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**Technical Paper: Opinion
on Draft Law “On Amendments to the Law of Ukraine
“On the Principles of Prevention and Counteraction to Corruption”**

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1 SUMMARY

At the request of the Ukrainian authorities, this opinion assesses the compliance of the Draft Law “On Amendments to the Law of Ukraine “On the Principles of Prevention and Counteraction to Corruption (of 7 April 2011, No. 3206-VI)”¹ with the Council of Europe and other international anti-corruption standards. It is based solely on the English translations of Law 3206 and of the Draft Law as submitted by the Ukrainian authorities. A consolidated version of Law 3206 incorporating the draft amendments is provided in Appendix I.

The Draft Amendments mainly concern the following six areas:

- Conflict of interest (Article 1, 7, 10 and 14 of Law 3206);
- Special screening of candidates (Article 11 of Law 3206);
- Income and asset declaration (Article 12 of Law 3206);
- Anti-corruption evaluation of legal acts (Article 15 of Law 3206);
- Whistleblowing (Article 20 of Law 3206);
- Register of corruption offenders (Article 21 of Law 3206).

In addition, the Draft Amendments foresee some minor adjustments of editorial or technical nature.

The Draft Amendments would bring along several improvements to Law 3206. For compliance with international standards, it is **recommended** to consider and incorporate the following aspects:

1) **Conflict of interest:**

- a) Clarify the wording with regard to “private property and non-property interests”;
- b) Define the term “close persons” in line with the Council of Europe Model Code of Conduct;
- c) Ensure that the head and the members of the High Qualifications Commission of Judges do not control their own compliance with conflict of interest regulations.

2) **Income and asset declarations:**

- a) Elevate online publication of declarations by high-ranking officials from an option to an obligation;
- b) Provide sufficient directions on the method of verification in the Law itself;
- c) Perform a full audit on a targeted sample of public officials;
- d) Include, in reporting templates, a section requiring descriptive information complementing financial figures;
- e) Abolish the option of correcting data;
- f) Assign verification of declarations to a body with the necessary distance to public officials and with the respective capacity to deal with the financial issues involved, as well as the powers and access to the necessary databases;
- g) Establish a sanction for intentionally submitting false or incomplete information.

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http://crimcor.rada.gov.ua/komzloch/control/uk/publish/printable_article.jsessionid=283854580C8521CA94F7237CADA01D08?art_id=47714.

3) Anti-corruption evaluation of legal acts:

- a) Consider leaving the requirement of mandatory consideration of the evaluation in the Law;
- b) Foresee publication of the evaluation;
- c) Clarify who will be provided with the evaluations of legal acts already in force (ministries, parliamentary committee? etc.).

4) Whistleblowing:

- a) Include persons who report in good faith;
- b) Include persons whom employers mistakenly believe to be whistleblowers;
- c) Include all forms of retaliation;
- d) Foresee reversal of the burden of prove upon a prima facie showing of whistleblower retaliation;
- e) Protect the identity of the whistleblower through establishing and making available adequate channels for anonymous reporting;
- f) Introduce penalties for retaliation inflicted upon whistleblowers.

This opinion does not assess Law 3206 in its entirety, nor does it assess whether other parts of Law 3206 should also have been amended. However, it should be noted that the draft amendments leave several parts of Law 3206 unchanged, which are the focus of recommendations provided under a recent risk assessment carried out within the framework of the Eastern Partnership-Council of Europe Project on “Good Governance and Fight against Corruption” (see below in chapter 2).

2 INTRODUCTION AND TERMS OF REFERENCE

By letter of 17 October 2012 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 Draft Law “On Amendments to the Law of Ukraine “On the Principles of Prevention and Counteraction to Corruption (of 7 April 2011, No. 3206-VI)”².

This opinion focuses on the compliance of the Draft Amendments with the Council of Europe and other international anti-corruption standards. It also analyses those parts of Law 3206 which are expressly affected by the amendments. The opinion does not assess Law 3206 in its entirety, nor does it assess whether other parts of Law 3206 should also have been amended.

The Council of Europe standards relevant for this opinion are:

- Criminal Law Convention on Corruption (ETS 173);
- Civil Law Convention on Corruption (ETS 174);
- Committee of Ministers Resolution (97) 24 on the Twenty Guiding Principles for the Fight against Corruption;
- Recommendation No. R (2000) 10 of the Committee of Ministers to Member states on codes of conduct for public officials.

The opinion is based on the assessment prepared by the Council of Europe experts: Tilman Hoppe (Project Adviser, Germany), Valts Kalniņš (Senior Researcher, Centre for Public Policy PROVIDUS, Latvia) and Vera Devine (Consultant, United Kingdom).

The Eastern Partnership-Council of Europe Facility Project on “Good Governance and Fight against Corruption” has provided recommendations on Article 12 of Law 3206 in the “Country Risk Assessment Ukraine – Financial Supervision of Public Officials (‘Income and Asset Declarations’)” (drafted by Tilman Hoppe, reviewed by Valts Kalniņš, October 2012).³

Furthermore, the Council of Europe has previously provided several expertises on anti-corruption legislation to the Ukrainian authorities within the framework of the “Project against corruption in Ukraine (UPAC)”.⁴

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http://crimecor.rada.gov.ua/komzloch/control/uk/publish/printable_article.jsessionid=283854580C8521CA94F7237CADA01D08?art_id=47714.

³ www.coe.int/t/DGHL/cooperation/economiccrime/corruption/Projects/EaP-CoE%20Facility/EaP_default_en.asp.

⁴ www.coe.int/t/dghl/cooperation/economiccrime/corruption/projects/UPAC/Technical%20papers/default_en.asp.

3 CONFLICT OF INTEREST

3.1 Definition

Article 1, part 1, indent 4, as amended (changes as suggested by the Draft Amendments are incorporated below into the current version of Law 3206, highlighted in track changes for ease of reference; the same applies to the following boxes):

“Conflict of interest: means a contradiction between private property (non-property) personal interests of a person or his or her close persons and his/her official authority, including interests evolving from membership or activity within public, religious or other organizations the existence of which may affect the objectivity or impartiality of adopted decisions, as well as actions or lack of action in the course of performing the entrusted official duties;”

The amended version specifies “personal” interests rightly as “private property and non-property” interests. This is in line with international standards whereupon “any advantage to [...] [the official and] any liability, whether financial or civil” is “included”.⁵ The following wording seems, however, clearer: “private property and non-property interests”.

The term “**close persons**” includes only family members (Art. 1 indent 3 Law 3206). By contrast, the Council of Europe Model Code of Conduct for Public Officials goes further in its Article 13 part 1:

“Conflict of interest arises from a situation in which the public official has a private interest which is such as to influence, or appear to influence, the impartial and objective performance of his or her official duties. 2. The public official's private interest includes any advantage to himself or herself, to his or her family, close relatives, friends and persons or organisations with whom he or she has or has had business or political relations. It includes also any liability, whether financial or civil, relating thereto.”⁶ [Underlined by author]

It would be **advisable** to define the term “close persons” in Law 3206 in line with the Council of Europe Model Code of Conduct.

The requirement of “affecting the **impartiality**” is not mentioned anymore. In this respect, the Ukrainian Law deviates from the wording of Article 13 of the Council of Europe’s Model Code of Conduct which requires a conflict of interest to “influence the impartial and objective performance of” a public official’s “official duties.” There seems to be no harm in this deviation: The new version of the Ukrainian Law would seem to be broader as it would include even conflicts where the impartiality is in fact not at stake (if such a constellation is possible in practice).

From another point of view, however, the definition is somewhat narrow: It defines conflict of interest as a “**contradiction**” between the private interest and the public duty. This definition could be misleading, whenever the private interest and official duty do correspond. For example:

A public official is hiring a family member who is in fact the best candidate.

The public official would still be in conflict of interest according to international definitions: The family relation is a

⁵ Art. 13 par. 2 Model Code of Conduct; Council of Europe Project “Ethics for the Prevention of Corruption in Turkey (TYEC)”, Academic Research Report – Conflict of Interest, Prof. Dr. Ömer Faruk Gençkaya, May 2009, p. 5; OECD, Recommendation of the Council on Guidelines for Managing Conflict of Interest in the Public Service, 2003, no. 14: “In this definition, ‘private interests’ are not limited to financial or pecuniary interests”.

⁶ Recommendation No. R (2000) 10 of the Committee of Ministers to Member states on codes of conduct for public officials (Adopted by the Committee of Ministers at its 106th Session on 11 May 2000).

“private interest which is such as to influence, or appear to influence, the impartial and objective performance of his or her official duties” (Article 13 Council of Europe Model Code of Conduct).

In the above example, the family relation is probably influencing the official’s decision-making even though the outcome would not be different if decided by another official; in any case it is certainly **appearing** to influence the official’s decision-making. Hence, it is advisable to align the definition of Law 3206 with Article 13 of the Council of Europe Model Code of Conduct, or similar international standards.⁷

3.2 Incompatibilities

Article 7, part 1 no. 2, as amended (changes as suggested by the Draft Amendments are highlighted):

“2) To act as members of ~~executive management~~ bodies or supervisory boards of profit-making economic companies (apart from cases where such persons perform the functions of managing shares (stakes, equity) owned by the state or a territorial community, and represent the interests of the State or territorial community in company boards (supervisory boards) or auditing commissions of economic companies), if not otherwise stipulated by the Constitution or laws of Ukraine.”

According to information provided by the Ukrainian authorities, the change would permit holding shares and taking part in shareholder meetings (to which the word “management bodies” is apparently referring to), whereas being part of the executive board of a company (“executive bodies”) would not be permitted. The suggested change goes back to the ruling by the Constitutional Court of Ukraine of 13 March 2012, No. 6-rp/2012.⁸ The Court pointed out the importance of the “right to acquire shares (interests) of a commercial association, manage it by participating in general meetings of participants (shareholders)”. Allowing civil servants to possess shares is in line with international anti-corruption standards. According to a comparative study for all 27 **European Union** Member States, civil servants might have to declare or register possession of shares in cases of conflict of interest, but apparently are not forbidden to hold them.⁹

There could be of course some particular public officials who own large stakes in companies. However, such problems would need to be addressed by other anti-corruption means than right out forbidding the possession: any case of inexplicable wealth would need to be addressed through asset declarations and criminal investigations; cases of conflict of interest through the mechanisms of Article 14; and whenever the investments in shares would imply entrepreneurial activity, part 1 of Article 7 should be applicable.

⁷ For other similar definitions see UNCAC Legislative Toolkit, 2006, Chapter II, no. 96: “Conflicts of interest as well as perceptions of such conflicts undermine public confidence in the integrity and honesty of civil servants and other officials.”; OECD, Managing Conflict of Interest in the Public Sector – A Toolkit, 2005, p. 13: „A conflict of interest involves a conflict between the public duty and the private interest of a public official, in which the official’s private-capacity interest could improperly influence the performance of their official duties and responsibilities.”

⁸ Bulletin of the Constitutional Court of Ukraine, 3/2012, page 17, <http://www.ccu.gov.ua/doccatalog/document?id=181355&ei=ZPu9UNHIGo7O4QSU3YCABO&usg=AFQjCNEEmS9RVDhGtGOy5i3uVHdW23PEZQ&cad=rja> (Ukrainian and English).

⁹ C. Demmke/M. Bovens/T. Henökl/K. van Lierop/T. Moilanen/G. Pikker/A. Salminen, Regulating Conflicts of Interest for Holders of Public Office in the European Union, A Comparative Study of the Rules and Standards of Professional Ethics for the Holders of Public Office in the EU-27 and EU Institutions (A study carried out for the European Commission Bureau of European Policy Advisers (BEPA)), October 2007, page 42, 70 f., http://ec.europa.eu/dgs/policy_advisers/publications/docs/hpo_professional_ethics_en.pdf.

3.3 Supervision

Article 14, as amended (changes as suggested by the Draft Amendments are highlighted):

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

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

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

3. Methodological support of activity regarding prevention, detection and regulation of conflicts of interest shall be ensured by the central executive body responsible for implementation of state policy in the field of civil service.

4. Control over enforcement of law on regulation of conflicts of interest pertaining to activity of the judges of the Constitutional Court of Ukraine, other professional judges, Head, members, disciplinary inspectors, officials and servants of secretariat of the High Qualifications Commission of Judges shall be exercised by the High Qualifications Commission of Judges according to the requirements prescribed by the Law.

5. Control over enforcement of law on regulation of conflicts of interest pertaining to activity of the Speaker of the Verkhovna Rada of Ukraine and people’s deputies of Ukraine shall be exercised by the committee defined by the Verkhovna Rada of Ukraine.

6. Control over enforcement of law on regulation of conflicts of interest pertaining to activity of persons specified in Item 1, Sub-item a of Item 2 of Part One of Article 4 of this Law except for persons defined in Parts Four to Five of this Article shall be exercised by authorized divisions for prevention and detection of corruption.”

The amendments define the competencies for preventing conflicts of interest and enforcing rules. The amendments thus address a necessity under international standards, for example such as established by the OECD:

“5. Enforce the conflict-of-interest policy.

[...] Develop monitoring mechanisms to detect breaches of policy and take into account any gain or benefit that resulted. Co-ordinate prevention and enforcement measures and integrate them into a coherent institutional framework. [...]”¹⁰

A special monitoring body for parliamentarians¹¹ and judges¹² is in line with international standards. The effectiveness of this monitoring will depend on how these bodies will take on their supervisory role. It is worth mentioning that sanctions for violating conflict of interest rules are

¹⁰ OECD Guidelines for Managing Conflict of Interest in the Public Service, 2005, p. 6, Key Recommendations for Managing Conflict of Interest, www.oecd.org/dataoecd/51/44/35365195.pdf.

¹¹ See for example Global Task Force on Parliamentary Ethics, Handbook on Parliamentary Ethics and Conduct – A Guide For Parliamentarians (2009/2010), p. 30 f., www.gopacnetwork.org/Docs/PEC_Guide_EN.pdf.

¹² See for example Consultative Council of European Judges, Opinion no. 3 (2002) on the principles and rules governing judges’ professional conduct, in particular ethics, incompatible behaviour and impartiality, [http://wcd.coe.int/ViewDoc.jsp?Ref=CCJE\(2002\)OP3&Sector=secDGHL&Language=lanEnglish&Ver=original&BackColorInternet=FEF2E0&BackColorIntranet=FEF2E0&BackColorLogged=c3c3c3](http://wcd.coe.int/ViewDoc.jsp?Ref=CCJE(2002)OP3&Sector=secDGHL&Language=lanEnglish&Ver=original&BackColorInternet=FEF2E0&BackColorIntranet=FEF2E0&BackColorLogged=c3c3c3).

foreseen – for civil servants – under Article 52 par. 3 no. 5 (disciplinary liability) of the (new) Law on Civil Service.¹³

The amendments foresee that the “head” and “members” of the High Qualifications Commission of Judges control their own compliance with conflict of interest regulations. This would appear as a conflict of interest itself. Hence, it should be ensured that the head and the members of the Commission do not control their own compliance, but that it is controlled through an appropriate mechanism.

4 SPECIAL SCREENING OF CANDIDATES

The Draft Amendments change the wording of Article 11 substantially. However, all changes concern technical improvements and clarifications of the procedure, which are outside the realm of international anti-corruption standards.

5 INCOME AND ASSET DECLARATIONS

5.1 Publication

Article 12, part 2, as amended (changes as suggested by the Draft Amendments are highlighted):

“2. Information provided in a declaration on property, income, expenses, and obligations of a financial nature for the previous year of the President of Ukraine, the Chairperson of the Supreme Rada of Ukraine, the People’s Deputies of Ukraine, the Prime Minister of Ukraine, members of the Cabinet of Ministers of Ukraine, the Chairperson and judges of the Constitutional Court of Ukraine, the Chairperson and judges of the Supreme Court of Ukraine, chairpersons and judges of higher specialized courts of Ukraine, the Prosecutor-General of Ukraine and his/her deputies, the Chairperson of the National Bank of Ukraine, the Chairperson of the Chamber of Accounts, the Chairperson and members of the Higher Council of Justice, members of the Central Electoral Commission, the Supreme Rada of Ukraine’s Human Rights Commissioner, The Chairperson and members of the Higher Qualifying Commission for Judges of Ukraine, First Deputy Ministers and Deputy Ministers, Deputy Ministers — Heads of Staff, heads of other state authorities and their deputies, members of collegiate bodies of state authority (commissions, councils), village, town and city majors, heads of city district (where established), rayon, oblast councils and their deputies, heads of executive bodies of village, settlement, city, city district (where established) councils and their deputies, secretaries of village, settlement and city councils~~and heads of local government bodies and their deputies~~, shall be subject to promulgation within a period of 30 days from the date of submission thereof, by way of publishing on the official websites or in official printed editions of the relevant state authorities and local government bodies.”

The new Law would include further categories of high-ranking public officials, which is to be welcomed. It would also specify the categories of “heads of local governments” so as to leave less room for ambiguity.

As for the publication of asset declarations, the new Law would include the **internet** as one of the two options of publishing asset declarations. It would certainly facilitate access to the asset declarations of high-ranking officials if they were all available online. A recent assessment of the Ukrainian system of income and asset declaration by the Eastern Partnership-Council of Europe

¹³ Of 17 November 2011, No. 4050-VI, www.center.gov.ua/eng/main/download-document.html?gid=1090 (English).

Facility Project on “Good Governance and Fight against Corruption”¹⁴ has therefore issued the recommendation to publish all declarations by high-ranking public officials on the state body’s website. If the state body does not have its own website, for example small local governments, it could use the website of its supervising state body. It is therefore **advisable** to replace “or in official printed editions” by “and in official printed editions if such are available”.

5.2 Verification

Article 12, part 6, as amended (changes as suggested by the Draft Amendments are highlighted):

“6. In order to ensure open and transparent functioning of persons authorized to perform state or local self-government functions, submission of declarations, verification of integrity and reliability of declaration data, detection of property conflicts of interest as well as events of unlawful obtainment of commodities declaration control shall be exercised.”

Until now, Law 3206 has only foreseen that declarations of candidates for appointment or promotion are mandatorily checked (Article 11 par. 2 no. 3 Law 3206, Article 22 par. 1 no. 4 (new) Law on Civil Service). The Draft Amendments would, for the first time, introduce a verification procedure for declarations submitted by public officials who are already in office and thus, implement a Council of Europe recommendation.¹⁵

5.2.1 Timely submission

Article 12, part 8, as amended:

“8. Verification of timely submission of declarations shall be performed within fifteen working days from the declaration submission due date in accordance with Part One of this Article.
Where the verification finds that the person who is obliged to declare assets failed to submit the declaration, the authorized division shall inform the special authorized entity in the field of counteracting corruption in the written form.”

Human resource departments carried out checks on timely submission of declarations already under the current law. The new law would lay down a single procedure for this check. Under Article 172-6 of the Code of Administrative Violations¹⁶, persons shall be subject to fine for a failure to submit or untimely submission of declarations. It is worth to note in this context that non-submission of a declaration is regarded as a corruption offence under Article 22 of Law 3206, which is mandatorily sanctioned by dismissal.

5.2.2 Conflict of interest

Article 12, part 9, as amended (changes as suggested by the Draft Amendments are highlighted):

“9. Inspection for conflicts of interest of the person who is obliged to declare assets consists in referencing official duties of the person who is obliged to declare assets with financial interest of such person and his connected people. It shall be conducted within three months from the declaration submission due date in accordance with Part One of this Article.

¹⁴ See above footnote 3.

¹⁵ See above at footnote 3.

¹⁶ Law No. 8074-10 of 7 December 1984. <http://zakon2.rada.gov.ua/laws/show/80731-10/page10> (Ukrainian).

Inspection for conflicts of interest of the person who is obliged to declare assets shall also be conducted prior to appointment of the person to a new position.”

Under the new Law, possible conflicts of interest between official duties and the financial interests of a public official would have to be assessed within three months. This means that the “authorized divisions” would need to check the declarations of all officials under their supervision within three months. As there are some 290,000 civil servants in Ukraine, the time limit seems to be reasonable. In practice, only a small fraction of public officials will have such a conflict of interest, arising for example from the supervision of a company in which the official has a stake.

5.2.3 Correctness of financial data

Article 12, part 10, indents 1-2, as amended (changes as suggested by the Draft Amendments are highlighted):

“10. Logical and arithmetical control of declarations of property, income, expenses and financial obligations in accordance with the Methodology adopted by the central executive body responsible for elaboration of state financial policy shall be conducted with the purpose to confirm correct assessment of declared assets, accurate declaration of financial sources and consistency of declared resources with the actual assets in due terms laid down in the first indent of Part 9 of this Article.

Mandatory logical and arithmetical control shall be applied to declarations of property, income, expenses and financial obligations of the persons who are obliged to declare assets specified in Part Two of this Article.”

The Draft Amendments opt for a “logical and arithmetical control of declarations”. There is no internationally defined or binding standard for this term. The OECD Handbook describes it as follows:

“Simple verification, sometimes called arithmetic and logical checking – Verification is usually confined to the contents of the statement itself. The focus can be on whether the declared assets appear sufficiently accounted for by declared/legal sources of income or whether declared data appear to indicate a conflict of interest. It can also be checked as to whether the values of assets (if such are to be declared) appear stated adequately.”¹⁷

For such purposes, it would be necessary to cross-check the data contained in the declaration with different public **databases**, such as for taxes, land/real estate, vehicles, business, trademarks and patents, financial intelligence (suspicious and cash transaction reports), etc.

It seems, however, as if Article 12 part 10 as amended would aim at a **stricter** verification standard. In order “to confirm correct assessment of declared assets” one would actually need to perform a rather full audit of the public official’s financial situation. A desk review, as with the “logical and arithmetical control of declarations” as defined in the OECD Handbook would probably not suffice in this case. Similar holds true for confirming “accurate declaration of financial sources and consistency of declared resources with the actual assets”.

Therefore, it would be **advisable** that the Draft Amendments give some directions on the method of verification through an additional sentence at the end of part 10, indent 1, for example as follows:

¹⁷ OECD, Asset Declarations for Public Officials – A Tool To Prevent Corruption (2011), p. 73, www.oecd.org/dataoecd/40/6/47489446.pdf.

“The verification is done inter alia through a cross-check of the data contained in the declaration with different public databases, in particular those for taxes, land/real estate, cars, business, trademarks and patents, and financial intelligence (suspicious and cash transaction reports).”

This would ensure at the same time that the unit responsible for verifying the data is entitled under a formal law to access the mentioned databases: Article 14 part 3 of the Law on Protection of Personal Data requires transfers of personal data to be “determined by the law”.¹⁸

Several countries perform a **full audit** on a sample of all declarations submitted. In addition to a “logical and arithmetical control of declarations”, a “full audit” would “verify the overall accuracy of data included in the declaration [and] the extent to which assets were legally obtained”.¹⁹ Internationally, it is the purpose of income and asset declaration to “dissuade” public officials from financial misconduct, and to detect or investigate any illicit enrichment. In order to achieve this purpose, it would be **advisable** to perform a full audit on a targeted sample of public officials.

It must be mentioned that a prerequisite for verifying declarations is sufficiently meaningful data. In the current template, only **amounts** and **aggregated** figures of deposits, gross nominal value of securities, gross value of debts, etc. are to be declared. If one does not know the names of companies and individuals to whom these deposits, debts, etc. are related, and if one cannot distinguish individual items and transactions, one cannot verify the declaration sufficiently.

5.2.4 Sample

Article 12, part 10, indent 3, as amended (changes as suggested by the Draft Amendments are highlighted):

“Declarations of property, income, expenses and financial obligations of persons who are obliged to declare assets not specified in Part Two of this Article shall be inspected under random sampling procedures. Random sampling shall be performed in respect of at least 50 per cent of the total number of persons who are obliged to declare assets employed with the corresponding body or public law legal entity. Inspection of the same person who is obliged to declare assets employed with the corresponding body or public law legal entity shall occur at least once every two years.”

The Draft Amendments opt for a comparatively high sample of 50% of all declarations per year for the “logical and arithmetical control of declarations”.²⁰ For the “full audit”, the sample can be much smaller and part of it could target officials holding posts with a high corruption risk, and those with high financial figures.²¹ For example, in Albania, 4% of all declaring subjects undergo a full audit on an annual basis, due to a random selection procedure.²²

¹⁸ Law No.2297-VI of 15 September 2011, www.medialaw.kiev.ua/en/laws/laws_local/120/.

¹⁹ OECD OECD, Asset Declarations for Public Officials – A Tool To Prevent Corruption (2011), p. 76, www.oecd.org/dataoecd/40/6/47489446.pdf.

²⁰ RAI, Rules and experiences on integrity issues (2012), page 45 f., http://www.rai-see.org/doc/Study-Rules_and_experiences_on_integrity_issues-February_2012.pdf

²¹ See for example: World Bank, Income and Asset Declarations: Tools and Trade-offs (2009), p. 74, http://multimedia.unodc.org/documents/corruption/Publications/StAR/StAR_Publication_-_Income_and_Asset_Declarations.pdf; Habershon/Trapnell, World Bank Group: “Public Office, Private Interests: Accountability Through Income and Asset Disclosure” (2012), chapter 3.2, http://www1.worldbank.org/finance/star_site/documents/PublicPrivateInterests/Public-Office-Private-Interests.pdf.

²² RAI, Rules and experiences on integrity issues (2012), page 55, http://www.rai-see.org/doc/Study-Rules_and_experiences_on_integrity_issues-February_2012.pdf.

5.2.5 Rectifying incorrect data

Article 12, part 10, indent 4, as amended (changes as suggested by the Draft Amendments are highlighted):

“In case any logical or arithmetical errors are found during inspection of the declaration the authorized division shall send written notification to the person who is obliged to declare assets which submitted the declaration form. The person who is obliged to declare assets must correct the errors within 15 days from notification receipt and provide the corrected declaration and relevant written clarification to the authorized division. The authorized division shall inform the head of the public body, its administration, head of the local government body, public law legal entity and the special authorized entity in the field of counteracting corruption of the event of non-provision within the prescribed period of the corrected declaration and the written clarification by the person who is obliged to declare assets.”

The Draft Amendments would allow the public officials to correct any errors found under the “logical and arithmetical control of declarations” within 15 days upon receipt of notification. Furthermore, the head of the respective state body is only informed of this incorrectness if the public official does not respond within the given time limit. This approach appears to be too liberal and it is **advisable** to abolish this option of correcting data. As the OECD Handbook points out:

“[D]ishonest public officials can decide to present false data knowing that in case of suspicion they can always add corrections with impunity. This has been a problem in Latvia, where some time ago a number of officials declared major savings in cash. When suspicions were raised about the actual existence of such savings and concerns voiced that the declared information is meant to construct a fake explanation for later enrichment, the public officials submitted corrections diminishing their alleged savings and the implementing agency – the State Revenue Service – generally accepted the corrections.”²³

In addition, notifying the public official of detected inconsistencies might also warn him/her ahead about the possibility of a criminal investigation following the audit, and thus permit the suppression of evidence. In this context, a sanction for the intentional or reckless declaration of incorrect financial data would also be useful.

If it should appear necessary to address the issue of rectifying wrong data, then only the competent authorities should be entitled to rectify declarations (after investigating the discrepancies), preferably indicating the changes as such in the declarations.

5.2.6 Responsible unit

Article 12, part 7, as amended:

“7. The authorized divisions shall perform:
a. verification of timely submission of declarations;
b. inspection of declarations for conflicts of interest;
c. logical and arithmetical declaration control.”

²³ OECD, Asset Declarations for Public Officials – A Tool To Prevent Corruption (2011), p. 74 f., www.oecd.org/dataoecd/40/6/47489446.pdf

The “authorized divisions” within each public body will probably be the human resource departments or ethics commissioners. It makes sense to entrust those units with the verification of timely submission of declarations, and with the inspection of conflict of interest. For both tasks, an “in-house”-mechanism seems appropriate: the timely submission is of rather technical nature, and for conflict of interest, one needs to know the job description of the respective official from inside.

The question, though, is whether the financial verifications of declarations should be done by units such as human resources departments or ethics commissioners. The following arguments would speak against such a solution:

- The “authorized divisions” normally do not have the capacity or experience with financial investigations and assessments;
- The “authorized divisions” do not have experience in dealing with nor yet access to relevant databases such as land registry, tax databases, etc.
- It seems questionable whether the “authorized divisions” would have the necessary independence and distance to follow up on irregularities in the declaration of, for example, an influential department head within a ministry.

By contrast, the **tax** administration has the necessary distance to most state bodies; it would have the respective capacity to deal with the financial issues involved, as well as the powers and access to the necessary databases such as vehicles, land registry, and suspicious financial transactions (Financial Intelligence Units).²⁴ In addition, the tax administration is already involved in the verification of financial declarations of candidates for public office.²⁵

At the same time, it would normally raise also tax issues if a public official has much greater wealth than his formally declared income: The income for acquiring this wealth would normally not have been declared for tax purposes. It is worth noting that there are other countries where the tax administration is also the verifying unit, and where all residents have to file tax declarations, such as Armenia (until 2011), Belarus and Kazakhstan.²⁶

As far as **parliamentarians** and **judges** are concerned, having their financial data verified by tax authorities would not seem to go against their independence: the tax administration verifies the income and assets of both categories of officials already as declared for tax purposes.

The above-mentioned financial and anti-corruption capacity could also be built up within a **new entity** specifically entrusted with oversight on conflict of interest, and income and asset declarations. This would, however, require additional funds.

Verifying the declarations of 50% of all public officials (“logical and arithmetical control of declarations”) plus possible full audits will mean additional work. There are some 290,000 civil servants alone. However, this work is currently spread among the many “authorized divisions”, and could be spread among the many local branches of the tax administration in the future.

5.2.7 Sanctions

There is only one sanction under Law 3206 for violating declaration obligations: the refusal of **appointment** or promotion due to a failed background check under Article 11 par. 3 of Law 3206

²⁴ See for example the cooperation between the Department of Asset Registration and the FIU in Afghanistan: www.anti-corruption.gov.af/Content/files/Asset.pdf.

²⁵ No. 7. 3) of the Order 33/2012 on 25 January 2012 (<http://www.president.gov.ua/documents/14428.html> (Ukrainian)), as amended on 18 May 2012 by Order 333/2012 (<http://zakon2.rada.gov.ua/laws/show/333/2012/paran2#n2>).

²⁶ Fenner, Strategic Approaches to Corruption Prevention in the OSCE Region (September 2012), www.osce.org/eea/93910.

and Article 22 par. 1 no. 4 of the (new) Law on Civil Service.²⁷ Hence, anybody who does not submit a declaration is excluded from appointments to civil service or public positions listed in Article 11 par. 3 of Law 3206.

Furthermore, according to Article 172-6 of the Code of Administrative Offences²⁸, persons shall be subject to **fine** for non-submission or late submission of declarations, as well as for non-reporting or late reporting of the opening of a foreign currency account in a non-resident bank. This provision has been applied in practice several times according to information provided by the General Prosecutor's Office.

There is no sanction in place for intentionally submitting **false** or incomplete information, as it the case in other countries²⁹ such as Albania, "the former Yugoslav Republic of Macedonia", Montenegro and Romania.³⁰ This leaves public officials who, for example, submit declarations with inflated financial figures for covering up future illicit gains, unpunished (see above at 5.2.5).

6 ANTI-CORRUPTION EVALUATION OF LEGAL ACTS

Article 15, part 1, as amended (changes as suggested by the Draft Amendments are highlighted):

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

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

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

Anti-corruption evaluation of effective legal and regulatory acts shall be performed in respect of Laws of Ukraine, acts of the President of Ukraine and of the Cabinet of Ministers of Ukraine according to the annual plan adopted by the Ministry of Justice of Ukraine.

The procedure and methodology for the conduct of anti-corruptive expert examination ~~of draft normative legal acts and the procedure for the promulgation of the results thereof~~ shall be established by the Ministry of Justice of Ukraine. [*moved down from indent 1*]

[...]"

The corruption proofing of draft legislation is an **emerging trend** in the anti-corruption community. However, there is as yet little research available on this topic.³¹ Among the jurisdictions that apply

²⁷ See above at note 13.

²⁸ See above at note <http://zakon2.rada.gov.ua/laws/show/80731-10/page10> (Ukrainian).

²⁹ Habershon/Trapnell, World Bank Group: "Public Office, Private Interests: Accountability Through Income and Asset Disclosure" (2012), chapter 3.3, http://www1.worldbank.org/finance/star_site/documents/PublicPrivateInterests/Public-Office-Private-Interests.pdf.

³⁰ RAI, Rules and experiences on integrity issues (2012), page 55, http://www.rai-see.org/doc/Study-Rules_and_experiences_on_integrity_issues-February_2012.pdf.

³¹ Council of Europe Technical Paper, [Curbing Corruption by Maximizing Integrity and Efficiency in the Legislative Process: an Overview of the Issues following the Roundtable Discussion on Improving Efficiency and Integrity in the Legislative Process, Milli Majlis of the Republic of Azerbaijan, 11 February 2009](#), by Quentin Reed (2009), p. 4: "Corruption of the legislative process is an issue that has received relatively little focused attention from the anti-corruption community."

corruption proofing in the legislative process are Albania,³² Kazakhstan,³³ Latvia,³⁴ Lithuania,³⁵ Republic of Moldova,³⁶ Russia³⁷ and Ukraine. The Council of Europe has provided guidance on corruption-proofing of draft laws in some of these countries and in Azerbaijan,³⁸ which had a major impact on the spread and development of this anti-corruption tool.³⁹

Under the new anti-corruption law, the Ministry of Justice of Ukraine would continue to provide anti-corruption expertise on draft legislation, but it would not be **mandatory** for the respective body anymore to **consider** this expertise. It must be noted that in at least two of the previously mentioned countries the draft assessments have to be considered by the law-setting body:

- In Lithuania, the author of the draft law “shall determine whether it would be expedient to amend the legal act in question” following the expertise.⁴⁰
- In the Republic of Moldova, there is a special Commission on Coordination of Anti-Corruption Assessment tasked to resolve possible conflicts, if the author of a law does not want to follow the recommendations of the corruption review. The Commission formulates an opinion on the conflict and sends it to the Government which takes a final decision.⁴¹

In practice, it does probably not make much difference whether state bodies are formally obliged to consider the anti-corruption expertise: The requirement can easily be written off as a formality and is most likely not litigable. Still, there is no obvious reason why the new Law should not adhere to a stricter standard. It is hence **advisable** to consider leaving the requirement of mandatory consideration in the Law.

Under the new law, the expertise would not necessarily have to be **published**, depending on how the Ministry of Justice would regulate this matter. It would probably be preferable to have all anti-corruption expertise published on the internet in order to facilitate the public discourse on laws. This is the case, for example in the Republic of Moldova, where all expertises are listed on a website,⁴² and to some extent in Lithuania, where the most important expertises are summarized in the annual report of the anti-corruption agency.⁴³

Article 15 part 1 indent 4 should clarify who will be notified of and provided with the “evaluations” (a parliamentary committee, the public, etc.?).

³² Council of Europe “Project against Corruption in Albania (PACA)”, Cristina Cojocaru/Quentin Reed, Proposed final version of addendum to Albanian Law Drafting Manual: “Corruption Proofing: Using Good Law Drafting to Avoid Creating Corruption Risks in Draft Legislation” (April 2011), http://www.coe.int/t/dghl/cooperation/economiccrime/corruption/projects/Albania/Technical%20Papers/PACA_TP%2011%202011-Annex%20to%20the%20Legal%20Drafting%20Manual%20-%20April%2711.pdf;

³³ www.finpol.kz/eng/entrepreneurs/Corruption/: “introduction of an effective mechanism for expert examination of legislations in anti-corruption purpose”; see also http://www.ef-ca.org/en/?option=com_content&id=329&task=view&Itemid=23&ccdate=4-2011.

³⁴ Latvian Law on Corruption Prevention and Combating Bureau of 18 April 2002 with amending laws until end of 2008, Section 10 par. 1 no. 10.

³⁵ Law on Prevention of Corruption of 28 May 2002, No. IX-904, (as last amended on 3 April 2003), Article 8.

³⁶ Law on the Centre for Combating Economic Crimes and Corruption of 6 June 2002, no. 1104-XV, Article 5 par. 1 lit. d.

³⁷ Federal Law on Combating Corruption, No. 273-FZ of 25 December 2008, Art. 6 no. 2.

³⁸ See MOLICO: Project against corruption, money laundering and the financing of terrorism in Moldova, www.coe.int/t/dghl/cooperation/economiccrime/moneylaundering/projects/molico/912%20MOLICO%20OUTPUT%201%202.pdf (2007); see also footnote 31.

³⁹ The NGO involved by the Council of Europe exported the method to several countries: <http://alianta.md/eng/news/view/export-of-gathered-moldovan-experience-in-the-area-of-corruption-proofing/page:1>.

⁴⁰ Law on Prevention of Corruption of 28 May 2002, No. IX-904, (as last amended on 3 April 2003), Article 8.

⁴¹ Government Decision no. 977 of 23 August 2006 on anti-corruption expertise on draft laws and regulations of 23 August 2006, Official Gazette no. 134-137/1020 of 25 August 2006,

http://en.cccec.md/Sites/cccec_en/Uploads/HG%20privind%20expertiza%20anticoruptie%20proiectelor%20de%20acte%20legislativ%20si%20normative%20nr.%20977%20%20din%20%2023.08.2006.%20MO%20nr.134-137.1020%20din%2025.08.2006.D12199CD66F24AEA8009C78F043E3BA9.pdf (Romanian).

⁴² <http://en.cccec.md/texts>.

⁴³ See for example the Annual Report 2011, pages 27 following,

www.stt.lt/documents/planavimo_dokumenatai/STT_report_2011_EN.pdf.

Article 20, as amended (changes as suggested by the Draft Amendments are highlighted):

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

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

3. The person who notified of violation of requirements of this Law by another person may not be dismissed or forced to dismissal or brought to disciplinary responsibility in connection with provision of such information.”

The Council of Europe Civil Law Convention on Corruption of 4 June 1999 foresees in its Article 9

“appropriate protection against any unjustified sanction for employees who have reasonable grounds to suspect corruption and who report in good faith their suspicion to responsible persons or authorities”.

The new part 3 of Article 20 of Law 3206 is broadly formulated and includes the private and public sectors as intended by Article 9 of the Civil Law Convention. However, the wording of the new part 3 of Article 20 does not include persons “who report in **good faith**” when, in reality, there is no corruption violation.⁴⁴ Furthermore, employees should be included “whom employers **mistakenly** believe to be whistleblowers”.⁴⁵ It is hence advisable to explicitly include such persons.

As far as **retaliation** is concerned, the Civil Law Convention speaks of “any unjustified sanction”, whereas part 3 of Article 20 of Law 3206 only lists dismissal or disciplinary sanctions. The list of possible retaliation is much longer, though: suspension; demotion; secondment; transfer; reassignment; performance evaluation; decision concerning pay, benefits, awards, education or training; order to undergo medical test or examination; any other significant change in duties, responsibilities, or working conditions; failure to take personnel actions, such as selection, reinstatement, appointment, or promotion; harassment, stigmatisation, threats; any other form of retaliatory action; criminal and civil liability, particularly against defamation and breach of confidentiality or official secrets laws.⁴⁶ It is hence important to find a wording for part 3 of Article 20 which would summarise the above cases and in addition include a catch all clause such as “or any other unjustified sanction or retaliation”.

Part of the “appropriate protection” under the Civil Law Convention would certainly be

“that, upon a prima facie showing of whistleblower retaliation, the employer has the **burden of proving** that measures taken to the detriment of the whistleblower were motivated by reasons other than the disclosure”.⁴⁷

⁴⁴ G20/OECD, Compendium on Protection of Whistleblowers, 2011, Recommendation 3, p. 31, www.oecd.org/dataoecd/42/43/48972967.pdf.

⁴⁵ See footnote 44.

⁴⁶ See footnote 44.

⁴⁷ See footnote 44.

Furthermore, appropriate protection includes protecting the “identity through availability of **anonymous reporting**”.⁴⁸ In addition, “**penalties** for retaliation inflicted upon whistleblowers, whether this takes the form of disciplinary or discriminatory action, of civil or criminal penalties”,⁴⁹ should be considered.

The new part 3 of Article 20 of Law 3206 relates to the GRECO recommendation

“to introduce clear rules/guidelines for all public officials to report suspicions of corruption and to introduce protection of those who report in good faith (whistleblowers) from adverse consequences.”⁵⁰

GRECO has not yet concluded that this recommendation is implemented satisfactorily.

8 REGISTER OF CORRUPTION OFFENDERS

Article 21, as amended (changes as suggested by the Draft Amendments are highlighted):

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

2. Information about persons brought to justice for the commitment of corruptive offences, except for the information on the staff of bodies performing tactical search, intelligence or counterintelligence activity, shall be ~~within a period of three days from the date of coming into force of the relevant court judgment, of the institution of civil proceedings, or of the imposition of disciplinary penalty~~, entered in the Unified State Register of Persons Involved in Corruption Offenses, to be made up and maintained by the Ministry of Justice of Ukraine.

The Regulation on the Unified State Register of Persons Involved in Corruption Offenses and the procedure for the making up and maintaining this Register shall be approved by the Ministry of Justice of Ukraine.

Information on the persons brought to criminal, administrative or civil responsibility for committing corruption offences shall be entered to the Unified Register of Persons Involved in Corruption Offenses within three working days from the day the electronic copy of the effective court decision from the Unified state registry of court decisions of the State Court Administration of Ukraine was received by the Ministry of Justice of Ukraine.

Information on application of a disciplinary penalty for a corruption offense shall be entered to the Unified Register of Persons Involved in Corruption Offenses within three working days from the day the electronic and duly certified paper copy of the order on application of a disciplinary penalty from the staff department of a public body, local government body, as well as of an enterprise, institution or organization, which officials are liable for corruption offenses are received by the Ministry of Justice of Ukraine.”

Registering of corruption offenders is known in the area of public procurement. Some jurisdictions list and preclude all companies from public procurement which have committed corruption-related offences.⁵¹ However, a general register for natural persons having committed corruption offences is rather a rarity, if not an exception, in the international world of anti-corruption tools.

⁴⁸ See footnote 44.

⁴⁹ See footnote 44, Recommendation 5, p. 32.

⁵⁰ Joint First and Second Round Evaluation Report on Ukraine (Greco Eval I/II Rep (2006) 2E), Recommendation xxi, [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).

⁵¹ Susan Hawley, OECD Working Group on Bribery: Its comments and recommendations on public procurement and bribery of foreign officials (2006), p. 2: “Germany reported back that it has now established a federal corruption register (operative from January 2006) listing all companies excluded from public procurement for corruption-related reasons. Public authorities in Germany

None of the international toolkits on anti-corruption work mentions this option.⁵² Still, many jurisdictions preclude corruption offenders from civil service, but identify those offenders through the general criminal record register.⁵³ The Ukrainian model goes further by also including disciplinary and civil convictions. The exclusion of “staff of bodies performing tactical search, intelligence or counterintelligence activity” seems a tenable limitation to the register as their identity and the traces of their activity have to be protected.

The Register contains only physical persons. It is worth noting that equally, if not more important than physical persons, are corruption deeds by **legal persons**. Especially in the area of public **procurement**, it is indispensable that offenders are registered and precluded from future biddings. Hence,

“GRECO recommended to introduce liability of legal persons for corruption offences, [...] and to consider establishing a registration system for legal persons which would be subject to corporate sanctions.”⁵⁴

According to information by the Ukrainian authorities, draft legislation addressing these issues is under way.

9 EDITORIAL AND TECHNICAL CHANGES

The Council of Europe considers all other changes entailed by the Draft Amendments as rather minor adjustments of editorial or technical nature. They might have certain implications in relation to the Ukrainian legal system, which cannot be all foreseen from an international perspective. However, there does not seem to be an apparent relevance of these changes under international standards.

10 CONCLUSION

Besides some minor adjustments of rather editorial or technical nature, the Draft Amendments would bring along several improvements to Law 3206. For compliance with international standards it is **recommended** to consider and incorporate the following aspects:

1) **Conflict of interest:**

- a) Clarify the wording with regard to “private property and non-property interests”;
- b) Define the term “close persons” in line with the Council of Europe Model Code of Conduct;
- c) Clarify the wording with regard to persons who “are” members of for-profit enterprises;
- d) Ensure that the head and the members of the High Qualifications Commission of Judges do not control their own compliance with conflict of interest regulations.

are required to inform the register of any exclusion made and to check the register before awarding a contract. Norway reported that it was discussing setting up such a register. Austria meanwhile operates a database on company performance and previous convictions that can be accessed by public procurement authorities.”, www.thecornerhouse.org.uk/sites/thecornerhouse.org.uk/files/OECD2pro.pdf.

⁵² UNODC, UN Anti-corruption Toolkit (3rd edition 2004); UNODC, Technical Guide to the UNCAC 2009; OSCE, Best practices in combating corruption, 2004; Transparency International, “Confronting Corruption: The Elements of a National Integrity System”, TI Source Book 2000.

⁵³ See for example Germany: § 41 par. 1 no. 2 Federal Law on Civil Service (loss of status as civil servant in case of bribery conviction).

⁵⁴ Joint First and Second Round Evaluation Report on Ukraine (Greco Eval I/II Rep (2006) 2E), Recommendation xxiv, [www.coe.int/t/dghl/monitoring/greco/evaluations/round2/GrecoEvalI-2\(2006\)2_Ukraine_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round2/GrecoEvalI-2(2006)2_Ukraine_EN.pdf).

2) Income and asset declarations:

- a) Elevate online publication of declarations by high-ranking officials from an option to an obligation;
- b) Provide sufficient directions on the method of verification in the Law itself;
- c) Perform a full audit on a targeted sample of public officials;
- d) Include, in reporting templates, a section requiring descriptive information complementing financial figures;
- e) Abolish the option of correcting data;
- f) Assign verification of declarations to a body with the necessary distance to public officials and with the respective capacity to deal with the financial issues involved, as well as the powers and access to the necessary databases;
- g) Establish a sanction for intentionally submitting false or incomplete information.

3) Anti-corruption evaluation of legal acts:

- a) Consider leaving the requirement of mandatory consideration of the evaluation in the Law;
- b) Foresee publication of the evaluation;
- c) Clarify who will be provided with the evaluations of legal acts already in force (ministries, parliamentary committee? etc.).

4) Whistleblowing:

- a) Include persons who report in good faith;
- b) Include persons whom employers mistakenly believe to be whistleblowers;
- c) Include all forms of retaliation;
- d) Foresee reversal of the burden of prove upon a prima facie showing of whistleblower retaliation;
- e) Protect the identity of the whistleblower through availability of anonymous reporting;
- f) Introduce penalties for retaliation inflicted upon whistleblowers.

Law 3206 consolidated with amendments

Amendments as suggested by the Draft Law are incorporated below into the current version of Law 3206, highlighted in track change for ease of reference.

**Law of Ukraine
On Principles of Preventing and Counteracting Corruption**

(Of 7 April 2011, No. 3206-VI⁵⁵, as amended by Law of 5 July 2012, N 5083-VI; translated amended version as provided by the Ukrainian authorities.)

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

Section I
GENERAL PROVISIONS

Article 1. Definitions

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

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

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

Conflict of interest: means a contradiction between private property (non-property) personal interests of a person or his or her close persons and his/her official authority, including interests evolving from membership or activity within public, religious or other organizations~~the existence of which may affect the objectivity or impartiality of adopted decisions, as well as actions or lack of action in the course of performing the entrusted official duties;~~

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

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

⁵⁵

http://crimecor.rada.gov.ua/komzloch/control/uk/publish/printable_article.jsessionid=283854580C8521CA94F7237CADA01D08?art_id=47714.

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

Persons who are obliged to declare assets means persons specified in Item 1, Sub-item 'a' of Item 2 of Part One of Article 4 of this Law mandated to submit declaration of property, income, expenses and obligations of financial nature;

Authorized divisions means divisions authorized to act on issues of corruption prevention and detection established within public bodies, their administrations, local government bodies and public law legal entities subject to decision of the head of the body or the public law legal entity according to the procedure prescribed for by legislation of Ukraine;

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

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

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

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

Article 3. Basic Principles of Preventing and Counteracting Corruption

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

Supremacy of law; Legality;

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

Priority of preventive measures;

Inevitability of liability for the commitment of corruptive offences;

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

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

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

Article 4. Subjects of Liability for Corruptive Offences

1. Subjects of liability for corruptive offences shall be:

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

a) The President of Ukraine; the Chairperson of the Supreme Rada of Ukraine; his/her First Deputy and Deputy; the Prime Minister of Ukraine; the First Vice-Premier of Ukraine; Vice-Premiers of Ukraine; ministers and other heads of central

executive bodies who are members of the Cabinet of Ministers of Ukraine, and their deputies; the Head of the Security Service of Ukraine; the Prosecutor-General of Ukraine; the Chairperson of the National Bank of Ukraine; the Chairperson of the Chamber of Accounts; the Supreme Rada of Ukraine's Human Rights Commissioner; the Chairperson of the Supreme Soviet of the Autonomous Republic of Crimea; and the Chairperson of the Council of Ministers of the Autonomous Republic of Crimea;

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

c) Public servants and officials of local government;

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

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

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

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

k) Members of the Central Electoral Commission;

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

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

a) Officials of public law legal entities who are not stipulated by clause 1 in part one of this Article but receive salaries at the account of State or local budget;

b) Persons who are not public servants or officials of local government but render public services (auditors, notaries, and appraisers, as well as experts, arbitration managers, independent brokers, members of labour arbitration tribunals, arbitrators in the time of performance of these functions, other persons in cases established by law);

c) Officials of foreign states (persons who hold positions in legislative, executive, or judicial bodies of foreign states including jurors; other persons who perform the functions of the state on behalf of a foreign state, in particular, on behalf of a state agency or a state enterprise), as well as foreign arbitrators, persons who have powers to settle civil, commercial, or labour disputes in foreign states according to procedures that constitute alternatives to judicial procedure;

d) Officials of international organizations (employees of an international organization or any other persons authorized by such organization to act on its behalf), as well as members of international parliamentary assemblies in which Ukraine takes part, and judges and officers of international courts;

3) Persons who permanently or temporarily hold positions involving the performance of organizational-dispositive or administrative-economic functions, or persons who are specially

authorized to perform such duties in private law legal entities irrespective of organizational-legal form thereof, pursuant to law;

4) Officials of legal entities and physical persons, in cases where persons stipulated by clauses 1 and 2 in part one of this Article, or with participation of such persons, other persons received illegal benefit from them.

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

1. The President of Ukraine, The Supreme Rada of Ukraine, and the public prosecutor's offices of Ukraine shall apply measures to prevent and counteract corruption within the limits of powers stipulated by the Constitution of Ukraine.

2. Bodies of State authority shall apply measures to prevent and counteract corruption, or take part in the effectuation thereof within the framework of powers stipulated by laws and other normative-legal acts adopted on the basis of laws.

3. The Cabinet of Ministers of Ukraine shall direct and coordinate the activities of executive bodies pertaining to prevention and counteraction to corruption in accordance with the Constitution and laws of Ukraine and the President of Ukraine's acts.

4. ~~Monitoring~~~~Coordination~~ of the implementation ~~by executive bodies~~ of the anticorruption strategy as determined by the President of Ukraine shall be conducted by a specially authorized body on matters of anticorruption policy that shall be convened by the President of Ukraine and shall operate in conformance with the requirements established by law.

5. Specially authorized subjects shall directly apply measures, within the limits of their competence, aimed at detecting, stopping, and investigating corruptive offences (hereinafter "specially authorized subjects in the sphere of counteracting corruption").

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

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

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

1) Authorized ~~divisions on issues of corruption prevention and detection~~~~units and subdivisions of state authorities~~;

2) ~~private law legal entities, their officials and servants, and citizens and citizen unions based on their consent~~~~Local executive bodies and local government bodies~~;

~~3) Enterprises, institutions, and organizations irrespective of subordination and form of ownership, their officials and officers, as well as citizens and associations of citizens, upon their consent.~~

7. Officials and officers of state authorities, officials of local government, legal entities, and structural subdivisions thereof in the event of detection of a corruptive offence, or receipt of

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

Section II

MESURES AIMED AT PREVENTING AND COUNTERACTING CORRUPTION

Article 6. Limitations on Use of Official Position

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

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

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

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

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

[By the ruling of the Constitutional Court of Ukraine of March 13, 2012, № “6-pn/2012” provisions of paragraph 2 part 1 of Article 7 according to which the persons referred to in paragraph 1 part 1 of Article 4 of this Law are prohibited to be a member of the governing body of the company or organization that is intended to have a profit, excluding prohibiting this persons, as seen from contents of this situation, to participate in the general meeting of the company or organization, recognized as being in conformity with the constitution of Ukraine (constitutional);

By the ruling of the Constitutional Court of Ukraine of March 13, 2012, № “6-pn/2012” provisions of paragraph 2 part 1 of Article 7 prohibiting persons specified in paragraph 1 part 1 of Article 4 of this Law to participate in the general meeting of the company or

organization that is intended to have a profit, recognized as being in conflict with the Constitution of Ukraine (unconstitutional).]

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

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

Article 8. Limitations on Acceptance of Gifts (Donations)

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

1) As a reward for decisions, actions or lack of action in the interests of the donator, adopted or performed both directly by such persons and with their concurrence by other officials and bodies;

2) If the person who presents (makes) the gift (donation), is subordinated to such person.

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

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

1) Are presented (made) by close persons;

2) Are received as accessible to all discounts on goods, services, accessible to all winnings, prizes, premiums, and bonuses.

3. Gifts received by persons stipulated by clause 1 and sub-clauses "a" and "b" of clause 2 in part one of Article 4 of this Law as gifts for the State, the Autonomous Republic of Crimea, a territorial community, and state or municipal institutions or organizations, shall be respectively deemed state or municipal property and shall be transferred to the body, institution, or organization, according to the procedure established by the Cabinet of Ministers of Ukraine.

Article 9. Limitations on Employment of Close Persons

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

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

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

- 1) People’s assessors and jurors;
- 2) Close persons who are directly subordinated to each other in connection with holding by each of them of an elected office;
- 3) Persons who work in rural settlements (except for rayon centres) a country area or and in mountain settlements;
- 4) Persons who work in the fields of education, science, culture, health protection, and physical culture and sports;
- 5) Other persons as stipulated by law.

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

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

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

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

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

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

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

entities or individual entrepreneurs, enterprises, institutions, or organizations;

- 2) To disclose or otherwise use in their own interests such information as became known to them in connection with the performance of their official powers, apart from cases established by law;
- 3) To represent the interests of any persons in judicial proceedings (including those considered by courts) where the other side is the body (bodies) where they worked.

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

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

Special screening shall not be exercised in respect of persons appointed (except for appointments made by the President of Ukraine or the Cabinet of Ministers of Ukraine) under the procedure of transfer:

1) to another position within the same government body (public body) or local government body, under the procedure of transfer from service in one government body (public body) or local government body to another;

2) from a terminated government (public) body to another government (public) body conferred with powers and functions of the terminated government (public) body.

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

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

2. Subject to special verification shall be information on the person who aspires to hold a position stipulated by clause 1 in part one of Article 4 of this Law (apart from candidates for the office of the President of Ukraine, candidates for People's Deputies of Ukraine, candidates for deputies of the Supreme Soviet of the Autonomous Republic of Crimea and local councils, and for offices of village, settlement and city mayors), specifically as regards:

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

~~43.~~ Special screening shall be conducted within a period of twenty-five~~fifteen~~ days from the day of ~~upon written~~ consent of the person aspiring for an office.

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

The procedure ~~for the arrangement~~ of the conduct of special screening shall be subject to approval by the President of Ukraine. [*This indent is relocated from the end of part 4*]

In case inconsistencies in the autobiography and/or declaration of property, income, expenses and financial obligations for the previous year submitted by the candidate be found in course of the special screening the official (body) conducting the check shall provide the candidate within a period of five working days with the right to submit written clarifications as to this event and/or correct such inconsistency.

In case the special screening finds information on the candidate which is not compliant with the legally established requirements for occupying the position the official (body) carrying out appointment (election) for the position shall refuse to appoint (elect) the candidate for the position.

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

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

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

- 1) Written consent to the conduct of special screening;
- 2) Autobiography;
- 3) Copy of the passport of a citizen of Ukraine ~~A copy of the certificate of identification;~~
- 4) A declaration on property, income, expenses, and obligations of a financial nature for the previous year according to the form appended to this Law;
- 5) Copies of documents certifying education, academic ranks, and scientific degrees;
- 6) Medical certificate of obligatory preliminary and regular psychiatric examinations and the certificate of preventive narcological examination in accordance on the state of health according to with the form approved by the special authorized executive authority on health care issues ~~Ministry of Health of Ukraine;~~
- 7) ~~A copy of military card (for military servicemen or reservists);~~
- 8) ~~Certificate of the right of access to state secrets (if any).~~

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

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

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

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

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

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

~~57. Information on the results of special screening and documents pertaining to its conduct, are confidential, unless they contain information constituting state secret. Such documents shall be preserved according to the procedure established by law.~~

Article 12. Financial Supervision

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

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

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

3. Where a person stipulated in clause 1 and sub-clause “a” of clause 2 in part one of Article 4 of this Law, opens a foreign currency account in a non-resident banking institution, that person shall be obliged within a period of ten days to notify in writing on that the body of State Tax Service at

his/her place of residence, with indication of the account number and the location of the non-resident bank.

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

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

6. In order to ensure open and transparent functioning of persons authorized to perform state or local self-government functions, submission of declarations, verification of integrity and reliability of declaration data, detection of property conflicts of interest as well as events of unlawful obtainment of commodities declaration control shall be exercised.’

7. The authorized divisions shall perform:

- a) verification of timely submission of declarations;
- b) inspection of declarations for conflicts of interest;
- c) logical and arithmetical declaration control.

8. Verification of timely submission of declarations shall be performed within fifteen working days from the declaration submission due date in accordance with Part One of this Article.’

Where the verification finds that the person who is obliged to declare assets failed to submit the declaration, the authorized division shall inform the special authorized entity in the field of counteracting corruption in the written form.

9. Inspection for conflicts of interest of the person who is obliged to declare assets consists in referencing official duties of the person who is obliged to declare assets with financial interests of such person and his connected people. It shall be conducted within three months from the declaration submission due date in accordance with Part One of this Article.

Inspection for conflicts of interest of the person who is obliged to declare assets shall also be conducted prior to appointment of the person to a new position.

10. Logical and arithmetical control of declarations of property, income, expenses and financial obligations in accordance with the Methodology adopted by the central executive body responsible for elaboration of state financial policy shall be conducted with the purpose to confirm correct assessment of declared assets, accurate declaration of financial sources and consistency of declared resources with the actual assets in due terms laid down in the first indent of Part 9 of this Article.

Mandatory logical and arithmetical control shall be applied to declarations of property, income, expenses and financial obligations of the persons who are obliged to declare assets specified in Part 2 of this Article.

Declarations of property, income, expenses and financial obligations of persons who are obliged to declare assets not specified in Part Two of this Article shall be inspected under random sampling procedures. Random sampling shall be performed in respect of at least 50 per cent of the total number of persons who are obliged to declare assets employed with the corresponding body or public law legal entity. Inspection of the same person who is obliged to declare assets employed with the corresponding body or public law legal entity shall occur at least once every two years.

In case any logical or arithmetical errors are found during inspection of the declaration the authorized division shall send written notification to the person who is obliged to declare assets

which submitted the declaration form. The person who is obliged to declare assets must correct the errors within 15 days from notification receipt and provide the corrected declaration and relevant written clarification to the authorized division. The authorized division shall inform the head of the public body, its administration, head of the local government body, public law legal entity and the special authorized entity in the field of counteracting corruption of the event of non-provision within the prescribed period of the corrected declaration and the written clarification by the person who is obliged to declare assets.

Article 13. Codes of Conduct

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

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

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

Article 14. Settlement of Conflict of Interest

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

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

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

3. Methodological support of activity regarding prevention, detection and regulation of conflicts of interest shall be ensured by the central executive body responsible for implementation of state policy in the field of civil service.

4. Control over enforcement of law on regulation of conflicts of interest pertaining to activity of the judges of the Constitutional Court of Ukraine, other professional judges, Head, members, disciplinary inspectors, officials and servants of secretariat of the High Qualifications Commission of Judges shall be exercised by the High Qualifications Commission of Judges according to the requirements prescribed by the Law.

5. Control over enforcement of law on regulation of conflicts of interest pertaining to activity of the Speaker of the Verkhovna Rada of Ukraine and people’s deputies of Ukraine shall be exercised by the committee defined by the Verkhovna Rada of Ukraine.

6. Control over enforcement of law on regulation of conflicts of interest pertaining to activity of persons specified in Item 1, Sub-item ‘a’ of Item 2 of Part One of Article 4 of this Law except for persons defined in Parts Four to Five of this Article shall be exercised by authorized divisions for prevention and detection of corruption.

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

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

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

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

Anti-corruption evaluation of effective legal and regulatory acts shall be performed in respect of Laws of Ukraine, acts of the President of Ukraine and of the Cabinet of Ministers of Ukraine according to the annual plan adopted by the Ministry of Justice of Ukraine.

The procedure and methodology for the conduct of anti-corruptive expert examination ~~of draft normative legal acts and the procedure for the promulgation of the results thereof~~ shall be established by the Ministry of Justice of Ukraine. *[moved down from indent 1]*

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

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

Article 16. Requirements for the Transparency of Information

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

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

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

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

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

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

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

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

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

- 1) To inform of the detected facts of the commitment of corruptive offences the specially authorized subjects in the sphere of counteracting corruption, other bodies stipulated by Article 5 of this Law, management and collectives of enterprises, institutions, or organizations where such offences were committed, as well as the public at large;
- 2) To request and receive from state authorities and local government bodies, in the amounts and according to the procedure not prohibited by law, information on activities aimed at preventing and counteracting corruption;
- 3) To conduct or to commission the conduct of public anti-corruptive expert examination of draft normative-legal acts, and to submit based on the results of such expert examination their proposals to the appropriate state authorities;
- 4) To take part in parliamentary hearings and other events pertaining to matters of preventing and counteracting corruption;
- 5) To submit proposals to the subjects of the right of legislative initiative regarding the improvement of the legislative regulation of relations emerging in the sphere of preventing and counteracting corruption;
- 6) To conduct or to commission the conduct of research including scientific, sociological etc., on matters of preventing and counteracting corruption;
- 7) To undertake measures to keep the population informed on matters of preventing and counteracting corruption;
- 8) To conduct public supervision over the compliance with the laws in the sphere of preventing and counteracting corruption, making use of such forms of supervision as do not contravene legislative provisions.

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

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

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

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

1. Specially authorized subjects in the sphere of counteracting corruption shall be obliged annually, no later than by February 10, promulgate information about measures taken to counteract corruption and about persons brought to justice for the commitment of corruptive offences.
2. The specially authorized body on matters of anti-corruptive policy shall annually, no later than by April 15, draw up and promulgate according to the procedure established by the ~~Cabinet of Ministers~~ President of Ukraine, a report on results of the application of measures aimed at preventing and counteracting corruption.

The following information must be reflected in the report:

- 1) Statistical data on the result of activities of the specially authorized subjects in the sphere of counteracting corruption, with mandatory indication of the following data:
 - a) Number of persons in respect to whom decisions were taken to make them answerable as defendants and reports were drawn up on commitment of administrative corruptive offences;
 - b) Number of persons in respect to whom sentencing decisions of courts assumed legal force and on whom administrative penalties were imposed for corruptive offences;
 - c) Data broken up by categories of persons stipulated by part one of Article 4 of this Law, and by types of liability for corruptive offences;
 - d) Information about the amount of damages inflicted by corruptive offences, the status and volumes of restitution thereof;
- 2) Generalized results of anti-corruptive expert examinations of draft normative-legal acts;
- 3) Information on the results of the application by state authorities of measures aimed at preventing and counteracting corruption including in the framework of international cooperation;
- 4) Results of sociological surveys conducted by government and non-government scientific research institutions on the issue of the proliferation of corruption;
- 5) Information on the status of realization of the anti-corruptive strategy established by the President of Ukraine.

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

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

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

2.3. The person who notified of violation of requirements of this Law by another person may not be dismissed or forced to dismissal or brought to disciplinary responsibility in connection with provision of such information.

Section IV
LIABILITY FOR CORRUPTIVE OFFENCES

Article 21. Types of Liability for Corruptive Offences

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

2. Information about persons brought to justice for the commitment of corruptive offences, except for the information on the staff of bodies performing special investigative techniques, intelligence or counterintelligence activity, shall be ~~within a period of three days from the date of coming into force of the relevant court judgment, of the institution of civil proceedings, or of the imposition of disciplinary penalty~~, entered in the Unified State Register of Persons Involved in Corruption Offenses, to be made up and maintained by the Ministry of Justice of Ukraine.

The Regulation on the Unified State Register of Persons Involved in Corruption Offenses and the procedure for the making up and maintaining this Register shall be approved by the Ministry of Justice of Ukraine.

Information on the persons brought to criminal, administrative or civil responsibility for committing corruption offences shall be entered to the Unified Register of Persons Involved in Corruption Offenses within three working days from the day the electronic copy of the effective court decision from the Unified state registry of court decisions of the State Court Administration of Ukraine was received by the Ministry of Justice of Ukraine.

Information on application of a disciplinary penalty for a corruption offense shall be entered to the Unified Register of Persons Involved in Corruption Offenses within three working days from the day the electronic and duly certified paper copy of the order on application of a disciplinary penalty from the staff department of a public body, local government body, as well as of an enterprise, institution or organization, which officials are liable for corruption offenses are received by the Ministry of Justice of Ukraine.

Article 22. Specifics of Dismissing Persons Who Committed Corruptive Offences

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

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

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

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

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

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

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

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

Section V

ELIMINATION OF CONSEQUENCES OF CORRUPTIVE OFFENCES

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

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

Article 24. Unlawful Normative-Legal Acts and Transactions

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

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

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

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

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

Article 26. Confiscation of Unlawfully Acquired Property

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

Section VI

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

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

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

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

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

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

Article 29. Public Prosecutor's Supervision

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

Section VII

INTERNATIONAL COOPERATION

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

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

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

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

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

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

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

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

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

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

Section VIII

FINAL AND TRANSITIONAL PROVISIONS

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

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

[By the ruling of the Constitutional Court of Ukraine of March 13, 2012, № “6-pn/2012” provisions of paragraph 2 of Section VIII recognized as being in conflict with the Constitution of Ukraine (unconstitutional).]

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

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

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

Harmonize its normative-legal acts with this Law;

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

V. Yanukovich

President of Ukraine The City of Kyiv, April 07, 2011

No. 3206-VI

Attachment
to the Law of Ukraine
“On principles of prevention and combating
corruption” from 07.04.2011

DECLARATION
on property, income, expenses and financial obligations
for 20.... year

Section I. General information			
1.	<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <p style="font-size: small; text-align: center;">(surname, first name, registration number of the registration form of taxpayer/ passport number of citizen of Ukraine of applicant)</p>		
2.	<u>Actual place of residence:</u>	<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <p style="font-size: small; text-align: center;">(postal code, oblast, district, settlement, street, number of: house, building, apartment of applicant)</p>	
2¹	<u>Place of registration</u>	<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div>	
3.	Position:	<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div>	
4.	Applicant's family members:		
Degree of connection	Surname, initials	registration number of the registration form of taxpayer/ passport number of citizen of Ukraine	<u>Date of birth</u>

Section II. Information on income

A. Received (calculated) from all sources in Ukraine

List of income	Amount of income received (calculated)	
	applicant	Members of family
5. Total amount of gross income, UAH, including:		
6. wages, other benefits and rewards calculated (paid) to applicant according to employment or civil contract terms <i>(except benefits specified on positions 7, 8)</i>		
7. income from teaching, research and creative activities, medical practice, instructor and arbiter practice in sport		

(name of organization, institution etc. where income specified on this position received (calculated))

8. author's royalty, other proceeds from the sale of intellectual property rights		
9. dividends, interest		
10. material aid		
11. gifts, prizes, winnings		
12. unemployment relief		
13. alimony		
14. inheritance		
15. Insurance payments, insurance compensation, redemption sums and pension payments that payed to applicant according to the insurance contract, non-state pension cover and pension deposit		
16. alienation of movable and immovable property income		

17	business activities and independent professional activity income		
18	capital securities and corporate rights alienation income		
19	lease of property (temporary possession and/or leasehold)income		
20	other types of income (<i>not specified on positions 6–19</i>)		

B. Received (calculated) by applicant from sources abroad

	Country name	Level of income	
		In foreign currency	recalculated in UAH
21			

C. Received (calculated) from sources abroad by applicant family members

	Country name	Level of income	
		In foreign currency	recalculated in UAH
22			

Section III. Information about immovable property

A. Property that is owned, rented or held on other use right by applicant and his spending on acquisition or use of this property

	List of objects	Object location (country, address)	Total area (sq. m.)	Amount of spending (UAH) on	
				acquisition in ownership	Lease or other use right
23	Parcels of land				
24	Dwelling houses				
25	Apartments				
26	Homestead (suburban) house				
27	Garages				
28	Other immovable property				

B. Property that is owned, rented or held on other use right by applicant family members

	List of objects	Object location (country, address)	Total area (sq.m.)
29	Parcels of land		

30	Dwelling houses		
31	Apartments		
32	Homestead (suburban) house		
33	Garages		
34	Other immovable property		

Section IV. Information about vehicles					
A. Vehicles are owned, rented or held on other use right by applicant and his spending on its acquisition (use)					
	List of vehicles	Brand/model (cylinder capacity, cc, engine power, kw, long, cm)	year	Amount of spending (UAH) on	
				acquisition in ownership	lease or other use right
35	Passengers cars				
36	Trucks (special)				
37	Water transport				

38	Air transport			
39	Other transport			

B. Vehicles are owned, rented or held on other use right by applicant family members		
	List of vehicles	year
40	Passenger cars	
41	Trucks (special)	
42	Water transport	
43	Air transport	
44	Other transport	

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Section V. Information about deposits, capital securities and other assets

A. Deposits, capital securities and other assets are owned by applicant and his spending on acquisition of these assets (UAH)

	List	Total	Including abroad
45	Funds in account of banks and other financial institutions, including:		
46	deposited in reporting year		
47	Nominal value of capital securities, including:		
48	obtained in reporting year		
49	Size of contribution to the registered capital of company, enterprise, organization, including:		
50	inserted in reporting year		

B. Deposits, capital securities and other assets are owned by applicant family members (UAH)

	List	Total	Including abroad
51	Funds in account of banks and other financial institutions		
52	Nominal value of capital securities		
53	Size of contribution to the registered capital of company, enterprise, organization		

Section VI. Information about financial obligations

A. Applicant financial obligations and his other spending (UAH)

	List of financial obligations	Total	Including abroad
54	Voluntary insurance		
55	Non-state pension cover		

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

5. The post occupied or post applied by the applicant to be specified in position 3.
6. Information pursuant to paragraph ~~nine-ten~~ of the first part of article 1 of the Law of Ukraine “On Principles of Prevention and Combating Corruption” to be specified in position 4.
7. Average income of applicant for the reporting year is calculated by dividing the total gross income specified in position 6 into 12 and to be written in position 5.
8. Information concerning registration card account number of taxpayer or passport number of citizen of Ukraine which are specified in positions 1 and 4 and concerning location of the object specified in positions 2 and 23-34 is undisclosed information.
9. In case of absence of certain information a dash is to be put in the field.
10. Information on financial sums to be written in UAH to the integer.
11. In the field “recalculated in UAH” of positions 22-23 and in the field “including abroad” of positions 46-60 and 62-66 information according to the official UAH rate in respect to foreign currency established by the National Bank of Ukraine on the day of the financial transaction.
12. The field “Amount of spending on acquisition for ownership/lease or other use right” in positions 23-28, 35-39 and the field “Total” in positions 46, 48, 50, 56 and 59 to be filled if single charge (deposit / contribution) for each of these positions equals or exceeds 150 thousand UAH.
13. The accuracy of the information included in declaration to signed by applicant and date of its completion.
14. Forms of declaration made in way defined by the Cabinet of Ministers of Ukraine.