

## **LAW OF UKRAINE**

### **On Principles of Preventing and Counteracting Corruption**

This Law establishes basic principles of preventing and counteracting corruption in the public and private spheres of social relations; of compensating for the losses and damages inflicted by commitment of corruptive offences; and of restoring infringed rights, freedoms, or interests of physical persons, rights or interests of legal entities, and interests of the State.

#### Section I

#### GENERAL PROVISIONS

##### **Article 1.** Definitions

1. For the purposes of this Law, terms used shall have the following meanings:

**Direct subordination:** relations of direct organizational or legal dependence of a subordinate person on his/her superior including through the adoption of decisions (participation in the adoption of decisions) on matters of hiring, dismissal, application of incentives and disciplinary penalties, giving of instructions and commissions, and supervision over the fulfillment thereof;

**Close persons:** married couples, children, parents, whole brothers and sisters, grandfather, grandmother, grandchildren, adopters, adopted, as well as other persons who live together, are connected by common household and have mutual rights and obligations with the subject stipulated in part one of Article 4 of this Law;

**Conflict of interests:** contradiction between personal interests of a person and his/her official authority, the existence of which may affect the objectivity or impartiality of adopted decisions, as well as actions or lack of action in the course of performing the entrusted official duties;

**Corruptive offence:** deliberate action exhibiting signs of corruption, committed by a person stipulated by part one of Article 4 of this Law, for which the law established criminal, administrative, civil, and disciplinary liability;

**Corruption:** use by a person stipulated by part one of Article 4 of this Law, of entrusted official authority and of opportunities associated with such authority, for the purpose of gaining illegal benefit, or acceptance of a promise / offer of such benefit for him/herself or for other persons, or respectively, a promise / offer or provision of illegal benefit to a person stipulated by part one of Article 4 of this Law, or upon his/her demand, to other physical persons or legal entities, with the purpose of inducing such person to unlawfully use entrusted to him/her official authority and the opportunities associated with such authority;

**Illegal benefit:** pecuniary funds or other assets, advantages, perks, services, or non-material assets which without lawful grounds are promised, offered, provided, or received without pay or at a price below the minimum market price;

**Family members:** persons married to each other, their children, persons under custody and care, other persons who live together, are connected by common household, and have mutual rights and obligations, including persons who live together but are not married to each other.

##### **Article 2.** Legislation in the Field of Preventing and Counteracting Corruption

1. Relations emerging in the field of preventing and counteracting corruption, shall be governed by this Law, other laws and international treaties of Ukraine the obligatory force of which was consented to by the Supreme Rada of Ukraine, as well as by other normative-legal acts adopted in execution thereof.

2. Operation of this Law and limitations stipulated thereby shall extend to all persons identified as subjects of liability for corruptive offences, within the limits established by this Law.

##### **Article 3.** Basic Principles of Preventing and Counteracting Corruption

1. Activities aimed at preventing and counteracting corruption shall be based upon the following principles:

Supremacy of law;

Legality;

Comprehensive application of legal, political, social-economic, information, and other measures;

Priority of preventive measures;

Inevitability of liability for the commitment of corruptive offences;

Openness and transparency of the activities of state authorities and of local government bodies;

Participation of the public in measures aimed at preventing and counteracting corruption and at assuring state protection to persons who assist in the realization of such measures;

Ensuring the restoration of infringed rights and legitimate interests and compensation of losses and damages caused by a corruptive offence.

#### **Article 4. Subjects of Liability for Corruptive Offences**

1. Subjects of liability for corruptive offences shall be:

1) Persons authorized to perform functions of state or local government:

a) The President of Ukraine; the Chairperson of the Supreme Rada of Ukraine; his/her First Deputy and Deputy; the Prime Minister of Ukraine; the First Vice-Premier of Ukraine; Vice-Premiers of Ukraine; ministers and other heads of central executive bodies who are members of the Cabinet of Ministers of Ukraine, and their deputies; the Head of the Security Service of Ukraine; the Prosecutor-General of Ukraine; the Chairperson of the National Bank of Ukraine; the Chairperson of the Chamber of Accounts; the Supreme Rada of Ukraine's Human Rights Commissioner; the Chairperson of the Supreme Soviet of the Autonomous Republic of Crimea; and the Chairperson of the Council of Ministers of the Autonomous Republic of Crimea;

b) The People's Deputies of Ukraine, deputies of the Supreme Soviet of the Autonomous Republic of Crimea, and deputies of local councils;

c) Public servants and officials of local government;

d) Military officers of the Armed Forces of Ukraine and of other military formations created pursuant to statutes;

e) Judges of the Constitutional Court of Ukraine; other professional judges; the Chairperson, members, and disciplinary inspectors of the Higher Qualifying Commission for Judges of Ukraine; officers of the Secretariat of said Commission; the Chairperson, the Deputy Chairperson, and secretaries of sections of the Higher Council of Justice, as well as other members of the Higher Council of Justice; people's assessors and jurors (in the time of performance of these functions);

f) Persons of rank-and-file and commanding personnel of the bodies of internal affairs, the State Criminal-Executive Service, the bodies and units of civil defense, the State Service of Special Communications and Protection of Information of Ukraine, and persons of the commanding personnel of Tax Militia;

g) Officials and officers of public prosecutor's offices, the Security Service of Ukraine, the Diplomatic Service, the Customs Service, and the State Tax Service;

k) Members of the Central Electoral Commission;

l) Officials and officers of other bodies of state authority;

2) Persons who for the purposes of this Law, have been conferred the status of persons authorized to perform functions of state and local government:

- a) Officials of public law legal entities who are not stipulated by clause 1 in part one of this Article but receive salaries at the account of State or local budget;
  - b) Persons who are not public servants or officials of local government but render public services (auditors, notaries, and appraisers, as well as experts, arbitration managers, independent brokers, members of labor arbitration tribunals, arbitrators in the time of performance of these functions, other persons in cases established by law);
  - c) Officials of foreign states (persons who hold positions in legislative, executive, or judicial bodies of foreign states including jurors; other persons who perform the functions of the state on behalf of a foreign state, in particular, on behalf of a state agency or a state enterprise), as well as foreign arbitrators, persons who have powers to settle civil, commercial, or labor disputes in foreign states according to procedures that constitute alternatives to judicial procedure;
  - d) Officials of international organizations (employees of an international organization or any other persons authorized by such organization to act on its behalf), as well as members of international parliamentary assemblies in which Ukraine takes part, and judges and officers of international courts;
- 3) Persons who permanently or temporarily hold positions involving the performance of organizational-dispositive or administrative-economic functions, or persons who are specially authorized to perform such duties in private law legal entities irrespective of organizational-legal form thereof, pursuant to law;
  - 4) Officials of legal entities and physical persons, in cases where persons stipulated by clauses 1 and 2 in part one of this Article, or with participation of such persons, other persons received illegal benefit from them.

**Article 5. Subjects Who Apply Measures to Prevent and Counteract Corruption**

1. The President of Ukraine, The Supreme Rada of Ukraine, and the public prosecutor's offices of Ukraine shall apply measures to prevent and counteract corruption within the limits of powers stipulated by the Constitution of Ukraine.
2. Bodies of State authority shall apply measures to prevent and counteract corruption, or take part in the effectuation thereof within the framework of powers stipulated by laws and other normative-legal acts adopted on the basis of laws.
3. The Cabinet of Ministers of Ukraine shall direct and coordinate the activities of executive bodies pertaining to prevention and counteraction to corruption in accordance with the Constitution and laws of Ukraine and the President of Ukraine's acts.
4. Coordination of the implementation by executive bodies of the anticorruption strategy as determined by the President of Ukraine shall be conducted by a specially authorized body on matters of anticorruption policy that shall be convened by the President of Ukraine and shall operate in conformance with the requirements established by law.
5. Specially authorized subjects shall directly apply measures, within the limits of their competence, aimed at detecting, stopping, and investigating corruptive offences (hereinafter "specially authorized subjects in the sphere of counteracting corruption").

Specially authorized subjects in the sphere of counteracting corruption are: public prosecutor's offices; special units of the Ministry of Internal Affairs of Ukraine charged with the task of combating organized crime; the Tax Militia; subdivisions charged with combating corruption and organized crime of the Security Service of Ukraine and of the Military Law and Order Service in the Armed Forces of Ukraine, unless otherwise stipulated by law.

Coordination of the activities of law-enforcement bodies in the field of counteracting corruption shall be carried up, within the limits of entrusted authority as stipulated by laws, by the Prosecutor-General of Ukraine and by subordinated public prosecutors.

6. Subjects who take part in preventing, detecting, and in cases stipulated by law, in applying measures aimed at stopping corruptive offences, restoring infringed rights or interests of physical persons and legal entities and interests of the state, as well as in information and scientific-research support for the implementation of measures aimed at preventing and counteracting corruption, and in the international cooperation in this field, are:

- 1) Authorized units and subdivisions of state authorities;
- 2) Local executive bodies and local government bodies;
- 3) Enterprises, institutions, and organizations irrespective of subordination and form of ownership, their officials and officers, as well as citizens and associations of citizens, upon their consent.

7. Officials and officers of state authorities, officials of local government, legal entities, and structural subdivisions thereof in the event of detection of a corruptive offence, or receipt of information on commitment of such offence by employees of the respective state authorities, local government bodies, legal entities or structural subdivisions thereof, shall be obliged within the limits of their powers, to apply measures to stop such offences and to immediately inform, in writing, of such commitment an appropriate specially authorized subject in the sphere of counteracting corruption.

## Section II

### MESURES AIMED AT PREVENTING AND COUNTERACTING CORRUPTION

#### **Article 6.** Limitations on Use of Official Position

1. Persons stipulated by clauses 1 through 3 in part one of Article 4 of this Law, shall be forbidden to use their official powers and associated opportunities with the purpose of gaining illegal benefit or in connection with the acceptance of a promise / offer of such benefit for themselves or for other persons, including:

- 1) To illegally assist to physical persons or legal entities in the conduct of their economic activities, obtainment of subsidies, subventions, grants, credits, or perks, and in concluding of contracts (including contracts for the procurement of goods, works, and services for public funds);
- 2) To illegally assist in appointment of a person to a position;
- 3) To illegally intervene in the activities of state authorities, local government bodies, or officials;
- 4) To illegally provide advantage to physical persons or legal entities in connection with the preparation of drafts, issuance of normative-legal acts and adoption of decisions, and approval (harmonization) of opinions.

#### **Article 7.** Limitations on Plurality of Offices and on Engaging in Other Types of Activity

1. Persons stipulated by clause 1 of part one of Article 4 of this Law, shall be forbidden:

- 1) To engage in other paid or entrepreneurial activities (apart from teaching, scientific, and creative activities, medical practice, and sports coaching and referee practices), if not otherwise stipulated by the Constitution or laws of Ukraine;
- 2) To act as members of management bodies or supervisory boards of profit-making enterprises or organizations (apart from cases where such persons perform the functions of managing shares (stakes, equity) owned by the state or a territorial community, and represent the interests of the State or territorial community in company boards (supervisory boards) or auditing commissions of economic companies), if not otherwise stipulated by the Constitution or laws of Ukraine.

2. Where for certain positions the Constitution and laws of Ukraine have set special limitations on plurality of offices and on engaging in other types of activity, the compliance with such shall be provided for by special procedures.

3. Limitations stipulated by part one of this Article, shall not extend to the deputies of the Supreme Soviet of the Autonomous Republic of Crimea, deputies of local councils (apart from those who perform their duties in the relevant councils on a permanent basis), members of the Higher Council of Justice (apart from those who work in the Higher Council of Justice on a permanent basis), and people's assessors and jurors.

**Article 8. Limitations on Acceptance of Gifts (Donations)**

1. Persons stipulated by clause 1 and sub-clauses "a" and "b" of clause 2 in part one of Article 4 of this Law, shall be forbidden to receive, directly or through other persons, gifts (donations) from legal entities or physical persons:

- 1) As a reward for decisions, actions or lack of action in the interests of the donator, adopted or performed both directly by such persons and with their concurrence by other officials and bodies;
- 2) If the person who presents (makes) the gift (donation), is subordinated to such person.

2. Persons stipulated by clause 1 and sub-clauses "a" and "b" of clause 2 in part one of Article 4 of this Law, may accept gifts that fall within the generally accepted notions of hospitality, and donations, apart from cases stipulated by part one of this Article, if the value of such gifts (donations) does not exceed 50 percent of minimum wages as fixed on the date of the acceptance of the gift (donation), one time, and the aggregate value of such gifts (donations) received from one source within one year, does not exceed one minimum wages as fixed on January 01 of the current year.

Limitation on value of gifts (donations) stipulated by this part, shall not extend to gifts (donations) that:

- 1) Are presented (made) by close persons;
  - 2) Are received as accessible to all discounts on goods, services, accessible to all winnings, prizes, premiums, and bonuses.
3. Gifts received by persons stipulated by clause 1 and sub-clauses "a" and "b" of clause 2 in part one of Article 4 of this Law as gifts for the State, the Autonomous Republic of Crimea, a territorial community, and state or municipal institutions or organizations, shall be respectively deemed state or municipal property and shall be transferred to the body, institution, or organization, according to the procedure established by the Cabinet of Ministers of Ukraine.

**Article 9. Limitations on Employment of Close Persons**

1. Persons stipulated by sub-clauses "a" and "c" through "g" of clause 1 and sub-clause "a" of clause 2 in part one of Article 4 of this Law, shall not be allowed to have in their direct subordination their close persons, or be directly subordinated in connection with the performance of their duties, to their close persons.

Persons stipulated by sub-clauses "a" and "c" through "g" of clause 1 and sub-clause "a" of clause 2 in part one of Article 4 of this Law, shall be obliged to inform the management of the body the position in which they aspire to hold, about their close persons employed by this body.

Provisions of the first and second paragraphs in this part do not extend to:

- 1) People's assessors and jurors;
- 2) Close persons who are directly subordinated to each other in connection with holding by each of them of an elected office;
- 3) Persons who work in a country area or in mountain settlements;
- 4) Persons who work in the fields of education, science, culture, health protection, and physical culture and sports;

5) Other persons as stipulated by law.

2. Where circumstances emerge that contravene the requirements of part one of this Article, the persons concerned and their close persons shall undertake to eliminate such circumstances within a period of fifteen days.

If within the stipulated period these circumstances have not been voluntarily eliminated, the persons concerned or their close persons shall within a period of one month from the date of the emergence of the circumstances, be subject to transfer in accordance with the established procedure, to such another position that would preclude direct subordination.

Where such transfer of the subordinated person proves to be impossible, this person shall be subject to dismissal from the position held.

3. Persons stipulated by sub-clauses "a" and "c" through "g" of clause 1 and sub-clause "a" of clause 2 in part one of Article 4 of this Law (apart from people's assessors and jurors), shall be forbidden to take part in the work of collegiate bodies in the course of hearings on the matter of appointment to positions of their close persons, and in any other manner to influence the adoption of such decisions.

#### **Article 10. Limitations Concerning Persons Who Quit Their Position or Terminated the Activities Associated with the Performance of State and Local Government Functions**

1. Persons authorized to perform state or local government functions stipulated by clause 1 in part one of Article 4 of this Law who quitted their positions or otherwise terminated the activities associated with the performance of state and local government functions, shall be forbidden for a period of one year from the date of termination:

1) To enter into employment agreements (contracts) or to engage in legal transactions in the realm of entrepreneurial activity with enterprises, institutions, or organizations irrespective of the form of ownership, if the persons stipulated by paragraph one of this part, within a period of one year prior to the date of termination of the performance of state or local government functions, executed the authority involving the supervision, overseeing, or the preparation or the adoption of the relevant decision affecting the activities of such enterprises, institutions, or organizations;

2) To disclose or otherwise use in their own interests such information as became known to them in connection with the performance of their official powers, apart from cases established by law;

3) To represent the interests of any persons in judicial proceedings (including those considered by courts) where the other side is the body (bodies) where they worked.

#### **Article 11. Special Screening of Persons who Aspire to Hold Positions Involving the Performance of State or Local Government Functions**

1. In respect of persons who aspire to hold positions stipulated by clause 1 in part one of Article 4 of this Law (apart from candidates for the office of the President of Ukraine, candidates for People's Deputies of Ukraine, candidates for deputies of the Supreme Soviet of the Autonomous Republic of Crimea and local councils, and for offices of village, settlement and city mayors), a special screening shall be conducted including verification of the information submitted personally.

The organization of the conduct of special screening shall be entrusted to the head (deputy head) of the state authority or local government body for the office in which the person concerned aspires, apart from cases stipulated by law.

Induced to the conduct of the special screening shall be specially authorized subjects in the sphere of counteracting corruption, and should the need arise, other central executive bodies.

2. Subject to special verification shall be information on the person who aspires to hold a position stipulated by clause 1 in part one of Article 4 of this Law (apart from candidates for the office of the President of Ukraine, candidates for People's Deputies of Ukraine, candidates for deputies of the

Supreme Soviet of the Autonomous Republic of Crimea and local councils, and for offices of village, settlement and city mayors), specifically as regards:

- 1) The persons' having previously been brought to criminal justice including for corruptive offences; the existence of criminal record, removal or cancellation of it;
- 2) The fact that the person being screened was previously subjected to administrative punishment for corruptive offence;
- 3) The veracity of information entered in the declaration on property, incomes, expenses, and obligations of a financial nature;
- 4) The possession by the person of corporate rights;
- 5) The aspirant's state of health, the educational status, the possession of scientific degree, academic rank, and advanced training.

3. Special screening shall be conducted within a period of fifteen days upon written consent of the person aspiring for an office.

In case of failure on the part of the person concerned to give such consent, the matter of the appointment shall not be considered.

Where as a result of the special screening, a fact has been established of the submission by the aspirant for an office of fictitious information about him/herself, the official (body) who (that) effectuates the appointment (election) to the office concerned, shall refuse to the aspirant the appointment (election) to the office, and within a period of three working days shall inform of the detected fact the law-enforcement bodies, for their response in accordance with the procedure established by law, apart from cases stipulated by law.

A decision to refuse the appointment (election) to an office on grounds stipulated by the third paragraph of this part may be appealed in court.

The procedure for the arrangement of the conduct of special screening shall be subject to approval by the President of Ukraine.

4. For the conduct of special screening, the person who aspires to an office shall submit the following to the relevant body:

- 1) Written consent to the conduct of special screening;
- 2) Autobiography;
- 3) A copy of the certificate of identification;
- 4) A declaration on property, incomes, expenses, and obligations of a financial nature for the previous year according to the form appended to this Law;
- 5) Copies of documents certifying education, academic ranks, and scientific degrees;
- 6) Medical certificate on the state of health according to the form approved by the Ministry of Health of Ukraine;
- 7) A copy of military card (for military servicemen or reservists);
- 8) Certificate of the right of access to state secrets (if any).

5. Upon receipt of the written consent of the person aspiring to an office, to the conduct of special screening, the body for the office in which the person aspires, shall no later than on the following day dispatch to the relevant state authorities competent to conduct special check-ups on information stipulated by part two of this Article, a request to conduct check-ups on information concerning the person aspiring to the office in question.

The request shall be signed by the head of the body for the office in which the person aspires, and in his/her absence, by a person acting as head, or one of his/her deputies, in accordance with the division of functional duties.

Attached to the request shall be the copies of documents stipulated by part four of this Article.

6. Information on the results of special screening signed by the head of the body that conducted the screening, and in his/her absence, by a person performing his/her duties, or by a deputy head of the body in accordance with the division of functional duties, shall be submitted to the body that made the request, within a period of seven days from the date of receipt of the request.

The body for the office in which the person concerned aspires, on grounds of the obtained information, shall draw up a report on the results of the special screening.

Persons who were subjects of special screening, shall have the right to peruse the report on the results of the special screening, and in case of disagreement with the screening results, may submit to the said bodies their comments in written form.

7. Information on the results of special screening and documents pertaining to its conduct, are confidential, unless they contain information constituting state secret. Such documents shall be preserved according to the procedure established by law.

## **Article 12. Financial Supervision**

1. Persons stipulated by clause 1 and sub-clause "a" of clause 2 in part one of Article 4 of this Law, shall be obliged annually by April 01 to submit at the place of their employment (service) a declaration on property, incomes, expenses, and obligations of a financial nature for the previous year according to the form appended to this Law.

Persons who were unable to submit by April 01 at the place of their employment (service) a declaration on property, incomes, expenses, and obligations of a financial nature for the previous year, for the reason of being on maternity leave or parental leave, of temporary disability, of sojourning beyond the bounds of Ukraine, or being under arrest, shall submit such declaration for the reporting year by December 31. Persons, who have failed to submit the declaration on property, incomes, expenses, and obligations of a financial nature for the previous year for the above-stipulated reasons and quitted their office, shall be obliged to submit such declaration prior to the termination of the contract of employment.

2. Information provided in a declaration on property, incomes, expenses, and obligations of a financial nature for the previous year of the President of Ukraine, the Chairperson of the Supreme Rada of Ukraine, the People's Deputies of Ukraine, the Prime Minister of Ukraine, members of the Cabinet of Ministers of Ukraine, the Chairperson and judges of the Constitutional Court of Ukraine, the Chairperson and judges of the Supreme Court of Ukraine, chairpersons and judges of higher specialized courts of Ukraine, the Prosecutor-General of Ukraine and his/her deputies, the Chairperson of the National Bank of Ukraine, the Chairperson of the Chamber of Accounts, the Chairperson and members of the Higher Council of Justice, members of the Central Electoral Commission, the Supreme Rada of Ukraine's Human Rights Commissioner, The Chairperson and members of the Higher Qualifying Commission for Judges of Ukraine, heads of other state authorities and their deputies, members of collegiate bodies of state authority (commissions, councils), and heads of local government bodies and their deputies, shall be subject to promulgation within a period of 30 days from the date of submission thereof, by way of publishing in official printed editions of the relevant state authorities and local government bodies.

3. Where a person stipulated in clause 1 and sub-clause "a" of clause 2 in part one of Article 4 of this Law, opens a foreign currency account in a non-resident banking institution, that person shall be obliged within a period of ten days to notify in writing on that the body of State Tax Service at his/her place of residence, with indication of the account number and the location of the non-resident bank.



4. The procedure for the preservation of the documents and for the use of information provided in the declaration on property, incomes, expenses, and obligations of a financial nature, and of information stipulated by part three of this Article, shall be approved by the Cabinet of Ministers of Ukraine in accordance with the requirements established by law.

5. A person aspiring to hold an office stipulated by clause 1 and sub-clause "a" of clause 2 in part one of Article 4 of this Law, shall prior to the appointment or election to that office, submit according to the procedure established by Law the declaration on property, incomes, expenses, and obligations of a financial nature for the previous year executed according to the form attached to this Law.

#### **Article 13. Codes of Conduct**

1. General requirements regarding the behavior of persons stipulated by clause 1 in part one of Article 4 of this Law, by which they are obliged to be governed in the time of performing their official duties, and grounds and procedure for bringing them to justice for the non-compliance with such requirements shall be established by law.

2. Laws and other normative-legal acts that regulate the organization and procedures of the activities of state authorities and of local government bodies, the rendering of certain types of public services, or the procedure for the activities of the categories of persons authorized to perform state and local government functions, may establish special requirements for the behavior of such persons.

3. The State shall promote the consolidation of the norms of professional ethics and other requirements concerning individual types of activities in codes of conduct of entrepreneurs and representatives of the relevant professions.

#### **Article 14. Settlement of Conflict of Interests**

1. Persons stipulated by clause 1 and sub-clauses "a" and "b" of clause 2 in part one of Article 4 of this Law, shall be obliged:

- 1) To take measures to preclude any possibility of the occurrence of a conflict of interests;
- 2) To inform without delay their direct superior of the existence of a conflict of interests.

2. Laws and other normative-legal acts that define the powers of state authorities and local government bodies, the procedures for the rendering of certain types of public services and the conduct of other types of activities involving the performance of state and local government functions, must stipulate the procedure and methods for the settlement of a conflict of interests.

#### **Article 15. Anti-corruptive Expert Examination of Normative-Legal Acts**

1. With the purpose of detecting in draft normative-legal acts such norms as may facilitate the commitment of corruptive offences, and of drawing up recommendations on the removal thereof, the Ministry of Justice of Ukraine shall carry out anti-corruptive expert examination of such draft normative-legal acts.

The procedure and methodology for the conduct of anti-corruptive expert examination of draft normative-legal acts and the procedure for the promulgation of the results thereof shall be established by the Ministry of Justice of Ukraine.

Results of anti-corruptive expert examination shall be subject to mandatory consideration in the course of making a decision on the issuance (adoption) of the normative-legal act concerned.

2. Subject to mandatory anti-corruptive expert examination shall be draft laws of Ukraine, acts of the President of Ukraine, and other normative-legal acts prepared by the Cabinet of Ministers of Ukraine, ministries, and other central executive authorities.

3. At the initiative of physical persons, associations of citizens, and legal entities, public anti-corruptive expert examination may be conducted of draft normative-legal acts.

The conduct of public anti-corruptive expert examination of draft normative-legal acts and the promulgation of results thereof shall be undertaken at the expense of the respective physical persons, associations of citizens, legal entities, or of other sources that are not prohibited by legislation.

**Article 16.** Requirements for the Transparency of Information

1. Persons stipulated in clauses 1 through 3 of part one of Article 4 of this Law, shall be forbidden:

- 1) To refuse the provision to physical persons or legal entities of the information the provision of which to physical persons or legal entities is stipulated by law;
- 2) To provide the information subject to be provided pursuant to law, not in due time, or to provide untrue or incomplete information.

2. May not be attributed to the category of information with limited access the information on:

- 1) The amounts and types of charitable and other assistance granted to physical persons and legal entities or received from them by persons stipulated by clause 1 in part one of Article 4 of this Law;
- 2) The amounts and types of remuneration for works performed by persons stipulated by clause 1 in part one of Article 4 of this Law, as well as received by such persons in transactions that are subject to mandatory state registrations, and gifts (donations).

**Article 17.** Ban on Acceptance of Services and Property by State Authorities and Local Government Bodies

1. State authorities and local government bodies are forbidden to receive without pay services and property from physical persons and legal entities, apart from cases stipulated by laws or valid international treaties of Ukraine.

Section III

PARTICIPATION OF THE PUBLIC IN MEASURES  
AIMED AT PREVENTING AND COUNTERACTING CORRUPTION

**Article 18.** Participation of the Public in Measures Aimed at Preventing and Counteracting Corruption

1. Associations of citizens, members or authorized representatives thereof, as well as individual citizens when carrying out activities aimed at preventing, detecting, and counteracting corruptive offences (apart from cases where such activities have been relegated to exclusive competence of specially authorized subjects in the sphere of counteracting corruption) shall have the right:

- 1) To inform of the detected facts of the commitment of corruptive offences the specially authorized subjects in the sphere of counteracting corruption, other bodies stipulated by Article 5 of this Law, management and collectives of enterprises, institutions, or organizations where such offences were committed, as well as the public at large;
- 2) To request and receive from state authorities and local government bodies, in the amounts and according to the procedure not prohibited by law, information on activities aimed at preventing and counteracting corruption;
- 3) To conduct or to commission the conduct of public anti-corruptive expert examination of draft normative-legal acts, and to submit based on the results of such expert examination their proposals to the appropriate state authorities;
- 4) To take part in parliamentary hearings and other events pertaining to matters of preventing and counteracting corruption;

- 5) To submit proposals to the subjects of the right of legislative initiative regarding the improvement of the legislative regulation of relations emerging in the sphere of preventing and counteracting corruption;
- 6) To conduct or to commission the conduct of research including scientific, sociological etc., on matters of preventing and counteracting corruption;
- 7) To undertake measures to keep the population informed on matters of preventing and counteracting corruption;
- 8) To conduct public supervision over the compliance with the laws in the sphere of preventing and counteracting corruption, making use of such forms of supervision as do not contravene legislative provisions.

2. An association of citizens, a physical person or legal entity may not be denied access to information concerning the competence of subjects carrying out measures aimed at preventing and counteracting corruption, as well as concerning the basic vectors of the activities thereof. Such information shall be provided in accordance with the procedure established by law.

3. Draft laws and drafts of other normative-legal acts stipulating the granting of privileges or advantages to individual economic entities, as well as the delegation of powers of executive authorities or local government bodies, shall be for the purpose of public consideration thereof posted on official web-sites of state authorities and local government bodies without delay but no later than on the day following the day of submission thereof by the relevant subject to the respective state authority or local government body.

4. State authorities and local government bodies shall generalize the results of public consideration of draft laws and drafts of other normative-legal acts stipulated by part three of this Article, and shall promulgate them in mass media.

#### **Article 19.** Informing the Public on Measures Aimed at Preventing and Counteracting Corruption

1. Specially authorized subjects in the sphere of counteracting corruption shall be obliged annually, no later than by February 10, promulgate information about measures taken to counteract corruption and about persons brought to justice for the commitment of corruptive offences.

2. The specially authorized body on matters of anti-corruptive policy shall annually, no later than by April 15, draw up and promulgate according to the procedure established by the Cabinet of Ministers of Ukraine, a report on results of the application of measures aimed at preventing and counteracting corruption.

The following information must be reflected in the report:

1) Statistical data on the result of activities of the specially authorized subjects in the sphere of counteracting corruption, with mandatory indication of the following data:

- a) Number of persons in respect to whom decisions were taken to make them answerable as defendants and reports were drawn up on commitment of administrative corruptive offences;
- b) Number of persons in respect to whom sentencing decisions of courts assumed legal force and on whom administrative penalties were imposed for corruptive offences;
- c) Data broken up by categories of persons stipulated by part one of Article 4 of this Law, and by types of liability for corruptive offences;
- d) Information about the amount of damages inflicted by corruptive offences, the status and volumes of restitution thereof;

2) Generalized results of anti-corruptive expert examinations of draft normative-legal acts;

3) Information on the results of the application by state authorities of measures aimed at preventing and counteracting corruption including in the framework of international cooperation;

- 4) Results of sociological surveys conducted by government and non-government scientific research institutions on the issue of the proliferation of corruption;
- 5) Information on the status of realization of the anti-corruptive strategy established by the President of Ukraine.

**Article 20. State Protection of Persons Who Assist in Preventing and Counteracting Corruption**

1. Persons who render assistance in preventing and counteracting corruption are kept under protection of the State. The State ensures the carrying out by law-enforcement bodies of legal, organizational-technical, and other measures aimed at protecting the persons who render assistance in preventing and counteracting corruption, as well as their close persons, from unlawful encroachments on their life, health, domicile, and other property.

2. State protection of persons who render assistance in preventing and counteracting corruption, shall be carried out in accordance with the Law of Ukraine "On Ensuring Safety of Persons Who Take Part in Criminal Proceedings."

Section IV  
LIABILITY FOR CORRUPTIVE OFFENCES

**Article 21. Types of Liability for Corruptive Offences**

1. For the commitment of corruptive offences the persons stipulated by part one of Article 4 of this Law, shall face criminal, administrative, civil, and disciplinary liability in accordance with the procedure established by law.

2. Information about persons brought to justice for the commitment of corruptive offences shall be within a period of three days from the date of coming into force of the relevant court judgment, of the institution of civil proceedings, or of the imposition of disciplinary penalty, entered in the Integrated State Register of persons who committed corruptive offences, to be made up and maintained by the Ministry of Justice of Ukraine. The Regulation on the Integrated State Register of persons who committed corruptive offences and the procedure for the making up and maintaining this Register shall be approved by the Ministry of Justice of Ukraine.

**Article 22. Specifics of Dismissing Persons Who Committed Corruptive Offences**

1. A person in respect to whom a ruling was made to make him/her answerable as a defendant accused of committing a crime in the sphere of official activities, shall be subject to suspension from the performance of his/her official duties under the procedure established by law, prior to the court hearing on the case, unless otherwise stipulated by the Constitution and laws of Ukraine.

A person in respect to whom a report has been drawn up on administrative corruptive offence, unless otherwise stipulated by the Constitution and laws of Ukraine, may be suspended from the performance of his/her official duties by decision of the head of the body (institution, enterprise, or organization), where the person works, until the termination of the court hearing on the case.

Should the proceedings in the case of administrative corruptive offence be closed in connection with the absence of the event or the body of an administrative offence, the average salary shall be indemnified to the person suspended from the performance of his/her official duties, for the period of enforced idleness caused by such suspension.

2. Early termination of powers of a person holding elected office; termination of powers of an official in office; dismissal effectuated by decision of the President of Ukraine, of the Supreme Rada of Ukraine, or of the Cabinet of Ministers of Ukraine; discharge of a military officer from military service in connection with the bringing to justice for the commitment of corruptive offences, as well as the suspension of such person from the performance of official duties in cases stipulated by part one of this Article, shall be undertaken with due regard for the specifics established by the Constitution and Laws of Ukraine.

Other persons brought to criminal or administrative justice for corruptive offences featuring the breach of limitations stipulated by this Law, shall be subject to dismissal from the respective positions within a period of three days from the date of receipt by the state authority, the local government body, the enterprise, institution, or organization concerned of a copy of the relevant court judgment that has come into force, unless otherwise stipulated by law.

3. The head of the state authority, of the local government body, of the enterprise, institution, or organization concerned shall within a period of three days inform, in writing, of the dismissal of the person from office in connection with the bringing to justice for the commitment of corruptive offences featuring the breach of limitations stipulated by this Law, the court that issued a condemnatory judgment or a ruling on imposition of an administrative penalty for the corruptive offence, and the specially authorized central executive authority for matters of public service. The procedure for informing the specially authorized central executive authority for matters of public service about persons authorized to perform state or local government functions who have been dismissed in connection with the bringing to justice for the commitment of corruptive offences, shall be established by the Cabinet of Ministers of Ukraine.

4. With the purpose of finding out the causes and conditions that have facilitated the commitment of a corruptive offence or any failure to comply with the requirements of this Law, upon request of the specially authorized subject in the sphere of counteracting corruption, by decision of the head of the body employing the person who committed such offence, an official investigation shall be held in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

5. Limitations concerning the prohibition to the person dismissed from office in connection with the bringing to justice for the commitment of corruptive offence, to engage in activities involving the performance of state or local government functions, or such that confer the similar status, shall be imposed exclusively by motivated court decision, unless otherwise stipulated by law.

#### Section V

#### ELIMINATION OF CONSEQUENCES OF CORRUPTIVE OFFENCES

**Article 23.** Compensation of Losses and Damages Inflicted on the State by Commitment of a Corruptive Offence

1. Losses and damages inflicted on the State by commitment of a corruptive offence shall be subject to compensation in accordance with the procedure established by Law.

**Article 24.** Unlawful Normative-Legal Acts and Transactions

1. Normative-legal acts and decisions issued (adopted) as a result of commitment of a corruptive offence, may be abrogated by a body or an official authorized to adopt or abrogate the respective acts or decisions, or be recognized as unlawful judicially upon application of the interested physical person, association of citizens, legal entity, public prosecutor, state authority, or local government body.

2. A transaction entered into in consequence of a corruptive offence shall be deemed null and void.

**Article 25.** Restoration of Rights and Legitimate Interests and Compensation of Losses and Damages Inflicted on Physical Persons and Legal Entities in Consequence of the Commitment of a Corruptive Offence

1. Physical persons and legal entities whose rights were infringed in consequence of the commitment of a corruptive offence and who suffered moral injury or property damages or losses, shall be entitled to the restoration of rights and compensation of losses or damages in accordance with the procedure established by law.

2. Losses and damages inflicted on a physical person or legal entity in consequence of unlawful decisions, actions or lack of action on the part of a subject charged with taking measures aimed at preventing and counteracting corruption shall be reimbursed out of the State Budget of Ukraine in

accordance with the procedure established by law. The State, the Autonomous Republic of Crimea, and the local government body that has reimbursed losses or damage inflicted by an unlawful decision, actions or lack of action on the part of a subject charged with taking measures aimed at preventing and counteracting corruption, shall have the right of counterclaim (regress) in respect of the person who inflicted the losses or damage, in the amount of the paid put compensation (apart from the compensation of payments related to labor relations and compensation of moral injury.)

**Article 26. Confiscation of Unlawfully Acquired Property**

1. Funds and other property acquired in consequence of the commitment of a corruptive offence shall be subject to confiscation by court decision in a procedure established by law, and funds in the amount of the value, established by court, of the unlawfully received services or perks, shall be subject to to exaction for benefit of the state.

Section VI

CONTROL AND SUPERVISION OVER THE COMPLIANCE WITH LAWS  
IN THE SPHERE OF PREVENTING AND COUNTERACTING CORRUPTION

**Article 27. Supervision in the Sphere of Preventing and Counteracting Corruption**

1. The Supreme Rada of Ukraine shall carry out parliamentary supervision in the sphere of preventing and counteracting corruption, within the limits established by the Constitution of Ukraine.

Other state authorities shall carry out supervision in the sphere of preventing and counteracting corruption within their competence and in the manner stipulated by the Constitution and Laws of Ukraine.

**Article 28. Public Supervision over the Compliance with Laws in the Sphere of Preventing and Counteracting Corruption**

1. Public Supervision over the Compliance with Laws in the sphere of preventing and counteracting corruption shall be carried out on grounds of and according to the procedure established by law.

**Article 29. Public Prosecutor's Supervision**

1. Supervision over the compliance with laws in the sphere of preventing and counteracting corruption shall be carried out by the Prosecutor-General of Ukraine and public prosecutors subordinated to him/her.

Section VII

INTERNATIONAL COOPERATION

**Article 30. International Cooperation in the Sphere of Preventing and Counteracting Corruption**

1. Ukraine shall in accordance with international treaties to which it acceded, carry out cooperation in the sphere of preventing and counteracting corruption with foreign states and international organizations that act to prevent and counteract corruption.

2. International legal assistance and other types of international cooperation in judicial cases on corruptive offences shall be carried out by the competent bodies according to law and international treaties of Ukraine the consent for the mandatory applicability of which has been granted by the Supreme Rada of Ukraine.

**Article 31. International Treaties of Ukraine in the Sphere of Preventing and Counteracting Corruption**

1. Where international treaties of Ukraine the consent for the mandatory applicability of which has been granted by the Supreme Rada of Ukraine, have established other rules than those stipulated by legislation on prevention and counteraction to corruption, the rules stipulated by international treaties shall apply.

**Article 32. International Exchanges of Information in the Sphere of Preventing and Counteracting Corruption**

1. Competent Ukrainian authorities may provide to the relevant authorities of foreign states and receive from them information including information with limited access, on matters of preventing and counteracting corruption, in compliance with the requirements of law and of international treaties of Ukraine the consent for the mandatory applicability of which has been granted by the Supreme Rada of Ukraine.

2. The provision to authorities of foreign states of information on matters related to prevention and counteraction to corruption shall be possible solely in the case where such authorities and the relevant competent authority of Ukraine are able to establish such a mode of access to the information as would preclude the disclosure of the information for other purposes, or the disclosure thereof in any manner, including by way of unauthorized access.

**Article 33. Measures Aimed at Returning to Ukraine the Funds and Other Assets Acquired as a Result of Corruptive Offences, and the Disposal of Recovered Funds and Other Assets Acquired as a Result of Corruptive Offences**

1. Ukraine shall take measures aimed at returning to Ukraine the funds and other assets acquired as a result of corruptive offences, and shall manage such funds and other assets according to law and international treaties of Ukraine the consent for the mandatory applicability of which has been granted by the Supreme Rada of Ukraine.

Section VIII

FINAL AND TRANSITIONAL PROVISIONS

1. This Law shall come into force on July 01, 2011, with the exception of Articles 11 and 12 that shall come into force on January 01, 2012.

2. In the declaration on property, incomes, expenses, and obligation of a financial nature for 2011, information on expenses shall be provided from the date of coming into force of this Law.

3. The Cabinet of Ministers of Ukraine shall within a period of three months from the date of coming into force of this Law:

Submit to the consideration of the Supreme Rada of Ukraine the proposals regarding the harmonization of legislative acts with this Law;

Provide for the adoption of normative-legal acts stipulated by this Law;

Harmonize its normative-legal acts with this Law;

Provide for the harmonization with this Law of the normative-legal acts of ministries and other central executive authorities.

**V. LYTVYN,**

**Chairperson, the Supreme Rada of Ukraine**

The City of Kyiv,

April 07, 2011

No. 3206-VI

Note. 1. Declaration to be completed and filed by the persons referred to in Item 1 and subparagraph "a" of Item 2 of Part 1 Article 4 and the persons referred to in paragraph one of Article 11 of the Law of Ukraine "On Principles of Prevention and Combating Corruption". However, the person referred to in Part one of Article 11 of this Law, information on expenditures (investments /contributions) are not specified in the declaration.

2. Applicant fills out the declaration on his own with ink or ballpoint pen of blue or black color in a way that provides free reading included information.

3. In position 1, if the applicant in the reporting year changed name, surname, a new name, middle name are to indicate first and in brackets — the previous surname, name, middle name.

If the applicant, who by their religious beliefs refused to accept the registration number of taxpayer registration card, and reported this to the appropriate state tax authority and has a mark on the passport of citizen of Ukraine — the declaration shall contain passport number of citizen of Ukraine.

4. Position 2 contains information on place of residence with indicating the address of housing at the end of the year.

If the name of administrative unit (home address) has changed in the reporting year that is not reflected in the citizen of Ukraine passport, - the title at the date of declaration filling to be indicated.

5. The post occupied or post applied by the applicant to be specified in position 3.

6. Information pursuant to paragraph nine of the first part of article 1 of the Law of Ukraine "On Principles of Prevention and Combating Corruption" to be specified in position 4.

7. Average income of applicant for the reporting year is calculated by dividing the total gross income specified in position 6 into 12 and to be written in position 5.

8. Information concerning registration card account number of taxpayer or passport number of citizen of Ukraine which are specified in positions 1 and 4 and concerning location of the object specified in positions 2 and 23-34 is undisclosed information.

9. In case of absence of certain information a dash is to be put in the field.

10. Information on financial sums to be written in UAH to the integer.

11. In the field "recalculated in UAH" of positions 22-23 and in the field "including abroad" of positions 46-60 and 62-66 information according to the official UAH rate in respect to foreign currency established by the National Bank of Ukraine on the day of the financial transaction.

12. The field "Amount of spending on acquisition for ownership/lease or other use right" in positions 23-28, 35-39 and the field "Total" in positions 46, 48, 50, 56 and 59 to be filled if single charge (deposit / contribution) for each of these positions equals or exceeds 150 thousand UAH.

13. The accuracy of the information included in declaration to be signed by applicant and date of its completion.

14. Forms of declaration made in way defined by the Cabinet of Ministers of Ukraine.