice of Ukraine, any materials received (given) as international legal assistance in financial and corruption criminal offenses;

18) to act as a representative of the state during consideration in the foreign jurisdictional bodies of requests for tracing, seizing, forfeiture and recovery to Ukraine of appropriate assets, protection of rights and interests of the state in matters relating to the duties of the National Bureau, and involve legal counsels with this purpose, including foreign.

19) raise issues related to creation of special conditions (including those related to securing location, taking security measures, placing to separate premises) in detention centers and preliminary detention institutions for persons cooperating with the National Bureau.

2. The National Bureau may, in the name of Ukraine, give international instructions on investigational and detective measures or investigative actions, conclude cooperation agreements related to its powers with foreign and international law enforcement authorities and organizations, apply, in the name of Ukraine, to foreign authorities in a manner prescribed by Ukrainian legislation and under the procedure established by the respective countries, etc.

3. The National Bureau may create and participate international investigation groups in accordance with this law and other legislative provisions and international treaties of Ukraine, attract international experts in countering corruption, have other powers related to performance of its obligations.

Article 18. The use of physical force, special means and firearms

1. Employees of the National Bureau have the right to use physical force, special means and firearms while on duty in cases, according to conditions and in order provided for in the Law of Ukraine "On the Militia".

Article 19. Statements and Reports of criminal offenses

For receiving statements and reports of criminal offenses, including anonymous, a special telephone line shall be created in the National Bureau, and the possibility of submitting such reports via the official web site of the National Bureau in the internet and by electronic means shall be provided.

Anonymous statements and reports of criminal offenses shall be considered by the National Bureau provided that the relevant information relates to a particular person and contains the actual data and can be verified.

3. The National Bureau's Head shall determine the procedure for registration, recording and processing of applications and notifications about criminal proceedings falling within the investigative jurisdiction of the National Bureau according to the law.

Article 19-1. Cooperation of the National Bureau with the bodies of internal affairs, Security Service of Ukraine and other law enforcement authorities

1. To ensure cooperation of the National Bureau with the bodies of internal affairs, Security Service of Ukraine and other law enforcement authorities, the staff lists of headquarters of the said bodies include positions responsible for cooperation with the National Bureau.

2. Prompt communication between the National Bureau and the bodies of internal affairs, Security Service of Ukraine and other law enforcement authorities regarding joint events, shall be arranged by written instruction passed by the head officers of the respective divisions.

3. Conditions and procedure for communication between the National Bureau and the bodies of internal affairs, Security Service of Ukraine and agencies empowered by laws to conduct pre-trial investigation, shall be regulated by a single regulation of the National Bureau and the respective agencies.

4. The National Bureau may share operational information with the bodies of internal affairs, Security Service of Ukraine and other agencies empowered by laws to conduct pre-trial investigation, only subject to written instruction given by the head of the respective division of the National Bureau.

Article 19-2. Cooperation of the National Bureau with other authorities

1. The National Bureau shall cooperate with the National Bank of Ukraine, the State Property Fund of Ukraine, the Antimonopoly Committee of Ukraine, the National Agency for Prevention of Corruption, the bodies of the State Border Service of Ukraine, the bodies of the State Tax and Customs Service, the central body of executive power which implements the state policy in the area of prevention and counteraction to legalization (laundering) of proceeds from crime or terrorist financing and financing proliferation of weapons of mass destruction (hereinafter referred to as designated executive authority for financial monitoring), and other authorities.

The National Bureau may conclude cooperation and communication agreements (memorandums) with certain authorities.

2. To prevent and counteract criminal offenses falling within the investigative jurisdiction of the National Bureau, the National Bank of Ukraine, the Antimonopoly Committee of Ukraine, the State Property Fund of Ukraine, the body of state financial control of Ukraine, the National Agency for Prevention of Corruption and other governmental authorities effecting public supervision over compliance by individuals and legal entities with Ukrainian legislation shall:

1) provide the National Bureau with any data received during performance of controlling functions by them as well as gained information analysis which may indicate criminal offenses or be used for preventing, detecting, deterring and investigating criminal offenses assumed by the law to the investigative jurisdiction of the National Bureau;

2) upon the request of the National Bureau, conduct, within its investigative jurisdiction, audits, checks and other actions related to control over the compliance with Ukrainian legislation by individuals and legal entities.

Article 20. *Responsibility of employees of the National Bureau*

The National Bureau employees independently make decisions within their authority. They shall refuse to execute any orders, instructions or directives that contradict the legislation and take other measures as required by law in such cases.

The National Bureau employees are liable to disciplinary, civil, administrative or criminal liability.

In case of violation of rights or freedoms of persons by the employees of the National Bureau while performing their official duties, the National Bureau takes within its competence measures for renovation of these rights and freedoms, redress for material and moral damages, bringing guilty persons to legal liability.

Article 21. *Legal protection of the employees of the National Bureau and other persons*

The employees of the National Bureau during performance of their duties represent the public authority, act on behalf of the state and are under its protection. No one, except for authorized public officials in cases determined by law, has a right to interfere in their legitimate activities. In order to ensure the personal safety of employees of the National Bureau and members of their families it is prohibited to disclose in the media information about the place of residence of such persons. Information about the service of employees of the National Bureau shall be disclosed upon the permission of the Head of the National Bureau or his deputy.

In case of detention of the employee of the National Bureau or choosing of custody as a preventive measure, he/she shall be kept separately from the other detained persons.

People who voluntarily, including on a contractual basis, provide assistance to the National Bureau in execution of its duties are under the protection of the state. Unlawful disclosure of information about such persons or committing other offenses against these persons in connection with his/her relations with the National Bureau shall entail liability under law.

Employee of the National Bureau who according to this Law has reported on the wrongful act or inactivity of other employee of the National Bureau, cannot be dismissed or forced to resign, brought to liability or prosecuted for such reporting, except for liability for filing a knowingly false report of a crime. Officials of the National Bureau are forbidden to disclose information about the National Bureau's employees who have reported on the violations.

Article 22. *Social protection of employees of the National Bureau*

The State shall ensure the social protection of employees of the National Bureau under the Constitution of Ukraine, this Law and other legislative acts.

The ranking personnel of the National Bureau upon dismissal from service due to age, after the expiration of the agreement (contract), for health reasons, due to redundancy or organizational measures in the event of inability to be employed receive monetary benefits paid at 50 percent of monthly size pay (remuneration) for each full calendar year of service. The National Bureau ranking personnel dismissed from service through family reasons or for other valid reasons as listed by the Cabinet of Ministers of Ukraine shall be paid financial assistance in the amount of 25% of the monthly wage (remuneration) for each full calendar year of service. Financial assistance is not paid

to the National Bureau ranking personnel dismissed from work for incompetency, in connection with court conviction that came into effect.

Head officers and the employees of the National Bureau shall be subject to mandatory state social insurance in accordance with the legislation about mandatory state social insurance.

In case of loss of life (death) of the National Bureau ranking personnel or employee of the National Bureau while on duty the family of the deceased (perished) and, in case of non-availability, their parents and dependents are paid a lump sum monetary allowance at the rate of ten-year wage (remuneration) of the deceased (perished) at the last occupied position in the manner and on the terms established by the Cabinet of Ministers of Ukraine.

The damage caused to the property of the National Bureau's employee or property of his/her family members in connection with performance of his/her duties shall be reimbursed in full amount from the State budget of Ukraine with the following compensation sought from the guilty persons according to the procedure established by law.

Other aspects of social protection of civil servants and other employees of the National Bureau are regulated by labour and civil service legislation.

Article 23. Remuneration of the National Bureau's employees

Remuneration of the National Bureau's ranking personnel and civil servants shall ensure sufficient material conditions for proper performance of their duties taking into account the nature, intensity and danger of work, ensure recruitment and work of qualified staff in the National Bureau, encourage achievement of high performance results, compensate for the physical and mental efforts of the employees.

Ranking personnel of the National Bureau are covered by the conditions provided for officers of internal affairs authorities, considering peculiarities set out in this Law. Size of salaries of ranking personnel of the National Bureau shall not be less than remuneration of employees of the National Bureau referred to the appropriate categories of civil service.

3. The salary of the National Bureau employees shall consist of:

- 1) official salary;
- 2) longevity pay;
- 3) science degree pay;
- 4) additional payment for work involving access to state secret;
- 5) additional payment for special title or civil servant's rank.

4. The following official salaries for the employees of the National Bureau shall be established in accordance with the amount of minimum monthly wages determined by the Law on State Budget of Ukraine for the respective year:

The National Bureau's Head – 50;

- the First Deputy, deputy of the National Bureau's Head – 40;
- the Director of central or territorial department of the National Bureau, the head of internal control division of the central department of the National Bureau, detectives' division head – 30;
- the Deputy Director of central or territorial department of the National Bureau, the deputy head of internal control division of the central department of the National Bureau, detectives' division deputy head – 28;
- the head of central department of the National Bureau, the head of internal control division of the territorial department of the National Bureau – 22;
- the deputy head of central department of the National Bureau, the deputy head of internal control division of the territorial department of the National Bureau – 21;

- the head of the central department of the National Bureau – 20;
- the deputy head of the central department of the National Bureau – 19;
- the head of the territorial department of the National Bureau – 18;
- the deputy head of the territorial department of the National Bureau – 17;
- the senior detective of the National Bureau – 22;
- the detective of the National Bureau – 19;
- other employees of the National Bureau – the amount equal to 3 official salaries established by the Cabinet of Ministers of Ukraine for employees at the respective positions at the central executive bodies.

Official salaries of the respective employees of the central and territorial department of the National Bureau located in Kyiv shall be calculated applying factor of 1.2.

Official salaries of the National Bureau employees during internship period shall be calculated applying reduction factor of 1.5.

6. The National Bureau employees shall be paid monthly longevity pay as follows: the length of service up to 5 years – 15 percent, more than 5 years – 20 percent, more than 10 years – 30 percent, more than 15 years – 40 percent, more than 20 years – 50 percent, more than 25 years – 60 percent, more than 30 years – 70 percent, more than 35 years – 80 percent of official salary.

7. The National Bureau employees are paid monthly science degree pay for PhD or ScD in the respective area in the amount of 15 and 20 percent of official salary, respectively.

8. The National Bureau employees are paid monthly additional payment for the work involving access to state secret in amount depending on information secrecy degree: Information and media of “top secret”, “quite secret” degree – 10 percent of official salary; information and media of “secret” degree – 5 percent of official salary.

9. Additional payments for special title or civil servant’s rank shall be made in accordance with legislation.

Article 24. Financing of the National Bureau

The National Bureau is financed from the State Budget of Ukraine. Financing of the National Bureau through any other source is prohibited, except as provided for by international agreements of Ukraine or technical assistance projects.

The full and timely financing of the National Bureau is guaranteed in the amount sufficient for carrying out its appropriate activities.

Budget of the National Bureau shall provide for creation of a fund for special operative-detective (covert investigative) measures.

Article 25. Material and technical support of the National Bureau

The National Bureau shall be provided with the necessary material means, technical devices, equipment and other assets to enable it to perform its functions.

It is forbidden to carry out material and technical provision of the National Bureau from the funds of local budgets or any other sources, except for the State budget funds and assistance provided within international technical assistance projects.

Article 26. Control over activity of the National Bureau and its accountability

Control over activity of the National Bureau is conducted by the Verkhovna Rada Committee tasked with issues of fighting corruption and organized crime in accordance with the Constitution of Ukraine, laws of Ukraine “On the Democratic Civil Control over Military Organization and Law Enforcement Bodies of the State”, this and other laws of Ukraine.

The National Bureau's Head:

- informs the President of Ukraine, Verkhovna Rada of Ukraine and the Cabinet of Ministers of Ukraine about the main issues related to activity of the National Bureau and its units, on execution of the National Bureau's tasks, compliance with legislation, respect for rights and freedoms of persons;
- annually, not later than by 10 February and by 10 August, submits to the President of Ukraine, Verkhovna Rada of Ukraine and the Cabinet of Ministers of Ukraine a written report on activity of the National Bureau during previous six months.

Written report on activity of the National Bureau shall contain information about:

- statistical data on the results of activities, with obligatory indication of the following data:
- number of registered applications and reports on criminal offences regarding crimes within investigative jurisdiction of the National Bureau;
- number of operative and detective cases opened by the National Bureau and their outcomes;
- number of persons indicted in crimes within investigative jurisdiction of the National Bureau;
- number of persons for whom a court conviction regarding their criminal offense within investigative jurisdiction of the National Bureau came into force;
- number of persons acquitted in cases regarding committing of criminal offences that are within investigative jurisdiction of the National Bureau;
- information by categories of persons referred to in paragraph 1 of Article 4 of the Law of Ukraine "On Prevention of Corruption";
- information on the amount of losses and damage caused by criminal offenses within the investigative jurisdiction of the National Bureau; current situation and amount of their reimbursement;
- information on the funds and other property obtained as a result of committing criminal offenses within investigative jurisdiction of the National Bureau, forfeited by the court's decision, as well as funds in the amount of illicit services or benefits collected and payable to the state and their administration;
- information on the funds and other property obtained as a result of the criminal offenses within the National Bureau's investigative jurisdiction that were returned to Ukraine from abroad and their disposal;
- information about seizure of property, forfeiture of items and the proceeds of crimes within the investigative jurisdiction of the National Bureau, and their preservation;
- the number of submissions on elimination of causes and conditions that contributed to commission of the criminal corruption offenses;
- results of conducted integrity tests;
- Information on cooperation with other state authorities, local self-government bodies, enterprises, institutions and organizations;
- Information on cooperation with competent authorities of foreign states, international and foreign organizations, agreements on cooperation signed with them and representation of interests abroad;
- Cooperation with non-governmental organizations and the media;
- The National Bureau's number of staff, qualification and experience of its employees, their in-service training;
- Activities of internal control unit of the National Bureau; the number of reports of offenses perpetrated by National Bureau employees; outcomes of their investigation, bringing the National Bureau personnel to liability;
- The National Bureau's budget and its implementation.

Other information concerning results of the National Bureau's operation and performance of the duties ascribed to it.

The report of the National Bureau shall be provided for consideration to the Council of Public Control at the National Bureau, which considers it within two weeks from the date of submission. The report of the National Bureau shall be submitted to the appropriate state authorities and made public together with the Council of Public Control's opinion in case of its approval within the prescribed term.

The Verkhovna Rada's committee dealing with anti-corruption issues at least once a year conducts open-for-the-public hearings on the topic of activity of the National Bureau, execution of its tasks, compliance with legislation, respect for rights and freedoms of persons.

6. Annually, the independent evaluation (audit) shall be conducted to assess the National Bureau's performance, its operational and institutional independence, including random audits of criminal proceedings where the National Bureau conducted and completed pre-trial investigation.

The said evaluation (audit) shall be held by external control commission consisting of three members. The President of Ukraine, the Verkhovna Rada of Ukraine, and the Cabinet of Ministers of Ukraine, shall annually appoint one commission member each. Persons so nominated shall have extensive experience of work in pre-trial investigation or prosecution authorities, courts, work abroad or for international organizations. They shall have necessary knowledge and skills for the said evaluation (audit) and enjoy an impeccable business reputation. Persons mentioned in clauses 1 to 3, part one, Article 13 of this Law and the persons authorized to perform the functions of the State or local self-government in accordance with the Law of Ukraine "On Prevention of Corruption", may not be the members of external control commission. The members of the external control commission shall act independently and not follow any instructions or orders given by anybody.

To ensure evaluation (audit), the members of external control commission shall be entitled as follows:

- 1) have access to materials of criminal investigation if pre-trial investigation was conducted by the National Bureau, other information (documents) possessed by the National Bureau (with restrictions established by the Law of Ukraine "On State Secret");
- 2) to hold confidential interviews with the National Bureau employees, prosecutors of Specialized Anti-Corruption Prosecutors Office, employees of other public and law enforcement authorities and other persons having information (documents) necessary for evaluation (audit).

The members of external control commission shall ensure non-disclosure of pre-trial investigation data and may not interfere with pre-trial investigation process.

The opinion of the independent external evaluation (audit) of the National Bureau shall be published and included as the schedule to the written report of the National Bureau and heard by the Verkhovna Rada of Ukraine.

Article 27. Internal control units of the National Bureau

The internal control division at the central department shall operate to prevent, detect and investigate offenses in activities of the National Bureau employees. The National Bureau's Head may pass the decision to create internal control divisions at the territorial departments of the National Bureau. The subdivisions of external control shall be accountable directly to the National Bureau's Head.

Head and employees of the internal control units of the Central Office and territorial offices of the National Bureau are appointed and dismissed by the National Bureau's Head.

The internal control unit of the National Bureau has the following duties:

- to prevent commission of offences by the National Bureau's employees according to the laws of Ukraine "On Prevention of Corruption" and "On the Civil Service";
- to control compliance by the National Bureau's employees with the rules of ethical behaviour, conflict of interest, declaring of assets, income, expenditures and financial obligations;
- to conduct of integrity testing of the National Bureau's employees and monitoring of their lifestyle;
- to verify information contained in complaints of natural and legal persons, mass media reports, other sources, in particular information received through a special telephone line, internet webpage, electronic communication means of the National Bureau, regarding involvement of the National Bureau's employees in commission of offences;
- to conduct internal investigations regarding the National Bureau's employees;

5-¹) conduct investigation and detective measures and pre-trial investigation aimed at preventing, detecting, deterring and investigating criminal offenses in activities of the National Bureau employees;

- to conduct special vetting of the candidates for positions in the National Bureau;
- to take measures on protection of the National Bureau's employees who inform of illegal action or inaction of other employees of the National Bureau;
- to advise employees of the National Bureau regarding the rules of ethical behaviour, conflict of interest, declaring of property, income, expenditures and financial obligations.

The National Bureau's employee who found out about illegal actions or inaction of another employee of the National Bureau is obliged to immediately notify the National Bureau's Head and the National Bureau's internal control unit.

The internal control unit of the National Bureau's Central Office shall publish on the official web-site of the National Bureau the declarations of assets, income, expenditures and financial obligations which were submitted in accordance with the law by National Bureau's Head and Deputy Heads, Heads and deputy Heads of the territorial offices, Head of the Central Office, heads of departments in the Central Office and in the territorial offices of the National Bureau.

Data referred to classified information pursuant to the Law of Ukraine "On Prevention of Corruption" shall not be disclosed.

If information is discovered about alleged crime committed by the National Bureau's employee the internal control unit of the National Bureau shall immediately notify the Prosecutor General of Ukraine or his/her Deputy.

Procedure of activities and powers of the internal control units of the National Bureau are defined by the regulations to be adopted by the National Bureau's Head.

Article 28. Disciplinary liability of employees and the Disciplinary Commission of the National Bureau

A Disciplinary Board consisting of five persons is formed to consider issues of applying disciplinary measures against the National Bureau's employees. The Disciplinary Board includes two persons determined by the Council of Public Control at the National Bureau.

Composition and regulations on the Disciplinary Board of the National Bureau are approved by the Head of the National Bureau.

Based on official investigation conducted by the internal control unit, the Disciplinary Board draws a conclusion as to whether a disciplinary misconduct was revealed and the grounds for bringing an employee to disciplinary liability with identification of the type of recommended disciplinary penalty.

Decision on applying a disciplinary sanction based on the conclusion of the National Bureau's Disciplinary Board is taken by the Head of the National Bureau. This decision may be appealed in court.

4. Grounds for bringing the National Bureau Employee to disciplinary liability:

- 1) failure to fulfil or improper fulfilment of official duties;
- 2) unlawful disclosure of restricted information which became known in connection with the fulfilment of powers by such employee;
- 3) violation of the procedure and time period prescribed by law for submission a tax return of a person authorized to perform the functions of the State or local self-government;
- 4) public utterance violating presumption of innocence;
- 5) negative results of integrity tests or monitoring of employee's life style;
- 6) other grounds envisaged by the Law of Ukraine "On Public Service" for the National Bureau employees who act as government officials or by Disciplinary Regulation of agencies of internal affairs of Ukraine for the National Bureau employees who are head officers.

Article 29. Monitoring of lifestyle of the National Bureau's employees

The internal control units conduct monitoring of lifestyle of the National Bureau's employees with the purpose of establishing the consistency of the level of life of the employee with assets and income of the employee and his/her family members according to the declaration of assets, income, expenditures and financial obligations, submitted by him/her according to the law.

The procedure for monitoring lifestyle of the National Bureau's employees is defined by the Head of the National Bureau.

Lifestyle monitoring is conducted in accordance with the legislation on protection of personal data and should not include excessive interference with the right to respect for private and family life of a person.

Establishing a mismatch between the level of life of the employee of the National Bureau and the assets and incomes of the employee and his/her family members is a ground for disciplinary action.

Article 30. Ensuring transparency in the activities of the National Bureau

The National Bureau shall regularly inform the public about its activities through the mass media, its official website and other forms. The National Bureau publishes and provides information in response to requests according to the procedure determined by the Law of Ukraine "On Access to Public Information".

The National Bureau prepares and publishes, not later than by 10 February and 10 August, in national printed media and at on its own official website a report on its activity during previous six months, which was submitted to the President of Ukraine, Verkhovna Rada of Ukraine and the Cabinet of Ministers of Ukraine.

It is forbidden to restrict access to information concerning the overall budget of the National Bureau, its competence, main directions of its activity, and information concerning bringing to liability for committing of offences by the National Bureau's employees.

Article 31. Council of Public Control at the National Bureau

In order to ensure transparency and public control over activities of the National Bureau, the Council of Public Control is established at the National Bureau consisting of 15 persons based on an open and transparent competition.

The Council of Public Control at the National Bureau may not include:

- persons authorized to perform state or local self-government functions;

2) persons who, regardless of the duration, have been employed by the National Bureau or any other law enforcement bodies for the last two years;

3) persons whose close relatives, regardless of the duration, have been employed by the National Bureau or any other law enforcement bodies for the last two years;

Regulations on the Council of Public Control and on its formation procedure are approved by the President of Ukraine.

The Council of Public Control at the National Bureau:

- considers information on activities, implementation of plans and objectives of the National Bureau;
- considers reports of the National Bureau and adopts its opinion on them; elects two representatives out of its members to be included in the Disciplinary Board of the National Bureau;

3) has other rights according to the Council of Public Control Regulations.

Article 32. Seal of the National Bureau

1. The National Bureau is a legal entity and has a seal with the National Emblem of Ukraine and its name.

Article 33. Service certificate of the National Bureau employee

1. The National Bureau employees shall have service certificates.

2. Regulation on service certificates of employees of the National Bureau and the template thereof shall be approved by the National Bureau's Head.

SECTION II. FINAL PROVISIONS

This Law shall enter into force after three months after the date of its publication.

Before the Law of Ukraine "On Prevention of Corruption" comes into force, if it is referred to in section I of this Law, the respective provisions of the Laws of Ukraine "On Principles of Preventing and Countering Corruption" (The Official Bulletin of the Verkhovna Rada of Ukraine, 2011, No. 40, p. 404 and the Law of Ukraine "On the Rules of Ethical Conduct" (The Official Bulletin of the Verkhovna Rada of Ukraine, 2013, No. 14, p. 94.) shall be applied.

2. The below laws of Ukraine shall be amended as follows:

1) in the Criminal Code of Ukraine (The Official Bulletin of the Verkhovna Rada of Ukraine, 2001, No. 25-26, p. 131):

a) part one of Articles 45, 46, 47 and 48, part four Article 74, clause 1 part three Article 81; clause 1 part four Article 82, after words "medium crimes", shall be supplemented with words "except for corruption crimes";

b) Article 45 shall be supplemented with the note reading as follows:

"Note. According to this Code, the corruption crimes shall be crimes prescribed by part two, Article 191, part two, Article 262, part two, Article 308, part two, Article 312, part two, Article 313, part two, Article 320, part one, Article 357, part two, Article 410, if such crimes were committed with abuse of an official position, and crimes listed in Articles 354, 364, 364⁻¹, 365⁻², 368-370 of this Code";

c) part one, Article 69 after words "the decision, may", shall be supplemented with words "except for conviction for corruption crime";

d) part one, Article 75 after the word "court", shall be supplemented with words "except for conviction for corruption crime";

e) part one, Article 79 after words “especially grave crimes”, shall be supplemented with words “and for corruption crimes”;

f) clause 2, part three, Article 81 and clause 2, part four, Article 82, after words “by court for” shall be supplemented with words “medium grave corruption crime”;

12) Article 86 shall be supplemented with part four reading as follows:

“4. Persons convicted for corruption crimes for whom sentences have not come into force, may not be released from serving the sentence, and persons for whom sentences have come into force may not be released from serving the sentence by amnesty law. The said persons may be released from serving the sentence after actually served periods established by part three Article 81 of this Code”;

h) Article 87 shall be supplemented with part three reading as follows:

“3. Persons convicted for corruption crimes may be released from serving the sentence on the grounds of act of pardon, after actually served terms established by part three, Article 81 of this Code”;

i) in Article 89:

- clause 3 shall be deleted;
- clause 5 after words “personal income” shall be supplemented with words “deprivation of the right to occupy certain positions or engage in certain activities”;

h) Article 91, after part one shall be supplemented with a new part as follows:

“2. Cancellation of conviction before the expiration of the time period mentioned in Article 89 of this Code shall not be allowed in cases of conviction for intentional grave and especially grave crimes as well as for corruption crimes.”

In view of this, parts two and three shall be considered as parts three and four, respectively;

k) paragraph one, Article 112 and paragraph one part one Article 346, after words “the Prosecutor General of Ukraine” shall be supplemented with words “the Director of the National Anti-Corruption Bureau of Ukraine”;

l) paragraph one, part one, Article 344 after words “Human Rights Commissioner of the Verkhovna Rada of Ukraine” shall be supplemented with words “the Director of the National Anti-Corruption Bureau of Ukraine”;

m) clause 2 of the note to Article 368 shall be replaced with the following two new clauses:

“2. Officers at highly responsible positions in Articles 368, 368⁻², 369 and 382 of this Code are the persons mentioned in clause 1 of note to Article 364 of this Code whose positions, according to Article 25 of the Law of Ukraine “On Public Service” refer to third, fourth, fifth and sixth categories, as well as judges, prosecutors, investigators and others, except for those mentioned in clause 3 of note to this Article, head officers and deputies of head officers of authorities, local authorities, their structural units and divisions.

3. Officers at highly responsible positions in Articles 368, 368⁻², 369 and 382 of this Code are:

1) the President of Ukraine, the Prime Minister of Ukraine, the members of the Cabinet of Ministers of Ukraine, first deputies and deputies of the Ministers, the members of Parliament of Ukraine, the Human Rights Commissioner of the Verkhovna Rada of Ukraine, the Director of the National Anti-Corruption Bureau of Ukraine, his/her first deputy and deputies, the Chairman of the Constitutional Court of Ukraine, his/her deputies and judges of the Constitutional Court of Ukraine, the Chairman of the Supreme Court of Ukraine, his/her first deputy, deputies and judges of the Supreme Court of Ukraine, the chairmen of higher specialized courts, their deputies and judges of higher specialized courts, the Chairman of the National Bank of Ukraine, his/her first

deputy and deputies, the Secretary of the Council of National Security and Defence of Ukraine, his/her first deputy and deputies;

2) persons whose positions, according to Article 25 of the Law of Ukraine “On Public Service” refer to the first and second categories;

3) persons whose positions, according to Article 14 of the Law of Ukraine “On Service at Local Self-Government Bodies” assumed to the first and second category positions at local self-government bodies”;

n) Article 368-² shall be restated as follows:

“1. Acquisition, by person authorized to perform the functions of the State or local self-government, of property which value considerably exceeds the proceeds of such person gained from legal sources, or transfer such property to close relatives,

shall be punishable by imprisonment for a term up to two years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years, special confiscation and confiscation of property.

2. Actions described in part one of this Article, committed by official at the responsible position, shall be punishable by imprisonment for a term from two to five years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years, special confiscation and confiscation of property.

3. Actions described in part one of this Article, committed by official at the position of the highest responsibility,

shall be punishable by imprisonment for a term from five to ten years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years, special confiscation and confiscation of property.

Note. 1. Persons authorized to perform the functions of the State or local self-government shall be the persons listed in clause 1, part one, Article 4 of the Law of Ukraine “On Prevention of Corruption”.

2. Significant exceeding in this Article shall mean the amount twice or more times exceeding revenues included to the tax return of a person authorized to perform the functions of the State or local self-government for the respective period, submitted by a person in a manner established by the Law of Ukraine “On Prevention of Corruption”;

2) clause 1, part two, Article 22 of the Budget Code of Ukraine (The Official Bulletin of the Verkhovna Rada of Ukraine, 2010, No. 50-51, p. 572) after words “of the ministry” shall be supplemented by words “the National Anti-Corruption Bureau of Ukraine”;

3) in the Criminal Procedural Code of Ukraine (The Official Bulletin of the Verkhovna Rada of Ukraine, 2013, No. 9-13, p. 88):

a) in clauses 8 and 17, part one, Article 3, the words “agency of the State Investigation Bureau” shall be replaced with the words “the National Anti-Corruption Bureau of Ukraine of the State Investigation Bureau”;

b) paragraph one, part nine, Article 31 shall be amended and restated as follows:

“9. Criminal proceedings against the Prime Minister of Ukraine, the members of the Cabinet of Ministers of Ukraine, first deputies and deputies of the Ministers, the members of Parliament of Ukraine, the Human Rights Commissioner of the Verkhovna Rada of Ukraine, the Director of the National Anti-Corruption Bureau of Ukraine, the Prosecutor General of Ukraine, his/her first deputy or deputy, the Chairman of the Constitutional Court of Ukraine, his/her deputy or judge of the Constitutional Court of Ukraine, the Chairman of the Supreme Court of Ukraine, his/her

first deputy or the judge of the Supreme Court of Ukraine, the chairmen of higher specialized courts, their deputies or judges of higher specialized courts, the Chairman of the National Bank of Ukraine, his/her first deputy and deputy, persons whose positions assumed to the first categories of civil servants' positions, and proceedings assumed to the investigative jurisdiction of the National Anti-Corruption Bureau of Ukraine, shall be conducted”;

c) Article 32 shall be supplemented with part three reading as follows:

“3. If criminal offense for which pre-trial investigation was conducted by territorial department of the National Anti-Corruption Bureau of Ukraine, was committed within the jurisdiction of local court located within the territory of the respective territorial department of the National Anti-Corruption Bureau of Ukraine, such criminal proceedings shall be conducted by the court which location is the closest to the respective territorial department of the National Anti-Corruption Bureau of Ukraine, other administrative and territorial unit (the Autonomous Republic of Crimea, oblasts, cities of Kyiv and Sevastopol)”;

d) in Article 36:

- part five shall be supplemented with the following sentence: “Any other pre-trial investigation agency shall not be instructed to conduct pre-trial investigation falling within the investigative jurisdiction of the National Anti-Corruption Bureau of Ukraine”;
- part six shall be supplemented with the following sentence: “The said resolutions passed by investigators and prosecutors of the National Anti-Corruption Bureau of Ukraine may only be cancelled by the Prosecutor General of Ukraine or a person acting in his/her capacity”;

e) clause 4 of part one, Article 38 shall be replaced with the following two new clauses:

“4) of the National Anti-Corruption Bureau of Ukraine;

5) of the State Investigation Bureau”;

f) part one, Article 41 after words “security agencies” shall be supplemented with the words “the National Anti-Corruption Bureau of Ukraine of the State Investigation Bureau”;

g) part one, Article 143 the words “or the bodies of the State Investigation Bureau” shall be replaced with the words “the National Anti-Corruption Bureau of Ukraine or the State Investigation Bureau”;

h) part three, Article 154 shall be supplemented with the following sentence: “The Director of the National Anti-Corruption Bureau of Ukraine may be removed from office by investigating judge on the basis of grounded motion filed by the Prosecutor General of Ukraine in the manner prescribed by laws”;

i) part two, Article 170 shall be supplemented with paragraph two reading as follows:

“In emergency cases, to ensure keeping material evidence or possible further confiscation or special confiscation of funds and other property in criminal proceedings related to offense falling within the investigative jurisdiction of the National Anti-Corruption Bureau of Ukraine, the Director of the National Anti-Corruption Bureau of Ukraine, by his/her written decision approved by the prosecutor, may impose seizure of property or funds on accounts of individuals and legal entities with financial institutions. Such measures may be taken for the time up to 72 hours. Within 24 hours after such decision is made, the Director of the National Anti-Corruption Bureau of Ukraine shall file a property seizure motion to investigating judge”;

j) part two, Article 214 after words “by Security Service of Ukraine” shall be supplemented with words “by the National Anti-Corruption Bureau of Ukraine”;

in Article 216:

- paragraph two, part two shall be supplemented with words “except for the cases when such crimes, under this Article, fall within the investigative jurisdiction of the investigators of the National Anti-Corruption Bureau of Ukraine”;

part four shall be read as follows:

“4. Investigators of the State Investigation Bureau, except for the cases envisaged by part five of this Article, conduct pre-trial investigation of criminal offenses committed by officers at highly responsible positions in accordance with part one, Article 9 of the Law of Ukraine “On Public Service”, by persons whose positions refer to the 1st to 3rd categories, as well as judges and employees of law enforcement authorities.

Investigators of the State Investigation Bureau also conduct pre-trial investigation of criminal offenses envisaged by paragraph one, part five of this Article if they were committed by the officers of the National Anti-Corruption Bureau of Ukraine”;

- the following new part shall be added after part four:

“5. Investigators of the National Anti-Corruption Bureau of Ukraine conduct pre-trial investigation of crimes envisaged by Articles 191, 206-², 209, 210, 211, 354 (related to public legal entities employees), 364, 368, 368-², 369, 369-², 410 of the Criminal Code of Ukraine, if at least one of the following circumstances are available:

1) the crime is committed by:

- the member of Parliament of Ukraine, the Prime Minister of Ukraine, the member of the Cabinet of Ministers of Ukraine, first deputy and deputy of the Minister, the Chairman of the National Bank of Ukraine, his/her first deputy and deputy, the member of the National Bank of Ukraine, the Secretary of the Council of National Security and Defence of Ukraine, his/her first deputy and deputy;
- civil servant whose position refers to the first or second category, a person whose position is equivalent to the first or second category of public service positions;
- the member of Parliament of the Autonomous Republic of Crimea, the deputy of oblast council, city council of Kyiv and Sevastopol, public official of local self-government whose position refers to the first or second category;
- the judge of the Constitutional Court of Ukraine, the judge of general jurisdiction, people’s assessor and juror (when performing their functions), the Chairman, members and disciplinary inspectors of the Higher Qualification Commission of Judges of Ukraine, the Chairman, Deputy Chairman, secretary of High Council of Justice section, other member of the High Council of Justice;
- Prosecutor General of Ukraine or his/her deputy, assistant Prosecutor General of Ukraine, prosecutor of the General Prosecutor’s Office of Ukraine, investigator of the General Prosecutor’s Office of Ukraine, the head of structural unit of the General Prosecutor’s Office of Ukraine, prosecutors of the Autonomous Republic of Crimea, cities of Kyiv and Sevastopol, oblast and their deputies, the head of structural unit of the Prosecutor’s Office of the Autonomous Republic of Crimea, cities of Kyiv and Sevastopol, and oblast;
- Head officers of internal affairs bodies, State Criminal Enforcement Service, agencies and divisions of civil defence, officer of customs service with the special title of 3rd (or higher) rank state tax and customs councillor, officer of the state tax service agencies with the special title of 3rd (or higher) rank state tax and customs councillor;
- senior military officers of the Armed Forces of Ukraine, the Security Service of Ukraine, the State Border Service of Ukraine, the State Special Transport Service, the National Guard of Ukraine and other military units created under Ukrainian legislation;

- the head officer of large business entity in which the State or municipality holds a participation interest of over fifty percent;

2) the amount of target of crime or the damage caused by it five hundred times exceeds the amount of minimum wages established in the respective year (if a crime was committed by the official of governmental authority, law enforcement authority, military unit, local self-government body, business entity in which the State or municipality holds a participation interest of over fifty percent);

3) the crime envisaged by Article 369, part one of Article 369-2 of the Criminal Code of Ukraine committed against official mentioned in part four, Article 18 of the Criminal Code of Ukraine or in clause 1 of this part.

The prosecutor supervising pre-trial investigations conducted by investigators of the National Anti-Corruption Bureau of Ukraine, may, by his/her resolution, assume criminal proceeding in crimes envisaged by paragraph one of this part, to the investigative jurisdiction of investigators of the National Anti-Corruption Bureau of Ukraine if the respective crime incurred or might incur serious damages to legally protected freedoms and interests of any individual or legal entity or to state or public interests. Serious damage shall mean a threat to cause or cause of damage to vital interests of the state and public, in particular, to state sovereignty, territorial integrity of Ukraine, exercising constitutional rights, freedoms and obligations by three or more persons.”

In this connection, part five shall be considered as part six;

l) part five of Article 218 shall be supplemented with paragraph two reading as follows:

“The Prosecutor General of Ukraine or his/her deputy shall resolve disputes about investigative jurisdiction in criminal proceedings which may fall under investigative jurisdiction of the National Anti-Corruption Bureau of Ukraine”;

m) in part six, Article 232, the words “agency of the State Investigation Bureau within the jurisdiction of which such person is located”, shall be replaced with words “within the jurisdiction of which such person is located, to the National Anti-Corruption Bureau of Ukraine or the State Investigation Bureau”;

n) in Article 246:

in part five:

- paragraph four after words “Department of the Security Service of Ukraine” shall be supplemented with words “the head officer of the respective division of the National Anti-Corruption Bureau of Ukraine of the State Investigation Bureau”;
- paragraph five after words “by the Head of the Security Service of Ukraine” shall be supplemented with words “by the Director of the National Anti-Corruption Bureau of Ukraine”;
- part six after words “security agencies” shall be supplemented with the words “the National Anti-Corruption Bureau of Ukraine, the State Investigation Bureau”;

o) in Article 247 the words “by the Chairman, or, if determined by him/her, by the other judge” shall be replaced with the words “by investigating judge”;

p) the following clause 9 shall be added to Article 480:

“9) of the Director and employees of the National Anti-Corruption Bureau of Ukraine”;

q) in part one Article 481:

- clause 2 after words “to the Secretary of the Accounting Chamber” shall be supplemented with the words “to the Director of the National Anti-Corruption Bureau of Ukraine”;
- clause 3 after words “people’s assessor at the time of exercise of justice” shall be supplemented with the words “to the employees of the National Anti-Corruption Bureau of Ukraine”;

r) part one, Article 545 shall be supplemented with words “except for pre-trial investigation of criminal offenses falling within the investigative jurisdiction of the National Anti-Corruption Bureau of Ukraine which, in such cases, acts as the central authority of Ukraine”;

s) part four, Article 575 after words “the agency of the State Investigation Bureau” shall be supplemented with words “the National Anti-Corruption Bureau of Ukraine”;

t) in clause 1, Section X “Final Provisions”, the following new paragraph shall be added after paragraph three:

“part five Article 216 of this Code, which comes into force after the implementation of the National Anti-Corruption Bureau of Ukraine but no later than three years after this Code comes into force.”

Accordingly, paragraphs four to eight shall be deemed to be paragraphs five to nine respectively;

p) clause 1, Section XI “Transitional Provisions” shall be supplemented with the following paragraphs:

“Before part five, Article 216 of this Code comes into force, the investigators of prosecution agencies enjoying the powers of investigators, shall be entitled to pre-trial investigation powers established by this Code.

After part five, Article 216 of this Code comes into force, criminal proceeding materials, where pre-trial investigation is conducted by prosecution agencies, shall be given to the National Anti-Corruption Bureau of Ukraine by investigators of prosecution agencies”;

5) in the Law of Ukraine “On Operational Investigative Activities” (The Official Bulletin of the Verkhovna Rada of Ukraine, 1992, No. 22, p. 303, as amended):

a) part one, Article 5 shall be supplemented with paragraph eleven reading as follows:

“of the National Anti-Corruption Bureau of Ukraine – operative, operative and technical, and internal control”;

b) in Article 9:

- part one, after the words “investigating agency of specially authorized central executive body for guarding the state border”, shall be supplemented with the words “the division of the National Anti-Corruption Bureau of Ukraine”;
- part two shall be supplemented with words “by the National Anti-Corruption Bureau of Ukraine”;
- part three, after words “MIA internal security division” shall be supplemented with words “by the division of the National Anti-Corruption Bureau of Ukraine”;
- part eight, after words “External Intelligence Service of Ukraine” shall be supplemented with words “the National Anti-Corruption Bureau of Ukraine”;

c) parts two and three Article 9-1, after words “the Head of the External Intelligence Service” shall be supplemented with words “by the Director of the National Anti-Corruption Bureau of Ukraine”;

6) in part two, Article 8 of the Law of Ukraine “On Pre-trial Detention” (The Official Bulletin of the Verkhovna Rada of Ukraine, 1993, No. 35, p. 360, as amended):

- paragraph four, after words “Ukrainian intelligence agencies” shall be supplemented with words “and the employees of the National Anti-Corruption Bureau of Ukraine”;
- paragraph ten, after word “justice”, shall be supplemented with words “to the National Anti-Corruption Bureau of Ukraine”;

7) part two, Article 9 of the Law of Ukraine “On Public Service” (The Official Bulletin of the Verkhovna Rada of Ukraine, 1993, No. 52, p. 490 as amended), after words “internal affairs” shall be supplemented with words “of the National Anti-Corruption Bureau of Ukraine”;

8) paragraph one, part three, Article 3 of the Law of Ukraine “On Ensuring Security of Persons Participating in Criminal Proceedings” (The Official Bulletin of the Verkhovna Rada of Ukraine, 1994, No 11, p. 51; 2003, No. 16, p. 124; 2009, No. 36-37, p. 511; 2013, No. 21, p. 208):

“3. Security measures shall be taken within investigative jurisdiction by security service bodies, the bodies of internal affairs or the National Anti-Corruption Bureau of Ukraine. Special units shall be created at the said bodies for the said purpose. Security of persons under protection, if criminal cases are being processed by a prosecutor’s office or a court, shall be ensured, under their decision, by the bodies of security service, bodies of internal affairs, the National Anti-Corruption Bureau of Ukraine or trial and detention centres, respectively”;

9) in the Law of Ukraine “On State Protection of Employees of Courts and Law Enforcement Agencies” (The Official Bulletin of the Verkhovna Rada of Ukraine, 1994, No. 11, p. 50, as amended):

a) paragraph one, clause 1, part one, Article 2, after words “Military Law Enforcement Service in the Armed Forces of Ukraine” shall be supplemented with words “the National Anti-Corruption Bureau of Ukraine”;

b) Article 14 shall be supplemented with the clause “i” reading as follows:

“i) the Director of the National Anti-Corruption Bureau of Ukraine, directors of its territorial departments, related to the protection of subordinates of the National Anti-Corruption Bureau of Ukraine and their close relatives”;

c) part one, Article 15, after paragraph six, shall be supplemented with a new paragraph as follows:

“e) as for the employees of the National Anti-Corruption Bureau of Ukraine and their close relatives – to the respective units of the National Anti-Corruption Bureau of Ukraine.”

In this connection, paragraph seven shall be considered as paragraph eight;

10) Article 15 of the Law of Ukraine “On the Procedure for Compensation Damage Caused to Citizens by Unlawful Actions Committed by Operational and Detective Bodies, Prosecution and Courts” (The Official Bulletin of the Verkhovna Rada of Ukraine, 1995, No. 1, as amended), after words “the State Criminal Enforcement Service” shall be supplemented with words “to the employees of the National Anti-Corruption Bureau of Ukraine”

11) clause 3, part one, Article 62 of the Law of Ukraine “On Banks and Banking” (The Official Bulletin of the Verkhovna Rada of Ukraine, 2001, No. 5-6, p. 30; 2004, No. 13, p. 181), after words “the Ministry of Internal Affairs of Ukraine” shall be supplemented with words “to the National Anti-Corruption Bureau of Ukraine”;

13) in Section I of the Law of Ukraine “On Amendments to some Legislative Acts of Ukraine Concerning Improvement of Prosecution” (The Official Bulletin of the Verkhovna Rada of Ukraine, 2013, No. 37, p. 490):

a) clause 3 shall be amended and restated as follows:

“3. Clauses 2 and 3 of the note to Article 368 of the Criminal Code of Ukraine (The Official Bulletin of the Verkhovna Rada of Ukraine, 2001, No. 25-26, p. 131) shall be restated as follows:

“2. Officers at highly responsible positions in Articles 368, 368-2, 369 and 382 of this Code are the persons mentioned in clause 1 of note to Article 364 of this Code whose positions, according to Article 6 of the Law of Ukraine “On Public Service” refer to subgroups I-4, II-2, II-3, II-4, III-1, III-2, III-3, III-4, IV-1, IV-2, IV-3, judges, prosecutors, investigators and others, except for those mentioned in clause 3 of note to this Article, head officers and deputies of head officers of authorities, local authorities, their structural units and divisions.

3. Officials at highly responsible positions in Articles 368, 368-², 369 and 382 of this Code are:

1) the President of Ukraine, the Prime Minister of Ukraine, the members of the Cabinet of Ministers of Ukraine, first deputies and deputies of the Ministers, the members of Parliament of Ukraine, the Human Rights Commissioner of the Verkhovna Rada of Ukraine, the Director of the National Anti-Corruption Bureau of Ukraine, his/her first deputy and deputies, the Chairman of the Constitutional Court of Ukraine, his/her deputies and judges of the Constitutional Court of Ukraine, the Chairman of the Supreme Court of Ukraine, his/her first deputy, deputies and judges of the Supreme Court of Ukraine, the chairmen of higher specialized courts, their deputies and judges of higher specialized courts, the Chairman of the National Bank of Ukraine, his/her first deputy and deputies, the Secretary of the Council of National Security and Defence of Ukraine, his/her first deputy and deputies;

2) persons whose positions, according to Article of the Law of Ukraine "On Public Service" assumed to the public service posts of I-1, I-2, I-3 and II-1 subgroups;

3) persons whose positions, according to Article 14 of the Law of Ukraine "On Service at Local Self-government Bodies" assumed to the first and second category positions at local self-government bodies";

b) clause 7 shall be read as follows:

"7. In the Criminal Procedural Code of Ukraine (The Official Bulletin of the Verkhovna Rada of Ukraine, 2013, No. 9-13, p. 88):

1) paragraph one, part nine, Article 31 shall be amended and restated as follows:

"9. Criminal proceedings against the Prime Minister of Ukraine, the members of the Cabinet of Ministers of Ukraine, first deputies and deputies of the Ministers, the members of Parliament of Ukraine, the Human Rights Commissioner of the Verkhovna Rada of Ukraine, the Director of the National Anti-Corruption Bureau of Ukraine, his/her first deputy and deputies, the Chairman of the Constitutional Court of Ukraine, his/her deputies and judges of the Constitutional Court of Ukraine, the Chairman of the Supreme Court of Ukraine, his/her first deputy, deputies and judges of the Supreme Court of Ukraine, the chairmen of higher specialized courts, their deputies and judges of higher specialized courts, the Chairman of the National Bank of Ukraine, his/her first deputy and deputies, the Secretary of the Council of the National Security and Defence of Ukraine, his/her first deputy and deputies, according to Article 6 of the Law of Ukraine "On Public Service" refer to subgroups I-1, I-2, I-3 of public service and persons convicted for criminal offenses within investigative jurisdiction of the National Anti-Corruption Bureau of Ukraine, shall be conducted";

2) part four; Article 216 shall be amended and restated as follows:

"4. Investigators of the State Investigation Bureau, except for the cases envisaged by part five of this Article, shall conduct pre-trial investigation of criminal offenses committed by persons mentioned in clauses 1, 2 and 3, part two, Article 2 of the Law of Ukraine "On Public Service", by the Chairman of the National Bank of Ukraine, his/her first deputy and deputy, judges and employees of law enforcement bodies, officials whose positions are referred by the Article 6 of the Law of Ukraine "On Public Service" to subgroups I-1, I-2, I-3, I-4, II-1, II-2, III-1, IV-1.

Investigators of the State Investigation Bureau agencies shall also conduct pre-trial investigation of criminal offenses envisaged by paragraph one, part five of this Article if they were committed by the officers of the National Anti-Corruption Bureau of Ukraine."

3. Give recommendations to the President of Ukraine to ensure creation of Interview Panels for appointment of the Director of the National Anti-Corruption Bureau of Ukraine and its establishment.

4. Within one month after this Law enters into force, the Cabinet of Ministers of Ukraine shall:

1) submit for consideration to the Verkhovna Rada of Ukraine its proposals on adjustments to the State Budget of Ukraine and include the expenses necessary for creation and operation of the National Anti-Corruption Bureau of Ukraine, in particular, expenses to procure the National Anti-Corruption Bureau of Ukraine and its territorial departments with administrative buildings, transport vehicles, means of communication, material and technical support, special machinery for operational and technical units and recording divisions, weapons, special means of protection, other property and information database;

2) submit for consideration to the Verkhovna Rada of Ukraine its proposals on regulating procedure for integrity tests conducted for persons authorized to perform the functions of the State or local self-government, and proposals on the adjustment of Ukrainian legislative acts in accordance with this Law;

3) take measures to ensure establishment and operation of the National Anti-Corruption Bureau of Ukraine and its territorial departments;

4) adopt the regulatory legal acts arising out of this Law and ensure revision by ministries and other central executive authorities of their regulatory legal acts which are in conflict with this Law.

5. The Ministry of Internal Affairs of Ukraine, Security Service of Ukraine and the bodies of the Prosecutor's Office of Ukraine, shall, within three months after this Law comes into force, ensure transfer of information database kept by the respective units, in a part necessary for creation and functioning of the National Anti-Corruption Bureau of Ukraine and its territorial departments.

6. Open competition for filling vacant position of the Director of the National Anti-Corruption Bureau of Ukraine shall be conducted in a manner prescribed by Article 7 of this Law, until this Law comes into force.

Open competition for filling vacant positions at the central department of the National Anti-Corruption Bureau of Ukraine shall be conducted within four months after this Law comes into force.

6-1. Central and territorial departments of the National Anti-Corruption Bureau of Ukraine may not employ persons who, within five years before this Law came into force, were employed (served in), regardless of duration, by specially authorized units for counteraction corruption at the bodies of Prosecutor's Office, the Ministry of Internal Affairs of Ukraine, tax militia, Security Service of Ukraine, Military Law Enforcement Service in the Armed Forces of Ukraine and customs bodies.

7. A prosecutor shall address all issues of further pre-trial investigations commenced before this Law came into force, in criminal proceedings assumed to investigative jurisdiction of the National Anti-Corruption Bureau of Ukraine.

7-1. The Security Service of Ukraine, before operative and technical unit at the National Anti-Corruption Bureau of Ukraine is created, shall ensure free of charge use of equipment and other material and technical means necessary for performing functions by the authorized employees of the National Anti-Corruption Bureau of Ukraine. The authorized employees of the National Anti-Corruption Bureau of Ukraine shall use the above listed means autonomously without improper interference by the employees of the Security Service of Ukraine.

8. Until adjusted in accordance with this Law, the laws of Ukraine and any other regulatory legal instruments shall be valid to the extent that do not contradict this Law.

President of Ukraine Petro POROSHENKO

Kyiv

14 October 2014

No. 1698-VII

Law of Ukraine “On the State Bureau of Investigation”

Text of the Law published in the magazine “Voice of Ukraine” No. 7 (6261), 16 January 2015

This Law establishes legal principles of organization and operations of the State Bureau of Investigation.

SECTION 1. GENERAL PROVISIONS

Article 1. *State Bureau of Investigation*

1. The State Bureau of Investigation (the SBI or the Bureau) is a central executive authority which carries out law enforcement activities aimed at preventing, detecting, stopping, solving and investigating crimes falling under its jurisdiction.

Article 2. *Legal principles of the State Bureau of Investigation operations*

1. Operations of the State Bureau of Investigation shall be governed by the Constitution of Ukraine, the international treaties approved as obligatory by the Verkhovna Rada of Ukraine, this Law and other laws of Ukraine as well as other regulatory acts adopted on the basis thereof.

2. The effect of the Law of Ukraine *On Central Executive Authorities* and other regulatory acts governing activities of the executive authorities shall apply to the State Bureau of Investigation to the extent not in conflict with this Law.

Article 3. *Basic principles of SBI organization and operations*

The State Bureau of Investigation shall be organized and operate on the following principles:

- the rule of law according to which a person, their life and health, honour and dignity, immunity and safety are recognized as the highest social value, and human rights and freedoms and their guarantees determine the content and direction of state activities;
- legality;
- fairness;
- impartiality;
- independence and personal responsibility of each staff member of the State Bureau of Investigation;
- openness and transparency of the State Bureau of Investigation operation for society and for the purpose of democratic civil control, accountability and answerability to public authorities determined by law. The State Bureau of Investigation shall operate in a transparent manner to the extent that does not violate human and citizen rights and freedoms, is not contrary to the requirements of the criminal procedure legislation and laws on state secrets;
- political neutrality and party independence. The State Bureau of Investigation may not be used to serve interests of a party, group or individual. Political parties may not act in the State Bureau of Investigation;
- one-man management in combination with collective way of implementation of certain powers to the State Bureau of Investigation. The principle of one-man management does not deny the principle of procedural autonomy of an investigating authority of the State Bureau of Investigation.

Article 4. Independence of the State Bureau of Investigation

1. Independence of the SBI from unlawful interference with its operations is guaranteed by the following measures as established by this Law and other legislation:

- special status of the State Bureau of Investigation, special procedures to determine its general structure, funding and organizational support;
- special procedures to select, appoint and dismiss the SBI Director, the First Deputy SBI Director and the Deputy SBI Director, as well as an exhaustive list of grounds for their dismissal established by law;
- procedures established by law for the SBI and its staff to exercise its authority;
- collective decision-making of the SBI management regarding the most crucial decisions;
- prohibited unlawful interference with powers exercised by SBI staff;
- good remuneration and social benefits of SBI staff members;
- legal protection and personal security of SBI staff members and their close relatives.

2. The state authorities local self-government bodies, their officials and officers, political parties and civil associations, other individuals and legal entities may not illegally interfere with operations of the SBI.

Any instructions, proposals, requests or directions which are sent to the Bureau or its staff members and relate to pre-trial investigation of particular criminal proceedings shall be illegitimate and must not be performed. If an SBI staff member receives such instruction, request or direction, he/she shall immediately notify the SBI Director in writing of the same.

Article 5. Tasks of the State Bureau of Investigation

1. The State Bureau of Investigation shall perform the following tasks of preventing, detecting, stopping, solving and investigating:

- 1) crimes related to the activities of organized crime groups and criminal organizations;
- 2) cases of torture and other crimes related to the cruel, inhuman or degrading treatment or punishment having been committed by staff members of law enforcement agencies;
 - extremely grievous violent crimes punishable by life imprisonment under the Criminal Code of Ukraine;
- 4) war crimes;
- 5) crimes committed by officials occupying especially responsible position under the first part of Article 9 of the Law of Ukraine On Civil Service, persons whose positions fall under the first – third category of the civil service, judges and staff members of law-enforcement agencies (unless these crimes fall under the jurisdiction of the detectives of the National Anti-Corruption Bureau of Ukraine).
- 6) crimes committed by the officials of the National Anti-Corruption Bureau of Ukraine, prosecutors of the Specialized Anti-Corruption Public Prosecutor's Office (unless the pre-trial investigation of these crimes falls under the jurisdiction of the detectives of the Internal Control Unit of the National Anti-Corruption Bureau of Ukraine).

SECTION 2. PRINCIPLES OF ORGANIZATION AND OPERATIONS OF THE STATE BUREAU OF INVESTIGATION

Article 6. Powers of the State Bureau of Investigation

1. In accordance with its tasks and within the limits of its competence, the State Bureau of Investigation shall:

- 1) participate in development and implementation of the public policy on crime counteraction and submit respective suggestions to the Cabinet of Ministers of Ukraine;
- 2) conduct informational and analytical measures aimed at identifying systemic causes and conditions facilitating the manifestations of the organised crime and other crimes, the prevention of which fall under the jurisdiction of the State Bureau of Investigation, and take measures to eliminate them;
- 3) stop and solve crimes, the investigation of which falls under the jurisdiction of the State Bureau of Investigation;
- 4) carry out search and detective operations and pre-trial investigation of crimes falling under its jurisdiction on the grounds and following the procedure provided for by the law;
- 5) search for individuals fleeing from the investigation and trial for criminal offences the investigation of which falls under the jurisdiction of the State Bureau of Investigation;
- 6) use staff and contract open and covert employees, under the procedure set forth by the Criminal Procedure Code of Ukraine, subject to their voluntary involvement and confidentiality; incentivize, both financially and psychologically, individuals assisting in prevention, detection, termination and investigation of criminal offences under the jurisdiction of the State Bureau of Investigation;
- 7) develop and approve a methodology to investigate particular types of crime;
- 8) take measures to reimburse losses and damage suffered by the state, ensure confiscation of criminally obtained funds and other property, following the procedure provided for by the law;
- 9) take measures to return to Ukraine from abroad funds and other property obtained as a result of criminal offences falling under the jurisdiction of the State Bureau of Investigation;
- 10) exclusively for the purpose of exercising its powers, get user-level access to information systems of state authorities specified by the Cabinet of Ministers of Ukraine, create information systems and keep real-time records according to its functions and in accordance with the legislation on personal data protection;
- 11) ensure personal security of rank-and-file and senior officers and civil servants of the Bureau and other individuals specified by law and protect people involved in criminal proceedings against unlawful actions;
- 12) ensure the work of training, retraining and qualifications upgrade of the SBI staff members; take part in development of government orders for training, retraining and qualifications upgrade for specialists in respective areas;
- 13) meet requests for legal assistance from respective foreign agencies;
- 14) develop proposals to the draft international treaties of Ukraine and ensure compliance with, and performance of obligations under Ukraine's international treaties;
- 15) cooperate with foreign police and other respective agencies in accordance with the laws and international treaties of Ukraine;
- 16) ensure, in accordance with the legislation, protection of legally protected secrets and other restricted information as well as observe procedures for disclosure and access to public information;
- 17) report on its operations according to the procedures established by this Law and inform the public about its performance;
- 18) exercise other powers established by this Law.

Article 7. Exercising powers of the State Bureau of Investigation

1. The State Bureau of Investigation and its authorized officials, with a view to perform their tasks, shall be entitled to:

1) on the grounds and following the procedures established by law, conduct open and covert detective and investigative measures to prevent, detect, stop and solve and investigate criminal offences falling under the jurisdiction of the State Bureau of Investigation;

2) upon requests of the SBI Director, his/her authorized Deputy, directors of regional offices of the State Bureau of Investigation or their authorized deputies, receive on a free-of-charge basis and under the procedure set forth by the Criminal Procedure Code of Ukraine, information necessary for criminal cases under its jurisdiction, including information from automated information and reference systems, registers and databases kept (administered) by state authorities or local self-governance bodies (including restricted information). The SBI shall use this information according to laws on personal data protection. Entities who receive respective requests shall provide such information or notify of reasons preventing them from doing so within three days or, if they are unable to provide, within ten days at the latest to provide the said information or to notify on the reasons preventing the provision of information;

3) take measures to stop unlawful acts committed by individuals and legal entities that prevent the SBI from performing its powers and check ID documents in this regard;

4) take photographs, sound and video recording, fingerprints of individuals apprehended on suspicion of having committed a crime, put in custody;

5) subject to a subsequent reimbursement of losses, and in urgent circumstances, use vehicles of individuals or legal entities (except vehicles of diplomatic, consular and other representative offices of foreign states and organizations, and special-purpose vehicles) to get to the scene, stop a crime, chase and detain individuals suspected of committing thereof, and deliver people in need of emergency medical care to health care facilities;

6) cooperate with individuals, including contract-based cooperation, subject to their voluntary involvement and confidentiality, incentivize, both financially and psychologically, individuals assisting in prevention, detection, stopping and investigation of criminal offences under the jurisdiction of the State Bureau of Investigation;

7) create information systems and keep real-time records to the extent and according to procedures established by laws for detective and investigative purposes;

8) in cases set forth by this Law, on the grounds and according to procedures established by the Law of Ukraine On National Police, store, carry and use firearms and special impact devices as well as use physical coercion;

9) convene meeting, conduct conferences and workshops, other scientific and practical events;

10) take measures to search and attach the funds and other property, which can be subjected to confiscation or special confiscation in criminal offences falling under jurisdiction of the State Bureau of Investigation, carry out activities on storing funds and other property having been attached.

2. SBI staff members participating in detective or investigative groups shall also enjoy rights and perform duties specified in the Criminal Procedure Code of Ukraine and the Law of Ukraine On Detective Operations.

Article 8. Peculiarities of receiving reports on criminal offences under the jurisdiction of the State Bureau of Investigation

1. A special telephone line shall be created to receive reports on criminal offences under the SBI jurisdiction. Such reports may also be submitted without indication of the surname, name, patronym (title) of a victim or reporter, through the official website of the Bureau or by electronic means of communications.

All information on circumstances, which may give evidence of committing a criminal offence, received from applications and reports, as well as from other sources, shall be registered in the Unified Registry of Pre-trial Investigations in accordance with the procedure set forth by the Criminal Procedure Code of Ukraine.

2. A criminal offence report failing to indicate the surname, name, patronym (title) of a victim or reporter shall be considered provided that the information relates to a particular person or indicates facts of a grievous or extremely grievous crime, which may be checked.

3. Having received information on a criminal offence under the jurisdiction of the State Bureau of Investigation, other state authorities shall without any delay register relevant information in the Unified Registry of Pre-trial Investigations and immediately inform regional office chief (head) of the State Bureau of Investigation.

Article 9. The structure and headcount of the State Bureau of Investigation

1. The State Bureau of Investigation shall consist of the central office, regional offices, special units, training and research institutions. The SBI shall have investigative, operational and other units. SBI Director shall approve an organizational structure of the Bureau subject to approval by the Cabinet of Ministers of Ukraine.

2. The overall structure, functions and headcount, including the number of rank-and-file and senior officers of the Bureau, shall be determined according to the Law.

3. The State Bureau of Investigation is a legal entity of public law and performs its functions directly and through regional offices.

4. The following SBI's regional directorates shall be established to ensure performance of its tasks:

1) the regional directorate which is located in the city of Lviv and which operations cover the Volyn, Zakarpattia, Ivano-Frankivsk, Lviv, Ternopil oblasts;

2) the regional directorate which is located in the city of Khmelnytsky and which operations cover the Vinnytsia, Zhytomyr, Rivne, Khmelnytsky, Chernivtsi oblasts;

3) the regional directorate which is located in the city of Mykolaiv and which operations cover the Kirovohrad, Mykolaiv, Odesa oblasts;

4) the regional directorate which is located in the city of Melitopol and which operations cover the Autonomous Republic of Crimea, Zaporizhzhya, Kherson oblasts, the city of Sevastopol;

5) the regional directorate which is located in the city of Poltava and which operations cover the Dnipropetrovsk, Poltava, Sumy, Kharkiv oblasts;

6) the regional directorate which is located in the city of Kramatorsk and which operations cover the Donetsk and Luhansk oblasts;

7) the regional directorate which is located in the city of Kyiv and which operations cover the city of Kyiv, Kyiv, Cherkasy and Chernihiv oblasts.

5. SBI's regional offices are legal entities with independent balance sheets, accounts opened with the State Treasury Service of Ukraine and seals with the national emblem of Ukraine and their names.

6. SBI's regional offices shall act on the basis of regulations approved by the SBI Director pursuant to the procedure envisaged by part two of Article 12 of this Law.

Article 10. SBI Director and his/her deputies

1. Operations of the Bureau shall be managed by the SBI Director who shall exercise part of their powers together with the First Deputy SBI Director and the Deputy SBI Director pursuant to part two of Article 12 of this Law.

2. A national of Ukraine not younger than 35 years old shall be eligible for appointment to office of the SBI Director, the First Deputy SBI Director and the Deputy SBI Director if he/she:

- has a university degree in law;
- has at least 10 years of work experience in law (after he/she obtained a university degree in law);
- has at least 5 years of executive experience;
- has a good command of the national language;
- is not a member of any political party;
- is not a member of any organization prohibited by the law or court;
- has high morale and impeccable reputation;
- has the state of health allowing to perform his/her duties.

A person falling under the restrictions established by Article 15 hereof may not be appointed the SBI Director, the First Deputy SBI Director and the Deputy SBI Director.

3. The SBI Director, the First Deputy SBI Director and the Deputy SBI Director shall be appointed to office for five years. The same person may not be re-appointed for more than two consecutive terms.

4. Powers of the SBI Director, the First Deputy SBI Director and the Deputy SBI Director shall be terminated upon expiration of his/her term of office or if:

- 1) he/she tenders a letter of resignation;
- 2) he/she is appointed or elected to another position subject to his/her consent;
- 3) he/she turns 65 years old;

4) he/she cannot perform his/her duties for health reasons as confirmed by the opinion of a medical commission set up following a decision of a special authorized central executive authority implementing the public health care policy;

5) a court declares him/her fully or partially incapacitated or missing or he/she is announced dead;

6) a guilty verdict against him/her takes effect in connection with commitment of a crime or criminal misdemeanor (excluding a negligent criminal minor offence) or he/she is administratively penalized for an administrative offence related to corruption;

7) he/she terminates his/her citizenship or departs from Ukraine for permanent residence abroad;

8) he/she dies;

9) determining, upon the check of his/her declaration by an authorized person, of incorrect data on the financial situation and revenues;

10) he/she receives citizenship of another state.

Article 11. *Procedures for appointment of the SBI Director and his/her deputies*

1. The SBI Director, the First Deputy SBI Director and the Deputy SBI Director shall be appointed to office by the Cabinet of Ministers of Ukraine following a motion of the Prime Minister of Ukraine according to a motion of a commission for competition for the positions of the SBI Director and his/her deputies (hereinafter referred to as the Competition commission).

Persons meeting requirements specified in part two of Article 10 hereof may participate in the competition.

2. The Competition commission shall organize and conduct the competition according to this Law.

3. The Competition commission shall consist of:

- 1) three persons appointed by the President of Ukraine;
- 2) three persons appointed by the Verkhovna Rada of Ukraine following a motion of a Verkhovna Rada committee responsible for organization and operations of pre-trial investigation bodies;
- 3) three persons appointed by the Cabinet of Ministers of Ukraine.

The Competition commission may be comprised of persons who have an impeccable reputation, higher legal education, high professional and moral qualities, public esteem. A person may not be a member of the Competition commission if he/she:

- 1) is recognized incapable pursuant to a court judgment or his/her legal capability is limited;
- 2) has a criminal record for committing a crime unless this criminal record has been expunged or removed from official records according to procedures established by law (except for a rehabilitated person), was penalized administratively for a corruption offence during the past year, or was brought to liability by court for an intentional crime;
- 3) was deprived of the right to carry out activities related to fulfillment of state functions or to hold certain positions according to a court verdict which has taken effect.

The Competition commission shall be deemed competent if at least six of its members are approved.

4. A decision of the Competition commission shall be deemed adopted if supported by at least five members.

5. The chairperson and secretary of the Competition commission shall be elected from among its members.

6. Mass media representatives and journalists shall be admitted to meetings of the Competition commission, which shall ensure video and audio recording of its meetings as well as live on-line broadcasting on the official website of the Cabinet of Ministers of Ukraine.

Information about the time and place of the Competition commission meetings shall be published on the official website of the Cabinet of Ministers of Ukraine at least 24 hours prior to the meeting.

7. The Secretariat of the Cabinet of Ministers of Ukraine shall ensure proceedings of the Competition commission

8. The Competition commission shall:

- 1) determine the rules of its procedure;
- 2) place an announcement on terms and conditions of the competition process;
- 3) examine the documents submitted by individuals for participation in the competition;
- 4) select from the total number of candidates the persons to be interviewed on its meeting and the persons who are subjected to a special check under the Law of Ukraine On Prevention of Corruption and a check under the Law of Ukraine On Lustration;
- 5) select by the open ballot from the number of interviewed candidates one person who meets the requirements for the SBI Director position, and, according to a reasoned decision of the Competition commission, have the best professional expertise, knowledge and qualities to perform the duties of the SBI Director; select by the open ballot from the interviewed candidates two persons who meet the requirements for the First Deputy SBI Director and Deputy SBI Director, and have the best professional expertise, knowledge and qualities to perform duties of these positions;
- 6) publish information about the candidates who applied for the competitive selection, about the three candidates selected for the interview by the Competition commission, about the candidates selected by the Competition commission to be appointed to the positions of the Director of

the State Bureau of Investigation, the First Deputy Director of the State Bureau of Investigation and the Deputy Director of the State Bureau of Investigation.

7) conduct repeated competition in case of failure to approve candidates due to their non-compliance with the requirements for the SBI Director position or failure to pass special check under the Law of Ukraine On Prevention of Corruption or check under the Law of Ukraine On Lustration;

9. The Competition commission decisions may be challenged in court only in regard to observance of the procedures established by this Law for the competition for the SBI Director's office.

10. The Competition commission shall be established, under the procedure provided for by this Law, at least two months prior to expiration of the term of office of the Director of the State Bureau of Investigation, the First Deputy Director of the State Bureau of Investigation and the Deputy Director of the State Bureau of Investigation or during 14 days after early termination of office of one of these officials.

The Competition commission shall advertise terms and conditions of the competition for the SBI Director's position in the national print media and on the official website of the Cabinet of Ministers of Ukraine.

11. A person applying for the office, shall submit the following documents within the established time period:

1) an application form indicating his/her consent to a special check according to the Law of Ukraine On Prevention of Corruption and to processing of personal data according to the Law of Ukraine On Protection of Personal Data;

2) his/her CV indicating: family name, first name, patronymic (if relevant), date and place of birth, citizenship, educational background, working experience, current position (occupation), place of work, community service (including elective posts), membership in political parties, including past membership, employment or other contractual relations with a political party for the past year (irrespective of the length of such relations), contact telephone number, e-mail, and information about a criminal record or lack thereof;

3) a transparency return for the year preceding the competition advertisement, in a form prescribed by the Law of Ukraine On Prevention of Corruption;

4) other documents as prescribed by laws of Ukraine On Civil Service and On Prevention of Corruption.

Information from the documents listed in this part shall be published within three business days following the application deadline on the official website of the Cabinet of Ministers of Ukraine except data which constitute restricted information according to the Law of Ukraine On Prevention of Corruption as well as contact telephone numbers and e-mail addresses of candidates.

Article 12. Powers and authority of the SBI Director

1. The SBI Director shall:

1) be responsible for operations of the State Bureau of Investigation, in particular lawfulness of detective, pre-trial investigation measures taken by the SBI and respect for human rights and freedoms;

2) organize operations of the SBI, establish duties of his/her first deputy and deputies;

3) coordinate and supervise operations of the central and regional offices of the Bureau;

- 4) approve the structure and headcount of the central and regional offices of the SBI;
 - 5) acting according to law and within headcount limits, make lists of positions in the central and regional offices of the SBI which are to be replaced with rank-and-file and senior officers and lists of the special highest ranks on these positions;
 - 6) file motions to the President of Ukraine to grant the national decorations to rank-and-file and senior officers, civil servants and other SBI's staff members as well as people assisting the Bureau in performing its functions;
 - 7) approve Regulations on internal awards (medals, award badges, certificates of merit, etc.) to award rank-and-file and senior officers, civil servants and other SBI's staff members as well as people assisting the Bureau in performing its functions;
 - 8) acting within his/her authority, issue orders and instructions as well as give assignments binding on the staff of the Bureau;
 - 9) appoint and dismiss staff members of the SBI's central office, directors and deputy directors of the SBI's regional offices;
 - 10) adopts decisions on allocation of public funds earmarked for the State Bureau of Investigation and approve reports on execution of these decisions;
 - 11) approve long-term, current and operational action plans of the Bureau;
 - 12) establish procedures to register, process, store and destroy information received by the SBI according to law; take measures to prevent unauthorized access to restricted information and ensure observance of laws on access to public information owned by the SBI;
 - 13) decide on incentives to be applied to SBI staff members;
 - 14) award civil servant ranks according to procedures established by law to employees of the Bureau and special ranks to rank-and-file and senior officers;
 - 15) file motions to the President of Ukraine to grant special ranks to senior officers of the State Bureau of Investigation;
 - 16) represent the Bureau before central and local government authorities, civil associations, foreign agencies, international organizations, etc.;
 - 17) have a right to attend meetings of the Verkhovna Rada of Ukraine, its committees, special ad hoc commissions and ad hoc investigations commissions and have an advisory vote at meetings of the Cabinet of Ministers of Ukraine;
 - 18) ensure openness and transparency of the SBI's operations according to this Law; report on operations and performance of the SBI according to procedures established by this Law;
 - 19) give a permission to use money from a fund of special detective and investigative operations of the Bureau;
 - 20) exercise other powers provided for by this Law and other legislation, including the right to personally exercise the powers of the State Bureau of Investigation stipulated by this Law within the limits of his/her competence.
2. The SBI Director shall exercise powers on the matters specified in parts 2, 6, 7, 9, 10, 11, 12, 13, 19 of part one of this Article subject to approval of the First Deputy SBI Director and Deputy SBI Director, decisions on matters pertaining to operations of the regional offices, specified in parts 4, 5 of part one of this Article shall also be taken upon submission of the Bureau's regional offices directors.
3. The SBI Director shall, not later than 30 days from the date of his/her appointment, prepare a strategic action programme of the State Bureau of Investigation (for five years).

The action programme of the State Bureau of Investigation shall contain, among other things:

- tasks to be performed;
- scope and order of fulfilment of the tasks to be performed by the State Bureau of Investigation;
- activities aimed at cooperation with the civil society;
- priorities of work;
- criteria of fulfilment/non-fulfilment of the determined tasks and priorities.

The Director of the State Bureau of Investigation shall draw up an annual report on operations of the State Bureau of Investigation. The report shall contain results, completion schedule and status of fulfilment of the Bureau's action programme, as well as other information provided for by Article 23 of this Law.

The programme and report shall be posted on the official website of the State Bureau of Investigation after they are approved.

4. If the Director of the State Bureau of Investigation is dismissed from office or dies, or if there is no information about his location, his/her First Deputy shall exercise the powers of the Director of the State Bureau of Investigation during first 60 days, and later they shall be exercised by the Deputy and again by the First Deputy with rotation every 60 days until a new Director of the State Bureau of Investigation is appointed in the manner prescribed by this Law. The term of office shall commence, respectively, from the day following the day when the Director of the State Bureau of Investigation is dismissed from office, or from the day following the day of his/her death, or from the day following the last day when location of the Director of the State Bureau of Investigation was known.

Article 13. *Directors of SBI's regional offices and heads of SBI's central office units and their deputies*

1. Directors of SBI's regional offices, heads of SBI's central office units shall be appointed and dismissed from office by the SBI Director under the submission of the Competition Commission pursuant to the procedure stipulated by parts two – eleven of Article 11 of this Law.

2. Director of a SBI's regional office shall, not later than 30 days from the date of his/her appointment, prepare an annual action programme of the corresponding regional office of the State Bureau of Investigation.

The action programme of a regional office of the State Bureau of Investigation shall contain, among other things:

- tasks to be performed;
- scope and order of fulfilment of the tasks to be performed by a regional office of the State Bureau of Investigation;
- activities aimed at cooperation with the civil society;
- priorities of work;
- criteria of fulfilment/non-fulfilment of the determined tasks and priorities.

The next annual programme shall be adopted not later than 30 days prior to expiration date of the previous annual programme.

Together with an annual action programme of a regional office of the State Bureau of Investigation, its Director shall draw up a report on operations of the corresponding regional office of the State Bureau of Investigation. The report shall contain results, completion schedule and status of fulfilment of the regional office action programme, as well as other information provided for by Article 23 of this Law.

Director of an SBI's regional office shall submit the corresponding programmes and reports for approval to the Director of the State Bureau of Investigation. The Director of the State Bureau of Investigation shall approve the strategic programme together with the annual programme.

After the approval of the programme and report, the reports shall be posted on the official website of the State Bureau of Investigation regional office.

3. Director of an SBI's regional office shall:

1) organize operations of the respective regional office to perform functions of the State Bureau of Investigation and execute orders and instructions of the SBI Director;

2) appoint and dismiss from office staff members of the regional office except those appointed by the SBI Director, in accordance with Article 11 of this Law;

3) submit motions to the SBI Director to award special ranks to rank-and-file and senior officers as well as civil service ranks to SBI's officers in the regional office according to established procedures;

4) submit suggestions to the SBI Director as to the structure and headcount of the regional office;

5) acting within his/her authority, issue orders and instructions; and

6) exercise other powers established by this Law and other legislation, including the right to personally exercise the powers of the State Bureau of Investigation stipulated by this Law within the limits of his/her competence.

4. Head of an SBI's central office unit shall:

1) organize operations of the respective regional office of the central office unit to perform functions of the State Bureau of Investigation and execute orders and instructions of the SBI Director;

2) submit suggestions to the SBI Director as to the staff list of the unit (office), as well as a draft of the regulations on the respective unit for its approval;

3) control protection of state secrets by the unit (office); take measures to prevent unauthorized access to other information with restricted access;

4) submit motions to the SBI Director to reward subordinate employees, award special ranks or civil service ranks to them, or award ranks to the subordinate civil officers according to law;

5) submit suggestions to the SBI Director as to recommendation of subordinate employees for Ukraine's national awards, and for rewarding persons who assist to prevent, detect, stop and investigate crimes under the jurisdiction of the SBI;

6) bear responsibility for work of the unit (office), in particular for legality of detective operations and pre-trial investigation being carried out, protection of human and civil rights and freedoms;

7) exercise other powers established by this Law and other legislation, including the right to personally exercise the powers of the State Bureau of Investigation stipulated by this Law within the limits of his/her competence.

5. If a head of a central office unit (director of a regional unit) of the State Bureau of Investigation is absent or if he/she is temporarily not capable of exercising his/her powers, his/her deputy shall perform his/her duties, in case if there are two deputies, the oldest deputy shall perform his/her duties.

If a deputy is absent, duties of a head of a central office unit (director of a regional unit) of the State Bureau of Investigation shall be performed by the oldest head of a unit (office) being a member of such unit (office), and if a unit (office) has no other units – by the oldest staff member of the unit (office).

Article 14. Staff members of the State Bureau of Investigation

1. Staff members of the SBI shall include rank-and-file and senior officers, civil servants and other employees working under employment contracts with the SBI.

2. Service in the State Bureau of Investigation is a special civil service which means professional activity of Ukrainian nationals who meet health and age requirements. Service in the State Bureau of Investigation shall be credited to the total length of service, the length of service in the profession and the length of civil service.

3. Ukrainian nationals shall be admitted to serve in the State Bureau of Investigation on a competitive and voluntary basis (under an employment contract) if they are able to perform duties effectively and efficiently due to their business qualities and morale statute, age, educational background, professional qualifications and good health. Qualifications requirements and criteria of professional aptitude to assume offices in these units shall be approved by the SBI Director. Candidates shall be appointed to offices in the SBI, except for those defined in part 1 of Article 10, part 1 of Article 13, and part 1 of Article 24 of this Law, only following an open competitive selection conducted according to procedures established by the SBI Director based on the Standard procedure for an open competitive selection approved by the Cabinet of Ministers of Ukraine.

4. The Cabinet of Ministers of Ukraine shall approve the Procedure on awarding of special ranks to SBI's senior executives, and correlation of these ranks to other special, military and civil service ranks.

5. Employment relations of the SBI's staff members shall be governed by laws on labor and civil service and by employment agreements (contracts). The Law of Ukraine On Civil Service shall apply to the SBI's civil servants. Position of the SBI's civil servants shall belong to respective categories of civil service posts according to procedures established by law.

6. Staff members of the State Bureau of Investigation shall take qualifications upgrade courses on a regular basis, at least biennially.

Staff members of the State Bureau of Investigation the powers of which include to detect, solve and investigate crimes falling under the jurisdiction of the State Bureau of Investigation as well as crimes of torture and crimes of other cruel, inhuman or degrading treatment or punishment, corruption and corruption-related crimes shall take refresher or qualifications upgrade courses under special programmes, including abroad.

Article 15. Restrictions applied to SBI's staff members

1. A person may not be appointed to office in the State Bureau of Investigation if he/she:

- 1) is announced legally incapable fully or partly by a court decision;
- 2) has a criminal record for committing a crime unless this criminal record has been expunged or removed from official records according to procedures established by law (except for a rehabilitated person) or was penalized administratively for an administrative offence related to corruption, during the past year;
- 3) if appointed, will be directly superior or directly subordinated to close persons;
- 4) failed special check.

2. A staff member of the State Bureau of Investigation may not:

- 1) be a member or participate in establishment or activities of a political party;
- 2) be an attorney of a third party while representing the State Bureau of Investigation; and
- 3) use the SBI, its staff members and property for party, group or personal interests.

Other restrictions and requirements established by the Law of Ukraine On Prevention of Corruption shall apply to SBI's staff members.

When a person is appointed to office in the SBI, he/she shall be notified of possible vetting and monitoring of his/her way of life.

3. If a staff member of the SBI faces a conflict of interests during performance of his/her duties, he/she shall promptly notify his/her immediate superior of the same. Such immediate superior shall take every action to prevent or eliminate the conflict of interests by giving the respective assignment to another SBI staff member, making the assignment himself/herself or otherwise according to law.

Note. For the purpose of this Article, “close persons” and “conflict of interests” shall have the meaning defined in the Law of Ukraine On Prevention of Corruption.

Article 16. Work placement of SBI’s staff members

1. Individuals without work experience in the profession shall have a mandatory work placement for a period of six months to one year, Work placement procedures shall be established by the SBI Director.

2. A person may be dismissed from the SBI following the work placement if he/she fails to meet requirements for the SBI’s staff members set forth in part three of Article 14, and part one of Article 15 of this Law.

Article 17. Financial and technical support to the State Bureau of Investigation

1. Operations of the SBI shall be funded and equipped with funds of the State Budget of Ukraine. The SBI shall not be funded or maintained from local budgets or other sources, except for the State Budget of Ukraine, in particular, aid given under international technical assistance projects as established by Ukrainian laws and international treaties.

2. The SBI shall be supplied by the Cabinet of Ministers of Ukraine with necessary facilities, equipment and other property to perform its functions.

SECTION 3. SOCIAL AND LEGAL PROTECTION AND LIABILITY OF SBI STAFF

Article 18. Legal protection of SBI staff

1. While performing their duties, the SBI staff members represent the government, act on behalf of the government and are protected by the government. No one, except for authorized officials of government authorities in specific cases established by law, shall be entitled to interfere with their legitimate actions.

Information about residence of SBI staff and their family members shall not be disclosed in the media to ensure their personal protection. The information about service records of the SBI staff shall be shared upon permission of the SBI Director or his/her deputy.

Should an SBI staff member be detained or subjected to a custodial measure of restraint, he/she shall be kept in pre-trial detention facilities separately from other individuals.

2. To ensure safety of SBI staff, protect them from unlawful intrusion related to their duties, the SBI operates a special physical protection department. The staff members of the department are entitled to keep, carry and use firearms and special impact means on the basis and according to procedures established by the Law of Ukraine On National Police.

3. The government shall protect individuals who volunteer, including on a contractual basis, to help the SBI in performing its tasks. Illegal disclosure of information about such individuals and

other offences committed against them and their close relatives in connection with SBI relations shall entail liability according to the laws.

4. An SBI staff member, who, according to this Law, has informed about illegal action or inaction committed by another SBI staff member, cannot be dismissed from office or forced to such dismissal, held liable or otherwise prosecuted for such reporting except for cases when he/she is brought to account for reporting knowingly false information about a crime. SBI officials are prohibited from disclosing the information about SBI staff members who have informed about the unlawful acts or failure to act of another SBI staff member.

Article 19. Social protection and pension benefits of SBI staff

1. The government shall ensure social protection of the SBI staff according to the Constitution of Ukraine, this Law and other legislative instruments.

2. Rank-and-file and senior officers of the SBI shall enjoy social guarantees according to the Law of Ukraine On National Police and other laws subject to the provisions of this Law.

3. Rank-and-file and senior officers of the SBI shall enjoy pension benefits according to procedures established by the Law of Ukraine On Pension Benefits of Dismissed Servicemen and Certain Individuals.

4. The SBI staff members who are civil servants shall enjoy pension benefits according to procedures established by the Law of Ukraine On Rank-and-file and Senior Officers. Other staff of the SBI shall enjoy pension benefits according to procedures established by laws.

Article 20. Monetary compensations and remuneration of SBI staff

1. The monetary compensation for rank-and-file and senior officers of the SBI shall ensure sufficient financial conditions for proper performance of their duties with due regard to the special nature and intensity of their work. It also must ensure the ability of the SBI to hire highly skilled staff, encourage their top performance and compensate for physical and intellectual costs of the staff.

2. Rank-and-file and senior officers of the SBI shall enjoy the monetary compensation offered to National police staff with due regard to the particularities outlined in this Law. Remuneration of the SBI staff who are civil servants is regulated by the laws on civil service with due regard to the particularities outlined in this Law.

Remuneration of the individuals working for the SBI on basis of employment contracts are established by the Cabinet of Ministers of Ukraine.

3. Remuneration of the SBI staff members shall comprise of:

- 1) basic salary;
- 2) seniority pay;
- 3) additional payment for work which involves access to state secrets;
- 4) additional payments for a special title or rank of a civil servant.

Remuneration of the SBI staff members shall comprise of the basic salary for not less than 70 per cent, and other payments of not more than 30 per cent.

4. The following basic salaries shall be fixed for staff members of the State Bureau of Investigation in accordance with the minimum wage set by the Law On State Budget of Ukraine for the relevant year:

- Director 30
- First Deputy Director, Deputy Director 28
- regional office head, central office department head 26

- head of a central office unit 24
- head of a regional office unit 22

Investigator of the State Bureau of Investigation authority 20 other staff members of the State Bureau of Investigation – an amount which is 3 times as high as the amount of a basic salary fixed by the Cabinet of Ministers of Ukraine for employees that hold corresponding positions in the central executive authorities.

5. Basic salaries of corresponding deputy heads of departments (heads of units) of the State Bureau of Investigation shall be fixed with a decreasing coefficient 1.1.

Basic salaries of staff members of the State Bureau of Investigation who work as trainees shall be fixed with a decreasing coefficient 1.5.

6. Staff members of the State Bureau of Investigation shall receive a monthly seniority pay in the following amounts: with work experience up to 5 years – 10%, over 5 years – 15%, over 10 years – 20%, over 15 years – 25%, over 20 years – 30%, over 25 years – 35%, over 30 years – 40%, over 35 years – 45 % of the basic salary.

7. Staff members of the State Bureau of Investigation shall receive a monthly additional payment for work which involves access to state secrets in the amount depending on the degree of information secrecy: concerning data and their media with the degree of secrecy “critical importance” or “top secret” – 10% of the basic salary; concerning data and media with the degree of secrecy “secret – 5% of the basic salary.

8. Additional payments for a special title or rank of a civil servant shall be received in accordance with the procedure and in the amount determined by the Cabinet of Ministers of Ukraine.

Article 21. Liability of SBI staff

1. SBI staff members shall make decisions independently within the scope of their powers established hereby and by other laws and bear liability for their unlawful actions or inaction according to the Law.

2. Should an SBI staff member violate human rights or freedoms while performing his/her duties, the SBI shall take actions within its competence to renew these rights and freedoms, reimburse caused pecuniary and non-pecuniary damage and hold the guilty persons liable.

SECTION 4. COOPERATION OF THE STATE BUREAU OF INVESTIGATION WITH OTHER STATE AUTHORITIES

Article 22. Cooperation of the SBI with other state authorities

1. To ensure cooperation of the SBI with public prosecutor’s offices, police, the National Anti-Corruption Bureau of Ukraine, the Security Service of Ukraine, the central executive authority developing and implementing the public tax and customs policy, the central executive authority for prevention and combating money laundering or financing of terrorism (hereinafter referred to as the special executive authority for financial monitoring), positions responsible for such cooperation with the SBI shall be introduced in staff schedules of central offices of these authorities.

2. The exchange of operative information between the SBI and the National Anti-Corruption Bureau of Ukraine, police, the Security Service of Ukraine, the central executive authority for tax and customs policy about joint actions, and with other state agencies conducting detective activities in accordance with the law, shall be conducted upon a written instruction of heads of the corresponding units.

3. Terms and conditions for information exchange between the SBI and other state agencies shall be regulated by joint regulatory acts.

4. Transfer of operative information of the SBI to other state agencies is allowed only upon a written instruction of the head of a corresponding unit in the State Bureau of Investigation

5. The SBI shall cooperate with the National Bank of Ukraine, the State Property Fund, the Antimonopoly Committee of Ukraine, the agencies of the State Border Guard Service and other government authorities. The SBI can conclude agreements (memoranda) of cooperation and information exchange with individual government authorities.

6. To prevent and counter criminal offences under the jurisdiction of the SBI, the National Bank of Ukraine, the Antimonopoly Committee, the State Property Fund, the public financial control authority and other government authorities supervising compliance of individuals and legal entities with the laws of Ukraine shall:

1) while performing their control function within their competence, inquire into actions of individuals and legal entities that may indicate corresponding criminal offences or set the pre-conditions for commission thereof;

2) share with the SBI the information they receive while performing their control functions and analyzing incoming data, where such information can indicate criminal offences or be used to prevent, detect, stop and investigate crimes under the jurisdiction of the SBI;

7. The State Bureau of Investigation and the State Penitentiary Service of Ukraine cooperate on information exchange about the persons having been brought to responsibility for criminal offences falling under the jurisdiction of the State Bureau of Investigation.

SECTION 5. PECULARITIES OF THE DEMOCRATIC CIVILIAN CONTROL OF THE STATE BUREAU OF INVESTIGATION OPERATIONS. ENSURING TRANSPARENCY OF THE STATE BUREAU OF INVESTIGATION'OPERATIONS

Article 23. Control of the SBI's operations

1. SBI's operations shall be controlled in the manner established by the Constitution of Ukraine, the Law of Ukraine On Democratic Civilian Control of the Military Organization and National Law Enforcement Agencies, this Law and other laws of Ukraine.

2. The SBI Director shall:

1) inform the President of Ukraine, the Verkhovna Rada and the Cabinet of Ministers of Ukraine about key operations of the SBI and its units, achievement of its mission and objectives, compliance with the law, respect for human rights and freedoms;

2) every year before 1 April submit a written report about the performance of the SBI for the previous year to the President of Ukraine, the Verkhovna Rada and the Cabinet of Ministers.

3. The written report on the SBI performance shall contain:

1) statistics about performance that necessarily include:

- the number of registered reports on criminal offences under the SBI's jurisdiction;
- the number of detective cases initiated by the SBI and their progress;
- the number of persons against whom indictments were drawn up for commitment of criminal offences under the SBI's jurisdiction;
- the number of persons whose guilty verdicts took effect for commitment of criminal offences under the SBI's jurisdiction;

- the number of persons whose not-guilty verdicts as to their commitment of corresponding criminal offences took effect;
 - information about the amount of losses and damage caused by the criminal offences under the SBI jurisdiction, the progress and amount of the reimbursement;
 - information about funds and other property received as a result of criminal offences under the jurisdiction of the SBI and confiscated upon a court decision, and the funds to the amount of illegally received services or benefits where the funds have been collected in favor of the government and their use;
 - information about funds and other property received as a result of criminal offences under the jurisdiction of the SBI returned to Ukraine from abroad and their use;
 - information about attached property, confiscated objects and incomes from criminal offences under the jurisdiction of the SBI and their use;
- 2) cooperation with other central government authorities, local self-government bodies, enterprises, institutions and organizations;
 - 3) cooperation with the state agencies and non-governmental organisations of foreign states, international organizations, within its competence;
 - 4) the staff members of SBI, their qualifications, expertise and skills upgrading;
 - 5) operation of SBI's internal control unit; number of reports on offences committed by SBI staff members, results of consideration of the reports and liability imposed on them;
 - 6) the estimate of the SBI and its implementation;
 - 7) other information on the performance of the SBI and its duties.

4. The SBI report shall be submitted for consideration to the Public Control Council established within the SBI that shall consider it within 10 days after submission. The SBI report shall be submitted to appropriate government authorities and published along with the opinion of the Public Control Council if it is approved within the set deadlines.

5. At least once a year the Verkhovna Rada Committee for legal regulation of law enforcement activities shall hold open public hearings about performance of the SBI, achievements of its goals, compliance with the law, and respect for rights and freedoms of a human and citizen.

Article 24. SBI internal control units

1. To prevent and detect offences in activities of the SBI staff, the SBI shall have internal control units directly accountable to the SBI Director. The internal control units operate within the central office and regional offices of the SBI.

Heads and employees of the internal control units in the central office and regional offices of the SBI shall be appointed and dismissed by the SBI Director upon submission of the Competition Commission according to the procedure stipulated by parts two – eleven of Article 11 of this Law.

2. An SBI internal control unit shall:

- 1) prevent offence commitment by SBI staff according to the laws of Ukraine On Prevention of Corruption and On Civil Service;
- 2) control observance by SBI staff of the code of ethics, avoidance of conflict of interests;
- 3) check integrity of SBI staff members and monitor their way of life;
- 4) conduct psychophysiological interviews with individuals with use of a lie detector for enrolment and service in the SBI;
- 5) check information in reports filed by individuals, legal entities, media and other sources, including reports received via SBI's special-purpose telephone line, web page or means of electronic communication to detect involvement of SBI staff in offences;

- 6) carry out internal investigations in regard to SBI staff;
- 7) vet individuals who apply for positions in the SBI;
- 8) take actions to protect SBI staff who inform about unlawful actions or inaction of other SBI staff;
- 9) advise SBI staff on the standards of ethical conduct, conflict of interests, declaration of property, incomes, expenses and financial liabilities.

3. An SBI staff member who came to know information about unlawful actions or inaction of another SBI staff member shall immediately notify the SBI Director and SBI's internal control unit of the same.

4. In case information about possible commitment of a criminal offence by an SBI staff member has been found out, the internal control unit shall immediately notify the Prosecutor General of Ukraine or his/her deputy of the same.

5. Procedures and powers of the SBI's internal control units shall be set forth in Regulations approved by the SBI Director.

Article 25. SBI Disciplinary Commission

1. A five-member Disciplinary Commission shall be established to consider disciplinary sanctions against SBI staff members. The Disciplinary Commission shall include three individuals appointed by the SBI's Public Control Council.

The composition and regulations on the Disciplinary Commission shall be approved by the SBI Director based on the Standard regulations on Disciplinary Commission of a central executive authority approved by the Cabinet of Ministers of Ukraine.

2. Following an internal investigation conducted by the internal control unit, the Disciplinary Commission shall make an opinion on whether the SBI staff member committed a disciplinary offence and whether there are grounds to hold him/her disciplinarily liable. The Commission shall recommend the type of a disciplinary sanction.

3. The Disciplinary Commission shall decide on whether to impose the disciplinary sanction. The decision can be challenged in court.

Article 26. Conducting a psychophysiological interview with use of a lie detector

1. To enroll in the SBI and at least once a year during the work at the SBI, the SBI staff members shall undergo a psychophysiological interview with use of a lie detector.

The psychophysiological interview with use of the lie detector is a harmless test that applies a computer to register psychophysiological reactions. It helps to analyze changes in the reactions of testees to psychological stimuli set in form of multiple choice questions, items, patterns, pictures, etc., which reveals simulation and shows results in an analogue or digital way.

The interview is expected to reveal possible criminal offences committed in the past by the candidate for an SBI position or the SBI staff member.

2. The results of a psychophysiological interview with use of the lie detector as such shall not per se be a ground to deny admittance of the candidate to a position. Instead, they shall be used during a job interview solely as information of a probable nature that may facilitate the evaluation.

A refusal of the candidate for an SBI position to take part in the psychophysiological interview with use of the lie detector shall be a ground to refuse to consider the candidate.

3. Results of a psychophysiological interview with use of the lie detector shall not be a ground to initiate criminal or administrative proceedings.

4. The psychophysiological interview with use of the lie detector shall be conducted by specialists of SBI's internal control units.

The Cabinet of Ministers of Ukraine shall approve the procedures of the psychophysiological interview with use of the lie detector.

Article 27. Ensuring transparency of SBI's operations

1. The SBI shall regularly inform the public about its operations through mass media, on its official website and otherwise.

2. The SBI shall:

- prepare and publish not later than on April 1 a performance report for the previous year provided for by Article 23 of this Law. The report shall be published in national print media and on the official website of the SBI;
- publish and provide requested information as established by the Law of Ukraine On Access to Public Information;
- publish on the official website of the SBI reports upon certain requests, also indicating the reasons for which certain measures have not been taken;
- publish on the official webpage of the SBI information on staff appointments and dismissals;
- publish on the official website of the SBI information on the status of investigation, including information on informing of suspicion, sending the proceedings to court or termination thereof, etc.

3. No one may restrict access to the information about SBI's total estimate, competence and focus areas as well as about SBI staff members held liable for committed offences.

Article 28. SBI Public Control Council

1. To ensure transparency and civilian control over its operations, the SBI shall establish a 15-member public control council on the principles of an open and transparent competition.

The Public Control Council of the SBI shall not include:

- 1) individuals authorized to perform functions of central or local government;
- 2) individuals who have worked in law enforcement agencies during the past two years (regardless of duration);
- 3) individuals whose close persons have worked in the SBI during the past two years (regardless of duration).

2. The Cabinet of Ministers of Ukraine shall approve the Regulations on the Public Control Council and the procedures of its formation.

3. The SBI Public Control Council shall:

- 1) hear the information about the activity, delivery on plans and objectives of the SBI;
- 2) review reports of the SBI and make an opinion on them;
- 3) select three representatives from amongst its members to be members of the SBI Disciplinary Commission; and
- 4) have other rights as established by the Regulations on the Public Control Council.

Article 29. Supervision by public prosecutors

1. The Prosecutor General of Ukraine shall supervise compliance with laws by the SBI during its detective operations and pre-trial investigation directly or through authorized public prosecutors.

Article 30. Official ID of the SBI staff member

SBI staff members shall have the official ID.

SBI Director shall approve Regulation on Official ID of the SBI staff member and its sample.

SECTION 6. FINAL AND TRANSITIONAL PROVISIONS

1. This Law shall come into force and effect on the date of establishment of the SBI by the Cabinet of Ministers of Ukraine but not later than on March 1, 2016, except for the provisions of parts two and three of Article 11 (on establishing the Competition Commission), which shall come into force from January 1, 2016.

2. Until harmonized with this Law, other regulations shall apply to the extent not contrary to this Law.

3. To recommend to the Cabinet of Ministers of Ukraine to establish the State Bureau of Investigation using the staffing level of the investigative units of the General Prosecutor's Office of Ukraine, relevant units of the Ministry of Internal Affairs of Ukraine, and other state agencies counteracting crimes, and to establish the Competition Commission in accordance with this Law.

The following quotas shall be fixed and observed during initial establishment of SBI's units:

1) investigative units of the State Bureau of Investigation shall be established from amongst:

- persons who held office of investigators prosecutors during the last year – not more than 30%;
- persons who held office of investigators in other state authorities during the last year – not more than 19%;
- other persons who have an appropriate work experience in the area of law – not less than 51%;

2) detective units, as well as the Internal Security Unit of the State Bureau of Investigation shall be established from amongst:

- persons who held office in detective units during the last year – not more than 40%;
- other persons who have appropriate work experience in the area of law – not less than 60%.

4. Reports on criminal offences filed to the police before this Law takes effect and not entered into the Unified Register of Pre-Trial Investigations yet falling under the jurisdiction of the SBI according to this Law shall be transferred within 24 hours to a respective unit (agency) of the SBI to be entered into the Unified Register of Pre-Trial Investigations according to Article 214 of the Criminal Procedure Code of Ukraine.

The criminal proceedings files that are kept as of the effective date of this Law by other agencies conducting pre-trial investigations, on the pre-trial investigation stage, yet are under the jurisdiction of the SBI according to this Law, shall be transferred to a respective unit (agency) of the SBI for continuing the proceedings after the SBI starts performing the pre-trial investigation function.

Pending reports, information and requests of state agencies and local self-government bodies, MPs on every level, individuals and legal entities filed to the police before this Law takes effect, and where no decision was taken, yet fall under the jurisdiction of the SBI according to this Law shall be returned within 24 hours to claimers or transferred to a respective unit (agency) of the SBI to be entered into the Unified Register of Pre-Trial Investigations according to Article 214 of the Criminal Procedure Code of Ukraine.

5. The following legislative acts of Ukraine shall be amended

1) Article 216 of the Criminal Procedure Code of Ukraine (Vidomosti Verkhovnoyi Rady Ukrainy, 2013, No. 9-13, p. 88) shall read as follows:

“Article 216. Investigative jurisdiction

1. Investigators of the internal affairs bodies shall conduct pre-trial investigation of criminal offences provided for by the law of Ukraine on criminal liability, except for those which fall within the scope of investigative jurisdiction of other pre-trial investigative agencies.

2. Investigators of security authorities shall conduct pre-trial investigation of crimes under Articles 109, 110, 111, 112, 113, 114, 201, 265¹, 305, 328, 329, 330, 332, 332¹, 333, 334, 359, 422, 436, 437, 438, 439, 440, 441, 442, 443, 444, 446, 447 of the Criminal Code of Ukraine.

If during investigation of crimes under Articles 328, 329, 422 of the Criminal Code of Ukraine, they detect crimes under Articles 364, 365, 366, 367, 425, 426 of the Criminal Code of Ukraine committed by a person being under a pre-trial investigation, or by another person if they are related to crimes committed by the person being under the pre-trial investigation, they shall be investigated by investigators of security authorities, except for cases when such crimes have been put under the jurisdiction of the National Anti-Corruption Bureau of Ukraine according to this Article.

3. Investigators of bodies exercising control over observance of the tax legislation shall conduct pre-trial investigation of crimes under Articles 204, 212, 212¹, 216, 218¹, 219 of the Criminal Code of Ukraine.

If during investigation of the stated crimes, they detect crimes under Articles 192, 200, 205, 222, 222¹, 358 of the Criminal Code of Ukraine committed by a person being under a pre-trial investigation, or by another person if they are related to crimes committed by the person being under the pre-trial investigation, they shall be investigated by investigators of bodies exercising control over observance of the tax legislation.

Investigators of the State Bureau of Investigation shall conduct pre-trial investigation of:

- crimes related to activities of criminal groups and criminal organizations (Articles 255, 256, 257, 260 of the Criminal Code of Ukraine);
- extremely grievous violent crimes (part 2 of Article 115, part 3 of Article 3211, Articles 348, 379, 400, part 4 of Article 404 of the Criminal Code of Ukraine);
- crimes of torture and crimes related to other cruel, inhuman or degrading treatment or punishment (Articles 115, 120, part 2 of Article 121, part 2 of Article 122, part 2 of Article 126, Article 127, parts 2 and 3 of Article 146, Articles 151, 365, 371, 373, 386, 4261 of the Criminal Code of Ukraine) committed by staff members of the law enforcement agencies;
- war crimes, except when their pre-trial investigation falls under the jurisdiction of the security authorities according to part 2 of this Article (Articles 402-421, 423-435 of the Criminal Code of Ukraine);
- crimes committed by officials occupying especially responsible position under the first part of Article 9 of the Law of Ukraine On Civil Service, persons whose positions fall under the first – third category of the civil service, judges and staff members of the law enforcement agencies, except where the pre-trial investigation of these crimes falls under the jurisdiction of detectives of the internal control unit of the National Anti-Corruption Bureau according to part five of this Article;
- crimes committed by the officials of the National Anti-Corruption Bureau of Ukraine, prosecutors of the Specialized Anti-Corruption Public Prosecutor's Office, except where pre-trial investigation of these criminal offences falls under the jurisdiction of detectives of the internal control unit of the National Anti-Corruption Bureau of Ukraine according to part five of this Article.

5. Detectives of the National Anti-Corruption Bureau of Ukraine conduct pre-trial investigation of the crimes specified in Articles 191, 206², 209, 210, 211, 354 (in respect of employees of legal entities of public law), 364, 366¹, 368, 368², 369, 369², 410 of the Criminal Code of Ukraine if at least one of the below conditions is present:

1) the crime was committed by:

- the President of Ukraine whose powers are terminated, a member of Ukrainian Parliament, the Prime Minister of Ukraine, a member of the Cabinet of Ministers of Ukraine, a first dep-

- uty minister and deputy minister, the Chairman of the National Bank of Ukraine, his/her first deputy and deputy, a member of the Council of the National Bank of Ukraine, the Secretary of the National Security and Defence Council of Ukraine, his/her first deputy and deputy;
- a civil servant taking a position that belongs to Category 1 and 2; an individual taking a position equal to civil service positions of Categories 1 and 2;
 - a member of the Verkhovna Rada of the Autonomous Republic of Crimea, a member of an oblast council, city council in Kyiv or Sevastopol, an officer of a local government authority whose position belongs Categories 1 and 2;
 - a judge of the Constitutional Court of Ukraine; a judge of the general jurisdiction court; a peoples' assessor or a jury member (when discharging these functions); the Head, members, disciplinary inspectors of the High Qualification Commission of Judges of Ukraine; the Head, Deputy Head, section registrar of the High Council of Justice; other member of the High Council of Justice;
 - the Prosecutor General of Ukraine, his/her deputy, an assistant to the Prosecutor General of Ukraine, a prosecutor of the Prosecutor General's Office of Ukraine, an investigator of the Prosecutor General's Office of Ukraine, a head of a subdivision of the Prosecutor General's Office of Ukraine, the prosecutor of the Autonomous Republic of Crimea, of the city of Kyiv and the city of Sevastopol, of an oblast and his/her deputy, a head of a subdivision of the Public Prosecutor's Office of the Autonomous Republic of Crimea, of the city of Kyiv and the city of Sevastopol, of an oblast;
 - a supreme command staff member of bodies of internal affairs, of the State Bureau of Investigation, of the state penal enforcement service, of civil defence bodies and units, an customs service officer who is awarded a special rank of the state advisor of the tax and customs service of Class 3 or higher, an officer of the state tax service authorities who is awarded a special rank of the state advisor of the tax and customs service of Class 3 or higher;
 - a senior officer of the Armed Forces of Ukraine, the Security Service of Ukraine, the State Border Guard Service of Ukraine, the State Special Transportation Service, the National Guard of Ukraine and other military units established according to laws of Ukraine;
 - a head of a large enterprise with a share of state or communal ownership in the authorized capital exceeding 50 percent;

2) the amount of the crime target or the caused damage exceeds the amount that is 500 or more times as high as the amount of a minimum wage fixed according to law for the time when the crime was committed (if the crime was committed by an official of a state authority, law enforcement authority, military unit, local government, business unity with a share of state or communal ownership in the authorized capital exceeding 50 percent);

3) a crime described in Article 369 and Article 369², Part One of the Criminal Code of Ukraine was committed against an officer specified in Article 18.4 of the Criminal Code of Ukraine or Clause 1 of this Article.

The public prosecutor supervising pre-trial investigations conducted by detectives of the National Anti-Corruption Bureau can issue a resolution to put criminal proceedings for crimes specified in part one of this Part to jurisdiction of detectives of the National Anti-Corruption Bureau if the crime has or could have caused serious consequences to the freedoms and interests of individuals or legal entities, national or public interests protected by law. Serious consequences shall be construed as harm or threatened harm to vital interests of the society and the country, in particular the state sovereignty, territorial integrity of Ukraine, exercise of constitutional rights, freedoms and obligations of three or more people.

The detectives of the National Anti-Corruption Bureau, with the aim of preventing, detecting, stopping and solving the crimes under its jurisdiction in accordance with this Article, upon the decision of the Director of the National Anti-Corruption Bureau and with the approval of the prosecutor of the Specialized Anti-Corruption Public Prosecutor's Office may also investigate crimes under the jurisdiction of investigators of other agencies.

Should the Internal control unit of the National Anti-Corruption Bureau detect crimes stipulated in Articles 354, 364-370 of the Criminal Code of Ukraine, which had been committed by an official of the National Anti-Corruption Bureau (except for the Director, first deputy Director, and deputy Director of the National Anti-Corruption Bureau), such crimes shall be investigated by the detectives of the said unit.

6. In criminal proceedings concerning crimes under Articles 384, 385, 386, 387, 388 and 396 of the Criminal Code of Ukraine a pre-trial investigation shall be conducted by an investigator of the body which investigative jurisdiction refers to the crime that caused a pre-trial investigation.

7. In criminal proceedings concerning crimes under Articles 258, 258¹, 258², 258³, 258⁴, 258⁵, 261 of the Criminal Code of Ukraine a pre-trial investigation shall be conducted by an investigator of the body that initiated the pre-trial investigation.

8. In criminal proceedings concerning crimes under Articles 209 and 209¹ of the Criminal Code of Ukraine a pre-trial investigation shall be conducted by an investigator of the body which began a pre-trial investigation or which investigative jurisdiction refers to a socially dangerous wrongful act that preceded legalization (laundering) of proceeds of criminal activities, except for cases where these crimes fall within the scope of investigative jurisdiction of the National Anti-Corruption Bureau of Ukraine according to this Article.

A pre-trial investigation in proceedings concerning legalization (laundering) of proceeds of criminal activities shall be conducted without prior imposition of criminal liability for commitment of a socially dangerous wrongful act that preceded legalization (laundering) of proceeds of criminal activities, in criminal proceedings under Article 209 of the Criminal Code of Ukraine in cases where, in particular:

- a socially dangerous wrongful act that preceded legalization (laundering) of proceeds of criminal activities was committed outside of the territory of Ukraine, and legalization (laundering) of proceeds of criminal activities was committed on the territory of Ukraine;
- the fact of commitment of a socially dangerous wrongful act that preceded legalization (laundering) of proceeds of criminal activities was established by the court's verdict of guilty that came into legal force.

9. If during a pre-trial investigation they detect other crimes committed by a person being under a pre-trial investigation, or by another person if they are related to crimes committed by the person being under the pre-trial investigation and which do not fall within the scope of jurisdiction of the body conducting a pre-trial investigation in a criminal proceeding, the Prosecutor who supervises the pre-trial investigation shall issue a decree to define the investigative jurisdiction of all these crimes if it is impossible to unite all these files in one separate proceeding."

2) Law of Ukraine On Detective Operations (Vidomosti Verkhovnoyi Rady Ukrainy, 1992., No.22, p. 303 with further changes):

a) add "the State Bureau of Investigation" after words "National Anti-Corruption Bureau" in Article 3;

b) in part one of Article 5:

- paragraph two shall read as follows:

"National police of Ukraine – criminal police";

- add a new paragraph after paragraph two as follows:

“State Bureau of Investigation – internal security units and units ensuring personal protection”. Accordingly, to count paragraphs 3-11 as paragraphs 4-12.

c) add “State Bureau of Investigation” after “operative units” in Article 7.4;

d) add a new Clause 7¹ to Article 8 as follows:

“7¹) to carry out the relevant controlled actions in order to find and establish facts of actions outlined in Articles 305, 307, 309, 311, 318, 321, 364¹, 365², 368, 368³, 368⁴, 369, 369² of the Criminal Code of Ukraine.

The Criminal Procedure Code of Ukraine shall determine the procedure of receiving permission for the controlled corruption action, its validity term and procedures for conducting the action;

e) in Article 9:

- add “operative unit of the agencies of the State Bureau of Investigation “after “the agency of the Security Service of Ukraine” in part one,
- add “State Bureau of Investigation” after “the Security Service of Ukraine” in part two,
- add “the Director of the State Bureau of Investigation” after “the agency of the Security Service of Ukraine” in part three,
- add “State Bureau of Investigation” after “the Ministry of Internal Affairs of Ukraine” in part eight;

f) in Article 9¹:

- add “Director of the State Bureau of Investigation” after “Central Office of the Security Service of Ukraine” in part two,
- add “Director of the State Bureau of Investigation” after “Head of the Security Service of Ukraine” in part three;

4) Law of Ukraine On Civil Service (Vidomosti Verkhovnoyi Rady Ukrainy, 1993, No.52, p. 490; 2013, No. 14, p. 489; 2014, No. 49, p. 2056):

a) add a new part to Article 14 after Part One as follows:

“For certain categories of civil servants the law may set particular conditions for recognizing a disciplinary offence as a ground for termination of the civil service”.

Therefore, Part Two shall become Part Three;

b) add Part Seven to Article 15 as follows:

“To carry out competitive selection for positions of civil servants in a central executive agency with the special status, the law may establish another procedure of setting up a selection panel and holding the competition”;

5) Part two of Article 8 of the Law of Ukraine On Pre-Trial Detention (Vidomosti Verkhovnoyi Rady Ukrainy, 1993, No.35, p. 360 with further changes):

- add “staff members of the State Bureau of Investigation” after “intelligence agencies of Ukraine” in paragraph four;
- add “State Bureau of Investigation” after “justice” in paragraph ten;

6) Article 3.3 of the Law of Ukraine On Ensuring Security of Individuals Involved in Criminal Proceedings (Vidomosti Verkhovnoyi Rady Ukrainy, 1994, No.11, p. 51; 2003, No. 16, p. 124; 2009, Nos. 36-37, p. 511; 2015, Nos. 40-41, p. 379) shall read as follows:

“3. The agencies of the security service, the SBI and police authorities, or the National Anti-Corruption Bureau of Ukraine shall deal with security measures according to their jurisdiction; special units shall be established within them to fulfil this goal. An agency of the security service, the SBI, police authority, the National Anti-Corruption Bureau of Ukraine or a correctional agency or facility or a pre-trial detention center shall ensure safety of the individuals taken under protec-

tion if criminal proceedings are being carried out by tax police or court that should make the decision about such protection. Safety of an individual taken under protection, if such an individual is being kept in a penal institution or a pre-trial detention center, shall be ensured by an appropriate unit of such institution or pre-trial detention center regardless of the agency that is carrying out the criminal proceedings”;

7) Law of Ukraine On the State Protection of Employees of Courts and Law Enforcement Agencies (Vidomosti Verkhovnoyi Rady Ukrainy, 1994., No.11, p. 50):

a) Add “On the National Anti-Corruption Bureau of Ukraine “, “On the State Bureau of Investigation” after words “On the Security Service of Ukraine” in Article 4;

b) Add Clause “j” to Article 14 as follows:

“j) the SBI Director and his/her deputies – regarding protection of SBI officers and their close relatives”;

c) Article 15:

Add clause “e¹” to Part One as follows:

“e¹) in respect of staff members of State Bureau of Investigation – on the agencies of the State Bureau of Investigation”;

Add Part Three as follows:

“3. Safety of officers in court or law enforcement agencies and their close relatives taken under protection, if such individuals are being kept in a penal institution or a pre-trial detention center shall be ensured by an appropriate unit of such an institution or pretrial detention center regardless of the agency that is carrying out the criminal proceedings”;

8) In Article 15 of the Law of Ukraine On procedures to reimburse damage caused to citizens by illegal actions of inquiry, pre-trial investigation agencies, public prosecutor’s offices or courts (Vidomosti Verkhovnoyi Rady Ukrainy, 1995, No.1 p. 1 with further changes) add “State Bureau of Investigation” after “staff members of the National Anti-Corruption Bureau of Ukraine”;

9) Law of Ukraine On Telecommunications (Vidomosti Verkhovnoyi Rady Ukrainy, 2004, No. 12, p. 155 with further changes):

a) add “State Bureau of Investigation” to Article 27 after “internal affairs of Ukraine”;

b) add “State Bureau of Investigation” to part two of Article 38 after “the Security Service of Ukraine”;

c) add “State Bureau of Investigation” to Article 39.1.9 after “the Security Service of Ukraine”;

10) add “State Bureau of Investigation” to Article 62.1.3 of the Law of Ukraine On Banks and Banking Activity (Vidomosti Verkhovnoyi Rady Ukrainy, 2001, No. 5-6, p. 30; 2014, No. 13, p. 181; 2014, No. 47, p. 2051) after “the Ministry of Internal Affairs of Ukraine”;

11) In Article 3.1.1 of the Law of Ukraine On Prevention of Corruption (Vidomosti Verkhovnoyi Rady Ukrainy, 2014, No. 49, p. 2056; 2015, No. 17, p. 118, No. 35, p. 343):

- add “State Bureau of Investigation” sub-clause “f” after “civil defence units”;
- add “State Bureau of Investigation, National Anti-corruption Bureau “to sub-clause “g” after “the Security Service of Ukraine”.

President of Ukraine Petro POROSHENKO

Kyiv

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Appendix III

Law of Ukraine “On National Police”

Text of the Law published in the magazine “Voice of Ukraine” No. 142 (6146), 6 August 2015

This Law defines legal grounds for organisation and activity of the National Police of Ukraine, status of police officers, and procedure of service in the National Police of Ukraine.

SECTION I. GENERAL PROVISIONS

Article 1. National Police of Ukraine

1. The National Police of Ukraine (hereinafter – the Police) – is a central executive body which serves the society by way of protection of human rights and freedoms, combating crime, and maintenance of public security and order.

2. Activity of the Police is directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Internal Affairs of Ukraine according to law.

Article 2. Tasks of the Police

1. The Police is tasked with provision of police services in the spheres of:

1) ensuring public security and order;

2) securing of human rights and freedoms, as well as interests of the society and the state;

3) combating crime;

4) provision, within the framework established by law, of assistance services to persons who, for personal, economic, social reasons or due to other emergency situations, require such assistance.

Article 3. Legal basis for activity of the Police

1. In its activity the Police shall be governed by the Constitution of Ukraine, international treaties of Ukraine for which the Verkhovna Rada of Ukraine gave its binding consent, this and other laws of Ukraine, legal acts of the President of Ukraine and resolutions of the Verkhovna Rada of Ukraine adopted pursuant to the Constitution and laws of Ukraine, acts of the Cabinet of Ministers of Ukraine as well as by thereunder issued legal acts of the Ministry of Internal Affairs and other rules and regulations.

Article 4. International cooperation of the Police

1. Relations in the area of activity of the Police with relevant authorities of other countries and international organisations shall be based on international treaties as well as constituent legal acts and rules of international organisations where Ukraine is a member of.

2. Police officers may be delegated to international organisations and other countries as representatives of the Police to ensure the coordination of cooperation on issues that belong to the scope of authority of the Police.

3. Police officers may be engaged in participation in international operations aimed at maintenance of peace and security.

Article 5. Interaction of the Police with state authorities and bodies of local self-government

1. In the process of its activity, the Police shall interact with law enforcement authorities and other state authorities as well as bodies of local self-government in accordance with law and other statutes and regulations.

SECTION II. PRINCIPLES OF THE POLICE ACTIVITY**Article 6. Rule of Law**

1. The Police in its activity are guided by the rule of law, according to which a human being, their rights and freedoms are recognized as the highest values and determine the content and direction of the state activity.

2. The rule of law principle is applied in view of European Court of Human Rights practice.

Article 7. Respect for human rights and freedoms

1. In course of performing its tasks, the Police shall ensure compliance with human rights and freedoms, guaranteed by the Constitution and laws of Ukraine and international treaties of Ukraine for which the Verkhovna Rada of Ukraine gave its binding consent, and facilitate their implementation.

2. Human rights and freedoms may be limited exclusively on the grounds and in the manner envisaged in the Constitution and laws of Ukraine, in insistent need and to the extent required to perform the tasks of the Police.

3. Any measures limiting human rights and freedoms shall be immediately ceased, if the intended goal of such measures has been achieved or if further use of such measures is no longer required.

4. Under no circumstances may police officers facilitate, exercise, encourage or condone any forms of tortures, or any cruel, inhuman or degrading treatment or punishment.

In case such actions are uncovered, every police officer shall be obligated to take all necessary measures to stop such actions and must report the direct leadership of the facts of torture and intentions of their application. In case of concealment of torture or other ill-treatment by police officers, a head of the body within one day of the receipt of information about such facts shall initiate an official investigation and bringing those responsible to justice.

In case such actions are uncovered, a police officer shall be obligated to notify about this the body of pre-trial investigation authorised to investigate the offenses committed by police officers.

5. In its activity the Police shall not admit any privileges or limitations based on race, skin colour, political, religious or any other beliefs, gender, ethnic or social origin, property, place of residence, language or any other criteria.

Article 8. Legality

1. The Police shall act only on grounds, within the scope of authority and in manner envisaged in the Constitution and laws of Ukraine.

2. A police officer may not obey expressly illegal instructions or orders.

3. Orders, instructions and assignments of superior bodies, senior officers, officials and employees, as well as service, political or economic expediency may not be a ground for any breach of the Constitution and laws of Ukraine by a police officer.

Article 9. Openness and transparency

1. The Police shall act on the principles of openness and transparency within the limits established by the Constitution and laws of Ukraine.

2. The Police shall provide continuous information to state authorities and local self-governance bodies as well as the general public about its activities in the area of securing and protection of human rights and freedoms, combating crime, and ensuring public security and order.

3. The Police shall ensure access to public information in its possession in the manner and in compliance with requirements defined by the law.

4. Restricted information may be made public (disclosed) by the Police only in cases and in the manner defined by law.

5. Normative legal acts regulating the activities of the Police, must be published on the website of the central authority of the Police. Normative legal acts with restricted access may be published in cases and in the manner prescribed by law.

6. Drafts of normative legal acts related to human rights and freedoms, must undergo public discussion in the manner specified by the Minister of Internal Affairs of Ukraine.

Article 10. Political neutrality

1. The Police shall ensure the protection of human rights and freedoms of a person irrespective of his/her political beliefs or party affiliation.

2. The Police in its activity shall be independent from decisions, statements and positions of political parties and civil associations.

3. No items bearing branding of political parties and no political activity shall be allowed in bodies and units of the Police.

4. Police officers may not express personal attitude to political parties activity when on duty, or use official powers for political purposes.

Article 11. Interaction with population based on partnership principles

1. The Police shall act in close cooperation and partnership with population, territorial communities and civil associations basing on partnership principles and aimed at meeting their needs.

2. Work of bodies and units of the Police shall be planned with due regard to region specificities and problems of territorial communities with a view to establish causes and/or conditions for committing violations.

3. Public trust shall be the key criterion of evaluation of work efficiency of bodies and units of the Police.

4. Assessing the level of public confidence in the police shall be carried out by independent sociological services in the manner determined by the Cabinet of Ministers of Ukraine.

Article 12. Continuity

1. The Police shall perform its tasks continuously, 24/7. Every person shall have the right to ask the Police or a police officer for help at any given time of the day.

2. The Police shall have no right to decline or delay consideration of requests to protect rights and freedoms of people, legal entities, interests of the society and the state from unlawful encroachments citing days-off, public holidays or non-working hours as reasons for that.

SECTION III. THE SYSTEM OF THE POLICE AND THE POLICEMEN STATUS

Article 13. General system of the Police

1. System of the Police is composed of:

- 1) central body for management of the Police;
- 2) territorial bodies of the Police.

2. Office of the central management body of the Police is composed of interlinked structural divisions which ensure the work of the chief of the Police and implementation of tasks imposed on the Police.

3. The Police consists of:

- 1) criminal police;
- 2) patrol police;
- 3) pre-trial investigation bodies;
- 4) security police;
- 5) special police;
- 6) special task police;

4. The system of the Police may include scientific research institutions and support institutions.

Article 14. Central management body of the Police

1. Structure of the central management body of the Police shall be approved by the chief of the Police upon consent of the Minister of Internal Affairs of Ukraine.

2. Staff list of the Police shall be approved by the chief of the Police.

3. Budget of the Police shall be approved by the chief of the Police upon consent of the Minister of Internal Affairs.

Article 15. Territorial bodies of the Police

1. Territorial bodies of the Police shall be established in the Autonomous Republic of Crimea, oblasts, cities of Kyiv and Sevastopol, rayons, cities, and city rayons as legal entities of public law within the staffing levels of the Police and its budget.

2. Territorial bodies of the Police shall be established, liquidated and reorganised by the Cabinet of Ministers of Ukraine upon submission of the Minister of Internal Affairs of Ukraine based on proposals of the chief of the Police.

3. Structure of territorial bodies of the Police shall be approved by the chief of the Police upon consent of the Minister of Internal Affairs of Ukraine.

4. Staff lists and budgets of territorial bodies of the Police shall be approved by the chief of the Police.

5. Heads of territorial bodies of the Police shall be appointed and dismissed by the chief of the Police upon consent of the Minister of Internal Affairs of Ukraine.

6. Deputy heads of territorial bodies of the Police shall be appointed and dismissed by the chief of territorial body of the Police.

7. A person may be appointed as a head or deputy head of territorial bodies of the Police, if he/she:

- 1) meets general requirements for police employment;
- 2) has a complete higher education in Law;
- 3) has at least 5 years of experience in Law;
- 4) has at least 1 year of executive experience.

Article 16. Principal powers of the Minister of Internal Affairs in relations with the Police

1. The Minister of Internal Affairs shall:

1) ensure the formation of national policy in the area of public safety and order, security and protection of human rights and freedoms, public and national interests, and provision of police services, and shall supervise the implementation of the above by the Police;

2) ensure legal regulation of the Police activity, approve and submit for consideration by the Cabinet of Ministers of Ukraine draft laws and acts of the Cabinet of Ministers of Ukraine related to the Police activity and prepared by the Police and the Ministry of Internal Affairs;

3) approve strategic action programs and define priority areas of the Police work, ways of performing its tasks, approve its work plans;

4) ensure implementation of international treaties of Ukraine which belong to the sphere of activity of the Police;

5) ensures maintenance and use of data bases (banks), define the procedure of information exchange between the Ministry of Internal Affairs, the Police and other central executive bodies whose operation is regulated and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Internal Affairs;

6) decide on allocation of budget funds administered by the Ministry of Internal Affairs;

7) perform other duties contemplated by this Law and other laws of Ukraine.

Article 17. A policeman

1. A policeman is a citizen of Ukraine, who has sworn the oath of the policeman, does police service on the relevant positions in the Police and who has special police rank.

2. A policeman has official identity document and a special police badge. The samples of the official identity document and special police badge and the order of their giving are approved by the Minister of Internal Affairs.

Article 18. A policeman's main responsibilities

1. A policeman is obliged to:

1) abide by the provisions of the Constitution of Ukraine, the laws of Ukraine and other statutory and legal instruments that regulate the activity of the Police and the Oath of the policeman;

2) carry out their service responsibilities with professional expertise and in accordance with the requirements of the regulatory and legal instruments, positional (functional) responsibilities, orders of the chiefs;

3) respect and not violate human rights and freedoms;

4) provide urgent, in particular, pre-medical and medical aid to the persons who suffered from offences, misfortune, and to the persons who are in helpless state, or in state dangerous for their life and health;

5) keep restricted information, which he is aware of due to fulfilling service duties;

6) inform the line manager about the circumstances that make his further service in the police or taking the position impossible.

2. If a person addresses to a policeman with the statement or information about the circumstances threatening personal or public security, or in case of direct revealing of such incidents, a policeman in the whole territory of Ukraine, despite the position he takes, his whereabouts, the time of the day, is obliged to take necessary measures aimed to save people, provide aid to people who need it, and inform about it the closest body of the Police.

3. When addressing to the person, or when a person addressing to the policeman, the policeman is obliged to name his last name, position, special rank and at the person's demand to show his official identity document, giving opportunity to study the information in it, holding it in his own hands.

4. Additional duties related to the police service in the Police can be imposed on him exclusively by the law.

Article 19. Types of liability of police officers

1. In case of any illegal actions police officers shall be brought to criminal, administrative, civil and disciplinary liability pursuant to law.

2. Grounds and procedure for bringing of disciplinary proceedings against police officers, as well as the use of incentives to police officers are determined in the Disciplinary Statute approved by the law.

3. Damage caused to an individual or a legal entity by decisions, actions or omission to act of a police body or unit or a police officer on duty shall be reimbursed by the state pursuant to the law.

Article 20. Police uniforms

1. Police officers shall have uniforms of the common design. A policemen shall be provided with the uniform free of charge.

2. Samples of police uniforms and equipment shall be approved by the Cabinet of Ministers of Ukraine.

3. In police uniforms shall be placed a service badge with a clear indication of his special tokens.

It is prohibited for the police to take off from the uniform or hide the service badge or by any other manner prevent someone from reading it or recording it with technical means.

Police officer on duty in plain clothes shall have a service badge foreseen in this part, unless the presence of service badge prevents to conduct the undercover investigative (detective) actions.

A number of service badge for police officers of special support unit shall be additionally indicated on the uniform and the helmet so that it is possible to read or capture it by technical means, except when such police officers are in accordance with the decisions of the authorized officials performing police tasks in the mode of secrecy.

4. Rules of wearing and standard issue of police uniforms shall be approved by the Minister of Internal Affairs of Ukraine.

5. Any use of special ranks, insignias, uniforms and police ID cards by a person who is not a police officer is prohibited and shall entail liability contemplated by Law.

Article 21. The Chief and Deputies Chief of the Police

1. The Chief of the Police directly manages the Police.

2. The Chief of the Police is appointed to the position and dismissed from the position by the Cabinet of Ministers of Ukraine at the suggestion of the Prime Minister of Ukraine upon the proposals of the Minister of Internal Affairs of Ukraine.

3. The Chief of the Police shall have the First Deputy and Deputies.

4. The First Deputy and Deputies of the Chief of the Police are appointed to the positions and dismissed by the Minister of Internal Affairs of Ukraine upon the proposal of the Chief of the Police.

5. A person may be appointed as a chief or deputy chief of the Police, if he/she:

- 1) meets general requirements for police employment;
- 2) has a complete higher education in Law;
- 3) has at least seven years of experience in Law;
- 4) has at least five years of executive experience.

Article 22. Principal powers of the chief of the Police

1. The chief of the Police shall:

1) lead the Police, manage its operation and ensure the implementation of the tasks imposed on it;

2) organise and oversee, within his/her scope of competence, the implementation by the Police of the Constitution and laws of Ukraine, acts of the President of Ukraine, acts of the Cabinet of Ministers of Ukraine, ministerial decrees, and decrees and instructions of the Minister of Internal Affairs on issues falling within the activity of the Police;

3) submit for consideration by the Minister of Internal Affairs proposals for formation of national policy in the area of public security and order, protection of human rights and freedoms, as well as public and national interests, combating crime, and provision of police services;

4) duly represent the Police in relations with other state bodies, authorities of the Autonomous Republic of Crimea, local self-governance bodies and other organisations, whether in Ukraine or abroad;

5) report to the Minister of Internal Affairs on implementation of the tasks and functions imposed on the Police;

6) allocate functions among his/her deputies;

7) sign orders of the Police;

8) fully or partially cancel acts of any territorial bodies of the Police;

9) within his/her scope of powers, give binding instructions to police officers, governmental officials and employees of the Police;

10) approve regulations on separate structural units of the central management body of the Police;

11) hires on service and removes from service, appoint and dismiss from positions police officers under applicable provisions of this Law;

12) appoints on positions and dismisses from positions state servants of the staff of the central management body of the Police according to the procedure contemplated by the law and other regulatory and legal acts on the State Service;

13) hires on work and dismisses from work employees of the central management body of the Police according to the labour legislation;

14) take decisions, in due manner, on any issues related to incentives and bringing to disciplinary liability of police officers;

15) according to the procedure set out in the legislation on the State Service, take decisions on any issues related to incentives and bringing to disciplinary liability of state servants of the staff of the central management body of the Police;

16) according to the procedure set out in the labour and employment legislation, take decisions on any issues related to incentives and bringing to disciplinary liability employees of the Police;

17) duly file submissions for honouring police officers, state servants of the staff of the central management body of the Police and employees of the Police with national awards of Ukraine;

18) assign special police ranks pursuant to this law;

19) assign state servants ranks in conformity with the legislation on the State Service;

20) within the resources limits of police officers, civil servants and employees of the Police and budget required for its maintenance, submit to the Minister of Internal Affairs proposals for formation, liquidation and reorganisation by the Cabinet of Ministers of Ukraine of any territorial bodies of the Police which are legal entities of public law;

21) establish, liquidate and reorganise companies, institutions and establishments, approve regulations (statutes) of the above, duly appoint and dismiss its heads, and perform other functions related to management of state-owned property that belong to the scope of the Police;

- 22) ensure the compliance of the procedure for information exchange between the Ministry of Internal Affairs and the Police established by the Minister of Internal Affairs;
- 23) decide, in due manner, on allocation of budget funds administered by the Police;
- 24) execute powers of the state service manager in the body pursuant to the legislation on the State Service, have other powers under this Law.

SECTION IV. POWERS OF THE POLICE

Article 23. *Principal powers of the Police*

1. Pursuant to the tasks imposed on it, the Police shall:
 - 1) take preventive and protective actions to prevent criminal offences;
 - 2) reveal reasons and causes contributing to perpetuation of criminal and administrative offences, and take measures to eliminate such reasons and causes within the scope of its competence;
 - 3) take measures to reveal criminal and administrative offences; stops the revealed criminal and administrative offences;
 - 4) take measures to eliminate threats to life and health of people and to civil security, which emerged in connection with a criminal or administrative offence;
 - 5) carries out timely response to reports and notifications of criminal and administrative offences or incidents;
 - 6) conduct pre-trial investigation of criminal offences within the defined investigative jurisdiction;
 - 7) search for individuals who hide from the pre-trial investigation authorities, investigative judge or court, or who escape criminal punishment or are missing, and other individuals in cases defined by law;
 - 8) in cases contemplated by law, conduct proceedings in cases related to administrative offences, make decisions on imposition of administrative sanctions and ensure their implementation;
 - 9) in cases and in the manner prescribed by law, convoy the detained individuals suspected of committing a crime and individuals who committed an administrative offence;
 - 10) take measures to ensure public order and civil security in the streets, squares, parks, public gardens, stadiums, railway stations, airports, sea and river ports, and other public places;
 - 11) regulate road traffic and oversee the compliance with traffic rules by road users and the legitimacy of vehicle operation in the street and road network;
 - 12) escort vehicles in cases contemplated by law;
 - 13) issues permissions for utilisation of specific vehicle categories pursuant to law; in cases prescribed by law, issue and approve licensing documents in the road traffic safety area;
 - 14) take all possible measures to provide emergency assistance, including medical assistance, to people who suffered from criminal or administrative offences or accidents, and to people who are in a situation which is threatening their life and health;
 - 15) take measures to identify individuals who are not able to provide information about themselves due to their health condition, age or for any other reason; identify corpse;
 - 16) ensure the security of individuals under protection on the grounds and in the manner prescribed by law;

17) within his/her scope of competence defined by law, exercise control of compliance with requirements of law and other regulatory and legal instruments related to guardianship or care for orphan children and children deprived of parental care, take measures to prevent homelessness among children, child abuses, and social patronage for children who served a sentence in form of imprisonment;

18) take measures to prevent and combat domestic violence;

19) protect state-owned property in cases and order established by law and other normative and legal acts, and be involved in state guarding;

20) guard, on contractual basis, individuals and property in private and community ownership;

21) monitor compliance by legal entities and individuals with special rules and procedures for the storage and use of weapons, special means of individual protection and active defence, ammunition, explosives and other items, materials and substances covered by the permit system of the bodies of internal affairs;

22) in the manner prescribed by law, accept, keep and eliminate the confiscated, voluntarily turned in or found firearms, gas spray guns, cold weapons and other types of weapons, ammunition, cartridges, explosive substances and devices, narcotic drugs or psychotropic substances;

23) within its competence defined by law, supervise the compliance of radiation safety rules in specially designated areas of radiation pollution;

24) contribute to establishment of military or emergency regime or area of emergency environmental situation, as contemplated by laws, if any such regime is declared for the whole territory of Ukraine or in any specific area;

25) handle, within its competence, requests from law enforcement bodies of other countries or international police organisations in accordance to the law and international treaties of Ukraine.

Article 24. Additional functions of the Police

1. Execution of other (additional) functions may be imposed on the Police exclusively by law.

Article 25. Police powers in the sphere of information and analytical work

1. The Police shall do information and analytical work exclusively for implementation of its functions contemplated by this Law.

2. Information and analytical work of the Police shall comprise of:

1) formation of data bases (banks) included into the common information system of the Ministry of Internal Affairs;

2) use of data bases (banks) of the Ministry of Internal Affairs and other state authorities;

3) information search and information analysis;

4) information liaison with other state authorities of Ukraine, law enforcement bodies of other countries and international organisations.

3. The Police may create its own data bases necessary to ensure ongoing operation of bodies (institutions, establishments) of the Police in the area of labour, financial and management relations, document flow, and interagency data analysis systems necessary for performance of its functions.

4. Activity of the Police related to protection and processing of personal data shall be based on provisions defined by the Constitution of Ukraine, Law of Ukraine "On Personal Data Protection", and other laws of Ukraine.

Article 26. Formation of information resources by the police

1. The police shall fill in and keep up-to-date the relevant data bases (banks) that are part of the common information system of the Ministry of Internal Affairs, concerning:

- 1) persons subjected to preventive measures by the police;
 - 2) revealed criminal and administrative offences, perpetrators of such offences, and progress of criminal proceedings; accused persons the accusation against whom was submitted to court;
 - 3) search of the suspected and accused persons who are evading serving the punishment or court sentence;
 - 4) search of missing persons;
 - 5) identification of unidentified corpses and persons who can not provide information about themselves due to illness or minor age;
 - 6) criminal or administrative offences registered with internal affairs bodies, accidents that threaten personal or public security, or emergency accidents;
 - 7) persons detained on suspicion of committing offences (administrative detention; detention under instructions of law enforcement bodies; detention by pre-trial investigation authorities; administrative arrest; home arrest);
 - 8) perpetrators who committed administrative offences where proceedings in such cases are administered by the police;
 - 9) registered criminal and administrative corruption offences, perpetrators who committed such offences, and results of hearing of such offences by courts;
 - 10) foreigners and persons without citizenship who were detained by the police for infringement of the established rules of stay in Ukraine;
 - 11) stolen numbered things, valuables and other property that has specific signs for identification, or things related to committed offences according to statements filed by citizens;
 - 12) stolen (lost) documents reported by citizens;
 - 13) found or seized items and things, including prohibited or of restricted use, and documents with signs of forgery that have individual (manufactory) numbers;
 - 14) stolen vehicles which are searched in connection with disappearance of a person, found abandoned vehicles, and stolen or lost registration plates;
 - 15) issued licensing documents in the area of traffic safety and licenses for operation of certain categories of vehicles;
 - 16) weapons owned and used by individuals and legal entities who have a license for the acquisition, keeping, carrying and transportation of weapons;
 - 17) stolen, lost, confiscated or found weapons, including illegally owned weapons that was voluntarily turned in;
 - 18) databases containing the data obtained in process of search operations under applicable law.
2. While filling the data bases (banks) specified in point seven of the part one of this Article, the Police shall ensure the collection and accumulation of multimedia information (photos, videos and sound records) and biometric data (dactylic cards, DNA samples etc.).

Article 27. Use of information resources by the Police

1. The Police shall have direct operational access to data and information resources of other state authorities with mandatory compliance of the Law Ukraine "On Personal Data Protection".
2. Information about access to data bases (banks) shall be recorded and stored in automated system of data processing, including the information about police officer who gained an access, as well as volume of data to which an access was permitted.
3. Every action of police officer on obtaining an information from information resources referred to in Articles 26, 27 of this Law, shall be recorded in a special electronic archive,

management of which is entrusted to the IT Service Information of the Ministry of Internal Affairs of Ukraine.

Name, surname and police badge number of police officer, type of information obtained, registry from which an information was obtained, time of information obtaining and other data necessary for identification of police officer who obtained an information from registries, shall be recorded in the electronic archive.

Article 28. *Liability for unlawful use of information resources*

1. The Police shall take all measures aimed at prevention of any abuse of human rights and freedoms related to information processing.

2. Police officers shall bear personal disciplinary, administrative or criminal liability for their actions which resulted into abuses of human rights and freedoms related to information processing.

3. The Ministry of Internal Affairs shall, within its scope of competence, supervise the compliance with legislative requirements during the formation and use of police data bases (banks) in the manner specified in Articles 26 and 27 of this Law.

SECTION V. POLICE MEASURES

Article 29. *Requirements to a police measure*

1. A police measure is an action or a set of actions of preventive or coercive nature, which constitute limitation of certain human rights and freedoms and are applied by police officers under law to ensure the fulfilment of functions imposed on the Police.

2. A police measure shall be applied exclusively for the fulfilment of functions of the Police. A selected police measure shall be legitimate, necessary, proportionate and efficient.

3. The selected police measure is legitimate, if it is covered by the laws of Ukraine. Police officers may not select any actions not covered by the laws of Ukraine.

4. The selected police measure is necessary, if other action cannot be used or its use would be inefficient and if, from the perspective of functions of the Police, it would result into the lowest damage both for the addressee of the action and to other persons.

5. The applied police measure is proportionate if damage to human rights and freedoms or to public or state interests protected by law does not exceed the benefit for the protection of which such action was taken, or the created damage threat.

6. The selected police measure is efficient, if its use ensures the fulfilment of functions of the Police.

7. A police measure shall be ceased, if the intended goal has been achieved, achieving the intended goal is clearly impossible, or it is no longer required.

Article 30. *Types of police measures*

1. For the purpose of performing the tasks imposed on it, the Police shall take measures to respond to the offences envisaged in the Code of Administrative Offences of Ukraine and the Criminal Procedure Code of Ukraine, on the grounds and in the manner stipulated in these legal regulations.

2. For the purpose of protecting human rights and freedoms, preventing and combating threats to public order and civil security, the Police shall also apply, within the scope of its competence, preventive police measures and coercive measures contemplated in this Law.

3. National Police may take other measures envisaged by relevant laws in order to perform the tasks imposed on it.

4. If identification based on external signs is not possible, a police officer shall be required to show to the relevant individual a document certifying his/her powers, unless this prevents the performance of his/her police functions.

Article 31. Preventive police measures

1. The Police may take the following preventive police measures:

- 1) document check of the person;
- 2) questioning of the person;
- 3) frisk and inspection;
- 4) stopping a vehicle;
- 5) requiring to leave the place and restricting access to the specific territory;
- 6) restricting of movement of the person or the vehicle or actual ownership of a thing;
- 7) entering the home or other property of the person;
- 8) verification of compliance with requirements of the permit system of bodies of internal affairs;
- 9) use of technical equipment and technical means which have functions of photo and filming, video recording, photographic, filming and video equipment;
- 10) control of compliance with restrictions established by law in respect of persons who are under administrative supervision, and other categories of persons;
- 11) police custody.

2. While applying preventive police measures, the police is obliged to inform the person about the reason for application of such measures, and to bring to the attention of the person legal regulations on which such measures are applied.

Article 32. Document check of the person

1. A police officer may require a person to show his/her identification documents and other documents that confirm the relevant right in the following cases:

- 1) if the person looks similar to a person who is on the wanted list or is declared missing;
- 2) if there are sufficient reasons to believe that the person has committed or will commit an offence;
- 3) if the person is within a territory or facility with restricted access, or in a place of special police control;
- 4) if the person has weapons, ammunition, drugs and other things the use of which is restricted or prohibited, or storage, use or transportation of which require a special permission, if these rights cannot be verified otherwise;
- 5) if the person is at the scene of a criminal offence, traffic accident or any other emergency incident;
- 6) if any external signs of the person or the vehicle, or any actions of the person give sufficient grounds to believe that such a person or vehicle are involved in committing a criminal offence.

Article 33. Questioning

1. A police officer may ask questions if there are sufficient reasons to believe that the person has information required for performance of police functions.

A police officer may invite a person to the police premises for questioning.

2. Information disclosure is voluntary. A person may refuse to provide information. Questioning of minors may only take place in presence of their parents (or at least one of them), other legal representative or teacher.

3. Prior to the questioning, a police officer shall explain the reasons and purpose of this police measure to the person, unless this precludes any functions imposed on the Police under this Law.

Article 34. Frisk

1. Frisk as a preventive police measure consists of visual check of the person and checking the surface of his/her clothes by hand or special device or appliance, visual check of the thing or vehicle.

2. For the purpose of a frisk, a police officer may stop persons and/or check them, if there are sufficient reasons to believe that the person carries a thing the use of which is prohibited or restricted or which threatens life and health of this person or other persons.

3. A frisk shall be conducted by a police officer of appropriate sex. In case of emergency, a frisk may be conducted by any police officer only using a special device or appliance.

4. A police officer may conduct frisk of a thing or vehicle, if:

1) there are sufficient grounds to believe that inside of this vehicle there is a perpetrator or a person whose freedom is being illegally restricted;

2) there are sufficient grounds to believe that inside of this vehicle there is a thing the use of which is prohibited or restricted or which threatens life and health of this person or other persons;

3) there are sufficient grounds to believe that the thing or the vehicle is a tool for committing a crime and/or is located in the place where a criminal offence can be committed, and prevention of which requires a visual check.

5. Frisk of a thing or vehicle includes visual inspection of the thing and/or vehicle, or visual inspection of interior and trunk of the vehicle. A police officer in carrying out frisk may require to open the trunk lid and/or interior doors.

6. During a frisk of a thing or a vehicle a person must show police their own content of personal belongings or the vehicle.

7. In case of finding during a frisk any signs of offense, police officer shall ensure their safety and inspection in accordance with Article 237 of the Criminal Procedure Code of Ukraine.

Article 35. Vehicle stopping

1. A police officer may stop a vehicle, if:

1) the driver violates road traffic rules;

2) there are reasons to believe that the vehicle has technical problems

3) there is evidence that the vehicle, the driver, passengers or cargo are involved in a road accident, criminal or administrative offence, or if there is information that the vehicle or the cargo can be the object or the tool of committing road traffic accident, criminal or administrative offence;

4) the vehicle is being searched;

5) there is a need to question the driver or passengers about the circumstances of the road accident or the criminal or administrative offence which they witnessed or could have witnessed;

6) there is a need to involve the vehicle driver to provide assistance to other road users or the police or as a witness at the time of execution of administrative offence protocols or road accident materials;

7) it is required by traffic restriction or prohibition decisions adopted by competent state authorities;

8) the way in which the cargo is attached to the vehicle causes danger for other road users;
 9) there is an infringement of the established rules for installation and use of special light or sound signal devices on vehicles.

2. A police officer shall notify to the driver the reason for stopping the vehicle.

Article 36. Requirement to leave the place and restricting access to the specific territory

1. A police officer may demand the person(s) to leave the specific place for a specific period of time or prohibit or restrict access to a specific territory or facilities, if this is necessary for public order and civil security, and for protection of human life and health.

2. A police officer may restrict or prohibit traffic of vehicles or pedestrians in certain areas of streets and roads in case of detention under applicable law, traffic accidents and in other emergency situations, if required for purposes of public order and civil security, and for protection of human life and health.

Article 37. Restriction of a person's or vehicle's movement or actual possession of a thing

1. The Police may detain people on the grounds, according to the procedure and within the timelines defined in the Criminal Procedure Code of Ukraine and Code of Ukraine on Administrative Offences, and other laws of Ukraine.

2. The countdown of detention of person in special dedicated premises starts from the moment of detention.

3. In cases envisaged in Part Two of this Article, police officers shall immediately call medical staff to actual location of such persons and, if possible, inform their family members.

4. A police officer may temporarily restrict actual possession of a thing or movement of a vehicle in order to prevent danger, if it is reasonable to believe that such thing or vehicle may be used by the person for an assault against his/her life and health or life and/or health of any other person, or to damage a thing possessed by someone else. On person's demand police officer obliged to inform on the reasons of such actions.

Restriction of actual possession of a thing should be applied in compliance with Criminal procedure code and Code of Ukraine on Administrative Offences.

5. Restriction of actual possession of a thing shall be implemented by withdrawal of such thing from its actual owner and limitation or its transfer or transportation.

Police officer should notify in written his/her direct supervisor o temporary restriction of actual possession of a thing, as well as to fill the protocol on temporary restriction of actual possession of a thing and present it to the mentioned person.

6. Temporary restriction of a person's movement or a transfer or transportation of a thing shall be immediately ceased when the use of such action is no longer required.

Article 38. Entry into a home or other property

1. The Police may enter a home or other property without a substantiated court decision only in case of emergency related to:

- 1) preservation of human life and valuable property during the emergency situations;
- 2) direct chase of persons suspected of committing a crime;
- 3) cessation of a crime which threatens life of persons who are in the home or other property;

2. An entry of a police officer into home or any other property shall not restrict the person's right to use his/her own property.

3. Protocol is necessary in case of taking mentioned measure.

Article 39. Verification of compliance with the permit system of internal affairs bodies

1. Police, in a manner prescribed by the Ministry of the Interior, has the right to inspect with the assistance of an administration (management) of legal entities, natural persons (including individual entrepreneurs) or their authorized representatives, premises where the weapons, special tools, ammunition, explosives and materials and other items, materials and substances are located, and for storage and use of which special rules or order are adopted, and which are covered by the permit system of internal affairs, as well as places, where they are stored with a purpose to verify compliance with the rules for their handling and use.

2. The police may inspect weapons, special tools, ammunition held by individuals and legal entities, other items, materials and substances stored and for storage and use of which special rules, order are adopted and they are covered by the permit system of the interior, in order to verify compliance with the rules for handling and use.

3. Police in accordance with the procedure established by the Ministry of the Internal Affairs withdraws weapons, special tools, ammunition, explosives and materials, and other items, materials and substances, for storage and use of which special rules, order are adopted, and which are covered by the permit system of internal affairs, and also seals and closes the facilities where they are stored or are used (including shooting ranges, shooting non-military, hunting stands, enterprises and workshops for the manufacture and repair of weapons, special tools, ammunition, stores where carried their sale, fireworks workshop, study material points of the weapons, special means, the rules for handling them and their applications) in case of violation of the rules of handling and use that threaten public safety, to address these violations.

4. Police informs within one day respective body of Ministry of Internal Affairs about every fact of improper storage and use of weapons, special tools, ammunition, explosives and other items, materials and substances, for storage and use of which special rules, order are adopted, and which are covered by the permit system of internal affairs.

40. Use of automatic photo devices (radar) and video devices

1. To ensure public order and civil security, the Police may attach automatic photo and video devices to their uniforms and service vehicles and mount/install such devices on the external perimeter of roads and buildings and use any information obtained from the automatic photo and video devices mounted on some else's possession, in order to:

- 1) prevent, reveal and record offences; protect civil security and property; ensure human safety;
- 2) ensure compliance with traffic rules.

2. Information about the mounted/installed automatic photo devices (radars) and video devices shall be on a clearly visible place.

Article 41. Police custody

1. Police custody can be conducted to:

- 1) Minor, aged under 16, which was left unattended;
- 2) Person suspected of escape from psychiatric facilities or special treatment facilities, where she was put according to court decision;
- 3) Person that has visible psychiatric decease and cause real threat to society or herself;
- 4) Person which lost in public place ability for movement as to alcohol intoxication or causes real threat to people or herself.

Police custody is a result to:

- 1) Persons, mentioned in para 1, part 1 of this article – as transferring custody to parents or adopters, trustees, guardians, bodies of childcare;

2) Persons, mentioned in paragraphs 2,3, part 1 of this article – transferring to relevant facilities;
 3) Persons, mentioned in para 4, part1 of this article – transferring to special treatment facilities or to place of living.

2. Police officer is obliged to immediately inform person by understandable language the reason of such measure and to explain the right medical treatment, give explanations, complain on police actions, and immediately inform others on her whereabouts.

Notification on rights and their explanation can be avoided by police officer in case the person can not understand her actions and coordinate them.

3. Police officer is encouraged to seize authorized weapons or other items using which a person may harm himself or others, regardless of whether they banned in circulation.

Police are prohibited to carry out a search of a person against which the police custody is set.

4. The use of police custody is drawn up, stating: place, date and exact time (hours and minutes) the use of police action; grounds for the application; description of the weapons or objects; request, application or complaints from persons, if received, the presence or absence of visible injuries.

The protocol is to be signed by the police officer and the person. A copy of the protocol handed over immediately to the person with writing confirmation. Protocol may not be available for signing by person and a copy – handed to person if there are reasonable grounds to believe that she can not understand his actions and control them. In this case, the protocol is given to a person or body mentioned in the paragraph 2, part 1 of this article.

5. On each police measure police officer immediately reports by using technical equipment to responsible person in police unit.

If there are sufficient grounds to believe that transferring of a person lasted longer than necessary, responsible person in a police unit obliged to investigate the case in order to decide on this responsibility of guilty persons.

6. A police officer must provide the person ability to immediately inform his family members or others at the option of that person on his whereabouts.

The police officer must immediately notify the parents or adoptive parents, guardians, trustees, the guardianship authority of the place of residence of a minor.

Article 42. Coercive measures

1. For the purpose of functions contemplated herein, the Police may take the following coercive measures:

- 1) physical influence (force);
- 2) use of special equipment;
- 3) use of firearms.

2. Physical influence means application of any physical force and any special fighting techniques to stop illegal actions of the perpetrators.

3. Special equipment as coercive police measures means a set of devices, equipment and tools that are specially produced, structurally designed and technically suitable for human protection from damage by various items (including weapons), temporary (reversible) human injury (perpetrator, opponent), suppression or restriction of his/her will (psychological or physical) through the influence on him/her or on things surrounding him/her, with clear regulation of grounds and rules of application, including police animals.

4. For performance of their functions, police officers may use the following special equipment:

- 1) rubber and plastic sticks;
- 2) electroshock devices with direct action or effective over distances;
- 3) mobility restriction means (handcuffs, binding mesh etc);
- 4) tools involving the use of tear and irritating substances;
- 5) devices for forced stopping of vehicles;
- 6) special marking and colouring means;
- 7) police dogs and police horses;
- 8) devices, grenades and ammunition with light-and-sound effect;
- 9) means of acoustic and microwave influence;
- 10) devices, grenades, ammunition and small-sized blasting device for demolishing obstacles and forced opening of premises;
- 11) devices intended for shooting cartridges equipped with rubber or similar non-lethal projectiles;
- 12) tools equipped with safe smoke-forming substances;
- 13) water canons, armoured fighting vehicles and other special vehicles.

5. Police may not use coercive measures which are not contemplated in this Law.

6. Use of personal protection means (helmets, bullet-proof jackets and other special equipment) by police officers shall not be deemed a coercive measure.

7. Police shall immediately stop using the relevant type of coercive measure at the moment as the expected result is achieved.

8. Rules for equipping police units with special equipment and firearms shall be established by the Minister of Internal Affairs.

Article 43. *The order of use police coercive measures*

1. A police officer shall warn the person in advance of any use of physical force, special equipment and firearms, and give him/her enough time to fulfil the lawful demand of the police officer, unless a delay may cause an assault against life and health of such person and/or the police officer or lead to other grave consequences, or if in the given situation such warning is unreasonable or impossible.

2. A warning can be made by voice, and when the distance is too big or when the warning is addressed to a big group of people, through loudspeakers and sound amplifiers.

3. Type and intensity of use of any coercive measures shall be defined on the basis of the specific situation, nature of the offence, and individual characteristics of the perpetrator.

4. Police officers shall provide first medical aid to any persons who were injured due to the application of coercive measures.

5. Physical force, special equipment and firearms may not be used against pregnant women, minors, persons with clear signs of disability or elderly people, unless they commit an armed or group attack or armed resistance to the police, which threatens the life and health of people and police officers, provided that repulsing such attack and/or resistance using other means and methods is not possible.

Article 44. *Use of physical force*

1. A police officer may apply physical force, including special fighting techniques (hand-to-hand combat techniques), to ensure personal safety and/or safety of other persons, stop the offence, or detain a perpetrator, unless the use of other police measures ensures the performance of functions imposed on the police officer by law.

2. The police officer shall in written notify his/her supervisor of any physical damage to the person caused by the use of physical force.

Article 45. Use of special equipment

1. Police officers may use special equipment according to this Law to ensure civil security and manage public order.

2. Police officers are authorized to use special equipment only on condition that they have passed a relevant special training course.

3. The following general rules shall apply to the use of special means:

1) handcuffs and other motion restriction means may be applied to:

a) person suspected in a criminal offence and resist the police officer or is attempting to escape;

b) during detention of person;

c) during conveying (escorting) the detained or the arrested person;

d) if the person's dangerous actions may cause damage to himself/herself and others;

e) proceedings an official measures involving such persons, if they can create real danger to themselves or others;

2) rubber and plastic sticks may be used for:

a) repulsing the attack on a police officer, other person and/or protected object;

b) detention of a perpetrator who has committed offence and offering severe disobedience to a lawful demand of the police officer;

c) stopping massive or group public disorders;

3) devices filled with tear and irritating substances may be used for:

a) repulsing an attack on a police officer, other person and/or object under protection;

b) stopping massive or group public disorders;

4) means for forced vehicle stopping may be used for forced stopping of a vehicle the driver of which has not followed the lawful demands of the police officer to stop the vehicle, or if actions of the vehicle's driver cause a threat to human life and health

5) devices, grenades, ammunition and small-sized blasting devices for demolishing obstacles and forced opening of premises may be used for:

a) detention of a person;

b) release of a person illegally deprived of freedom and locked in a confined space;

6) electro-shockers of direct contact or distance effect may be used for:

a) repulsing an attack on a person, police officer and/or protected facility;

b) repulsing the attack of an animal which threatens life and health of the police officer and other people;

7) special marking and colouring means may be used for:

a) mark the person suspected on criminal offence;

b) stopping massive or group disorders with the purpose of subsequent detection and detention of such person and control of relocation of things;

8) devices, grenades and ammunition with light-and-sound effect, means of acoustic and microwave influence may be used for:

a) repulsing an attack on a police officer, other person and/or protected object;

b) detention of a person who is offering armed resistance, or to make such person leave the territory (vehicle, building, construction, or land plot) occupied by him/her

- c) to release a person whose freedom has been illegally deprived;
 - 9) water canons, armoured fighting vehicles and other special vehicles may be used for:
 - a) stopping massive public disorders or massive riots;
 - b) for repulsing a group attack threaten human life and health;
 - c) forced stopping of a vehicle the driver of which has not followed the police officer's lawful demand to stop;
 - d) detention of an armed person who is suspected in a crime;
 - 10) devices intended for shooting cartridges equipped with rubber or similar non-lethal projectiles may be used for:
 - a) protecting from assault, which threaten persons and police officers health and life;
 - b) repulsing armed assault on protected objects, convoys, residential and non-residential premises, and to release them in case they are captured;
 - c) detaining the person who has committed grave or special grave crime and who is trying to escape;
 - d) detaining the person who is offering armed repulse and trying to escape from the custody;
 - e) detaining the armed person threatening to use arms and other objects dangerous for the life and health of a policeman and other people;
 - f) alarm signal or call for reinforcement;
 - g) neutralizing of animals threatening the life or health of people, including a police officer;
 - h) ending mass and group riots
 - i) for repulsing a group attack threaten human life and health;
 - 11) tools equipped with safe smoke-forming substances may be used for:
 - a) masking of police measures directed at detention of a person who is offering armed resistance, or to make such person leave the territory (vehicle, building, construction, or land plot) occupied by him/her;
 - b) releasing a person whose freedom has been illegally deprived;
 - 12) police dog may be used for:
 - a) patrolling;
 - b) pursuit and detention of a person who has committed a criminal offence;
 - c) during convoying (escorting) of the detained or arrested person;
 - d) repulsing an attack on a person and/or police officer;
 - 13) police horse may be used for:
 - a) patrolling;
 - b) pursuit and detention of person who has committed a criminal offence.
4. Police (police officers) are prohibited to:
- 1) beat with rubber (plastic) sticks on the head, neck, collarbone area, genitals, loin (coccyx) and belly;
 - 2) when using any devices filled with tear and irritating substances, do sight shooting, throw grenades into crowds, and repeatedly use them within the impact zone during the time of action of these substances;
 - 3) shoot cartridges equipped with rubber or similar non-lethal projectiles with violation of technical requirements to the distance from people and shooting at specific parts of human heads and bodies;
 - 4) use water canons if the air temperature is below +10°C;

5) use means for forced stopping of vehicles for forced stopping of motorcycles, cycle-cars, scooters and motorbikes, people-carrying vehicles, including on mountain roads and road sections with poor visibility, railway crossings, bridges, overbridges, ramps and in tunnels;

6) use handcuffs for more than 2 hours without breaks or decreasing the pressure.

5. In case of use of a small-sized blasting device for forced opening of premises the damage to the rights and interests protected by law shall be less significant than the prevented damage.

6. A police officer shall notify his/her supervisor of any use of special equipment.

If a person is injured or disabled due to the use of special equipment by the police officer, the supervisor of such police officer shall immediately notify the relevant public prosecutor of the same.

7. Admissible parameters of special equipment in terms of their physical, chemical and other impact on human health shall be defined by competent institutions of the Ministry of Healthcare of Ukraine and/or Academy of Medical Sciences of Ukraine.

8. Rules applicable to storage, wearing and application of the special devices in the inventory of the Police shall be defined by legal regulations of the Ministry of Internal Affairs of Ukraine.

Article 46. Use of firearms

1. Use of firearms is the most severe coercive measure.

2. A police officer may keep, wear and use firearms only on condition that he/she has passed a special training course.

3. The procedure for keeping and carrying police firearms, list of firearms and ammunition used in operation of the Police, and licensing rules shall be established by the Minister of Internal Affairs of Ukraine.

4. A police officer may use firearms in exceptional cases:

1) to repulse an attack on a police officer or his family in case it threatens their life and health;

2) to protect people from an attack threatening their life and health;

3) to release hostages or people illegally deprived of their freedom;

4) to repulse an attack on protected facilities, convoys, residential and non-residential premises, and to release the above in case of seizure;

5) to detain a person caught when committing a grave or an especially grave crime and attempting to escape;

6) to detain a person who is making armed resistance, attempting to escape from custody, or an armed person who is threatening to use weapons and other items that threaten life and health of people and/or police;

7) to stop a vehicle through damage to such vehicle, if the driver's action threaten life and health of people and/or police.

5. A police officer is authorized to use firearms only after a warning about the need to stop illegal actions and about an intention to use coercive measures envisaged by Article of this Law.

6. Firearms may be used without warning:

1) in case of an attempt of a person being detained by a police officer with firearms in hands to get closer to the police officer by reducing the distance defined by the police officer, or to touch the weapons;

2) in case of an armed attack or sudden attack with the use of military equipment, vehicles or other tools that threaten human life and health;

3) in case of escape of a person detained or arrested for committing an especially grave or grave crime with the use of a vehicle;

4) in case of armed resistance;

5) to halt an attempt to take possession of the firearms;

7. A police officer is authorised to use firearms only to make damage to the person to an extent which is necessary and sufficient in this situation for immediate repulse or ceasing of an armed attack.

8. A police officer is authorised to use firearms in case of an armed attack, if such attack may not be repulsed or ceased otherwise.

9. A police officer may not use firearms in places where it can cause damage to other persons, including in fire-hazardous and explosion-hazardous places, unless it is needed to repulse an attack and/or in case of emergency.

10. A police officer shall immediately in written notify his/her supervisor about active use of firearms, and, in turn, the supervisor shall notify the central management body of the Police and the relevant public prosecutor

11. A police officer may pull a firearm out and bring it to the ready position, if he/she believes that it might become reasonable to use it in the given situation.

12. A police officer may bring a firearm to the ready position during detention of persons suspected of having committed offences and when checking documents of suspicious persons, and this shall be deemed a warning of potential use of the firearms.

An attempt of a person being detained by a police officer with firearms in hands to get closer to such police officer by reducing the distance defined by the police officer, or to touch the weapons, shall give the police officer a right to use the firearms.

13. A police officer has the right to use firearms for alarm or call auxiliary forces, or to render harmless animals that threaten the life and health of police officers and other persons.

SECTION VI. SELECTION TO THE POSITION OF POLICEMAN

Article 47. Authority to appoint

1. Police officers shall be appointed to positions by officials of the bodies (institutions, establishments) of the Police according to the list of positions approved by the Ministry of Internal Affairs.

2. In case of selection process to select the candidate for the respective position, police officers shall be appointed to positions by officials of the bodies (institutions, establishments) of the Police according to the list of positions approved by the Ministry of Internal Affairs, and in accordance with the results of the selection process.

3. Cadets (attendees) of higher education institutions with specific conditions that provide police training shall be appointed by heads of these institutions.

Article 48. Procedure for appointment of police officers

1. Police officers shall be appointed and dismissed by orders of the officials referred to in Article 47 of this Law.

2. Orders on enrolment of police officers as full-time military school students and attendees of higher education institutions with specific conditions that provide police training shall be the grounds for their dismissal from their full-time positions at the bodies (institutions, establishments) of the Police.

3. Graduates of higher education institutions with specific conditions that provide police training shall be appointed upon the completion of training to positions at the bodies (institu-

tions, establishments) of the Police by orders of the officials of the Police referred to in Article 47 of this Law.

4. A police officer may leave to a new place of service upon the delegation of the position (including transfer of all service documents, special equipment, weapons, and valuables assigned to the police officer), but not later than one month following the receipt by the body (institution, establishment) of an excerpt from the service transfer order.

The period during which the police officer is on vacation, business trip or sick leave shall not be included into the said timeline.

Article 49. Requirements to candidates for service in the Police

1. Citizens of Ukraine above 18 years of age, with the general secondary education and have a necessary Ukrainian language level can may be enrolled to the Police irrespective of their race, skin colour, political, religious or other beliefs, gender, ethnical or social origin, property, place of residence.

2. Requirements to the level of physical training of police officers and candidates being enrolled to the Police shall be approved by the Ministry of Internal Affairs.

3. Irrespective of professional and personal qualities, level of physical level and health condition, persons referred to in Part Two of Article 61 of this Law and persons listed hereunder may not be enrolled to the Police:

1) persons who refuse to be bound of the restrictions and limitation and/or sign The Police envisaged by the Law;

2) persons who were dismissed or going to be dismissed according to the Law on Purification of State Authority.

Article 50. Verification of candidate for service in the Police

1. Citizens of Ukraine who expressed an intention to be enrolled to the Police shall undergo medical checks, physical training check, psychological and physiological examination, and testing for alcohol, drug and toxic abuse in the manner defined by the Ministry of Internal Affairs.

2 Citizens of Ukraine who expressed an intention to be enrolled to the Police may undergo a polygraph test, upon their consent.

3. According to the legislation, persons who apply for service in the Police shall be subjected to special verification the procedure of which shall be defined by laws of Ukraine.

Article 51. Police committees

1. Permanent police committees shall be established at bodies of the Police to ensure transparent selection (competition) and promotion of police officers of the Police based on objective evaluation of professional level and personal qualities of every police officer, correspondence to their positions, identification of service use perspectives.

2. The composition of police committees of the Police central body staff shall include five representatives:

1) Two representatives, not out of the policemen, defined by the Minister of Internal Affairs of Ukraine;

2) One representative defined by the chief of the Police;

3) Two representatives from the general public, who are recommended by the Authorised Representative of the Verkhovna Rada on human rights, and who shall have clean reputation, high professional and moral values, standing in the community.

3. The composition of police committees of the territorial bodies of the Police shall include five persons:

1) One representative, not out of the policemen, defined by the Minister of Internal Affairs of Ukraine;

2) One representative defined by the chief of the Police;

3) One representative defined by the chief of the respective territorial body (institution, establishment) of the Police;

4) Two representatives from the general public, elected by the respective oblast council, the Verkhovna Rada of the Autonomous Republic of Crimea, Kyiv local council, Sevastopol local council, and who shall have clean reputation, high professional and moral values, standing in the community.

4. Main powers of the police committee are:

1) conducting a selection (competition) for service at the bodies (institutions, establishments) of the Police, except for enrolment for training at higher educational institutions with specific training conditions that provide police training;

2) conducting a competition for appointment to the vacant position.

5. Police committees of the territorial bodies act on a constant basis.

6. Maximum term of the powers of a member of the police committee shall be three years.

The same person shall not execute powers of the member of the police committee more than one term.

The second appointment for the position of the member of committee is prohibited.

The members of the police committee shall not cease their service duties at the place of their constant job (service).

7. The staff of the respective police unit shall manage activity and meetings of police committees.

8. The powers of the police member committee shall be terminated:

1) in case of the termination of the period the police committee member is appointed;

2) in case the police committee member applies for the powers termination of his own accord;

3) if the police committee member can not fulfil his powers for health reasons;

4) if the guilty verdict against the police committee member enters into force;

5) if the police committee member ceases the citizenship or acquires citizenship of another state;

6) if a police committee member is recognised missing or declared deceased;

7) in case of death of the police committee member.

8) In a case of limitation of civil liability of the police committee member or declare him incapable.

9) In a case of applying to the member of police committee an administrative penalty for the corruption related administrative offence.

The decision on the police committee member's powers termination is made by the official or the body who appointed (chose) the respective member of thee police committee.

9. The police committee shall elect the head of the police committee and the secretary of the police committee by secret ballot and by majority of votes.

The head of the police committee shall organise the work of the committee, define the responsibilities of the secretary of the committee, and preside over the meetings of the committee. The secretary of the committee shall carry on the duties of the head in case the latter is absent.

The meetings of committee shall be public except special cases envisaged by Law.

The head of the police committee shall define the date, time and place of the committee's meeting, its agenda, give public announcement of the information on the official web-portal of the committee.

10. A member of the police committee is authorised to:

- 1) study materials submitted to the consideration of the committee, take part in their examination and check;
- 2) state his motives and opinion, and submit additional documents on issues under consideration;
- 3) make suggestions with regard to the police committee's prospective decision on any issues and vote "for" or "against" this or that decision.
- 4) to express the separate opinion regarding decisions of the mission in writing;
- 5) to execute other powers set out by the law.

11. The police committee member shall be challenged if there is information about the conflict of interests or the circumstances questioning his impartiality. If there are such circumstances the police committee member shall request to be recused. The persons, whose appeal can be the ground for the police committee to make a decision, can challenge the committee member for the same reasons.

The recusal shall be motivated and submitted before the consideration of the issue in the form of the written statement to the head of the police committee. The chairman of the committee shall inform the committee member who is challenged about the recusal of the police committee member.

The decision on recusal shall be taken by the majority of votes of the members who participate in the meeting. The committee member who is challenged shall not take part in voting.

12. The police committee shall conduct voting without the presence of the person against who the decision is made, as well as the invited persons.

The decisions of the police committee shall be in the written form. In the decision they shall state the date and the place where the decision is made, the composition of the committee, the issue under consideration, the motives of the taken decision. The decision is signed by the chairman and the committee members who participated in the decision-making.

A separate opinion of the police committee member shall be in the written form and attached to the case, the chairman shall announce about it at the meeting.

13. The procedure of the activity of the police committees is defined by the Minister of Internal Affairs in conformity with the provisions of this Law.

14. To perform powers imposed on the committee, its members has right to access to the public information, including restricted one except secret.

Article 52. Competition for position of a police officer

1. The competition for the service in the Police and/or for vacant position (hereinafter – competition) shall be held with the purpose of the selection of the individuals capable of executing powers of the Police and the vacant position duties in cases provided for in this Law.

2. The competition shall be held taking into account the level of the professional competence, personal qualities and achievements of the candidates who are applying for the service and the vacant position.

3. A competition for service in the Police shall be mandatory for persons who are being enrolled to the Police for the first time and appointed for the positions of junior staff of the Police.

4. Manning by way of promotion of junior, medium and senior staff of the Police, unless as contemplated in Part One of this Article, may be preceded, upon decision of the head authorised

to appoint to these positions, by both an open competition and an attestation by a relevant police commission.

5. The competition shall conform to the Typical order of the competition for the service in the Police and for the vacant position (hereinafter – Typical order of the competition), which shall be approved by the Minister of Internal Affairs.

The typical order of the competition shall define:

- 1) the conditions of the competition procedure;
- 2) requirements to the announcement of the information about the vacant position and the competition;
- 3) powers of the police committee during the competition;
- 4) the order of receipt and consideration of the documents for participation in the competition;
- 5) the order of conducting tests, interview, other forms of assessment of the candidates for the service in the Police and (or) vacant posts taking;
- 6) methods of assessment of the candidates for the service in the Police and for the vacant positions in the state service.

6. The decision on the public announcement of the information about the competition shall be made by the Chief of the Police body, who is entitled to accept the citizens to the service in the Police and (or) appoint to the respective vacant position.

7. The competition shall be held by the respective police committee.

Article 53. Public announcement about the competition

1. Information (announcement) about vacant positions in the Police and the competition shall be given to the public in accordance with this Law and Typical order of the competition and shall be posted on the official website of the central management body of the Police, relevant territorial body (institution, establishment) of the Police.

2. The announcement on the competition shall contain:

- 1) the location of the police committee holding the competition;
- 2) vacant position title;
- 3) brief information on the service responsibilities;
- 4) pay terms;
- 5) requirements to the educational and qualification level, training (speciality) degree, work experience inter alia in the Police, and other requirements to the level of the professional competence of the candidate to the position in accordance with the eligibility criteria, as well as the requirements to the persons who are enrolled to the service in the Police.
- 6) information about interim appointment or continuing appointment to the position;
- 7) the list of the documents necessary for participation in the competition and the deadline for their submission;
- 8) date and place of the competition;
- 9) last name, phone number and e-mail address of the person who can give additional information about the competition.

3. The term for the submission of the documents for participation in the competition shall not be less than 10 and more than 30 calendar days from the date of the making of the open competition announcement public.

Article 54. Documents necessary for the participation in the competition

1. The person who wish to participate in the competition shall submit in the set order the following documents:

- 1) written application for participation in the competition, where he shall give consent to be checked pursuant to the Law "On corruption prevention", and for his personal data processing pursuant to the Law "On personal data protection";
- 2) a copy of the passport of the citizen of Ukraine;
- 3) a copy of the documents on education;
- 4) personal card of the defined sample, autobiography and photos, the size and the number of the photos are defined by the Typical order of the competition;
- 5) declaration for the previous year, provided for in the law on corruption prevention;
- 6) a copy of the work service book (if available);
- 7) medical certificate on the health condition, which form and order of submission shall be defined jointly by the executive power central body on implementation of state policy in state service and executive power central body on implementation of state policy in health care;
- 8) a copy of military service card (for persons bound to military service or military men);

The person willing to take part in the competition shall show the passport of the citizen of Ukraine to the committee before the qualification exam.

2. It is prohibited to require from the candidate for the vacant position in the Police to show the documents which are not stipulated by this article, unless submission of other documents is defined by the law.

3. The person willing to participate in the competition shall have right to attach other documents, besides the documents mentioned in part one of this article, to the application.

Article 55. Order of competition procedure

1. The Staff Service (Human Resources) of the Police body, where the competition takes place, shall check whether the documents submitted by the candidates conform to the general requirements, and inform police committee about it.

2. The candidates who have undergone the check set forth in part one of this article shall pass tests, interview and other types of assessment in accordance with the Typical order of the competition.

3. In case only one person applies for the competition, this person goes through the selection process in the set order, and according to the results of it he is either accepted for the service in the Police and the decision is made on his appointment or on refusal of his appointment.

4. The meeting of the police committee shall be legitimate if at least two thirds of the members are present at it.

5. At the meeting of the police committee during the holding of the competition, its members shall:

- 1) study the results of the check of the candidates' documents;
- 2) select candidates using kinds of assessment in conformity with the Typical order of the competition;
- 3) interview candidates by taking into account the results of the tests;
- 4) personally assess the level of the professional competence of the candidates who correspond to the competition conditions and define everyone's personal rating;

5) according to the results of the total rating of the candidates who correspond to the competition conditions, the winner shall be defined.

6. The decision of the police committee shall be considered to be taken if it is voted for by the majority of the committee members.

7. The decision of the police committee is documented by the minutes which shall be signed by the members of the committee present at the meeting not later than the following day after it is held.

8. The information about the winners of the competition shall be made public not later than the following day after the minutes are signed by the police committee in accordance with the Typical order of the competition.

Article 56. *Appointment for the position of a policeman*

1. The winner of the competition in case it is held shall be appointed to the position.

2. Service relations of the person who starts the service in the Police shall commence the moment the order on his appointment to the position is issued.

Article 57. *Evaluation of police officers*

1. Police officers shall be evaluated for the purpose of assessment of their business, professional, personal qualities, educational and qualification level, physical fit based on comprehensive examination, relevance for the posts, and their service career prospects.

2. Police officers shall be evaluated:

1) if they are appointed to the higher position, and filling of the position does not require competition;

2) to settle the issue on transfer to the lower position due to incompetence;

3) to settle the issue on dismissal from the service in the Police due to incompetence;

3. Evaluation committees of the Police body (institutions, establishments), which are created by their chiefs, shall give evaluation.

4. The Chief of the Police, chiefs of the Police body (establishments, institutions) shall make decision on the evaluation of the persons, who with accordance to the legislation or other by-laws are appointed to the positions by their orders.

5. The procedure of the evaluation shall be approved by the Minister of Internal Affairs.

Article 58. *Perpetual appointment to the position of a police officer*

1. A police officer shall be appointed to the position in perpetuity (till retirement or resignation) on condition of successful fulfilment of the service duties.

2. A police officer shall be appointed temporarily in order to fill the post of the absent police officer, who keeps this position according to the law, or if the appointment to the position shall be preceded by the signing of a contract.

SECTION VII. GENERAL PRINCIPLES OF SERVICE IN THE POLICE

Article 59. *Service in the Police*

1. Service in the Police is a national service of specific nature, which consists of professional operation of police officers related to performance of the functions imposed on the Police.

2. The period of service in the Police shall be counted as part of insurance period, specialist employment record and state service record.

3. Service-related decisions shall be executed as separate written orders on the staff based on relevant documents, the list and form of which shall be defined by the Ministry of Internal Affairs.

4. A right to issue staff orders shall be given to chiefs of bodies, units, institutions and establishments of the Police according to the scope of powers defined by the laws and other regulatory and legal acts, and list of positions approved by the Ministry of Internal Affairs.

5. The procedure for preparation and execution of orders related to service in the Police shall be established by the Ministry of Internal Affairs of Ukraine.

6. Police officers, including trainees and students of higher educational institutions of the Ministry of Internal Affairs of Ukraine with specific conditions, who are registered for military service, during the performance of service in the Police are removed from it and are included into the staff list of the Police.

Article 60. Legal regulation of service in the Police

1. Service in the Police shall be regulated by this Law and other legal regulations.

Article 61. Restrictions related to service in the Police

1. Restrictions provided in the Law of Ukraine on Corruption Prevention, this Law and other laws of Ukraine shall apply to police officers.

2. The post of police officer may not be held by:

- 1) a person declared incapable or with limited capability;
- 2) a person convicted for an intentional grave or special grave offence, including person who has an outstanding or unspent conviction with accordance to the Law;
- 3) a person who has an outstanding or unspent conviction for committing a crime, unless rehabilitated;
- 4) a person in relation to whom criminal proceeding was closed due to non-rehabilitating reasons;
- 5) a person who was brought to administrative liability for committing administrative corruption offences;
- 6) a person who refuses to pass a procedure of special check at the time of employment with the Police or a procedure for providing access to state secrets, if duties of such person require such access;

7) a person who has a disease that prevents from police service. The list of diseases that prevent from police service shall be approved by the Ministry of Internal Affairs jointly with central executive body in charge of formation and implementation of the national healthcare policy;

8) a person who lost citizenship of Ukraine and/or has citizenship of another country, or a person without citizenship;

9) a person who deliberately provided false information at the time of employment with the Police.

3. A police officer are guaranteed all rights established for citizens of Ukraine by the Constitution and laws of Ukraine, except for any restrictions and limitations envisaged in this Law and other laws of Ukraine.

4. Police officers may not be members of any political parties.

5. Police officers may not organise and be involved in strikes.

Article 62. Guarantees for professional operation of a police officer

1. A police officer performing the functions imposed on the Police is a representative of authorities.

2. Lawful demands of a police officer shall be binding upon all individuals and legal entities.

3. A police officer on duty shall report only to his/her immediate and direct manager (chief).

No one else, except for the immediate and direct manager, may give any written or oral instructions, orders or commissions to a police officer, or in other ways intervene into lawful operation of a police officer, inter alia the activity related to the criminal or administrative proceeding.

4. A police officer shall provide explanations on cases and materials he/she is working on, and shall provide such cases and materials for review only in cases and according to the procedure stipulated by law.

5. No one may impose on a police officer any duties not envisaged by law.

6. Interference with the work of a police officer, prevention from performance of relevant functions by him/her, refusal to fulfil the lawful demands of a police officer, and any other illegal actions against a police officer shall entail liability stipulated by law.

7. An offence against a police officer or any person dismissed from police and any family members of such persons committed in connection with their earlier work shall entail liability stipulated by law.

8. If a police officer is detained on suspicion of committing a criminal offence or if a preventive measure in form of custody is selected for such a police officer, he/she shall be kept in designated premises separately from other categories of persons.

9. Police officers and persons dismissed from the Police under paragraphs 1-4, 7 and 8, part three of article 76 of this Law, may, in order to ensure their own safety, possess devices intended for shooting cartridges equipped with rubber or similar non-lethal projectiles and use such devices strictly on terms and conditions contemplated by this Law.

Terms and condition for acquisition of such special devices by the mentioned persons shall be defined by the Ministry of Internal Affairs.

10. A police officer shall:

1) be provided with proper conditions to fulfil the service duties imposed on him;

2) in the set order, get information from the bodies of the Police, including restricted information, and materials necessary for proper fulfilment of the service duties imposed on him;

3) exercise powers provided for in this Law irrelevant of the position he takes, his whereabouts and time;

4) timely and in full, get pay and other reimbursement in conformity with the law and other regulatory and legal acts of Ukraine;

5) to full extent, use social and legal protection guarantees provided for in the law and other acts of the legislation;

6) defend his rights, liberties and legal interests in all the ways provided for in the law;

7) when executing police powers, use for free all kinds of city, intercity and local public transport (except taxi), as well as any transport going in the same direction. Police officers who execute police powers on the transport shall have right for free travel by trains, river and sea ships. During duty trips police officers shall be given priority when buying tickets for all kinds of transport and being provided with the hotel room after showing official service document and duty trip document;

8) be transferred in the service depending upon the results of the performance of the tasks imposed on him and his professional, personal qualities.

11. The labour units may be established at the bodies (institutions, establishments) of the Police pursuant to the legislation in order to protect labour, social and economic rights and interests of the police officers. Limitation of labour units' rights comparatively with other labour-units is prohibited.

Article 63. The Police service contract

1. The Police service contract is a written agreement between a citizen of Ukraine and the Police on behalf of the state for establishment of legal relations between the parties.

2. The Police service contract shall be concluded with:

1) junior officers of the Police who are enrolled to the Police for the first time for a single two-year term without the extension right;

2) citizens who are enrolled to a higher education institution with specific conditions, which provides police training, for the period of the training;

3) deputy chiefs of territorial bodies of the Police in the Autonomous Republic of Crimea, oblasts, cities of Kyiv and Sevastopol, research institutions, presidents (heads) of higher education institutions with specific conditions that provide police training, and heads of sub-institutions abovementioned bodies, for the period of 3 years with the right of single contract extension for the same period;

4) deputy chiefs of the Police and chiefs of territorial bodies of the Police in the Autonomous Republic of Crimea, oblasts, cities of Kyiv and Sevastopol, research institutions, presidents (heads) of higher education institutions with specific conditions that provide police training, and heads of sub-institutions abovementioned bodies, for the period of 4 years with the right of single contract extension for the period of up to 4 years;

5) chief of the Police, for the period of 5 years with the right of single contract extension for the period of up to 5 years.

3. The right to conclude the service contract on behalf of the Police shall be given to:

1) the Minister of Internal Affairs of Ukraine, for contracts concluded with the Chief of the Police and his deputies;

2) chief of the Police of Ukraine, for contracts concluded with the persons who with accordance to the law are appointed to positions under his/her orders, except for the persons whose contracts shall be signed by the Minister of Internal Affairs;

3) head of a higher education institution with specific conditions that provides police training, for contracts concluded with military school students and attendees of such educational institutions;

4) heads of territorial bodies of the Police in the Autonomous Republic of Crimea, oblasts, cities of Kyiv and Sevastopol, research institutions, presidents (heads) of higher education institutions with specific conditions that provide police training, and equivalent heads, for contracts concluded with the persons who are appointed to positions under their orders according to the law and other regulatory and legal acts.

4. A right to prolong contracts, if admitted by this Law, shall be given to the persons referred to in part two of this article.

5. A contract shall be the basis for execution of an order on the person's enrolment to the Police and/or appointment to the relevant position.

6. Upon expiry of the contract concluded in accordance with point 1, part two of this Article, a police officer who was a party under this contract may prolong his/her police service pursuant to this Law upon decision of the supervisor authorised to enrol to service.

7. A training contract shall be concluded with the citizens who are enrolled to a higher education institution with specific conditions that provides police training, provided that such citizens are at least 18 years old.

Establishment of legal relations between students under 18 years of age enrolled to higher education institutions with specific conditions that provide police training, and the state shall be governed by the Civil Code of Ukraine.

8. The Police service contract shall be concluded on terms and conditions defined by the Ministry of Internal Affairs.

9. A standard form of contract shall be approved by the Ministry of Internal Affairs.

Article 64. Oath of the Police officer

1. A person enrolled for service in the Police shall take an Oath of Allegiance to the people of Ukraine as follows:

“Being aware of my high responsibility, I (family name, given name, patronymic) do solemnly swear that I will faithfully serve the Ukrainian people, observe and follow the Constitution and laws of Ukraine, respect and protect human rights and freedoms, the honour of the state, and that I will honourably carry a high rank of a police officer and will perform my duties in good faith.”

2. The oath-taking procedure shall be established by the Ministry of Internal Affairs of Ukraine.

Article 65. Transfer of police officers at bodies, institutions and establishments of the Police

1. Police officers shall be transferred to:

1) higher positions, as a result of promotion;

2) equivalent positions:

- for a more efficient use based on the service interests;
- upon initiative of the police officer;
- in connection with layoff or re-organisation;
- in connection with staff replacement in areas with specific natural, geographical, geological, climatic and environmental conditions (hereinafter referred to as the “areas with established term of service”);
- due to the health condition upon the decision of the medical commission;
- with smaller amount of work with regard to professional and personal qualities based on the assessment opinion;
- in case of dismissal from position on the basis of the local council’s decision on the distrust resolution adoption pursuant to Article 87 of this Law;

3) lower positions:

- in connection with layoff or re-organisation, if appointment to an equivalent position is not possible;
- due to the health condition upon the decision of the medical commission;
- due to service incompetence based on the assessment opinion with regard to professional and personal qualities;
- upon initiative of the police officer;
- in the course of implementation of an imposed disciplinary sanction in form of dismissal, according to the Disciplinary Charter of the National Police of Ukraine;
- in case of dismissal from position on the basis of the local council’s decision on the distrust resolution adoption pursuant to Article 87 of this Law;

4) in connection with enrolment for full-time training at a higher education institution with specific conditions that provides police training, and in case of appointment to a position upon graduation.

2. A position shall be deemed higher, if the manning schedule envisages a senior special police rank for this position.

3. Graduates of higher education institutions with specific educational conditions which provide police training shall be appointed to relevant vacant positions immediately upon graduation from these educational institutions.

4. Police officers transferred from senior positions to positions lower than their previous ones shall be subsequently promoted in accordance with the requirements contained in this Law, while police officers dismissed under a disciplinary procedure shall be promoted upon remission of the disciplinary sanction.

5. Female police officers may not be transferred to positions lower than their previous ones for reasons related to pregnancy, upbringing children under three years of age (or under six years of age in case of relevant medical indications), or if they are single mothers and have children under fourteen years of age or disabled children.

6. If the law envisages additional requirements to candidates to specific positions at the bodies (institutions, establishments) of the Police, appointment to these positions shall take place on condition that the person so appointed meets such requirements.

7. Transfer of police officers shall take place if their dismissal or appointment to other positions belongs to the scope of competence of different supervisors.

8. A police officer may be transferred upon his/her own initiative, or upon the initiative of direct supervisors (heads) and heads of other bodies (institutions, establishments) of the Police who initiated such transfer.

9. Transfer shall take place under a single order on dismissal from the position, referral for service to other body (institution, establishment) of the Police and on appointment to a position at a body (institution, establishment) of the Police to which the police officer is transferred.

10. If applicable laws and regulations prescribe that a police officer shall be appointed to a position upon approval of the relevant governmental authorities or local self-governance bodies or any officials of the same, appointment shall be preceded by such approval.

11. It shall not be allowed to transfer police officers to higher positions within 6 months after the day they were held liable in administrative or disciplinary proceedings.

Article 66. Police officers' secondary jobs

1. While serving in the police force, police officers shall not be allowed to engage in any other gainful activity except for research, pedagogical or creative activity.

Article 67. Police officers under command

1. Police officers may be, under staff orders, enrolled to the command of bodies of the Police for their subsequent service under officials authorized to appoint police officers in the following cases:

1) dismissal of a police officer in connection with imposition of a disciplinary sanction or execution of a conclusion of the police commission on inaptitude of the position held, if the issue of his/her further service has not been resolved before the expiry of disciplinary sanction or within ten days upon approval of the conclusion on service incompetence;

2) return of the police officers who, in accordance with applicable laws, were seconded to the Verkhovna Rada of Ukraine, the Verkhovna Rada of the Autonomous Republic of Crimea, other bodies of state power (institutions, establishments) or a relevant self-governance body for the time of performance of relevant powers on permanent basis while remaining in service in the Police;

3) application to a police officer of a preventive measure in the form of holding in custody;

4) if a police officer is absent at the place of service and at the place of residence, and his/her close relatives have no information about his/her location for more than ten days, until the return

of the police officer (unless other decision was made on his/her further service in the Police) or until the effective date of a court decision declaring him/her missing or dead;

5) layoff of positions held by police officers who are on a childcare leave until the child reaches the age of three (age of six, in case of relevant medical indications), if such persons cannot be transferred to vacant positions, until the end of the childcare leave.

2. Police officers shall be dismissed and enrolled to the command by orders of supervisors who have appointing authority.

3. Police officers enrolled to command under paragraphs 1 and 2 of part 1 of this Article shall continue service according to the law and shall perform duties pursuant to temporary functional responsibilities defined by the head of the relevant body (institution, establishment) of the Police with due regard to previous positions held by the police officer, his/her educational level and professional experience.

4. Police officers under command shall be appointed to the positions as soon as practically possible, but not later than two months since dismissal from the previous position and enrolment to the command, except for cases set out in paragraphs 3 to 5 of part 1 of this Article.

5. The timeframe referred to in part four of this Article shall not include the time of in-hospital treatment of police officers, but shall not, however, exceed the total of 120 calendar days.

6. A police officer who was dismissed and enrolled to command shall be deemed under command of a relevant body (institution, establishment) since the day following the day of dismissal and until the day on which he/she commenced service on in a new position to which he/she was appointed, or until the day of enrolment to command of other body (institution, establishment) of the Police to continue their service.

7. Remuneration of police officers enrolled to command shall be provided under procedure established by the Cabinet of Ministers of Ukraine.

Article 68. *Procedure for appointment of police officers to positions during reorganization*

1. In the event of reorganization which results in reduction of positions at a body or a specific unit of a body (institution, establishment) of the Police pursuant to a relevant order, a police officer whose position is subject to the layoff shall be personally notified in writing of potential future dismissal from the Police two months in advance of such dismissal.

2. A police officer whose position is subject to the layoff may be appointed, upon his/her consent, to other position at any body (institution, establishment) of the Police prior to the end of the two-month period from the day on which he/she was personally notified of potential future dismissal from the Police according to part 1 of this Article.

3. A police officer whose position was laid off and who was not appointed to other position at the Police as envisaged in part two of this Article, following expiry of the two-month period from the day, on which he/she was personally notified of potential future dismissal from the Police, shall be dismissed from the Police under paragraph 4, part one of Article 76 of this Law.

4. If a police officer whose position is subject to the layoff is on a sick leave, business trip or vacation, these circumstances shall not preclude his/her appointment to another position or dismissal from the Police according to provisions of this Article provided that he was personally informed in writing.

5. Prior to appointment to other position in the Police, while reorganization have those police officers, who has higher qualification or achievements of official activity. In a case of equal qualification level and service activity achievements preference for holding position is given to the persons who has relevant rights according to the legislation.

6. Police officer whose position is object to the lay-off shall perform the duties on the latest position he/she holds, until the day of appointment to the new position or dismissal, unless any other duties are imposed on him/her by the head of the body (institution, establishment) of the Police.

7. If a police officer whose position was laid off approached the head of the relevant body (institution, establishment) asking for a vacation leave, such vacation leave may be given on terms and conditions contemplated herein. The period of such vacation leave may not, exceed the total number of days remaining until the day before the last day of the two-month term starting with the day on which he/she was personally notified of potential future dismissal from the Police.

8. Remuneration of a police officer whose position was laid off shall be paid up until the day of appointment to another position or dismissal from the Police, the mentioned day included, in the amount established for the latest full-time position held by such officer as of the time of the layoff. The amount of monthly bonus shall be defined by the head of the body (institution, establishment) of the Police.

Article 69. *Procedure for temporary performance of duties by a police officer*

1. If the service need arises, duties assigned to other position may be temporarily imposed on a police officer holding a full-time position as follows:

- 1) for a vacant position, with his/her consent;
- 2) for a non-vacant position, in case of temporary absence or due to removal or suspension of a police officer holding such position, irrespective of his/her consent.

2. Uninterrupted period of temporary performance of duties shall not exceed four months.

3. Temporary performance of duties shall be imposed on police officers by written order of the head of the body (institution, establishment) of the Police, who has relevant appointing authority under this Law.

Heads of bodies (institutions, establishments) of the Police may authorise supervisors of structural units of these bodies (institutions, establishments) to make decisions on temporary imposition of duties attached to other non-vacant position in the same unit on police officers subordinated to such supervisors.

4. For the purpose of temporary filling of positions held by police officers who are on a childcare leave until the child reaches three years of age (or six years of age, according to relevant medical indication) for the period of such childcare leaves, heads of bodies of the Police may appoint other police officers to these positions, as well as employ civilians, including civil servants with similar backgrounds, concluding a term employment agreement with these persons for the mentioned according to requirements of the laws.

Article 70. *Suspension of a police officer from duty (position)*

1. A police officer under service investigation may be suspended from duty in the manner defined by the Disciplinary Statute.

2. A police officer, who is a head of a body (subdivision) of the police, shall be suspended from performance of duties if a respective local council adopts a resolution of no confidence in accordance with provisions of Article 87 of this Law.

3. A police officer who is a subject of criminal proceedings may be suspended from the position in the manner envisaged by the Criminal Procedural Code.

4. Suspension of a police officer from duty shall constitute his/her non-admission to performance of duties attached to his/her position.

5. All kinds of remuneration established for a person suspended from duty (position) shall be reserved for him/her, except for bonuses.

6. A police officer shall be deemed suspended from duties from the day of issuance of a relevant order and until the day of issuance of an order on admission to performance of duties on the relevant position.

If a police officer suspended from duties (position) was dismissed from service in the Police prior to the order on admission to performance of duties on the relevant position, he/she shall be deemed to have been suspended from duty prior to the day of dismissal from the Police. Such person may not be appointed to any other position during the period of his/her suspension from duty.

7. If a police officer was suspended from duties (position), he/she may be admitted to duty on the relevant position or be appointed to other position only after grounds for such suspension cease to exist and issuance of a respective order.

8. For a period of suspension from duties (removal from position) a police officer shall have his service ID, the badge and service firearms surrendered. The service ID and the badge of the police officer suspended from duties (removed from position) shall be safe kept by his/her line manager. The service firearms of the police officer suspended from duties (removed from position) shall be safe kept in the command centre of the body (institution, establishment) where this police officer serves.

Article 71. *Secondment of police officers to governmental (intergovernmental) bodies, institutions and organisations with retention of employment in the Police*

1. Upon their consent police officers may be seconded to governmental bodies, institutions and organisations with retention of employment in the Police, but they will be dismissed from their positions with subsequent appointment according to the list of positions which may be filled by employees of the Police at governmental bodies, institutions and organisations, approved by the President of Ukraine.

2. In case police officers are needed to fill vacant positions at governmental bodies, institutions and organisations the heads of these governmental bodies, institutions and organisations shall send to the Police a written inquiry of key characteristics of the said positions as well as professional, educational and eligibility criteria for filling such positions by police officers.

3. A decision on secondment of police officers shall be made by the chief of the Police.

4. A secondment shall be executed on the basis of an inquiry of the head of the governmental body, institution or organisation, report of a police officer and relevant submission of his/her immediate supervisor (head).

5. Heads of relevant governmental bodies, institutions and organisations shall notify the Police in writing of appointment of the seconded police officers.

6. Seconded police officers shall be dismissed from positions by decision of the head of the governmental body, institution or organisation with subsequent referral to the command of the Police.

7. In case of service need, the chief of the Police may at any time recall the seconded police officers from the governmental body, institution or organisation by serving a one month prior notice to the head of the governmental body, institution or organisation and providing a replacement.

8. The dismissed seconded police officers shall be referred to the command of the Police within one month with a prescription, performance report and dismissal order.

The mentioned period shall not include any vacation leave, business trip or sick leave of such police officer.

9. Having returned to the Police, the police officer shall be appointed to the previous position or any other equivalent position with due regard to his/her qualifications, physical condition and health.

10. Police officers seconded to governmental bodies, institutions and organisations and their family members shall retain all guarantees and benefits envisaged by law for this category of citizens.

11. Police officers seconded to governmental bodies, institutions and organisations shall be awarded (incentivized) with state awards and agency decorations on common grounds upon submission of the head of the governmental body, institution or organisation to which such police officers were seconded.

Article 72. Professional training of police officers

1. Professional training of police officers shall include:

- 1) initial professional training;
- 2) training at high education institutions with specific training conditions;
- 3) postgraduate education;
- 4) professional training, comprised of a system of measures directed at reinforcement and improvement of knowledge and skills necessary for a police officer taking into account operational environment, specifics and profile of his/her operations and duties.

2. Procedure, organisation and timeframes of professional training shall be defined by the Ministry of Internal Affairs of Ukraine.

Article 73. Initial professional training

1. Police officers who enrolled to the Police for the first time shall be required to undergo an initial professional training through relevant training programs (plans) approved by the Ministry of Internal Affairs in order to acquire special skills necessary for performance of functions in the Police.

2. Provisions contained in this Article shall not apply to those who are full-time students under the framework of the state order at high education institutions with specific training conditions that provide police training.

3. Terms and conditions of initial professional training shall be defined by the Ministry of Internal Affairs of Ukraine.

4. Following successful completion of the initial professional training course, police officers shall return to the bodies (institutions, establishments) of the Police from which they were referred to the initial training to continue their service with the Police pursuant to this Law.

5. Police officers dismissed from the educational institutions where they were receiving initial professional training prior to completion of the training course, and police officers who failed exams following the completion of an initial professional training course shall return to the bodies (institutions, establishments) of the Police from which they had been referred to training, with subsequent dismissal from the Police.

6. Police officers who were dismissed from the educational institutions where they were receiving initial professional training prior to completion of the training course for health reasons, shall be dismissed from the Police under paragraph 2, part one of Article 77 of this Law.

Police officers who were dismissed from the educational institutions where they were receiving initial professional training prior to completion of the training course due to lack of discipline, failure to progress in the training curriculum, unwillingness to continue or receive the training, including police officers who took exams following the completion of an initial professional training course and did not pass such examinations, shall be dismissed from the Police under paragraphs 5 or 6, part 1 of Article 77 of this Law.

7. Police officers who have not received initial professional training cannot be involved in performance of functions of the Police, be permitted to work with restricted information or to any activity related to the use of weapons and special equipment (other than those used in educational and training practices during initial training).

Article 74. *Training of police officers at high education institutions with specific training conditions*

1. Citizens of Ukraine who are to be 17 years of age as of December 31 of the year of enrolment may be enrolled to higher education institutions with specific conditions that provide police training.

2. Training of specialists under the framework of the state order at high education institutions with specific conditions that provide police training shall be conducted on the basis of an education contract signed between the educational institution, relevant police body and the student.

3. Graduates of higher education institutions with specific conditions that provide police training who receive full-time training under the framework of the state order shall be allocated by individual allocation commissions taking into account service interests according to the graduate's qualification, specialisation and profile.

4. In case of early termination of the education contract for any reason other than dismissal from the police service under paragraphs 2 and 4, part one of Article 77 of this Law, persons who are receiving full-time education under the framework of the state order at high education institutions with specific conditions that provide police training as well as police officers dismissed from police service within three years upon graduation from the said educational institutions for any reason other than dismissal from the police service under paragraphs 2 and 4, part one of Article 77 of this Law, shall reimburse to the Ministry of Internal Affairs expenses related to their studies at the educational institution according to procedure prescribed by the Cabinet of Ministers of Ukraine.

5. In case of refusal to reimburse expenses referred to in part four of this Article on a voluntary basis, such reimbursement shall be enforced through legal proceedings.

6. Procedure for selection, referral and enrolment to higher education institutions with specific conditions that provide police training shall be established by the Ministry of Internal Affairs.

Article 75. *Postgraduate training of police officers*

1. Postgraduate training of police officers shall be provided on common grounds as established by the Law of Ukraine on Higher Education taking into account specific provisions set out in this Law, and shall consist of:

- 1) specialisation;
- 2) retraining;
- 3) advanced training;
- 4) internship.

2. Police officers may receive postgraduate training on-site at police units or at educational institutions, including on contractual basis.

3. Police officers shall undergo advanced training in the relevant area of operation:

- 1) at least once per three years;
- 2) prior to an appointment to an executive position, including any executive position which is higher than the previously held position.

4. Police officers who have not received advanced training under this Article or have not completed the relevant curriculum (received unsatisfactory grades upon its completion) cannot be appointed to higher positions.

5. Police officers who have not completed relevant advanced training curriculum (received unsatisfactory grades upon its completion) may be referred to undergo another advanced training course at least in one year.

6. Police officers shall receive advanced training at high educational institutions with specific training conditions under relevant curricula approved by the Ministry of Internal Affairs.

7. The procedure for organisation of postgraduate training of police officers shall be established by the Ministry of Internal Affairs with due regard to provisions of this Law and other laws.

8. Upon successful completion of specialisation, retraining and advanced training, a police officer shall receive a document the form of which shall be established by the Ministry of Internal Affairs.

Article 76. Age limits for police service

1. Police officers who have special ranks of junior staff of the Police shall remain in service until they reach the age of 55.

2. Persons who have special ranks of medium and senior staff of the Police, depending on the special ranks assigned to them, shall remain in service until they reach:

- 1) the age of 55, for officers ranked up to police lieutenant-colonels inclusive;
- 2) the age of 60, for police colonels and generals.

3. Police officers who have reached the age limits for service shall be dismissed.

4. If necessary, the police officers who have high professional qualification and extensive practical experience on their positions and who have been deemed eligible for service from the health condition perspective, may remain in service beyond the established age limits upon their request and with approval of supervisors having appointing authority, provided, however, that such extended period of service shall not exceed five years.

5. In exceptional cases the chief of the Police may repeatedly extend the term of service of such persons for up to 5 years.

6. Police officers who remained in service beyond the established age limits upon their own request or upon initiative of the supervisor having appointing authority may be dismissed prior to the expiry of the extended service period on the grounds contemplated by this Law.

Article 77. Dismissal from the Police

1. A police officer shall be dismissed from the Police and his/her service in the Police shall be terminated:

- 1) in connection with the contract's expiry;
- 2) due to an illness, upon decision of the medical commission on ineligibility for service in the Police;
- 3) due to the age, upon reaching the age limit established by this Law for service in the Police;
- 4) in case of downsizing of personnel or organisational measures;
- 5) due to service ineptitude;
- 6) in connection with a disciplinary sanction in the form of dismissal which is imposed under the Disciplinary Charter;
- 7) upon his/her own will;
- 8) in connection with transfer to other ministries and agencies (organisations) in due manner;
- 9) in connection with direct subordination to a close person;
- 10) in case of entry into force of a court decision on bringing to liability for an administrative corruption offence, or for a criminal offence;

- 11) in connection with entry into citizenship or nationality of any other country.
2. The day of issuance of an order on dismissal or the date indicated in the order of dismissal shall be deemed the day of dismissal.
3. The day of dismissal shall be regarded to be the last day of service.

Article 78. Length of service in the Police

1. Length of service in the Police provides a police officer with the right to superannuation surcharges and additional days of paid leave.
2. The length of service in the Police shall include:
 - 1) service in the Police on positions occupied by police officers from the date of their appointment to the respective position;
 - 2) military service in the Armed Forces, the State Border Guard Service, the National Guard, the State Protection Administration, Civil Defence of Ukraine, Internal Troops of the Ministry of Internal Affairs and other military formations created by the Verkhovna Rada of Ukraine, as well as service in the Security Service of Ukraine, External Intelligence Service, the State Special Transport Service;
 - 3) service in bodies of internal affairs in positions of heads and other ranks from the date of appointment to the respective position;
 - 4) work at the Verkhovna Rada, local councils, central and local executive bodies while remaining in service in bodies of internal affairs or in the service of the Police;
 - 5) work at prosecutorial bodies by individuals who worked as judges, prosecutors, investigators;
 - 6) active military service in the Soviet Army and Navy, border, internal, railway troops, state security bodies and other military formations of the former Soviet Union, as well as service in bodies of internal affairs of the former USSR.
3. When calculating the length of service in the Police, only full years of service without upward rounding of the actual number of years in service shall be included.
4. The procedure for calculating the length of service in the Police shall be established by the Cabinet of Ministers of Ukraine.

Article 79. Personal files of police officers

1. A police officer's service record shall be reflected in his/her personal file.
2. A personal file shall contain the autobiography of the police officer and his/her family members, service record, employment record and other details that characterise his/her professional, educational and personal qualities, including place of residence and other necessary information defined by the law and other regulations.
3. Procedure for formation and keeping of personal files of police officers shall be defined by the Minister of Internal Affairs.

Article 80. Types of special ranks of police officers

1. The following types of special ranks of police officers shall be established:
 - 1) special ranks of junior police staff:
 - police constable;
 - police corporal;
 - police sergeant;
 - police senior sergeant;
 - 2) special ranks of mid-level police staff:
 - police junior lieutenant;
 - police lieutenant;

- police senior lieutenant;
- police captain;
- police major;
- police lieutenant-colonel;
- police colonel;

3) special ranks of senior police staff:

- 3rd rank police general;
- 2nd rank police general;
- 1st rank police general.

2. Cut-off special ranks for junior and mid-level staff positions shall be established by the chief of the Police.

3. Cut-off special ranks for senior staff positions of the Police shall be established by the President of Ukraine.

Article 81. Assignment of initial special ranks

1. Initial ranks for junior staff of the Police shall be assigned by heads of bodies of the Police, heads of educational institutions that provide police training and research institutions of the Police who make decisions on enrolment to the Police at the same time when making decisions on enrolment and appointment to a position.

2. Initial special ranks for mid-level staff of the Police shall be assigned by the chief of the Police in the manner established by the Ministry of Internal Affairs of Ukraine.

3. Initial special ranks for senior staff of the Police shall be assigned by the President of Ukraine.

4. Citizens who enrolled to the Police for the first time shall be assigned a rank of a police constable, unless there are grounds for assignment of any other special rank as contemplated in this Law.

5. Citizens with junior bachelor's degrees shall, upon enrolment to the Police and appointment to the positions that are filled by mid-level and senior staff of the Police, be assigned an initial special rank of police junior lieutenant.

6. Citizens with bachelor's degrees shall, upon enrolment to the Police and appointment to the positions that are filled by mid-level and senior staff of the Police, be assigned an initial special rank of police lieutenant.

7. Military servicemen and citizens who hold military or special ranks or class ranks shall, upon enrolment to the Police, be assigned initial special ranks of the Police correspondent to their military or special ranks and class ranks in the manner established by the Ministry of Internal Affairs.

8. Citizens who were previously dismissed from the Police shall, upon re-enrolment, be assigned the special police ranks which they had as of the time of dismissal.

Article 82. Promotion to next special ranks of the Police

1. Next special police ranks shall be assigned upon completion of the term of service in the previous rank, unless otherwise contemplated herein, provided, however, that the assigned special rank corresponds to the special rank for the given position and that there are no un-expunged disciplinary sanctions.

2. Next special rank of a police junior lieutenant shall be assigned to:

1) junior staff police officers with junior bachelor's degrees without discontinuation of service and are working on (appointed to) the positions that are filled by mid-level staff of the Police;

2) junior staff police officers in the last year of distance training at higher educational institutions that provide specialist training under bachelor's degree training programs and above, and are working on (appointed to) positions which are filled by mid-level and senior staff of the Police.

3. Next special rank of a police lieutenant shall be assigned to:

- 1) junior lieutenants of the Police who have completed the term of service in this rank;
- 2) police junior lieutenants with a bachelor's or higher degree upon graduation from a higher educational institution;
- 3) cadets and attendees who have graduated with a bachelor's or higher degree from higher educational institutions with specific conditions that provide police training;
- 4) junior staff police officers who received the qualification degree of bachelor without discontinuation of service and are working on (appointed to) the positions that are filled by mid-level and senior staff of the Police.

4. Chief of the Police may assign next rank of senior lieutenant of the Police to graduates of higher education institutions that provide police training who received the qualification degree of bachelor or higher and a diploma with honours.

5. Next special ranks of the Police may be assigned by the following persons:

1) chiefs of the Police in the Autonomous Republic of Crimea, oblasts, cities of Kyiv and Sevastopol, heads of research institutions, presidents (heads) of higher educational institutions with specific conditions that provide police training, and equivalent executives may assign special ranks of the Police of junior and mid-level staff of the Police up to police lieutenant-colonel of the Police inclusive to police officers under their direct subordination;

2) chief of the Police may assign special ranks of the Police of junior and mid-level staff of the Police up to the colonel of the Police inclusive which he may also assign to deputy National Police chiefs;

3) Minister of Internal Affairs may assign special ranks of the Police of junior and mid-level staff of the Police up to colonel of the Police inclusive to the chief of the Police;

4) President of Ukraine may assign special ranks of the Police of the senior staff of the Police.

Article 83. *Terms (periods) of service in special ranks of the Police*

1. The following terms (periods) of service in special ranks of the Police shall apply:

- police corporal – 1 year
- police sergeant – 3 years
- police junior lieutenant – 1 year
- police lieutenant – 2 years
- police senior lieutenant – 3 years
- police captain – 4 years
- police major – 4 years
- police lieutenant-colonel – 5 years

2. Years (periods) of service for ranks of police constable, police senior sergeant and police colonel are not established.

3. Years (periods) of service in a special rank shall be counted from the date of signing of the rank assignment order.

4. For police officers lowered in special rank by one level, grade age for assignment of a higher special rank shall be counted starting from the day of issue of the staff order on the lowering of the previous special rank by one level.

5. For citizens who were re-enrolled to the Police, grade age in their relevant ranks prior to dismissal shall be included into the current grade age.

6. For police officers who were restored to their special ranks due to cancellation of an illegal order on assignment of a special rank, grade age in the special rank assigned to them as a conse-

quence of such illegal order and grade age in the special rank preceding such illegal order shall be included into the overall grade age for purposes of assignment of a next special rank.

7. Next special ranks of the Police up to colonel of the Police inclusive shall be assigned to attendees (including postgraduate students and PhD students) of higher educational institutions, with specific conditions that provide police training, at the time of studies upon reaching the established grade age in the special rank, provided that such next special rank corresponds to the rank envisaged for the last full-time position which they held prior to being enrolled to the educational institution, postgraduate or PhD program without taking into account the subsequent staff changes (promotion or demotion) introduced for this position.

8. Next special ranks for police officers referred or seconded, with retention of position in the Police, to other governmental bodies (institutions, establishments), governmental bodies of the Autonomous Republic of Crimea, or local self-governance bodies, shall be assigned upon recommendation of heads of the mentioned bodies (institutions, organisations) with adherence to the requirements contemplated by this Law, provided that such next special rank corresponds to the special rank envisaged for the last full-time position held by the relevant officer prior to the secondment.

Article 84. *Pre-term assignment of special ranks and assignment of special rank one level higher than the rank prescribed for the relevant position*

1. Special ranks may be assigned on a pre-term basis as an incentive upon completion of at least a half of the established term of service in the special rank (if a special rank is assigned posthumously – irrespective of the grade age in the previous special rank and the position held), provided that the assigned special rank corresponds to the special rank prescribed for the relevant position.

2. Next special ranks of the Police of one level higher than the special rank prescribed for the relevant position may be assigned as an incentive upon completion of at least one and a half terms of service in the previous special rank.

This provision shall not apply to cases when a special rank prescribed for the position is a special rank of senior sergeant or colonel of the Police.

3. Grounds and procedure for the application of an incentive in form of pre-term assignment of a special rank and assignment of a special rank that is one level higher than the rank prescribed for the relevant position shall be defined in the Disciplinary Charter (Statute).

4. Police officers dismissed on the basis of age or illness and have at least 25 calendar years of service may be assigned, upon recommendation by direct supervisors and upon completion of the prescribed term of service in the current special rank, a higher special rank of the Police that is one level higher than the special rank prescribed for this position, up to lieutenant-colonel of the Police inclusive.

Article 85. *Demotion and deprivation of special ranks of the Police*

1. Special rank of a police officer may be lowered by one level as a consequence of imposition of a relevant disciplinary sanction on grounds and according to procedure envisaged in the Disciplinary Charter.

2. For police officers whose special ranks have been lowered by one level, next special ranks shall be assigned under the procedure envisaged in this Law.

3. Police officers may be deprived of their special rank for committing a criminal offence upon the court sentence that has become effective.

4. An order on assignment of a special rank of the Police issued in breach of the requirements contemplated by this Law must be cancelled, irrespective of the time that has elapsed since its

execution, by an order of the head of the body of the Police who issued the original order (or a successor of that person), or by an order of a higher executive, or upon a court decision.

5. A decree of the President of Ukraine on assignment of a special rank of the Police issued in breach of the requirements contemplated by this Law shall be subject to revocation, irrespective of the time than has elapsed since its execution, by an order of the President of Ukraine or upon a court decision.

6. A police officer who was assigned a special rank under an illegal order must be restored in the special rank which he/she had prior to the issue of such order, irrespective of his/her guilt in the issue of such illegal order and subsequent assignment of special ranks.

7. If by the time of issue of an order revoking the order on assignment of a special rank a police officer has completed the age in grade for assignment of a next special rank, he/she shall be assigned the next special rank, provided, however, that this is in compliance with the requirements contemplated by this Law.

SECTION 8. CIVILIAN CONTROL OVER THE POLICE

Article 86. Police activity report

1. In order to keep the general public informed about activity of the police, chief of the Police and heads of territorial bodies of the Police shall once a year prepare report on their activity and publish it on official websites of bodies of the Police.

2. The annual activity report of the Police and territorial bodies of Police shall contain analysis of situation of criminality in the state or in regions accordingly, information about measures taken and results achieved by the Police, as well as information about fulfilling the priorities which are established for the Police and territorial bodies of the Police by respective police commissions.

3. Heads of territorial bodies of the Police shall regularly make public statistic and analytical data on measures taken for detection, prevention and combating violations of public order on the official websites of the bodies they are in charge of.

Article 87. Adoption of a resolution of no confidence to heads of bodies of the Police

1. The Verkhovna Rada of the Autonomous Republic of Crimea, Kyiv and Sevastopol city councils, oblast and rayon councils have the right, after assessment of performance of a National Police body responsible for, respectively, the territory of the Autonomous Republic of Crimea, cities of Kyiv and Sevastopol, relevant oblast or rayon, to adopt a resolution of no confidence to the head of the relevant body (subdivision) of the Police which serves as grounds for his/her dismissal.

2. The decision to adopt resolution of no confidence to a head of a body (subdivision) of the Police may be taken no sooner than one year after his/her appointment.

3. The decision to adopt resolution of no confidence to a head of a body (subdivision) of the Police shall be deemed taken if at least two thirds of the total number of deputies of, respectively, the Verkhovna Rada of the Autonomous Republic of Crimea, Kyiv and Sevastopol city councils, oblast and rayon councils voted for it.

4. The decision to adopt a resolution of no confidence to a head of a body (subdivision) of the Police shall contain reasons for making such a decision with reference to circumstances that justify them.

5. A duly certified copy of the adopted resolution of no confidence to the head of a body (subdivision) of the Police shall be immediately sent with a courier or mail against written acknowledgement to the chief of the body of National Police, who has powers to appoint and

dismiss the head of a body (subdivision) of the Police against whom the resolution of no confidence was adopted.

6. The chief of the body of the Police, who has the right to appoint and dismiss the head of a body (division) of the Police with regard to whom the resolution of no confidence was adopted, as from the moment of receipt of a duly certified copy of the resolution of no confidence adopted by a relevant council, shall immediately, by his/her order, dismiss or suspend the head from exercising his/her service functions and undertake an official inquiry to examine circumstances that served as grounds for taking such a decision by a local council. The relevant council shall be informed of a decision taken in a day.

7. Inquiry to examine circumstances that served as grounds for adopting resolution of no confidence to the head of a body (subdivision) of the Police by a local council shall be undertaken within ten days.

8. Upon the results of inquiry, the chief of the body of the Police, whose powers include the right to appoint and dismiss the head of a body (subdivision) of the Police against whom the resolution of no confidence was adopted, shall within three working days after the completion of inquiry, decide on further stay of this head.

9. A local council, which adopted a resolution of no confidence, shall be notified in writing about a decision on further stay on the position of the head against whom a resolution of no confidence was adopted.

10. In case of the decision to have the head of a body (subdivision) of the Police, against whom a resolution of no confidence was passed, remain in his position, the relevant head of a body of the Police has to notify in writing the relevant local council about the reasons for making such a decision and provide copies of materials of the conducted inquiry. Materials which contain restricted information shall be provided on grounds and in accordance with procedure established by law.

11. The local council which adopted the resolution of no confidence shall have the right to repeatedly consider adoption of the no confidence resolution to the head of a body (subdivision) of the Police, against whom it had adopted the first no confidence resolution, within one month of receiving decision to have him/her stay in his/her position together with materials of the conducted inquiry.

12. If three fourth of the total number of deputies of a respective local council voted in favour of the no confidence resolution against the head of a body (subdivision) of the Police during the repeated no confidence vote, this resolution shall be deemed final and subject to implementation within three days since its adoption.

13. If the chief of the body of the Police, whose powers include the right to appoint and dismiss the head of a body (subdivision) of the Police against whom the resolution of no confidence was adopted, had not issued the order to dismiss the head or sent notification about the taken decision to have him/her stay in his/her position together with materials of the conducted inquiry to the respective local council within fourteen days of receiving the resolution, the resolution of the local council shall be deemed final and subject to implementation within three days since its adoption.

Article 88. *Interaction between heads of territorial bodies of the Police and representatives of local self-governance bodies*

1. Heads of territorial bodies of the Police shall at least once every two months hold open meetings with representatives of local self-governance bodies at the oblast, rayon, city and village

levels in order to establish efficient cooperation between the Police, local self-governance bodies and population. These meetings shall be held to discuss activities of the Police, identification of current problems and finding the most efficient ways to address them.

2. Heads of territorial bodies of the Police shall systematically bring to public notice information about the status of law and order and measures taken to prevent crime to increase the level of authority of and public trust in the Police.

Article 89. *Joint projects with the general public (community)*

1. The Police shall cooperate with the general public (community) through preparation and implementation of joint projects, programs and measures to address public needs and increase the efficiency of performance of tasks imposed on the Police.

2. Cooperation between the Police and the civil society is directed at the detection of and tackling problems related to the police activity, and at promotion of the use of up-to-date methods (best practices) to improve the effectiveness and efficiency of such activity.

3. The Police shall support legal education programs and promote legal studies in educational institutions, mass media and publishing.

Article 90. *Engaging the general public (community) in consideration of complaints against actions or inactivity of police officers*

1. Oversight of the Police activities may be carried out through engaging of representatives of the general public (community) in joint consideration of complaints against actions or inactivity of police officers and verification of information about proper performance of their duties pursuant to laws and other regulations of Ukraine.

SECTION 9. SOCIAL SECURITY COVERAGE FOR POLICE OFFICERS

Article 91. *On- and off-duty time of police officers*

1. The special nature of service in the Police envisages a number of the following special conditions for certain categories of police officers:

- 1) service on holidays and weekends;
- 2) service in shifts;
- 3) service with irregular schedule;
- 4) service at night.

2. Allocation of on-duty time of police officers shall be defined by the daily schedule approved by the head of a relevant body (institution, establishment) of the Police.

3. Police officers shall have a five-day working week with two days-off, and students (attendees) of higher educational institutions with special training conditions that provide police training shall have a six-day working week with one day-off.

4. Weekends, holidays and non-working days shall be days-off for all police officers, except for police officers on duty.

5. Police officers who were on duty on weekends, holidays and non-working days, except for police officers who work in shifts, shall be given the relevant off-duty time within two following months as compensation.

Article 92. *Vacation leaves of police officers*

1. Police officers shall have annual regular paid vacation leaves on terms and conditions defined in this Law.

2. A police officer shall also have additional leaves in connection with studies, creative leaves, social leaves, unpaid leaves and other types of leaves contemplated by laws on vacation leaves.

Article 93. Calculation of duration of vacation leaves of police officers 1. Duration of vacation leaves of police officers shall be calculated on a daily basis. Holidays and non-working days shall not be included into the total duration of the vacation leave.

2. Duration of a basic annual paid vacation leave of a police officer shall be thirty calendar days, unless a longer leave is contemplated by law.

3. After five years in service, a police officer shall have one calendar day of additional paid vacation leave for each full calendar year of service in the Police, provided, however, that such additional paid leave shall not exceed fifteen calendar days.

4. Duration of the next vacation leave in the year of enrolment to the Police shall be calculated proportionally from the day of enrolment to the end of the year, on the basis of one twelfth of the vacation leave for each full month of service.

5. On request of an officer from junior and senior staff alike, a vacation leave up to 10 days may be given at the same time with the next vacation leave in the next year.

6. Police officers may, if they choose so, use their vacation leaves in parts. However, one portion of a vacation leave may not be shorter than 10 days.

7. As a rule, a next vacation leave is given to a police officer by the end of the calendar year.

8. Police officers who got sick during their regular vacation leave shall have it extended by the number of unused days following recovery. The vacation leave shall be extended by the supervisor who gave such vacation leave, based on a relevant document attested in the manner prescribed by law or other regulation.

9. In the year of voluntary resignation, retirement on the basis of age or disease, or layoff, police officers may be given, if they wish so, a regular vacation leave the duration of which shall be calculated proportionally on the basis of one twelfth of the vacation leave for each full month of service in the year of resignation.

With the resignation of a police officer his remuneration shall be deducted on amount of extra paid part of the annual leave compensation for the not worked part of the calendar year.

10. Police officers who resign from the Police shall have a monetary compensation for a vacation leave unused in the year of resignation in compliance with the law.

11. The withdrawal of a police officer from the annual leave is generally prohibited. In case of extreme necessity the withdrawal from the annual leave may be allowed to the head of territorial police body.

Unused part of the annual leave may be attached to the next year annual leave upon a request of the police officer.

Article 94. Remuneration of police officers

1. Police officers shall receive remuneration the amount of which shall depend on the position, special rank, age in grade, service intensity and conditions, qualification, the presence of scientific degree or academic rank.

2. Procedure for remuneration payment shall be established by the Minister of Internal Affairs of Ukraine.

3. Police officers who are temporarily on duty outside of Ukraine shall retain the remuneration in the domestic currency and shall receive a consideration in foreign currency in the amount and under the procedure stipulated by the Cabinet of Ministers of Ukraine.

4. Police officers seconded to other governmental bodies, institutions and organisations under this Law, shall receive remuneration taking into account the official salary established for the position they hold at such body, institution or organisation where they are seconded, and other types of remuneration contemplated by this Law.

5. Remuneration of police officers shall be subject to indexation under the laws of Ukraine.

Article 95. Medical care for police officers

1. Police officers shall be guaranteed free of charge medical care at healthcare institutions of the Ministry of Internal Affairs of Ukraine.

2. If in the place of residence, service or temporary stay of a police officer there are no healthcare institutions of the Ministry of Internal Affairs of Ukraine or relevant departments or special medical equipment and in case of emergencies, medical care shall be provided by state or communal healthcare institutions.

3. In the event there are no special medical equipment, no medical specialists or specialized departments at healthcare institutions of the Ministry of Internal Affairs of Ukraine, as well as at state and communal healthcare institutions, medical evidence determined by a healthcare institution of the Ministry of Internal Affairs of Ukraine and no budgetary appropriations, a police officer may, under the conclusion of a respective healthcare institutions, be referred for examination or treatment to a private healthcare institution or foreign medical institution at the expense of the Police.

Referral of police officers for treatment abroad shall be carried out on common grounds according to procedure established by the Cabinet of Ministers of Ukraine

4. Family members of police officers (wife (husband), children under 18, or if they study at higher educational institutions – under 23) as well as family members of police officers who were killed (who died), went missing or became disabled while on service in police (including periods of participation in peace-keeping operations) shall be entitled to free-of-charge medical services at healthcare institutions of the Ministry of Internal Affairs of Ukraine.

5. Police officers and their family members (wife (husband), children under 18, or if they study at higher educational institutions – under 23) shall be entitled to subsidized rehabilitation and health resort treatment, rest and recreation at medical rehabilitation centres, sanatoriums, recreation centres, care homes and other recreational institutions of the MIA out of the funds allocated to the MIA, in accordance with procedure established by the Ministry of Internal Affairs.

6. Police officers shall pay 25%, and their family members – 50 % of the prime cost of the permit in such institutions and other relevant institutions defined by the Ministry of Internal Affairs of Ukraine.

7. Family members of police officers who were killed (died) while serving in the police, are entitled to free sanatorium-and-spa treatment and rehabilitation once every two years. These family members include police officer's wife (husband) if she (he) did not get married for the second time, children under the age of 18, and if they are obtaining higher education – up to 23 years, as well as children – disabled since childhood (regardless of their age).

8. Ukrainian citizens, who are former police officers, and who were dismissed from service for reasons of health, age, due to the reduction in staff and their family members (wife (husband), children under the age of 18, and if they are obtaining higher education – up to 23 years) are entitled to medical care in health facilities of the Ministry of the Interior in accordance with the conditions laid down in parts 1-7 of this article.

9. Police officers are required to undergo annual comprehensive physical examination (check-up), and if necessary – targeted medical examinations, psycho-physiological examinations and testing in the manner prescribed by the Minister of Internal Affairs of Ukraine.

Article 96. Provision of living accommodation to police officers

1. Police officers shall be provided with accommodation on grounds and according to procedure established in housing legislation.

2. Police officers who were recognised as being in need of better living conditions under applicable laws, shall be provided with accommodation on the priority basis.

Persons who were dismissed from police service and were assigned the disability group I due to injury, contusion or mutilation on duty during the term of service in the police, or due to a disease acquired during the term of service in the police, and who were recognised as being in need of better living conditions under the law, shall be provided with accommodation on the top priority basis.

Members of family (spouse and children) of a police officer killed on duty who are recognised as being in need of better living conditions under applicable laws and who were registered in the register of persons who need better living conditions in a relevant location as of the time of police officer's death, shall be provided with accommodation on the top priority basis.

3. Police officers and their family members may be provided with accommodation in dormitories and service accommodation on terms and conditions defined by housing legislation.

4. Police officers registered as citizens who need better living conditions shall remain in this register upon dismissal for the reason of health or age or due to layoff, until they get accommodation from the public housing and the requirements prescribed by law for de-registration as those who need better living conditions are met.

5. Heads of police bodies may pay to the police officers, who do not have their own accommodation in the location where they are stationed and where they rent accommodation under a residential rent contract, compensation for rent in the amount which shall not exceed three minimum salaries established as of January 1 of the relevant calendar year.

Article 97. One-off financial support in case of a police officer's death or loss of labour capacity

1. One-off financial support in case of death or loss of labour of a police officer (hereinafter referred to as "one-off financial support") is a social benefit and a guaranteed assistance from the state, which shall be assigned and payable to the persons who are entitled to it under this Law in case of:

1) death of a police officer caused by illegal actions of third parties or related to any actions aimed at rescuing human lives, elimination of threat to human lives, participation in an anti-terrorist operation, protection of independence, sovereignty and territorial integrity of Ukraine, or death of a police officer due to injury (contusion, trauma or mutilation) received in the above circumstances;

2) death of a police officer during his/her service in police;

3) disability of a police officer due to an injury (contusion, trauma or mutilation) received on duty related to performance of the police functions and key tasks under this Law or during participation in the anti-terrorist operation, protection of independence, sovereignty and territorial integrity of Ukraine, within six months upon his/her dismissal from the police in connection with the reasons referred to in this paragraph;

4) disability of a police officer caused by a disease related to his/her service in police, within six months upon his/her dismissal from the police in connection with the reasons referred to in this paragraph;

5) injury (contusion, trauma or mutilation) of a police officer received on duty related to performance of the police functions and key tasks under this Law or during participation in the anti-terrorist operation, protection of independence, sovereignty and territorial integrity of Ukraine, which resulted in partial incapacitation without assignment of a disability group;

6) injury (contusion, trauma or mutilation) of a police officer related to service in police, which resulted in partial incapacitation without assignment of a disability group.

2. Terms and conditions of payment of a one-off financial support in case of death or disability of a police officer shall be established by the Ministry of Internal Affairs of Ukraine.

Article 98. Persons eligible for one-off financial support

1. In cases referred to in sub-paragraphs 1 and 2, paragraph 1, Article 97 of this Law, members of family, parents and dependants of the killed (deceased) police officer shall be eligible for one-off financial support.

2. Members of family and parents of the killed (deceased) police officer shall be defined according to the Family Code of Ukraine, while dependants shall be defined under the Law of Ukraine "On Pension Coverage for Persons Dismissed from Military Service and Some Other Persons".

If one of the persons specified above refuses from the one-off financial support, his/her share shall be allocated among other eligible persons.

Article 99. Amount of one-off financial support

1. The amount of one-off financial support payable to police officers or, in case of their death, to the persons eligible for such financial support under this Law, shall be defined based on the amount of minimum subsistence level established by law for labour capable persons as of the time of payment of such financial support:

1) in case of death of a police officer (paragraph 1): 500-times minimum subsistence level established by law for capable persons;

2) in case of death of a police officer (paragraph 2): 250-times minimum subsistence level established by law for capable persons;

3) assignment of a disability group to a police officer due to reasons specified in paragraph 3:

a) group I: 250-times minimum subsistence level established by law for capable persons;

b) group II – 200-times minimum subsistence level established by law for capable persons;

c) group III – 150-times minimum subsistence level established by law for capable persons;

4) assignment of a disability group to a police officer due to reasons specified in paragraph 4:

a) group I – 120-times minimum subsistence level established by law for capable persons;

b) group II – 90-times minimum subsistence level established by law for capable persons;

c) group III – 70-times minimum subsistence level established by law for capable persons;

5) injury (contusion, trauma or mutilation) of a police officer caused by reasons referred to in paragraph 5: 70-times minimum subsistence level established by law for capable persons;

6) injury (contusion, trauma or mutilation) of a police officer caused by reasons referred to in paragraph 6: depending on the degree of incapacitation in relevant percentage of 70-times minimum subsistence level established by law for capable persons.

Article 100. Assignment of one-off financial support

1. Diagnosing disability and a degree of labour incapacitation without assignment of a disability group to police officers shall be conducted in the individual manner by state healthcare institutions under applicable laws and regulations.

2. If it is established that death of a police officer or a person dismissed from the Police is related to the circumstances referred to in paragraphs 3-6 of Article 96 (part 2) of this Law, if it occurred within six months upon disability or trauma, which resulted in the deceased's already having received one-off financial support according to the above mentioned paragraphs, one-off financial support shall be payable to the eligible persons specified in this Law with deduction of the amount of financial support previously paid to the deceased.

3. In case of diagnosed disability or partial labour incapacity without designation of disability to a police officer or a person dismissed from service in the police body who as of the day of diagnosed disability or degree of partial labour incapacity without declaring him/her disabled, or as of the day of his/her dismissal from the Police held a position at a state body, institution, organisation or a higher educational institution which contribute to public interests and security while still serving with the Police, one-off financial support shall be payable at the expense of the state authorities to which they were seconded.

The same procedure shall apply for payment of one-off financial support to persons eligible to such support in case of death of a police officer, if as of the day of death such police officer held a position at a state body, institution, organisation or a higher educational institution which contribute to public interests and security while still serving with the Police.

4. In cases described in part two of this paragraph, one-off financial support shall be payable at the last place of employment of the police officer.

5. If a person is eligible for the one-off financial support on the grounds contemplated by this Law, and for the one-off financial support or compensation established on different reasons under other laws and legal regulations, payment shall be carried out on any single ground at the choice of such person.

6. Persons entitled for one-off financial support under this Law may exercise this title within three years upon its emergence.

Article 101. *Grounds on which one-off financial support is not assigned and paid*

1. One-off financial support shall not be assigned and paid, if death, injury (contusion, trauma or mutilation), disability, or partial labour incapacity without designation of disability of a police officer is a consequence of:

- a) committing an act which is a crime or an administrative offence;
- b) actions taken in the state of intoxication by drug, alcohol or toxic substances;
- c) intentional bodily harm to himself/herself, other damage to his/her own health or committing a suicide (except for incited suicide proven in court);
- d) communicating intentionally false information about assignment and payment of one-off financial support submitted by the person.

Article 102. *Pension coverage for police officers*

1. Pension coverage and one-off financial support upon dismissal of police officers from police service shall be paid pursuant to procedure and conditions defined in the Law of Ukraine "On Pension Benefits for Persons Dismissed from Military Service and Some Other Persons".

Article 103. *Education of children of police officers*

1. A person, one of whose parents is a police officer and has a term of service of at least 20 calendar years or one of whose parents is a citizen dismissed from police on the basis of age or health condition or in connection with layoff or organisational measures and whose term of service is at least 20 calendar years, or one of whose parents is a police officer disabled due to a service-related disease, shall have a pre-emptive right for enrolment to lyceums in the MoIA system or to the

higher educational institutions with special conditions of study which provide training of police officers, on condition of successful passing of examinations and compliance with other rules of enrolment to these educational institutions within three years upon acquisition of a secondary education level required for enrolment.

2. A person one of whose parents (adoptive parents) was a police officer killed or declared by court as missing when on duty, shall be entitled to enrolment, within three years upon acquisition of the required secondary education, without participation in a contest, to a department of his/her own choice at a state or community higher educational institution or vocation school for study at the expense of the state and local budgets.

Article 104. Protection of rights and legitimate interests of police officers

1. In order to protect rights and legitimate interests police officers can create professional associations and trade unions according to the Law "On trade unions, its rights and guarantees".

2. Police trade unions perform their activities considering limitations imposed on police officers by this law. Trade unions and their members are prohibited to arrange strikes or participate in it.

3. In case the board is created in Main Police Department the representative from Ukrainian association of police trade unions should, chosen by association, should be included in it.

SECTION 10. FINANCIAL, MATERIAL AND TECHNICAL SUPPORT OF THE POLICE

Article 105. Financial, material and technical support of the Police

1. Financial, material and technical support of the Police shall be provided from the State Budget of Ukraine and other sources not prohibited by law.

2. Property of the Police is owned by the state and shall belong to the Police under the right of operational administration. Bodies of the Police shall possess, use and administer the property in the manner envisaged by law.

3. Legal status of land plots on which the bodies (institutions, establishments) of the Police are located shall be defined by law.

4. The Police may use service vehicles, including specialised vehicles, for performance of tasks and functions imposed on it.

5. Executive committees of village, town and city councils shall provide to bodies and units of the Police service premises with furniture and means of communication, vehicles and other material and technical appliances, free of charge.

6. Community and private enterprises may provide bodies and units of the Police with funds, vehicles and other material and technical appliances needed for operation of the Police.

SECTION XI. CONCLUDING AND TRANSITIONAL PROVISIONS

1. This Law shall become effective in 3 months, starting the day after publication, except for:
1) paragraphs 1, 2, 3, 7-13, 15, 17-18 of the Section XI Concluding and Transitional Provisions of this Law, which shall enter into force on the day following the day of its publication.

2) Part seven of Article 15 and part five of Article 21 of this Law which shall become effective on 01 January 2017.

As of police patrol service in Kiev this law comes into force on the day following the day of its publication.

As of police patrol service in Odessa and Lviv this law become effective on 20 August 2015.

2. Before 31 December 2016 chief and deputy chiefs of the Police may be appointed from among individuals who:

- 1) comply with general conditions of entry into the police service;
- 2) have complete higher education;
- 3) have at least 10 years of work experience;
- 4) have at least 5 years of work experience on senior executive positions.

3. Before 31 December 2016 chief and deputy chiefs of a territorial body of the National Police may be appointed from among individuals who:

- 1) comply with general conditions of entry into the police service;
- 2) have complete higher education;
- 3) have at least 5 years of work experience;
- 4) have at least one year of work experience on senior executive positions.

4. Until the legislation of Ukraine is brought into compliance with this Law, legislative acts shall apply to the extent they do not contradict this Act.

5. To recognize as void:

- the Law of Ukraine “On Militia” (Gazette of the Supreme Soviet of the Ukrainian SSR, 1991, № 4, p. 20 with further amendments).
- the Decree of Supreme Soviet of the Ukrainian SSR “On order to implementation of the Law “On Militia” (Gazette of the Supreme Soviet of the Ukrainian SSR, 1991, № 4, p. 21).

6. To make following amendments to the following laws of Ukraine:

1) in the second paragraph, part one of Article 5 of the Law of Ukraine “On Operational Activities” (Gazette of the Verkhovna Rada of Ukraine, 1992., № 22, art. 303 with further amendments) the words “judicial militia” shall be deleted;

2) in the first paragraph of Article 15 of the Law of Ukraine “On State Protection of Court Employees and Law Enforcement Agencies” (Gazette of the Verkhovna Rada of Ukraine, 1994., № 11, p. 50 with further amendments):

- paragraph d) to read as follows:

“d) in respect of judges, court staff and their close relatives – on units of agency militarized security of the State Court Administration of Ukraine”;

- after the paragraph 7 supplement paragraph e) to read as follows:

“e) for other employees referred to in Article 2 of the Law – on the National Police.”

With this regard paragraph 8 shall be considered as paragraph 9.

3) the first paragraph of Article 3 (part 3) of the Law of Ukraine “On the safety of persons involved in criminal proceedings” (Gazette of the Verkhovna Rada of Ukraine, 1994., № 11, p. 51, 2003 p., № 16, p. 124; 2009 g., № 36-37, Art. 511; 2013 p., № 21, p. 208) to read as follows:

“3. Implementation of security measures shall be vested to authorized bodies which for this purpose can create special units within their structure. Persons to be protected shall be provided with security, if criminal proceedings are carried out by the tax militia, prosecution or court, under the mentioned bodies resolutions by bodies of the Security Service, bodies of the National Police, bodies and institutions of execution of sentences, remand prisons or units of agency militarized security of the State Court Administration of Ukraine.”;

4) In the first part of Article 19 of the Law of Ukraine “On Forensic Examination” (Gazette of the Verkhovna Rada of Ukraine, 1994, № 28, p. 232, 2005, № 1, p. 14), words “by Ministry of Internal Affairs of Ukraine” replace with words “by units of agency militarized security of the State Court Administration of Ukraine” and words “to it” shall be deleted;

5) in the Law of Ukraine “On the Judiciary and the Status of Judges” (Gazette of the Verkhovna Rada of Ukraine, 2015, № 18-20, p. 132:

a) in Article 138:

- in the first part to substitute words “Bodies of internal affairs” with words “Units of agency militarized security of the State Court Administration of Ukraine”;
- in the third paragraph to substitute words “by internal affairs bodies” with words “by units of agency militarized security of the State Court Administration of Ukraine”;

b) in Article 157:

- in the first part to substitute words “specialized units of bodies of the Ministry of Internal Affairs” with words “units of agency militarized security of the State Court Administration of Ukraine”;
- adding a new part to read as follows:

“2. Units of agency militarized security shall be established by the State Court Administration of Ukraine upon approval of the Ministry of Internal Affairs of Ukraine, whose employees while on duty are entitled to use firearms and special equipment in accordance with procedure and requirements established by law.

The State Court Administration upon approval by the Ministry of Internal Affairs of Ukraine shall adopt regulations on units of agency militarized security and shall oversee these units. “;

6) in The Law of Ukraine “On Pensions for Persons Discharged from Military Service and Certain Other Persons” (Gazette of the Verkhovna Rada of Ukraine, 1992., № 29, p. 399 with further amendments):

a) Article 12 to supplement with paragraph “i”:

“i) civil servants and employees of educational, medical and research institutions of the Ministry of Interior or the National Police from among former police officers, who at the date of publication of the Law of Ukraine “On the National Police” served in law enforcement agencies and had at least five years of service and continued to work with the Ministry of the Interior or the National Police (their territorial bodies, units and institutions) in positions that are replaced by civil servants under the Law of Ukraine “On Civil Service”, and at the educational, medical and research institutions – on any positions”;

b) first paragraph of item a) of Article 12 (part 1) after words “in paragraphs b – d” to add “, i”;

c) in Article 13 (part 1):

- in item “a” after words “for health reasons” to add words “, persons released from service in the National Police under paragraphs 2 and 3 of part one of Article 76 of the Law of Ukraine” On the National Police”;
- in item “b” after words “bodies of internal affairs,” to add words “the National Police”;

d) in Article 17:

- paragraph “b” of the first part after words “bodies of internal affairs” to add “the National Police,”;
- after the second part to add a new part to read as follows:

“Service record of persons referred to in paragraph “i” of Article 1-2 of this Law shall include the time of uninterrupted work (since the date of appointment after discharge from service in bodies of internal affairs (militia)) on positions at the Ministry of Interior or the National Police

(their territorial bodies, units and institutions) that are replaced by civil servants, and at educational, medical and research institutions – on any positions.”

In this regard, parts three and four shall be considered to be parts four and five;

e) to supplement Article 43 with a new parts 15 and 16 to read as follows:

“For persons referred to in paragraph “i” of Article 12 pension shall be calculated in accordance with part three of this article on the basis of the amount of salary, which they held on the day of discharge from service in bodies of internal affairs.”

In case at the moment of appointing the pension any amount of other allowance has changed and/or new monthly additional allowance and awards (in amount set by the legislation) were added the above mentioned pension should be recalculated immediately.

7) in paragraph eight of part thirteen of Article 17 of the Law of Ukraine “On Military Duty and Military Service” (Gazette of the Verkhovna Rada of Ukraine, 2006, #38, p. 324; 2015, #13, p. 85 with amendments by the Law dated 14 May 2015 # 433-VIII) to substitute words “senior command and entry-level staff of bodies of internal affairs” with words “police officers”.

8) in paragraph one, Article 21 of Law “On State border guard service of Ukraine” (Gazette of the Verkhovna Rada of Ukraine, 2003, #27, p. 208) words “Law on Militia” replace with the words “Law on National Police”;

9) in Article 26 of Law “On Security service of Ukraine” (Gazette of the Verkhovna Rada of Ukraine, 1992, #27, p. 382) words “Law on Militia” replace with the words “Law on National Police”;

7. Within one month of enactment of this Law the Cabinet of Ministers of Ukraine shall:

1) ensure establishment of a central executive body of the Police of Ukraine and its territorial bodies;

2) ensure appointment of heads and deputy heads of the Police of Ukraine and its territorial bodies;

3) adopt regulations necessary under this Law;

4) bring its regulations into conformity with this Act;

5) review and ensure that ministries and other central executive authorities bring their normative legal acts in compliance with this Law.

6) ensure adoption of normative and legal acts necessary under this Law by ministries and other central executive authorities;

7) take measures for financial and logistical support of the National Police of Ukraine;

8) register in Rada the draft Law on adoption of Disciplinary Statute of National Police;

8. Starting from the day of publication of this Law all militia employees (junior and senior staff of internal affairs bodies) and other employees of the Ministry of Internal Affairs, its territorial bodies, institutions and establishments shall be deemed to have been duly notified about possible future dismissal for the reason of staff reduction.

9. Militia employees who expressed an intention to be employed with the Police and meet the requirements to police officers defined in this Law for three months after publication of the Law may be enrolled in the Police by way of issue orders on appointment (upon their consent) to or entry into contest for positions to be filled by police officers, at any body (institution, establishment) of the Police.

Positions offered to persons referred to herein may be equivalent, senior or junior in relation to positions held by such persons during their service in the militia.

10. Militia employees, who refused to serve in the police and/or have not been accepted into the Police by the time established in clause 9 of the Concluding and Transitional Provisions of this Law, shall be dismissed from the internal affairs bodies due to layoff.

The said persons may be dismissed from service in internal affairs bodies prior to the time-frame specified in this clause on the grounds defined by the laws governing service in the internal affairs bodies.

11. A sick leave, duty travel or vacation shall not preclude dismissing militia employees from service in the internal affairs bodies under the Concluding and Transitional Provisions of this Law.

12. Militia employees who have been selected for service in the Police as contemplated herein shall be immediately assigned relevant special ranks of the Police according to the following scheme of correspondence of special ranks by service enrolment orders:

- Special militia rank – Special police rank
- militia officer – police constable
- junior militia sergeant – police corporal
- militia sergeant – police sergeant
- senior militia sergeant – police senior sergeant
- militia petty officer – police senior sergeant
- militia warrant officer – police senior sergeant
- senior militia warrant officer – police senior sergeant
- junior militia lieutenant – police junior lieutenant
- militia lieutenant – police lieutenant
- senior militia lieutenant – police senior lieutenant
- militia captain – police captain
- militia major – police major
- militia lieutenant-colonel – police lieutenant-colonel
- militia colonel – police colonel
- militia major-general – police general 3rd rank
- militia lieutenant-general – police general 2nd rank
- militia colonel-general – police general 1st rank

13. Service record of militia employees who enrol in the police shall include service record in special militia ranks for assignment of next special police ranks.

14. Prior to establishment, manning with specially trained police officers and commencement of functioning of the patrol police all over Ukraine, the state automobile inspectorate and units of public order protection may temporarily, until December 31, 2016, function as part of the Police, and shall be responsible for protection of public order and traffic safety in oblasts and cities, where the patrol police is temporarily not available.

While performing functions related to protection of public order and traffic safety, state automobile inspectorate units and public security units shall adhere to the provisions of this Law and other laws of Ukraine and shall be subordinated to relevant heads of territorial bodies of the Police.

The state automobile inspectorate units and public security units shall be manned with police officers who shall be assigned special police ranks as envisaged in the Concluding and Transitional Provisions of this Law.

Structure, staff (manning schedule) and quantity of these units shall be defined in the manner contemplated in this Law and other laws of Ukraine.

Progressively as the patrol police becomes ready to start functioning in oblasts and cities where these functions are temporarily performed by the state automobile inspectorate and public

security units, the authorised head of the relevant body of the Police shall apply to these units relevant organisational staffing measures related to their liquidation pursuant to this Law.

Local state authorities, local self-governance bodies and the general public shall be notified in advance of the day on which the patrol police start to function in oblasts and cities where the state automobile inspectorate and public security units were functioning on temporary basis.

15. Militia employees who, as of the enactment date of this Law, have calendar employment record of at least 5 years and would continue service at the Ministry of Internal Affairs of Ukraine or in the Police (including territorial bodies, institutions and establishments of the above) on positions filled by civil servants (and at educational, medical and research institutions – on any positions) shall, upon reaching the length of service that gives a right to pension benefits under the Law of Ukraine “On Pensions for Persons Discharged from Military Service and Certain Other Persons”, be entitled to pension benefits envisaged by the Law of Ukraine “On Pensions for Persons Discharged from Military Service and Certain Other Persons”.

16. Before July 1st, 2018, the provisions of paragraphs 2-4 of part seven of Article 15 and para 2-4 of point 3 of Concluding and Transitional Provisions and this Law shall not apply to heads of territorial police, members of the patrol police, protection police and special purpose police.

17. Police officers may wear militia uniforms until the Cabinet of Ministers of Ukraine approves designs of police officer uniforms and provide such uniforms according to the established procedure and established criteria.

18. Before December 31st, 2016, the Police is allowed to use official IDs, forms, stamps, seals, logos or emblems of the militia and the Ministry of Internal Affairs of Ukraine.

President of Ukraine Petro POROSHENKO
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