



Group of States against Corruption
Groupe d'États contre la corruption



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FOURTH EVALUATION ROUND

Corruption prevention in respect of members of
parliament, judges and prosecutors

ADDENDUM TO THE SECOND COMPLIANCE REPORT

UKRAINE

Adopted by GRECO at its 98th Plenary Meeting
(Strasbourg, 18-22 November 2024)

I. INTRODUCTION

1. This Addendum to the Second Compliance Report assesses the measures taken by the authorities of Ukraine to implement the recommendations in the Fourth Round Evaluation Report on Ukraine (see paragraph 2) on “corruption prevention in respect of members of parliament, judges and prosecutors”.
2. GRECO adopted the [Fourth Round Evaluation Report on Ukraine](#) at its 76th Plenary Meeting (23 June 2017) and it was made public on 8 August 2017, following authorisation by Ukraine. The corresponding [Compliance Report](#) was adopted by GRECO at its 84th Plenary Meeting (6 December 2019) and made public on 26 March 2020, following authorisation by Ukraine.
3. The [Second Compliance Report](#), adopted by GRECO at its 89th plenary meeting (29 November – 3 December 2021) and published on 28 April 2022, following the authorisation of Ukraine.
4. The [Interim Compliance Report](#) was adopted by GRECO at its 93rd Plenary Meeting (24 March 2023) and made public on 24 March 2023, following the authorisation of Ukraine. In this Report, GRECO concluded that the level of compliance was no longer globally unsatisfactory” in the meaning of Rule 31, paragraph 8.3 of the Rules of Procedure. It therefore decided not to continue applying Rule 32 concerning members found not to be in compliance with the recommendations contained in the Evaluation Report.
5. Pursuant to paragraph 8.2 of Rule 31 of the Rules of Procedure, GRECO asked the Head of the Ukrainian delegation to provide a report on the progress made in implementing the outstanding recommendations (ii, iv, vi, vii, ix, x, xv, xvii-xix, xxiii, xxv, xxvi, xxviii-xxx). The report was received on 1 April 2024 and has served as the basis for this Addendum to the Second Compliance Report.
6. GRECO selected Sweden (in respect of parliamentary assemblies) and Armenia (in respect of judicial institutions) to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Ms Monika OLSSON, on behalf of Sweden, and Ms Tatevik KHACHATRYAN, on behalf of Armenia. They were assisted by GRECO’s Secretariat in drawing up this Addendum to the Second Compliance Report.
7. This [Addendum to the Second Compliance Report](#) assesses the implementation of the recommendations still pending since the adoption of the *Interim* Compliance Report and offers an overall evaluation of the level of compliance of Ukraine with these recommendations.

II. ANALYSIS

8. It is recalled that GRECO addressed 31 recommendations to Ukraine in its Evaluation Report. In the *Interim* Compliance Report, GRECO held that recommendations i, iii, v, viii, xi, xii, xiii, xiv, xvi, xx, xxi, xxii, xxiv, xxvii, and xxxi had been implemented satisfactorily, or dealt with in a satisfactory manner. Recommendations ii, iv, vi, vii, x, xv, xviii, xxv and xxviii had been partly implemented. Recommendations ix, xvii, xix, xxiii, xxvi, xxix and xxx had not been implemented. Compliance with the 16 outstanding recommendations is examined below.
9. GRECO understands and appreciates that the Ukrainian authorities continue to strive to maintain and increase the country’s resilience in the fight against corruption, in the midst of a full-scale armed aggression by the Russian Federation.
10. The Government had taken an important step with its approval in March 2023 of the State Anti-Corruption Programme for 2023-2025, referred to in the [Interim](#)

[Compliance Report](#) (see paragraph 8 of that report). This Programme represents the Government's commitment to tackle corruption as well as its accountability to its citizens in the achievement of the goals that it sets.

Recommendation ii

11. *GRECO recommended that appropriate regulatory, institutional and operational measures be taken to ensure effective supervision of the existing financial declaration requirements, including, but not limited to the enactment of by-laws allowing the National Agency on Corruption Prevention to perform its verification tasks; the adoption of an objective lifestyle monitoring procedure; the introduction, without delay, of automated cross-checks of data and interoperability of databases, with due regard for privacy rights; and the institution of appeal channels for sanctions imposed.*
12. GRECO recalls that this recommendation was partly implemented already in the Second Compliance Report. Prior to the *Interim* Compliance Report, tangible efforts had been made to better ensure effective supervision of the financial declaration regime. Also, concrete measures of both a regulatory and institutional nature had been developed, including through an automated system of checks. The latter's efficiency had been enhanced through state-of-the-art software technology, the application of a lifestyle monitoring methodology, e-filing and streamlined declaration forms, etc. On the basis of statistics received, the system was operational and started delivering results right when martial law was declared, resulting in the financial reporting system and supervision being put on hold. GRECO acknowledged the efforts made, however noted that the full operability of the system for financial disclosure had to be re-established and concluded that the recommendation therefore remained partly implemented.
13. The Ukrainian authorities now report that Law no. 3384-IX¹, adopted on 20 September 2023 and entered into force on 12 October 2023, fully reinstated mandatory asset declaration. It also empowered the National Agency on Corruption Prevention (National Agency) to exercise functions in the field of financial control, which includes conducting comprehensive and special verifications of asset declarations². As a result of this Law, Parliament made changes to the declaration rules, including the restoration of the obligation to report on significant changes in asset status and on opening foreign accounts in non-resident banks.
14. The authorities indicate that the call for asset declarations for the period of 2021 and 2022 began on 12 October 2023 (with the entry into force of Law no. 3384-IX) and ended on 31 January 2024. Public officials submitted 1 457 000 declarations: 744 600 for 2021 and 712 900 for 2022.³ Over half of the declarations were submitted on a voluntary basis, as the Law had not yet entered into force. This shows an increase in the culture of integrity among public officials. The campaign for 2023 ended on 31 March 2024.

¹ Law "On Amendments to Certain Laws of Ukraine Regarding the Procedure for Submitting Declarations by Persons Authorised to Perform Functions of the State or Local Self-Government in Conditions of Martial Law," <https://zakon.rada.gov.ua/laws/card/3384-20>

² The Law amended certain declaration rules, to which clarifications were brought by the National Agency within a month, published on its website in the Knowledge Base, on 13 November 2023, <https://antycorportal.nazk.gov.ua/en/profesiynyi-rozvytok/5/>

³ It is important to note that the National Agency does not maintain a record of the total number of declarations submitted. It is currently unable to maintain clear statistics because of the continuous flow in appointments and dismissals of personnel in relevant positions, the option for declarants to submit corrected declarations (i.e. each declarant may submit up to two declarations per reporting period), and the withdrawal of some declarations from public access under martial law.

15. The authorities also report that the National Agency developed and implemented a fundamentally new risk-based approach to the selection and verification of declarations. This approach allows it to verify the greatest number of asset declarations submitted, optimise the verification process and increase the efficiency of the comprehensive verification of declarations by the National Agency's authorised persons. The approach is based on identifying discrepancies (risks) by using logical and arithmetic controls (LAC), to assess identified risks and determine the risk rating indicator of the declaration. LAC is a type of financial control conducted by the National Agency in accordance with the Law of Ukraine "On Prevention of Corruption". It is a tool that allows the Unified State Register of Declarations of Persons Authorised to Perform Functions of the State or Local Self-Government (Declaration Register) to identify inconsistencies in the information provided in the declaration with the data of these registries and evaluate them. It allows the assessment of an asset declaration's risk, resulting in a calculated risk-rating indicator, which also facilitates the identification of inconsistencies.
16. The National Agency's "authorised persons" carry out comprehensive verifications of declarations with the highest risk rating – which are also identified through reports of non-disclosure by individuals, legal entities, law enforcement agencies and journalists. In this case, comprehensive verifications are conducted regardless of whether or not declarations had passed automated verification before.
17. The automated verification of asset declarations is conducted by the Declaration Registry's software and is based on information provided in the asset declaration. It applies to asset declarations with the lowest risk rating, which contain data that can be verified automatically. It is capable of verifying up to 30% of all asset declarations submitted to the Declaration Registry⁴. The results starting from 4 October 2024, are as follows:
 - Out of 658,127 annual declarations submitted for the year 2021, 580,335 had undergone automated verification of which 163,031 (28.1%) had been successfully verified;
 - Out of 652,048 annual declarations submitted for the year 2022, 541,710 had undergone automated verification of which 142,118 (26.2%) had been successfully verified;
 - Out of 678,573 annual declarations submitted for the year 2023, 613,840 had undergone an automated verification and 145,228 (23.7%) had been successfully verified.
18. The National Agency had also selected 804 asset declarations to undergo a further comprehensive verification. By 4 October 2024, 471 comprehensive verifications had been completed, revealing that:
 - False information amounted to UAH 2,597,300,000 / EUR 57,955,703.49.
 - Indications of unjust enrichment amounted to UAH 146,300,000/ EUR 3,263,774.55.
 - Indications of unjustified assets amounted to UAH 40,600,000 / EUR 905,056.45.

⁴ <https://public.nazk.gov.ua/>.

19. The authorities explain that administrative⁵, civil⁶, criminal⁷ and disciplinary sanctions can be applied to corruption or corruption-related offences (Article 65-1, paragraph 1 of the Law on the Prevention of Corruption). As a result of this comprehensive verification of declarations, the National Agency drew up 208 substantiated conclusions on the detection of signs of corruption or corruption-related offences. This led to law-enforcement agencies bringing indictments in four cases and to 22 reports on administrative offences to be transferred to the judicial authorities. It has also led to 11 instances that exhibited indications of unjustified asset acquisition, which were forwarded to law enforcement agencies. The National Agency also drafted eight protocols pertaining to administrative offences, which were transmitted to the judicial authorities. As regards sanctions for corruption or corruption-related offences, the authorities underline that, under the current legislation, it is the exclusive prerogative of the courts.⁸
20. To facilitate the submission of asset declarations and minimise errors, the Declaration Register has developed the "Declaration Data" function. At the initiative of the declarant, the National Agency collects and transmits to the declarant's personal account in the Declaration Register information (adapted to the declaration form), which needs to appear in the asset declaration⁹.
21. Declarants are informed about the results of the automated declaration verification in their electronic account in the Declaration Register and receive a verification certificate. The completion of an automated declaration verification does not exclude a subsequent comprehensive declaration verification, if there are grounds to do so. Information about the automated declaration verification is available in the public part of the Declaration Register.

⁵ Article 172-6 of the Code of Administrative Offences ("Violation of financial control requirements" (<https://zakon.rada.gov.ua/laws/show/80731-10#Text>) sets out that liability may arise where false information is knowingly submitted in the declaration by a person authorised to perform state or local self-government functions in respect of property or other object of declaration that has value, if this information differs from the reliable information received by an amount between 100 to 500 "subsistence minimums" for non-disabled persons established as of the date of submission of the declaration.

⁶ Article 290 of the Civil Procedure Code provides that the acquisition of unjustified assets ("Filing a claim for recognition of unjustified assets and their recovery to the state revenue" (<https://zakon.rada.gov.ua/laws/show/1618-15#Text>), where the claim is filed in respect of assets acquired after the date of entry into force of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Confiscation of Illegal Assets of Persons Authorised to Perform State or Local Government Functions and Punishment for Acquisition of Such Assets" - 28 November 2019, and if the difference between their value and the legal income of a person authorised to perform state or local self-government functions is 500 times or more than the "subsistence minimum" for non-disabled persons established by law as of the date of entry into force of that Law (UAH 1,003,500 / EUR 22,369.39), but does not exceed the limit established by Article 368-5 of the Criminal Code (in 2024 – 6 500 "minimum subsistence" = UAH 9,841,000 / EUR 219,342.30).

⁷ Article 366-2 of the Criminal Code sets out sanctions for corruption-related offenses ("Declaration of false information" (<https://zakon.rada.gov.ua/laws/show/2341-14#Text>). It provides that liability may arise where a person authorised to perform state or local self-government functions knowingly provides false information, if that information differs from the true information received by over "subsistence minimums" 500 "minimum subsistence". Article 368-5 ('Illicit enrichment' (<https://zakon.rada.gov.ua/laws/show/2341-14#Text>) provides that liability may arise where a person authorised to perform state or local self-government functions acquires assets the value of which exceed his/her legitimate income by more than 6500 tax-free minimum incomes.

⁸ E.g. Article 294 of the Code of Administrative Offences; Article 393 of the Criminal Procedure Code.

⁹ This information is obtained from: the State Register of Property Rights on Immovable Property (on registered property rights on real estate that arose after 1 January 2013 (<https://online.minjust.gov.ua/rpp/>), the State Land Cadastre (https://e.land.gov.ua/auth_select), the Unified State Register of Vehicles, the State Ship Register of Ukraine and the Ship's Book of Ukraine (<https://marad.gov.ua/ua/posluqi/sudnova-kniga-ukrayini>), the State Register of Movable Property Encumbrances (<https://orm.minjust.gov.ua/>), the database of the National Securities and Stock Market Commission on the securities market (<https://www.nssmc.gov.ua/en/>), the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Formations (<https://usr.minjust.gov.ua/content/free-search>), the State Register of Individual Taxpayers (<https://tax.gov.ua/fizichnim-osobam/vidomosti-doxid>), the registry of insured persons of the State Register of Compulsory State Social Insurance, and the Inheritance Register.

22. The automated verification system does not apply to judges (except for retired judges), because the Law on the Prevention of Corruption¹⁰ sets out specific verifications for the asset declarations of this category.
23. GRECO takes note of these positive developments. Notably, the introduction of Law no. 3384-IX, which entered into force on 12 October 2023, reinstating mandatory asset declarations. This Law has also empowered the National Agency on Corruption Prevention to exercise functions of financial control (e.g. conducting comprehensive and special verifications of declarations). GRECO takes note that the National Agency has developed and implemented a new risk-based approach to the selection and verification of asset declarations. This increases the number of verifications of asset declarations submitted as well as the efficiency of the comprehensive verification of asset declarations. The automated verification of asset declarations is also operational. To facilitate the submission of declarations and minimise errors, a “Declaration Data” function has been developed, which establishes a pre-filled form for declarants in the Declaration Register. Appeal channels had already been provided (see notably paragraph 18 of the [Second Compliance Report](#)). GRECO welcomes these developments which now meet the different components of recommendation ii.
24. GRECO concludes that recommendation ii has been implemented satisfactorily.

Recommendation iv

25. *GRECO recommended (i) further developing the rules applicable to the acceptance of gifts by members of parliament, judges and prosecutors, in particular, by lowering the threshold of acceptable gifts; providing for more precise definitions to ensure that they cover any benefits including those in kind; clarifying the concept of hospitalities which may be accepted; (ii) establishing internal procedures for the valuation and reporting of gifts and return of those that are unacceptable.*
26. It is recalled that this recommendation was considered by GRECO as partly implemented already in the Second Compliance Report. According to the *Interim Compliance Report*, legislative amendments to better regulate the receipt of gifts and to prevent conflicts of interest and corruption were being drafted. However, no progress had been made on establishing internal procedures for the valuation and reporting of gifts, and the return of unacceptable gifts.
27. The Ukrainian authorities now report that the State Anti-Corruption Programme for 2023-2025¹¹ foresees the development by the National Agency of a draft law which will improve the content of restrictions and the prohibition on receiving gifts, the rules on handling gifts/undue benefits and improve the handling of intangible gifts.
28. The authorities report that the National Agency has developed a draft law “On amendments to the Law of Ukraine on the Prevention of Corruption” which aims to implement the above-mentioned measures. Public discussions took place on this draft law on 27 October 2023 and the draft law was sent for adoption to the interested

¹⁰ Article 52² of the Law of Ukraine “On Prevention of Corruption”.

¹¹ <https://zakon.rada.gov.ua/laws/show/220-2023-%D0%BF#Text>: Under strategic result 1.3.2.2, measure 1.3.2.2.1:

- 1) improves the content of restrictions on receiving gifts, taking into account the need to ensure a fair balance between private and public interests;
- 2) expands the list of cases to which the prohibition on receiving gifts does not apply;
- 3) sets out the duration of the restriction during which a person is prohibited from making decisions or taking actions in favour of the person who provided the gift and the measure (<https://dap.nazk.gov.ua/en/zahid/1092>)

Under strategic result 1.3.2.3, measure 1.3.2.3.1:

- 4) improves the rules for handling gifts or undue benefits, including those received in intangible form;
- 5) improves specifics of handling undue benefits or gifts received in intangible form (<https://dap.nazk.gov.ua/en/zahid/1093/>).

bodies one month later.¹² Comments on the draft law, under the approval procedure, from the National Police and the National Anti-Corruption Bureau have been received and the draft law is being finalised. The authorities indicate that the draft law does not provide for a gift register, as gifts the value of which exceed a certain threshold must be included in the annual asset declaration (paragraph 7, part one, Article 46 of the Law on the Prevention of Corruption). Hence a separate gift register is not necessary.

29. GRECO takes note that a draft law to regulate the receipt of gifts so as to prevent conflicts of interest and corruption is in existence and soon to be adopted. However, GRECO is concerned that the draft law still allows public officials to accept gifts over a certain threshold. GRECO looks forward to receiving this law in due course.
30. GRECO concludes that recommendation iv remains partly implemented.

Corruption prevention in respect of members of parliament

Recommendation vi

31. *GRECO recommended ensuring that all legislative proposals are processed with an adequate level of transparency and consultation, notably by (i) safeguarding inclusiveness of parliamentary committee work both on paper and in practice, including through public consultations and expert hearings, as well as adequate timeframes; (ii) introducing precise rules regarding the fast-track legislative procedure in Parliament and ensuring that it is applied only in exceptional and duly justified circumstances.*
32. GRECO recalls that this recommendation was regarded as partly implemented in the *Interim Compliance Report*. Data provided confirmed a positive trend towards improving transparency and openness in parliamentary work, which had already been reported in previous compliance reports. It was, however, not possible to ascertain whether the involvement of experts and the carrying out of public hearings constituted a consolidated practice across the board and not only in certain committees. There were no new developments on the 30-day timeframe for a committee to consider draft legislation and recommend it to the plenary (which GRECO had considered to be short). There was an increase in the use of fast-track legislative procedures, which was justified under the volatile and high-risk environment, but should not become regular practice.
33. The Ukrainian authorities report, for part (i), that on 30 June 2023, Parliament adopted Law no. 3218-IX "*On Amendments to Certain Laws of Ukraine Regarding the Work of Committees of the Parliament*". It provides for the organisation of committee work under martial law, including the conduct of committee meetings via video conferences.¹³ Working groups are being created and meetings, hearings in committees and roundtables are being held etc. e.g. the Committee on Humanitarian and Information Policy has established and operates a Public Council, which unites approximately 120 members (representatives of the public and leading experts).
34. The authorities explain that, under martial law, Parliament runs with only one plenary session. This will continue until the day martial law ends or is repealed, but no later than the beginning of the next regular session of Parliament¹⁴. For legislative work,

¹² i.e. The Ministry of Finance, the Ministry of Economy, the Ministry of Digital Transformation, the National Police, the Economic Security Bureau, the State Bureau of Investigations, the National Anti-Corruption Bureau and the Prosecutor General's Office.

¹³ As determined by Parliament in accordance with the Law "On Amending the Law of Ukraine "On Committees of the Parliament" of 30 March 2020 <https://zakon.rada.gov.ua/laws/show/3218-20#Text>.

¹⁴ Sub-paragraphs 1 and 3 of paragraph 1 of the Resolution of the Parliament "On Certain Issues of Organising the Work of the Parliament of the Ninth Convocation in Conditions of Martial Law" (no. 2912-IX).

Parliament exercises its oversight function by urgently convening committee meetings (temporary special commissions, temporary investigative commissions), including via video conferences, during the breaks of the ongoing plenary session.

35. The authorities also report that on 20 June 2024, Parliament adopted the Law "on Public Consultations" (Reg. no. 4254 of 23 October 2020), which received the President's signature on 17 October 2024 and will enter into force 12 months after the end of martial law¹⁵. The Law sets out the procedure for public authorities¹⁶ to follow in conducting public consultations on matters concerning state and regional policy, addressing local concerns, preparing concepts, strategies, programmes etc. It also sets out the process to follow for the preparation of regulations to achieve a balance between public and private interests. Public authorities are obliged to plan consultations, ensure that the stakeholders are informed, comply with the requirement of the law and report on the consultations. Consultations may take place in three different ways, through: (1) electronic consultations, for which a consultation document is published online (official website or other platform) to receive proposals and/or answers to questions; (2) public discussion, either in the form of roundtable meetings, hearings, conferences, focus groups, meetings, internet/video conferences etc.; or (3) targeted consultations, for which a consultation document is sent to stakeholders to clarify their position. In addition, public discussions are held at the discretion of the public authority, provided they pertain to matters set out in the Law. The shortest duration for public consultations is 15 business days.
36. The authorities also report that the Parliament's Rules of Procedure will be supplemented by Article 90-1, which will set out how to conduct electronic consultations on draft laws submitted by Members of Parliament.¹⁷
37. On 17 July 2024, Parliament adopted the draft Law "On amendments to certain law of Ukraine on strengthening certain guarantees of media, journalists and citizens' access to information" (Reg. no. 11321 of 5 June 2024)¹⁸, which aims to strengthen the openness and transparency of parliamentary committees' work by providing the posting on the official Parliament website of open committee meetings of committees held online during martial law.
38. The authorities also report that the draft Law "On amendments to the laws 'On Committees of Parliament' and 'On Temporary Investigative Commission and Temporary Special Commissions of Parliament' to ensure rollcall voting of MPs at meetings of committees and commissions" (Reg. no. 10414 of 18 January 2024)¹⁹ is currently being considered by Parliament. This draft Law's aim is to enhance transparency and accountability in the parliamentary committees' work by requiring the video recording of open committee meetings.

¹⁵ <https://itd.rada.gov.ua/billInfo/Bills/Card/4415>. The Law does not apply to draft acts that are (1) adopted in accordance with the Law "On the Principles of State Regulatory Policy in the Field of Economic Activity, the Law "On All-Ukrainian Referendum", martial law, legal relations regulated by the Budget Code and acts relating to the drafting of individual action, organisational and administrative acts and acts on the establishment and operation of advisory bodies and the establishment and termination of state and local self-government bodies.

¹⁶ These include, *inter alia*, the President of Ukraine, Parliament, ministries and other central executive bodies, the Cabinet of Ministers, local executive authorities, the authorities of the Autonomous Republic of Crimea, local self-government bodies, state collegial bodies and the National Bank of Ukraine.

¹⁷ "1. The public consultation on draft laws submitted by the Members of Parliament shall be conducted in the form of electronic consultations by publishing the draft law on the official website of the Parliament together with the justification for its adoption.

2. A person wishing to participate in the electronic consultations shall fill in a special form on the official website of the Parliament and post suggestions and comments to the draft law.

3. The organisation and conduct of electronic consultations on draft acts developed by Members of Parliament shall be carried out by the Secretariat of the Parliament."

¹⁸ <https://itd.rada.gov.ua/billInfo/Bills/Card/44362>.

¹⁹ <https://itd.rada.gov.ua/billInfo/Bills/Card/43550>.

39. Law no. 3354-IX "On Legislative Activity," adopted by Parliament on 24 August 2023, is a crucial component of the openness and inclusiveness of the work of Parliamentary committees.²⁰ This Law defines, for the first time in Ukraine's history, the legal principles of transparency and the planning of legislative activity. It expands the positive practice of central executive authorities in conducting public consultations. Hence, the right to access information on law-making is guaranteed, in particular, lawmakers are obliged to provide and publish information on law-making activities in the manner, scope and timeframe(s) determined by the Law; there is access to meetings of representatives on law-making activities; the observance of the right to access information on law-making activities falls under state and public control; and the Law determines legal liability for the violation of law on access to public information.²¹
40. For part (ii), the authorities report that during 2023, Parliament adopted 275 laws. 24 were adopted with a shortened deadline for the submission of alternative draft laws. 21 were adopted with shortened deadlines for the preparation for the second reading. 27 draft laws were identified as urgent by the President of Ukraine and Parliament, therefore adopted at first reading. Another 112 laws were adopted without changes, including 54 on the ratification, approval, adoption, accession and denunciation of international treaties to which Ukraine is a party. The regulatory norms that apply to the legislative process are therefore not applied systematically on justifiable grounds of exceptional social necessity or urgency.²²
41. GRECO takes note that, as regards part (i), a new Law no. 3218-IX amending the Law on the work of Committees of Parliament, organises parliamentary committee work under martial law, which is to be commended. This has introduced some normalcy to the committees' work in these difficult times, by allowing them to meet, conduct hearings, organise roundtables and create working groups. Parliament

²⁰ <https://zakon.rada.gov.ua/laws/show/3354-20#Text>

²¹ Part first of Article 6 of the Law of Ukraine "On Legislative Activity".

²² Examples of some of the laws adopted by Parliament;

- 1) The Law "On Amendments to Certain Laws regarding the State Final Attestation and Admission Campaign of 2023" of 23 February 2023, no. 2925-IX39 (for this Law the deadline for submitting amendments and proposals was halved. This was prompted by the need to quickly organise the admission campaign of 2023 in a special manner, taking into account Martial Law in the country);
- 2) The Law "On Amendments to the Law "On Defence Procurement" regarding the Introduction of Transparency in Defence Procurements (except for information on the procurement of goods, works, and services that are related to the defence of the country, which constitute state secrets) with Ensuring the Security of State Customers from Military Threats during the Period of the Legal Regime of Martial Law in Ukraine" of 24 February 2023, no. 2958-IX (shortened deadlines for submitting alternative draft laws and deadlines for submitting amendments and proposals by half due to the need to finance the security and defence sector, which is a priority for the state in conditions of Martial Law);
- 3) The Law "On Amendments to the Law "On Compulsory State Pension Insurance" regarding the Appointment of Pensions to Persons Residing in Temporarily Occupied Territory or in Areas of Hostilities" of 20 March 2023, no. 2981-IX (the procedure of shortening the preparation period of the draft law for the second reading was applied to ensure the regulation of the issue of pension appointment to persons residing in temporarily occupied territories of Ukraine or in areas where hostilities are taking place during the period of Martial Law);
- 4) The Law "On Amendments to Article 70 of the Fundamentals of Ukrainian Legislation on Health Protection Regarding the Features of the Establishment and Operation of Military Medical Commissions" of 2 May 2023, no. 3079-IX (the urgent adoption of the Law was due to the need to regulate the conduct of military medical examination by all healthcare institutions of the security and defence sector and the functioning of military medical commissions based on healthcare institutions of state and communal ownership, as well as to protect the rights of Ukrainian citizens, conscripts, military personnel, and employees of the security and defence sector);
- 5) The Laws "On Amendments to the Law "On national minorities (communities) of Ukraine" on some issues of realisation of rights and freedoms of persons belonging to national minorities (communities) of Ukraine" of 21 September 2023, no. 3389-IX, and "On Amendments to certain laws of Ukraine regarding the consideration of the expert assessment of the Council of Europe and its bodies regarding the rights of national minorities (communities) in certain areas" of 8 December 2023, no. 3504-IX (the provisions of the laws are aimed at fulfilling Ukraine's European integration commitments);
- 6) The Law "On Amendments to certain laws regarding the recognition of the results of education of persons residing in the temporarily occupied territory of Ukraine" of 21 November 2023, no. 3482-IX (the draft law was designated as urgent by Parliament due to the urgent need to restore the opportunity to undergo certification to determine and assess the results of such education).

currently runs with only one plenary session for legislative work, it can however use its oversight function by urgently convening committee meetings. GRECO takes note of the Law "on Public Consultations" adopted by Parliament in June 2024 and awaiting enactment, which sets out the procedure and form for the conduct of public consultations by public authorities and provides a minimal length for public consultations (15 business days). To ensure that this Law will be implemented, the Parliament's Rules of Procedure will set out how to conduct electronic consultations on draft laws submitted by MPs and a new Law adopted by Parliament in July 2024 will ensure that parliamentary committees' work will be available online during martial law. Parliament is also currently considering a draft law the aim of which is to require the video recording of open parliamentary committees' meetings. These are all very positive and important steps, which are to be welcomed. GRECO also welcomes the new Law no. 3354-IX on legislative activity, which sees to openness and inclusiveness of the work of Parliamentary committees and guarantees the right to access information on law-making. These steps are all in line with this recommendation. As regards part (ii) of the recommendation, no new developments have been reported yet to indicate that the use of the fast-track legislative procedure in Parliament would be limited to exceptional and duly justified circumstances.

42. GRECO concludes that recommendation vi remains partly implemented.

Recommendation vii

43. *GRECO recommended (i) that a code of conduct for members of Parliament be developed and adopted with the participation of MPs themselves and be made easily accessible to the public; and (ii) that it be coupled with detailed written guidance on its practical implementation (e.g. prevention of conflicts of interest when exercising the parliamentary function, ad-hoc disclosure and self-recusal possibilities with respect to specific conflict of interest situations, gifts and other advantages, third party contacts, etc.).*
44. It is recalled that this recommendation was partly implemented in the *Interim Compliance Report*. For both parts (i) and (ii), the draft Code of Ethics was still undergoing parliamentary discussion and a monitoring and enforcement mechanism was also going to be established.
45. The Ukrainian authorities report that, on 24 January 2024, the Main Scientific and Expert Department of the Parliament's Secretariat issued an Opinion on the draft Code of Ethics. This Code had been submitted to Parliament in December 2022. The draft Code of Ethics has now been included in the agenda of the current Session of Parliament.²³
46. GRECO takes note of this information. With regard to part (i) of the recommendation i.e. the adoption of the Code of Ethics, GRECO urges the authorities to seize the moment and ensure the swift adoption of this Code. Furthermore, GRECO emphasises the importance of developing detailed written guidance on the practical implementation of the Code, as set out in part (ii) of this recommendation.
47. GRECO concludes that recommendation vii remains partly implemented.

²³ <https://zakon.rada.gov.ua/laws/show/3562-IX#n13>.

Recommendation ix

48. GRECO recommended the introduction of rules on how members of Parliament engage with lobbyists and other third parties who seek to influence the legislative process.
49. GRECO recalls that this recommendation was regarded as not implemented in the *Interim Compliance Report* as none of the legislative initiatives on lobbying had materialised.
50. The Ukrainian authorities report that a comprehensive study on the lobbying situation in Ukraine had been made in 2023 by the National Agency, together with representatives of the European Commission and the Council of Europe. This study formed the basis of the National Agency's draft law "On Ethical Lobbying in Ukraine". The draft law was submitted for expertise to the Organization for Economic Cooperation and Development (OECD) and to the Council of Europe.
51. In November 2023, the National Agency held two public discussions on the draft Lobbying Law, involving 46 representatives of civil society organisations, international partners, and the media. Parliament adopted the Law "On Lobbying"²⁴ on 23 February 2024. The Law provides for the establishment of a Transparency Register, to be held and administered by the National Agency. The Law will enter into force two months from the start of the Transparency Register's operation, but no later than 1 January 2025.²⁵ It sets out the registration procedure in the Transparency Register as well as the termination or suspension of the lobbying entity's status. It also provides for the procedure for access to the Transparency Register (open and free of charge); the lobbying entity's reporting to the Transparency Register, as well as mechanisms for state supervision over the activities of lobbying entities by monitoring compliance with lobbying legislation. The Law also imposes restrictions on persons authorised to perform functions of the state or local self-government from engaging in lobbying for a period of one year.
52. The authorities draw attention to the draft law amending the Code of Ukraine on Administrative Offences regarding violations of lobbying legislation, prepared by the National Agency (25 December 2023)²⁶. It foresees sanctions for illegal lobbying activities, failure or untimely submission of lobbying reports; failure or untimely submission to the National Agency of statements on suspending or terminating the lobbying entity status; or statements on exclusion from the Transparency Register of information regarding an individual conducting lobbying on behalf of a legal entity - a lobbying entity; violations of the law's established limitations on the subject of lobbying or lobbying for commercial interests of a person who cannot be a beneficiary; or on behalf of a person who cannot be a client; or financing lobbying with funds that cannot be a source of lobbying financing. The draft law also foresees to empower authorised employees of the National Agency to draw up protocols on the relevant administrative offences. The draft law was adopted by Parliament on 21 March 2024, and will enter into force on the same date as the Law "On Lobbying".

²⁴ <https://zakon.rada.gov.ua/laws/show/3606-20#Text>.

²⁵ The Law on Lobbying is in force, but has not been enacted, except for the following provisions:

- provisions relating to the launching of the Transparency Register and authorisation of the Cabinet of Ministers to ensure the adoption of new or bringing existing regulations into line with this Law; approval of Rules of Ethical Conduct for Lobbying Entities; ensuring the establishment and functioning of the Transparency Register (entered into force and came into effect on the date of publication of the Law);
- provisions amending the laws on Committees of the *Verkhovna Rada*, on the Prevention of Corruption and the *Verkhovna Rada's* Rules of Procedure to bring these laws into line with the provisions of the Law on Lobbying.

²⁶ <https://itd.rada.gov.ua/billInfo/Bills/Card/43450> seems to address concerns regarding adequate sanctions raised in: <https://rm.coe.int/eccd-bo-ua-tp01-2023/1680aca660>.

53. GRECO welcomes the adoption of the Law on Lobbying of 23 February 2024 and that its entry into force is foreseen two months after the start of operations of the Transparency Register, but no later than 1 January 2025. It also takes note of the draft law amending the Code on Administrative Offences regarding violations of lobbying legislation, which has been adopted in March 2024 and will enter into force at the same time as the Law on Lobbying. This addresses the requirements of the recommendation.
54. GRECO concludes that recommendation ix has been implemented satisfactorily.

Recommendation x

55. *GRECO recommended significantly strengthening the internal control mechanisms for integrity in Parliament so as to ensure independent, continuous and proactive monitoring and enforcement of the relevant rules. This clearly presupposes that a range of effective, proportionate and dissuasive sanctions be available.*
56. GRECO recalls that this recommendation was partly implemented in the *Interim Compliance Report*, as the issue of effective sanctions for ethical breaches remained topical, in particular in connection with the ongoing drafting of a code of ethics. The Anti-Corruption Strategy recognised that the rules of ethical conduct were not implemented and that additional mechanisms were required to address their violations. The draft code should therefore ensure that there is a clear reference to the applicable enforcement system and the available sanctions.
57. The Ukrainian authorities explain that under martial law²⁷, the national legislation providing for a disciplinary sanction in the form of termination of reimbursement of expenses related to the exercise of parliamentary powers to MPs, was suspended²⁸.
58. The authorities reiterate that a Code of Ethics is in the pipeline (see recommendation vii, above) – which provides for liability and a mechanism for violations. In addition, the parliamentary session’s agenda includes the draft law “*On Amendments to Article 51 of the Rules of Procedure of the Parliament on Strengthening Liability for Non-Compliance with Discipline and Ethics by Members of Parliament at the Plenary Session*”²⁹. This draft law aims to establish liability for disciplinary and ethical violations by MPs at the plenary sessions of Parliament. It also establishes liability, namely deprivation of the right of an MP to participate in plenary sessions (up to five plenary sessions), for disciplinary and conduct violations during plenary sessions of the Parliament³⁰. The draft law is now with Parliament.
59. GRECO takes note of these developments. As both the Code of Ethics and the draft Law “*On Amendments to Article 51 of the Rules of Procedure of the Parliament on Strengthening Liability for Non-Compliance with Discipline and Ethics by Members of Parliament at the Plenary Session*” are still in the pipeline, it is yet too early to consider this recommendation as fully implemented.
60. GRECO concludes that recommendation x remains partly implemented.

²⁷ Clause 2 of Section II “Final and Transitional Provisions” of the Law of Ukraine “On Amendments to Certain Laws of Ukraine on the Functioning of the Civil Service and Local Self-Government” of 12 May 2022 no. 2259-IX.

²⁸ Part five of Article 33 of the Law of Ukraine “On the Status of People’s Deputy of Ukraine”.

This applies in cases:

- 1) MPs do not personally participate in more than 30 percent of the votes during one regular session of Parliament without valid reasons as defined by part 3 of Article 26 of the Rules of Procedure of Parliament,
- 2) MPs do not participate in more than 30 % of the votes during the adoption of decisions of Parliament at plenary sessions.

²⁹ <https://itd.rada.gov.ua/billInfo/Bills/Card/27879>.

³⁰ <https://zakon.rada.gov.ua/laws/show/1861-17#Text>.

Recommendation xv

61. GRECO recommended (i) reviewing the need to reduce the number of bodies involved in the appointment of judges; (ii) defining more precisely the tasks and powers of the Public Council of Integrity, further ensuring that its composition reflects the diversity of society and strengthening the rules on conflicts of interest – including through the provision of an effective control mechanism.
62. GRECO recalls that this recommendation was partly implemented in the *Interim Compliance Report*. For part (i), the appointment of members of the High Council of Justice (HCJ) had been completed and the appointment of the High Qualification Commission of Judges (HQCJ) was still ongoing. As regards part (ii), the Anti-Corruption Strategy foresaw that the status of the Public Council for Integrity (PIC) be clarified, its role be expanded and strengthened, and its resources be secured. However, this still needed to materialise. In addition, nothing had been reported on the need to ensure that the composition of the PIC reflect the diversity of society and that the applicable rules on conflicts of interest be strengthened (including through the provision of an effective control mechanism).
63. The Ukrainian authorities report that, for part (i), on 1 June 2023, the HJC appointed the full composition of the HQCJ and unblocked the work of the key body responsible for the formation of the judiciary³¹. This will allow for selection procedures of judges to be conducted for over 2 000 vacant positions and to complete the qualification assessment of judges.
64. As regards part (ii), the authorities report that, on 14 August 2023, the HQCJ hosted a meeting of representatives of NGOs, during which 20 members of the PIC were elected³². The meeting was attended by NGOs³³ that were selected by the High Qualification Commission of Judges to meet the requirements of the Law "On the Judiciary and Status of Judges"³⁴.
65. The authorities report that Parliament has adopted a Law "On Amendments to the Law "On the Judiciary and the Status of Judges" and Certain Legislative Acts of Ukraine on Improving the Procedures for Judicial Career" (no. 3511-IX, 9 December 2023),³⁵ which amended the Law "On the Judiciary and the Status of Judges" by adding, *inter alia*, that a candidate's file for the position of judge should also contain the conclusion of the PIC on the non-compliance of a candidate for the position of judge with the criteria of professional ethics and integrity (if applicable). It also added that PIC's members have the right to have full access to the materials of the judicial file (file of a candidate for the position of a judge). The authorities also report that the role of the PIC has been enhanced³⁶.

³¹ Article 131 of the Constitution of Ukraine.

³² <https://vkksu.gov.ua/page/sklad-grd>.

³³ For example, the PIC includes representatives of the following NGOs: Transparency International Ukraine, Institute of Legislative Ideas, DEJURE Foundation, Ukrainian Bar Association, and others, which in turn duly ensured the diversity of civil society representation in the PIC.

³⁴ <https://vkksu.gov.ua/rubric/gromadska-rada-dobrochesnosti/> <https://vkksu.gov.ua/en/rubric/public-integrity-council>.

³⁵ The Law entered into force on 30 December 2023, <https://zakon.rada.gov.ua/laws/show/3511-20#Text>.

³⁶ The PIC's role has been increased, as follows:

- The right to participate in the HQCJ's plenary sessions when making a decision on the suitability of a judge for a position in case of refusal of such a judge to undergo assessment (Paragraph 4, clause 20, Section XII Final and Transitional Provisions for Assessment by the HQCJ Colleges of the Suitability for the Position of Judges Appointed for a Term of Five Years or Elected as Judges for an Unlimited Term before the Law of Ukraine "On Amendments to the Constitution of Ukraine (Regarding Justice)" enters into force);
- It is stipulated that if the PIC in its conclusion establishes that a judge (candidate for the position of judge) does not meet the criteria of professional ethics and integrity, the HQCJ may make a reasoned decision to confirm the ability of such a judge (candidate for the position of a judge) to administer justice in the relevant

66. In addition, under expected strategic result 2.1.2.2. of the State Anti-Corruption Programme for 2023-2025, the evaluation mechanism for candidates with respect to integrity criteria (indicators) will be further improved as part of the procedure to select and appoint new judges with the involvement of the PIC. This should be completed by 31 January 2025. Furthermore, the Ukraine Facility Plan, which is the basis for the implementation of the EU's financial support programme for Ukraine in 2024-2027, provides for several measures to enhance the accountability, integrity, and professionalism of the judiciary³⁷. These include the involvement of the PIC in evaluating the integrity of judicial candidates in cases, where required by law³⁸. On 27 September 2024, the PIC presented an analytical study on the interim results of the qualification assessment of judges³⁹. For 2023 and up to 1 October 2024, the High Qualification Commission of Judges of Ukraine (HQCJ) received conclusions on non-compliance with the criteria of professional ethics and integrity (not cancelled by the PIC) in respect of 129 judges, of whom:
- 47 judges were found to comply with the criteria of their position;
 - 29 judges were found not to comply with the criteria of their position;
 - 2 judges refused to be evaluated;
 - The evaluation of 5 judges was terminated (due to dismissal, failure to acquire powers to administer justice);
 - The evaluation of the remaining judges has not been completed.⁴⁰
67. GRECO welcomes these developments. As regards part (i), GRECO welcomes that the appointment of members of the High Council of Justice (HCJ) and of the High Qualification Commission of Judges (HQCJ) have been completed, thereby addressing outstanding issues regarding this part of the recommendation. For part (ii), GRECO welcomes that HQCJ has appointed the full composition of the Public Council of Integrity (PIC) and renewed its membership, which reflects the diversity of society. The PIC has been strengthened and will be expanded at the state level and has an effective control mechanism.
68. GRECO concludes that recommendation xv has been implemented satisfactorily.

court only if such a decision is supported by two-thirds of the votes of the appointed members of the Commission, but not less than nine votes (Paragraph 2 of part one of Article 88 of the Law of Ukraine "On the Judiciary and the Status of Judges");

- In case of a reasoned proposal submitted by the PIC to postpone the interview with a judge (the candidate for the position of judge), the HQCJ may postpone such an interview. Repeated proposals to postpone the interview with the same judge (the candidate for the position of judge) are not considered (Paragraph 17 of Article 98 of the Law of Ukraine "On the Judiciary and Status of Judges");
- By approving the Unified Indicators for Assessing Integrity and Professional Ethics of a Judge (Candidate for the Position of Judge), the HCJ shall consult with the HQCJ, the Council of Judges of Ukraine, and the PIC (<https://zakon.rada.gov.ua/laws/show/1798-19#Text>).

³⁷ Reform 1 under Pillar I of the Ukraine Facility Plan.

³⁸ The First outcome of the Reform 4 under Pillar I of the Ukraine Facility Plan.

³⁹ <https://grd.gov.ua/news/rik-tretoho-skladu-hrd-ekvator-rezultativ-roboty/>.

⁴⁰ The HQCJ also:

- Received conclusions regarding one judge, who did not meet the professional ethics and integrity criteria for the qualification assessment to confirm her ability to administer justice in the relevant court in connection with the imposition of a disciplinary penalty. On the basis of these results, the judge was found to have failed to confirm her ability to administer justice in the relevant court.
- Concluded that a candidate for the position of a Supreme Court judge did not meet the criteria of professional ethics and integrity. The HQCJ's decision recognised the candidate as having failed to confirm his ability to administer justice in the Administrative Court of Cassation as part of the Supreme Court.

Recommendation xvii

69. GRECO recommended that periodic performance evaluation of judges is carried out by judges on the basis of pre-established, uniform, and objective criteria in relation to their daily work.
70. It is recalled that this recommendation was considered not implemented by GRECO in the *Interim* Compliance Report due to the ongoing selection procedure for members of the High Qualification Commission of Judges (HQCJ), which is the body to establish the criteria for the evaluations of judges. Therefore, these criteria had not yet been established.
71. The authorities of Ukraine report that, on 1 June 2023, the High Council of Justice (HCJ) appointed 16 members of the HQCJ, thereby allowing the HQCJ to resume its work as a collegial body⁴¹. They also refer to Law no. 3511-IX (see above, under recommendation xv)⁴², which *inter alia* expands the Public Council of Integrity (PIC)'s powers, by providing that the HJC must consult the HQCJ, the Council of Judges of Ukraine, and the PIC when approving the Unified Indicators for Assessing Integrity and Professional Ethics of a Judge (Candidate for the Position of Judge).
72. The authorities indicate that, the National Agency has included, in the State Anti-Corruption Programme for 2023-2025, expected strategic result 2.1.2.1, which provides that both the HQCJ and the HCJ, together with the bodies involved in the assessment, judicial self-government, and the public, develop and implement clear and predictable criteria (indicators) of integrity and professional ethics for the qualification assessment of judges and the selection of new judges⁴³. In this respect, the authorities report that seven measures (2.1.2.1.1 to 2.1.2.1.7)⁴⁴ must be completed for the strategic result to be achieved. So far two have been completed, one was to conduct and publish the results of analytical research on the practice of assessing judges' compliance with the criteria of integrity and professional ethics, and candidates with the integrity criteria of the HQCJ, as well as the PIC and the Public Council of International Experts (2.1.2.1.1)⁴⁵. The other was to prepare a draft law providing the HCJ with the authority to approve unified criteria (indicators) to

⁴¹ <https://hcj.gov.ua/news/perelik-chleniv-vyshchovi-kvalifikaciyovyi-komisiyi-suddiv-ukrayiny>.

⁴² <https://zakon.rada.gov.ua/laws/show/3511-20>.

⁴³ <https://dap.nazk.gov.ua/en/osr/98/>.

⁴⁴ 2.1.2.1.1. Conduct and publish the results of analytical research on the practice of assessing the compliance of judges with the criteria of integrity and professional ethics, and candidates with the integrity criteria of the HQCJ, as well as the PIC and the Public Council of International Experts (the measure of the SAP is completed);

2.1.2.1.2. Conduct and publish the results of the analytical study of the practice of assessing the compliance of judges with the criteria of integrity and professional ethics, and candidates with the HCJ integrity criteria (the measure of the SAP is partially completed <https://dap.nazk.gov.ua/en/zahid/126/>);

2.1.2.1.3. Conduct and publish a comparative analysis of the reports of the HCJ, the HQCJ, the PIC, the Public Council of International Experts on the analysis of the practice of assessing the compliance of judges with the criteria of integrity and professional ethics, and candidates with the integrity criteria (<https://dap.nazk.gov.ua/en/zahid/127/>);

2.1.2.1.4. Developing and submitting to the Cabinet of Ministers of Ukraine a draft law providing the HCJ with the authority to approve unified criteria (indicators) for assessing the integrity and professional ethics of judges and the integrity of judicial candidates during all procedures of selection and evaluation of judges (the measure of the SAP is completed);

2.1.2.1.5. Draft unified criteria (indicators) for assessing integrity and professional ethics of judges and criteria (indicators) for integrity of judicial candidates, taking into account the judge's professional dossier and best practices identified based on the analysis of the assessment practices of the HCJ, the HQCJ, the Public Council of International Experts, and the PIC (<https://dap.nazk.gov.ua/en/zahid/129/>);

2.1.2.1.6. Conduct consultations with the HCJ, the HQCJ, the PIC, the Council of Judges, non-governmental organisations, and other stakeholders on the draft unified criteria (indicators) for assessing the integrity and professional ethics of judges and criteria (indicators) of the integrity of a candidate for the position of a judge, obtain expert opinions and finalise it (<https://dap.nazk.gov.ua/en/zahid/130/>);

2.1.2.1.7. Approval of the revised draft of the unified criteria (indicators) for assessing the integrity and professional ethics of a judge (candidate for the position of judge), its approval, and publication (<https://dap.nazk.gov.ua/en/zahid/131/>).

⁴⁵ <https://dap.nazk.gov.ua/zahid/125/>.

assess the integrity and professional ethics of judges and the integrity of judicial candidates during all selection and evaluation procedures for judges⁴⁶.

73. The authorities also report that the HCJ has set up a Working Group on 8 February 2024 to develop Uniform Indicators for Evaluating the Integrity and Professional Ethics of a Judge (Candidate for the Position of Judge). It has held 23 meetings and developed these draft Uniform Indicators, which were submitted to the HCJ and thereafter to the HQCJ for review. The draft is currently being reviewed by the HCJ.
74. With respect to the HQCJ, the authorities report that although the Procedure and Methodology for Judge Evaluation and Self-Evaluation had been submitted for consideration to the HQCJ's plenary on 12 July 2023 – it had been postponed.
75. GRECO takes note of these positive developments. Notably, that the High Qualification Commission of Judges (HQCJ), now has enough members to be able to resume its work as a collegial body. It also takes note that the State Anti-Corruption Programme for 2023-2025 includes measures to develop and implement clear and predictable criteria (indicators) of integrity and professional ethics for the qualification assessment of judges and the selection of new judges. GRECO looks forward for these to be developed and effectively applied, which will lead to this recommendation being considered as fully implemented.
76. GRECO concludes that recommendation xvii has been partly implemented.

Recommendation xviii

77. *GRECO recommended ensuring that in all court proceedings any decisions on disqualification of a judge are taken without his/her participation and can be appealed.*
78. GRECO recalls that this recommendation remained partly implemented in the *Interim Compliance Report*.
79. The Ukrainian authorities report that, on 22 August 2024, draft Law no. 11387 on Amendments to the Code on Administrative Offences, Criminal and Criminal Procedural Codes on ensuring respect for the court and prompt consideration of criminal proceedings by the court⁴⁷, was adopted and was a basis for further consideration. It introduces amendments to the procedure on the disqualification of judges (Article 81 of the Criminal Procedure Code), such that, if a challenge is filed against an investigating judge/a single judge conducting court proceedings, the matter will be referred to another judge in the same court. Although a request for disqualification will not be allowed in such cases, recusal will be considered without undue delay (within 24 hours of its submission).
80. GRECO takes note of the progress made with the adoption of draft Law no. 11387 on Amendments to the Code on Administrative Offences, Criminal and Criminal Procedural Codes on ensuring respect for the court and prompt consideration of criminal proceedings by the court – which are indicated by the authorities as serving as a basis for further consideration. GRECO therefore concludes that further changes are in the pipeline and looks forward to the end result. Notably, as set out in the *Interim Compliance Report* (paragraph 98), that the Fourth Round Evaluation Report was very clear as to the course of action to be taken to meet recommendation xviii: (i) challenged judges should always be excluded from the decision regarding their disqualification or removal from particular proceedings in order to ensure objectivity and impartiality in the decision-making process; (ii) for the same reason, possibilities

⁴⁶ <https://dap.nazk.gov.ua/en/zahid/128/>.

⁴⁷ <https://itd.rada.gov.ua/billInfo/Bills/Card/44510>.

to appeal decisions on disqualification motions per se (separately from the possibility to appeal the judgment on the merits of the case already provided by law) need to be introduced.

81. GRECO concludes that recommendation xviii remains partly implemented.

Recommendation xix

82. *GRECO recommended defining disciplinary offences relating to judges' conduct more precisely, including by replacing the reference to "norms of judicial ethics and standards of conduct which ensure public trust in court" with clear and specific offences.*
83. It is recalled that this recommendation remained not implemented in the *Interim Compliance Report*. Measures were envisaged in the Anti-Corruption Strategy and its implementation programme regarding discipline on judges. However, this was still work in progress.
84. The Ukrainian authorities report that the High Council of Justice (HCJ) established a Working Group in 2023, which prepared a Compilation of the practice regarding disciplinary cases against judges by the HCJ and its disciplinary bodies (on the basis of cases from 2017-2021), which was published on its official website⁴⁸. This Compilation's aim was, *inter alia*, to identify a unified and sustainable practice in disciplinary proceedings. The Working Group noted the need for a clearer definition of the grounds for disciplinary liability of judges for violations of rules on judicial ethics, and therefore proposed legislative changes.
85. In addition, expected strategic result 2.1.3.2⁴⁹ in the State Anti-Corruption Programme for 2023-2025, provides for three measures on the disciplinary liability of judges (2.1.3.2.1 to 2.1.3.2.3)⁵⁰. These foresee the preparation of a draft law clarifying the grounds for the disciplinary liability of a judge, in compliance with the principle of legal certainty (due in January 2025). The measures also envisage the preparation of an analytical report on the expediency of further improving and simplifying the procedures for disciplinary proceedings against judges. Finally, they recommend discussing the results of this analytical report with representatives of public authorities, NGOs, international organisations, participants of international technical assistance projects, and the scientific community.
86. On 22 February 2024, the HCJ established the Working Group on the Compilation of Disciplinary Practice. So far, this Working Group has prepared a summary of the Disciplinary Chambers of the HCJ's practice of reviewing disciplinary decisions (i.e. refusing to open disciplinary cases against judges in 2023). It has also prepared a summary of the HCJ's practice of reviewing the decisions of the Disciplinary Chambers in 2023.⁵¹ In addition, the Council of Judges of Ukraine has established a Working Group on Updating the Code of Judicial Ethics, which has drafted amendments to this Code that were approved by the XX Congress of Judges of Ukraine on 18 September 2024.⁵²

⁴⁸ https://hcj.gov.ua/sites/default/files/field/uzagalnennya_dysc.praktyky_ost.pdf.crdownload.

⁴⁹ It sets out that "The list and grounds for disciplinary liability of judges and its types are clarified in a way that allows judges to predict their conduct, in particular, the signs of disciplinary offences that defame the title of a judge or undermine the authority of justice are more clearly defined, and the mechanism of a disciplinary investigation and consideration of disciplinary cases is improved and simplified", <https://dap.nazk.gov.ua/en/osr/105/>.

⁵⁰ <https://dap.nazk.gov.ua/en/zahid/149/>; <https://dap.nazk.gov.ua/en/zahid/150/>; <https://dap.nazk.gov.ua/en/zahid/151/>.

⁵¹ <https://hcj.gov.ua/page/2024-0>.

⁵² <https://rsu.gov.ua/ua/news/roboca-grupa-radi-suddiv-ukraini-predstavila-onovlenij-kodeks-suddivskoi-etiki>; <https://rsu.gov.ua/en/news/kodeks-suddivskoi-etiki>.

87. GRECO takes note of these developments. It welcomes the preparation of the Compilation of the practice regarding disciplinary cases against judges by the High Council of Justice (HCJ) and its disciplinary bodies, which has led to the proposal of legislative changes. GRECO also welcomes the expected strategic result under the State Anti-Corruption Programme for 2023-2025, which sets out, among others, to list and clarify the grounds for liability of judges. This is to be done through a set of three measures, that still need to be completed.
88. GRECO concludes that recommendation xix has been partly implemented.

Corruption prevention in respect of prosecutors

Recommendation xxiii

89. *GRECO recommended amending the statutory composition of the Qualifications and Disciplinary Commission to ensure an absolute majority of prosecutorial practitioners elected by their peers.*
90. GRECO recalls that this recommendation remained not implemented in the *Interim Compliance Report*. There was no change in the statutory composition of the Qualifications and Disciplinary Commission of Prosecutors to allow it to ensure an absolute majority of prosecutorial practitioners elected by their peers. An amendment had been proposed to increase the number of prosecutors elected by their peers, but it was still under discussion in Parliament.
91. The Ukrainian authorities report that the Prosecutor General's Office has prepared a draft law "On Amendments to the Law "On the Prosecutor's Office" (to implement GRECO recommendations and the requirements of the Anti-Corruption Strategy for 2021-2025 in terms of improving the disciplinary procedure for prosecutors)". This draft law intends to increase the number of prosecutors appointed by the All-Ukrainian Conference of Public Prosecutors from five to six. Furthermore, the issue of increasing the quota of prosecutors in the relevant body by reducing or changing the quota of non-prosecutors is being considered by the working groups involved in the preparation of the draft law. In the meantime, on 28 August 2024, the All-Ukrainian Conference of Prosecutors appointed five members to the Qualifications and Disciplinary Commission of Prosecutors and on 24 September 2024, the Congress of Representatives of Law Schools and Research Institutions appointed two members to this body.
92. The authorities also refer to the Ukraine Facility Plan,⁵³ which provides for a number of measures to reform the prosecution service, including strengthening the institutional capacity of the Qualification and Disciplinary Commission of Prosecutors (QDPC). This foresees, among others, amending the provisions on the composition of this body to ensure that the majority of seats are held by prosecutors elected by their peers.
93. GRECO takes note that the Prosecutor General's Office has prepared a draft law that provides for an increase in the quota of prosecutors among the members of the Qualification and Disciplinary Commission of Prosecutors (QDCP). However, the draft law is still under discussion.
94. GRECO concludes that recommendation xxiii has been partly implemented.

⁵³ <https://www.ukrainefacility.me.gov.ua/en/>.

Recommendation xxv

95. *GRECO recommended introducing by law periodic performance evaluation of prosecutors within the prosecution service – involving the self-governing bodies – on the basis of pre-established and objective criteria, while ensuring that prosecutors have adequate possibilities to contribute to the evaluation process.*
96. GRECO recalls that this recommendation remained partly implemented in the *Interim Compliance Report*. New regulations regarding periodic performance evaluation of prosecutors had been introduced, but the system was very new. More experience was needed to ensure its adequacy and effectiveness. Although the system appeared to be based on pre-established and objective criteria and ensured that prosecutors themselves could take an active role in the evaluation – it did not involve the self-governing bodies, as recommended. Work on a parallel regulatory framework for individual evaluation of the quality of prosecutors' work was ongoing. In the absence of more concrete details it remained to be seen whether having two parallel systems for the performance evaluation of prosecutors was expedient.
97. The Ukrainian authorities report that the Regulation on the system for the performance evaluation of prosecutors has not yet entered into force. A pilot phase was carried out in 2023 in certain structural units of the Prosecutor General's Office and several regional and district prosecutors' offices. January 2023 saw the first stage of the evaluation, which involved 377 prosecutors. During this stage, prosecutors identified tasks in accordance with their official duties and completed a professional (career) development plan for the current year. The second stage took place in September 2023 and involved 363 prosecutors out of whom 37 stayed for the evaluation, while 51 left as a result of structural changes. Appeal commissions were set up, prosecutors carried out self-assessments, graded by their direct supervisors, and professional (career) development plans for 2024 were completed and agreed upon. The pilot evaluation established that 10% of the bonus payments were allocated to five individuals, 20% to 62 individuals, and 30% to 296 individuals. The pilot phase was extended to 2024 for certain structural units of the Prosecutor General's Office.⁵⁴
98. The authorities add that under expected strategic result 2.1.5.1, measure 2.1.5.1.1 of the State Anti-Corruption Programme for 2023-2025, included developing and launching an electronic human resources management system (e-HR) for prosecutorial authorities. This includes an integrated system for the performance evaluation of prosecutors. The measure is expected to be implemented by December 2025.⁵⁵
99. The authorities also report that the Prosecutor General's Office continues to work on developing a system for the individual performance evaluation of prosecutors. The Working Group tasked to work on this agreed on the concept for such a system for prosecutors during pre-trial investigations (procedural investigations). In this respect, the Prosecutor General's Office is currently developing a draft Temporary Regulation on the system for the individual performance evaluation of prosecutors, which will test the concept developed by the Working Group.
100. GRECO takes note of these developments and of the progress made. Notably, that pilot phases for the performance evaluation of prosecutors have been conducted and that the regulatory framework for a system for the individual performance evaluation of prosecutors is in the pipeline. However, concrete results are yet to be achieved.

⁵⁴ The Prosecutor General's Order no. 336 of 25 December 2023, extended the pilot phase to 2024 in certain structural units of the Prosecutor General's Office, the Zhytomyr Oblast Prosecutor's Office, and district prosecutor's offices of Zhytomyr Oblast.

⁵⁵ <https://dap.nazk.gov.ua/en/zahid/765/>.

101. GRECO therefore concludes that recommendation xxv remains partly implemented.

Recommendation xxvi

102. *GRECO recommended introducing a system of random allocation of cases to individual prosecutors, based on strict and objective pre-established criteria including specialisation, and coupled with adequate safeguards – including stringent controls – against any possible manipulation of the system.*

103. It is recalled that this recommendation remained not implemented in the *Interim Compliance Report* as the authorities had reported no new information.

104. The Ukrainian authorities indicate that a Working Group⁵⁶ is currently preparing a concept and terms of reference for the creation of modules for the investigation, control and analysis management system called "SMEREKA". The authorities also reiterate that prosecutors are selected by the head of the Prosecutor's Office for a particular criminal case⁵⁷. In this respect, the Prosecutor General's Order no. 309 (30 September 2021) sets out criteria for their selection by the head of the Prosecutor's Office, his/her first deputy, and his/her deputy, in accordance with the distribution of responsibilities and within the powers provided for by the Criminal Procedure Code⁵⁸. It also provides for control measures to ensure that pre-trial investigation and trial of criminal proceedings take place within a reasonable period of time (paragraphs 9.1-9.17, Order no. 309). In November 2024, an offsite meeting of the Working Group, set up under the Prosecutor General's Order no. 204 of 30 August 2024, took place with the support of the EU Advisory Mission, to develop clear and objective criteria for the random distribution of cases.

105. The authorities report that the Ukraine Facility Plan includes a measure on the establishment of an e-Case Management System. This will enable digital processing of criminal cases and gradually replace or significantly upgrade the outdated Unified Register of Pre-Trial Investigations⁵⁹. A comparable measure is also included in the draft Action Plan for the Implementation of the Comprehensive Strategic Plan for Law Enforcement Reform.

106. GRECO takes note of this information, some of which it had already received in prior situation reports (e.g. Order no. 309). GRECO noted, at the time, that while certain criteria were provided regarding the distribution of cases, the decision-making power was left to the head of the relevant prosecutor's office departing from the principle of random allocation. GRECO welcomes that the Working Group met in November 2024 to develop clear and objective criteria for the random distribution of cases and looks forward to further developments. It also welcomes the Ukraine

⁵⁶ The "Working Group on Digital Transformation of the Processes of Organising the Work of the Prosecution and Pre-Trial Investigation Bodies" was established by the Prosecutor General's Order no. 279 of 12 December 2022.

⁵⁷ Prosecutor General's Order no. 309 of 30 September 2021, <https://zakon.rada.gov.ua/laws/show/v0309905-21#Text>.

⁵⁸ See 9.3 of the Order no. 309 provides that when determining the prosecutor who will carry out the powers of the prosecutor in a particular criminal proceeding, the following shall be taken into account: the territorial jurisdiction of the prosecutor's office; the number of investigators carrying out pre-trial investigation in a particular criminal proceeding, their experience and specialisation; the number of criminal proceedings in which the relevant prosecutor carries out the powers of the prosecutor independently and as part of a group of prosecutors, their experience, specialisation; the number of prosecutors in a particular criminal proceeding; workload (complexity of criminal proceedings in which the prosecutor exercises procedural control, including multi-episodic nature, public resonance, severity of the criminal offence, place of commission, need for priority, urgent investigative (detective) and covert investigative (detective) and other procedural actions, their scope and participation of the prosecutor in consideration of motions and complaints by investigating judges during pre-trial investigation, term of pre-trial investigation and preventive measure against the suspect, the necessity of preparing documents for their extension, participation in the extension of terms, the number of participants in the criminal proceedings, etc.).

⁵⁹ The Third outcome of the Reform 4 under Pillar I of the Ukraine Facility Plan.

Facility Plan includes a measure that will now enable digital processing of criminal cases and gradually replace or significantly upgrade the outdated Unified Register of Pre-Trial Investigations. GRECO encourages the authorities to do more to ensure that case assignment follows strict and objective pre-established criteria and is operated through random distribution of cases as a main rule.

107. GRECO concludes that recommendation xxvi remains not implemented.

Recommendation xxviii

108. *GRECO recommended (i) encouraging prosecutors in suitable ways to recuse themselves from a case whenever a potential bias appears; (ii) ensuring that any decisions on disqualification of a prosecutor can be appealed.*

109. GRECO recalls that this recommendation remained partly implemented in the *Interim Compliance Report*. GRECO concluded that no progress had been made as appeal mechanisms for decisions on disqualification of a prosecutor were not yet in place.

110. The Ukrainian authorities reiterate that the legislation provides for the following suspensions: from the position during disciplinary proceedings⁶⁰; from the performance of official duties in accordance with the Law "On Prevention of Corruption"⁶¹; and from the position in accordance with Articles 154-158 of the CPC⁶². In disciplinary proceedings, the Qualification and Disciplinary Commission of Prosecutors (QDCP) is authorised to decide on the existence of grounds for the suspension of a prosecutor from their position⁶³. In addition, the Code of Administrative Procedure⁶⁴ provides for the possibility for a prosecutor to appeal against decisions to suspend him/her from the position during disciplinary proceedings.

111. The authorities refer to an example of disciplinary proceedings against the Head of the District Prosecutor's Office that led to a decision on 17 June 2022 to suspend him. He then appealed this decision to the District Administrative Court of Kyiv – which was subsequently withdrawn.⁶⁵

112. The authorities however indicate that a Working Group, set up under the Prosecutor General's Order no. 204 of 30 August 2024, has a subgroup that has the task of looking into the implementation of pat (ii) of this recommendation.

113. GRECO takes note of this information, some of which was already provided in previous situation reports. It welcomes that a specific Working Group's subgroup has been given the task of looking into ensuring an appeals mechanism for decisions on disqualification of a prosecutor.

114. GRECO concludes that recommendation xxviii remains partly implemented.

⁶⁰ Paragraph 3 of part one of Article 64 of the Law of Ukraine "On the Prosecutor's Office".

⁶¹ Paragraph 4 of part one of Article 64 of the Law of Ukraine "On the Prevention of Corruption".

⁶² Paragraph 5 of part one of Article 154-158 of the CPC of Ukraine.

⁶³ Paragraph 5 of Article 46 of the Law of Ukraine "On the Prosecutor's Office".

⁶⁴ Articles 5 and 19 of the Code of Administrative Procedure of Ukraine.

⁶⁵ Disciplinary proceedings no. 07/3/2-306дс-115дп-22 against the Head of the District Prosecutor's Office, against whom the relevant body conducting disciplinary proceedings made a decision no. 88дп-22 "On the existence of grounds for suspension of the Head of the District Prosecutor's Office from his position" on 17 June 2022. The prosecutor appealed the ruling to the District Administrative Court of Kyiv, which, by its ruling of 1 July 2022 in case no. 640/9646/22, opened proceedings on the prosecutor's complaint. Subsequently, by the decision of 26 September 2022, the proceedings were closed due to the withdrawal of the complaint (Decision of the Administrative Court of Kyiv dated 26 September 2022 in case no. 640/9646/22).

Recommendation xxix

115. GRECO recommended (i) defining disciplinary offences relating to prosecutors' conduct and compliance with ethical norms more precisely; (ii) extending the range of disciplinary sanctions available to ensure better proportionality and effectiveness.
116. It is recalled that this recommendation remained not implemented in the *Interim Compliance Report*. Draft legislative amendments were prepared defining disciplinary offences relating to prosecutors' conduct and extending the range of disciplinary sanctions available. However, it was in its early stages and not yet submitted to the *Verkhovna Rada* for consideration.
117. The Ukrainian authorities report that the Prosecutor General's Office has prepared a draft law "*On Amendments to the Law "On the Prosecutor's Office,"*" which refers to the provisions of the Code of Professional Ethics and Conduct of Prosecutors. It intends to exclude rules on actions that defame the title of a prosecutor and may raise doubts about his/her objectivity, impartiality and independence, as well as the integrity of the prosecution authorities. It also aims to expand the list of disciplinary sanctions to include such types as warning and strict reprimand.
118. The authorities report that the preparation of this draft law is foreseen under measure 2.1.5.2.2 of the State Anti-Corruption Programme for 2023-2025 (which is expected to be completed by February 2025).⁶⁶ The authorities also refer to the Ukraine Facility Plan, the Action Plan for Implementing the Recommendations of the EC (see Ukraine Progress Report under the EU Enlargement Package 2023) and the draft Action Plan for the Implementation of the Comprehensive Strategic Plan for Reforming Law Enforcement as Part of the Security and Defence Sector of Ukraine⁶⁷, which provide for the adoption of legislation to improve the disciplinary system of prosecutors and to strengthen the institutional capacity of the Qualification and Disciplinary Commission of Prosecutors (QDCP). This includes clarifying disciplinary offences, amending the provisions on the composition of the QDCP and improving the efficiency of disciplinary proceedings by extending the statute of limitations. The expected implementation deadline for the above is in the third quarter of 2026.
119. In addition, the authorities report that a Working Group has been set up by the Prosecutor General's Order no. 156 of 25 June 2024, to improve the disciplinary procedure for prosecutors and the activities of the prosecutorial self-governing bodies. It will develop legislative changes and prepare draft regulations to implement the measures set out in the Ukraine Facility Plan, including GRECO's recommendations.
120. GRECO takes note of these promising developments. Notably, that a draft law "*On Amendments to the Law "On the Prosecutor's Office,"*" is in the pipeline, which refers to the Code of Professional Ethics and Conduct of Prosecutors and that it is to improve

⁶⁶ This draft law's aim is to improve the disciplinary procedure by:

- 1) Optimising the grounds for disciplinary liability of prosecutors;
- 2) Providing clear wording for disciplinary offences related to the conduct of prosecutors and their compliance with rules on ethics for prosecutors;
- 3) Determining the list of specific information that should be included in the disciplinary complaint regarding a prosecutor's commission of a disciplinary offense, introducing a mechanism for filing a disciplinary complaint;
- 4) Expanding the list of disciplinary sanctions to increase their proportionality and effectiveness, as well as providing general conditions for their application, mitigating and aggravating circumstances for prosecutor's liability;
- 5) Providing an exhaustive list of grounds for the dismissal of prosecutors, types of disciplinary penalties, terms for the disciplinary liability of prosecutors.

<https://dap.nazk.gov.ua/en/zahid/770/>.

⁶⁷ Approved by the Decree of the President of Ukraine of 11 May 2023 no. 273/2023.

the disciplinary procedure. However, nothing concrete has yet been achieved, and much remains in the pipeline for the moment.

121. GRECO therefore concludes that recommendation xxix remains not implemented.

Recommendation xxx

122. *GRECO recommended enhancing the efficiency of disciplinary proceedings by extending the limitation period, ensuring that proceedings can be launched also by the relevant self-governing bodies (which are not entrusted with decision-making in disciplinary proceedings) and heads of prosecution offices, and providing that appeals against disciplinary decisions can ultimately (after a possible internal procedure within the prosecution service) only be made to a court, both on substantive and procedural grounds.*
123. GRECO recalls that this recommendation remained not implemented in the *Interim Compliance Report*. GRECO concluded that no progress had been made with the following: the limitation period was still of one year; the draft amendments were still lingering in Parliament; no progress had been made with the launching of disciplinary proceedings by the relevant self-governing bodies and by the heads of prosecution offices *ex officio*; and the appeal procedure had not changed.
124. The authorities of Ukraine report that the extension of the limitation period for the disciplinary liability of prosecutors required an amendment to the Law "On the Prosecutor's Office." This has now been done in the draft law "On Amendments to the Law of Ukraine "On the Prosecutor's Office" (regarding the implementation of GRECO recommendations and the requirements of the Anti-Corruption Strategy for 2021-2025 in terms of improving the disciplinary procedure for prosecutors)". The draft law has increased the limitation period from one to two years, starting from the date of the offence, without taking into account the time of temporary incapacity for work or the prosecutor's stay on vacation.
125. Individuals (including prosecutorial self-governing bodies and heads of prosecutor's offices), who possess relevant information, may now submit a disciplinary complaint regarding a prosecutor's misconduct, thereby initiating disciplinary proceedings.⁶⁸ The authorities report that, so far, the authorisation for prosecutorial self-government bodies and heads of prosecutor's offices to initiate disciplinary proceedings has been effectively implemented. Heads of prosecutors' offices are reportedly among the most proactive complainants. In 2023, out of 1054 disciplinary complaints received by the Qualification and Disciplinary Commission of Prosecutors (QDCP), 133 (or 12.6%) were lodged by heads of prosecutor's offices. This led to the initiation of disciplinary proceedings in 83 cases (or 62.4%). Subsequently, after due deliberation, 54 decisions were rendered on disciplinary violations committed by prosecutors. In the same period, no disciplinary complaints were submitted by the Prosecutorial Council of Ukraine as a prosecutorial self-governing body.
126. A prosecutor may appeal a disciplinary decision to an administrative court or to the High Council of Justice within one month from the date of delivery or receipt of a copy of the decision by mail (Article 50 of the current Law). In 2023, administrative courts initiated 37 proceedings to review appeals against decisions made by the QDCP in disciplinary proceedings⁶⁹. In this respect, the authorities explain that in order to

⁶⁸ <https://zakon.rada.gov.ua/laws/show/1697-18?lang=en#Text>; Official website of the Qualification and Disciplinary Commission of Public Prosecutors (a sample of a complaint - <https://kdkp.gov.ua/page/zrazok-dystsyplinarnoi-skarhy>).

⁶⁹ 24 cases/proceedings are being considered at first instance and the status of the other 13 cases is as follows:
– For one of the cases = the prosecutor's claim to challenge the decision of the QDCP (court decision no. 320/19167/23: <https://reyestr.court.gov.ua/Review/116515715>) was granted, subsequently appealed by the

establish a single body (court) for the appeal of disciplinary decisions, a constitutional amendment would be required. This is due to, amongst other things, the High Council of Justice's competence to review complaints regarding decisions of the relevant body that imposes disciplinary liability on a prosecutor⁷⁰. In any case, for the moment, this issue cannot be addressed due to the Ukrainian authority's inability to amend the provisions of the Constitution⁷¹ under martial law.

127. The authorities further report that a Working Group has been set up by the Prosecutor General's Order no. 156 (25 June 2024), to improve the disciplinary procedure for prosecutors and the activities of the prosecutorial self-governing bodies (see for recommendation xxix above). It will develop legislative changes and prepare draft regulations to implement this recommendation.
128. GRECO takes note of this information. It notes the progress made with respect to extending the limitation period to two years from the date of the offence, under the draft law "*On Amendments to the Law "On the Prosecutor's Office"*". This draft law also allows individuals who possess relevant information, including prosecutorial self-governing bodies and heads of prosecutor's offices, to submit a disciplinary complaint regarding a prosecutor's misconduct, thereby initiating disciplinary proceedings. This recommendation will be considered fully implemented once this draft law is adopted.
129. GRECO concludes that recommendation xxx has been partly implemented.

III. CONCLUSIONS

130. In view of the foregoing, GRECO concludes that Ukraine has implemented satisfactorily or dealt with in a satisfactory manner 18 out of 31 recommendations contained in the Fourth Round Evaluation Report. Of the remaining recommendations, 11 have been partly implemented and two have not been implemented.
131. More specifically, recommendations i, ii, iii, v, viii, ix, xi, xii, xiii, xiv, xv, xvi, xx, xxi, xxii, xxiv, xxvii and xxxi have been implemented satisfactorily or dealt with in a satisfactory manner. Recommendations iv, vi, vii, x, xvii, xviii, xix, xxiii, xxv, xxviii and xxx have been partly implemented. Recommendations xxvi and xxix have not been implemented.
132. As far as members of Parliament are concerned, positive steps are noted with the adoption of a new Law (no. 3218-IX), which organises parliamentary committee work under martial law. This seems to have introduced some normalcy to the committees' work by allowing them to meet, conduct hearings, organise roundtables and create working groups, which is to be welcomed. A new Law (no. 3354-IX) on legislative activity provides for openness and inclusiveness of the work of Parliamentary committees and guarantees the right to access information on law-making. However, precise rules with respect to the fast-track legislative procedure in Parliament are still lacking. A Code of Ethics is awaiting adoption and GRECO emphasises the importance of developing detailed written guidance on the practical implementation of the Code.

QDCP and is currently under consideration by the court of cassation based on the prosecutor's cassation appeal.

– For 12 cases = the claim was dismissed at first instance:

- Four decisions were not appealed by prosecutors and the decisions are final;
- Eight decisions were challenged by prosecutors on appeal, three of which are still under consideration by the Court of Appeal, and five prosecutors were denied an appeal against the first instance decision to dismiss the claim to cancel the decision of the QDCP. Of the five decisions of the Court of Appeal: one ruling was not appealed and the decision on the case is final; two rulings are under consideration by the cassation instance, and two rulings may still be appealed.

⁷⁰ Paragraph 3 of part one of Article 131 of the Constitution of Ukraine.

⁷¹ Part two of Article 157 of the Constitution of Ukraine.

A new Law on Lobbying has been adopted, which will enter into force two months after the start of operations of the Transparency Register (no later than 1 January 2025), which is to be welcomed.

133. As to the judiciary, notable progress has been made with the appointment of members of the High Council of Justice (HCJ) and of the High Qualification Commission of Judges (HQCJ). With the HQCJ now having enough members to be able to resume its work as a collegial body, it appointed the full composition of the Public Council of Integrity (PIC). In turn, the role of the PIC was strengthened and will be expanded at the state level. Measures to develop and implement clear and predictable criteria (indicators) of integrity and professional ethics for the qualification assessment of judges and the selection of new judges are included in the State Anti-Corruption Programme for 2023-2025. However, no progress has been made in ensuring that any decisions on disqualification of a judge in court proceedings are taken without his/her participation and can be appealed. A Compilation was prepared of the practice regarding disciplinary cases against judges by the HCJ and its disciplinary bodies. This Compilation identified the need for a clearer definition of the grounds for disciplinary liability of judges for violations of rules on judicial ethics – which had led to a proposal for legislative changes. Finally, the State Anti-Corruption Programme for 2023-2025, sets out, among others, to list and clarify the grounds for liability of judges – which is to be done through a set of three measures, that still need to be completed.
134. As regards prosecutors, notable progress has been made and much is currently in the pipeline. A draft law amending the Law on the Prosecutor's Office foresees to increase the quota of prosecutors among the members of the Qualification and Disciplinary Commission of Prosecutors (QDCP). It will also refer to the Code of Professional Ethics and Conduct of Prosecutors, which is to improve the disciplinary procedure. It will also increase the efficiency of disciplinary proceedings by extending the limitation period from one to two years from the date of the offence. This draft law intends to allow individuals, who possess relevant information, including prosecutorial self-governing bodies and heads of prosecutor's offices, to submit a disciplinary complaint regarding a prosecutor's misconduct, thereby initiating disciplinary proceedings. However, the draft law is currently still under discussion. GRECO noted that pilot phases for the performance evaluation of prosecutors have been conducted and that the regulatory framework for a system for the individual performance evaluation of prosecutors is in the pipeline. In addition, the Ukraine Facility Plan includes a measure that will enable digital processing of criminal cases and gradually replace or significantly upgrade the outdated Unified Register of Pre-Trial Investigations. In this respect, GRECO encourages the authorities to do more to address the need to regulate case assignment on the basis of strict and objective pre-established criteria, as well as to provide for random allocation as a main rule.
135. GRECO continues to recognise the strong commitment shown by Ukraine in respect of GRECO's work at an extremely difficult time for this member State, during the ongoing war of aggression by the Russian Federation against Ukraine. The country continues to function under martial law and hence has to adjust its priorities. GRECO appreciates Ukraine's timely submission of information to GRECO, as well as the progress reported, which is to be commended.
136. In conclusion, GRECO encourages the Ukrainian authorities to take further action with a view to addressing the 13 pending recommendations. In accordance with Rule 31 revised, paragraph 9, of its Rules of Procedure, GRECO asks the head of the Ukrainian delegation to provide a report on progress in implementing recommendations iv, vi, vii, x, xvii, xviii, xix, xxiii, xxv, xxvi, xxviii, xxix and xxx by 30 November 2025.

137. Finally, GRECO invites the authorities of Ukraine to authorise, as soon as possible, the publication of the report, to translate it into the national language and to make this translation public.