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Support to Good Governance: Project against Corruption in Ukraine (UPAC)

**TECHNICAL PAPER - EXPERT OPINION ON TWO DRAFTS REGULATIONS FOR GOVERNMENT
AGENT / COMMISSIONER FOR ANTI-CORRUPTION POLICY**

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I INTRODUCTION

Expert has received two draft documents - Regulation on the Government Agent for Anticorruption Policy and Regulation on the Government Commissioner for Anticorruption Policy - with the task to provide comparative analysis of both documents and to find the best possible solution for a future Ukrainian central anti-corruption body. The expert will not go into the "Amendments made to the Resolutions of the Cabinet of Ministers of Ukraine" since they only contain technical details concerning implementation of two main regulations.

Both documents are proof of strong determination of Ukraine's government to find proper organisational form for its future anti-corruption efforts. Therefore, Ukraine's government has to be commended for its endeavours in this area. Moreover, it does not happen very often that some government would try to assess all implications of its future plans before the decisions are made.

Both regulations look similar with one exception concerning the position of a future anti-corruption body. In order to ensure proper differentiation, the Regulation that uses the term "commissioner" will be used throughout analysis as the one positioning the future anti-corruption body into the Ministry of Justice while the Regulation, which uses the term "agent" will be used throughout analysis as the one positioning the future anti-corruption body as subordinated to the Cabinet of Ministers.

The following analysis will not follow the texts of Regulations as they are given. It will try to compare texts of both regulations concerning the most important topics and problems of the regulations. Of course, when references will be made, articles and paragraphs of both regulations will be mentioned.

II FUNCTIONS, COMPETENCIES AND RIGHTS OF THE FUTURE ANTI-CORRUPTION BODY

Regulation on the "commissioner" describes functions and competences of a future AC body. On the contrary, Regulation on the "agent" describes only functions of the future body.

The "Commissioner" would have the following basic functions (Article 5):

- to give proposals to the Cabinet of Ministers on drafting and implementation of the AC policy,
- to ensure anti-corruption checking of legislation and (with the assistance of the interagency expert group) governmental regulatory acts,
- to coordinate activities of central executive authorities in the drafting and implementation of the AC policy,
- to cooperate with the civil society and international counterparts,
- to ensure delivery of information and public awareness campaigns.

The "Agent" would have the following basic functions (Article 4):

- to give proposals to the Cabinet of Ministers on drafting and implementation of the AC policy,
- to ensure anti-corruption checking of legislation and governmental regulatory acts,
- to analyse AC activities of the central executive bodies and prepare proposals for the Cabinet of Ministers on their coordination,
- to identify elements conducive to corruption and to develop proposals for their

elimination,

- to ensure interaction with other AC actors,
- to cooperate with the civil society and international counterparts,
- to inform public about the state AC efforts,
- to conduct research related to corruption.

If we compare functions of the “Commissioner” and the “Agent”, there is only one important substantial difference: the “Commissioner” can ensure coordination of central executive authorities in the drafting and implementation of the AC policy directly (bullet-point No.4 of Article 5). Meanwhile, the “Agent” in the same area can only give proposals to the Cabinet of Ministers (first Paragraph of Article 4).

In addition, the regulation on the “Commissioner” has a detailed description of his/her competences (Article 6), which is only the additional description of functions as given in Article 5 of the regulation on the “Commissioner” and Article 4 of the regulation on the “Agent”.

Rights of both, the “Commissioner” (Article 7) and the “Agent” (Article 6), are basically the same to the maximum extent possible.

Summarising, it is easy to conclude that future AC bodies would have basically the same functions, competences and rights, which all together would satisfy the demands of UN Convention against Corruption.

There are some additional competences mentioned in the Introduction to the Regulation on the “Agent” (Articles 7 and 8) concerning the heads of central executive authorities and Prosecutor-General's Office of Ukraine, but they do not change the general observation that there is no substantial difference between the tasks and competences of the “Commissioner” and the “Agent” - of course, with the exception mentioned above. The difference emanating from Article 8 of the Regulation on the “Agent” (support of different state bodies to the “Agent”) does not change this conclusion either.

III POSITION OF THE FUTURE AC BODY

The “Commissioner” is planned to become an ex officio member of the proper governmental committee with the possibility to take part in the meetings of the Cabinet of Ministers (Article 8), s/he would be heading the “State Service for Anticorruption Policy” operating as a government agency (Article 9) within the structure of the Ministry of Justice (Articles 4 and 5 of the Introduction to the Regulation on the “Commissioner”). The “Commissioner” would be appointed and dismissed by the Cabinet of Ministers on the basis of the nomination of the Minister of Justice, agreed by the Prime Minister (Article 4).

The position of the “Agent” is described as being subordinated to the Cabinet of Ministers of Ukraine and heading the “State Service for Anticorruption Policy” created within the Ministry of Justice (Article 7). The “Agent” would be appointed and dismissed by the Cabinet of Ministers on the basis of the proposal of the Minister of Justice (Article 5 of the Introduction to the Regulation on the Agent) and nomination of the Prime Minister (Article 2).

Regulation on the “Commissioner” has some additional elements concerning his/her mandate and his/her dismissal (Article 4), which are not present in the regulation on the “Agent”. There are also some additional elements concerning the “Commissioner's role in the “State Service for Anticorruption Policy” (Article 10), which is a separate legal entity (Article 13), but working within the limits of funds appropriated for the

Ministry of Justice (Article 12).

Comparing the proposed solutions, some interesting features have to be mentioned:

- Both, "Commissioner" and "Agent" are planned to head the "State Service for Anticorruption Policy", which in both cases is part of the Ministry of Justice.
- The "Commissioner" is an ex officio member of the proper government committee and may take part in meetings of the Cabinet of Ministers (Article 8). There is no such provision for the "Agent".
- Both, the "Commissioner" and the "Agent" are planned to be appointed and dismissed by the Cabinet of Ministers on the basis of the joint Minister's of Justice and the Prime Minister's proposal/nomination.
- The "Commissioner" is accountable to the Cabinet of Ministers (Article 3 of the Regulation on the "Commissioner"), the "Agent" is subordinated to the Cabinet of Ministers (Article 1 of the Regulation on the "Agent") - most probably that means that s/he is also accountable to the Cabinet.
- The State Service for Anticorruption Policy under the "Commissioner" is a separate legal entity within the Ministry of Justice and its budget (Articles 12 and 13). There is no such provision for the "Agent".

If we compare positions of both future AC bodies there are two differences:

- the "Commissioner" would be in position to directly take part in the work of the government (which is not logical, since the "Commissioner" is strongly linked to the Ministry of Justice than the "Agent" is and does not have such power),
- the position of a State Service for Anticorruption Policy under the "Commissioner" is stronger than the one under the "Agent".

IV CONCLUSION

After careful study of both regulations and following the comparison between the "Commissioner" and the "Agent", a real confusion appears: there are no substantial differences concerning the substance of their work, their nomination and independence, and there are only some minor differences concerning their position. The differences are so minor that the expert cannot take the position regarding the question, which solution is better for a future Ukrainian anti-corruption efforts. Ukrainian authorities might wish to decide by themselves (which regulation they will adopt) on the basis of the comparison above.

On the contrary with the previous paragraph, the expert would do the following:

- on the basis of a qualitative text of both regulations compile one single list of functions, competences and rights of the future AC body,
- establish the "State Service for Anticorruption Policy" as an independent governmental agency (if this is legally possible) headed by the Agent/Commissioner, nominated by the Prime Minister and appointed and dismissed by the Cabinet of Ministers - if this is legally not possible, than the State Service and the Agent/Commissioner will have to become part of the Ministry of Justice
- use the existing "Commissioner's" provision on the Agent's/Commissioner's participation in the work of the governmental committee and Cabinet of Ministers,
- establish same reasons for dismissal of the Agent/Commissioner as they are

used for Ukrainian judges,

- following examples from both regulations establish duty of all state bodies to cooperate with the Agent/Commissioner.

Both regulations give more than enough material which - with minor improvements - might really lead to an effective and highly independent anti-corruption prevention institution in Ukraine.

Resolution No. _____

of the Cabinet of ministers of Ukraine

Done at Kyiv this __ day of _____ 2008

**ON APPROVING THE REGULATIONS ON THE
GOVERNMENT AGENT FOR ANTICORRUPTION POLICY**

With a view to organising and supporting the activities of the Government Agent for anticorruption policy, the Cabinet of Ministers of Ukraine hereby resolves as follows-

1. To approve the Regulations on the Government Agent for anticorruption policy, as attached.
2. To establish the State Service for Anticorruption Policy as a government agency.
3. To provide that the costs related to the activity of State Service for Anticorruption Policy, prior to the updating of indicators of the 2008 National Budget of Ukraine, are financed from the funds appropriated to sustain the operations of the Ministry of Justice.
4. To concede to the proposal of the Ministry of Justice seeking an increase in the maximum number of staff of the Ministry by 20 persons in connection with the establishment of the State Service for Anticorruption Policy in the structure of the former.
5. To instruct the Ministry of Justice to take measures, by 1 August 2008, in order to establish within the Ministry of Justice the State Service for Anticorruption Policy.
6. To instruct the Ministry of Finance to provide as amendments are being drafted to the Law of Ukraine On the National Budget of Ukraine for 2008 and making amendments to certain legal acts of Ukraine for additional items of expenditure related to the establishment within the Ministry of Justice of a governmental agency responsible for drafting and implementation of the state anticorruption policy.

Yulia Tymoshenko, Prime Minister of Ukraine

APPROVED
by Resolution of the
Cabinet of Ministers
of Ukraine
No. _____ of
_____ 2008

**REGULATIONS
On the Government Agent for Anticorruption Policy**

1. The Government Agent for Anticorruption Policy (hereinafter, the Government Agent) organises activities as respects drafting and implementation of the public anticorruption policy.
2. The activities of the Government Agent are governed by the Constitution and laws of Ukraine, and also Decrees of the President of Ukraine and Resolutions of the Verkhovna Rada of Ukraine adopted in conformity with the Constitution and laws of Ukraine, acts of the Cabinet of Ministers of Ukraine, international treaties of Ukraine and the present Regulations.

3. As regards all issues involved in the drafting and implementation of the state anticorruption policy, the Government Agent is accountable to the Cabinet of Ministers of Ukraine.

4. The Government Agent is appointed into and dismissed from his position by the Cabinet of Ministers of Ukraine upon nomination by the Minister of Justice, who coordinates such nomination with the Prime Minister of Ukraine.

The Government Agent is appointed to his position for a period of five years. The same person may not hold the office of the Government Agent more than two terms in succession.

To be nominated a Government Agent the candidate must be a national of Ukraine, have a higher education in Law, and at least 5 years of work experience in the field of law.

The Government Agent may be dismissed from his office on such grounds only as are provided by the legislation on public service or on expiry of his tenure.

5. The principal functions of the Government Agent are-

- to submit to the Cabinet of Ministers of Ukraine for its consideration proposals concerning the development and implementation of activities associated with the drafting and implementation of the public anticorruption policy;
- to make arrangements for analysis of legislation for the purpose of identifying systemic drawbacks capable of facilitating or being conducive to commission of corruption offences, and to develop proposals concerning improvement of the anticorruption legislation;
- to make arrangements for the interagency expert group to carry out anticorruption examination of the draft regulatory acts to be submitted for consideration of the Cabinet of Ministers of Ukraine, and to prepare conclusions to be considered by the respective government committees or, where appropriate, the Cabinet of Ministers of Ukraine;
- to take measures with the purpose of coordinating the activities of the central executive authorities in the field of developing and implementation of the state anticorruption policy;
- to involve civil society organisations in the implementation of activities associated with the development and implementation of the state anticorruption policy;
- to carry out counter-corruption awareness raising and information activities;
- to maintain co-operation with the international organisations in the matters attendant upon implementation of the state anticorruption policy.

6. The Government Agent has competence over:

- 1) drafting proposals as respects the main areas of the state anticorruption policy, and also developing comprehensive activities related to the implementation of the state anticorruption policy;
- 2) implementing measures aimed at the coordination of activities of the central executive authorities directed at implementation of actions associated with the implementation of the state anticorruption policy; consolidating reports of the central executive authorities on progress of such actions; and preparing annual reports for submission to the Cabinet of Ministers of Ukraine and to the Minister of Justice;
- 3) organising examination of legislation with a view to identifying systemic drawbacks creating favourable environment for corruption; developing

- proposals as respects improvements of anticorruption legislation; and drafting regulatory acts and international treaties of Ukraine on issues concerned;
- 4) collaborating with committees of the Verkhovna Rada of Ukraine at the stage of drafting and implementing the state anticorruption policy;
 - 5) providing for analysis of statistical data and other information on implementation of counter-corruption activities, in particular those carried out by the central executive authorities within their field of their anticorruption competence with a view to identification of factors conducive to corruption; developing proposals concerning elimination of such;
 - 6) organising anticorruption examination of draft regulatory acts to be submitted for consideration to the Cabinet of Ministers of Ukraine, and also the regulatory legal acts referred to the justice authorities for state registration;
 - 7) carrying out and/or commissioning research on corruption-related issues;
 - 8) participating in Ukraine's cooperation with the Council of Europe's Group of States Against Corruption (GRECO), another international organisations concerning the anticorruption policy;
 - 9) implementing activities related to the involvement of civil society institutes in the drafting and implementation of the state anticorruption policy and promoting cooperation with such institutes on the part of executive authorities; making arrangements for the operation of the Public Panel for the state anticorruption policy under the auspices of the Government Agent;
 - 10) taking measures to inform the general public of the implementation of corruption prevention activities;
 - 11) making arrangements for placement of public service announcement in the mass media as respects counter-corruption activities.
7. The Government Agent has the right:
- 1) to address, as provided, central and local executive authorities, other state authorities, and bodies of local self-government with requests and to receive from them such information as is necessary for him to execute his functions;
 - 2) where any facts that may testify to corruption offences are revealed, to refer to bodies which combat corruption relevant materials and to receive from them information on the results of their consideration;
 - 3) to engage expert staff of central and local executive authorities, enterprises, establishments and organisations (in coordination with their heads) for the purpose of consideration of issues which come under his competence;
 - 4) to initiate the setting up of expert groups and working parties for the purpose of drafting legislative acts, carrying out their anticorruption examination and resolving other issues which come under his competence;
 - 5) to convene, as provided, conferences on issues which come under his competence;
 - 6) to take part, as provided, in meetings of ministry boards, other central and local executive authorities in relation to their considering issues concerning the state anticorruption policy;
 - 7) to engage, on a contractual basis, scientists and experts for the purpose of drafting regulatory acts, carrying out their anticorruption examination,

conducting research in the area of corruption prevention and corruption, and to commission research on corruption-related issues.

8. The Government Agent is an ex officio member of the government committee which has jurisdiction over anticorruption policy, and may take part in the meetings of the Cabinet of Ministers of Ukraine.

9. The activities of the Government Agent are supported by the State Service for anticorruption policy (hereinafter, the Service) which operates as a government agency.

10. The Government Agent:

appoints, dismisses and disciplines heads of structural divisions and other employees of the Service, except the deputy heads of the Service;

approves:

in coordination with the Minister of Justice Service, the structure of the Service;

in coordination with the Minister of Justice and the ministry of finance, the list of staff, and the estimate of revenues and costs of the Service;

Regulations on the organizational units of the Service;

signs orders issued within the Service's terms of reference and organises monitoring of their execution;

11. The head of the Service has two deputies, including one First Deputy, who are appointed and dismissed by the Cabinet of Ministers of Ukraine on submission of the Minister of Justice.

12. The service is sustained at the expense of the Public Budget within the limits of funds appropriated for the Ministry of Justice.

13. The Service is a legal entity, has its own balance sheet, bank accounts, and seal bearing an impression of the State Emblem of Ukraine and its designation.

14. The Government Agent has letterheaded stationery indicating his official position.

15. Participation of the Government Agent in the proceedings of the Council of Europe's Group of States Against Corruption (GRECO) and other international organisations, where the cost of such participation is not reimbursed by the Council of Europe or such other organisations, is covered at the expense of the Public Budget of Ukraine in accordance with the procedure provided for by law.

Resolution No. _____

of the Cabinet of ministers of Ukraine

Done at Kyiv this __ day of _____ 2008

ON SPECIFIC ISSUES OF ANTICORRUPTION POLICY

With a view to urgent measures aimed at an enhanced performance of executive authorities building and implementing the state anticorruption policy, the Cabinet of Ministers of Ukraine

NOW RESOLVES AS FOLLOWS:

1. To vest the Ministry of Justice with the functions of an agency responsible for supporting development and implementation of the state anticorruption policy.
2. To establish—
 - that the work of development and implementation of the state anticorruption policy is managed by the Government Agent for Anticorruption Policy (hereinafter, the Government Agent);
 - that the costs related to the activity of the Government Agent, before the indicators of the 2008 National Budget of Ukraine have been updated, are to be financed from the funds appropriated for sustaining the operation of the Ministry of Justice.
3. To approve the Regulations on the Government Agent for anticorruption policy, as attached.
4. To make amendments to resolutions of the Cabinet of Ministers of Ukraine, as attached.
5. That the Minister of Justice—
 - within one month, propose, a candidate for the Government Agent to the Cabinet of Ministers of Ukraine;
 - until 1st July 2008:
 - resolve on creation of the Service for the State Anticorruption Policy within the Ministry of Justice of the;
 - approve a methodology of anticorruption analysis of draft regulatory acts and take other measures with the purpose of organising and supporting such analysis;
6. To concede to the proposal of the Ministry of Justice to increase the limit of staff of the Ministry by 20 persons in connection with the establishment of the State Service for Anticorruption Policy in the structure of the former.
7. That the heads of central executive authorities:
 - appoint within one month, from among their deputies, an official responsible for liaison in the matters of the state anticorruption policy with the Government Agent, and inform of such the Ministry of Justice;
 - submit annually, until 15 January, to the Government Agent a report on execution of activities aimed at the implementation of the state anticorruption policy, according to the standard form approved by the Ministry of Justice.

8. To address the Prosecutor-General's Office of Ukraine with a proposal to appoint, from among deputy heads of authorities subordinate to it, officials responsible for cooperation in the matters of the state anticorruption policy with the Government Agent.

9. That the Ministry of Finance provide as amendments are being drafted to the Law of Ukraine On the National Budget of Ukraine for 2008 and on making amendments to certain legal acts of Ukraine for additional items of expenditure related to the vesting in the Ministry of Justice of functions of a government agency responsible for drafting and implementation of the state anticorruption policy.

Yulia Tymoshenko, Prime Minister of Ukraine

APPROVED
by Resolution of the
Cabinet of Ministers
of Ukraine
No. _____ of
_____ 2008

REGULATIONS On the Government Agent for Anticorruption Policy

1. The Government Agent for Anticorruption Policy (hereinafter, the Government Agent) is the official charged with the tasks of developing proposals as respects the drafting, and supporting implementation, of the state anticorruption policy.

The Government Agent is subordinate to the Cabinet of Ministers of Ukraine.

2. The Government Agent is appointed into and dismissed from his position by the Cabinet of Ministers of Ukraine upon nomination by the Prime Minister of Ukraine.

To be nominated a Government Agent, the candidate must be a national of Ukraine, have a higher education in Law, and at least 5 years of work experience in the field of law.

3. In his activities the Government Agent is governed by the Constitution and laws of Ukraine, and also Decrees of the President of Ukraine and Resolutions of the Verkhovna Rada of Ukraine adopted in conformity with the Constitution and laws of Ukraine, acts of the Cabinet of Ministers of Ukraine, international treaties of Ukraine and the present Regulations.

4. The principal functions of the Government Commissioner are:

1) to draft and submit to the Cabinet of Ministers of Ukraine proposals concerning the identification of the principal areas of the state anticorruption policy and coordination of activities of the central executive authorities aimed at its implementation;

2) to make arrangements for anticorruption examination of the draft regulatory acts to be submitted for consideration of the Cabinet of Ministers of Ukraine, and to prepare conclusions to be considered by the respective government committees or, where appropriate, the Cabinet of Ministers of Ukraine;

3) to cause carrying out systemic analysis of—the activities of the central executive authorities in the area of corruption prevention and counteraction,

performing to this end a integrated set of actions with a view to promoting their teamwork in the area concerned;

legislation for the purpose of identifying provisions the application of which may lead to manifestations of corruption, and to develop proposals concerning the drafting of normative acts in the area of corruption prevention and control, and to contribute to such drafting;

statistical data and other information on implementation of corruption prevention and control activities, in particular those carried out by the central executive authorities within their field of their anticorruption competence with a view to identification of factors conducive to corruption; and to develop proposals concerning elimination of such factors;

4) to ensure effective interaction with the central and local executive authorities, their territorial divisions, other public authorities, bodies of local self-government, enterprises, establishments and organisations, associations of citizens, concerning implementation of the state anticorruption policy;

5) to participate in the cooperation of Ukraine with the Council of Europe's Group of States Against Corruption (GRECO), other international organisations, concerning anticorruption policy;

6) to carry out measures related to the involvement of civil society institutes in the drafting and implementation of the state anticorruption policy and promoting cooperation with such institutes on the part of executive authorities;

7) to make arrangements for informing the general public of the implementation of corruption prevention activities;

8)

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7) carrying out and/or commissioning research on corruption-related issues;

8) 9) 10);

11) making arrangements for placement of public service announcement in the mass media as respects counter-corruption activities.

6. The Government Agent has the right:

1) to address, as provided, central and local executive authorities, other state authorities, and bodies of local self-government with requests and to receive from them such information as is necessary for him to execute his functions;

2) where any facts that may testify to corruption offences are revealed, to refer to bodies which combat corruption relevant materials and to receive from them information on the results of their consideration;

3) to engage expert staff of central and local executive authorities, enterprises, establishments and organisations (in coordination with their heads) for the purpose of consideration of issues which come under his competence;

4) to initiate the setting up of expert groups and working parties for the purpose of drafting legislative acts, carrying out their anticorruption examination and resolving other issues which come under his competence;

5) to convene, as provided, conferences on issues which come under his competence;

6) to take part, as provided, in meetings of ministry boards, other central and local executive authorities in relation to their considering issues concerning the state anticorruption policy;

7) to submit proposals to the Minister of Justice as respects engagement, on a

contractual basis, of scientists and experts for the purpose of drafting regulatory acts, carrying out their anticorruption examination, conducting research in the area of corruption prevention and corruption, and to commission research on corruption-related issues.

7. The activities of the Government Agent are supported by the State Service for Anticorruption Policy, which he heads, created within the Ministry of Justice.

8. The activities of the Government Agent at the regional level are supported by the Main Justice Department of the Ministry of Justice of Ukraine at the Autonomous Republic of Crimea, central justice departments administrative boards in oblasts, cities of Kyiv and Sevastopol where the functions of cooperation with Government Agent are vested in one of the deputies to their heads.

9. The Government Agent has a letter-head indicating his position.

10. Participation of the Government Commissioner in the proceedings of the Council of Europe's Group of States Against Corruption (GRECO) and other international organisations, where the cost of such participation is not reimbursed by the Council of Europe or such other organisations, is covered at the expense of the Public Budget of Ukraine in accordance with the procedure provided for by law.

APPROVED
by Resolution of the
Cabinet of Ministers
of Ukraine
No. _____ of
_____ 2008

AMENDMENTS
made to Resolutions of the Cabinet of Ministers of Ukraine

1. In The Regulations on state registration of the regulatory acts of the ministries, other executive authorities, bodies of economic management and control that affect the rights, freedoms and legitimate interests of citizens or are of interdepartmental nature, as approved by the resolution of the Cabinet of Ministers of Ukraine of December, 28th, 1992, No. 731 (ZP Ukrayiny, 1993, No. 1 - 2, p. 28; 1994, No. 10, p. 250; the Ofitsiinyy visnyk Ukrainy, 1998 rivers, No. 42, p. 1551; 2002, No. 20, p. 986; 2004, No. 15, p. 1047, No. 27, p. 1774, No. 43, p. 2840; 2005, No. 42, p. 2657; 2006, No. 22, p. 1655, No. 50, p. 3313; 2007, No. 28, p. 1107):

1) to supplement subpara 2 of para 1, after the words «legislation of Ukraine», with the words «for presence of provisions, which may b conducive to commission of corruption offences (corruption-prone provisions), conformity ...»;

2) to replace the words "four", "three" and "two" in subpara 1 of para 7 with the words "five", "four" and "three", respectively;

3) to insert subpara 61 after the first subparagraph of para 13, which reads:
« 61) contains corruption-prone provisions»;

2. To replace the digits "882" in the position "Ministry of Justice" of Appendix 1 to Resolution of the Cabinet of Ministers of Ukraine No. 403, 26 February 2000, On

establishing a limit on the number of staff of the ministries, other central executive authorities and territorial bodies subordinated to them and on establishing a limit on the number of cars which serve them (the Ofitsiiny Visnyk Ukrainy, 2000, No. 9, p. 339; 2001, No. 20, p. 851; 2005, No. 30, p. 1797; 2006, No. 6, p. 302; 2007, No. 12, p. 431, No. 65, p. 2516) with the digits "902".

3. To insert the words "the Government Agent for Anticorruption Policy," in para 1 of Resolution of the Cabinet of Ministers of Ukraine of 30 June 2005, No. 510, On compensations of executives of the state authorities (the Ofitsiiny visnyk Ukrainy, 2005, No. 27, p. 1545, No. 44, p. 2772; 2006 No. 15, p. 1083, No. 22, p. 1655), under the head Designation of position" after the words "the Government Agent at the European Court of Human Rights".

4. In the Regulations On the Ministry of Justice as approved by Resolution of the Cabinet of Ministers of Ukraine No. 1577 of 14 November 2006 (the Ofitsiiny visnyk Ukrainy, 2006, No. 45, p. 3020):

1) in para 3:

to replace the words "politicians and" in subpara 2 with the words "and the anticorruption policy, and also";

to replace the words "carrying out legal" in subpara 5 with the words "and the state anticorruption policy, carrying out legal and anticorruption";

to replace subpara 6 with the subparagraphs that read:

"planning, on proposal of other central executive authorities, law drafting activities and other measures for the purpose of developing and implementation of the state anticorruption policy and work for adaptation of the legislation of Ukraine to that of EU, coordination and monitoring of similar activities conducted by central executive authorities;

performing analysis of legislation with a view to identifying systemic drawbacks creating favourable environment for corruption; developing proposals as respects improvements of anticorruption legislation;

implementing activities aimed at the involvement of civil society institutes in the drafting and implementation of the state anticorruption policy;

analysing statistical data and other information on implementation of counter-corruption activities, assessing their effectiveness, identifying factors conducive to corruption, and developing proposals as respects elimination of such factors;

implementing information policy in the area of prevention of corruption; ".

In this connection, to regard subparas 7-11 as subparas 11-15, respectively;

2) in para 4:

to supplement the words « corruption prevention and control» after the words "criminal law" in subpara 3;

to give subpara 4 the following language

"4) carries out legal and anticorruption examination (develops conclusions) of the draft laws, other legislative acts to be submitted for consideration of the Verkhovna Rada of Ukraine, the President of Ukraine and the Cabinet of Ministers of Ukraine, and also regulatory acts of the Supreme Rada of the Autonomous Republic of Crimea for their conformity to the Constitution and laws of Ukraine, the requirements the rule-drafting technique and presence of provisions conducive to commission of corruption offences (corruption-prone provisions);".

to supplement with new subparas 12-16 that read:

- «12) collects and analyses statistical data and other information concerning implementation of counter-corruption activities;
- 13) consolidates reports of the central executive authorities on implementation of the state anticorruption policy, analyses effectiveness of such activities, and prepares annual reports on performance of such activities;
- 14) carries out and commissions research on the issues related to corruption;
- 15) implements activities related to the involvement of civil society institutes in the drafting and implementation of the state anticorruption policy and promotes cooperation with such institutes on the part of executive authorities;
- 16) provides cooperation of Ukraine with the Council of Europe's Group of States Against Corruption (GRECO), other international organisations on the issues of anticorruption policy; »

In this connection, to regard subparas 12-51 as subparas 17-56.

- 3) in para 5:
 - to add the words «representatives of a civil society» in subpara 1 after the words and symbols «(in coordination with their heads)»;
 - to supplement new paragraphs that read:
 - «11) to collect and analyse statistical data and other information concerning implementation of counter-corruption activities;
 - 12) to carry out and commission research on the issues related to corruption;
 - 13) to engage, on a contractual basis, scientists and experts for the purpose of drafting regulatory acts, carrying out their anticorruption examination, conducting research in the area of corruption prevention and corruption, and to commission research on corruption-related issues;
 - 14) where any facts that may testify to corruption offences are revealed, to refer to bodies which combat corruption relevant materials and to receive from them information on the results of their consideration; ».
- 4) in para 9:
 - to supplement with subpara 4 that reads:
 - «4) makes annual reports to the Cabinet of Ministers concerning implementation activities of the state anticorruption policy»

In this connection, to regard subparas 4-27 as subparas 5-28;

to insert the words «the Government Agent for Anticorruption Policy,» in subpara 12 after the words «deputy ministers,»

5. In chapter 4 of Section 6 of the Regulations of the Cabinet of Ministers of Ukraine, as approved by Resolution of the Cabinet of Ministers of Ukraine No. 950 of 18 July 2007 (the *Ofitsiyny visnyk Ukrainy*, 2007, No. 54, p. 2180):

- 1) to supplement subpara 62 with the following subparagraph:
 - "For the purpose of preventing adoption of regulatory acts, which contain provisions that could be conducive to commission of corruption offences (corruption-prone provisions), the Ministry of Justice carries out anticorruption examination of the draft act at the time at it carries out its legal examination ";
- 2) in subpara 63:

to give para 1 the following language:

«1. Based on the results of a legal and anticorruption examination a draft act of the Cabinet of Ministers the Ministry of Justice executes a standard Opinion which is subject to signature by the Minister or one of his deputies according to the distribution of their duties.»;

to add a new para 4 that reads:

«4. An Opinion of the Ministry of Justice based on the results of an anticorruption examination reflects the following information:

1) the list and analysis of the corruption-prone provisions contained in the draft regulatory act;

2) the description of consequences which may be expected if the act is adopted;

3) recommendations concerning elimination of such drawbacks»;

3) in subpara 64:

to give the heading the following language:

"§ 64. Consequences of legal and anticorruption examination";

to supplement a new subparagraph that reads:

«If the Ministry of Justice is of the opinion that the draft act of the Cabinet of Ministers contains some corruption-prone provisions, the results of the anticorruption examination are disclosed during consideration of the draft act by the Cabinet of Ministers of Ukraine.»