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**DIRECTORATE GENERAL
HUMAN RIGHTS AND RULE OF LAW**



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OPINION OF THE DIRECTORATE GENERAL HUMAN RIGHTS AND RULE OF LAW

**Information Society and Action against Crime Directorate
Action against Crime Department
prepared on the basis of the expertise by Mr Georgi Rupchev**

ON

**Draft Law on “Amendments to Particular Legal Acts of Ukraine on
Establishment of Measures Having Criminal-Legal Character
in Respect of Legal Persons”**

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1. EXECUTIVE SUMMARY

The establishment of liability of legal persons (corporate liability) for respective corruption criminal offences is a mandatory requirement of the Council of Europe Criminal Law Convention on Corruption (ETS 173) and the United Nations Convention against Corruption, both ratified by Ukraine in 2009. Ukraine also ratified the United Nations Convention against Transnational Organised Crime (in 2004) and the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of Proceeds from Crime and on the Financing of Terrorism (in 2011), where the corporate liability for respective offences is also provided as a mandatory standard. Thus, the Ukrainian authorities are expected to introduce corporate liability for the criminal offences established by the above four conventions, as well as by other relevant international conventions ratified by Ukraine. However, it is not appropriate to extend the liability of legal persons for corruption to the administrative offences committed under the Law on Principles of Preventing and Counteracting Corruption.

The Ukrainian authorities should be commended for drafting the legislation, aimed at introducing criminal liability of legal persons, which is considered as more effective and a better deterrent than administrative or civil liability.

The Draft Law “On Amendments to Particular Legal Acts of Ukraine on Establishment of Measures Having Criminal-Legal Character in respect of Legal Persons” has taken into account the general standards established by the international anti-corruption instruments concerning the conditions for liability, the link between proceedings against legal persons and natural perpetrators, and the sanctions. However, in order to be brought into full compliance with international standards and best practices, some further improvements are necessary.

In particular, the conditions for establishing corporate liability should also cover the instance where the lack of supervision or control within the legal person has made possible the commission of the offence for the benefit of that legal person by a person who does not have a leading position or is not an “authorised person”. This mandatory requirement of the Council of Europe Criminal Law Convention could be met by ensuring that the liability of the legal person is engaged also when the physical perpetrator is any official or employee of the legal person in spite of his/her position.

The legal person should be held liable even if the natural person who has committed the crime cannot be prosecuted or convicted. This problem of the link between proceedings against the natural perpetrator and the legal person is of high importance in the Ukrainian context, due to the existence of the special defence of “effective regret” in the case of active bribery (i.e. exemption from punishment granted to perpetrators of active bribery who report to law enforcement authorities).

The exclusion from public procurement procedure and/or public aid could be established as a criminal law measure which would meet the international standard for effective, proportionate and dissuasive sanctions in the case of corporate liability. At the same time, the liquidation could be provided as a criminal law measure only for the most serious criminal offences, such as financing of terrorism, organised crime, trafficking in human beings. The possibility for forfeiture of proceeds from crime outside liquidation has to be ensured. In addition, the establishment of a register of the legal persons which are subject to corporate sanctions has to be considered, as required by the Group of States against Corruption (GRECO) in its recommendation xxiv made within the Joint First and Second Evaluation Round¹.

Finally, it could be examined whether the Draft Law provides an effective jurisdictional base for prosecuting legal persons for foreign bribery and whether special investigative techniques and mutual legal assistance are available in investigations against legal persons.

¹ [http://www.coe.int/t/dghl/monitoring/greco/evaluations/round2/GrecoEval1-2\(2006\)2_Ukraine_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round2/GrecoEval1-2(2006)2_Ukraine_EN.pdf).

2. INTRODUCTION

By letter of 5 March 2013 addressed to the Director General of Human Rights and Rule of Law, the Ukrainian authorities requested the Council of Europe to provide an opinion on the compliance of the Draft Law on “Amendments to Particular Legal Acts of Ukraine on Establishment of Measures Having Criminal-Legal Character in Respect of Legal Persons” (hereafter, the Draft Law) with the Council of Europe and other international standards. It is solely based on the English translation of the Draft Law and comparative table with current provisions and proposed amendments (see Appendix I), as well as the Criminal and Criminal Procedure Codes provided by the Ukrainian authorities.

The opinion has been prepared on the basis of the expertise by the Council of Europe expert, Mr Georgi Rupchev (State Expert, Directorate of International Legal Cooperation and European Affairs, Ministry of Justice of Bulgaria). It considers the Draft Law in the context of the following international standards:

Council of Europe

- Criminal Law Convention on Corruption (ETS 173, hereafter CoE Criminal Law Convention);
- Convention on Laundering, Search, Seizure and Confiscation of Proceeds from Crime and on the Financing of Terrorism (ETS 198, hereafter CoE Convention on Money Laundering);
- Recommendation No. R(88) 18 of the Committee of Ministers to Member States of the Council of Europe concerning the Liability of Enterprises having Legal Personality for Offences Committed in the Exercise of their Activities² (hereafter, the CoE Recommendation No. R(88) 18).

Other international organisations:

- United Nations Convention against Corruption (UNCAC);
- United Nations Convention against Transnational Organised Crime (hereafter, the UN Convention on Organised Crime);
- The Organisation for Economic Co-operation and Development's (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (hereafter, the OECD Convention);
- Second Protocol to the Convention on the Protection of the European Communities' Financial Interests (hereafter, the Second Protocol);
- The Recommendations of the Financial Action Task Force on Combating Money Laundering and the Financing of Terrorism & Proliferation (2012).

In order to address the GRECO recommendation from the Joint First and Second Evaluation Round Report on Ukraine, and as provided by the National Anti-corruption Strategy 2011-2015, the Ministry of Justice of Ukraine prepared the Draft Law which was submitted to the Parliament on 17 January 2013. It provides for amendments to the Criminal Code and Criminal Procedure Code aimed at introducing liability of legal persons for criminal offences and respective procedure for application of the liability. The Draft Law also provides for amendments to the Law on Principles of Preventing and Counteracting Corruption, and the law “On Ensuring the Security of Persons Participating in the Criminal Proceedings”.

On 5 March 2013, the provisions of the Draft Law were discussed during a Roundtable on Liability of Legal Persons (hereafter, the roundtable) organised in Kyiv within the Eastern Partnership-

² <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=233230&SecMode=1&DocId=698704&Usage=2>.

Council of Europe Facility Project on “Good Governance and Fight against Corruption”. Mr Georgi Rupchev participated in the roundtable as a Council of Europe expert and briefly presented the international standards and GRECO recommendations on liability of legal persons (corporate liability) for corruption criminal offences, and shared his preliminary views concerning some of the provisions of the Draft Law.

The following comments and recommendations have taken into account the views and opinions expressed during the roundtable and reflect the level of compliance of the Draft Law with the above-mentioned international standards. They also refer to best practices and national legislation of some GRECO member states.

The comments and relevant recommendations deal with the issues which are considered as non-compliant with the international standards and problematic in the context of implementation of the concept of corporate liability for criminal offences which is new for Ukrainian law and legal practitioners.

3. ANALYSIS AND CONCLUSIONS

3.1. Conditions for establishing liability of legal persons for criminal offences

3.1.1. Criminal offences subject to corporate liability

Article 96.1 of the Draft Law does not define the circle of criminal offences which could trigger corporate liability. Thus, it would be at the discretion of the Ukrainian prosecuting authorities and the courts to assess in every specific case whether the respective criminal offence is of a nature to engage the liability of the legal person. Such situation could be potential for inconsistent interpretation and even for misuse. In view of the newly adopted concept of corporate liability for criminal offences and lack of practical experience it seems more appropriate to restrict its application only to limited number of criminal offences. This could be done by providing reference to the respective articles of the Criminal Code (i.e. by mentioning their number). In any case, all relevant criminal offences established by the international instruments ratified by Ukraine (the instruments which require establishment of liability of legal persons) should be listed (e.g. in the provision of Art.96.1). The list of relevant corruption criminal offences should include active bribery of domestic and foreign public officials, as well as officials, parliamentarians and judges of international organisations; active bribery in the private sector; active trading in influence; money laundering (criminal offences established by both the CoE Convention and UNCAC); and concealment and obstruction of justice (established by UNCAC only). In any case, the liability of legal persons for corruption should not be extended to the administrative offences under the Law on Principles of Preventing and Counteracting Corruption, as provided by the final provision of the Draft Law (see also GRECO recommendation iii in the Joint First and Second Evaluation Round Report on Ukraine). The administrative offences established by the latter law are not relevant to the concept of liability of legal person for corruption and their inclusion would unreasonably broaden the scope of its application. **Therefore, it is recommended to consider the limitation of the criminal offences (including corruption criminal offences) which could trigger corporate liability to the offences established by the international conventions ratified by Ukraine. The liability of legal persons for corruption should not be extended to the administrative offences under the Law on Principles of Preventing and Counteracting Corruption.**

3.1.2 Lack of supervision or control

Article 96.1 provides that the liability of the legal person is engaged where the offence is committed by its “director, founder or participant or by other authorised person”. It seems that the term “authorised person” is broad enough to cover the categories of natural persons who have leading position within the legal person (Article 18, paragraph 1 CoE Criminal Law Convention). However, the above provision does not reflect the requirement to establish the liability of legal persons also in cases where the lack of supervision or control by a natural person holding a leading position has

made possible the commission of the respective criminal offence by a subordinate natural person in the interests of the legal person. The most appropriate way to address the above shortcoming is to adopt a form of strict/vicarious liability (as applied in the US³), i.e. the legal person should be held liable for the unlawful acts of its employees (and agents) when they act (a) within the scope of their duties, and (b) for the benefit of the legal person. For example, the Bulgarian law provides that the legal person may be liable when the criminal offence is committed also “by an employee to whom the legal person has assigned a certain task, when the crime was committed during or in connection with the performance of this task (and for the benefit of the legal person)”. Such a solution would also help avoid proving the lack of supervision which could be problematic. The due diligence on behalf of the legal person in supervising and controlling its employees could be used as a mitigating circumstance rather than as a complete defence. **Therefore, it is recommended to address the mandatory requirement for establishing corporate liability also in cases of “lack of supervision” by including employees in the circle of natural persons whose criminal acts could engage the liability of the legal person, where the employees act within the scope of their duties and for the benefit of the legal person.**

3.1.3 Accessory acts and instigation

Under Article 18, paragraph 1 of the CoE Criminal Law Convention, the involvement of the person in leading position as accessory or instigator in the respective corruption offence is also established as a condition for corporate liability. The Draft Law does not explicitly refer to this condition but to the case where the crime is committed “*in conspiracy*” (besides the individual commission of the crime). It is not clear whether the commission of the crime “*in conspiracy*” would cover the instances of accessory acts and instigation as required by the international standard. This mandatory standard should be also addressed by the Draft Law (in Article 96.1). **Therefore, it is recommended to ensure the application of the corporate liability also in the case where the natural person in leading position (and employee of the legal person) is accessory or instigator in the respective corruption offence.**

3.1.4 Use of legal person to commit/conceal offence

The last condition for the establishment of corporate liability, provided by Article 96.1 of the Draft Law is “*any use of the legal person with a purpose to commit a crime, conceal a crime or its consequences*”. This concept looks too broad and going beyond the international standards, especially if it does not require that the crime is committed for the benefit of or with the willful and knowing participation of the legal person as it can be inferred from the CoE Criminal Law Convention and UNCAC respectively. **Therefore, it is recommended to clarify the scope of application of the concept of “use of legal person with a purpose to commit a crime, conceal a crime or its consequences” as a condition for corporate liability.**

3.2. Legal persons subject to criminal law measures

Article 96.2 of the Draft Law refers to the Ukrainian law for defining the circle of the legal persons subject to criminal law measures and this approach is in conformity with the international standards. Under the same provision, “*the legal persons of public law which are wholly financed at the account of state or local budgets, as well as at the account of international organisations*” are excluded from the legal persons who may be held liable for criminal offences. In fact, the international instruments exclude from the liable legal persons “the State or other public bodies in the exercise of State authority (such as ministries or local government bodies) and public international organisations” (Article 1(d) of the CoE Criminal Law Convention). However, the exception for state and public bodies cannot be extended to public enterprises, i.e. state-owned and state-controlled enterprises (paragraph 31 of the Explanatory Report on the CoE Criminal Law Convention). In principle, the public enterprises would neither be established under the public law nor wholly funded by the public budget because they are business/for-profit entities and are

³ GRECO, Second Evaluation Round Report on the United States of America, Eval II Rep (2005) 10E, 13 October 2006, [http://www.coe.int/t/dghl/monitoring/greco/evaluations/round2/GrecoEval2\(2005\)10_USA_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round2/GrecoEval2(2005)10_USA_EN.pdf).

expected to generate incomes from transactions. However, the present opinion does not examine the current legal regime applicable to the public enterprises in Ukraine, and it is not clear whether, in the Ukrainian context, the quoted wording used in Article 96.2 of the Draft Law fully meets the above international standard and makes possible the effective engagement of the liability of the public enterprises. In any case, it should be noted that, according to Article 96.8, paragraph 3 of the Draft Law, the liquidation measure may not be applied to the legal persons “pertaining to the objects having strategic significance for the economy and security of the state”. As clarified during the roundtable held on 5 March 2013 in Kyiv, this exception is aimed at protecting (also) most important public enterprises. It means that in principle the public enterprises are not considered to be excluded from the circle of legal persons which may be subject to corporate sanctions. This interpretation should be confirmed by the Ukrainian authorities. **Therefore, it should be clarified that public enterprises are also subject to corporate liability (criminal law measures).**

3.3 Sanctions (measures having criminal law character); forfeiture; register

The Draft Law provides for four types of measures having criminal law character in respect of legal persons (Articles 96.4 – 96.8), including fines, prohibition to pursue particular activity, confiscation in case of liquidation, and liquidation.

3.3.1 Liquidation/exclusion from public procurement/determination of fines

Some international instruments provide for the judicial winding-up order and closure of the enterprise as possible sanctions/measures to be imposed on legal persons (Article 4, paragraph 1 of the Second Protocol and paragraph 7 of the Appendix to the CoE Recommendation No. R(88) 18). However, as mentioned above, the corporate liability for criminal offences is a new concept for the Ukrainian law and, the introduction of the liquidation (comparable to death penalty for individuals) for all corruption and other relevant offences could be considered as premature in the Ukrainian context. The liquidation could be provided as a criminal law measure only for the most serious criminal offences, such as financing of terrorism, organised crime, trafficking in human beings (Article 96.8 of the Draft Law). At the same time in order to ensure the proportionality of available sanctions the Ukrainian authorities could additionally consider the introduction of such a measure as exclusion from public tendering/public procurement (see second part of recommendation xii of the GRECO Joint First and Second Evaluation Round Report on Switzerland)⁴ or/and exclusion from the entitlement to public benefits or aid (Second Protocol). The similar measures are suggested by the CoE Recommendation No. R(88) 18: exclusion from doing business with public authorities and exclusion from fiscal advantages and subsidies. In addition, it may be suggested to include such factor as the size of the company as a circumstance to be considered by the court when determining the size of the fine (approach adopted by the OECD Working Group on Bribery).

Therefore, it is recommended (a) to introduce liquidation as a criminal law measure only where the legal person is involved in the most serious criminal offences, such as financing of terrorism, organised crime, trafficking in human beings, and (b) to introduce the exclusion from public tendering/public procurement or/and exclusion from entitlement to public benefits or aid, as criminal law measure(s) in order to further ensure the proportionality of sanctions.

3.3.2 Confiscation/Forfeiture

Currently the confiscation of property is provided only in cases of liquidation of the legal person (Article 96.7 of the Draft Law). However, it should be mentioned that the international conventions prescribe a general obligation to ensure confiscation or other forms of forfeiture of instrumentalities used and intended for use in a crime, as well as the direct and indirect proceeds of crime, or property the value of which corresponds to such proceeds – if proceeds from crime are not

⁴ [http://www.coe.int/t/dghl/monitoring/greco/evaluations/round2/GrecoEval1-2\(2007\)1_Switzerland_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round2/GrecoEval1-2(2007)1_Switzerland_EN.pdf).

available (Article 19, paragraph 3 CoE Criminal Law Convention, Article 31 UNCAC, Article 3, paragraph 3 OECD Convention, Article 5 Second Protocol). It seems that this standard is not reflected in the Draft Law. In this regard an amendment to Article 170 of the Criminal Procedure Code, as well as an amendment to Article 167 of the CPC could be introduced to provide for this. **Therefore, it is recommended to provide in the Draft Law for possibility of forfeiture of the proceeds of crime and the instrumentalities used and intended for use in a crime by a legal entity.**

3.3.3 Register

GRECO in its Joint First and Second Evaluation Round Report on Ukraine recommended to consider the establishment of a registration system for legal persons which would be subject to corporate sanctions (second part of recommendation xxiv). As noted during the roundtable held on 5 March 2013, similar recommendation has been addressed to a number of GRECO members: Austria, Belgium, Denmark, Republic of Moldova, Spain, Sweden, Switzerland, Portugal. It seems that the proposed amendments to the Criminal Code and Criminal Procedure Code do not address properly the above GRECO recommendation. In any case, it is appropriate that the relevant information about corruption offences committed by the legal persons is also publicly available and thus used also for preventive purposes (see recommendation iv from the GRECO Second Evaluation Round Report on Denmark)⁵. **Therefore, it is recommended to ensure the establishment of a public register of the legal persons which are subject to criminal law measures.**

3.4 Link with the responsibility of the physical perpetrator/link between proceedings against legal person and proceedings against physical perpetrator

The amendment to Article 284 of the Criminal Procedure Code (new paragraph 3) stipulates that *“the criminal proceedings in respect of the legal person should be closed in case of closure of the criminal proceedings, (because of) passing of the acquittal verdict in respect of the physical perpetrator of the crime”*. The implications of such a provision should be reconsidered very carefully in the Ukrainian context in order to ensure proper application of the corporate liability rules. In particular, it should be clarified whether this provision refers also to the instances where the defence of “effective regret” in the case of active bribery is applied (i.e. exemption from liability granted to perpetrators of active bribery who report to law enforcement authorities under Article 369, paragraph 6 of the Criminal Code). It would be unacceptable if the invocation of the “effective regret” by the physical perpetrator leads to closure of the proceedings also in respect of the legal person.

It is necessary to define the cases where the legal person should be subject to criminal law measures even if the natural person who has committed the crime is not prosecuted or convicted (e.g. the perpetrator has been released from liability as a result of successful application of “effective regret” defence; has received amnesty; or has died; or proceedings against the perpetrator has been transferred to another state, etc.). In any case, the automatic preclusion of the proceedings against a legal person in all cases, where the proceedings against a natural person cannot be commenced or are terminated, will seriously undermine the effectiveness of the corporate liability. **Therefore, it is recommended to consider determining the cases where the legal person would be subject to criminal law measures even if the physical perpetrator is not prosecuted or convicted.**

⁵ [http://www.coe.int/t/dghl/monitoring/greco/evaluations/round2/GrecoEval2\(2004\)6_Denmark_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round2/GrecoEval2(2004)6_Denmark_EN.pdf).

4 LIST OF RECOMMENDATIONS

In view of the above findings, the following *recommendations* are aimed at bringing the Draft Law into compliance with the international standards and best practices in the field of liability of legal persons for corruption criminal offences:

Regarding conditions for establishing liability of legal persons for criminal offences

(i) to consider the limitation of the criminal offences (including corruption criminal offences) which could trigger corporate liability to the offences established by the international conventions ratified by Ukraine. The liability of legal persons for corruption should not be extended to the administrative offences under the Law on Principles of Preventing and Counteracting Corruption (paragraph 3.1.1);

(ii) to address the mandatory requirement for establishing corporate liability also in cases of “lack of supervision” by including employees in the circle of natural persons whose criminal acts could engage the liability of the legal person, where the employees act within the scope of their duties and for the benefit of the legal person (paragraph 3.1.2);

(iii) to ensure the application of the corporate liability also in the case where the natural person in leading position (and employee of the legal person) is accessory or instigator in the respective corruption offence (paragraph 3.1.3);

(iv) to clarify the scope of application of the concept of “*use of legal person with a purpose to commit a crime, conceal a crime or its consequences*” as a condition for corporate liability (paragraph 3.1.4);

Regarding sanctions (measures having criminal law character), forfeiture and register.

(v) (a) to introduce liquidation as a criminal law measure only where the legal person is involved in the most serious criminal offences, such as financing of terrorism, organised crime, trafficking in human beings, and (b) to introduce the exclusion from public tendering/public procurement or/and exclusion from entitlement to public benefits or aid, as criminal law measure(s) in order to further ensure the proportionality of sanctions (paragraph 3.3.1);

(vi) to provide in the Draft Law for possibility of forfeiture of the proceeds of crime and the instrumentalities used and intended for use in a crime by a legal entity (see proposed amendments to Article 170 of the Criminal Procedure Code under the Appendix below; a similar amendment should be made to Article 167 of the CPC, which is currently not in the list of Articles to be amended, as submitted by Ukrainian authorities) (paragraph 3.3.2);

(vii) to ensure the establishment of a public register of the legal persons which are subject to criminal law measures (paragraph 3.3.3);

Regarding the link with the responsibility of the physical perpetrator

(viii) to consider determining the cases where the legal person would be subject to criminal law measures even if the physical perpetrator is not prosecuted or convicted (paragraph 3.4).

In addition, it should be clarified that public enterprises are also subject to corporate sanctions (criminal law measures) (paragraph 2, legal persons subject to criminal law measures).

5. APPENDIX I

The English translation of the Draft Law and Comparative table with current provisions and proposed amendments to the Criminal Code, the Code of Criminal Procedure, the Law of Ukraine on “Ensuring Security of Persons Participating in the Criminal Proceedings” and the Law of Ukraine “On Principles of Prevention and Counteraction to Corruption” have been provided by the Ukrainian authorities.

DRAFT

Submitted by the
Cabinet of Ministers of Ukraine

M. AZAROV

“ ” 2012

LAW OF UKRAINE

On Amendments to Particular Legal Acts of Ukraine on Establishment of Measures Having Criminal-Legal Character in Respect of Legal Persons

The Verkhovna Rada of Ukraine hereby resolves:

I. To amend the following legal acts of Ukraine:

1. To supplement General part of the Criminal Code of Ukraine (Vidomosti of the Verkhovna Rada of Ukraine 2001, № 25–26, p. 131) with a new Chapter XIV¹ as follows:

«Chapter XIV¹

MEASURES HAVING CRIMINAL-LEGAL CHARACTER IN RESPECT OF LEGAL PERSONS

Article 96¹. Grounds for the application of measures having criminal-legal character in respect of legal persons

The ground for the application of measures having criminal-legal character in respect of the legal person shall be the individual commission or in conspiracy on behalf or in the interests of such legal person of the crime by its director, founder or participant or by other authorized person, as well as any use of the legal person with a purpose to commit a crime, conceal a crime or its consequences.

Article Стаття 96². Legal persons subject to measures of criminal-legal character

Measures of criminal-legal character may be applied by the court in respect of the undertakings, institution or organization which according to the Ukrainian law have the status of the legal person except for legal persons of public law which are wholly financed at the account of state or local budges, as well as at the account of international organisations.

Article 96³. Legal grounds for the relief of the legal person from application of measures having criminal-legal character

1. A legal person shall be relieved from the application of measures having criminal-legal character, where from the date of commission by this legal person of

the crime provided for in Article 96¹ of this Code and till the entry into force of the sentence the following periods of limitations have passed:

- 1) three years – in case of commission of a crime of minor gravity;
- 2) five years – in case of commission of a crime of medium gravity;
- 3) ten years – in case of commission of a grave crime;
- 4) fifteen years – in case commission of extremely grave crime.

2. The calculation of periods of limitations for application in respect of legal person of measures having criminal-legal character shall be suspended where the person stated in Article 96¹ of this Code, is absconding from investigation bodies and justice with the purpose of evading criminal responsibility and his/her place of location is unknown. In these cases the calculation of periods of limitations shall be resumed from the date of establishing the place of location of the person stated in Article 96¹ of this Code.

3. The calculation of periods of limitations of application of measures having criminal-legal character in respect of the legal person shall be interrupted, where prior to the end-up of the periods provided for in paragraphs 1 and 2 of this Article, the person stated in Article 96¹ of this Code, has committed recurring crime of medium gravity, grave or extremely grave crime envisaged by this Code.

4. The calculation of periods of limitations in this case shall be commenced from the date of commission by the person stated in Article 96¹ of this Code of a new crime. In this respect the periods of limitations shall be calculated separately for each crime.

Article 96⁴. Types of measures having criminal-legal character in respect of legal persons

1. The court may apply the following measures having criminal-legal character in respect of legal persons:

- 1) a fine;
- 2) a prohibition to pursue particular activity for the legal person;
- 3) confiscation of property owned by the legal person;
- 4) liquidation of the legal person.

2. In respect of legal persons a fine and liquidation may be applied only as primary measures having criminal-legal character, prohibition to pursue particular activity – as primary and additional, and the confiscation – only as additional.

Article 96⁵. Fine

1. The court may apply a fine in respect of the legal person in the amount from five thousand to seventy five thousand tax exempt minimum of citizens' income.

2. Depending on the gravity of the crime committed by the director, founder or participant or by other authorized person of the legal person, the court applies the fine in the following amounts:

for crimes of minor gravity – from five thousand to ten thousand tax exempt minimum of citizens' income;

for crimes of medium gravity – from ten thousand to twenty thousand tax exempt minimum of citizens' income;

for grave crimes – from twenty five thousand to fifty thousand tax exempt minimum of citizens' income;

for extremely grave crimes – from fifty thousand to seventy five thousand tax exempt minimum of citizens' income.

3. Having regard to the property state of the legal person, the court may apply the fine to be paid by installments in particular amounts within a term of one year.

Article 96⁶. Prohibition to pursue particular activity for the legal person

1. The court may prohibit for the legal person to pursue any activity defined in its statutory documents for the period from three months to three years.

In case of simultaneous provision of prohibition for the legal person to pursue a number of activities, particular period on each type of the activity shall be separately provided for by the court.

Article 96⁷. Confiscation of property owned by the legal person

1. The confiscation of property shall constitute the coercive seizure without compensation of the property owned by the legal person to the benefit of the state and may be applied by the court in case of liquidation of the legal person according to this Code.

Article 96⁸. Liquidation of the legal person

1. Liquidation of the legal person may be applied by the court in case of commission by the persons stated in Article 96¹ of this Code of the grave or extremely grave crime.

2. Liquidation of the legal person shall be performed under the procedure provided for in the Law of Ukraine "On State Registration of Legal Persons and Natural Persons-Entrepreneurs".

3. Where the legal person pertain to the objects having strategic significance for the economy and security of the state, the said measure shall not be applied in respect of such legal person.

Article 96⁹. General rules for the application of measures having criminal-legal character in respect of legal person

1. When applying the measures having criminal legal character in respect of legal person the court shall consider the gravity of the crime committed by its director, founder, participant or other authorized person, the degree of criminal intent achievement, the amount of damage caused, character (amount) of benefit

gained or could be gained by the legal person, reimbursement by the legal person of losses incurred or elimination of damage caused, actions undertaken by the legal person to prevent the crime, as well as having regard to the nature of the crime committed – possibility to further pursue particular activities by the legal person.

Article 96¹⁰. Application of measures having criminal-legal character in respect of legal persons upon the aggregate of crimes

1. Upon aggregate of crimes within single criminal proceedings, the court, having applied in respect of the legal person measures having criminal-legal character for each crime separately, shall define the final primary measure through merging the milder measure into the heavier measure.

The primary measure having criminal-legal character in the form of prohibition to pursue particular type of activity when applying it upon the aggregate of crimes shall be carried out individually, except for cases when the court applies the liquidation of the legal person under this Code.

2. When applying the measures having criminal-legal character in respect of legal person for the crime in case of availability of non-carried out measure on the previous sentence (sentences) of the court – each of them shall be carrying out separately, except for cases when the court applies the liquidation of the legal person under this Code”.

2. Criminal Procedure Code of Ukraine:

1) in paragraph 1 Article 3:

points 25 and 26 after the words «and his representative,» shall be supplemented with the words «representative of the legal person in respect of which criminal proceedings were initiated,»;

2) the first sentence of paragraph 4 Article 23 after the word “character” shall be supplemented with the words “as well as to the representative of the legal person in respect of which criminal proceedings were initiated,”;

3) shall be supplemented with Article 63¹ as follows:

«Article 63¹. The representative of the legal person in respect of which criminal proceedings were initiated

1. The representative of the legal person in respect of which criminal proceedings were initiated may be:

the person who is entitled to be a defense lawyer in the criminal proceedings;
director or other person authorized by the law or statutory documents;
employee of the legal person.

2. The powers of the representative of the legal person in respect of which criminal proceedings were initiated, to participate in the proceedings shall be ascertained by:

1) the documents provided for in Article 50 of this Code, where the representative is the person entitled to be defense lawyer in the criminal proceedings;

2) the copies of statutory documents of the legal person – where the representative is the director of the legal person or other person authorized by the law or statutory documents;

3) by the power of attorney – where the representative of the legal person is its employee.

3. The representative of the legal person shall be entitled to:

1) be aware of the offence for which the criminal proceedings have been initiated against the legal person and to give explanations in this respect;

2) use legal aid;

3) collect and present evidences to the investigator, prosecutor, investigative judge and to the court;

4) participate in the conduct of procedural actions;

5) raise questions, file his/her observations and objections on the procedure of actions conduct which are entered into the protocol during the conduct of procedural actions;

6) use, with the observance of the provisions of this Code, technical means when conducting procedural actions in which he/she participates. Investigator, prosecutor, investigative judge and the court shall be entitled to prohibit the use of technical means during the conduct of particular procedural action or at the particular stage of the proceedings with a view to prevent divulgence of data containing secrecy protected by the law or related to private life. In this case a justified resolution (judgment) shall be issued (taken).

7) to submit petitions on the conduct of procedural actions, on ensuring his own security, security of members of his/her family, close relatives, property, domicile etc;

8) to claim challenges;

9) to familiarize with the files of pre-trial investigation under the procedure provided for in Article 221 of this Code and to claim the opening of the files according to Article 290 of this Code;

10) receive copies of procedural documents and written notifications;

11) appeal against decisions, actions and failure to act by the investigator, prosecutor, investigative judge under the procedure provided for in this Code;

12) speak native language, receive copies of procedural documents in native language or other language he/she speaks, and where necessary to use the services of the interpreter;

13) take part in the judicial debates;

14) familiarize with the journal of judicial hearing and technical records of judicial procedure which competent judicial officials are obliged to provide to him/her, and to file his/her observations on them;

15) appeal against judicial decisions and to initiate their revision under the procedure provided for in this Code, and to be aware of any appeals and cassations, or applications on their revision, and to file objections on them.

The representative of the legal person in respect of which criminal proceedings were initiated shall have other procedural rights provided for in this Code.»;

4) point 1 paragraph 2 Article 65 after the word «representative of,» shall be supplemented with words «legal person in respect of which criminal proceedings were initiated,»;

5) in paragraph 3 Article 89, in paragraph 1, subparagraph 1 and in the first sentence of subparagraph 2 paragraph 3 Article 93, paragraph 8 Article 95, first sentence paragraph 3 and paragraph 6 Article 99, first sentence paragraph 2 Article 140 and in the first sentence paragraph 1 Article 221 the word «aggrieved» in all cases shall substituted by the words «aggrieved, the representative of the legal person in respect of which criminal proceedings were initiated,» in respective cases;

6) Article 91 shall be supplemented with a new paragraph 2 as follows:

«2. In the criminal proceedings in respect of the legal person the following issues shall also be subject to proof:

1) whether the natural person who committed one of the criminal offences becoming the ground for criminal proceedings initiation in respect of the legal person is the director, founder, participant or other authorized person of this legal person;

2) whether this criminal offence was committed by the director, founder, participant or other authorized person of this legal person;

3) whether this legal person gained or could gain unlawful benefit due to the commission by its director, founder, participant or other authorized person of this legal person of the criminal offence, as well as the amount of such benefit whether it has material nature.».

In this relation paragraph 2 shall be considered as paragraph 3;

7) paragraph 1 Article 98 after the words «way» shall be supplemented by the words «or gained by the legal person due to the commission of the criminal offence»;

8) point 6 paragraph 9 Article 100 after the words «offence» shall be supplemented by the words «or gained by the legal person due to the commission of the criminal offence»;

9) paragraph 2 Article 120 shall be read as follows:

«2. Expenses associated with the payment of the cost aid provided by the representative of the aggrieved party, civil plaintiff, civil respondent and legal person in respect of which criminal proceedings were initiated who provides legal aid under contract, shall be borne by the aggrieved party, civil plaintiff, civil respondent, legal person in respect of which criminal proceedings were initiated.»;

10) in the first sentence paragraph 2 Article 122, subparagraph 1 paragraph 1 article 139 and second sentence paragraph 1 Article 351 the word «respondent» in all case shall be substituted by the words «respondent, representative of the legal person in respect of which criminal proceedings were initiated» in respective cases;

11) in Article 170:

the first sentence paragraph 1 after the word «deed,» shall be supplemented with the words «as well as legal person in respect of which criminal proceedings were initiated, where in respect of such legal person a measure having criminal-legal character may be applied in the form of confiscation of property,»;

paragraph 3 after the words «legal persons» shall be supplemented with the words «, as well as those owned by the legal person in respect of which criminal proceedings were initiated,»;

12) paragraph 3 Article 171 after the word «accused,» shall be supplemented with the words «legal person in respect of which criminal proceedings were initiated,»;

13) in Article 172:

the first sentence paragraph 1 after the words «legal representative» shall be supplemented with the words «,representative of the legal person in respect of which criminal proceedings were initiated»;

paragraph 2 after the words «legal representative,» shall be supplemented by the words «representative of the legal person in respect of which criminal proceedings were initiated,»;

14) paragraph 7 Article 173 after the words «to the accused,» shall be supplemented with the words «to the representative of the legal person in respect of which criminal proceedings were initiated,»;

15) in the first sentence subparagraph 1 and in subparagraph 2 paragraph 1 Article 174 the words «possessor of property,» in all cases shall be substituted by the words «possessor of property, representative of the legal person in respect of which criminal proceedings were initiated,» in respective case;

16) Article 214 shall be supplemented with a new paragraph 8 as follows:

«8. Where during the pre-trial investigation of the criminal proceedings it will be established that the said deed is committed by the director, founder, participant or other authorized person on behalf of such legal person and in its interests, either by any using of such legal person with a purpose of committing a criminal offence, concealing a criminal offence or its consequences, – the investigator, prosecutor

shall immediately enter the data on such legal person into the Single registry of pre-trial investigation and shall commence the investigation.

Criminal proceedings in respect of the legal person shall be conducted according to this Code.»;

17) paragraph 1 Article 220 after the words «legal representative» shall be supplemented with the words «, representative of the legal person in respect of which criminal proceedings were initiated,»;

18) in subparagraph 1 paragraph 6 Article 223 and second sentence paragraph 4 Article 280 the word «aggrieved party» in all cases shall be substituted by the words «aggrieved party, representative of the legal person in respect of which criminal proceedings were initiated» in respective cases;

19) the first sentence paragraph 1 Article 225 after the words «party in the criminal proceedings» shall be supplemented with the words «, representative of the legal person in respect of which criminal proceedings were initiated,»;

20) second sentence paragraph 1 Article 282 after the words «to the aggrieved party» shall be supplemented with the words «, representative of the legal person in respect of which criminal proceedings were initiated»;

21) Article 284 shall be supplemented with a new paragraph 3 as follows:

«3. Criminal proceedings in respect of the legal person shall be closed in case of closure of the criminal proceedings, passing of the verdict of not guilty in respect of its director, founder, participant or other authorized person, as well as in case of liquidation of the legal person or in case of elapse of the periods of limitations for the application of measures having criminal-legal character in respect of the legal person.»;

In this relation paragraphs 3-8 shall be considered as paragraphs 4-9;

22) in Article 290:

paragraph 7 after the words «aggrieved party» shall be supplemented with the words «, representative of the legal person in respect of which criminal proceedings were initiated»;

in paragraph 9, first and second sentences paragraph 10 the words «aggrieved party» in all cases shall be substituted by the words «representative of the legal person in respect of which criminal proceedings were initiated,» in respective cases;

23) subparagraph 1 paragraph 4 Article 291 shall be supplemented with a new point 5 as follows:

«5) certificate on the legal person in respect of which criminal proceedings were initiated shall state: the name of the legal person, its legal address, bank account number, date and place of state registration, grounds for the initiation of the criminal proceedings, amount of revenues and the estimate of property, obtained by the legal person due to the commission of the criminal offence; nature and amount of damage caused if applicable.»;

24) paragraph 1 Article 293 shall be supplemented with a new sentence as follows:

«Where the criminal proceedings were initiated in respect of the legal person, a copy of indictment and the registry of pre-trial investigation files shall be provided to the representative of this legal person.»;

25) in Article 302:

in paragraph 1, first sentence paragraph 2 and point 2 paragraph 3 the words «aggrieved party» in all cases shall be substituted by the words «aggrieved party, representative of the legal person in respect of which criminal proceedings were initiated,» in respective cases;

in the second sentence paragraph 2 the words «of the suspected and the aggrieved party» shall be substituted by the words «of the suspected, aggrieved party and representative of the legal person in respect of which criminal proceedings were initiated,»;

26) in paragraph 1 Article 303:

point 1 after the words «by his/her defense lawyer or legal representative,» shall be supplemented with the words «representative of the legal person in respect of which criminal proceedings were initiated,»;

point 2 after the words «by his/her defense lawyer or legal representative» shall be supplemented with the words «, representative of the legal person in respect of which criminal proceedings were initiated»;

27) the first sentence paragraph 2 Article 314 after the words «and his/her representative» shall be supplemented with the words «, representative of the legal person in respect of which criminal proceedings were initiated,»;

28) in Article 326:

the name shall be supplemented with the words «, representative of the legal person in respect of which criminal proceedings were initiated»;

shall be supplemented with a new paragraph 3 as follows:

«3. Where the representative of the legal person in respect of which criminal proceedings were initiated failed to appear at the court session upon subpoena, the court, having heard the opinion of the participants of judicial proceedings, depending on the possibility due of his/her absence to find the circumstances related to the application in respect of the legal person of measures having criminal-legal character, – shall decide upon the issue on the conduct of the judicial consideration without him/her or on the postponing of the judicial consideration. The court shall have the right to apply monetary sanctions to the representative of the legal person in respect of which criminal proceedings were initiated under the procedure provided for in Chapter 12 of this Code.»;

29) in Article 338:

the second sentence paragraph 2 after the words «to the representatives» shall be supplemented with the words «, as well as to the representative of the legal person in respect of which criminal proceedings were initiated»;

shall be supplemented with a new paragraph as follows:

«3. Where the new accusation excludes the application of measures having criminal-legal character to the legal person in respect of which criminal proceedings were initiated, the prosecutor shall simultaneously take the resolution on the closure of criminal proceedings in respect of such legal person.».

In this relation paragraphs 3 and 4 shall be considered as paragraphs 4 and 5;

30) the second sentence paragraph 1 Article 340 after the words «to the representatives» shall be supplemented with the words «, as well as to the representative of the legal person in respect of which criminal proceedings were initiated»;

31) paragraph 11 Article 352 and the second sentence paragraph 2 Article 356 after the words «by the legal representatives,» shall be supplemented with the words «by the representative of the legal person in respect of which criminal proceedings were initiated »;

32) paragraph 1 Article 364 after the words «defense lawyer» shall be supplemented with the words «, representative of the legal person in respect of which criminal proceedings were initiated»;

33) paragraph 1 Article 368 after point 7 shall be supplemented with three new points as follows:

«7¹) whether the natural person who committed one of the criminal offences becoming the ground for the initiation if the criminal proceedings in respect of legal person – director, founder, participant or another authorized person of this legal person;

7²) whether this criminal offence was committed by the director, founder, participant or other authorized person of the legal person;

7³) whether the legal person obtained or could obtain unlawful benefit due to the commission by its director, founder or other authorized person of the criminal offence, as well as the amount of such benefit whether it has material nature;»;

34) point 2 subparagraph 1 paragraph 4 Article 374 after subparagraph 5 shall be supplemented with a new subparagraph as follows:

«decision on the application of measures having criminal-legal character in respect of legal person;»;

35) in Article 376:

the first sentence of paragraph 3 after the words «to his/her representative» shall be supplemented with the words «, to the representative of the legal person in respect of which criminal proceedings were initiated,»;

the first sentence of paragraph 4 and second sentence of paragraph 6 the word «accused» in all cases shall be substituted by the words «accused, representative of the legal person in respect of which criminal proceedings were initiated»;

36) paragraph 1 Article 393 after point 9 shall be supplemented with a new point 9¹ as follows:

«9¹) the representative of the legal person in respect of which measures having criminal legal character were applied, – in part related to the interests of the legal person»;

37) paragraph 1 Article 425 shall be supplemented with a new point 10 as follows:

«10) representative of the legal person in respect of which measures having criminal-legal character were applied, - in part related to the interests of the legal person.»;

38) in Article 469:

paragraph 3 shall be supplemented with a new sentence as follows:

«Conclusion of amicable agreement in the criminal proceedings in respect of the director, founder, participant or other authorized person of the legal person who committed criminal offence in relation to which criminal proceedings in respect of the legal person were initiated shall not be admissible.»;

the second sentence of paragraph 4 shall be read as follows:

«Conclusion of the agreement on the admission of guilty in the criminal proceedings in respect of the director, founder, participant or other authorized person of the legal person who committed criminal offence in relation to which criminal proceedings in respect of the legal person were initiated shall not be admissible.»;

3. Article 2 of the Law of Ukraine «On Ensuring the Security of Persons Participating in the Criminal Proceedings» (Vidomosti of the Verkhovna Rada of Ukraine, 1994 , № 11, p. 51; 2003 p., № 16, p. 124; 2005, № 11, p. 198; 2009, № 36–37, p. 511) shall be supplemented with a new point «д» as follows:

«д) the representative of the legal person in respect of which criminal proceedings were initiated»;

In this relation points «д» – «е» shall be considered as points «е» – «ж»;

point «ж» shall be read as follows:

«ж) members of families and close relatives of the persons listed in points «а» – «е» of this Article, where by use of threats or other illegal actions attempts have been made to influence the participants of the criminal proceedings.»;

4. Paragraph 1 Article 4 of the Law of Ukraine «On Principles of Prevention and Counteraction to Corruption » (Vidomosti of the Verkhovna Rada of Ukraine, 2011, № 40, p. 404) shall be supplemented with a new point as follows:

«5) legal persons – in cases provided for in the law.».

II. Final provisions

1. This Law shall come into force in six months from the date of its official publication.

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

submit to the Verkhovna Rada of Ukraine for consideration the proposals on bringing the legal acts into conformity with this Law;

shall bring its legal acts into conformity with this Law;

shall ensure the bringing into conformity with this Law of Ministries and other central executive power bodies legal acts.

3. It is recommended to the General Prosecution Office of Ukraine to bring its legal acts into conformity with this law within three months from the date of coming in force of this Law.

**Chairman
of the Verkhovna Rada of
Ukraine**

5.2 Comparative table for the Draft Law of Ukraine "On Amendments to Some Legislative Acts of Ukraine on the Introduction of Criminal Law Measures in Respect of Legal Persons"

Provision (regulation) of the legislative act in force	Respective provision (regulation) of the draft act
Criminal Code of Ukraine	
N/A	<p align="center">Chapter XIV¹</p> <p align="center">CRIMINAL LAW MEASURES IN RESPECT TO LEGAL PERSONS</p> <p>Article 96¹. Grounds for the application of criminal law measures in respect to legal persons</p> <p>The ground for the application of criminal law measures in respect to the legal person shall be the individual or in conspiracy, on behalf or in interests of such legal person crime commission by its chairman, founder or participant or by any other authorized person, as well as any use of the legal person with a purpose to commit a crime, conceal a crime or its consequences.</p> <p>Article 96². Legal persons subject to criminal law measures</p> <p>Criminal law measures may be applied by the court in respect to the enterprise, institution or organization which according to the Ukrainian law has the status of a legal person excluding public law legal persons which are fully financed by a state or local budgets, as well as funded by international organisations.</p> <p>Article 96³. Legal grounds for exemption of the legal person from criminal law measures</p> <p>1. A legal person shall be exempted from criminal law measures in case following limitation periods have passed since the date of commission by this legal person a crime provided for in Article 96¹ of this Code and till the entry into force of the sentence:</p>

	<p>1) three years – in case of a crime commission of a minor gravity;</p> <p>2) five years – in case of a crime commission of a medium gravity;</p> <p>3) ten years – in case of a grave crime commission;</p> <p>4) fifteen years – in case of extremely grave crime commission.</p> <p>2. The calculation of limitation period for the means of criminal law measures application in respect of legal person shall be suspended where the person stated in Article 96¹ of this Code is absconding from investigation bodies and justice with the purpose of evading criminal responsibility and his/her place of location is unknown. In these cases the calculation of limitation periods shall be resumed from the date of establishing a location of the person stated in Article 96¹ of this Code.</p> <p>3. The calculation of limitation period for the means of criminal law measures application in respect of legal person shall be interrupted, where prior to the end-up of the periods provided for in paragraphs 1 and 2 of this Article, the person stated in Article 96¹ of this Code, has committed recurring crime of medium gravity, grave or extremely grave crime envisaged by this Code.</p> <p>4. The calculation of limitation periods in this case shall be commenced from the date of commission by the person stated in Article 96¹ of this Code of a new crime. In this respect the periods of limitations shall be calculated separately for each crime.</p> <p>Article 96⁴. Types of criminal law measures in respect of legal persons</p> <p>1. The court may apply the following criminal law measures in respect of legal persons:</p> <p>1) a fine;</p> <p>2) a prohibition to pursue particular activity for the legal person;</p>
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	<p>3) confiscation of property owned by the legal person;</p> <p>4) liquidation of the legal person.</p> <p>2. A fine and liquidation may be applied in respect of legal persons only as primary criminal law measures, a prohibition to pursue particular activity – as primary and additional, and a confiscation – only as additional measure.</p> <p>Article 96⁵. Fine</p> <p>1. The court may apply a fine in respect of the legal person in the amount from five thousand to seventy five thousand minimums of citizens' tax exempt income.</p> <p>2. Depending on the gravity of the crime committed by the chairman, founder or participant or by any other authorized person of the legal person, the court applies the fine in the following amounts:</p> <p>for crimes of minor gravity – from five thousand to ten thousand minimums of citizens' tax exempt income;</p> <p>for crimes of medium gravity – from ten thousand to twenty thousand minimums of citizens' tax exempt income;</p> <p>for grave crimes – from twenty five thousand to fifty thousand minimums of citizens' tax exempt income;</p> <p>for extremely grave crimes –from fifty thousand to seventy five thousand minimums of citizens' tax exempt income.</p> <p>3. Considering property condition of the legal person, the court may rule on the fine to be paid by installments in particular amounts within a term of one year.</p> <p>Article 96⁶. Prohibition to pursue particular activity for the legal person</p> <p>1. The court may prohibit for the legal person to pursue any activity defined in its statutory documents for the period from three months to three years.</p> <p>In case of simultaneous prohibition for the legal person to</p>
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	<p>pursue a number of activities, particular period on each type of the activity shall be separately provided for by the court.</p> <p>Article 96⁷. Confiscation of property owned by the legal person</p> <p>1. The confiscation of property shall constitute the coercive seizure without compensation of the property owned by the legal person to the benefit of the state and may be applied by the court in case of liquidation of the legal person according to this Code.</p> <p>Article 96⁸. Liquidation of the legal person</p> <p>1. Liquidation of the legal person may be applied by the court in case of commission by the person stated in Article 96¹ of this Code of the grave or extremely grave crime.</p> <p>2. Liquidation of the legal person shall be performed under the procedure provided for in the Law of Ukraine “On State Registration of Legal Persons and Natural Persons-Entrepreneurs”.</p> <p>3. Where the legal person belongs to objects having strategic significance for the economy and security of the state, the said measure shall not be applied in respect of such legal person.</p> <p>Article 96⁹. General rules for the application of criminal law measures in respect of legal persons</p> <p>1. When applying criminal law measures in respect of legal person the court shall consider the gravity of the crime committed by its chairman, founder, participant or any other authorized person, the degree of criminal intent achieved, the amount of damage caused, nature (amount) of benefit gained or could be gained by the legal person, reimbursement by the legal person of losses incurred or elimination of damage caused, actions undertaken by the legal person to prevent the crime, as well as having regard to the nature of the crime committed – possibility to further pursue particular activities by the legal person.</p>
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	<p>Article 96¹⁰. Application of criminal law measures in respect of legal persons upon the aggregate of crimes</p> <p>1. Upon aggregate of crimes within single criminal proceedings, the court, having applied in respect of the legal person criminal law measures for each crime separately, shall define the final primary measure through merging the milder measure into the heavier measure.</p> <p>The primary criminal law measure in the form of prohibition to pursue particular type of activity when applying it upon the aggregate of crimes shall be carried out individually, except for cases when the court applies the liquidation of the legal person under this Code.</p> <p>2. When applying criminal law measures in respect of legal person for the crime in a case of presence of non-carried out measure on the previous sentence (sentences) of the court – each of them shall be carried out separately, except for cases when the court applies the liquidation of the legal person under this Code”.</p>
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Criminal Procedure Code of Ukraine	
<p>Article 3. Definition of the Code's principal terms</p> <p>1. For the purpose of this Code, terms, in the absence of special indications, shall mean:</p> <p>...</p> <p>25) Participants in criminal proceedings are the parties to criminal proceedings, victim, his representative and legal representative, civil plaintiff, his representative and legal representative, civil defendant and his representative, a person considered to be surrendered to a foreign country (extradited), applicant, witness and his defense counsel, witness of an investigative action, bailor, translator, expert, specialist, secretary of court session, and bailiff.</p> <p>26) Participants in court proceedings are the parties of criminal proceedings, victim, his representative and legal representative, civil plaintiff, his representative and legal representative, civil defendant and his representative, as well as any such other persons upon whose request or complaint, where so provided for by this Code, court proceedings are held.</p> <p>...</p>	<p>Article 3. Definition of the Code's principal terms</p> <p>1. For the purpose of this Code, terms, in the absence of special indications, shall mean:</p> <p>...</p> <p>25) Participants in criminal proceedings are the parties to criminal proceedings, victim, his representative and legal representative, civil plaintiff, his representative and legal representative, civil defendant and his representative, representative of a legal person subject to criminal proceedings, a person considered to be surrendered to a foreign country (extradited), applicant, witness and his defense counsel, witness of an investigative action, bailor, translator, expert, specialist, secretary of court session, and bailiff.</p> <p>26) Participants in court proceedings are the parties of criminal proceedings, victim, his representative and legal representative, civil plaintiff, his representative and legal representative, civil defendant and his representative, representative of a legal person subject to criminal proceedings, as well as any such other persons upon whose request or complaint, where so provided for by this Code, court proceedings are held.</p> <p>...</p>
<p>Article 29. Language of criminal proceedings</p> <p>...</p> <p>4. Court decisions by which the court completes trial of the case on its merits are provided to the parties to criminal proceedings, or to the person in whose respect the issue of imposing compulsory educational or medical measures has been decided, as translated into their native language or any other language they have command of. Translation of any other procedural documents of criminal proceedings, copies of which are to be provided in accordance with this Code, is performed only if requested by the said individuals. Translation of court decisions and other procedural documents of court proceedings shall be certified by the signature of the translator.</p>	<p>Article 29. Language of criminal proceedings</p> <p>...</p> <p>4. Court decisions by which the court completes trial of the case on its merits are provided to the parties to criminal proceedings, or to the person in whose respect the issue of imposing compulsory educational or medical measures has been decided, as well as to representative of a legal person subject to criminal proceedings, as translated into their native language or any other language they have command of. Translation of any other procedural documents of criminal proceedings, copies of which are to be provided in accordance with this Code, is performed only if requested by the said individuals. Translation of court decisions and other procedural documents of court proceedings shall be certified by the signature of the translator.</p>

<p>N/A</p>	<p>Article 63¹. The representative of a legal person subject to criminal proceedings</p> <p>1. The representative of a legal person subject to criminal proceedings may be:</p> <p>the person who is entitled to be a defense counsel in criminal proceedings;</p> <p>chairman or other person authorized by the law or statutory documents;</p> <p>employee of the legal person.</p> <p>2. Credentials of the representative of a legal person subject to criminal proceedings to participate in the proceedings shall be ascertained by:</p> <p>1) the documents provided for in Article 50 of this Code, where the representative is the person entitled to be defense counsel in the criminal proceedings;</p> <p>2) the copies of statutory documents of the legal person – where the representative is the chairman of the legal person or other person authorized by the law or statutory documents;</p> <p>3) by the power of attorney – where the representative of the legal person is its employee.</p> <p>3. The representative of the legal person shall be entitled to:</p> <p>1) be aware of the offence for which the criminal proceedings have been initiated against the legal person and to give explanations in this respect;</p> <p>2) use legal aid;</p> <p>3) collect and present evidences to the investigator, prosecutor, investigative judge and to the court;</p> <p>4) participate in the conduct of procedural actions;</p> <p>5) raise questions, file his/her observations and objections on the procedure of actions conduct which are added into the</p>
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	<p>protocol during the conduct of procedural actions;</p> <p>6) use, with the observance of this Code provisions, technical means when conducting procedural actions in which he/she participates. Investigator, prosecutor, investigative judge and the court shall be entitled to prohibit the use of technical means during the conduct of particular procedural action or at the particular stage of the proceedings with a view to prevent divulgence of data containing secrecy protected by the law or related to private life. In this case a justified ruling shall be issued.</p> <p>7) move for the conduct of procedural actions, on ensuring his/her own security, security of members of his/her family, close relatives, property, domicile etc;</p> <p>8) claim challenges;</p> <p>9) get familiar with files of pre-trial investigation under the procedure provided for in Article 221 of this Code and to claim the disclosure of these files under Article 290 of this Code;</p> <p>10) receive copies of procedural documents and written notifications;</p> <p>11) appeal against decisions, actions and failure to act by the investigator, prosecutor, investigative judge under the procedure provided for in this Code;</p> <p>12) speak native language, receive copies of procedural documents in native language or other language he/she speaks, and where necessary to use the services of the interpreter;</p> <p>13) take part in the judicial debates;</p> <p>14) get familiar with the journal of judicial hearing and technical records of judicial procedure which competent judicial officials are obliged to provide to him/her, and to file his/her observations on them;</p> <p>15) appeal against judicial decisions and to initiate their revision under the procedure provided for in this Code, and to be aware of any appeals and cassations, or applications on their revision, and to file objections on them.</p>
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	The representative of a legal person subject to criminal proceedings may have other procedural rights provided for in this Code.
Article 65. Witness ... 2. The following persons may not be interrogated as witnesses: 1) defense counsel, authorized representative of victim, civil plaintiff, civil defendant, legal representative of a victim, civil plaintiff in criminal proceedings – about circumstances which they became aware of as a result of their fulfilling functions of representative or defense counsel; ...	Article 65. Witness ... 2. The following persons may not be interrogated as witnesses: 1) defense counsel, authorized representative of victim, civil plaintiff, civil defendant, legal person subject to criminal proceedings , legal representative of a victim, civil plaintiff in criminal proceedings – about circumstances which they became aware of as a result of their fulfilling functions of representative or defense counsel; ...
Article 89. Declaration of inadmissibility of evidence ... 3. The parties to the criminal proceedings and the victim may move during trial for evidence to be declared inadmissible or raise objection against declaring evidence inadmissible.	Article 89. Declaration of inadmissibility of evidence ... 3. The parties to the criminal proceedings, the victim, representative of a legal person subject to criminal proceedings may move during trial for evidence to be declared inadmissible or raise objection against declaring evidence inadmissible.

<p>Article 91. Circumstances to be proved in criminal proceedings</p> <p>...</p> <p>2. Proving consists in collecting, examining and evaluating evidence in order to establish circumstances that are important for criminal proceedings.</p>	<p>Article 91. Circumstances to be proved in criminal proceedings</p> <p>...</p> <p>2. At the course of criminal proceedings in respect of a legal person, following issues shall also be subject to proof:</p> <p>1) whether the natural person who committed one of the criminal offences serving as the ground for criminal proceedings initiation in respect of the legal person is the chairman, founder, participant or other authorized person of this legal person;</p> <p>2) whether this criminal offence was committed by the chairman, founder, participant or other authorized person of this legal person;</p> <p>3) whether this legal person obtained or could obtain unlawful benefit due to the criminal offence commission by its chairman, founder, participant or other authorized person of this legal person, as well as the amount of such benefit if it has material nature.</p> <p>3. Proving consists in collecting, examining and evaluating evidence in order to establish circumstances that are important for criminal proceedings.</p>
<p>Article 93. Collection of evidence</p> <p>1. Collection of evidence is carried out by parties to criminal proceedings, victim in accordance with the procedure laid down in by the present Code.</p> <p>...</p> <p>3. Defense party, victim carries out collection of evidence by way of demanding and obtaining from state authorities, local government bodies, enterprises, institutions, organisations, officials and natural persons, of objects, copies of documents, information, expert opinions, audit and inspection reports, by initiating the conduct of investigative (search) activities, covert (search) activities and other procedural</p>	<p>Article 93. Collection of evidence</p> <p>1. Collection of evidence is carried out by parties to criminal proceedings, victim, representative of a legal person subject to criminal proceedings in accordance with the procedure laid down in by the present Code.</p> <p>...</p> <p>3. Defense party, victim, representative of a legal person subject to criminal proceedings carries out collection of evidence by way of demanding and obtaining from state authorities, local government bodies, enterprises, institutions, organisations, officials and natural persons, of objects, copies of documents, information, expert opinions, audit and inspection reports, by initiating the conduct of</p>

actions, as well as by way of carrying out other activities capable of ensuring the production of relevant and admissible evidence in court.

The defence party or victim shall initiate the conduct of investigative (search) activities by filing appropriate request with the investigator, public prosecutor, which are considered under the rules of Article 220 of this Code. A decision of the investigator, public prosecutor to dismiss a request for the conduct of investigative (search) activities, covert (search) activities may be appealed to the investigating judge.

...

investigative (search) activities, covert (search) activities and other procedural actions, as well as by way of carrying out other activities capable of ensuring the production of relevant and admissible evidence in court.

The defence party, victim, **representative of a legal person subject to criminal proceedings** shall initiate the conduct of investigative (search) activities by filing appropriate request with the investigator, public prosecutor, which are considered under the rules of Article 220 of this Code. A decision of the investigator, public prosecutor to dismiss a request for the conduct of investigative (search) activities, covert (search) activities may be appealed to the investigating judge.

...

<p>Article 95. Testimonies</p> <p>...</p> <p>8. The parties to the criminal proceedings, victim shall have the right to obtain from participants in criminal proceedings and other persons, upon their consent, explanations that are not a source of evidence.</p>	<p>Article 95. Testimonies</p> <p>...</p> <p>8. The parties to the criminal proceedings, victim, representative of a legal person subject to criminal proceedings shall have the right to obtain from participants in criminal proceedings and other persons, upon their consent, explanations that are not a source of evidence.</p>
<p>Article 98. Exhibits (Physical evidence)</p> <p>1. Physical evidence shall mean a material object which has been used as means of committing a criminal offence, preserves signs of it or contains other knowledge which may be used as evidence of the fact or circumstance which is established during criminal proceedings including the items that happened to be the object of criminal unlawful actions, money, valuables or other articles obtained in a criminal and unlawful manner.</p> <p>...</p>	<p>Article 98. Exhibits (Physical evidence)</p> <p>1. Physical evidence shall mean a material object which has been used as means of committing a criminal offence, preserves signs of it or contains other knowledge which may be used as evidence of the fact or circumstance which is established during criminal proceedings including the items that happened to be the object of criminal unlawful actions, money, valuables and other articles obtained in a criminal and unlawful manner or obtained by a legal person as a result of committing a criminal offence.</p> <p>...</p>
<p>Article 99. Documents...</p> <p>3. A party to criminal proceedings, victim shall be required to provide to the court the original of the document. Original of the document is the document itself or its image given the same importance that the document itself.</p> <p>...</p> <p>6. A party to criminal proceedings, victim may provide excerpts, compilations, summaries of documents, which are inconvenient to be examined in whole in court, and upon demand of the court, shall be required to produce the entire documents.</p> <p>...</p>	<p>Article 99. Documents...</p> <p>3. A party to criminal proceedings, victim, representative of a legal person subject to criminal proceedings shall be required to provide to the court the original of the document. Original of the document is the document itself or its image given the same importance that the document itself.</p> <p>...</p> <p>6. A party to criminal proceedings, victim, representative of a legal person subject to criminal proceedings may provide excerpts, compilations, summaries of documents, which are inconvenient to be examined in whole in court, and upon demand of the court, shall be required to produce the entire documents.</p> <p>...</p>

Article 100. Custody of and deciding on physical evidence and documents

...

9. Physical evidence and documents which have been produced to the court and the future of which is decided on by the court while it renders a decision ending criminal proceedings, shall be preserved until the judgment has taken legal effect. At that:

...

6) money, valuables and other property obtained as a result of committing a criminal offence, and the income on these, shall be reverted to the revenue of the state;

...

Article 100. Custody of and deciding on physical evidence and documents

...

9. Physical evidence and documents which have been produced to the court and the future of which is decided on by the court while it renders a decision ending criminal proceedings, shall be preserved until the judgment has taken legal effect. At that:

...

6) money, valuables and other property obtained as a result of committing a criminal offence **or obtained by a legal person as a result of committing a criminal offence**, and the income on these, shall be reverted to the revenue of the state;

...

<p>Article 120. Expenses for legal aid</p> <p>...</p> <p>2. Expenses related to the fees of the representatives of a victim, civil plaintiff and civil defendant who provide legal aid under contract, shall be borne by such victim, civil plaintiff and civil defendant, respectively.</p> <p>...</p>	<p>Article 120. Expenses for legal aid</p> <p>...</p> <p>2. Expenses related to the fees of the representatives of a victim, civil plaintiff, civil defendant and legal person subject to criminal proceedings, who provide legal aid under contract, shall be borne by such victim, civil plaintiff and civil defendant, respectively.</p> <p>...</p>
<p>Article 122. Expenses related to the involvement of victims, witnesses, specialists, translators, and experts</p> <p>...</p> <p>2. Expenses related to the participation of victims in criminal proceedings, invitation and participation of translators for translation of testimonies given by the suspect, accused, victim, civil plaintiff and civil defendant shall be borne by the State Budget of Ukraine as prescribed by the Cabinet of Minister of Ukraine. Invitation by accusation of experts from specialized state institutions as well as expert examination commissioned by the investigating judge or court, shall be made at the expense of funds allocated for this purpose to such institutions from the State Budget of Ukraine.</p> <p>...</p>	<p>Article 122. Expenses related to the involvement of victims, witnesses, specialists, translators, and experts</p> <p>...</p> <p>2. Expenses related to the participation of victims in criminal proceedings, invitation and participation of translators for translation of testimonies given by the suspect, accused, victim, civil plaintiff and civil defendant, representative of a legal person subject to criminal proceedings shall be borne by the State Budget of Ukraine as prescribed by the Cabinet of Minister of Ukraine. Invitation by accusation of experts from specialized state institutions as well as expert examination commissioned by the investigating judge or court, shall be made at the expense of funds allocated for this purpose to such institutions from the State Budget of Ukraine.</p> <p>...</p>
<p>Article 139. Consequences of non-appearance on summons</p> <p>1. If the suspect, accused, witness, victim, civil defendant, who has been summoned according to the procedure set forth in the present Code (in particular, presence of confirmation of receipt of the court summons or of learning its content in other way), did not appear without valid reason or did not inform on reasons for his non-appearance, he shall be subject to imposition of pecuniary penalty in the amount of:</p> <p>...</p>	<p>Article 139. Consequences of non-appearance on summons</p> <p>1. If the suspect, accused, witness, victim, civil defendant, representative of a legal person subject to criminal proceedings, who has been summoned according to the procedure set forth in the present Code (in particular, presence of confirmation of receipt of the court summons or of learning its content in other way), did not appear without valid reason or did not inform on reasons for his non-appearance, he shall be subject to imposition of pecuniary penalty in the amount of:</p> <p>...</p>
<p>Article 140. Compelled appearance</p> <p>...</p>	<p>Article 140. Compelled appearance</p> <p>...</p>

<p>2. A decision to enforce compelled appearance shall be taken: during pre-trial investigation, by investigating judge upon motion of investigator, public prosecutor or proprio motu; and during trial, by court upon motion of a party in criminal proceedings, victim, or of the court's own initiative. A decision to enforce compelled appearance shall be taken in the form of ruling.</p> <p>...</p>	<p>2. A decision to enforce compelled appearance shall be taken: during pre-trial investigation, by investigating judge upon motion of investigator, public prosecutor or proprio motu; and during trial, by court upon motion of a party in criminal proceedings, victim, representative of a legal person subject to criminal proceedings, or of the court's own initiative. A decision to enforce compelled appearance shall be taken in the form of ruling.</p> <p>...</p>
<p>Article 170. Grounds for attachment of property</p> <p>1. Attachment of property means temporary deprivation of the suspect, accused person or persons who are civilly liable by law for the damage caused through actions of the suspect, accused person or an insane person who has committed a socially dangerous act, of the possibility to dispose of certain property by a ruling of the investigating judge or court, until revocation of such attachment of property, according to the procedure established by this Code. Pursuant to the requirements of this Code, attachment of property may also envisage the prohibition for person whose property has been attached or another person holding property, to dispose in any way of such property and to use it.</p> <p>...</p> <p>3. Attachment may be ordered against movable and immovable property, intellectual property rights, money in any currency in cash or non-cash form, securities, corporate rights which are owned by the suspect, accused or other person who are civilly liable by law for the damage caused through actions of the suspect, accused person or an insane person who has committed a socially dangerous act and stay with him or with other physical or legal persons to secure possible confiscation of property or civil action.</p> <p>...</p>	<p>Article 170. Grounds for attachment of property</p> <p>1. Attachment of property means temporary deprivation of the suspect, accused person or persons who are civilly liable by law for the damage caused through actions of the suspect, accused person, an insane person who has committed a socially dangerous act, or a legal person subject to criminal proceedings in case criminal law measure of property confiscation is applicable to such entity, of the possibility to dispose of certain property by a ruling of the investigating judge or court, until revocation of such attachment of property, according to the procedure established by this Code. Pursuant to the requirements of this Code, attachment of property may also envisage the prohibition for person whose property has been attached or another person holding property, to dispose in any way of such property and to use it.</p> <p>...</p> <p>3. Attachment may be ordered against movable and immovable property, intellectual property rights, money in any currency in cash or non-cash form, securities, corporate rights which are owned by the suspect, accused or other person who are civilly liable by law for the damage caused through actions of the suspect, accused person or an insane person who has committed a socially dangerous act, and stay with him or with other physical or legal persons, as well as with legal person subject to criminal proceedings, to secure possible confiscation of property or civil action.</p> <p>...</p>

<p>Article 171. Motion for attachment of property</p> <p>...</p> <p>3. A motion of a civil plaintiff, investigator, public prosecutor for attachment of property of the suspect, accused or another person to secure the civil action shall include:</p> <p>...</p>	<p>Article 171. Motion for attachment of property</p> <p>...</p> <p>3. A motion of a civil plaintiff, investigator, public prosecutor for attachment of property of the suspect, accused, legal person subject to criminal proceedings, or another person to secure the civil action shall include:</p> <p>...</p>
<p>Article 172. Consideration of a motion for attachment of property</p> <p>1. Motion for attachment of property is considered by investigating judge, court not later than two days after it has been lodged, with participation of the investigator and/or public prosecutor, civil plaintiff, if he has filed the motion, suspect, accused, other holder of property, and also of the defense counsel, legal representative, if any. Failure to appear by these persons at the court session does not preclude consideration of the motion.</p> <p>2. A motion of investigator, public prosecutor, civil plaintiff for the attachment of property which has not been provisionally seized may be considered without notifying the suspect, accused, other holder of property, their defense counsel, representative or legal representative when this is necessary to ensure attachment of property.</p> <p>...</p>	<p>Article 172. Consideration of a motion for attachment of property</p> <p>1. Motion for attachment of property is considered by investigating judge, court not later than two days after it has been lodged, with participation of the investigator and/or public prosecutor, civil plaintiff, if he has filed the motion, suspect, accused, other holder of property, and also of the defense counsel, legal representative, representative of a legal person subject to criminal proceedings, if any. Failure to appear by these persons at the court session does not preclude consideration of the motion.</p> <p>2. A motion of investigator, public prosecutor, civil plaintiff for the attachment of property which has not been provisionally seized may be considered without notifying the suspect, accused, other holder of property, their defense counsel, representative or legal representative, representative of a legal person subject to criminal proceedings, when this is necessary to ensure attachment of property.</p> <p>...</p>
<p>Article 173. Disposing the issue of property attachment</p> <p>...</p> <p>7. A copy of the ruling shall be sent to investigator, public prosecutor, the suspect, accused, and other interested persons not later than the next day after it has been passed.</p>	<p>Article 173. Disposing the issue of property attachment</p> <p>...</p> <p>7. A copy of the ruling shall be sent to investigator, public prosecutor, the suspect, accused, representative of a legal person subject to criminal proceedings and other interested persons not later than the next day after it has been passed.</p>

<p>Article 174. Revocation of property attachment</p> <p>1. The suspect, accused, their defense counsel, legal representative, other owner or possessor of property who were absent during consideration of the issue of property attachment may file a motion to revoke property attachment fully or in part. Such motion is considered in the course of pre-trial investigation by investigating judge, and during trial, by court.</p> <p>Property attachment may also be revoked fully or in part by investigating judge's ruling in the course of pre-trial investigation or by court during trial, upon motion of the suspect, accused, their defense counsel, legal representative or other owner or possessor of property if they prove that there is no need for continued application of this measure, or that the attachment was ungrounded.</p> <p>...</p>	<p>Article 174. Revocation of property attachment</p> <p>1. The suspect, accused, their defense counsel, legal representative, other owner or possessor of property, representative of a legal person subject to criminal proceedings, who were absent during consideration of the issue of property attachment may file a motion to revoke property attachment fully or in part. Such motion is considered in the course of pre-trial investigation by investigating judge, and during trial, by court.</p> <p>Property attachment may also be revoked fully or in part by investigating judge's ruling in the course of pre-trial investigation or by court during trial, upon motion of the suspect, accused, their defense counsel, legal representative or other owner or possessor of property, representative of a legal person subject to criminal proceedings, if they prove that there is no need for continued application of this measure, or that the attachment was ungrounded.</p> <p>...</p>
<p>Article 214. Initiating pre-trial investigation</p> <p>...</p>	<p>Article 214. Initiating pre-trial investigation</p> <p>...</p> <p>8. Where during the pre-trial investigation of the criminal proceedings it will be established that the said deed is committed by the chairman, founder, participant or other authorized person on behalf of such legal person and in its interests, either by using such legal person with a purpose of committing a criminal offence, concealing a criminal offence or its consequences, – the investigator, prosecutor shall immediately enter the data on such legal person into the Single registry of pre-trial investigation and shall commence the investigation.</p> <p>Criminal proceedings in respect of the legal person shall be conducted according to this Code.</p>
<p>Article 220. Consideration of motions during pre-trial investigation</p> <p>1. Investigator, public prosecutor shall be required to consider a</p>	<p>Article 220. Consideration of motions during pre-trial investigation</p> <p>1. Investigator, public prosecutor shall be required to consider a</p>

<p>motion of defense, victim and his representative or legal representative requesting the conduct of any procedural actions, within a period of no more than three days after filing and satisfy such if adequate grounds exist.</p> <p>...</p>	<p>motion of defense, victim and his representative or legal representative, representative of a legal person subject to criminal proceedings, requesting the conduct of any procedural actions, within a period of no more than three days after filing and satisfy such if adequate grounds exist.</p> <p>...</p>
<p>Article 221. Review of records of pre-trial investigation before its completion</p> <p>1. On a motion of the defence, victim, the investigator, public prosecutor shall be required to release all records of the pre-trial investigation for review, except for the record of security measures initiated in respect of persons participating in criminal justice, as well as the records reviewing which at such stage of criminal proceedings may be to the prejudice of the pre-trial investigation. No denial shall be allowed in making a generally accessible document the original of which is contained in pre-trial investigation files available.</p> <p>...</p>	<p>Article 221. Review of records of pre-trial investigation before its completion</p> <p>1. On a motion of the defence, victim, representative of a legal person subject to criminal proceedings, the investigator, public prosecutor shall be required to release all records of the pre-trial investigation for review, except for the record of security measures initiated in respect of persons participating in criminal justice, as well as the records reviewing which at such stage of criminal proceedings may be to the prejudice of the pre-trial investigation. No denial shall be allowed in making a generally accessible document the original of which is contained in pre-trial investigation files available.</p> <p>...</p>

<p>Article 223. Requirements in respect of investigative (detective) actions</p> <p>...</p> <p>6. A investigative (detective) action) conduct on a motion of the defence, victim, shall be conducted in the presence of the initiating party and/or his defence counsel or representative, unless the special nature of the investigative action makes it impossible or such party has waived in writing his right to participate.</p> <p>The initiators attending the conduct of such investigative (detective) action may ask questions, express their proposals, comments and challenges as to the procedure of conduct of an appropriate investigative (detective) action, that are recorded in a report.</p> <p>...</p>	<p>Article 223. Requirements in respect of investigative (detective) actions</p> <p>...</p> <p>6. A investigative (detective) action) conduct on a motion of the defence, victim, representative of a legal person subject to criminal proceedings, shall be conducted in the presence of the initiating party and/or his defence counsel or representative, unless the special nature of the investigative action makes it impossible or such party has waived in writing his right to participate.</p> <p>The initiators attending the conduct of such investigative (detective) action may ask questions, express their proposals, comments and challenges as to the procedure of conduct of an appropriate investigative (detective) action, that are recorded in a report.</p> <p>...</p>
<p>Article 225. Interrogation of a witness, victim in the course of pre-trial investigation in court session</p> <p>1. On exceptional basis, when it is necessary to obtain testimonies from a witness or victim during pre-trial investigation if because of the existence of a threat to witness's or victim's life and health, his serious illness, the existence of other circumstances that may make interviewing them in court impossible or affect the completeness or reliability of testimony, a party to criminal proceedings may file a motion with the investigating judge requesting such witness or victim to be interrogated in court session, including simultaneous interrogation of two or more already interviewed persons. In such a case, the witness or victim concerned shall be interrogated in court session at the place of the court-house or where the ill witness, victim is, in the presence of parties to criminal proceedings with full respect for rules governing examination during trial.</p> <p>...</p>	<p>Article 225. Interrogation of a witness, victim in the course of pre-trial investigation in court session</p> <p>1. On exceptional basis, when it is necessary to obtain testimonies from a witness or victim during pre-trial investigation if because of the existence of a threat to witness's or victim's life and health, his serious illness, the existence of other circumstances that may make interviewing them in court impossible or affect the completeness or reliability of testimony, a party to criminal proceedings, representative of a legal person subject to criminal proceedings may file a motion with the investigating judge requesting such witness or victim to be interrogated in court session, including simultaneous interrogation of two or more already interviewed persons. In such a case, the witness or victim concerned shall be interrogated in court session at the place of the court-house or where the ill witness, victim is, in the presence of parties to criminal proceedings with full respect for rules governing examination during trial.</p> <p>...</p>

<p>Article 280. Reasons for and procedure of suspension of pre-trial investigation</p> <p>...</p> <p>4. The pre-trial investigation shall be suspended on the grounds of a reasoned decision of the public prosecutor or the investigator with the approval of the public prosecutor, the record of which fact shall be entered in the Integrated Register of Pre-Trial Investigations. A copy of such decision shall be sent to the defense counsel and the victim, who shall have the right to lodge an appeal against this decision with the investigating judge.</p> <p>...</p>	<p>Article 280. Reasons for and procedure of suspension of pre-trial investigation</p> <p>...</p> <p>4. The pre-trial investigation shall be suspended on the grounds of a reasoned decision of the public prosecutor or the investigator with the approval of the public prosecutor, the record of which fact shall be entered in the Integrated Register of Pre-Trial Investigations. A copy of such decision shall be sent to the defense counsel, the victim, the representative of a legal person subject to criminal proceedings, who shall have the right to lodge an appeal against this decision with the investigating judge.</p> <p>...</p>
<p>Article 282. Renewal of the pre-trial investigation</p> <p>1. The suspended pre-trial investigation shall be renewed by a decision of the investigator or public prosecutor when the reasons for its suspension no longer exist (the suspect has recovered from the illness, his whereabouts have been established, the procedural actions within the framework of international cooperation have been completed), as well as in case it is necessary to carry out investigative (detective) or any other procedural actions. A copy of the decision on renewal of the pre-trial investigation shall be sent to the defense counsel and the victim.</p> <p>...</p>	<p>Article 282. Renewal of the pre-trial investigation</p> <p>1. The suspended pre-trial investigation shall be renewed by a decision of the investigator or public prosecutor when the reasons for its suspension no longer exist (the suspect has recovered from the illness, his whereabouts have been established, the procedural actions within the framework of international cooperation have been completed), as well as in case it is necessary to carry out investigative (detective) or any other procedural actions. A copy of the decision on renewal of the pre-trial investigation shall be sent to the defense counsel, the victim, the representative of a legal person subject to criminal proceedings.</p> <p>...</p>

<p>Article 284. Closing criminal proceedings</p> <p>...</p> <p>3. Investigator, public prosecutor makes a decision to close criminal proceedings, which may be challenged as prescribed in the present Code.</p> <p>...</p> <p>4. Decision made by public prosecutor to close criminal proceedings against the suspect does not preclude the continuation of pre-trial investigation in respect of the criminal offence concerned.</p> <p>5. A copy of the investigator's decision to close criminal proceedings is forwarded to the applicant, victim, and public prosecutor. Prosecutor may within a period of twenty days from the date of receipt of the decision copy, overturn it on grounds of illegitimacy or groundlessness thereof. Investigator's decision to close criminal proceedings may also be overturned by public prosecutor upon complaint from applicant, victim, if such complaint was filed within a period of ten days from the date of receipt by applicant, victim of the decision copy.</p> <p>...</p> <p>6. Whenever circumstances referred to in paragraphs 1-2 of part one of this Article, are revealed during trial, the court shall have the duty to render a judgment of acquittal.</p> <p>...</p> <p>7. Closing criminal proceedings or passing a judgment on grounds specified in paragraph 1 of part two of this Article shall be inadmissible if the suspect, accused objects against this. In such case, criminal proceedings shall continue according to general procedure laid</p>	<p>Article 284. Closing criminal proceedings</p> <p>...</p> <p>3. Criminal proceedings in respect of the legal person shall be closed in case respective criminal proceedings are closed, arising out of the acquittal verdict in respect of its chairman, founder, participant or other authorized person, as well as in case of liquidation of the legal person or in case of periods of limitations expiration for the application of criminal law measures in respect of such legal person.</p> <p>4. Investigator, public prosecutor makes a decision to close criminal proceedings, which may be challenged as prescribed in the present Code.</p> <p>...</p> <p>5. Decision made by public prosecutor to close criminal proceedings against the suspect does not preclude the continuation of pre-trial investigation in respect of the criminal offence concerned.</p> <p>6. A copy of the investigator's decision to close criminal proceedings is forwarded to the applicant, victim, and public prosecutor. Prosecutor may within a period of twenty days from the date of receipt of the decision copy, overturn it on grounds of illegitimacy or groundlessness thereof. Investigator's decision to close criminal proceedings may also be overturned by public prosecutor upon complaint from applicant, victim, if such complaint was filed within a period of ten days from the date of receipt by applicant, victim of the decision copy.</p> <p>...</p> <p>7. Whenever circumstances referred to in paragraphs 1-2 of part one of this Article, are revealed during trial, the court shall have the duty to render a judgment of acquittal.</p> <p>...</p> <p>8. Closing criminal proceedings or passing a judgment on grounds specified in paragraph 1 of part two of this Article shall be inadmissible if the suspect, accused objects against this. In such case, criminal proceedings shall continue according to general procedure laid down in the present Code.</p>
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<p>down in the present Code.</p> <p>8. Court's ruling to close criminal proceedings may be challenged in appellate procedure.</p>	<p>9. Court's ruling to close criminal proceedings may be challenged in appellate procedure.</p>
<p>Article 290. Disclosing materials to the other party</p> <p>...</p> <p>7. Prosecutor or investigator as directed by prosecutor informs victim on opening by parties to criminal proceedings of materials, after which victim shall have the right to review such materials in accordance with the rules laid down in this Article.</p> <p>...</p> <p>9. Parties to criminal proceedings shall be required to confirm, in writing, to the other party, and victim, to public prosecutor, the fact of having been granted access to the materials, with indication of titles of such materials.</p> <p>10. The parties to criminal proceedings, victim shall be afforded time sufficient for examining the materials to which they have been granted access. In case of procrastination in reviewing the materials to which access has been granted, investigating judge upon a motion of a party to criminal proceedings, with due account of the scope, complexity of the materials and of conditions of access thereto, shall be required to set a time limit for reviewing the materials, upon expiry of which the party to criminal proceedings or victim shall be deemed as such who realized their right of access to the materials. The motion shall be considered by an investigating judge of a local court at the venue of pre-trial investigation within no later than five days upon its delivery to the court, including notification of the parties to criminal proceedings. Failure of these individuals who had been appropriately advised of the date and time of the court session shall not impede consideration of the motion.</p> <p>...</p>	<p>Article 290. Disclosing materials to the other party</p> <p>...</p> <p>7. Prosecutor or investigator as directed by prosecutor informs victim, representative of a legal person subject to criminal proceedings on opening by parties to criminal proceedings of materials, after which victim shall have the right to review such materials in accordance with the rules laid down in this Article.</p> <p>...</p> <p>9. Parties to criminal proceedings shall be required to confirm, in writing, to the other party, and victim, representative of a legal person subject to criminal proceedings to public prosecutor, the fact of having been granted access to the materials, with indication of titles of such materials.</p> <p>10. The parties to criminal proceedings, victim, representative of a legal person subject to criminal proceedings, shall be afforded time sufficient for examining the materials to which they have been granted access. In case of procrastination in reviewing the materials to which access has been granted, investigating judge upon a motion of a party to criminal proceedings, with due account of the scope, complexity of the materials and of conditions of access thereto, shall be required to set a time limit for reviewing the materials, upon expiry of which the party to criminal proceedings, victim, representative of a legal person subject to criminal proceedings shall be deemed as such who realized their right of access to the materials. The motion shall be considered by an investigating judge of a local court at the venue of pre-trial investigation within no later than five days upon its delivery to the court, including notification of the parties to criminal proceedings. Failure of these individuals who had been appropriately advised of the date and time of the court session shall not impede consideration of the motion.</p> <p>...</p>

<p>Article 291. Indictment and register of criminal proceedings records</p> <p>...</p> <p>4. Attached to the indictment shall be—</p> <p>...</p> <p>4) acknowledgement or any other document confirming the civil defendant's receipt of a copy of the civil action, if any entered during pre-trial investigation against a person other than a suspect.</p> <p>...</p>	<p>Article 291. Indictment and register of criminal proceedings records</p> <p>...</p> <p>4. Attached to the indictment shall be—</p> <p>...</p> <p>4) acknowledgement or any other document confirming the civil defendant's receipt of a copy of the civil action, if any entered during pre-trial investigation against a person other than a suspect.</p> <p>5) certificate on the legal person subject to a criminal proceedings shall state: the name of the legal person, its legal address, bank account number, date and place of state registration, grounds for the initiation of criminal proceedings, amount of revenues and the estimate of property, obtained by the legal person due to the commission of the criminal offence; nature and amount of damage caused if applicable.</p> <p>...</p>
<p>Article 293. Providing a copy of the indictment, of the motion to impose compulsory medical or educational measures and register of pre-trial proceedings records</p> <p>1. In parallel with referring to court the indictment, motion to impose compulsory medical or educational measures, public prosecutor shall be required to send, against acknowledgement of receipt, their copy and a copy of the register of pre-trial proceedings records to the suspect, his defense counsel, legal representative, and to the defence counsel of a person subject to compulsory medical or educational measures.</p>	<p>Article 293. Providing a copy of the indictment, of the motion to impose compulsory medical or educational measures and register of pre-trial proceedings records</p> <p>1. In parallel with referring to court the indictment, motion to impose compulsory medical or educational measures, public prosecutor shall be required to send, against acknowledgement of receipt, their copy and a copy of the register of pre-trial proceedings records to the suspect, his defense counsel, legal representative, and to the defence counsel of a person subject to compulsory medical or educational measures.</p> <p>Where the criminal proceedings were initiated in respect of the legal person, a copy of indictment and the registry of pre-trial investigation files shall be provided to the representative of this legal person.</p>

Article 302. Public prosecutor's motion to consider the indictment in simplified procedure

1. Public prosecutor, upon having established in the course of pre-trial investigation that the suspect unconditionally has admitted his guilt, does not dispute circumstances established through pre-trial investigation, and agrees to the consideration of the indictment in his absence, and victim does not object against such consideration, may refer to court an indictment containing inter alia a motion on consideration thereof in simplified procedure, without conducting trial in court session.

2. Investigator, public prosecutor shall be required to advise the suspect, victim of the content of circumstances established in pre-trial investigation, as well as that in case of giving their consent to consideration of the indictment in simplified procedure, they shall have no right to challenge the sentence in appeals procedure on grounds of trial in absence of participants in court proceedings, of non-examination of evidence in court session, or with the purpose of disputing the circumstances established in pre-trial investigation. In addition, investigator, public prosecutor shall be required to ascertain the voluntariness of the consent given by the suspect and victim to the consideration of the indictment in simplified procedure.

3. Attached to an indictment containing a motion on consideration thereof in simplified procedure, there shall be—

1) written statement of the suspect, drafted in the presence of the defence counsel, asserting the unconditional admission of his guilt, the recognition of circumstances established in pre-trial investigation, the awareness of the restriction of the right to appeal pursuant to par. 2 of this Article, and the consent to the consideration of the indictment in simplified procedure;

2) written statement of victim asserting the recognition of circumstances established in pre-trial investigation, the awareness of

Article 302. Public prosecutor's motion to consider the indictment in simplified procedure

1. Public prosecutor, upon having established in the course of pre-trial investigation that the suspect unconditionally has admitted his guilt, does not dispute circumstances established through pre-trial investigation, and agrees to the consideration of the indictment in his absence, and victim, **representative of a legal person subject to criminal proceedings** does not object against such consideration, may refer to court an indictment containing inter alia a motion on consideration thereof in simplified procedure, without conducting trial in court session.

2. Investigator, public prosecutor shall be required to advise the suspect, victim, **representative of a legal person subject to criminal proceedings**, of the content of circumstances established in pre-trial investigation, as well as that in case of giving their consent to consideration of the indictment in simplified procedure, they shall have no right to challenge the sentence in appeals procedure on grounds of trial in absence of participants in court proceedings, of non-examination of evidence in court session, or with the purpose of disputing the circumstances established in pre-trial investigation. In addition, investigator, public prosecutor shall be required to ascertain the voluntariness of the consent given by the suspect and victim to the consideration of the indictment in simplified procedure.

3. Attached to an indictment containing a motion on consideration thereof in simplified procedure, there shall be—

1) written statement of the suspect, drafted in the presence of the defence counsel, asserting the unconditional admission of his guilt, the recognition of circumstances established in pre-trial investigation, the awareness of the restriction of the right to appeal pursuant to par. 2 of this Article, and the consent to the consideration of the indictment in simplified procedure;

2) written statement of victim, **representative of a legal person subject to criminal proceedings** asserting the recognition of

the restriction of the right to appeal pursuant to par. 2 of this Article, and the consent to the consideration of the indictment in simplified procedure;

...

circumstances established in pre-trial investigation, the awareness of the restriction of the right to appeal pursuant to par. 2 of this Article, and the consent to the consideration of the indictment in simplified procedure;

...

<p>Article 303. Decisions, acts or omissions of investigator or public prosecutor, which may be challenged during pre-trial proceedings and the right to challenge</p> <p>1. The following decisions, acts or omissions of the investigator or public prosecutor may be challenged during pre-trial proceedings:</p> <p>1) Omission of the investigator, prosecutor consisting in failure to enter information on criminal offence in the Integrated Register of Pre-Trial Investigations after receipt of application or notice on criminal offence, to return temporarily seized property as prescribed by Article 169 of the present Code, as well as failure to carry out other procedural actions which he is required to carry out within a period of time specified by the present Code, – by an applicant, victim, his or her representative or legal representative, the suspect, his or her defense counsel or legal representative, the owner of temporarily seized property;</p> <p>2) decision of the investigator as well as public prosecutor to terminate pre-trial investigation – by victim, his or her representative or legal representative, the suspect, his or her defense counsel or legal representative;</p> <p>...</p>	<p>Article 303. Decisions, acts or omissions of investigator or public prosecutor, which may be challenged during pre-trial proceedings and the right to challenge</p> <p>1. The following decisions, acts or omissions of the investigator or public prosecutor may be challenged during pre-trial proceedings:</p> <p>1) Omission of the investigator, prosecutor consisting in failure to enter information on criminal offence in the Integrated Register of Pre-Trial Investigations after receipt of application or notice on criminal offence, to return temporarily seized property as prescribed by Article 169 of the present Code, as well as failure to carry out other procedural actions which he is required to carry out within a period of time specified by the present Code, – by an applicant, victim, his or her representative or legal representative, the suspect, his or her defense counsel or legal representative, representative of a legal person subject to criminal proceedings, the owner of temporarily seized property;</p> <p>2) decision of the investigator as well as public prosecutor to terminate pre-trial investigation – by victim, his or her representative or legal representative, the suspect, his or her defense counsel or legal representative, representative of a legal person subject to criminal proceedings;</p> <p>...</p>
<p>Article 314. Preparatory court session</p> <p>...</p> <p>2. A preparatory court session is conducted with participation of public prosecutor, the accused, defense counsel, victim and his representative and legal representative, civil plaintiff, his representative and legal representative, and civil defendant and his representative, as provided by the rules of trial in the present Code. Upon fulfilling the requirements specified in Articles 342 through 345 of the present Code, the presiding judge asks the opinions of the participants in court proceedings regarding the possibility of assigning trial.</p> <p>...</p>	<p>Article 314. Preparatory court session</p> <p>...</p> <p>2. A preparatory court session is conducted with participation of public prosecutor, the accused, defense counsel, victim and his representative and legal representative, civil plaintiff, his representative and legal representative, and civil defendant and his representative, representative of a legal person subject to criminal proceedings, as provided by the rules of trial in the present Code. Upon fulfilling the requirements specified in Articles 342 through 345 of the present Code, the presiding judge asks the opinions of the participants in court proceedings regarding the possibility of assigning trial.</p> <p>...</p>

<p>Article 326. Implications of non-appearance of a civil plaintiff, civil defendant, their representatives</p> <p>...</p>	<p>Article 326. Implications of non-appearance of a civil plaintiff, civil defendant, their representatives, representative of legal person subject to criminal proceedings</p> <p>...</p> <p>3. Where the representative of the legal person subject to criminal proceedings failed to appear at the court session upon subpoena, the court, having heard the opinion of judicial proceedings participants and depending on the possibility despite representative's absence to find out circumstances related to the application of criminal law measures in respect of the legal person, – shall decide to continue court session without such representative or postpone it. The court shall have the right to apply monetary penalty to the representative of the legal person subject to criminal proceedings under the procedure provided for in Chapter 12 of this Code.</p>
<p>Article 338. Changing a charge in court</p> <p>...</p> <p>2. Having arrived at the conclusion that the charges brought should be changed, public prosecutor, after fulfilling the requirements of Article 341 of the present Code, draws up an indictment where he states changed charge and grounds for the decision taken. Copies of the indictment are handed over to the accused, his defense counsel, victim, his representative and legal representatives. The indictment shall be attached to materials of criminal proceedings.</p> <p>3. If the indictment with changed charges raises the issue of applying such Law of Ukraine on criminal liability as provides for liability for a less grave criminal offence, or of reducing the scope of charges, the presiding judge shall be required to advise the victim of his right to press charges in court in the previously announced scope.</p> <p>4. The court shall be required to explain to the accused that he</p>	<p>Article 338. Changing a charge in court</p> <p>...</p> <p>2. Having arrived at the conclusion that the charges brought should be changed, public prosecutor, after fulfilling the requirements of Article 341 of the present Code, draws up an indictment where he states changed charge and grounds for the decision taken. Copies of the indictment are handed over to the accused, his defense counsel, victim, his representative and legal representatives, as well as to representative of a legal person subject to criminal proceedings. The indictment shall be attached to materials of criminal proceedings.</p> <p>3. Where the new accusation excludes the application of criminal law measures to the legal person subject to criminal proceedings, the prosecutor shall simultaneously adopt the resolution closing criminal proceedings in respect of such legal person.</p> <p>4. If the indictment with changed charges raises the issue of applying such Law of Ukraine on criminal liability as provides for liability for a less grave criminal offence, or of reducing the scope of charges, the presiding judge shall be required to advise the victim of his right to press charges in court in the previously announced scope.</p> <p>5. The court shall be required to explain to the accused that he will be defended by the court according to a new charge in court</p>

<p>will be defended by the court according to a new charge in court session and thereafter to adjourn the trial for at least seven days, to grant the accused, his defense counsel the possibility to prepare the defense against the new charge. Upon request of the defence, this time limit can be shortened or extended. The trial continues after expiration of this time limit.</p>	<p>session and thereafter to adjourn the trial for at least seven days, to grant the accused, his defense counsel the possibility to prepare the defense against the new charge. Upon request of the defence, this time limit can be shortened or extended. The trial continues after expiration of this time limit.</p>
<p>Article 340. Refusal to prosecute on behalf of the State in court</p> <p>1. If as a result of trial proceedings, public prosecutor comes to the belief that charges brought against the person are not substantiated, he after fulfilling the requirements of Article 341 of the present Code, shall be required to drop public prosecution and to set forth the motives in his decision which is attached to materials of criminal proceedings. A copy of the decision shall be handed over to the accused, his defense counsel, victim, his representative and legal representatives.</p> <p>...</p>	<p>Article 340. Refusal to prosecute on behalf of the State in court</p> <p>1. If as a result of trial proceedings, public prosecutor comes to the belief that charges brought against the person are not substantiated, he after fulfilling the requirements of Article 341 of the present Code, shall be required to drop public prosecution and to set forth the motives in his decision which is attached to materials of criminal proceedings. A copy of the decision shall be handed over to the accused, his defense counsel, victim, his representative and legal representatives, as well as to the representative of a legal person subject to criminal rpoceedings.</p> <p>...</p>
<p>Article 351. Examination of the accused</p> <p>1. Examination of the accused begins with the presiding judge's proposal to testify about criminal proceedings, after which the accused is first examined by public prosecutor, then by defense counsel. Next, the accused is asked questions by victim, other defendants, civil plaintiff, civil defendant, as well as by presiding judge and judges. In addition, presiding judge may during the entire examination of the accused, ask him questions in order to clarify and supplement his answers.</p> <p>...</p>	<p>Article 351. Examination of the accused</p> <p>1. Examination of the accused begins with the presiding judge's proposal to testify about criminal proceedings, after which the accused is first examined by public prosecutor, then by defense counsel. Next, the accused is asked questions by victim, other defendants, civil plaintiff, civil defendant, representative of a legal person subject to criminal rpoceedings, as well as by presiding judge and judges. In addition, presiding judge may during the entire examination of the accused, ask him questions in order to clarify and supplement his answers.</p> <p>...</p>

<p>Article 352. Examination of witness</p> <p>...</p> <p>11. After examination of a witness, the victim, civil plaintiff, civil defendant, their representatives and legal representatives, as well as the presiding judge and other judges may pose their questions to him.</p> <p>...</p>	<p>Article 352. Examination of witness</p> <p>...</p> <p>11. After examination of a witness, the victim, civil plaintiff, civil defendant, their representatives and legal representatives, representative of a legal person subject to criminal rpoceedings, as well as the presiding judge and other judges may pose their questions to him.</p> <p>...</p>
<p>Article 356. Examination of an expert in court</p> <p>...</p> <p>2. Expert who conducted expert examination upon request of the prosecution is first examined by the prosecution, while expert who conducted expert examination upon request of the defense, by the defense. After that the victim, civil plaintiff, civil defendant, their representatives and legal representatives, as well as the presiding judge and other judges may pose their questions to the expert.</p> <p>...</p>	<p>Article 356. Examination of an expert in court</p> <p>...</p> <p>2. Expert who conducted expert examination upon request of the prosecution is first examined by the prosecution, while expert who conducted expert examination upon request of the defense, by the defense. After that the victim, civil plaintiff, civil defendant, their representatives and legal representatives, representative of a legal person subject to criminal rpoceedings, as well as the presiding judge and other judges may pose their questions to the expert.</p> <p>...</p>
<p>Article 364. Pleadings</p> <p>1. In pleadings, there shall speak the public prosecutor, victim, his representative and legal representative, civil plaintiff, his representative and legal representative, civil defendant, his representative, the defendant, his legal representative and the defense counsel.</p> <p>...</p>	<p>Article 364. Pleadings</p> <p>1. In pleadings, there shall speak the public prosecutor, victim, his representative and legal representative, civil plaintiff, his representative and legal representative, civil defendant, his representative, the defendant, his legal representative and the defense counsel, representative of a legal person subject to criminal rpoceedings.</p> <p>...</p>
<p>Article 368. Issues to be disposed by court when passing a judgment</p> <p>1. When passing the judgment, the court shall be required to dispose the following issues:</p> <p>...</p>	<p>Article 368. Issues to be disposed by court when passing a judgment</p> <p>1. When passing the judgment, the court shall be required to dispose the following issues:</p> <p>...</p> <p>7¹) whether the natural person who committed one of the criminal offences resulting the initiation if the criminal proceedings in respect of legal person is a chairman, founder, participant or another authorized person of this legal person;</p>

<p>...</p>	<p>7²) whether this criminal offence was committed by the chairman, founder, participant or other authorized person of the legal person; 7³) whether the legal person obtained or could obtain unlawful benefit due to the criminal offence commission by its chairman, founder, participant or other authorized person, as well as the amount of such benefit if it has material nature; ...</p>
<p>Article 374. Contents of a judgment ... 4. Operative part of a judgment shall state: ... 2) if a person has been found guilty: last name, first name and patronymic of the defendant, decision on finding him guilty of charges brought against him and the relevant Article (paragraph of Article) of the Law of Ukraine on criminal liability; punishment for each charge which the court found proved, and the final sentence imposed by court; beginning of the term of serving the punishment; decision to apply compulsory medical treatment or compulsory medical measures in respect of a defendant with limited criminal capacity, if any; decision to appoint public tutor for the underage person; decision as to the civil action; decision on other executions on property and grounds for such; decision regarding exhibits and documents; decision on reimbursement of procedural expenses; decision regarding measures to ensure criminal proceedings; decision on the credit of detention pending trial; time limit and procedure for the judgment to take legal effect and to be appealed against; procedure for obtaining copies of the judgment and other information. ...</p>	<p>Article 374. Contents of a judgment ... 4. Operative part of a judgment shall state: ... 2) if a person has been found guilty: last name, first name and patronymic of the defendant, decision on finding him guilty of charges brought against him and the relevant Article (paragraph of Article) of the Law of Ukraine on criminal liability; punishment for each charge which the court found proved, and the final sentence imposed by court; beginning of the term of serving the punishment; decision to apply compulsory medical treatment or compulsory medical measures in respect of a defendant with limited criminal capacity, if any; decision to appoint public tutor for the underage person; decision to initiate criminal law measures in respect of legal person; decision as to the civil action; decision on other executions on property and grounds for such; decision regarding exhibits and documents; decision on reimbursement of procedural expenses; decision regarding measures to ensure criminal proceedings; decision on the credit of detention pending trial; time limit and procedure for the judgment to take legal effect and to be appealed against; procedure for obtaining copies of the judgment and other information. ...</p>

<p>Article 376. Pronouncement of court decision</p> <p>...</p> <p>3. After the sentence has been pronounced, presiding judge shall advise the defendant, defense counsel, his legal representative, victim, his representative of their right to file a plea for pardon, the right to review journal of court session and submit written comments thereto. The defendant committed to custody as a measure of restraint is advised of the right to submit motion to be brought to the court session of the court of appellate instance.</p> <p>4. If the defendant has no knowledge of the State language, then, after the judgment has been pronounced, translator shall explain to him the content of the operative part of judgment. A copy of the judgment in the defendant's language or in other language he knows, in translation certified by translator, shall be handed over to the defendant.</p> <p>...</p> <p>6. Participants in court proceedings shall have the right to obtain in court a copy of the court's judgment or ruling. A copy of judgment shall be handed over to the defendant and prosecutor immediately after pronouncement thereof.</p> <p>...</p>	<p>Article 376. Pronouncement of court decision</p> <p>...</p> <p>3. After the sentence has been pronounced, presiding judge shall advise the defendant, defense counsel, his legal representative, victim, his representative, representative of a legal person subject to criminal rpoceedings, of their right to file a plea for pardon, the right to review journal of court session and submit written comments thereto. The defendant committed to custody as a measure of restraint is advised of the right to submit motion to be brought to the court session of the court of appellate instance.</p> <p>4. If the defendant, the representative of a legal person subject to criminal rpoceedings, has no knowledge of the State language, then, after the judgment has been pronounced, translator shall explain to him the content of the operative part of judgment. A copy of the judgment in the defendant's language or in other language he knows, in translation certified by translator, shall be handed over to the defendant.</p> <p>...</p> <p>6. Participants in court proceedings shall have the right to obtain in court a copy of the court's judgment or ruling. A copy of judgment shall be handed over to the defendant, the representative of a legal person subject to criminal rpoceedings, and prosecutor immediately after pronouncement thereof.</p> <p>...</p>
<p>Article 393. Right to appeal</p> <p>1. Appellate complaint may be submitted by:</p> <p>...</p> <p>9) civil defendant or his representative – to the extent related to the decision on the civil action;</p> <p>...</p>	<p>Article 393. Right to appeal</p> <p>1. Appellate complaint may be submitted by:</p> <p>...</p> <p>9) civil defendant or his representative – to the extent related to the decision on the civil action;</p> <p>9') the representative of a legal person subject to criminal rpoceedings, – in part related to the interests of the legal person;</p> <p>...</p>
<p>Article 425. Right to cassation</p> <p>1. A cassation complaint may be filed by:</p>	<p>Article 425. Right to cassation</p> <p>1. A cassation complaint may be filed by:</p>

<p>...</p> <p>9) civil defendant or his representative, to the extent related to the disposition of the civil action.</p> <p>...</p>	<p>...</p> <p>9) civil defendant or his representative, to the extent related to the disposition of the civil action.</p> <p>10) representative of the legal person subject to criminal proceedings, - in part related to the interests of the legal person.</p> <p>...</p>
<p>Article 469. Initiation and Conclusion of Agreement ...</p> <p>3. The reconciliation agreement between the victim and the suspect or the accused may be concluded in proceedings in respect of criminal misdemeanors and crimes of minor or medium gravity, and in criminal proceedings in the form of private prosecution.</p> <p>4. The plea agreement between the public prosecutor and the suspect or the accused may be concluded in proceedings in respect of criminal misdemeanors, as well as crimes of minor or medium gravity, grave crimes, perpetration of which caused damage only to state or public interests. Conclusion of the plea agreement in criminal proceedings with the participation of the victim shall not be allowed.</p> <p>...</p>	<p>Article 469. Initiation and Conclusion of Agreement ...</p> <p>3. The reconciliation agreement between the victim and the suspect or the accused may be concluded in proceedings in respect of criminal misdemeanors and crimes of minor or medium gravity, and in criminal proceedings in the form of private prosecution.</p> <p>Conclusion of reconciliation agreement in the criminal proceedings in respect of the chairman, founder, participant or other authorized person of the legal person who committed criminal offence and in relation to which criminal proceedings in respect of the legal person were initiated shall not be admissible.</p> <p>4. The plea agreement between the public prosecutor and the suspect or the accused may be concluded in proceedings in respect of criminal misdemeanors, as well as crimes of minor or medium gravity, grave crimes, perpetration of which caused damage only to state or public interests. Conclusion of the plea agreement in criminal proceedings with the participation of the victim shall not be allowed.</p> <p>Conclusion of the plea agreement in the criminal proceedings in respect of the director, founder, participant or other authorized person of the legal person who committed criminal offence in relation to which criminal proceedings in respect of the legal person were initiated shall not be admissible.</p> <p>...</p>

Law of Ukraine “On Ensuring Safety of Persons Participating in Criminal Proceedings”	
<p>Article 2. Persons entitled for ensuring their safety</p> <p>The right for ensuring safety through implemenation of measures stipulated in Articles 1 and 7 of this Law, given existence of due grounds, have:</p> <p>...</p>	<p>Article 2. Persons entitled for ensuring their safety</p> <p>The right for ensuring safety through implemenation of measures stated in Articles 1 and 7 of this Law, given existence of due grounds, have:</p> <p>...</p> <p>r¹) representative of a legal person subject to criminal proceedings;</p> <p>...</p>
Law of Ukraine “On Principles of Preventing and Counteracting <i>Corruption</i> ”	
<p>Article 4. Subjects of Liability for Corruptive Offences</p> <p>1. Subjects of liability for corruptive offences shall be:</p> <p>...</p> <p>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;</p>	<p>Article 4. Subjects of Liability for Corruptive Offences</p> <p>1. Subjects of liability for corruptive offences shall be:</p> <p>...</p> <p>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.</p> <p>5) legal persons – in cases determined by law.</p>