

H. DIRIÖZ, P. FLURI, A. GRYTSENKO (EDS.)

**THE SECURITY SECTOR
LEGISLATION OF UKRAINE
2008-2010 UPDATES**

Geneva–Kyiv, 2011

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This book presents collection of new laws, decrees and regulations on key issues of national security and defence, which were added to legislation of Ukraine during the period of 2008-2010, after publication of the background collection 'The Security Sector Legislation of Ukraine' (2006).

For a wide range of readers.

У книзі зібрані закони, укази та постанови з ключових питань національної безпеки та оборони, що були внесені протягом 2008-2010 років в існуючу нормативно-правову базу України після видання у 2006 році 'Збірника нормативно-законодавчих актів у секторі безпеки України' (англійською мовою).

Для широких читацьких кіл.

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PREFACE

Ambassador Hüseyin Diriöz NATO Assistant Secretary General for Defence Policy and Planning, Co-Chairman of the NATO–Ukraine Joint Working Group on Defence Reform (JWGDR)

NATO-Ukraine cooperation in support of the implementation of Ukraine's defence and security sector reform efforts is a key element of the NATO-Ukraine Distinctive Partnership. Cooperation in this area has been on the NATO-Ukraine agenda for a number of years, and while much has been achieved to date, there are still important challenges ahead of us.

An integrated approach to the reform of Ukraine's defence and security sectors is required both in light of the increasing complexity of today's security environment and in order to further strengthen democracy in Ukraine. But this reform should also contribute to the increased efficiency and affordability of the defence and security sectors in times of scarce resources, and facilitate Ukraine's security structures in fulfilling their roles, both internally and externally, in guaranteeing security and national sovereignty.

The framework for NATO-Ukraine cooperation in support of defence and security sector reform is well established and plays an important part in our overall partnership. The philosophy behind this cooperation reflects the need to apply an integrated, systematic approach to defence and security sector reform, including by extending assistance to non-traditional areas such as the involvement of civil society in defence and security affairs and the transformation of the working culture in the security services.

Through NATO-Ukraine cooperation, support has been provided to efforts to strengthen civilian control over security and defence structures and to establish strategic partnerships between Ukraine's security institutions and civil society. I am sure

this updated compilation of security sector legislation will be of great help both to security practitioners and independent experts interested in aligning Ukraine's security sector and its legal instruments with Euro-Atlantic norms and standards.

NATO greatly appreciates the sustained efforts of the Geneva Centre for the Democratic Control of Armed Forces in supporting its cooperation with Ukraine in broader security sector reform, and I trust this fruitful collaboration will continue.

PREFACE

Philipp Fluri, Ph.D.
Executive Director DCAF Brussels

Strengthening the role of parliaments and other democratic institutions in security sector governance is one of DCAF's main concerns and *raison d'être*. Much initial cooperation on this issue focused on the countries of the Former Soviet Union and South East Europe, but has increasingly shifted to parliaments across the world. Cooperation with the Inter-Parliamentary Union and regional parliamentary assemblies has also gained in momentum and importance.

Ukraine being a founding member of DCAF and an enthusiastic supporter of our organisation, cooperation with the Security and Defence Committee has been voluminous and highly inspiring in recent years. The two preceding volumes to this collection testify to that. Recent Swiss MoD funded cooperation in the Joint Working Group on Defence Reform (JWGDR) framework have also comprised conceptual contributions to the Defence Review Effort, an expert-twinning programme in the Defence Policy and Planning Department of the MoD, an extensive ADL on defence institution building issues and documentation of good practices in security governance with the Defence Academy, and DCAF's expert contribution to the NATO-Ukraine Civil Society Partnership Network.

DCAF has found past cooperation with the Ukrainian security sector inspiring and rewarding and hopes to continue this in the future to the extent that new funding opportunities allow.

Brussels/Geneva, March 3, 2011

PREFACE

Anatoliy Grytsenko Chairman of the Verkhovna Rada Committee on National Security and Defence

The legislation, in the same way as the social-political life in Ukraine, is not standing still. It develops changes and amendments to existing normative-legal acts that have been introduced, and specific provisions become abolished or come into force. This collection is a vivid proof for the latter.

Since the time of the previous publication 'The Security Sector Legislation of Ukraine, 2006-2007 Updates' (2008) Ukrainian legislation underwent certain changes, particularly, in the part related to regulating the issues of security and defence functioning.

Adoption by the Constitutional Court of the Decision No 20-пр/2010 of September 30, 2010, on the lack of compliance with the Constitution of Ukraine of the Law of Ukraine 'On Introducing Amendments to the Constitution of Ukraine' No 2222-IV of December 4, 2004, (so called 2004 Constitutional reform) on the grounds of the violation of procedures for motions and approval, became the braking and culminating point. It implied not only the return to the Constitution of Ukraine of 1996 to the presidential-parliamentarian form of governance, but signified the radical redistribution of authority between branches of power, between the major players in the legislative process – the President of Ukraine, the Cabinet of Ministers of Ukraine, and the Verkhovna Rada of Ukraine. All this will influence the sphere of national security and defence.

Among the key issues, which required and still require the improvement of the legislative background, remained the problems of social support, particularly, pensions and housing for military servicemen and members of their families. For instance, the Law of Ukraine No 1510-VI 'On Amendments to the Law of Ukraine 'On Social and Legal Protection of Military Servicemen and Members of Their Families' of June 11, 2009, have introduced changes to Article 12, which provide for the allowance on compensation to servicemen for the housing they have the right to.

The State Economic Venture 'Ukroboronprom' was created by the Decree of the President of Ukraine with the purpose of reforming and improving the effectiveness of functioning of the defence industrial complex, strengthening the governance over it and providing for the restructuring of the relevant sectors of industry and for their effective functioning and development.

The Armed Forces of Ukraine were also touched by legislative activity, particularly, with adoption of the Concept of International Peacekeeping Activity, which stipulated the priority goals for Ukraine's participation in international peacekeeping activity, as well as tasks and mechanisms for meeting the national interests in this process.

In 2008, the Concept of the Security Service of Ukraine Reform was approved with the aim of creating an effective, dynamic and flexibly managed service, manned with high professionals, and equipped with modern technical equipment. Among the main missions of the reformed Security Service of Ukraine there must be the guarantee of the national security in the sphere of state security by the way of carrying out the counter-intelligence and operational-investigative activity, fighting terrorism, prophylactics and investigation of crimes and offences in the sphere of national security, and informational-analytical activity in accordance with the Constitution and laws of Ukraine.

These are only some major steps in the legislative transformations in the sphere of security and defence of Ukraine. Readers will become familiar in more details with these and other changes on the pages of this publication.

Experience of publishing the previous issue of amendments has proved that it will be of interest both for public and for the experts in the field of security and defence. It goes without saying that this collection will be useful for foreign readers as well, because it will help to 'keep the hand on the pulse' of the legislative transformation in our country with regard to the most important issues of its security and defence.

I would avail myself of the opportunity to thank all those who, by their efforts and diligent work, have created and published this collection.

Part I

The Constitutional Framework of Ukrainian National Security and Defence Policy

IN THE NAME OF UKRAINE

DECISION OF THE CONSTITUTIONAL COURT OF UKRAINE

on the case of a Constitutional appeal filed by 252 peoples' deputies of Ukraine with respect to compliance with the Constitution of Ukraine (constitutionality) of the Law of Ukraine 'On Introducing Amendments to the Constitution of Ukraine' of December 4, 2004, No 2222-IV (the case on compliance with procedure for introducing amendments to the Constitution of Ukraine)

(Extract – resolution of the Court's decision)*

... Having considered the above argumentation and acting upon the Articles 147, 150, parts one and two of Article 152, Article 153 of the Constitution of Ukraine, Articles 51, 63, 65, 67, 69, 70, 73 of the Law of Ukraine 'On the Constitutional Court of Ukraine', the Constitutional Court of Ukraine decided:

* In the background publication of 'The Security Sector Legislation of Ukraine' (2005), both the text of the Constitution of Ukraine of June 28, 1996, and the Law of Ukraine 'On Introducing Amendments to the Constitution of Ukraine' of December 4, 2004, No. 2222-IV, were included. The publishers of this publication considered it to be important to mention about the Decision of the Constitutional Court of Ukraine, which signifies the return to the Constitution of Ukraine of 1996 and radical redistribution of authority between branches of power in Ukraine.

1. To regard as not corresponding to the Constitution of Ukraine (to be unconstitutional) the Law of Ukraine 'On Introducing Amendments to the Constitution of Ukraine' of December 4, 2004, No 2222-IV on the grounds of the violation of procedures for its consideration and adoption.
2. The Law of Ukraine 'On Introducing Amendments to the Constitution of Ukraine' of December 4, 2004, No 2222-IV is considered unconstitutional and invalid since the day of adoption by the Constitutional Court of Ukraine of this Decision.
3. In accordance with part two of Article 70 of the Law of Ukraine 'On the Constitutional Court of Ukraine' the bodies of state power shall assume the responsibility of immediate implementation of this Decision with regard to bringing the normative-legal acts in compliance with the Constitution of Ukraine of June 28, 1996, in the version, which was valid before being amended by the Law of Ukraine 'On Introducing Amendments to the Constitution of Ukraine' of December 4, 2004, No 2222-IV.
4. Decision of the Constitutional Court of Ukraine is compulsory for implementation in the territory of Ukraine. It is final and can not be appealed.

Decision of the Constitutional Court of Ukraine shall be published in 'Digest of the Constitutional Court of Ukraine' and other official publications of Ukraine.

THE CONSTITUTIONAL COURT OF UKRAINE

Part II

The Legislative and Conceptual Framework for the Provision of National Security and the Implementation of Defence Policy

Law of Ukraine 'On Introducing Amendments to the Laws of Ukraine 'On Defence of Ukraine', 'On the Armed Forces of Ukraine' and 'On the Intelligence Services of Ukraine''
(Bulletin of the Verkhovna Rada of Ukraine, 2011, No 4, p.27)

The Verkhovna Rada of Ukraine decrees:

I. TO INTRODUCE AMENDMENTS TO THE LAWS OF UKRAINE AS FOLLOW:

1. Article 3 of the Law of Ukraine 'On Defence of Ukraine' (Bulletin of the Verkhovna Rada, 1992, No 9, p. 106; 2000, No 49, p. 120), after the second paragraph, insert new paragraph reading:
 - 'carrying out intelligence and information-analytical measures in the interests of ensuring defence readiness of the State'.

Thereby, the third to sixteenth paragraphs shall respectively be considered the fourth to seventeenth paragraphs.

2. In Article 1 of the Law of Ukraine 'On the Armed Forces of Ukraine' (Bulletin of the Verkhovna Rada, 1992, No 9, p. 108; 2005, No 10, p. 188; 2009, No 19, p. 258), after section four, insert section five reading:

'Military intelligence authorities and military intelligence elements of the Armed Forces of Ukraine, in accordance with law, can be engaged on intelligence gathering measures

aimed at ensuring defence readiness of the State and the Armed Forces readiness for defence of the State.

Thereby, sections five to eight shall respectively be considered sections six to nine.

3. In Article 6 of the Law of Ukraine 'On the Intelligence Services of Ukraine' (Bulletin of the Verkhovna Rada, 2001, No 19, p. 94; 2006, No 14, p. 116), after section two, insert section three reading:

'The Intelligence Service of the Ministry of Defence can engage military intelligence authorities and military intelligence elements of the Armed Forces of Ukraine, pursuant to procedures established by the President of Ukraine, on intelligence gathering measures aimed at ensuring defence readiness of the State and the Armed Forces readiness for defence of the State. On such occasions, military servicemen and personnel of the herein-before mentioned authorities and military elements are not affected by the provisions of the Laws of Ukraine on the Intelligence Services and on Detective-Investigative Activity, which govern matters related with determination of legal status, the provision of powers and social protection guarantees.'

Thereby, sections three and four shall respectively be considered sections four and five.

II. THIS LAW COMES INTO EFFECT FROM THE DATE OF OFFICIAL PUBLICATIONS.

2. The Cabinet of Ministers of Ukraine shall, within three months since the entry into force of this Law:
 - amend their regulatory legal acts which this Law affects;
 - ensure that Cabinet of Ministries and other central executive authorities shall bring their respective regulatory legal acts in compliance with this Law.

President of Ukraine V. YANUKOVYCH
Kyiv, September 21, 2010
No 2526-VI

Law of Ukraine 'On Introducing Amendments to Selected Laws of Ukraine with Respect to Enhancement of Institutional-Legal Foundations of Preventing, Counteracting and Overcoming Corruption and Organized Crime; and the Exercise of Supervisory Power by Committees of the Verkhovna Rada of Ukraine'
(Bulletin of the Verkhovna Rada of Ukraine, 2010, No 4, p.34)

The Verkhovna Rada of Ukraine decrees:

I. TO INTRODUCE AMENDMENTS TO THE LAWS OF UKRAINE AS FOLLOW:

1. In the Law of Ukraine on Institutional-Legal Foundations of Combating Organized Crime (Bulletin of the Verkhovna Rada, 1993, No 35, p. 358; 1994, No 24, p. 184; 1999, No 16, p. 98; 2000, No 24, p. 184; 2002, No 16, p. 114):

1) the text of Article 9 shall be put in the following wording:

'1. Special units in charge of combating organized crime at law enforcement agencies of Ukraine are the Ministry of the Interior's Main Directorate for Combating Organized Crime and Directorates for Combating Organized Crime in the Autonomous Republic of Crimea, Regions, the Cities of Kyiv and Sevastopol, which are answerable to the Minister of the Interior of Ukraine and the Chief of the Main Directorate for Combating Organized Crime, respectively.

Chiefs of special units for combating organized crime in the Autonomous Republic of Crimea, Regions, the Cities of Kyiv and Sevastopol are similarly answerable to chiefs of main directorates (directorates) in respective regions and are the ex-officio senior deputy chiefs of respective directorates.

2. Divisions and subdivisions for combating organized crime shall be set up where necessary in cities (excluding Sevastopol), and be answerable to Directorates for Combating Organized Crime in the Autonomous Republic of Crimea, Regions and the City of Kyiv.
3. The establishment or dismissal of divisions and subdivisions for combating organized crime in cities shall be approved by a Cabinet of Ministers Resolution on the move of the Minister of the Interior agreed with the Verkhovna Rada Committee on Combating Organized Crime and Corruption.
4. The Chief of the Ministry of the Interior's Main Directorate for Combating Organized Crime shall be appointed to office and dismissed from it by the Cabinet of Ministers

of Ukraine by a move from the Minister of the Interior of Ukraine agreed with the Verkhovna Rada Committee on Combating Organized Crime and Corruption, and shall be the ex-officio senior deputy Minister of the Interior of Ukraine.

5. Deputy Chiefs of the Ministry of the Interior's Main Directorate for Combating Organized Crime and department heads of the Main Directorate shall be appointed to office and dismissed from it by the Minister of the Interior of Ukraine by a move from the Chief of the Main Directorate for Combating Organized Crime agreed with the Verkhovna Rada Committee on Combating Organized Crime and Corruption.
6. Chiefs of Directorates for Combating Organized Crime in the Autonomous Republic of Crimea, Regions and the Cities of Kyiv and Sevastopol shall be appointed to office and dismissed from it by the Minister of the Interior of Ukraine by a move from the Chief of the Main Directorate for Combating Organized Crime agreed with the Verkhovna Rada Committee on Combating Organized Crime and Corruption.

The head of the Investigation Department at the Ministry of the Interior's Main Directorate for Combating Organized Crime shall be the ex-officio deputy Chief of the Main Directorate for Combating Organized Crime, and heads of investigation departments in the Autonomous Republic of Crimea, Regions and the Cities of Kyiv and Sevastopol shall be deputy chiefs of special units in charge of combating organized crime.

7. The structure of special units in charge of combating organized crime shall include research/information, detective-investigative, operational-technical and investigation subunits; financial support and staffing support subunits; rapid reaction and internal security subunits and other supportive services.

Legal status of the special investigation subunits is defined by the criminal procedure legislation of Ukraine.

8. The Main Directorate, the Directorates for Combating Organized Crime in the Autonomous Republic of Crimea, Regions and the Cities of Kyiv and Sevastopol are legal entities which keep their independent balance, checking/demand deposit bank accounts and seals with their respective titles and a depiction of the State Coat of Arms of Ukraine';

2) In Article 10:

a) in clause 1, the words 'in the Republic of Crimea' shall be substituted for 'in the Autonomous Republic of Crimea';

b) clauses 4-6 shall be put in the following wording:

'4. The Chief of the Main Directorate for Combating Corruption and Organized Crime at the Central Office of the Security Service of Ukraine shall be appointed to office and dismissed from it by a Presidential Decree, following a proposal by the Chief of the Security Service of Ukraine agreed with the Verkhovna Rada Committee on Organized Crime and Corruption, and shall be the ex-officio senior deputy Head of the Security Service of Ukraine.

The deputy Chiefs of the Main Directorate for Combating Corruption and Organized Crime and department chiefs of the Main Directorate shall be appointed to office and dismissed from it by the Head of the Security Service of Ukraine following a proposal by the Chief of the Main Directorate for Combating Corruption and Organized Crime at the Central Office of the Security Service of Ukraine agreed with the Verkhovna Rada Committee on Combating Organized Crime and Corruption.

5. The chiefs of special units in charge of combating corruption and organized crime in the Autonomous Republic of Crimea, Regions and the Cities of Kyiv and Sevastopol shall be appointed to office and dismissed from it by a directive from the Head of the Security Service of Ukraine, following a proposal by the Chief of the Main Directorate for Combating Corruption and Organized Crime agreed with the Verkhovna Rada Committee on Organized Crime and Corruption, and be the ex-officio deputy chiefs of the Security Service branch directorates in respective regions.
6. The chiefs of divisions, subdivisions or squads for combating corruption and organized crime in Cities shall be appointed to office and dismissed from it by a directive from the Chief of the Main Directorate for Combating Corruption and Organized Crime at the Central Office of the Security Service of Ukraine, following a proposal from the Chief of the Main Directorate of the Security Service in the Autonomous Republic of Crimea and the Chief of the Regional Directorate of the Security Service of Ukraine';

3) in Article 16 clause 2, the words 'in the Republic of Crimea' shall be substituted for 'in the Autonomous Republic of Crimea';

4) in Article 24, clause 1 sub-clause 'd' shall be put in the following wording:

'd) gives consent to the establishment or dismissal of special units for combating corruption and organized crime at the Ministry of the Interior, agencies of the State Tax Administration, Security Service, the Military Law Enforcement Service in the Armed Forces of Ukraine, prosecution agencies and other agencies or units created for combating corruption and organized crime; gives consent to appointment

to dismissal from office of chiefs of special units and prosecution agencies in charge of supervision over enforcement of laws by special units for combating corruption and organized crime’;

5) in Article 26:

a) in clause 2, the words ‘in the Republic of Crimea’ shall be substituted for ‘in the Autonomous Republic of Crimea’;

6) clause 3 shall be put in the following wording:

‘3. The chief of the department in charge of supervision over enforcement of laws by special units for combating corruption and organized crime at the Office of Prosecutor General of Ukraine, subdivision chiefs of the herein mentioned department, chiefs of respective departments at prosecution agencies in the Autonomous Republic of Crimea, Regions and the Cities of Kyiv and Sevastopol shall be appointed to/dismitted from office by a directive from the Prosecutor General of Ukraine, following a proposal agreed with the Verkhovna Rada Committee on Combating Organized Crime and Corruption.

2. In the Law of Ukraine on Committees of the Verkhovna Rada of Ukraine (Bulletin of the Verkhovna Rada 2006, No 17, p. 146):

1) In Article 14, insert clause 10 reading:

‘10) ‘reaching consensus on issues, conducting consultations concerning appointment to/dismittal from office of heads of respective Government agencies, creation and dismissal of special Government agencies falling under the jurisdiction of the Committees, and carrying out other approvals or consultations to the extent permitted by applicable law’;

2) insert Article 33-1 reading:

‘Article 33-1. The carrying out by the Committees of Legally Provided Approvals and Consultations

1. The Committees in charge of affairs falling under their respective competencies carry out approvals and consultations with respect to appointment to/dismittal from office of the heads of respective Government agencies falling under the jurisdiction of respective Committees, and carry out other approvals and consultations to the extent permitted by applicable law.

The procedure for carrying out approvals and consultations is defined by case-specific decisions by the Committees and the concerned Government agency.’

II. FINAL PROVISIONS

1. This Law becomes effective from the date of official publication.
2. Pending the adjustment of laws and other regulatory legal acts to this Law, they shall remain to be applicable to the extent that they are not in conflict with this Law.
3. The Cabinet of Ministers of Ukraine shall, within a one-month period since the entry into force of this Law:
 - adjust its regulatory legal acts to this Law;
 - ensure that Cabinet Ministries and other central executive authorities shall amend their respective regulatory legal acts which this Law affects.

President of Ukraine V. YUSHCHENKO
Kyiv, October 23, 2009
No 1692-VI

Law of Ukraine 'On Ratification of Additional Protocol to the Memorandum of Understanding between the Government of Ukraine and the North-Atlantic Treaty Organization (NATO) on the Appointment of NATO Liaison Officers in Ukraine'
(Bulletin of the Verkhovna Rada of Ukraine, 2009, No 28, p. 361)

The Verkhovna Rada of Ukraine decrees:

To ratify Additional Protocol to the Memorandum of Understanding between the Government of Ukraine and the North-Atlantic Treaty Organization (NATO) on the Appointment of NATO Liaison Officers in Ukraine that was signed in Bucharest on April 4, 2008 (attached).

President of Ukraine V. YUSHCHENKO
Kyiv, February 18, 2009,
No 1002-VI

Additional Protocol to Memorandum of Understanding between the North Atlantic Treaty Organisation and the Government of Ukraine on the Appointment of NATO Liaison Officers in Ukraine

The North Atlantic Treaty Organisation (NATO) represented by
His Excellency Mr. Jaap de Hoop Scheffer Secretary General of NATO
and
The Government of Ukraine represented by
His Excellency Mr. Volodymyr Ogrysko Minister of Foreign Affairs of Ukraine

Referring to the Memorandum of Understanding between the North Atlantic Treaty Organisation and the Government of Ukraine on the appointment of NATO Liaison Officers in Ukraine, done in Brussels on the 9th day of December 1998, hereafter the MOU;

Recalling that the first paragraph of Article VI of this MOU stipulates that: 'The status of the Officers will be defined in a separate document, which shall be considered as part of the present MOU';

Considering the letter of the Minister of Foreign Affairs of Ukraine to the Secretary General of NATO with regard to the implementation of the MOU, dated 7 December 1998;

Considering that it is appropriate to further formalise the provisions governing the status of the NATO Liaison Officers in the territory of Ukraine;

Have agreed as follows:

Article I

The NATO Liaison Officers as defined in the MOU and the members of their families shall be accorded the full privileges, immunities and facilities equivalent to those usually granted to the members of diplomatic missions established in Ukraine and the members of their families in accordance with the Vienna Convention on Diplomatic Relations done on 18 April 1961.

Article II

The present Protocol shall be considered as a part of the MOU and shall be governed by all the provisions thereof.

Article III

The present Protocol shall enter into force on the date of notification by the Government of Ukraine of the completion of relevant domestic procedures necessary for the entry into force of the present Protocol.

Done in duplicate in the English, French and Ukrainian languages, all three texts being equally authentic, in Bucharest on 4 April 2008.

For the North Atlantic Treaty Organization
Signature

For the Government of Ukraine
Signature

Decree of the President of Ukraine ‘On the Biological Security and Protection Commission under the National Security and Defence Council of Ukraine’

Subsequent to the Decision of the National Security and Defence Council of February 27, 2009, concerning Biological Security of Ukraine, enacted by Presidential Decree of April 6, 2009, No 220, I decree:

1. To approve the Rules of Procedure of the Biological Security and Protection Commission under the National Security and Defence Council of Ukraine (attached below).
2. To appoint Serhiy Vasyliovych KOMISARENKO – Director of the National Academy of Sciences’ O.V.Palladin Institute of Biochemistry; Academician Secretary of the Biochemistry, Physiology and Molecular Biology Section of the National Academy of Sciences; member of the National Academy of Sciences; member of the Ukrainian Academy of Medical Sciences – as Head of the Biological Security and Protection Commission under the National Security and Defence Council of Ukraine.
3. To dismiss the Interagency Biological and Genetic Security Commission under the National Security and Defence Council of Ukraine.

Subsequent to this, the following shall be considered to have lost force:

- Presidential Decree of June 23, 2004, No 672 on the Interagency Biological and Genetic Security Commission under the National Security and Defence Council of Ukraine;
 - Article 13 of Presidential Decree of February 14, 2006, No 132 on the National Security and Defence Council Resolution of January 18, 2006, concerning Measures to Maximize the Efficiency of Hazardous Infectious Disease Control;
 - Presidential Decree of May 24, 2006, No 433 concerning Selected Issues Related with the Interagency Biological and Genetic Security Commission under the National Security and Defence Council of Ukraine;
 - Presidential Decree of September 20, 2007, No 905 concerning Selected Issues Related with the Interagency Biological and Genetic Security Commission under the National Security and Defence Council of Ukraine.
4. This Decree takes effect as from the date of official publication.

President of Ukraine V.YUSHCHENKO
Kyiv, June 10, 2009,
No 423/2019

ENACTED by Decree of the President of Ukraine of June 10, 2009, No 423/2009

**RULES OF PROCEDURE of the Biological Security and Protection Commission
to the National Security and Defence Council of Ukraine**

1. The Biological Security and Protection Commission to the National Security and Defence Council of Ukraine (hereafter Commission) is a working body of the National Security and Defence Council of Ukraine.
2. The Commission is guided in its activity by the Constitution and Laws of Ukraine, acts of the President of Ukraine and the Cabinet of Ministers of Ukraine, and by these Rules of Procedure.
3. The Commission's chief tasks are as follow:
 - analyze biological threats, existing as well as potential, to Ukraine's national security;
 - analyze performance on State target programs and status of activities related with biological security and protection;
 - sum up international experience in State policy implementation in the sphere of biological security and protection;
 - draw up, and submit to the National Security and Defence Council for consideration, initiatives concerned with:
 - identification of Ukraine's national interests related with biological security and biological protection;
 - improvement of legal regulation related with biological security/protection;
 - development of the system for real-time information/analytical support (particularly alternative source information) for the Head of the National Security and Defence Council.
4. For performing the tasks assigned to it, the Commission is empowered, according to legally prescribed procedures, to:
 - summon Executive agencies, local government authorities, enterprises, agencies and organizations to provide statistical data, information, background and other materials required for the Commission to resolve the matters within its competences;
 - propose initiatives on engaging, in accordance with legally prescribed procedures, academicians, experts, State and local executive employees on implementation of selected works and tasks, or carrying out research on selected issues of interest;

- attend meetings or conferences on issues falling under its competences;
- set up expert teams whenever necessary.

5. The Commission comprises the head, two vice-heads, secretary and other members.

The head of the Commission is appointed to office and dismissed from it by the President of Ukraine under the advice of the Secretary of the National Security and Defence Council.

Nominations of members of the Commission are subject to approval by the President of Ukraine under the advice of the Secretary of the National Security and Defence Council.

The Secretary of the National Security and Defence Council, under the advice of the head of the Commission, submits to the President of Ukraine proposals on changing members of the Commission.

The head of the Commission carries out leadership duties, defines the Commission's working procedures and presides over Commission meetings. Where the head of the Commission is absent, one of the vice-heads shall be entrusted by the head to perform his/her duties;

6. The Commission carries out its activities primarily in the form of meetings, which shall be held on an as-needed basis but not less than once per quarter. Special extraordinary meetings will be convened where appropriate by the head of the Commission.

At a meeting of the Commission, the presence of a majority of all the members shall constitute a quorum. A member who failed to attend has the right to provide a written opinion on the issues under discussion.

7. Decisions of the Commission shall be made by a simple majority of votes in an open voting, and in case of an equality of votes, the person presiding over the meeting shall have an additional vote as casting vote. A member who disagrees with a decision made by the Commission shall have the right to provide personal opinion in a written document which shall be attached to minutes of a meeting.

All the decisions made shall be formalized by minutes of a meeting signed by the head and secretary of the Commission.

8. Decisions made by the Commission can be issued for consideration by Executive authorities, local self-government authorities, companies, agencies and organizations concerned.

9. Organizational, logistic, financial and other required provision for the Commission shall be made by Office of the National Security and Defence Council.

10. The Commission has its official letter headed papers with the name of the Commission.

Decree of the President of Ukraine ‘On Decision of the National Security and Defence Council of Ukraine of May 30, 2008 ‘On Conducting Strategic Defence Review’

According to Article 107 of the Constitution of Ukraine, I decree:

1. To enact the Decision of the National Security and Defence Council of Ukraine of May 30, 2008, ‘On Conducting Strategic Defence Review’ (attached).
2. That control over the implementation of this Decree shall be assigned to the Secretary of the National Security and Defence Council of Ukraine.
3. This Decree enters into force from the date of its publication.

President of Ukraine V. YUSHCHENKO
Kyiv, June, 27, 2008
No 598/2008

Decision of the National Security and Defence Council of Ukraine ‘On Conducting Strategic Defence Review’

In order to review the current state and readiness of the Armed Forces of Ukraine and other military formations to accomplish their missions in defence sphere, clarify the long-term prospects for their development, specify material, financial and human resources necessary to guarantee the provision of defence, as well as taking into consideration of the foreign policy course for Euro-Atlantic integration, the National Security and Defence Council of Ukraine decided:

1. To conduct Strategic Defence Review from September 2008 till October 2009.
2. That the Cabinet of Ministers of Ukraine shall:
 - organize and provide control over the process of defence review on the part of central bodies of executive power and other bodies of the state power which execute missions related to defence of Ukraine;
 - prepare the draft of Strategic Defence Bulletin on the bases of defence review results and organize its discussion by involving Ukrainian and foreign experts and representatives of non-governmental organizations, and by December 15, 2009

submit the draft for consideration by the National Security and Defence Council of Ukraine;

- arrange in the draft Law 'On the State Budget of Ukraine for 2009' for the outlay on carrying out defence review by central bodies of executive power and other related bodies of the state power, as well as on drafting and publishing of Strategic Defence Bulletin.

Head of the National Security and Defence Council of Ukraine V. YUSHCHENKO
Secretary of the National Security and Defence Council of Ukraine R. BOGATYRIOVA
Kyiv, May 30, 2008

Part III

The Legislative Framework for the Development and Reform of the Ukrainian Armed Forces

Law of Ukraine 'On the Numerical Strength of the Armed Forces of Ukraine for 2008'

(Bulletin of the Verkhovna Rada, 2008, No 11, p.109)

In accordance with subparagraph 22 of part 1 of Article 85 of the Constitution of Ukraine, the Verkhovna Rada decrees:

To approve the numerical strength of the Armed Forces of Ukraine as of December 31, 2008, to a total of 191,000 military personnel, including 148,000 troops.

President of Ukraine V. YUSHCHENKO
Kyiv, February 12, 2008,
No 125-VI

Law of Ukraine ‘On Introducing Amendments to Article 25 of the Law of Ukraine ‘On Military Duty and Military Service’ (Bulletin of the Verkhovna Rada of Ukraine, 2008, No 24, p.234)

The Verkhovna Rada of Ukraine decrees:

1. Article 25 section ten of the Law of Ukraine ‘On Military Duty and Military Service’ (Bulletin of the Verkhovna Rada, 2006, No 38, p. 324) shall be put in the following wording:

‘10. Military college cadets, in the event of early termination of contract through cadet unwillingness to continue with military college education or failure to comply with disciplinary requirements, or in the event of cadet’s refusal of subsequent military service at armed forces officer positions after graduation from military college; as well as armed forces officers who retire from military service during five years after graduation from a higher military education institution or military departments at civilian institutions of higher education, shall – pursuant to Article 26 Section Six clauses ‘f’, ‘g’, ‘h’ and ‘j’ of this Law, and the procedures established by the Cabinet of Ministers of Ukraine – reimburse the Ministry of Defence of Ukraine and other central executive authorities having jurisdiction over respective higher education institutions for the costs involved with their learning at a higher military education institution. If the herein-before mentioned persons refuse to reimburse voluntarily, the costs shall be recovered through legal proceedings.’

2. This Law becomes effective from the date of official publication.

President of Ukraine V. YUSHCHENKO

Kyiv, April 11, 2008

No 267-VI

Decree of the President of Ukraine 'On Dismissing the State Commission for Affairs Relating to Reform of the Armed Forces of Ukraine, other Military Formations and the Defence-Industrial Complex'

According to Article 107 of the Constitution of Ukraine, I decree:

1. That the State Commission for Affairs Relating to Reform of the Armed Forces of Ukraine, other Military Formations and the Defence-Industrial Complex shall be dismissed.
2. That the Decree of the President of Ukraine of December 2, 2005 No 1691 on the State Commission for Affairs Relating to Reform of the Armed Forces of Ukraine, other Military Formations and the Defence-Industrial Complex shall be considered to have lost force.
3. This Decree becomes effective from the date of official publication.

President of Ukraine V.YUSHCHENKO
Kyiv, February 10, 2009
No 79/2009

Decree of the President of Ukraine 'On Decision of the National Security and Defence Council of Ukraine of September 26, 2008 'On Urgent Tasks Concerning the Enhancement of Ukraine's Defence Capability''

According to Article 107 of the Constitution of Ukraine, I decree:

1. To enact the Decision of the National Security and Defence Council of Ukraine of September 26, 2008 'On Urgent Tasks Concerning the Enhancement of Ukraine's Defence Capability' (attached).
2. That control over the implementation of this Decree shall be assigned to the Secretary of the National Security and Defence Council of Ukraine.
3. This Decree enters into force from the date of its publication.

President of Ukraine V. YUSHCHENKO

Kyiv, January 10, 2009

No 2/2009

Decision of the National Security and Defence Council of Ukraine 'On Urgent Tasks Concerning the Enhancement of Ukraine's Defence Capability'

(With amendments introduced by Decision of the National Security and Defence Council of Ukraine of October 13, 2009)

Having considered the state of country's defence, the National Security and Defence Council of Ukraine acknowledges the insufficient level of combat readiness of the Armed Forces of Ukraine and their equipment by modern armaments, which has resulted from insufficient financing and has being estimated as the lowest among European states and could not provide for the solving of current problems of the Armed Forces of Ukraine.

The National Security and Defence Council of Ukraine decided:

1. That the Cabinet of Ministers of Ukraine and central bodies of executive power shall establish as one of the priority issues of their activity the strengthening of defence capability of the state and introduction of practical measures to implement defence policy.
2. That the Cabinet of Ministers of Ukraine shall pay attention to unsatisfactory state of exercising its authorities as stipulated by the Law of Ukraine 'On Defence of Ukraine' and implementation of tasks stipulated by the acts of the President of Ukraine in the

context of providing for implementation of the state programmes of development of the Armed Forces of Ukraine, other military formations, development of armaments, and other defence programmes (plans).

3. To make a proposal for the President of Ukraine to support the position of the Ministry of Defence of Ukraine related to:
 - temporary terminating the process of reduction of numerical strength of the Armed Forces of Ukraine and the transfer to the troops (forces) manning exclusively by contract servicemen, leaving the manning of the Armed Forces of Ukraine both by contract and conscription;
 - assigning the numerical strength of the Armed Forces of Ukraine on: (Third paragraph as amended by Decision of the National Security and Defence Council of Ukraine of October 13, 2009)
 - December 31, 2009, to a total of 200,000 persons, including 150,000 military personnel; (Paragraph as amended by Decision of the National Security and Defence Council of Ukraine of October 13, 2009)
 - December 31, 2010, to a total of 200,000 persons, including 159,000 military personnel; (Paragraph as amended by Decision of the National Security and Defence Council of Ukraine of October 13, 2009)
 - December 31, 2011, to a total of 200,000 persons, including 160,000 military personnel; (Paragraph as amended by Decision of the National Security and Defence Council of Ukraine of October 13, 2009)
 - introduction of amendments to the State Programme of Development of the Armed Forces of Ukraine for the period 2006-2011, as related to numerical strength of the Armed Forces of Ukraine by 2011.
4. That the Cabinet of Ministers of Ukraine shall:
 - 1) submit as stipulated by the procedure for the introduction by the President of Ukraine to the Verkhovna Rada of Ukraine the draft Laws of Ukraine 'On amending the Law of Ukraine 'On Numerical Strength of the Armed Forces of Ukraine on 2008'' and 'On Numerical Strength of the Armed Forces of Ukraine on 2009';
 - 2) estimate within a month period the procedure and amounts of financing the Armed Forces of Ukraine at the time of their accomplishing the missions related to liquidation of consequences of emergencies of technogenic and natural character;
 - 3) approve by the end of 2009:

the state targeted programme for creation of pilot-show group 'Ukrayinski Sokoly' (Ukrainian Falcons);

- the programme providing for the positive image of the Armed Forces of Ukraine and attractiveness of the military service in society.

5. That the Ministry of Defence of Ukraine shall:

- resolve by the end of 2009 the issue of strengthening the command and control system of technical support of the Armed Forces of Ukraine, particularly, the repairs (capital-size and middle-size) of armaments and special equipment, as well as increasing the possibilities for their repair and reconstitution directly in military units;
- submit within a two months period in accordance with the established procedures the proposals on introduction of amendments to the State Programme of Transition of the Armed Forces of Ukraine towards Manning on a Contract Basis, as related to extending by 2015 the term of transition of the Armed Forces of Ukraine towards manning on a contract basis.

Head of the National Security and Defence Council of Ukraine V. YUSHCHENKO
Secretary of the National Security and Defence Council of Ukraine R. BOGATYRIOVA
Kyiv, September 26, 2008

Part IV

The Legislative Framework for Defence Industry Activities

Law of Ukraine ‘On Introducing Amendments to the Law of Ukraine ‘On the State Defence Procurement Order’ (Bulletin of the Verkhovna Rada of Ukraine, 2011, No 6, p.45)

The Verkhovna Rada of Ukraine decrees:

The Law of Ukraine on State Defence Procurement Order (Bulletin of the Verkhovna Rada, 1999, No 17, p. 111; 2003, No 26, p. 200. No 30, p. 247; 2005, No 5, p. 115, No 9, p. 183; 2007, No 9, p. 67) shall be hereby amended and restated in its entirety to read as follows:

This Law determines the legal framework for the formulation and planning of State defence procurement orders, and regulates specific relationships associated with the identification and implementation of procedures for carrying out the procurement of goods, performance of works and the provision of services designated for defence purposes (hereinafter – goods, works and services).

Article 1. Definition of terms

The terms used in this Law shall have the following meaning:

- 1) Defence contractors (hereinafter – Contractors) are Ukrainian economic entities of whatever form of ownership who are holding the appropriate legally obtained licenses (permits) for carrying out respective economic activity types, to the extent permitted by applicable laws, as well as foreign economic entities awarded – through a contract competition (excepting the award of contracts to the economic entities who are sole suppliers in Ukraine) – a State defence procurement contract for the supply (procurement) of goods, works and services.

2) Defence subcontractors (hereinafter – Subcontractors) are Ukrainian economic entities of whatever form of ownership who are holding the appropriate legally obtained licenses (permits) for carrying out respective economic activity types, to the extent permitted by applicable laws, and take part in the implementation of defence procurement orders under respective agreements (contracts) signed with/awarded to Contractors.

3) State Defence Procurement Order (hereinafter – defence procurement order) is a means of Government management of the economy aimed at intellectual and logistical provision of the defence and national security needs of the State via budget planning, identification of the requirement for goods, works and services, as well as the award of State contracts for the supply (procurement) of goods, works and services;

4) State defence procurement contract (hereinafter – State contract) is a contract concluded with a contractor in written form by a Contracting Authority – in the name of the State and in compliance with the established Main Indices of the Defence Procurement Order – which stipulates economic/legal obligations of and defines regulatory procedures for business relationships between Contract parties.

5) Defence Procurement Authorities (hereinafter – Procurement Authorities) are Cabinet of Ministers-appointed central executive authorities and other Government agencies empowered to perform State Budget administration functions.

6) Benchmark indices of defence procurement orders, included among main indices of defence planning, are the estimated amount of State financial resources required for the supply (procurement) of goods, works and services under defence procurement orders consistent with the estimated requirement as identified by Procurement Authorities;

7) Main Indices of defence procurement orders are the Cabinet of Ministers-approved listing (nomenclature) and the amount of goods, works and services to be supplied (procured), as well as the amount of Budget expenditure appropriated for the herein mentioned purposes within the limit of spending determined by Budget Authorization Laws for each respective fiscal period and each respective Procurement Authority;

8) Services designated for defence purposes are services relating to the provision of sustained vital activity for defence/special facilities and infrastructure; the operation and use of products designated for military purposes;

9) products designated for military purposes are armaments, ammunition, military and special-purpose hardware, special parts for their production, as well as materials and equipment specially designed for development, production or use of such products; special technical devices;

10) works designated for military purposes:

- ‘upstream’ scientific research aimed at the provision of national security and defence requirements of the State;
- research and development works, in whole or in part, for the design, development, upgrade or disposal of defence products; the development of special technologies, materials or standards;
- the construction of defence/special facilities or installations;
- creation of new or the development of the existing defence production capacities;
- mobilization training activity;
- repairs, modification, upgrading, disposal and scrapping of defence products;
- the creation and maintenance of a backup set of documentation for weapons systems, military/specialist equipment, other military property, as well as defence/special facilities and infrastructure.

Article 2. Legal Framework for the Defence Procurement Order

1. The legal framework for the Defence Procurement Order includes the Constitution of Ukraine, the Civil Code of Ukraine, the Economic Procedure Code of Ukraine, the Laws of Ukraine on Defence Planning, on Government Procurement, on State Procurement Order to Satisfy Priority Needs of the State and other acts of legislation of Ukraine.

Article 3. The central executive authority empowered to carry out activity coordination related to defence procurement orders

1. Activity coordination related to the implementation of defence procurement orders shall be carried out by the authorized Central Executive (hereinafter – Authorized Executive) appointed by the Cabinet of Ministers of Ukraine.
2. The Authorized Executive shall:

- draw up a draft of Main Indices of the Defence Procurement Order for the respective fiscal period based on proposals from Procurement Authorities, and submit it to the Cabinet of Ministers of Ukraine for consideration according to the established procedure;
- coordinate and monitor actions by Procurement Authorities during the placing of defence procurement orders and implementation of Government contracts;
- provide Procurement Authorities with methodological and consultative support with respect to organization of procurement procedures;
- receive from Procurement Authorities reports on the implementation of procurement procedures and the award and implementation of Government contracts;
- report to the Cabinet of Ministers within the established deadline on status of defence procurement orders;
- establish deadlines by which Procurement Authorities shall submit their proposals relating to draft Main Indices of the Defence Procurement Order; report on concluded Government contracts and their status;
- draw up drafts of regulatory legal acts concerning the Defence Procurement Order.

Article 4. Procurement Authorities

1. Procurement Authorities shall:

- carry out Defence Procurement Order planning;
- draw up proposals relating to draft Main Indices of the Defence Procurement Order for the respective fiscal period and submit them to the Authorized Executive agency within the agency established deadlines;
- award Government contracts to contractors;
- arrange for and carry out procurement procedures;
- provide Budget expenditure appropriations consistent with the terms of Government contracts;
- monitor the proper use of Budget expenditure appropriated for defence procurement orders consistent with the terms of Government contracts;
- monitor if progress of work (in the whole and in part) is following with the Defence Procurement Order;

- arrange for and take part in State testing and other trials of sample defence products;
- provide contractors with operational requirements documents; check with contractors for a plan (technical and economic requirements) and the area of work;
- accept products delivered (or manufactured), works performed (including design documentation) and services provided;
- report to the central executive agency with special authority in the sphere of statistics about concluded Government contracts, performance on the contracts and the use of Budget expenditure appropriations;
- plan and monitor activities to create a backup set of documentation;
- work joined with contractors to define procedures for Subcontract awards relating to defence procurement orders.

Article 5. Defence procurement contractor

1. Defence procurement contractor shall:

- deliver products, perform works or provide services consistent with the terms of Government contracts;
- ensure that manufactured sample defence products are consistent with the Procurement Authority's acceptance criteria;
- ensure that Procurement Authorities are free to monitor progress of work under defence procurement orders;
- report to State statistics authorities on implementation of defence procurement orders;
- provide appropriate documents for the creation of a backup set of documentation;
- when necessary, engage with Subcontractors on the implementation of defence procurement orders; make prepayment and payment for orders implemented under the terms of concluded agreements (contracts) in accordance with the requirements of current applicable laws.

Article 6. Planning and formulation of defence procurement orders

1. Defence procurement planning is a constituent within the system of development planning for the State's military establishment, which is carried out in accordance with the Law of Ukraine on Defence Planning.

2. Procurement Authorities, during long-term and mid-term defence planning, will develop benchmark indices of defence procurement orders balanced against estimated financial resources required for the implementation of measures, fulfillment of tasks and accomplishment of indices determined by State target programs and other fundamental documents dealing with defence planning.
3. Procurement Authorities, during short-term defence planning, will draw up and submit their proposals relating to draft Main Indices of the Defence Procurement Order designed for:
 - the following fiscal period, and calculated in terms of the national security and defence spending provided for by draft State Budget of Ukraine for the respective fiscal period;
 - the second following fiscal period, and calculated in terms of estimated indices of the Defence Procurement Order for the respective fiscal period.
4. Procurement Authorities will reach consensus with the Ministry of Defence on their proposals relating to the design and development of new types of weapons systems, military hardware, weapons of war and related components, as well as upgrading of the herein mentioned products for the avoidance of duplication of efforts in these activities.

Procurement Authorities and the Central Executives having jurisdiction over companies of Defence-Industrial Complex will reach consensus on proposals submitted by Procurement Authorities with respect to performance of defence-related works to ensure that potentialities of companies of Military-Industrial Complex of Ukraine are used to their full capacity.

5. Draft Main Indices of the Defence Procurement Order for the following fiscal period will be calculated by the Authorized Central Executive with due consideration of proposals from Procurement Authorities and pursuant to legally prescribed procedures.

Draft Main Indices of defence procurement orders will be calculated based on submitted proposals relating to the supply (procurement) of goods, works or services which are:

- required for implementing measures and tasks, or accomplishing the indices determined by State Target Programs and other development planning documents designed for the respective fiscal periods for the Armed Forces, other Military and Law Enforcement organizations and the Military-Industrial Complex;

- required for implementing the tasks assigned to Procurement Authorities;
 - identified by the Cabinet of Ministers of Ukraine as being of particular significance for the provision of national security and defence needs pursuant to Main Government Policy Guidelines for economic and social development during a respective year.
6. The Cabinet of Ministers of Ukraine will approve Main Indices of the State Defence Procurement Order after State Budget of Ukraine for the respective fiscal period is authorized by the Verkhovna Rada.

The Cabinet of Ministers will, where necessary, review and update Main Indices of the State Defence Procurement Order within the spending limits established by the State Budget of Ukraine.

It is not competent to Procurement Authorities to redirect the State Budget Expenditure earmarked for the Defence Procurement Order to otherwise purposes.

7. Procedures for the planning and formulation, specific procedures for the placing and updating of, and procedures for monitoring progress of work under defence procurement orders will be decided by the Cabinet of Ministers of Ukraine.

Article 7. Conclusion of Government contracts relating to defence procurement orders

1. The conclusion of Government contracts relating to defence procurement orders will be carried out by Procurement Authorities based on the established Main Indices of the Defence Procurement Order, through competitive selection of contractors from among economic entities, unless otherwise provided for by the Law of Ukraine on Government Procurement and by this Law.
2. Procurement Authorities will select contractors for the supply (procurement) of goods, works and services:
 - where procurement of goods, works or services under defence procurement orders comprises State secrets – according to procedures prescribed by this Law;
 - otherwise – according to procedures prescribed by the Law of Ukraine on Government Procurement.
3. Where procurement of goods, works or services under defence procurement orders comprises State secrets, those goods, works and services will be procured on a no-bid basis from economic entities which are officially registered as suppliers of goods, works and services designated for defence purposes comprising State secrets.

Procedures for compiling and maintaining a register of suppliers of goods, works and services designated for defence purposes comprising State secrets shall be defined by the Cabinet of Ministers of Ukraine.

4. Government contracts relating to defence procurement orders will be concluded by parties using the standard form of Government contract as authorized by the Cabinet of Ministers of Ukraine.

Article 8. Specific procedures for imported procurement of goods, works and services designated for defence purposes

1. Imported procurement of goods, works and services designated for defence purposes shall be carried out in accordance with Article 7 of the Laws of Ukraine on Foreign Economic Activity and on State Control over International Military Transfers and Dual Use Goods.
2. Where a State contract provides for imported procurement of defence-related goods in excess of €5 million, it is a must that the contract terms envisage the relevant compensations to be provided to Ukraine.
3. Compliance with the requirement concerning the above mentioned compensations is ensured via the conclusion and implementation of a compensation (offset) agreement, which is a foreign economic agreement (contract) concluded in written form between a foreign economic entity and the Central Executive authorized by the Cabinet of Ministers, and relating to a Government procurement contract for goods, works or services designated for defence purposes.

Procedures for the conclusion of compensation (offset) agreements and types of offsets are decided by the Cabinet of Ministers of Ukraine.

Article 9. Implementation of defence procurement orders

1. Implementation of a defence procurement order shall be carried out in accordance with a Government contract.
2. The State in the person of Procurement Authorities shall have ownership right over the production capacities created with public funds due to implementation of defence procurement orders.

The possession, disposal and use, particularly as a lease, of facilities, products or capacities created due to implementation of defence procurement orders shall be carried out in accordance with legally prescribed procedures and in compliance with obligations regarding intellectual property rights.

3. Procurement Authorities are entitled to set up their respective representative offices at companies, agencies and organizations selected by Contractors, or engage on this, on a contractual basis, with fellow Procurement Authorities. The herein mentioned representative offices shall operate pursuant to provisions approved by the Cabinet of Ministers of Ukraine.
4. The Cabinet of Ministers of Ukraine will establish procedures for the design/development, pre-production and putting newly developed defence designs into production and for discontinuing production of legacy designs.

Article 10. Compliance with legislation on State Secret

1. Measures relating to the planning, formulation, placing and implementation of defence procurement orders comprising State secrets shall be carried out in compliance with applicable legislation on State secrets.

Article 11. Supervision over the implementation of defence procurement orders

1. Quality control of products, works and services at any and all stages of design/development, manufacture, upgrading, disposal or repairs; monitoring of the proper use of Budget appropriations; verification and the agreement of documents with respect to contractual pricing shall be carried out by Procurement Authorities.

Article 12. Liability for violation of legislation on Defence Procurement Order

1. In the event of improper use of Budget appropriations, Procurement Authorities shall be held liable pursuant to procedures prescribed by law.
2. In the event of a failure to implement or improper implementation of defence procurement orders, the guilty party shall compensate the other party, pursuant to procedures prescribed by law, for any losses suffered.
3. Should a Contractor selected by procedures established by Article 7 section two of this Law avoid concluding a contract with Government, such Contractor shall be held liable under law.
4. Disputes arising between Procurement Authorities and Contractors with respect to implementation of procurement procedures during the conclusion, implementation, updating or discontinuing of Government contracts, as well as disputes associated with compensation for losses incurred shall be settled through legal proceedings in a court.

Article 13. Final provisions

1. This Law becomes effective from the date of official publication.
2. The Cabinet of Ministers of Ukraine shall, within three months from the entry into force of this Law, bring their regulatory legal acts in compliance with this Law.

President of Ukraine V. YANUKOVYCH

Kyiv, September 23, 2010

No 2560-VI

Decree of the President of Ukraine 'On Measures to Maximize Efficiency of Defence-Industrial Complex of Ukraine'

With the aims of improving efficiency of Government management of Defence-Industrial Complex of Ukraine and ensuring restructuring, efficient operation and development of defence industry sectors, and pursuant to Article 106 section one clause 17 of the Constitution of Ukraine, I hereby decree:

1. Pursuant to partial amendment of Article 7 clause 8 of the Presidential Decree No 1085 on Optimization of the System of Central Executive Authorities, enacted on December 9, 2010, the Cabinet of Ministers shall, by January 10, 2011, implement measures to set up the 'Ukroboronprom' business holding, which shall comprise State-run enterprises conducting business relating to the design/development, manufacture, marketing, repair, upgrading and disposal of armaments, military/special-purpose equipment and ammunition, and participating in military-technological cooperation with foreign States.
2. To establish that the Director General of 'Ukroboronprom' business holding shall be appointed to office on the Prime Minister's motion and dismissed from office by the President of Ukraine.
3. The Cabinet of Ministers of Ukraine shall:
 - within a one month period since inauguration date of 'Ukroboronprom' business holding, implement measures to transfer Government stakes in joint-stock companies engaged in the design/development, manufacture, marketing, repair, upgrading and disposal of armaments, military/special-purpose equipment and ammunition, and participating in military-technological cooperation with foreign States, to Ukroboronprom;
 - Joined with the Ministry of Defence, State Property Fund, State Agency for State Corporate Rights and Property Management and State Space Agency, compile a register of joint-stock companies with Government stakes which can be transferred to Ukroboronprom;
 - ensure, by July 1, 2001, the creation and introduction of Automated Information Analysis System for filing of operations and performance analysis of companies in the Defence-Industrial Complex of Ukraine.
4. This decree becomes effective from the date of official publication.

President of Ukraine V.YANUKOVYCH
Kyiv, December 28, 2010
No 1245/2010

Decree of the President of Ukraine ‘On Decision of the National Security and Defence Council of September 26, 2008, ‘On Urgent Measures Necessary for Mitigation of Threats Associated with the Storage of Missiles, Munitions and Liquid Rocket Fuel Components Belonging to the Armed Forces of Ukraine’

According to Article 107 of the Constitution of Ukraine, I decree:

1. To enact the Decision of the National Security and Defence Council of September 26, 2008, concerning Urgent Measures Necessary for Mitigation of Threats Associated with the Storage of Missiles, Munitions and Liquid Rocket Fuel Components Belonging to the Ukrainian Armed Forces (attached below).
2. To charge the Secretary of the National Security and Defence Council of Ukraine with monitoring the implementation of this Decree.
3. This Decree takes effect as from the date of its official publication.

President of Ukraine V.YUSHCHENKO
Kyiv, November 13, 2008
No 1035/2008

Decision of the National Security and Defence Council of Ukraine ‘On Urgent Measures Necessary for Mitigation of Threats Associated with the Storage of Missiles, Munitions and Liquid Rocket Fuel Components Belonging to the Armed Forces of Ukraine’

(This Decision was enacted by Decree of the President of Ukraine No 1035/2008 of 13.11.2008)

Upon examining the situation as regards the storage of missiles, munitions and liquid rocket fuel components belonging to the Armed Forces, the National Security and Defence Council qualifies as unsatisfactory the status of implementation by the Cabinet of Ministers of Article 3 clause 4 of the Decree of the President of Ukraine of December 27, 2005, No 1862; Article 2 clause 4 sub-clause ‘b’ of the Decree of the President of Ukraine of May 24, 2006, No 430 concerning Decision of the National Security and Defence Council of Ukraine of April 6, 2006, on the Disposal of Conventional Munitions which are Unfit for Further Use or Storage.

A further consequence of imbalanced actions by the Government of Ukraine was the loss of centralized management of the processes involved with the disposal of useless or surplus missiles, munitions and military explosives.

Moreover, the Cabinet of Ministers of Ukraine failed to take effective measures to engage donor international organizations providing humanitarian aid and technical know-how to help Ukraine dispose of its stockpile of useless or surplus missiles, munitions and military explosives. Also, the Cabinet of Ministers failed to ensure effective supervision over compliance with deadlines and the extent of activities related with logistical and financial provision of the Program 1995-2015 on the Provision of Survivability and Explosion/Fire Safety of the Ukrainian Armed Forces' Arsenal, Depots and Storage Facilities for Arms, Missiles and Munitions, neither did they take appropriate action necessary to ensure effective co-ordination of and supervision over central executive authorities performance on the disposal of useless or surplus missiles, munitions and military explosives.

Infrastructure development planning system for the Armed Forces' arsenals, depots and storage facilities for arms, missiles and munitions still remains to be ineffective. The Ministry of Defence and the General Staff of the Armed Forces failed to set the adequate conditions necessary for the provision of survivability and explosion/fire safety of storage facilities for missiles, munitions and liquid rocket fuel components, neither did they take action to ensure the introduction of more current-generation technologies into the sphere of munitions storage and transportation.

Taking into account the urgent need to improve the system for the provision of survivability and explosion/fire safety of the Ukrainian Armed Forces' storage facilities for missiles, munitions and liquid rocket fuel components, the National Security and Defence Council Of Ukraine resolves:

1. The Cabinet of Ministers of Ukraine shall:

a) within a one month period:

- work out issues concerned with the identification of a contracting authority in charge of the disposal of useless or surplus missiles, munitions and military explosives;
- work out issues concerned with the establishment of a State department for sale and disposal of surplus military property, which shall have the status of an Executive agency of State administration within the structure of the Ministry of Defence;
- approve a program for neutralizing the effects of emergency events at the 61st Arsenal of the Ukrainian Army' Southern Operational Command (Kharkiv Region's Lozova);

- submit proposals relating to Ukraine's participation in the Convention on Cluster Munitions, adopted during Dublin Diplomatic Conference on May 30, 2008;
- make a decision on the scrapping of 267,200 units of small arms and light weapons in pursuance of Ukraine's obligations assumed for the first phase of the NATO Partnership for Peace Trust Fund project thereof; work out issues relating to the identification of priorities regarding the destruction of large-calibre munitions as well as the terms for financing the project thereof;
- by December 2008, implement, according to the established procedures, urgent measures necessary for practical disposal of PFM-1-type landmines using the capacities of the State Company 'Research & Manufacturing Corporation 'Pavlohrad Chemical Plant'' and for engaging international technical assistance to help Ukraine comply with its international obligations under the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and Their Destruction;

b) within a two month period, implement measures necessary to ensure:

- the compensation of losses caused to population, as well as the reconstruction of installations and buildings damaged or destroyed in populated localities as a result of explosions at the 61st Arsenal of the Ukrainian Army' Southern Operational Command (Kharkiv Region's Lozova);
- the start-up of practical implementation phase of the OSCE project for the disposal of rocket fuel component (мйланге) stockpiles in Ukraine;

c) by January 2009:

- arrange for compliance with Article 3 clause 4 of the Decree of the President of Ukraine of December 27, 2005, No 1862; Article 2 clause 4 sub-clause 'b' of Presidential Decree of May 24, 2006, No 430;
- take action to ensure the compulsory provision of the Ukrainian Armed Forces' arsenals, depots and storage facilities for missiles, munitions and liquid rocket fuel components with emergency alarm/warning systems and emergency public warning systems to alert facility employees and the population resident in areas of potential exposure; take measures relating to the production and procurement of containers for the storage and transportation of munitions to ensure survivability and explosion/fire safety of the Ukrainian Armed Forces' arsenals, depots and storage facilities for arms, missiles and munitions;

d) within a three month period:

- arrange, in accordance with prescribed procedures, for the settlement of issues relating to the inclusion of arsenals, depots and storage facilities for arms, missiles, munitions and liquid rocket fuel components into the category of the Armed Forces' agencies, institutions and organizations that are exempt from being cut off from electricity, water or heat supply systems;
- look into the possibility of concluding long-term Government contracts for comprehensive disposal of useless or surplus missiles and munitions;

e) during the work to update draft Law of Ukraine 'On the State Budget 2009' and draw up draft laws on the State Budget for the following years, provide for/that:

State Budget expenditure appropriations for the Program 1995-2015 on the Provision of Survivability and Explosion/Fire Safety of the Ukrainian Armed Forces' Arsenals, Depots and Storage Facilities for Arms, Missiles and Munitions, with due account of Budget expenditure shortfalls during the initial phase of the program;

- revenues generated by the sale of surplus missiles and munitions as well as by-products obtained through the disposal of surplus or useless missiles and munitions shall be included among funding sources of the Special Fund of Ukraine's State Budget and subsequently devoted to projects for the disposal of useless munitions;

f) by July 1, 2009, submit to the Verkhovna Rada for consideration a draft law on introducing amendments to selected legal acts of Ukraine with respect to defining the acreage and legal status of zones with special regime for the use of lands surrounding the Ukrainian Armed Forces' arsenals, depots and storage facilities for arms, missiles, munitions and liquid rocket fuel components.

The Ministry of Defence shall:

a) by November 1, 2009, bring, in accordance with prescribed procedures, its regulatory legal acts governing procedures for the provision of equipment and operational safety of the Ukrainian Armed Forces' arsenals, depots and storage facilities for arms, missiles, munitions and liquid rocket fuel components in compliance with the regulatory legal acts of other central executive authorities insofar as they relate to the maintenance and operation of hazardous facilities;

b) carry on works at arsenals, depots and storage facilities for the Ukrainian Armed Forces' Munitions Reserve for preparing useless or surplus missiles, munitions and military explosives for transportation to places of disposal.

2. Council of Ministers of the Autonomous Republic of Crimea, State Administrations in Regions and the Cities of Kyiv and Sevastopol, with involvement of local self-

government authorities, shall implement measures necessary for the prevention of civil construction in areas adjacent to Ukrainian Armed Forces' arsenals, depots and storage facilities for arms, missiles, munitions and liquid rocket fuel components.

3. Recommend that the General Prosecutor's Office shall check the Ministry of Defence's compliance with legislation dealing with the provision of survivability and explosion/fire safety of the Ukrainian Armed Forces' storage facilities for missiles, munitions and liquid rocket fuel components.

Yu.V.Tymoshenko abstained from voting on this resolution; National Security and Defence Council members M.G.Malomuzh and V.S.Ogryzko failed to attend.

Head of the National Security and Defence Council of Ukraine V.YUSHCHENKO
Secretary of the National Security and Defence Council of Ukraine R.BOGATYRIOVA
Kyiv, September 26, 2008

Part V

The Legislative Framework for Ensuring State Security

Law of Ukraine 'On the State Secret'

(Bulletin of the Verkhovna Rada of Ukraine, 2008, No 27-28, p. 252)

The Verkhovna Rada of Ukraine decrees:

1. To introduce amendments to the Law of Ukraine 'On the State Secret' (Bulletin of the Verkhovna Rada, 1999, No 49, p.428; 2004, No 23, p.320) as follow:
 - 1) In Article 22 section four, insert the following provision: 'Heads of central executive authorities nominated for the office by the Cabinet of Ministers of Ukraine shall be made eligible for security clearance for the state secret by a Decision of the Cabinet of Ministers of Ukraine';
 - 2) In Article 27 section four, substitute the words 'the Prime Minister of Ukraine' for 'the Prime Minister and other members of the Cabinet of Ministers of Ukraine'.
2. This Law becomes effective from the date of its official publication.

President of Ukraine V. YUSHCHENKO

Kyiv, May 21, 2008

No 293-VI

Decree of the President of Ukraine ‘On Decision of the National Security and Defence Council of Ukraine of February 15, 2008, ‘On the Concept of the Security Service of Ukraine Reform’

According to items 1 and 17 of the first part of Article 106 and Article 107 of the Constitution of Ukraine, I decree:

1. To enact the Decision of the National Security and Defence Council of Ukraine of February 15, 2008, ‘On the Concept of Security Service of Ukraine Reform’.
2. To approve the Concept of Security Service of Ukraine Reform (attached).
3. That Commission responsible for drafting the Concept of Security Service of Ukraine Reform and the Complex Targeted Program of Security Service of Ukraine Reform shall submit in three months in accordance with the established procedures for approval by the President of Ukraine the draft Complex Targeted Program Security Service of Ukraine Reform.
4. That control over the implementation of this Decree shall be assigned to the Secretary of the National Security and Defence Council of Ukraine.
5. That this Decree enters into force from the date of its publication.

President of Ukraine V. YUSHCHENKO
Kyiv, March 20, 2008,
No 249/2008

Concept of the Security Service of Ukraine Reform

1. This Concept establishes the purpose, tasks and basic directions of further reform of the Security Service of Ukraine as part of security sector of the state. This reform must be carried out in accordance with priorities of the national interests of Ukraine indicated in the Law of Ukraine ‘On the Foundations of National Security of Ukraine’ and the National Security Strategy of Ukraine, particularly, integration to European and Euro-Atlantic security systems, which implies for mutually beneficial cooperation and attaining the membership in North Atlantic Treaty Organisation (NATO) and European Union (EU).

I. GENERAL PROVISIONS

2. The Security Service of Ukraine reform is necessary due to the following:

- increased efficiency in challenging current and potential threats to the national security of Ukraine in the sphere of state security and further development of the state security sector (i.e., its subject – the Security Service of Ukraine);
 - purposeful activity on providing the national security of Ukraine in the sphere of state security by clarification of jurisdiction of the subjects of the security sector, by avoiding the duplication of the Security Service of Ukraine tasks and functions by other public bodies;
 - functional changes of legal, organizational, and other principles considering the democratic transformations in society, integration of Ukraine in the European and Euro-Atlantic economic, political and security space;
 - further development of the Security Service of Ukraine operational activity organization and management system, and organizational system, to include personal, social and legal protection, and budgetary policy in the sphere of providing the state security of Ukraine.
3. The Security Service of Ukraine reform must be carried out in the context of reform of the law-enforcement sphere and security sector of Ukraine for the sake of effective protection of human-being and citizen and society and state from external and internal threats on the basis of the Complex Targeted Program of Security Service of Ukraine Reform which will be drafted with account of the provisions of this Concept.
 4. The legal basis of the Security Service of Ukraine reform is constituted by the Constitution of Ukraine, the Law of Ukraine ‘On the Foundations of National Security of Ukraine’, the Decree by the President of Ukraine of February 12, 2007 No 105 ‘On the National Security Strategy of Ukraine’, regulatory and legal acts issued in accordance with the above, as well as other acts.
 5. The primary purpose of the Security Service of Ukraine reformation is to create an effective, dynamic, and flexible management system, staffed by high-professional specialists, who are provided with the most modern special service equipment, which will bring the functions and directions of its activity into accord with the modern necessities of national security. Protecting human rights and society and state from the external and internal threats in the context of implementation of the state policy of national security and integration into European security structures is of vital importance.
 6. The main task of the reform of the Security Service of Ukraine must be to provide for national security in the state security sector by carrying out operational and counter-intelligence activity, combating terrorism, preventing and investigating national security crimes and offences, and analytical work in accordance with the Constitution and laws of Ukraine.

7. The basic functions of the Security Service of Ukraine in terms of legislation and legal adjustment of practice of the internal security bodies of the European states activity are as follows:
 - counterintelligence protection of state sovereignty, constitutional system, territorial integrity, economic, scientific and technical, defensive potential, informative sphere and other vitally important interests of the state, rights and freedoms of citizens from encroachments of the special services of the foreign states, criminal organizations, groups and individuals;
 - exposure, prevention, and investigation of crimes against national security bases and crimes against peace and security of humanity and international law and order, terrorism, other unlawful actions which threaten the state security of Ukraine;
 - counterintelligence protection to guarantee state secret and confidential information protection, which is the state property;
 - combating corruption within public authorities, military and state bodies authorized for combating corruption;
 - participation in the fight against organized criminal activity which threatens the state security of Ukraine;
 - coordination of the measures on providing the national security of Ukraine in the sphere of state security within the jurisdiction established by the legislation;
 - informational and analytical support of state authorities within the jurisdiction of the Security Service of Ukraine.
 - The above functions must be included in the revised version of the Law of Ukraine 'On Security Service of Ukraine'.
8. The Security Service of Ukraine reform must be carried out with account of the experience of the foreign states in establishing the state security protection system and modern global tendencies in development of such systems by the way of:
 - giving priority to preventive measures and strategies;
 - increasing the role of the state bodies and institutions in providing security and protection against external and internal threats to national security in the sphere of state security, strengthening cooperation with foreign states;
 - strengthening the antiterrorist and counterintelligence activity, state secret protection regime;
 - concentration of intellectual, financial and other resources on priority directions of national security protection in the sphere of state security;

- increasing the level of budgetary and other types of resource support to the subjects of this sector of national security.
9. The Security Service of Ukraine reform must be carried out in accordance with the following principles:
- rule of law;
 - priority of rights and freedoms of human-being and citizen;
 - correspondence between the national security policy of the state in the sphere of state security and measures of its implementation to the real and potential threats to national interests and national security;
 - ban to membership in political parties;
 - openness to democratic civilian control.

II. BASIC DIRECTIONS OF THE SECURITY SERVICE OF UKRAINE REFORM

10. The Security Service of Ukraine reform must provide for the following:

1) In the sphere of management:

- increase of the level of the society' credit to the Security Service of Ukraine as an effective, democratic, existed under public oversight state body;
- improvement of the strategic planning system and permanent complex review of the Security Service of Ukraine as a subject of the security sector of Ukraine;
- clear definition of priorities of the Security Service of Ukraine regional divisions and of military counter-intelligence units' activity, taking into account the specific external and internal threats to the national security of Ukraine at national and regional levels;
- priority development of a collaborative effort with citizens and other individuals on contractual principles and providing their legal and social protection;
- introduction of new forms and methods of work with information, aimed at forming the informative base for motivated decision-making in operational activity and protection of telecommunication network and system of electronic workflow;
- prioritize the prevention of offences, to the exposure of negative tendencies with the purpose of timely prevention of illegal encroachments on national security of Ukraine;

- increase the efficiency of the Security Service of Ukraine international cooperation pursuant to modern progress trends and reformation of security structures;
- establish criteria to estimate the effectiveness of the Security Service of Ukraine activity, taking into account its transparency to the public.

2) In the field of counterintelligence activity:

- further development of counterintelligence activity organizational and legal principles;
- use a range of measures to improve the counterintelligence activity taking into consideration the experience of the leading democratic states;
- improvement of counterintelligence protection of the state bodies, military units, law-enforcement and intelligence agencies as well as the level of co-operation between all state authorities;
- perform counterintelligence, investigation and search activities relying on the most up-to-date telecommunication and other technical means;
- creation of the preventive information receiving system dealing with the threats to national security of Ukraine on the basis of radio-counterintelligence units;
- improvement of counterintelligence protection of the state informational resources;
- legal framing to the system of counteraction against special informational operations, forms of cyber-crimes and cyber-terrorism, illegal circulation and use of hardware of covert information gathering.

3) In the sphere of national statehood protection and counter-terrorism:

- improvement of the organization of protection of the state sovereignty, constitutional order and territorial integrity from criminal offences taking into account the new real and potential threats to national security of Ukraine;
- improvement of the system of counterintelligence, investigative and administrative measures of fight against the international terrorism, timely disclosure and interruption of the terrorist attacks, and with this purpose to increase the international cooperation of the Security Service of Ukraine;
- improvement of the legal regulations for the activity of the special purpose unit of the Security Service of Ukraine as the leading unit in the state in terms of disrupting the terrorist acts;

- providing in the legal acts for the clarity of tasks and functions of the Security Service of Ukraine with regard to protection of foreign diplomatic bodies of Ukraine from terrorist attacks;
- reform of the system of resource support to implementation of the established in the legislation of Ukraine functions of the Security Service of Ukraine as the leading body in the state-wide system of fighting the terrorist activity.

4) In the sphere of protection of the state secrets and confidential information which is a property of the state:

- implementing the set of measures to adapt the specific national standards to the specifics and standards of European and Euro-Atlantic communities;
- further development of the system of protection of the state secrets and confidential information which is a property of the state.

5) In the sphere of counterintelligence protection of economic and other vital interests of Ukraine:

- improvement of the system of counterintelligence protection of national interests of Ukraine in the process of its integration into the global economic space;
- optimizing of the system of counterintelligence support to implementation of the priority programmes in the sphere of economics, defence, protection of the advanced scientific research and development projects;
- providing for the effectiveness of counterintelligence measures aimed to secure the state interests in the sphere of the foreign economic activity;
- strengthening of the counterintelligence component in the activity of the units in the context of fighting corruption and organized crime;
- concentration of efforts of the appropriate units of the Security Service of Ukraine on counteracting corruption in the bodies of state authority, military formations and bodies, responsible for fighting corruption.

6) In the sphere of normative and legal support to counterintelligence and operative and investigative activity:

- improvement of normative and legal support to the Security Service of Ukraine activity and corresponding terminological adaptation to the EU legislation;
- introduction through the established procedure of proposals on defining the jurisdiction over the criminal cases between investigative bodies of the Security Service of Ukraine and division of the investigative jurisdiction between

other the Security Service of Ukraine and other law-enforcement structures of Ukraine;

7) In the sphere of scientific and technical support to the Security Service of Ukraine operative activity:

- development and implementation of the fundamental and practical research programs on the key problems of national security in the sphere of state security and special equipment development;
- coordination of scientific research, spreading of the positive national and foreign experience on providing for national security in the sphere of state security;
- more active cooperation in the field of scientific and technical activity on providing for national security of Ukraine in the sphere of state security and education of the highest qualification scientific cadre with scientific institutions of the National Academy of Sciences of Ukraine, sectoral academies of sciences and scientific institutions, other central bodies of executive power.

III. THE REGULATORY AND LEGAL SUPPORT TO THE SECURITY SERVICE OF UKRAINE REFORM

11. To provide for the Security Service of Ukraine reform, it is necessary to draft and introduce through the established procedures the draft Law of Ukraine 'On the Security Service of Ukraine' as well as to submit the proposals for corresponding changes in the other laws of Ukraine, acts of the President of Ukraine and the Cabinet of Ministers of Ukraine.

In addition, there exists the necessity of revision of other legislative acts, and presidential as well as government decrees which must regulate the following issues:

- the Security Service of Ukraine cooperation with other Ukrainian law enforcement and intelligence agencies;
- legal status of special operations unit definition, including its powers for providing the security of Ukrainian diplomatic missions abroad from terrorist encroachments;
- counterintelligence protection of Ukrainian peacekeeping units abroad;
- the Security Service of Ukraine activity in the field of fighting against corruption and organized crime with the purpose of concentration of its efforts on those threats which are of real danger to the state security of Ukraine;
- definition of the Security Service of Ukraine special operations units and investigative bodies status;

- the Security Service of Ukraine bodies competence in the field of law-enforcement activity and pre-trial investigation;
- oversight system over the circulation of documents containing confidential information;
- protection of State policy for development, producing and selling of the special equipment for secret obtaining of information;
- receiving, upon the Security Service of Ukraine request, of information from banks in the process of implementation of measures of fighting against terrorism and financing of terrorist activity;
- providing by the Security Service of Ukraine measures for the prevention of offences against national security of Ukraine;
- creation of the skilled personnel reserve of the Security Service of Ukraine;
- rights and duties of the Security Service of Ukraine in the sphere of providing security, legal protection of persons which cooperate with the Security Service of Ukraine;
- rights and duties of the Security Service of Ukraine in relation to providing security of persons which take part in the criminal legal proceeding;
- procedure of setting on positions and reasons of dismissal deputies of chairmen of the Security Service of Ukraine;
- state guarantees of legal protection of servicemen which will be fired from service in connection with reformation of the Security Service of Ukraine;
- state budget policy in relation to providing of national security of Ukraine;
- administrative responsibility for violation of legal order or requirement of the Security Service of Ukraine personnel while on duties.

IV. PERSONNEL, FINANCIAL AND LOGISTIC MANAGEMENT OF THE SECURITY SERVICE OF UKRAINE REFORM

12. To manage the personnel, financial and logistic issues of the Security Service of Ukraine reform it is necessary to do the following:

1) In the sphere of staff support:

- development of system of professional and qualification requirements to the employees as the basis of the mechanism of effective personnel selection and staffing of organizations and units of the Security Service of Ukraine, personnel training and re-training, professional and career growth, psychological support to their activity;

- implementation of mechanisms of increasing of a number of civil personnel in Security Service system and staffing with highly skilled civil specialists;
- during 2008-2009 reforming of the system of personnel training in higher educational establishments of the Security Service, mainly by means of training of persons who have basic higher education for civil professions;
- revision of certification and working procedure of appointment to executive posts, transformation of these factors into the mechanisms of increase in staffing effectiveness;
- improvement of mechanisms of personnel incentive aimed at diligent and highly professional performance of tasks of state security provision;
- elaboration and realization of programs of personnel patriotic education owing to cooperation between the Security Service and Institute of National Memory, increase of role of Public Council at the Security Service of Ukraine in these processes.

2) In the sphere of financing:

- reform of budgetary financing policy in the field of providing for national security of Ukraine in the sphere of state security;
- providing for gradual increase and bringing into line (taking into account state economic resources) of expenses the Security Service activity and social and legal personnel protection countries.

3) In the sphere of logistic support:

- elaboration of annual budget programs of centralized Security Service supply with armament and means of offensive defence, special technologies of secret access to information, equipment for bases and training centres for antiterrorist divisions, replenishment of reserve stocks, transport, high-tech information and telecommunication systems etc.;
- strengthening of management centralization and introduction of target method for the purpose of effective use of state resources in defence planning, conducted within Security Service competence;
- reform of departmental system of resource support basing on a principle of separation of administrative component from economic one;
- introduction of mid-term and long-term logistic support complex programs, state target programs of special technologies creation with the view of strategic planning systems development in the Security Service.

- 4) In the sphere of provision of appropriate level of personnel social and legal protection:
- gradual bringing of allowance level, personnel social and legal protection in line with standards of European countries;
 - development of system of housing provision for Security Service personnel, its financing at the expense of budgetary and off-budgetary means, creation of appropriate housing reserve;
 - further development of the system of medical provision of personnel, retirees of the Security Service and members of their families;
 - introduction of mechanisms of state guarantees in the sphere of social and legal protection of Security Service personnel, initiating of renewal of a number of provisions of legal acts regarding military men rights, privileges and compensations, whose suspension led to their active income cut.

V. DEVELOPMENT OF DEMOCRATIC CIVILIAN CONTROL OVER SECURITY SERVICE OF UKRAINE ACTIVITY

13. In the sphere of development of democratic civil control over Security Service of Ukraine activity it is necessary to provide:
- involvement of civil society institutes into the processes of strategic decisions elaboration in the sphere of state security;
 - improvement of system, forms and methods of democratic civil control over the Security Service activity taking into account peculiarities and restrictions envisaged by legislation;
 - development of organizational and legal fundamentals of President of Ukraine Commissioner activity in the field of control over the Security Service activities;
 - activation of Public Council at the Security Service of Ukraine activity.

VI. STAGES OF THE SECURITY SERVICE OF UKRAINE REFORMATION

14. The Security Service of Ukraine reformation must be carried out in accordance with the provisions, tasks and measures as well as within timeframe established by the Complex Targeted Program of Security Service of Ukraine Reform which is to be developed on the basis of this Concept.
15. The Security Service of Ukraine reformation must be carried out through the following stages:

1) First stage (2008-2009):

Development and submission to the Verkhovna Rada of Ukraine of drafts regarding improvement of system of national security provision, law enforcement activity and the Security Service reform. Implementation of provided by Concept measures concerning the Security Service reform that do not envisage amendments of Ukrainian legislation.

2) Second stage (2010 and subsequent years):

Further transformation of tasks, functions and organizational structure of the Security Service according to the amendments of Ukrainian legislation in terms of its transformation into effective special service of European type by means of its gradual deprivation of law enforcement functions alien to special services with reinforcement of counterintelligence functions, national statehood protection, sovereignty and constitutional order, society democratic values.

Decree of the President of Ukraine ‘On Decision of the National Security and Defence Council of Ukraine of March 21, 2008, ‘On Urgent Measures Necessary for the Provision of Information Security of Ukraine’

According to Article 107 of the Constitution of Ukraine, I decree:

1. To enact the Decision of the National Security and Defence Council of Ukraine of March 21, 2008, ‘On Urgent Measures Necessary for Ensuring Information Security of Ukraine’ (attached below)
2. To charge the Secretary of the National Security and Defence Council with monitoring the implementation of this Decree.
3. That this Decree comes into effect as from the date of its official publication

President of Ukraine V.YUSHCHENKO
Kyiv, April 23, 2008
No 377/2008

Decision of the National Security and Defence Council of Ukraine ‘On Urgent Measures Necessary for Ensuring Information Security of Ukraine’

(the Decision was enacted by Decree of the President of Ukraine No 377/2008 of 23.04.2008)

Having analyzed a set of issues related with the implementation of State policy and ensuring the national security in the information sphere, and placing on record the existence of severe problems, phenomena and factors which are threatening Ukraine’s national interests in the sphere thereof, impair social development of the State and have negative implications for Ukraine’s Euro-integration aspirations, the National Security and Defence Council of Ukraine resolves:

1. That the Cabinet of Ministers of Ukraine shall:
 - 1) within a one month period:
 - a) in connection with the introduction of digital television and radio broadcasting standards in Ukraine, submit to the National Security and Defence Council for consideration proposals concerned with an Executive agency in charge of management of agencies and companies of the communications sector;
 - b) approve a State Program on Introducing Digital Television and Radio Broadcasting standards, which shall make provisions for frequency coverage in at least one broad-

casting frequency band to be provided using State-run broadcasting capacities, and provide for State support for the population during the introduction of digital television and radio broadcasting;

2) within a two month period:

a) implement measures necessary to improve the efficiency of Government management in the information sphere, clearly specify powers and responsibilities, and arrange for effective interaction between Government agencies for ensuring national security in the information sphere, particularly, examine the issues relating to:

- the setting up of a Central Executive authority in the sphere of communications and informatization, which will have a status of State Committee in the structure of the State Department for Communication and Informatization Affairs at the Ministry of Transport and Communications;
- extending the competence of the State Committee for Television and Radio Broadcasting to include implementation of State policy relating to printed mass media, particularly official registration of printed media outlets and news agencies, as well as supervision over their compliance with requirements of applicable legislation;

b) approve:

- a State program on improving Ukraine's international profile;
- an action plan related with financial support for information and outreach campaigns carried out by information-cultural centres affiliated with Ukraine's diplomatic institutions in foreign countries, particularly the expansion of the network of centres thereof;

c) with involvement of the Antimonopoly Committee, National Council for Television & Radio Broadcasting Affairs and State Property Fund, develop and approve an action plan on facilitating the development of competition and combating monopolistic trends in the spheres of telecommunications, television and radio broadcasting, and printed mass media;

d) submit proposals, according to prescribed procedures, with respect to ratification of the European Convention on Trans-border Television;

e) develop and duly approve an urgent action plan to prevent TV sets incompatible with DVB-T/MPEG-4 signal standards to be moved into Ukraine's customs territory or manufactured in Ukraine;

3) within a three month period:

a) approve an action plan for:

- the development of a nation-wide automated network of central alarm systems for warning the population in war or emergency situations, as well as crisis situations threatening national security of Ukraine;
- expansion of Ukraine's foreign-language broadcasting coverage in foreign countries;

b) develop and submit to Verkhovna Rada for consideration a draft law on reform of State and municipal printed media, which shall particularly provide for ways to secure rights of citizens to free access to information via the provision of State support for socially significant publications, as well as regional/local printed media;

c) with involvement of the National Council for Television & Radio Broadcasting Affairs, develop and duly approve an action plan to ensure:

- the provision of State support for the production and distribution of domestically-produced television and radio programs;
- that programs produced by domestic television and radio organizations be included on a priority basis into content in multichannel broadcasting networks;

d) with involvement of the Security Service of Ukraine, develop and submit to Verkhovna Rada for consideration draft laws dealing with:

- regulation of the circulation of surreptitious listening devices, particularly with respect to movement of the devices thereof across Ukraine's state border, as well as the introduction of criminal punishments for illicit production, importation, storage or sale of the devices thereof;
- establishment of more severe criminal punishments for illegal gathering, storage, use or distribution of personal data without the consent of the individuals concerned, as well as the introduction of punishments for failure to protect automatically processed personal data;
- ratification of the Convention on the protection of individuals with regard to the processing of personal data;
- mandatory classification as 'limited-access data' of personal data, as well as data entrusted by individuals and business to Government agencies, companies and organizations in connection with the discharge of their powers and duties, and which disclosure may cause a damage to the individuals and businesses thereof

- legal mechanisms for the detection, registration, qualification of and blocking access to information banned for distribution under Ukrainian legislation, and deleting information thereof from the Ukrainian segment in the Internet;
- 4) develop and, within six months, submit to Verkhovna Rada for consideration a draft National Information Policy Concept – which will define main priorities, fundamentals, principles and implementation mechanisms of national information policy, as well as priority areas of development in the information domain; and will be aimed at setting an environment for building up well-developed information society in Ukraine, ensuring priority development of information resources and infrastructure, introduction of most advanced information technologies, protection of national moral and cultural values, and securing constitutional human and civil rights to freedom of expression and free access to information;
 - 5) draw up and, within two months after National Security and Defence Council's approval of Concept for the creation of public television and radio broadcasting system in Ukraine, submit to the Verkhovna Rada of Ukraine for consideration a draft law on introducing amendments to the Law of Ukraine 'On Public Television and Radio Broadcasting System of Ukraine' (amended and restated version), which shall be developed based on the Concept thereof and relevant European experience; ensure support for the draft law in parliament;
 - 6) implement urgent measures to ensure that adequate State Budget appropriations are earmarked for State-run television & radio broadcasting organizations and news agencies, as well as for the production and distribution of television and radio programs produced for meeting Government needs;
 - 7) with involvement of the National Council for Television & Radio Broadcasting Affairs, implement urgent measures to ensure that programs produced by domestic television and radio organizations are included into content in multichannel broadcasting networks in foreign countries;
 - 8) implement a set of measures for GSM mobile phone operators in Ukraine to adopt the A5/1 algorithm;
 - 9) team with the Security Service, State Property Fund and Antimonopoly Committee in implementing measures to ensure that Ukraine's national security interests in the information domain are well secured during a preparation period prior to privatization of the Ukrtelecom open joint-stock company.
2. Recommend that the National Council for Television & Radio Broadcasting Affairs implement urgent measures with respect to:

- Improvement of broadcasting licensing procedures, particularly insofar as it relates to securing national interests in the information domain, expansion of population coverage with domestically produced information products and improving the quality of content in the nation-wide information space;
 - intensification of supervision over compliance by television/radio organizations and program providers with requirements of legislation dealing with television and radio broadcasting, particularly compliance with national content quotas and compulsory Ukrainian-language quotas for radio and television programming;
3. National Commission for Communication Regulation in Ukraine, together with the Transport and Communications Ministry, Ministry of Defence and with involvement of the National Council for Television & Radio Broadcasting Affairs shall, within three months, draw up and duly approve an action plan to provide for Radio Frequency allocations necessary for the introduction of digital television and radio broadcasting standards, most particularly in near-border regions and the Autonomous Republic of Crimea.
 4. Recommend that the Supreme Court of Ukraine undertakes to generalize court practice on disputes associated with regulation in the information sphere.
 5. That Secretary of the National Security and Defence Council of Ukraine shall:
 - take urgent action to resume the Interagency Information Policy and Information Security Commission to the National Security and Defence Council of Ukraine;
 - make necessary preparation to ensure that issues of the status of introduction of digital television and radio broadcasting standards in Ukraine and the provision of citizens with access to television signal are included on the agenda of the National Security and Defence Council meeting due in July 2008;
 - arrange for a draft of Ukraine's information security doctrine to be drawn up and, within six months, submitted to the President of Ukraine for consideration and possible approval.

Head of the National Security and Defence Council of Ukraine V.YUSHCHENKO
Secretary of the National Security and Defence Council R.BOGATYRIOVA
Kyiv, March 21, 2008

Decree of the President of Ukraine ‘On Decision of the National Security and Defence Council of Ukraine of November 17, 2010, ‘On Challenges and Threats to National Security of Ukraine in 2011’

According to Article 107 of the Constitution of Ukraine, I decree:

1. To enact the Decision of the National Security and Defence Council of Ukraine of November 17, 2010 ‘On Challenges and Threats to National Security of Ukraine in 2011’ (attached).
2. That control over the implementation of this Decree shall be assigned to the Secretary of the National Security and Defence Council of Ukraine.
3. That this Decree enters into force from the date of its publication.

President of Ukraine V. YANUKOVYCH
Kyiv, December 10, 2010
No 1119/2010

Decision of the National Security and Defence Council of Ukraine ‘On Challenges and Threats to National Security of Ukraine in 2011’

Political stability of the state and its further effective economic development are conditioned by success in conducting the quick reforms and modernization. Effectiveness of the state power both in domestic and foreign policies serves as important prerequisites for this. Today, the most urgent tasks shall be the development of the long-term strategy of country’s development, which is understood, shared and supported by society, and creation of the broad social base for the state policy. At the same time, such issues remain a priority like prevention of new political crises and calamities, as well as overcoming the negative tendencies in consolidation of people’s trust to the power and the state. Key task for the near future shall be the carrying out of the anti-crisis policy in Ukraine, which provides the framework for unity of reforms and minimizing of negative impact of new threats on the national security of Ukraine.

Taking into consideration the results of the complex analysis of the challenges and threats to national security of Ukraine in 2011, the National Security and Defence Council of Ukraine decided:

1. In the area of foreign policy:
 - 1) The Cabinet of Ministers of Ukraine shall:
 - a) take additional measures to:

- conclude Association Agreement between Ukraine and European Union, which shall include the provision for creation of profound and comprehensive free trade zone;
- conclude free trade agreements with the Commonwealth of Independent States, Canada and other perspective trade partners;
- 6) within a month period:
 - submit in accordance with the established procedures the proposals on introduction of the institute of the Special Representative of the President of Ukraine on the issues of legal regime of the state border of Ukraine;
 - define the priority directions for cooperation of Ukraine with NATO and arrange for financing of the relevant measures during the drafting of the Law 'On State Budget of Ukraine for 2011';
- 2) The Ministry of Foreign Affairs of Ukraine shall:
 - a) within a month period:
 - submit in accordance with the established procedures to the President of Ukraine:
 - draft Decree of the President of Ukraine on strategic priorities of foreign policy for the period by 2015;
 - draft plan of measures on resolving the problematic issues in Ukrainian-Moldovan relations;
 - proposals on measures aimed at strengthening Ukraine's position in Transdnister resolution process and making more active the dialog with partners within the '5+2' framework while taking into account the national interests of Ukraine;
 - analyze together with the Ministry of Defence of Ukraine the issue of participation of Ukraine in international peacekeeping operations and submit the relevant proposals to the President of Ukraine;
 - develop together with the National Security and Defence Council of Ukraine Staff and submit in accordance with the established procedures the draft Decrees of the President of Ukraine on the concept of Ukraine's relations with Romania, as well as the programme of complex measures aimed at resolving the problematic issues in Ukrainian-Romanian relations and neutralizing the threats to national security of Ukraine;
 - 6) provide for active participation of Ukraine in discussing the issues of improvement of the European security system both on bilateral and on multilateral levels.
- 2. In economic sphere:
 - 1) The Cabinet of Ministers of Ukraine shall:

- a) in a month period:
 - develop and adopt the concept of providing for national security of Ukraine in financial sphere;
 - work up in accordance with the established procedures the issues of creating the bank of development with the aim of providing financial support to national enterprises;
 - take measures to form and introduce the unified energy balance as one of the key instruments of strategic planning for development of the energy sector of economy oriented to the local resources and alternative sources of energy;
 - b) take measures to make more active work on creation in 2011 of supported by the state system of providing credits and insurances for exports, which would also include the mechanisms of ensuring export and credit risks;
 - c) make more active work on bringing the system of standardization and technical regulation in conformity with WTO norms and rules;
 - d) prepare the regional development programmes for small hydro-energy supply taking into account the issues of construction of new small hydroelectric stations in the complex of protective infrastructure against floods, and provide for priority designing and construction of the small hydroelectric stations with dams, which will be used for protection against floods in Carpathian region;
- 2) The Cabinet of Ministers of Ukraine together with the National Bank of Ukraine shall:
- a) draft and submit for consideration by the Verkhovna Rada of Ukraine the draft Law on providing the National Bank of Ukraine with the right to temporarily introduce the obligatory sale of the part of revenue by the entities of external economic activity;
 - b) take measures for gradual reduction in 2011 of the use of foreign currency as financial instrument on the territory of Ukraine.
3. In the sphere of state security, military sphere and state border security sphere:
- 1) The Cabinet of Ministers of Ukraine shall:
- a) arrange for having in the draft Law 'On State Budget of Ukraine for 2011' the general fund of the budget outlay providing the Armed Forces of Ukraine with financing in amount sufficient to meet the substantiated needs for securing defence capability of the state;
 - b) work up by January 1, 2011, the issue of removing from the Ministry of Defence the nonessential functions related to management of the unused military property;
 - c) approve the Plan of Measures for Implementation of the Concept of Integrated Border Management;

d) submit in accordance with the established procedure within a month period after adoption of the new Military Doctrine of Ukraine, drafts of the Strategic Defence Bulletin of Ukraine and of the State Complex Programme of Reform and Development of the Armed Forces of Ukraine in 2011-2015;

e) within three months period:

- approve the State Programme for Development of armaments of the Armed Forces of Ukraine in 2011-2015;
- develop and introduce the Unified automated command and control system for the Armed Forces of Ukraine and provide for the re-equipping of the Armed Forces of Ukraine communication system by digital communication devices;
- develop and approve the strategy of increasing the level of road traffic security in Ukraine by 2015;

f) take measures to increase in 2011 the level of salary pay for military servicemen of the Armed Forces of Ukraine;

g) work up the issues of drafting the new or amending the existing legislation in the sphere of fighting terrorism, extremism and piracy with consideration of new challenges and threats to national security of Ukraine;

h) develop and submit in accordance with the established procedure the drafts of the foundations of the state ethno-national policy and migration policy;

2) National Institute of Security Studies shall finish the development and submit within three weeks period in accordance with the established procedure for consideration by the President of Ukraine the draft of the new National Security Strategy of Ukraine;

3) Ministry of Defence of Ukraine together with interested central bodies of executive power shall develop within a month period after adoption of the new edition of the National Security Strategy of Ukraine and submit in accordance with the established procedure the draft of new edition of the Military Doctrine of Ukraine;

4) Security Service of Ukraine shall develop and submit within two weeks period in accordance with the established procedure the proposals for creation of the international security headquarters for the period of Euro Cup 2012;

5) Secretary of the National Security and Defence Council of Ukraine shall submit within a month period the proposals on improving the functioning of the National Security and Defence Council of Ukraine and arrange for strengthening of the Council members' responsibility for preparation of the issues for consideration during its sessions.

4. In the informational sphere the Cabinet of Ministers of Ukraine shall:
 - a) develop together with the Security Service of Ukraine and within two months submit for consideration by the National Security and Defence Council of Ukraine the proposals on creation of unified all-state system of fighting the cyber-criminality;
 - b) within three months period:
 - consider the issues of improving the state policy in informational sphere and submit in accordance with the established procedure the relevant proposals to the President of Ukraine;
 - develop and approve the plan of measures on improving effectiveness of presenting the information about activity of the bodies of executive power, particularly, concerning the information about the reforms in Ukraine;
 - develop together with the Security Service of Ukraine and adopt the list of objects, important for provision of national security and defence of Ukraine and require the priority protection from cyber attacks.
5. In ecological sphere the Cabinet of Ministers of Ukraine shall:
 - a) arrange for financing in 2011 of technical re-equipment of the national hydro-meteorological service within the framework of implementing the provisions of the State Targeted Social Programme of Civil Protection Development in 2009-2013 ;
 - b) submit in a month period the proposals on creation of the centre for monitoring and forecasting of emergencies in order to provide for functioning of the governmental informational-analytical system for emergency situations;
 - c) within three months period:
 - develop and adopt the National Plan for Adaptation to Climate Changes and identify the sources of financing its measures;
 - provide for completion in creation of the geo-informational component of the governmental informational-analytical system for emergency situations;
 - d) develop and submit by September 1, 2011, in accordance with the established procedure for consideration by the Verkhovna Rada of Ukraine the draft Law on the All-State Targeted Programme of Protection of the Population and Territories from Emergencies of Technogenic and Natural Character, in which to indicate the measures aimed at liquidation of the negative ecological and technogenic situations on the territory of Ukraine.

Head of the National Security and Defence Council of Ukraine V. YANUKOVYCH
Secretary of the National Security and Defence Council of Ukraine R. BOGATYRIOVA
Kyiv, November 17, 2010

Part VI

The Legislative Framework for the Demilitarisation, Democratisation, and Development of the State Military Organisation

Law of Ukraine 'On Border Control'

(Bulletin of the Verkhovna Rada, 2010, No 6, p.46)

The present Law defines the legal grounds of border control, procedure of border control and rules of crossing of the state border of Ukraine.

SECTION I. GENERAL PROVISIONS

Article 1. Definitions

1. The terms used herein must have the following meanings:

- 1) 'Baggage' must be understood as the items that belong to passengers and crew-members, and transported by vehicle on the basis of a contract with the carrier;
- 2) 'Cargo' must be understood as the property other than the baggage and supplies (for aircraft, sea-going and river-going vessels) transported by vehicles;
- 3) 'Visa' must be understood as a label (a record or a mark) in the passport document issued by the authorized state authorities of Ukraine and providing permission for the entry of an individual into its territory within the time frames specified therein, or for the transit across its territory during the specific period;
- 4) 'Crew' must be understood as the person (persons) tasked, in accordance with the procedure prescribed by the legislation, with performing duties in respect of

the control of a sea-going or river-going vessel, or the aircraft, and the maintenance thereof;

5) 'Telecommunication' must be understood as the transmission, the emission and/or the reception of signs, signals, written text, images and sounds or messages by radio, wired, optical or other electromagnetic systems;

6) 'Second line check' must be understood as the measures related to the additional review of the availability of legitimate grounds for the crossing of the state border of Ukraine (hereinafter referred to as the 'state border') by individuals and vehicles, and the movement of the cargo across the state border;

7) 'Control agencies and services' must be understood as state authorities and services that exercise sanitary, veterinary, phytosanitary, radiological and ecological control, control over the export of cultural valuables from the territory of Ukraine, and other types of the state control envisaged by law on the crossing of the state border;

8) 'First line check' must be understood as the measures reduced to a necessary minimum with the purpose of verifying the availability of legitimate grounds for the crossing of the state border by individuals and vehicles, and the movement of the cargo across the state border;

9) 'Cruise ship' must be called a ship, which follows a given itinerary in accordance with a predetermined program of tourist activities in the ports along the route;

10) 'Inspection of transport and cargoes' means the set of measures aimed at precluding the cases of illegal transfer across the state border of persons who hide in the concealed compartments, discovering these hiding-places as well as precluding the illegal transfer through the state border of weapons, narcotics, psychotropic substances and precursors, ammunition, explosives, materials and articles prohibited for transfer across the state border and identification of stolen vehicles;

11) 'Risk analysis' must be understood as the activity of the State Border Service of Ukraine personnel aimed at discovering the likelihood of violation by the individual of the legislation in the sphere of security of the state border;

12) 'Passport document' means the document issued by the authorized state bodies of Ukraine or other country, or by the UN statutory organizations which proves citizenship, the identity of a person, gives the right to enter or depart from the state and is recognized by Ukraine;

13) 'Carrier' means any person or legal entity that provides commercial transportation of persons or transports them at his own expense across the state border;

14) 'Document checks' mean the inspection of passports and other travel documents of persons crossing the state border carried out by service personnel of the State Border Service of Ukraine at border crossing points, to ensure that persons have valid documents and also check in the context of the risk analysis their means of transportation and the objects in their possession;

15) 'Border guard unit' must be understood as the border guard unit of the State Border Service of Ukraine specially designated to carry out the tasks of border control and (or) protection of the border;

16) 'Supporting documents' means the documents proving the fact of tourism, study, internship, job, medical treatment in Ukraine, reservation of and payment for housing, food provision and return to the state of their citizenship or permanent residence, or to the third country (if necessary – other documents proving the goal and conditions);

17) 'Ship owner's agent (marine agent)' means the commercial agent, representative of the agent company who on the basis of the marine agent treaty provides paid services in the interests of ship's captain related to the state border crossing;

18) 'Coastal fisheries' means fishing carried out with the aid of vessels which return to a port situated in the territory of Ukraine every day or not later than in 36 hours without entering the ports of other countries;

19) 'Regime at the state border crossing points' means the rules of the presence and movement of all persons and means of transportation within the territory of the border rail and automobile stations, sea and river ports, airports and airfields open to international traffic as well as carrying out other activity related to the state border crossing of persons, vehicles and cargoes, and which have to be established by the order of the head of the state border protection body and agreed with the head of customs body and the head of the port or station at which the state border crossing is located;

20) 'Duration of stay in the territory of Ukraine' means established by the legislature of Ukraine and international treaties of Ukraine the duration of legitimate presence of foreigner or stateless person in Ukraine;

21) 'Muster roll' means an official list of names of ship's crew with indication of their last names, first names, citizenship, rank and position, place and date of birth, type and number of identification document, port and date of departure (arrival) as well as the ship's name, state and port of registration;

- 22) 'Cross-border worker' means the person who works in the territory of one state, but resides in the territory of the other state to which he returns at least once a week;
- 23) 'Transport' means mechanical device used to transport people and (or) cargoes as well as special equipment or mechanisms mounted on it;
- 24) 'Yacht' is a deck, sail, motor-sail or motor vessel used for individual or group pleasure boating and for sporting purposes.

Article 2. Organisational basics of carrying out border control

1. Border control is a type of state control carried out by the State Border Service of Ukraine that includes a set of actions and measures aimed at establishing the legal basis of crossing the state border of Ukraine by persons, vehicles and cargoes.
2. Border control is carried out with the aim of counteracting illegal crossing of the state border by persons, illegal migration, trafficking of human beings, as well as illegal transfer of weapons, narcotics, psychotropic substances and precursors, ammunition, explosives, materials and articles prohibited for transfer across the state border.
3. Border control is carried out in respect of:
 - 1) persons crossing the state border;
 - 2) vehicles carrying persons and cargoes across the state border;
 - 3) cargoes moving across the state border.
4. Border control includes:
 - 1) document checks;
 - 2) inspection of persons, vehicles and cargoes;
 - 3) carrying out instructions of law enforcement bodies of Ukraine;
 - 4) verifying adherence to the conditions of crossing of the state border of Ukraine by foreigners and stateless persons in case of entry to Ukraine, departure from Ukraine and transit through the territory of Ukraine;
 - 5) registering foreigners, stateless persons and their passport documents at the state border crossing points;
 - 6) checking of motor vehicles in order to discover stolen ones.
5. Border control is executed by the way of:
 - 1) establishing a regime at the state border crossing points and providing control over its observance;

- 2) application of technical means of border control, use of service dogs and other animals;
- 3) creation and use of databases on the persons who crossed the state border, committed offences, have been prohibited to enter Ukraine or under temporary restriction from entering Ukraine; on invalid, stolen or lost passports as well as other legitimate databases;
- 4) surveillance of the transports and their escort if necessary;
- 5) carrying out of administrative, legal, judicial and operational-investigative proceedings and measures;
- 6) organization of cooperation with enterprises, bodies and organizations which deal with international transportation;
- 7) coordination of the activity of inspection bodies and services.

Article 3. Legal basis for border control

1. In the process of border control officials and service personnel of the State Border Service of Ukraine must exercise their authority within the limits of Constitution of Ukraine, the present Law, the Law of Ukraine 'On the State Border Service of Ukraine', other legislative acts of Ukraine and international treaties of Ukraine.
2. In case the international treaty ratified by the Verkhovna Rada of Ukraine establishes the rules different to the present Law, the rules by the international treaty must prevail.

Article 4. The principles of organizing and carrying out border control

1. Border control is organized and carried out on the basis of:
 - 1) legitimacy;
 - 2) openness;
 - 3) respect and observance of human dignity and equality of persons regardless of their race, skin colour, political, religious and other beliefs, sex, ethnic and social background, well-being, place of residence, language and other specifics;
 - 4) carrying out exclusively by specially trained for this purpose military personnel and employees of the State Border Service of Ukraine;
 - 5) selective application of control measures based on the risk analysis.

Article 5. Places for carrying out border control

1. Border control and passage through the state border of persons, vehicles and cargoes is carried out:
 - 1) at state border crossing points;
 - 2) outside of border crossing points in cases specified by part three of this Article;
 - 3) in the territory of neighbouring states as specified by Article 26 of the present Law.
2. Crossing of the state border of Ukraine by persons, vehicles and cargoes is allowed at state border crossing points during the regular working hours. Working hours of the point of state border crossing which does not work round the clock must be indicated on the information board at the entrance.
3. Passage through the state border of Ukraine can be done outside of state border crossing points or at state border crossing points outside of regular working hours in the following cases:
 - 1) arrival of a yacht into a port or departure of a yacht from a port as specified by Article 20 of the present Law;
 - 2) off-shore fishing;
 - 3) movement of river boats and sea crafts through inland waterways;
 - 4) landing of craft crew to stay in the settlement, in which the port is located;
 - 5) special needs of a humanitarian nature, of a person or a group of people, provided the lack of threat to the national security of Ukraine;
 - 6) exigent circumstances related to liquidation of man-caused and natural emergencies, their consequences and danger to life, provided lack of threat to the national security of Ukraine.
4. Decision on passing of persons and their transport outside of state border crossing points must be made by the head of the state border protection body.

Decision on passing of persons at state border crossing points outside of regular working hours must be made by the head of the state border protection unit, and on passing of transport and cargoes, this decision must be coordinated with the head of the customs body.

Such decisions must be adopted by the officials responsible for the particular section of the state border where the crossing is to take place and must be registered according to

procedure established by the specially authorized central body of executive power in the area of protection of the state border of Ukraine.

5. In case border control is carried out outside of state border crossing point, the head of the state border protection body, for the period of time needed to carry it out, indicates places and control zones on the ground or in the transport where pertinent regime is enacted and where in case of necessity he enacts additional rules of regime according to the legislation of Ukraine for state border crossing points.

SECTION II. PROCEDURES OF BORDER CONTROL

Article 6. General procedures of border control

1. Crossing of the state border of Ukraine by persons, vehicles and cargoes is allowed only under the condition of border control, and by permission of authorized service personnel of the State Border Service of Ukraine, and in some cases specified in the present Law by officials of the State Border Service of Ukraine, unless it is specified differently in the present Law.
2. The border control of a person, vehicle or cargo is initiated when passport and other documents specified by the legislation are passed to the authorized official of the State Border Service of Ukraine for checking.
3. Passage of persons through the state border of Ukraine is permitted by authorized officials of the State Border Service of Ukraine based on valid passport documents, as well as based on other documents, in cases provided for by the legislation of Ukraine. Passage of vehicles and cargoes through the state border of Ukraine is done after all forms of state border control defined by the legislation have been carried out.
4. Border control is considered complete when the authorized official of the State Border Service of Ukraine grants permission to cross the state border to the person, vehicle or cargo, or after the responsible person is informed of the decision to deny permission to cross the state border by the person, vehicle or cargo.
5. Border control and passage through the state border by persons, vehicles or cargoes must be carried out in the context of risk analysis, which is conducted in accordance with methodologies developed by the specially authorized central body of executive power in the area of protection of the state border of Ukraine.
6. In order to reduce the time of passing the border control procedures and with this purpose to direct persons and vehicles to the places and zones of border control the body of the state border protection with consent of the relevant customs body can establish:

- 1) movement lanes for persons – at the state border crossing points for air, sea, ferry and rail traffic;
- 2) movement lanes for vehicles – at the state border crossing points for motor and ferry traffic.

The procedure of using the movement lanes and their identification must be defined by the specially authorized central body of executive power in the area of protection of the state border with consent of the specially authorized central body of executive power in the area of customs.

7. Practical measures and techniques for use by officials and service persons of the State Border Service of Ukraine with the aim to counter the illegal activity during the crossing of the state border by persons, vehicles and cargoes, and procedures for their application must be established by the specially authorized central body of executive power in the area of protection of the state border.

Article 7. Border control for persons

1. Passport documents and other travel documents of Ukrainian citizens, foreigners and stateless persons crossing the state border must be subject to checking by authorized service personnel of the State Border Service with the aim to determine their identity based on travel documents. During the checking procedure, the availability or absence of the grounds for temporary refuse of the crossing of the state border must be verified.
2. During the checking procedure, the authorized service personnel of the State Border Service must use the technical means of control to determine the signs of forgery in the documents, conduct a search of required information in databases of the State Border Service of Ukraine, and conduct the query of the persons crossing the border taking into account the risk analysis.
3. The authorised service personnel of the State Border Service of Ukraine may carry out additional checking of documents of the persons crossing the border taking into account the risk analysis.
4. Passport documents and other travel documents of persons must be checked in the passport control booths, in transportation lanes, in control pavilions, service spaces of the state border crossing points or directly on the transportation means.

Article 8. Conditions of crossing the state border by the foreigners or stateless persons when entering Ukraine

1. Authorized officials of the State Border Service of Ukraine grant a foreigner or a stateless person the permission to cross the state border and enter Ukraine under the following conditions:

- 1) availability of a valid passport document;
 - 2) lack of a decision to deny entry to Ukraine made by an authorized state body of Ukraine in respect of said person;
 - 3) availability of an entry visa, unless otherwise provided for by the legislation of Ukraine;
 - 4) confirmation of the purpose of the planned visit;
 - 5) availability of financial means sufficient for the period of planned stay and for return to the country of origin or transit to a third country, or the possibility to acquire sufficient financial means in the territory of Ukraine by legitimate methods (for citizens of states included in the list of states approved by the Cabinet of Ministers of Ukraine, and stateless persons permanently residing in states included in such list).
2. In case foreigners and stateless persons do not meet one or several conditions for entering Ukraine, they are denied permission to cross the state border in accordance with the Article 14 of the present Law.

Violation by the foreigner or stateless person of conditions for crossing the state border and entering Ukraine does not preclude considering the possibility of granting asylum or the status of refugee in Ukraine in accordance with the established procedure.

In case there are grounds of humanitarian character, national security interests protection or meeting the international obligations, the stateless person who does not meet one or several conditions for crossing the state border and entering Ukraine, the Head of the State Border Service of Ukraine or the acting Head may grant a permission to cross the state border.

3. Authorized officials of the State Border Service of Ukraine grant a foreigner or a stateless person the permission to cross the state border and leave Ukraine under the following conditions:
- 1) availability of a valid passport document;
 - 2) lack of a decision to deny departure from Ukraine made by an authorized state body of Ukraine in respect of said person.

Article 9. Border control for foreigners and stateless persons for entry to Ukraine

1. Border control of foreigners and stateless persons entering Ukraine is carried out in accordance with the procedures of the first line check and in some cases under the present Law it can also be carried out in accordance with the procedures of the second line check.

2. The procedure of the first line check must provide for the checking of:
 - 1) validity of the passport document and availability in it of the legally required permanent residence mark or visa;
 - 2) presence or absence in databases of the State Border Service of Ukraine of the information about the prohibition of entry to Ukraine or about the request from the law enforcement bodies concerning persons who cross the state border;
 - 3) marks indicating the crossing of the state border in the passport of the foreigner or stateless person to check the compliance of the foreigner or stateless person with requirements concerning the duration of presence in the territory of Ukraine.
3. The procedure of the second line check must be applied as a result of the analysis and assessment of risks during the implementation of the first line check procedure in case the authorized service person of the State Border Service of Ukraine has doubts as for the compliance of the foreigner or stateless person with conditions for entering Ukraine, and must be executed by the way of:
 - 1) verifying the places of departure and destination as well as the purpose and conditions of the intended visit, and conducting the checking of the relevant supporting documents and interviewing if necessary;
 - 2) verifying the availability of substantial financial means for the period of intended visit and for return to the state of origin or transit to the third state, or the possibility to receive substantial financial support from legitimate sources in the territory of Ukraine.

The procedure for confirmation of substantial financial means for presence in Ukraine, transit through the territory of Ukraine and departure from the country as well as their amount are established by the Cabinet of Ministers of Ukraine.
4. The procedure of the second line check can be carried out in a separate area of the state border crossing point.
5. Foreigners or stateless persons undergoing the procedure of the second line check must receive the information about the purpose of such check in Ukrainian and English languages or in the language of the country neighbouring Ukraine with indication of the right of the foreigner or stateless person to request the information on the last names and service personal numbers of the authorised service personnel of the State Border Service of Ukraine who carry out additional checks, the name of the state border crossing point and the date of the state border crossing.

Article 10. Border control for foreigners and stateless persons for departure from Ukraine

1. Border control for foreigner and stateless person for departure from Ukraine is carried out with the purpose of checking of:
 - 1) availability of a valid passport document;
 - 2) absence in databases of the State Border Service of Ukraine of the information about the prohibition of departure of this person from Ukraine or about the request from the law enforcement bodies concerning persons who cross the state border;
 - 3) meeting by this person of requirements for duration of the stay in Ukraine.

Article 11. Relaxation of border checks

1. Officials of the State Border Service of Ukraine may initiate the relaxation of border checks in case of the unforeseen intensification of traffic when the time of waiting in border crossing point becomes excessive and all staff, equipment and organisational measures of its reducing are exhausted.
2. Relaxation of border checks means temporary omission of some procedures of the border checking stipulated by part four Article 2 of this Law. In the meantime, passports and other valid documents or immigration cards of foreigners and stateless persons of all people crossing the state border must be stamped.
3. In case of the relaxation of border checks priority is given to the checking of persons, transport and cargoes entering Ukraine before the checking of those exiting from Ukraine.
4. Decision on the relaxation of border checks must be taken by the head of the border protection unit, which has the state border crossing point within its area of responsibility.
5. Relaxation of border checks must be temporary and introduced orderly with taking into account circumstances, which led to its introduction.

Article 12. The state border crossing stamp

1. The state border crossing stamp must be affixed in:
 - 1) passport documents of foreigners and stateless persons;
 - 2) immigration cards of foreigners and stateless persons in case their passport documents do not have pages for the state border crossing stamps;
 - 3) other documents in cases specified by the legislation.

2. Procedure for affixing the state border crossing stamps and their design must be established by the specially authorized central body of executive power in the area of protection of the state border of Ukraine.
3. The state border crossing stamp must not be affixed in:
 - 1) passport documents of Ukrainian citizens unless they personally request the stamp;
 - 2) passport documents of heads of state and senior foreign officials, whose arrival is officially announced in advance through diplomatic channels;
 - 3) travel documents of seamen present in the territory of Ukraine provided they are members of ship's crew and their ship is berthed at the port area;
 - 4) travel documents of crew and passengers of cruise ships, when border check is subject to procedure stipulated by Article 19 of this Law;
 - 5) pilot licenses or airplane crewmembers' identification documents (certificates);
 - 6) other travel documents in cases stipulated by the legislation.
4. The state border crossing stamp must not be affixed in passport documents of foreigners and stateless persons in case they personally request it. In such case, the state border crossing stamp must be affixed in the immigration card.

Article 13. Inspection of compliance of foreigners and stateless persons with rules and duration of staying in Ukraine

1. Absence of the state border crossing stamp about entering Ukraine in the passport document, or, in selected cases stipulated by the legislation, in other travel documents or immigration card of foreigner or stateless person during their stay in the territory of Ukraine will constitute the reason for inspection by the authorized law enforcement bodies of their compliance with the rules of staying in Ukraine.
2. In case of the absence of the state border crossing stamp about entering Ukraine in the passport document, or, in selected cases stipulated by the legislation, in other travel documents or immigration card of foreigner or stateless person during their stay in the territory of Ukraine, their compliance with rules and duration of staying in Ukraine must be proved by the way of submitting to the competent officials of law enforcement bodies of any document confirming the fact and date of crossing the state border and/or legality of the staying of foreigner or stateless person in the territory of Ukraine during the period in question, or in other legitimate way.

3. In case of compliance of the foreigner or stateless person with rules and duration of staying in Ukraine, he must receive the document confirming the legality of his staying in Ukraine design of which and procedure must be established by the specially authorized central body of executive power in the area of protection of the state border of Ukraine.
4. Foreigner or stateless persons who failed to confirm their compliance with rules and duration of staying in Ukraine must bear responsibility under the law.

Article 14. The procedure for denying permission to cross the state border to foreigners, stateless persons and citizens of Ukraine

1. Foreigner or stateless person who failed to confirm their compliance with one or more conditions for crossing the state border when entering or exiting from Ukraine and stipulated in parts one and three of the Article 8 of this Law, as well as the citizen of Ukraine who was refused in crossing the state border when exiting from Ukraine due to one of the reasons limiting his right to travel abroad stipulated in Article 6 of the Law of Ukraine 'On Procedure of departure from Ukraine and entering Ukraine by citizens of Ukraine' must be refused crossing the state border only on the basis of grounded decision of the authorized service person of the border protection unit with specifying of the reason for refusal. The authorized service person of the border protection unit must report about the taken decision to the head of the state border protection body. Such decision becomes valid immediately. Decision on refusal in crossing the state border must be issued in two copies. One copy of decision on refusal for crossing the state border is presented to the person, who confirms the receipt with his signatures on all copies. In case the person refuses to sign, the relevant form must be filled in.
2. Standard form of decision on refusal for crossing the state border must be established by the specially authorized central body of executive power in the area of protection of the state border.
3. Person refused entry must have the right to appeal either in accordance with the Law of Ukraine 'On applications of citizens' or in the court. Lodging such an appeal must not have effect of suspense on a decision to refuse entry. Where the appeal concludes that decision to refuse was ill-founded, it may be cancelled or changed by the head of the border protection body or cancelled and nullified by the court.
4. In case, foreigner or stateless person was refused crossing the state border when entering Ukraine his visa may be cancelled on the following grounds:
 - 1) decision by the competent authority of Ukraine to refuse entry;

2) there are serious grounds to believe that the visa was obtained in a fraudulent way. The failure of the foreigner or stateless person to produce, at the border of Ukraine, one or more of the supporting documents on the purpose and conditions of staying in Ukraine, must not lead to a decision to cancel the visa.

Cancellation of visa must be made by the authorized service person by the way of affixing to it the relevant stamp, the standard form of which must be established by the specially authorized central body of executive power in the area of protection of the state border. A note must be made about cancellation of visa in the decision on refusal for crossing the state border.

5. Where the foreigners or stateless persons who have been refused crossing the state border of Ukraine are brought to the border by a carrier, the authorized service person of the border protection unit must:

1) order the carrier to transport the foreigners or stateless persons to the location from which they were brought, or to the country which issued the passport document, or to find other means of transporting these persons outside the territory of Ukraine;

2) pending onward transportation of foreigners or stateless persons who have been refused crossing the state border of Ukraine, take appropriate measures to prevent them from entering illegally.

SECTION III. SPECIFICS OF BORDER CONTROL

Article 15. Border control at state border crossing points for road traffic

1. To ensure effective checks on persons, while ensuring the safety and smooth flow of road traffic, movements at border crossing points for road traffic must be regulated by the competent service persons of the State Border Service of Ukraine.
2. The head of the border protection body with consent of the head of customs body and, in necessary cases, with the heads of the other control bodies and services as well as the heads of the port or station at which the state border crossing is located must establish the separate lanes for movement across the border of persons and vehicles taking into account traffic and infrastructure conditions at the border crossing point.
3. Persons travelling in vehicles have the right to remain inside them during the border checks. Upon request by the competent service persons of the State Border Service of Ukraine, customs or other control services, persons may be requested to alight from their vehicles for the relevant checking procedure.

4. In the interests of safety of personnel of the State Border Service of Ukraine, checks must be carried out, as a rule, by two competent service persons of the State Border Service of Ukraine.
5. In the context of risk analysis the service persons of the State Border Service of Ukraine may require the carrier or his representative or the driver of the vehicle to provide, with the purpose of checks, access to the cargo compartments and other spaces in the vehicle's structure as well as to the shipment transported through the border. If the vehicle has been checked by the customs, such checks must be carried out with the consent of the customs body.
6. To reduce the time for border and other checks at the border crossing points there can be selective checks of vehicles.

Article 16. Border control at state border crossing points on rail traffic

1. Border control of trains crossing external borders must be carried out on the platform or in the specially designated structure of the railway station at the state border crossing point (checkpoint), or aboard the train during the scheduled stay (stop) at the state border crossing point, or in the carriages during the transit between railway stations.
2. During the border control procedures at the state border crossing points on rail traffic, checks must be carried out both on train passengers and on railway staff on trains crossing external borders, including those on cargo trains or empty trains.
3. In the context of risk analysis the service persons of the State Border Service of Ukraine may require conductor or railway staff to provide, with the purpose of checks, access to the cargo compartments and other spaces in the trains' and carriages' structures as well as to the shipment transported through the border.

Article 17. Border control at state border crossing points at international airports

1. Crossing of the state border by citizens of Ukraine, foreigners and stateless persons who travel by the air must be allowed at the airports (airdromes) open for international air traffic.
2. Border control must be conducted with respect to the aircraft of Ukrainian and foreign civil air companies, private aircraft and military transport aircraft that perform international flights as well as the persons and cargos inside them.
3. To ensure the border checks of persons crossing the state border at the state border crossing points, managers of the airports (airdromes) take necessary measures to channel the passenger flow and to prevent the penetration of unauthorized persons to reserved areas and spaces.

4. In cases the air traffic takes place at the airport (airdrome) where there is no state border crossing point (check-point) or at the airport (airdrome) where there is no regular international flights, as well as in case of landing of the aircraft at the airport closed for international air traffic due to force majeure or imminent danger, the airport (airdrome) operator must:

1) provide the transportation of the competent service persons of the State Border Service of Ukraine for them to carry out border checks;

2) create conditions for separation of the inflows of passengers from internal flights and passengers from international flights.

Border control at such airports (airdromes) must be carried out in accordance with procedures for the state border crossing points (checkpoints) at the international airports.

In such cases, the aircraft may continue its flight only after authorisation from the competent service persons of the state border protection unit.

5. Border control of the aircraft crossing the state border and making several stopovers at the airports (airdromes) in the territory of Ukraine must be carried out during:

Arrival – at the first airport (airdrome) of landing in Ukraine;

Departure – at the last airport (airdrome) of taking off in Ukraine.

6. During the boarding (disembarking) of the passengers and loading (delivery) of cargo in the aircraft making an international flight at the intermediary airport (airdrome) stopover, the passengers and load must be subjected to border control.

7. Passengers who have already passed the border control at the previous airports (airdromes) of departure must remain aboard the aircraft or must be transferred to the transit zone. Repeated border checks of such persons normally must not be carried out. Border control of such passengers, the crew and the aircraft must not be excluded in the context of risk analysis. Boarding of the passengers who do not travel outside of Ukrainian territory during the intermediary airport (airdrome) stopover of international flights is prohibited.

8. When departure of the aircraft is delayed, the transit passengers must wait for announcement of boarding at the waiting areas of the airports. In case there is an extensive delay of departure, the transit passengers must be offered lodging at the specially designated hotels for the period of up to 48 hours with permission and under control of the state border protection units.

9. Border checks of persons crossing the state border in private aircraft must be carried out aboard the aircraft or in passenger terminals.

Border checks aboard the other aircraft or at their gates, as well as checking of persons waiting in transit areas of the state border crossing points must be carried out with account of risk analysis results.

10. In case of private international flights, the captain must transmit to the competent service persons of the State Border Service of Ukraine, prior to the start of border checks, a general declaration and information concerning the passengers' identity in accordance with Annex 9 to the Convention on International Civil Aviation. Where private flights arriving and making stopovers in the territory of Ukraine, the border checks are carried out at the first and the last landings of such an aircraft. An entry stamp must be affixed to the general declaration and to the list of passengers.

Article 18. Border control at state border crossing points on maritime traffic

1. Border control of vessels is conducted at the state border crossing points at the ports of departure or arrival, aboard the ship or in the designated area close to the ship. Border control may also be carried out during the crossing or at the berth in the port.
2. Not later than four hours prior to arrival at the port ship's captain sends via telecommunication means or marine agent submits two copies of muster roll and the list of passengers aboard the ship to appropriate state border protection unit. In case of force majeure or imminent danger and the mentioned documents cannot be sent (submitted) in time, they must be sent to any state border protection unit or to the authorities of the sea (river) port who immediately submits the muster roll and the list of passengers to appropriate state border protection unit.
3. One copy of muster roll and one copy of the list of passengers aboard the ship signed by the competent person of the State Border Service of Ukraine with stamps of the state border crossing must be given back to ship's captain, who must produce it on request when in port.
4. The ship's captain or the marine agent must report to the state border protection unit promptly any changes to the composition of the crew or the number of passengers.
5. The ship's captain or the marine agent must notify the state border protection unit before the ship enters port (failing that, immediately after entering port), of the presence on board of stowaways. Stowaways will remain, however, under the responsibility of the ship's captain till the issue of their either disembarking, or leaving the territory of Ukraine is resolved.
6. The ship's captain or the marine agent must notify in advance, but not later than four hours before departure in accordance with the rules in force in the port concerned.

Article 19. Border control of cruise ships

1. Where the cruise ship comes from a port situated in a third country or departs from a port situated in the territory of Ukraine, crew and passengers must be subject to border checks in the port of arrival in the territory of Ukraine and in the port of departure from the territory of Ukraine.
2. Passengers of the cruise ship going ashore at a port situated in the territory of Ukraine must be subject to border checks only on the basis of the risks analysis.
3. To provide the carrying out of the border checks, the cruise ship's captain must send via telecommunication means or the marine agent must transmit to the respective state border protection unit the written information about the itinerary and the programme of cruise at least four hours before departure and arrival at each port in the territory of Ukraine.
4. The cruise ship's captain must send via telecommunication means, or the marine agent must transmit to the respective state border protection unit the muster roll and the list of passengers aboard the ship at least 24 hours before departure and arrival at each port in the territory of Ukraine, or immediately after boarding of the passengers at the previous port, when the journey to the next port lasts less than 24 hours.
5. At the first port of arrival and the last port of departure of cruise ship from the territory of Ukraine as well as after each modification in the muster roll and the list of passengers aboard the cruise ship, the stamp of the state border crossing must be affixed to these documents.
6. Where a cruise ship makes visits exclusively to the ports located in the territory of Ukraine, including with boarding and disembarking of passengers, the ship may enter the ports without the state border crossing points. Border checks in such cases must be carried out only on the basis of risk analysis.

Article 20. Border control of yachts

1. Where the yacht arrives from foreign country to a port with state border crossing point, or departs from a port the captain of yacht informs about it the port captain no later than two hours before arrival or departure. Port captain submits information about arrival or departure of yacht to the state border protection unit and customs.
2. Border control of a yacht and all persons aboard who arrived from a foreign country to a port located in the territory of Ukraine with state border crossing point, or depart from such a port to other country, must be made on the basis of risk analysis. During those checks, a document containing all the technical characteristics of the vessel and

the names of the persons aboard must be handed in to the competent service persons of the State Border Service of Ukraine. The document must be stamped after the border check is finished. A copy of that document is included among the ship's papers and must be given to the competent service persons of the State Border Service of Ukraine on their request.

3. The yacht arriving from foreign country may enter the port not designated as a state border crossing point, if the port captain allows and with consent of the state border protection unit, which has the nearest border crossing point within its area of responsibility and appropriate customs body. To receive such consent, the port captain must send in advance, but not later than two hours before arrival of yacht to the port, via telecommunication means, the list of passengers on board of yacht and the list of crew to the state border protection unit, which has the nearest border crossing point within its area of responsibility
4. In case of force majeure circumstances, a yacht arriving from another state can enter a port located in the territory of Ukraine in which the border checkpoint is not open without permission of the port captain, but with subsequent notifying of the captain about the arrival. The port captain must inform about the arrival of such yacht to the port the state border protection unit, which has the nearest border crossing point within its area of responsibility.

Article 21. Border control of fishing vessels

1. Border control of fishing vessels registered in a port situated in the territory of Ukraine and carrying out coastal fishing must be made only on the basis of risk analysis.
2. Border control of fishing vessels registered in a port situated in the territory of Ukraine and carrying out coastal fishing in Azov Sea and Black Sea without visiting the foreign ports may not be carried out during 30 days after the last border check. During this term, vessels may several times depart for fishing and arrive to their moorages (piers) and bases within locations of fishing factories and fishing ports to unload the catch, replenishment and necessary repairs. Command of such ships must have the seafarer's identity document while other crewmembers – identification documents.
3. Fishing vessels going fishing outside the territorial sea of Ukraine must be subjected to border, customs and other checks at the state border crossing point in accordance with procedure stipulated in Article 18 of this Law.
4. Foreign vessels, which carry out coastal fishing in the territorial sea of Ukraine, must be subjected to border checks in accordance with procedure stipulated in Article 18 of this Law.

5. Berth of the vessels mentioned in parts three and four of this Article near moorages (piers and bases) outside of the state border crossing points for unloading the catch and disembarking the people without consent of the state border protection unit and customs body is prohibited.

Article 22. Border control of international ferries

1. During border control of international ferries:
 - 1) in the state border crossing points in accordance with part six of Article 6 of this Law separate lanes must be established as well as directions for movement of people and vehicles in the quantity sufficient to provide for the fast carrying out of the border checks;
 - 2) checks on foot passengers must be carried out in separate lanes, in places and zones of control. Ferry passengers travelling by coach must be considered as foot passengers. Those passengers must alight from the coach for the checks;
 - 3) checks on vehicle drivers and passengers must be carried out while they are in the vehicle;
 - 4) checks on drivers of heavy cargo vehicles and any accompanying persons must be conducted while the occupants are in the vehicle and be organised separately from checks on the other passengers;
 - 5) on the basis of risk analysis and to detect illegal immigrants in particular, random searches must be made on the means of transport used by the passengers, and where applicable on the loads and other goods stowed in the means of transport;
 - 6) ferry crewmembers must be dealt with in the same way as commercial ship crewmembers.

Article 23. Specifics of border control of certain categories of people

1. Heads of states and members of delegations arriving together with them, whose arrival and departure has been officially announced through diplomatic channels, must be exempt from border checks.
2. Persons with diplomatic, official or service passports issued by foreign states acknowledged by Ukraine as well as persons that perform their duties according to authority granted by and with appropriate documents issued by international intergovernmental organizations may be given priority over other travellers at border crossing points. Those persons have no obligation to prove the financial means for staying in Ukraine.

If a person invokes privileges, immunities and exemptions, the competent service person of the State Border Service of Ukraine may require him or her to provide evidence of his or her status by producing the appropriate documents.

Accredited in the Ministry of Foreign Affairs members of diplomatic missions and of consular representations and their families may enter the territory of Ukraine on presentation of the passport document and accreditation cards.

3. Border checks of pilots and other crew members of aircraft performing international flights must be carried out by the way of checking a pilot's licence or a crew member certificate as provided for in Annex 9 to the Civil Aviation Convention without affixing stamp of the state border crossing. These persons must not be subjected to requirements regarding conditions of the state border crossing by foreigners and stateless persons in case of them entering Ukraine as stipulated by part one of Article 8 of this Law.

Pilots and other crewmembers of aircraft performing international flights, when they carry out their duties on the basis of a pilot's licence or a crewmember certificate, with consent of the competent service persons of the State Border Service of Ukraine have the right:

- 1) board and disembark in the stopover airport or the airport of arrival situated in the territory of Ukraine;
- 2) enter the territory of the municipality of the stopover airport or the airport of arrival situated in the territory of Ukraine;
- 3) move, by any means of transport, to an airport situated in the territory of Ukraine in order to board an aircraft departing Ukraine from that same airport.

Where the persons finish carrying out duties of aircraft crews, they must be subjected to border control in accordance with procedures stipulated by this Law.

Wherever possible, priority will be given to border checks of aircraft crews, so they will be checked either before passengers or at special locations set aside for the purpose.

4. Crewmembers of marine vessels holding a seafarer's identity document on condition that they appear on the muster roll may be authorized to enter into the territory of Ukraine by going ashore to stay in the area of the port where their ships call or in the adjacent municipalities without stamp of the state border crossing.
5. Border checks of cross-border workers and other categories of people that cross the state border regularly, but no less than once a week, must be carried out in accordance with procedures stipulated by Articles 7-14 of this Law. Cross-border workers and other categories of people who frequently cross the border at the same border crossing point and who have not been revealed by an initial check to be the subject for refusal of the state border crossing must be subject only to random checks to ensure that

they hold a valid passport document, while foreigners and stateless persons must be checked regarding conditions of the state border crossing. Second line checks procedures must be applied to such foreigners and stateless persons in the context of risk analysis results without warning and at irregular intervals.

6. Border checks of citizens of Ukraine under 16 years of age must be carried out in accordance with procedures stipulated by this Law, and with taking into account of requirements of the part three Article 313 of the Civic Code of Ukraine.

Competent officials of the State Border Service of Ukraine must carry out border checks of minors under 16 years crossing in the same volume as adults.

In the case of accompanied minor under 16 years of age, especially where minor is accompanied by only one adult and there are serious grounds for suspecting that minor is unlawfully crossing the border, the competent official of the State Border Service of Ukraine must carry out thorough investigation in order to detect any inconsistencies or contradictions in the information given.

Article 24. Registration of the passport documents of foreigners and stateless persons at the state border crossing points

Registration of the passport documents of foreigners and stateless persons at the state border crossing points is conducted in accordance with procedures established by the Cabinet of Ministers of Ukraine.

SECTION IV. COOPERATION ON THE ISSUES OF BORDER CONTROL

Article 25. Cooperation of the state power bodies of Ukraine during the state border crossing by persons, vehicles and cargoes at the state border crossing points.

1. Activity of the state power bodies, which carry out various types of control during the state border crossing by persons, vehicles and cargoes, or take part in providing border regime and regimen at the state border crossing points, must be coordinated by the bodies of the state border protection.
2. Cooperation of the control bodies and services, general order and sequence of carrying out of all types of control at the state border crossing point is stipulated by the technological chart of the crossing by persons, vehicles and cargoes.

Technological chart of the state border crossing by persons, vehicles and cargoes must be approved for each state border crossing point by the head of the body of the state border protection with consent of the head of customs body and the heads of control bodies and services, as well as enterprises hosting the state border crossing point in their territory.

Standard technological chart of the state border crossing by persons, vehicles and cargoes at the state border crossing points for automobile, air, marine (river), ferry and rail traffic must be established by the Cabinet of Ministers of Ukraine.

3. The state and local authorities within the scope of their competence must support the State Border Service of Ukraine in carrying out the border control.
4. The State Border Service of Ukraine must cooperate with border guards of other states, including through exchange of liaison officers, creation of consultative points and using other forms of cooperation as provided by the international treaties of Ukraine.

Article 26. Joint border control with neighbouring states

1. Joint control of crossing of the state border by persons, vehicles and cargoes can be carried out at the state border through cooperation of the state bodies of Ukraine and corresponding bodies of the neighbouring countries. The purpose, sequence of procedures and volume of joint control must be established by international treaty.
2. Joint border control can be carried out in the territory of Ukraine or outside of its borders.

SECTION V. FINAL PROVISIONS

1. This Law enters into force from the date of its publication..
2. Amendments must be introduced to the following Laws:
 - 1) in the Law of Ukraine 'On the State Border of Ukraine' (Bulletin of the Verkhovna Rada of Ukraine, 1992, No 2, p.5; 2003, No 27, p.209):
 - a) to supplement paragraph two of Article 9 with the words 'as well as outside of the border crossing paragraph in cases, stipulated by the legislation';
 - b) in Articles 12 and 26 the words 'and other property' must be excluded;
 - 2) in the Law of Ukraine 'On the State Border Guard Service of Ukraine' (Bulletin of the Verkhovna Rada, 2003, No 27, p.208, No 45, p.357; 2007, No 33, p.442; 2009, No 10-11, p.137):
 - a) in paragraph three of the first paragraph of Article 2, second and fourth paragraphs of Article 10, clause 6 of Article 19, clauses 8 and 33 of the first paragraph of Article 20 the words 'and other property' must be excluded;
 - b) in Article 19:
 - in Section 8 the words 'entry in Ukraine or departure from Ukraine by persons' must be substituted by the words 'crossing the state border of Ukraine by persons';

- in clause 13 the words 'by the State Customs Service and Ministry of Transportation of Ukraine' must be substituted with the words 'by customs bodies and the heads of enterprises hosting the state border crossing points in their territory';

c) in the first paragraph of Article 20:

- in clause 4 the words 'entry in Ukraine or departure from Ukraine by persons' must be substituted by the words 'crossing the state border of Ukraine by persons';
- in clause 8 the words 'entry in Ukraine or departure from Ukraine by persons' must be substituted by the words 'crossing the state border of Ukraine by persons';
- supplement clause 46 with the following words:

'46) in accordance with procedure established by the international treaties of Ukraine carry out joint border control and other measures of the state border protection on the territory of neighbouring states';

d) Article 23 after paragraph four must be supplemented with two new paragraphs to the following effect:

'To prevent corruption the military servicemen and employees of the State Border Service of Ukraine when carrying out border checks shall be prohibited from:

- 1) accepting any subjects (items) from any persons and passing subjects (items) to anybody, unless the opposite is stipulated by the legislation of Ukraine;
- 2) providing information about persons, vehicles or cargoes passing through the state border to anybody, unless the opposite is stipulated by the law;
- 3) giving advantages in passing through the state border to persons, vehicles or cargos;
- 4) having any personal communication devices, which do not belong to the property of the State Border Service of Ukraine and do not belong to the standard equipment of the border shift;
- 5) having while on duty the money in excess of the amount established by the specially authorized central body of executive power in the area of protection of the state border of Ukraine.

These individuals are obliged on demand by their direct superiors, or officials or service persons of the internal security units to allow the inspection of their compliance with the said limitations'.

In this regard, paragraphs five-seven must be considered paragraphs seven-nine accordingly;

e) Article 24 after paragraph two must be supplemented with the new paragraph to the following effect:

'Apprehending, detaining and arrest, and consequent search including the personal search and the search of belongings of the military serviceman or employee of the State Border Service of Ukraine during their border control service shift must be carried out after the end of their shift or after their substitution by the other military servicemen or employees of the State Border Service of Ukraine, and in case of the urgent need to do the above – only in the presence of the representative of the state border protection body'.

In this regard paragraphs three-five must be considered paragraphs four-six accordingly.

3. The Cabinet of Ministers of Ukraine within six-month term from the date of this Law coming into force is obliged to:
 - 1) bring its normative-legal acts in conformity with this Law;
 - 2) ensure the adoption of normative-legal acts, which follow from this Law;
 - 3) ensure revision and cancelling by the ministries and other central executive bodies of normative-legal acts contradicting this Law.

President of Ukraine V. YUSHCHENKO
Kyiv, November 5, 2009,
No 1710-VI

Law of Ukraine ‘On Introducing Amendments to the Law of Ukraine ‘On Legal Framework for Civil Protection’

(Bulletin of the Verkhovna Rada of Ukraine, 2009, No 15, p. 188)

The Verkhovna Rada of Ukraine decrees:

I. INTRODUCE THE FOLLOWING AMENDMENTS TO THE LAW OF UKRAINE ‘ON LEGAL FRAMEWORK FOR CIVIL PROTECTION’ (BULLETIN OF THE VERKHOVNA RADA, 2004, No 39, p.488; NoNo 17-19, p. 267; 2006, No 51, p. 519; 2007, No 33, p. 442; 2008, NoNo 5-8, p. 78):

1. Article 28 section one:

- in the second paragraph, insert ‘and technotronic security’; after the second paragraph, insert new paragraph reading: ‘Supervisory Government Authority for Fire Safety’.

Thereby, the third and fourth paragraphs shall respectively be considered the fourth and fifth paragraphs.

2. Article 29 shall be put in the following wording:

‘Article 29. Central Supervisory Government Authority for Civil Protection and Technotronic Security in the structure of the central executive agency with special authority in the sphere of civil protection.

1. Acting in the structure of and subordinate to the Central Supervisory Government Authority for Civil Protection and Technotronic Security shall be Regional/Local supervisory government authorities for civil protection and technotronic security in the Autonomous Republic of Crimea, Regions, the Cities of Kyiv and Sevastopol, Districts, Cities and City Districts.
2. Provisions of territorial supervisory government authorities for civil protection and technotronic security are subject to approval by the head of the central executive agency with special authority in the sphere of civil protection.
3. The head of the central executive agency with special authority in the sphere of civil protection and technotronic security, senior deputy Head and deputy Heads shall be respectively the ex-officio Inspector General for Civil Protection and Technotronic Security of Ukraine, senior deputy Inspector General for Civil Protection and Technotronic Security of Ukraine and deputy Inspectors General for Civil Protection and Technotronic Security of Ukraine.
4. Subdivision Chiefs of the Central Supervisory Government Authority for Civil Protection and Technotronic Security and respective deputy Chiefs shall be the ex-officio

senior state inspectors for civil protection and technotronic security. Other officials of the Supervisory Government Authority for Civil Protection and Technotronic Security shall be state inspectors for civil protection and technotronic security.

5. Heads of Regional/Local supervisory government authorities for civil protection and technotronic security and respective deputy Heads shall be, respectively, the ex-officio Inspectors General for civil protection and technotronic security and deputy Inspectors General for civil protection and technotronic security in the Autonomous Republic of Crimea, Regions, the Cities of Kyiv and Sevastopol, Districts, Cities and City Districts. Other officials of Regional/Local supervisory government authorities for civil protection and technotronic security shall be State inspectors for civil protection and technotronic security'.

3. In Article 30:

1) In the Article title, the first paragraphs in sections one and two, sections three and four, the words 'in the structure of the Central Supervisory Government Authority for Civil Protection' shall be substituted for 'and technotronic security and its regional/local branch authorities'.

2) In section one:

In clause 1:

- the first paragraph '1) in the field of technotronic security' shall be deleted;
- the third paragraph shall be put in the following wording:
- 'suspend the operation of enterprises, installations, individual production facilities, workshops and manufacturing sites; the operation of the machinery, mechanisms, equipment and transportation vehicles; suspend performance of work pending rectification of the breaches of legislation on civil protection and technotronic security which may be threatening human life or health';
- in the fifteenth paragraph, add 'and suspend the operation of emergency services that do not hold proper licenses';
- after the fifteenth paragraph, add new paragraph reading:
- 'conduct inspections of national and regional/local Executive authorities, local government bodies, enterprises, agencies and organizations – regardless of their ownership status – for compliance with legislation on civil protection and technotronic security'.

Thereby, the sixteenth paragraph shall be considered the seventeenth paragraph; clause 2 shall be deleted.

4. Insert Articles 30-1 and 30-2:

'Article 30-1. Special measures for rectifying breaches of legislation on civil protection and technotronic security

1. Officials of the Supervisory Government Authority for Civil Protection and Technotronic Security and its Regional/Local branches as specified in Article 29 sections three, four and five of this Law, operating within the scope of their authorized functions, shall issue orders and instructions to ensure proper compliance and enforcement, and to rectify breaches of legislation on civil protection and technotronic security in the event of/if:
 - the absence or immaturity, or failure to comply with duty instructions, regulations and other organizational-administrative documents regulating civil protection and technotronic security measures;
 - failure to conduct employee training for handling emergency situations and emergencies pursuant to legally prescribed procedures;
 - the absence or inadequacy, or failure to implement preplanned measures aimed to ensure that employees are duly protected from hazardous effects of natural or man-made disasters;
 - failure to identify potentially hazardous or highly hazardous installations;
 - failure to conduct certification of potentially hazardous or highly hazardous installations;
 - the absence of safety declaration for a highly hazardous installation;
 - the absence at industrial enterprises operating with hazardous substances of certificates (technical passports) of equipment, the machinery and apparatus, or of a system ensuring their uninterrupted (accident-free) operation;
 - the absence, inadequacy or non-conformity to properly endorsed nomenclature and the amount of facility-dependent material reserves that are legally required to be in place for dealing with the effects of emergency events;
 - non-conformity of the available amount of industrial Respiratory Protective Equipment (RPE) for work with and around hazardous chemical substances to established RPE allowance standards for facility employees; inadequate operating condition or the absence of herein before mentioned equipment at a facility; or improper compliance with RPE storage procedures;
 - non-availability or inadequate operating condition of radiation/chemical protective equipment used by individuals carrying out maintenance of potentially hazardous or highly hazardous installations, as well as by individuals mentioned as actors in emergency localization and emergency relief plans;

- improper compliance with hazardous substances handling rules;
 - the absence of an emergency localization/relief plan for a potentially hazardous or highly hazardous installation; the absence of special accident prevention protection measures required by the emergency localization/relief plan;
 - the absence at a potentially hazardous or highly hazardous installation of properly operating local emergency alarm/warning system and an emergency public warning system to alert the population resident in the area of potential exposure, as well as the facility employees;
 - the absence at a potentially hazardous or highly hazardous installation of a monitoring service, or if the service is unfit to perform its duties, particularly through the absence of related documentation, instruments, equipment or individual protective gear;
 - nonavailability of emergency-relief machinery and equipment designed for the provision of security for facilities, emergency localization and emergency consequence management;
 - persons in charge of the maintenance of potentially hazardous or highly hazardous installations, or persons mentioned as actors in emergency localization/emergency relief plans are unfit to perform their duties regarding accident prevention and emergency consequence management;
 - the absence at a potentially hazardous or highly hazardous installation of an agreement on continuous mandatory service by Government emergency services as required by applicable legislation;
 - failure to comply with regulations for pipeline transportation and carriage of hazardous substances by transportation modes;
 - performance of construction works for buildings or installations, or the mounting of other commercial facilities, engineering service lines or transportation lines without due compliance with legally prescribed procedures; or if performance of such works may be threatening security of population, facilities, equipment or property at herein mentioned sites; detection of other violations as identified by civil protection and technotronic security legislation;
2. In the event of detection of the violation as specified in section one of this Article, and if the violation may be threatening human life or health, the Inspector General for Civil Protection and Technotronic Security of Ukraine, senior deputy Inspector General and deputy Inspectors General, Inspectors General for civil protection and technotronic security in the Autonomous Republic of Crimea, Regions, the Cities of Kyiv and Sevastopol, Districts, Cities and City Districts, and respective deputy Inspectors General

shall have the authority to suspend the operation of enterprises, installations, individual production facilities, workshops and manufacturing sites; the operation of the machinery, mechanisms, equipment and transportation vehicles; to suspend performance of work pending rectification of the detected violations.

3. The Inspector General for Civil Protection and Technotronic Security of Ukraine, senior deputy Inspector General and deputy Inspectors General, Inspectors General for civil protection and technotronic security in the Autonomous Republic of Crimea, Regions, the Cities of Kyiv and Sevastopol, Districts, Cities and City Districts, and respective Inspectors General, operating within the scope of their authorized functions, shall – by way of issuing relevant orders and instructions – apply special measures necessary to ensure rectification of the violations of legislation on civil protection and technotronic security as specified in section two of this Article.

Article 30-2. The Supervisory Government Authority for Fire Safety in the structure of the central executive agency with special authority in the sphere of civil protection.

1. Acting in the structure of and subordinate to the Supervisory Government Authority for Fire Safety are regional/local supervisory government authorities for fire safety in the Autonomous Republic of Crimea, Regions, the Cities of Kyiv and Sevastopol, Districts, Cities and City Districts.
2. Provisions of regional/local supervisory government authorities for fire safety are subject to approval by the head of the central executive agency with special authority in the sphere of civil protection.
3. The Head of the Supervisory Government Authority for Fire Safety, senior deputy Head and deputy Heads shall be, respectively, the ex-officio Fire Safety Inspector General of Ukraine, senior deputy Fire Safety Inspector General and deputy Fire Safety Inspectors General.
4. Subdivision Chiefs of the Central Supervisory Government Authority for Fire Safety and subdivision deputy Chiefs shall be the ex-officio senior state fire safety inspectors. Other officials of the Supervisory Government Authority for Fire Safety shall be state fire safety inspectors.
5. Heads of territorial supervisory government authorities for fire safety and respective deputy Heads shall be, respectively, the ex-officio Fire Safety Inspectors General and deputy Fire Safety Inspectors General in the Autonomous Republic of Crimea, Regions, the Cities of Kyiv and Sevastopol, Districts, Cities and City Districts. Other officials of Regional/Local supervisory government authorities for fire safety shall be state fire safety inspectors.

6. Officials of the Supervisory Government Authority for Fire Safety and its Regional/Local branch authorities shall execute the powers of state fire prevention as specified by the Law of Ukraine on Fire Safety.
7. In the text of Article 38, after the words 'in the field of civil protection' add 'and technotronic security'.
8. In section one Article 40, after the words 'Supervisory Government Authority for Civil Protection' insert 'and Technotronic Security, the Supervisory Government Authority for Fire Safety'.

I. FINAL PROVISIONS

1. This Law enters into force from the date of its official publication.
2. The Cabinet of Ministers of Ukraine shall, within six months since official publication of this Law:
 - draw up draft proposals on amending the Laws of Ukraine affected by this Law and submit them to the Verkhovna Rada for consideration;
 - issue regulatory legal acts in pursuance of this Law;
 - adjust its regulatory legal acts to this Law;
 - ensure that national and regional/local Government bodies shall bring their regulatory legal acts in line with this Law.

President of Ukraine V.YUSHCHENKO
Kyiv, September 24, 2008
No 588-VI

**Law of Ukraine 'On Ratification of the Council of Europe
Convention of Action against Trafficking of Human Beings'**
(Bulletin of the Verkhovna Rada of Ukraine, 2011, No 5, p. 31)

The Verkhovna Rada of Ukraine decrees:

To ratify the Council of Europe Convention of Action against Trafficking of Human Beings which was opened for signature in Warsaw on May 16, 2005 (attached to this Law) and shall become effective for Ukraine on the first day of the month following the end of the three-month period since the date of deposit of ratification instrument by Ukraine.

President of Ukraine V.YANUKOVYCH
Kyiv, September 21, 2010
No 2530-VI

Law of Ukraine 'On Introducing Amendments to Selected Laws of Ukraine Regarding Law Enforcement Agency Leaders Informing the Public about the Law Enforcement Situation and Measures being Taken for its Improvement'

(Bulletin of the Verkhovna Rada of Ukraine, 2010, No 37, p. 497)

The Verkhovna Rada of Ukraine decrees:

I. TO INTRODUCE AMENDMENTS TO THE FOLLOWING LAWS OF UKRAINE:

1. Article 7 section thirteen of the Law of Ukraine 'On the Militia' (Bulletin of the UkSSR Verkhovna Rada, 1991, No 4, p.20; No 26, p.216) shall be put in the following wording:

'Deputy Minister of the Interior – the Head of the Ministry of the Interior's Central Directorate of the Interior in the Autonomous Republic of Crimea, heads of chief departments and the Ministry of the Interior's branch departments in Regions and Cities, as well as heads of City and District departments (directorates) of the interior shall – during open-door plenary sessions of respective legislative councils, which mass media representatives shall be invited to attend – inform the population of respective administrative-territorial entities on at least a biannual basis about crime control and public order situations as well as the results of activity in their respective territorial entities.'

2. In the Law of Ukraine 'On the Procuracy' (Bulletin of the Verkhovna Rada, 1991, No 53, p. 793 with subsequent amendments), add Article 51-1 reading:

'Article 51-1. Informing the public on the law enforcement situation and measures being taken for its improvement

Public prosecutors of the Autonomous Republic of Crimea, Regions, the Cities of Kyiv and Sevastopol, cities, districts and city districts, as well as inter-district public prosecutors and other public prosecutors – during open-door plenary sessions of respective legislative councils, which mass media representatives shall be invited to attend – shall inform the population of their respective administrative-territorial entities on at least a biannual basis about crime control and public order situations as well as the results of activity in their respective territorial entities.'

3. In the Law of Ukraine 'On Local Self-government in Ukraine' (Bulletin of the Verkhovna Rada, 1997, No 24, p. 170 with subsequent amendments):

- 1) Article 26 section one clause 40 shall be put in the following wording:

'40) the hearing of reports by public prosecutors and law enforcement agency leaders about law enforcement, crime control and public order situations, and the results of activity in their respective territorial entities';

2) In Article 43 section one, insert clause 36 reading:

'36) the hearing of reports by public prosecutors and law enforcement agency leaders about law enforcement, crime control and public order situations, and the results of activity in their respective territorial entities.'

II. THIS LAW BECOMES EFFECTIVE FROM THE DATE OF ITS OFFICIAL PUBLICATION.

President of Ukraine V. YANUKOVYCH

Kyiv, July 1, 2010

No 2389-VI

Law of Ukraine 'On Introducing Amendments to Selected Legislative Acts of Ukraine Regarding Activity of the State Service of Ukraine for Special Communications and Information Security' (Bulletin of the Verkhovna Rada of Ukraine, 2009, No 32-33, p. 485)

The Verkhovna Rada of Ukraine decrees:

I. TO INTRODUCE AMENDMENTS TO SELECTED ACTS OF LEGISLATION OF UKRAINE:

1. In the eighth paragraph, Article 45 section one and sixth paragraph, Article 125 of the UkSSR's Housing Code (UkSSR's The Verkhovna Rada Bulletin, 1983, Supplement to No 28, p. 573) add the words 'and rank and file personnel and senior officers of the State Service of Ukraine for Special Communications and Information Security'.

2. In the Administrative Violations Code of Ukraine (Bulletin of the UkSSR Verkhovna Rada, 1984, Supplement to No 51, p. 1122):

1) In the first sentence, Article 15 section one, after the words 'law enforcement agencies' add 'and State Service of Ukraine for Special Communications and Information Security';

2) Add Article 188-31 reading:

'Article 188-31. Failure to comply with legitimate demands by officials of the State Service of Ukraine for Special Communications and Information Security

Failure to comply with legitimate demands by officials of the State Service of Ukraine for Special Communications and Information Security regarding the rectification of violations of legislation on crypto-graphic and technical protection of Government-owned information or limited-access information that is subject to protection by law, or of legislation regulating the provision of digital signature services, as well as the creation of obstacles to the officials performing their assigned duties – carry penalties of from 50 to 100 untaxed basic salaries for responsible officials.

Re-occurrence of similar violations during 12 months since the imposition of an administrative penalty, carries penalties of from 100 to 150 untaxed basic salaries for responsible officials';

3) in the first paragraph, Article 212-2 section one clause 9, the words 'integrity of this information or its leakage through technical channels' shall be substituted for 'its confidentiality, integrity and availability';

4) in Article 221, after '188-28' insert '188-31';

- 5) in Article 255 section one clause 1, in the paragraph reading 'bodies of the State Service of Ukraine for Special Communications and Information Security (Article 164 (insofar as it relates to infringements of law in the area of business activities subject to licensing by this Service), Article 212-2 section one clause 9)' after '212-2' insert 'and Article 188-31'.
3. In Article 57 section two of the Criminal Code of Ukraine (Bulletin of the Verkhovna Rada, 2001, No 25-26, p. 131), after the words 'armed forces personnel' add 'rank and file personnel and senior officers of the State Service of Ukraine for Special Communications and Information Security'.
 4. In Article 1 clause 3 sub-clause 'd' of the Law of Ukraine on Employment of Population (The Verkhovna Rada of the UkSSR Bulletin, 1991, No14, p. 170; Bulletin of the Verkhovna Rada, 1993, No 2, p. 3; 2001, No 9, p. 38; 2003, No 27, p. 209), after the words 'pursuant to legislation of Ukraine' add 'the State Service of Ukraine for Special Communications and Information Security'.
 5. In Article 4 section two of the Law of Ukraine 'On Associations of Citizens' (Bulletin of the Verkhovna Rada, 1992, No 34, P.504; 2001, No 9, p. 38; 2003, No 27, p. 209; 2006, No 26, p. 215), after the words 'State Special Transportation Service' add 'the State Service of Ukraine for Special Communications and Information Security'.
 6. In the second paragraph of Article 5 section two clause 'a' of the Law of Ukraine 'On Government Property Privatization' (Bulletin of the Verkhovna Rada, 1997, No 17, p. 122; 1999, No 51, p. 453; 2000, No 41, p. 341; 2001, No 9, p. 38; 2003, No 27, p. 209; 2005, No 34, p. 433; 2007, No 13, p. 132), after the words 'the State Border Protection Service of Ukraine' add 'and the State Service of Ukraine for Special Communications and Information Security'.
 7. In Article 30 of the Law of Ukraine 'On Local Self-government in Ukraine' (Bulletin of the Verkhovna Rada, 1997, No 24, p. 170, 2003, No 45, p. 360):
 - in clause 'a', add sub-clause 14 reading:
'14) facilitating activities by the State Service of Ukraine for Special Communications and Information Security;
 - in clause 'b', add sub-clause 11 reading:
11) legitimate settlement of issues related to the provision of the State Service of Ukraine for Special Communications and Information Security with service accommodations, dwelling places, other facilities and utility and housing maintenance services; monitoring their usage and the provision of the services'.
 8. Article 5 clause 1 of the Law of Ukraine 'On the Status and Social Protection of Armed Forces Veterans, Law Enforcement Veterans and some other Persons' (Bulletin of the

Verkhovna Rada, 1998, No 40-41, p. 249; 2001, No 24, p. 127; 2008, No 5-8, p. 78) shall be put in the following wording:

'1) who had served with excellence with the Armed Forces, law enforcement agencies, State Fire Service, Civil Protection organizations/ units and the State Service for Special Communications and Information Security during 25+ calendar years or 30+ years calculated on preferential terms (including at least 20 years of service in calendar calculation) and had been transferred to the Reserve or retired in accordance with laws of Ukraine, the former USSR or CIS states.'

9. In the eighth paragraph, Article 7 of the Law of Ukraine 'On State Awards' (Bulletin of the Verkhovna Rada, 2000, No 21, p. 162; 2003, No 24, p. 157; 2006, No 26, p. 215; 2008, No 24, p. 231, No 42-43, p. 293), after the words 'State Special Transportation Service' insert 'rank and file personnel and senior officers of the State Service of Ukraine for Special Communications and Information Security'.

10. In the first sentence in Article 4 section two of the Law of Ukraine 'On Government Assistance to Families with Children' (Bulletin of the Verkhovna Rada, 2001, No 20, p. 102; 2003, No 27, p. 209; 2006, No 14, p. 116, No 26, p. 215), insert 'and the State Service of Ukraine for Special Communications and Information Security'.

11. In Article 10 section three of the Law of Ukraine 'On Information Security in Information-Telecommunication Systems' (Bulletin of the Verkhovna Rada, 2005, No 26, p. 347; 2009, No 24, p. 296), insert new paragraph reading:

'carries out measures regarding detection of threats to Government information resources which may come from unauthorized actions in information, telecommunication or information-telecommunication systems, and provides counsel on prevention of the threats'.

12. In the Law of Ukraine on the State Service of Ukraine for Special Communications and Information Security ((Bulletin of the Verkhovna Rada, 2006, No 30, p. 258; 2009, No 24, p. 296):

1) in Article 1 section two, after the words 'National Confidential Communications System' insert 'information (automated) system', 'telecommunication system'.

2) in Article 5 section four, the words 'central executive agency with special authority in the sphere of information security' shall be substituted for 'central executive agency with special authority in the sphere of organizing special communications and information security';

3) in Article 10 section nine, insert 'and shall be treated as pensionable service';

4) in Article 12 section one clause 1, the words 'or, on agreement with the Security Service of Ukraine, to the Security Service Reserve (with registration with military authorities)' shall be deleted;

5) In Article 16 section one:

- in clause 14, the words 'critical and hazardous technologies' shall be deleted;
- clause 17 shall be put in the following wording:

'17) legitimate issue and registration of a license for start-up of business activity in the area of cryptographic and technical protection of information, the establishment of procedures for licensing institutions of government to perform technical information protection works for internal requirements, the issue of relevant licenses, and monitoring the enforcement of license requirements and performance of works for internal requirements';

- in clause 20, the words 'for assessment' shall be substituted for 'regarding counter technical intelligence support; carrying out assessments';
- in clause 23, after the words 'Ukraine's diplomatic institutions', add 'places of permanent and temporary stay of the President of Ukraine, the Chairman of the Verkhovna Rada of Ukraine and the Prime Minister of Ukraine';
- insert clauses 31-34 reading:

'31) reaching agreements on international transfers of crypto-graphic systems and crypto-graphic/technical information protection equipment (particularly those used as component parts of weapons systems, military hardware or speciality equipment);

32) the issue of compliance certificates for integrated information protection systems and telecommunication/information-telecommunication systems used in processing Government-owned information or limited-access information that is subject to protection by law; or certificates of compliance with regulatory instructions regarding technical protection of information;

33) exercising – pursuant to procedures established by the Cabinet of Ministers of Ukraine – Government control over compliance with requirements regarding operating condition of integrated information protection systems that underwent a State examination and were certified as compliant;

34) the establishment of procedures for exercising Government control over compliance with legal instructions regarding the provision of digital signature services, as well as control of protection status of Government-owned cryptographic and technical information or limited-access information that is subject to protection by law; or exercising such control during international expert teams carrying out inspections in Ukraine in conformity with Ukraine's obligations under applicable international agreements';

6) in Article 17 section one, add clauses 19-22 reading:

'19) carry out scheduled as well as unscheduled inspections of compliance with license requirements regarding enterprises', agencies' and organizations' performance of busi-

ness activity in the area of cryptographic/technical protection of information, as well as institutions of government's performance of technical information protection works for internal requirements;

20) suspend or annul pursuant to legally prescribed procedures compliance certificates for integrated information protection systems in information, telecommunication or information/telecommunication systems;

21) carry out scheduled as well as unscheduled inspections of the national certification authority, certification centres and key certification centres with respect to compliance with legal instructions concerning the provision of digital signature services;

22) take legal recourse to resolve emerging disputes over issues pertaining to organizing special communications and information protection, crypto-graphic/technical protection of Government-owned information or limited-access information that is subject to protection by law, disputes concerning the provision of digital signature services, as well as to resolve other disputes according to legally prescribed procedures';

7) in Article 22:

The Article title shall be put in the following wording:

'Article 22. Medical Support and Provision of Health-Resort Treatment for Personnel Staff of the State Service of Ukraine for Special Communications and Information Security';

After section one add new section reading:

'2. Medical care for family members of rank and file personnel and senior officers resident in localities where the state or municipal healthcare institutions are not there, as well as for the State Service of Ukraine for Special Communications and Information Security' veterans shall be provided on terms and pursuant to procedures established in section one of this Article for rank and file personnel and senior officers of the State Service of Ukraine for Special Communications and Information Security'.

Thereby, sections two and three shall respectively be considered sections three and four.

8) in the text of the Law, the words 'information-telecommunication system' in all of the grammatical cases, whether single or plural, shall be substituted for 'information, telecommunication and information-telecommunication system' using the appropriate case and number.

II. THIS LAW BECOMES EFFECTIVE FROM THE DATE OF ITS OFFICIAL PUBLICATION.

President of Ukraine V.YUSHCHENKO

Kyiv, March 19, 2009

No 1180-VI

Law of Ukraine 'On Introducing Amendments to Selected Legislative Acts of Ukraine Regarding the State Special Transportation Service'

(Bulletin of the Verkhovna Rada of Ukraine, 2009, No 41, p. 600)

The Verkhovna Rada of Ukraine decrees:

I. TO INTRODUCE AMENDMENTS TO THE LEGISLATIVE ACTS OF UKRAINE AS FOLLOW:

1. In Article 101 of the Criminal Procedure Code of Ukraine, insert clause 9 reading:

'9) unit leaders of the State Special Transportation Service – in criminal proceedings concerning offences committed by their subordinate military servicemen or obligated reservists during reserve duty training, as well as offences committed by State Special Transportation Service employees in connection with the discharge of their functions or while being at Home Stations of respective State Special Transportation Service units.'

1. The first sentence in Article 15 Section Four of the Administrative Violations Code of Ukraine (UkSSR's The Verkhovna Rada Bulletin, 1984, Supplement to No 51, p. 1122) after the words 'other State Military organizations established pursuant to the legislation of Ukraine' add 'and the State Special Transportation Service'.

2. In Article 401 section two of the Criminal Procedure Code of Ukraine (Bulletin of the Verkhovna Rada, 2001, No 25-26, p. 131), after the words 'pursuant to the legislation of Ukraine' add 'State Special Transportation Service'.

3. In Article 15 of the Law of Ukraine 'On Procedures for Compensation of Damages Caused to Citizens as a Result of Illicit Acts by Agencies of the Inquiry, Pre-Trial Investigation and Procuracy' (Bulletin of the Verkhovna Rada, 1995, No 1, p. 1; 2001, No 9, p. 38; 2003, No 27, p. 209; 2004, No 6, p. 66), after the words 'the legislation of Ukraine', add 'State Special Transportation Service'.

4. In the Armed Forces Disciplinary Regulations enacted by the Law of Ukraine 'On the Armed Forces Disciplinary Regulations' (Bulletin of the Verkhovna Rada, 1999, No 22-23, 197; 2001, No 9, p. 38; 2002, No 2, p. 6; 2003, No 27, p. 209; 2005, No 3, p.76):

1) In Preamble section four, insert 'State Special Transportation Service';

2) In Article 12 sections one and three and Article 74, the words 'Commanders-in-Chief of the Ukrainian Armed Forces' Armed Services' in all the grammatical cases

and numbers shall be substituted for 'Commander-in-Chief of the Ukrainian Armed Forces Armed Service' using the appropriate case and number.

6. In the Armed Forces Internal Service Regulations enacted by the Law of Ukraine 'On the Ukrainian Armed Forces Internal Service Regulations' (Bulletin of the Verkhovna Rada, 1999, No 22-23, p. 194; 2001, No 9, p. 38; 2003, No 27, p. 209; 2005, No 3, p. 76):

- 1) In Preamble section four, insert 'the State Special Transportation Service';

- 2) In Article 334, the word 'Commanders-in Chief' shall be substituted for 'Commanders'.

7. In the Ukrainian Armed Forces Garrison and Guard Services Regulations enacted by the Law of Ukraine 'On the Ukrainian Armed Forces Garrison and Guard Services Regulations' (Bulletin of the Verkhovna Rada, 1999, No 22-23, p. 196; 2005, No 3, p. 76);

- 1) in Preamble section three, insert 'the State Special Transportation Service';

- 2) in Article 7 section two and Article 8 section five, the words 'Commander-in-Chief' in all the grammatical cases and numbers shall be substituted for 'Commander' in the appropriate case;

- 3) in Article 10, the words 'Commander-in-Chief' shall be substituted for 'Commanders'.

8. In Preamble section four of the Ukrainian Armed Forces Drill Regulations enacted the Law of Ukraine 'On the Ukrainian Armed Forces Drill Regulations' (Bulletin of the Verkhovna Rada, 1999, No 22-23, p. 195; 2001, No 9, p. 38, 2003, No 27, p. 209) insert 'On the State Special Transportation Service'.

9. in the Law of Ukraine 'On the State Special Transportation Service' (Bulletin of the Verkhovna Rada, 2004, No 19, p. 269; 2006, No 22, p. 1999):

- 1) in Article 8, after the eighth paragraph, insert new paragraph reading:

- 'appoints agencies to be in charge of exercising Government oversight of workplace security for individuals doing military service with the State Special Transportation Service Staff, combined detachments, detachments, autonomous detachments, security units, support agencies, training centres, organizations, agencies and enterprises affiliated to the State Special Transportation Service'.

Thereby, the ninth paragraph shall be considered the tenth paragraph;

- 2) in Article 9, insert section two reading:

'The head of the Central Executive Authority in charge of transportation during peacetime shall exercise the Minister of Defence' disciplinary authority over subordinate military servicemen to the extent as stipulated by the Armed Forces Disciplinary Regulations;

3) In Article 11 section one, insert new provision reading: 'The Head of the State Special Transportation Service Staff shall exercise the Armed Service Commander's disciplinary authority over subordinate military servicemen to the extent as stipulated by the Ukrainian Armed Forces Disciplinary Regulations.'

II. THIS LAW BECOMES EFFECTIVE SINCE THE DATE OF ITS OFFICIAL PUBLICATION.

President of Ukraine V. YUSHCHENKO
Kyiv, June 2, 2009
No 1414-VI

Law of Ukraine 'On Introducing Amendments and Invalidating Selected Legislative Acts of Ukraine Regarding Ukraine's State Criminal Law Enforcement Service Activities'

(Bulletin of the Verkhovna Rada of Ukraine, 2009, No 37-37, p. 511)

(With amendments introduced by Law N 2487-VI of 10.07.2010, VRB, 2010, N 35-36, p. 491)

The Verkhovna Rada of Ukraine decrees:

I. TO INTRODUCE AMENDMENTS TO LEGISLATIVE ACTS OF UKRAINE AS FOLLOW:

1. In the Criminal Procedure Code of Ukraine:

1) in Article 101 clause 5, the words 'occupational therapy rehabilitation centres' shall be deleted;

2) in Article 408-3 section one, the words 'criminal law enforcement system agency' shall be substituted for 'criminal law enforcement inspectorate'.

2. Article 37 of the Labour Law Code of Ukraine (UKSSR's The Verkhovna Rada Bulletin, 1971, Supplement to No 50, p. 375) shall be deleted.

3. In the Administrative Violations Code of Ukraine (UKSSR's The Verkhovna Rada Bulletin, 1984, Supplement to No 51, p. 1122):

1) in the first sentence of Article 15 section one, after the words 'rank and file personnel and senior officers' insert 'of the State Criminal Law Enforcement Service';

2) in the Article title and the first paragraph of Article 188, the words 'or occupational therapy rehabilitation centres' shall be deleted;

3) in Article 255 section one clause 1:

- in the second paragraph, the figures '186-5-188' shall be substituted for '186-5-187';
- insert new paragraph reading:
- 'correctional institutions/agencies and pre-trial detention facilities (Article 188)';

4) In Article 262 section two, insert clause 6 reading:

'6) officials of correctional institutions/agencies and pre-trial detention facilities should there be cases of unauthorized (without due previous examination) parcel delivery to persons detained in pre-trial detention facilities or correctional institutions, or attempted delivery by whatever means of alcoholic beverages, medications or other intoxicating substances as well as other prohibited articles to the herein mentioned persons';

- 5) In Article 264 sections one and three, after the words 'of the interior', add 'correctional institutions/agencies and pre-trial detention facilities';
 - 6) in Article 322 section one, the words 'State Department of Corrections agency' shall be substituted for 'central executive authority for corrections affairs'.
4. In the Criminal Code of Ukraine (Bulletin of the Verkhovna Rada, 2001, No 25-26, p. 131):
- 1) in Article 63 section one, insert 'closed-type';
 - 2) in Article 76:
 - in section one clauses 2, 3 and 4, the words 'agency of the criminal law enforcement system' in all the grammatical cases, in the single or plural, shall be substituted for 'criminal law enforcement inspectorate' in the appropriate cases and numbers;
 - in section two, the words 'correctional agencies' shall be substituted for 'criminal law enforcement inspectorate';
 - 3) in Article 79 section three and Article 83 section three, the words 'criminal law enforcement system agency' in all the grammatical cases, in the single or plural, shall be substituted for 'criminal law enforcement inspectorate' in the appropriate cases and numbers;
 - 4) in the Article titles and texts of Articles 391 and 392, the words 'correctional institution' in all the grammatical cases, whether single or plural, shall be substituted for 'penal institution' in the appropriate case and number.
5. In the Civil Code of Ukraine (Bulletin of the Verkhovna Rada, 2003, N 40-44, p. 356):
- 1) the third paragraph in Article 245 section three shall be put in the following wording:

'Power of Attorney given by a person detained in a penal institution or pre-trial detention facility can be certified by chief officers at respective penal institution or pre-trial detention facility';
 - 2) in Article 1252:

section five shall be put in the following wording:
'The Last Will and Testament of a person detained in a penal institution can be certified by the chief officer in charge of the respective institution';

In Section Six, the words 'under arrest' shall be substituted for 'in a pre-trial detention facility'.

6. In the second sentence in Article 157 section two of the Criminal Law Enforcement Code of Ukraine (Bulletin of the Verkhovna Rada, 2004, No 3-4, p. 21), the words 'sustaining operational expenses and maintenance of the criminal law enforcement system' shall be substituted for 'expenditure allocations for the State Criminal Law Enforcement Service'.
7. In the Law of Ukraine 'On the Militia' (UkSSR's The Verkhovna Rada Bulletin, 1991, No 4, p. 20; Bulletin of the Verkhovna Rada, 1992, No 36, p. 526; 1999, No 4, p. 35; 2003, No 29, p. 233; No 30, p. 247; 2004, No 10, p. 95; 2005, No 10, p. 187; 2007, No 15, p. 194):

1) in Article 9 section one:

- in the first sentence, the words 'rank and file personnel and senior officers of the criminal law enforcement system' shall be deleted;
- the second sentence shall be put in the following wording: 'The herein mentioned persons, as well as military cadets, trainees, adjuncts and other certified employees, including instructional staff members of the Ministry of the Interior's education institutions, are eligible for the rights and responsibilities as well as legal/social protection guarantees and responsibilities applicable to the Militia personnel';

2) the ninth paragraph of Article 11 section one clause 5 shall be deleted.

8. In the Law of Ukraine 'On Detective-Investigative Activity' (Bulletin of the Verkhovna Rada, 1992, No 22, p. 303; 1993, No 11, p. 83; 1998, No 26, p. 149; 1999, No 4, p. 35; 2000, No 10, p. 79; 2001, No 14, p. 79; 2001, No 14, p. 72; 2002, No 33, p. 236; 2003, No 27, p. 209; No 30, p. 247; 2005, No 25, p. 335; 2006, No 14, p. 116):

1) in Article 3, after the words 'the State Border Protection Service', add 'the State Criminal Law Enforcement Service';

2) the eighth paragraph in Article 5 section one shall be put in the following wording:

'penal agencies/institutions and pre-trial detention facilities of the State Criminal Law Enforcement Service';

3) in Article 9:

- in the second sentence of section one and third sentence of section three, after the words 'a penal institution', add 'or pre-trial detention facility';
- in sections two and eight, the words 'the State Department of Corrections' in all the grammatical cases shall be substituted for 'Central Executive Authority for corrections affairs' in the appropriate case.

9. In the Law of Ukraine 'On the Ministry of the Interior's Internal Security Forces' (Bulletin of the Verkhovna Rada, 1992, No 29, p. 397; 1995, No 42, p. 304; 1999, No 4, p. 35; 2000, No 10, p. 79; 2001, No 9, p. 38; 2005, No 11, p. 198; 2006, No 51, p. 519):
- 1) in Article 1, the words 'security of penal institutions and occupational therapy rehabilitation centres' shall be deleted;
 - 2) in Article 2 section one:
 - in the second paragraph, the words 'penalty institutions and occupational therapy rehabilitation centres' shall be deleted;
 - the eighth paragraph shall be deleted;
 - 3) in Article 7 section one, the words 'penal institutions' shall be deleted;
 - 4) in the fourth paragraph, Article 9 section one, after the words 'penal institutions', add 'and pre-trial detention facilities';
 - 5) Article 13 section three shall be deleted.
10. In the fourth paragraph, Article 22 of the Law of Ukraine 'On Pension Benefits for Retired Armed Force Personnel and Some Other Persons' (Bulletin of the Verkhovna Rada, 1992, No 29, p. 399; 1995, No 44, p. 327; 2004, No 50, p. 536; 2008, No 5-8, p. 78), after the words 'law enforcement agencies', add 'of the State Criminal Law Enforcement Service of Ukraine'.
11. In Article 5 clause 3 sub-clause 'e' of the Law of Ukraine 'On Institutional-Legal Framework for Organized Crime Control' (Bulletin of the Verkhovna Rada, 1993, No 35, p. 358; 1999, No 4, p. 35; 2002, No 33, p. 236; 2003, No 27, p. 209; 2006, No 14, p. 116), add 'and pre-trial detention facilities'.
12. In the Law of Ukraine 'On Pre-trial Detention' (Bulletin of the Verkhovna Rada, 1993, No 35, p. 360; 1999, No 4, p. 35; 2002, No 33, p. 236; 2003, No 15, p. 109; No 29, p. 233; 2005, No 10, p. 187; No 11, p. 198):
- 1) in Article 4 section one, the words 'the State Department of Corrections' shall be substituted for 'the State Criminal Law Enforcement Service of Ukraine';
 - 2) in the tenth paragraph, Article 8 section two, after the words 'justice', insert 'the State Criminal Law Enforcement Service of Ukraine';
 - 3) in Article 18 section five and Article 19 section one, after the words 'and Kyiv Region', insert 'the City of Sevastopol';
 - 4) in Article 21 section one, the words 'criminal Law enforcement system' shall be substituted for 'the State Criminal Law Enforcement Service of Ukraine';

5) in the text of the Law, the words ‘the State Criminal Law Enforcement Service of Ukraine’ in all the grammatical cases shall be substituted for ‘central executive authority for corrections affairs’ in the appropriate case.

13. In Article 40 of the Law of Ukraine ‘On Notaries’ (Bulletin of the Verkhovna Rada, 1993, No 39, p. 383; 2009, No 13, p. 161, No 29, p. 392):

section one clauses 5 and 6 shall be put in the following wording:

‘5) The Last Will and Testaments of persons detained in penal institutions are certified by chief officers in charge of respective institutions;

6) The Last Will and Testaments of persons detained in pre-trial detention facilities are certified by chief officers in charge of respective pre-trial detention facilities;

section two clause 3 shall be put in the following wording:

‘3) Power of Attorney given by persons detained in penal institutions or pre-trial detention facilities are certified by chief officers in charge of respective institutions or pre-trial detention facilities.’

14. In Article 17-1 of the Law of Ukraine ‘On the Status and Guarantees of Social Protection of War Veterans’ (Bulletin of the Verkhovna Rada, 1993, No 45, p. 425; 2003, No 45, p. 359):

- in section two, the words ‘the criminal law enforcement system of Ukraine’ shall be substituted for ‘the State Criminal Law Enforcement Service of Ukraine’;
- in section three, the words ‘serving their sentences in places of deprivation of freedom or detained in occupational therapy and rehabilitation centres’ and ‘institutions of the criminal law enforcement system’ shall be substituted for ‘detained in penal institutions and pre-trial detention facilities.’

15. In the Law of Ukraine ‘On Government Protection for the Court and Law Enforcement Personnel’ (Bulletin of the Verkhovna Rada, 1994, No 11, p. 50; 1999, No 4, p. 35; 2002, No 33, p. 236; 2003, No 29, p. 233; 2004, No 22, p. 314; 2006, No 14, p. 116):

1) in the first paragraph, Article 2 clause 1, after the words ‘penal institutions’; add ‘pre-trial detention facilities, investigative authorities’;

2) in Article 4, after the words ‘Military Law Enforcement Service in the Armed Forces of Ukraine’; insert ‘on the State Criminal Law Enforcement Service of Ukraine’;

3) in Article 14 clause ‘a’, the words ‘penal agencies/institutions’ shall be substituted for ‘personnel of penal agencies/institutions and pre-trial detention facilities.’

16. In the Law of Ukraine ‘On Providing Security for Persons Involved in Criminal Judicial Proceedings’ (Bulletin of the Verkhovna Rada, 1994, No 11, p. 51; 2003, No 16, p. 124; 2005, No 11, p. 198):

1) in Article 3 section three:

- in the first paragraph, second sentence, the words 'penal agencies/institutions' shall be substituted for 'penal agencies/institutions and pre-trial detention centres';
- the third paragraph shall be put in the following wording:

'The provision of security for the persons detained in penal institutions or pre-trial detention facilities shall be carried out by relevant units of the respective penal institution or pre-trial detention facility';

2) in Article 19:

- in the Article title and the first paragraph, section one, the words 'in places of deprivation of freedom' shall be substituted for 'in penal institutions or pre-trial detention facilities';
- in section one clause 'a', the words 'other place of deprivation of freedom' shall be substituted for 'other penal institution or pre-trial detention facility';
- in section two, after the word 'type', insert 'of penal institution';

3) in Article 28 section one, the words 'the State Department of Corrections' shall be substituted for 'the central executive authority for corrections affairs'.

17. In Article 15 of the Law of Ukraine 'On Procedures for Compensation of Damages Caused to Citizens as a Result of Illicit Acts by Agencies of the Inquiry, Pre-Trial Investigation and Procuracy' (Bulletin of the Verkhovna Rada, 1995, No 1, p. 1; 2001, No 9, p. 38; 2003, No 27, p. 209), after the words 'law enforcement agencies of Ukraine', insert 'and the State Criminal Law Enforcement Service of Ukraine'.

18. In the seventh paragraph, Article 1 section one, the Article title and Article 10 section one of the Law of Ukraine 'On Agencies and Services for Children's Affairs and Special Institutions for Children' (Bulletin of the Verkhovna Rada, 1995, No 6, p. 35; 1999, No 4, p. 35; 2005, No 11, p. 198; 2007, No 15, p. 194), the words 'the State Department of Corrections' shall be substituted for 'the State Criminal Law Enforcement Service of Ukraine'.

19. In Article 1 section two of the Law of Ukraine 'On Public Appeals' (Bulletin of the Verkhovna Rada, 1996, No 47, p. 256), after the words 'and national security', insert 'as well as rank and file personnel and senior officers of the State Criminal Law Enforcement Service of Ukraine'.

20. The third paragraph, Article 5 section two clause 'd' of the Law of Ukraine on Government Property Privatization (Bulletin of the Verkhovna Rada, 1997, No 17, p. 122; 1999, No 51, p. 453) shall be put in the following wording:

- 'property of the State Criminal Law Enforcement Service of Ukraine'.

21. In the sixth paragraph, Article 5 clause 5.1 sub-clause 5.1.10 of the Law of Ukraine 'On Value Added Tax' (Bulletin of the Verkhovna Rada, 1997, No 21, p.156, No 51, p. 305), the words 'special squads at penitentiary system facilities' shall be substituted for 'persons detained in penal institutions or pre-trial detention facilities'.
22. In Article 38 section one clause 'a' sub-clause 2 of the Law of Ukraine 'On Local Self-government in Ukraine' (Bulletin of the Verkhovna Rada, 1997, No 24, p. 170), the words 'Public Defender's Office' shall be substituted for 'Public Defender's Office and the State Criminal Law Enforcement Service of Ukraine'.
23. Article 2 clause 2.4 of the Law of Ukraine 'On Company Income Taxation' (Bulletin of the Verkhovna Rada, 1997, No 27, p.181; 1999, No 4, p. 35; 2005, No 11, p. 198) shall be put in the following wording:

'2.4. Penal institutions and their affiliated enterprises, as well as pre-trial detention facilities, where convicted and detained persons are doing community work pursuant to the Criminal Law Enforcement Code of Ukraine and the Law of Ukraine 'On Pre-trial Detention', shall devote the revenues generated by the activities as specified by the Central Executive Authority for Corrections Affairs to financing business operations by respective institutions and enterprises, with the revenues to be properly accounted for in their respective budgets approved by the Central Executive Authority for Corrections Affairs'.
24. In the text of the Law of Ukraine 'On the Status and Social Protection of Armed Forces Veterans, Law Enforcement Veterans and some other Persons' (Bulletin of the Verkhovna Rada, 1998, No 40-41, p. 249), after the words 'State Fire Service veteran' in the grammatical cases and numbers, insert 'the State Criminal Law Enforcement Service veteran' in the appropriate case and number; after the words 'State Fire Service, insert 'the State Criminal Law Enforcement Service'.
25. In Article 73 section two clause 3 of the Law of Ukraine 'On Court Enforcement Proceedings' (Bulletin of the Verkhovna Rada, 1999, No 24, p. 207; the words 'and from law enforcement agencies' shall be substituted for 'service in law enforcement agencies and the State Criminal Law Enforcement Service of Ukraine'.
26. In Article 3 section two of the Law of Ukraine 'On Trade Unions, their Rights and Guarantees of Activity' (Bulletin of the Verkhovna Rada, 1999, N 45, p. 397; 2006, N 14, p. 116; after the words 'law enforcement agencies', insert 'the State Criminal Law Enforcement Service of Ukraine'.
27. In the Law of Ukraine 'On the Overall Structure and Numerical Strength of the Criminal Law Enforcement System of Ukraine' (Bulletin of the Verkhovna Rada, 2000, No 20, p. 151; 2003, No 15, p. 108; 2005, No 11, p. 198):

- 1) The Law title shall be put in the following wording:
'On the Numerical Strength of the Criminal Law Enforcement Service of Ukraine';
 - 2) Article 1 shall be deleted;
 - 3) In Article 2, the words 'and occupational therapy rehabilitation centres' shall be deleted.
28. In the fourteenth paragraph, Article 6; Article 11 section two and Article 12 section four of the Law of Ukraine 'On Protection of Population against Infectious Diseases' (Bulletin of the Verkhovna Rada, 2000, No 29, p. 228), after the words 'of the interior', insert 'of corrections'.
29. In Article 20 section six of the Law of Ukraine 'On the Status of the Ukrainian People's Deputy' (Bulletin of the Verkhovna Rada, 2001, No 42, p. 212; 2006, No 22, p. 180; 2007, No 7-8, p. 66; 2008, No 5-8, p. 78):
- in the first sentence, the first paragraph, after the words 'penalty [institutions]' insert 'and pre-trial detention facilities';
 - in the third paragraph, after the words 'law enforcement agencies', insert 'and the State Criminal Law Enforcement Service of Ukraine'.
30. In the first sentence, Article 4 section two of the Law of Ukraine 'On Government Assistance to Families with Children' (Bulletin of the Verkhovna Rada, 2001, No 20, p. 102; 2003, No 27, p. 209; 2006, No 14, p. 116, No 26, p. 215; 2009, No 32-33, p. 485), insert 'and the State Criminal Law Enforcement Service of Ukraine'.
31. In Article 6 section three of the Law of Ukraine 'On Political Parties in Ukraine' (Bulletin of the Verkhovna Rada, 2001, No 23, p. 118; 2005, No 34, p. 437), insert clause 7 reading:
'7) Personnel of the State Criminal Law Enforcement Service of Ukraine'.
32. In the Law of Ukraine 'On Tuberculosis Control' (Bulletin of the Verkhovna Rada, 2001, No 49, p. 258; 2005, No 11, p. 198, No 13, p. 232; 2009, No 38, p. 535):
- 1) in the second paragraph, Article 1, the words 'institutions of the criminal law enforcement system' shall be substituted for 'penal institutions and pre-trial detention facilities';
 - 2) in the fourth and fifth paragraphs, section three, and in the second sentence, Article 8 section six, the words 'serving their sentences in institutions of the criminal law enforcement system' and 'from institutions of the criminal law enforcement system' shall respectively be substituted for 'detained in penal institutions and pre-trial detention centres' and 'from penal institutions and pre-trial detention centres';

3) in Article 15 section three, the words 'in institutions of the criminal law enforcement system' shall be substituted for 'in penal institutions and pre-trial detention centres';

4) in Article 17:

- in the Article title, the words 'in institutions of the criminal law enforcement system' shall be substituted for 'in penal institutions and pre-trial detention centres';
- in the second sentence, section one, the words 'criminal law enforcement system' shall be substituted for 'the State Criminal Law Enforcement Service of Ukraine';
- in the first sentence, section two, the words 'criminal law enforcement system institution reports' shall be substituted for 'penal institution or pre-trial detention facility report';

5) in Article 24 section two, the words 'in an institution of the criminal law enforcement system' and 'sustain operational expenses and maintenance of this system' shall respectively be substituted for 'in institutions of the criminal law enforcement system and pre-trial detention facilities' and 'expenditure allocation for the State Criminal Law Enforcement Service of Ukraine'.

33. In the Law of Ukraine 'On Burial and the Funeral Business' (Bulletin of the Verkhovna Rada, 2004, No 7, p. 47):

1) in the title and the text of Article 15, the words 'criminal law enforcement system' shall be substituted for 'the State Criminal Law Enforcement Service of Ukraine';

2) Article 18 shall be put in the following wording:

Article 18. Burial of persons who died while being detained in penal institutions or pre-trial detention facilities

The Burial of persons, who died while being detained in penal institutions or pre-trial detention facilities, as well as arrested persons, who died while being detained in pre-trial detention facilities, shall be carried out under this Law at the expense of the institution where the deceased was detained, or at the expense of the deceased person's executor, or at the expense of the person who voluntarily undertakes to bury the deceased as appropriate'.

34. In Article 5 section six of the Law of Ukraine 'On Counterterrorism' (Bulletin of the Verkhovna Rada, 2003, No 37, p. 308; 2004, No 52, p. 564; 2009, No 24, p. 296):

1) in Article 4 clause 4.3 sub-clause 4.3.1 paragraph 'a', after the words 'law enforcement agencies', insert 'the State Criminal Law Enforcement Service of Ukraine';

- 2) in Article 9 clause 9.7 sub-clause 9.7.4 paragraph 'd', the words 'a penitentiary institution' and 'places of the deprivation of freedom' shall respectively be substituted for 'pre-trial detention facility or penal institution' and 'penal institutions';
- 3) in Article 22:
- in clause 22.7, after the words 'law enforcement agencies', insert 'the State Criminal Law Enforcement Service of Ukraine';
 - in the second paragraph, clause 22.1 sub-clause 'b', after the words 'law enforcement agencies', insert 'the State Criminal Law Enforcement Service of Ukraine'.
36. In the Law of Ukraine 'On the Election of the President of Ukraine' (Bulletin of the Verkhovna Rada, 2004, No 20-21, p. 291):
- 1) in the second sentence, Article 66 section two, after the words 'the Security Service of Ukraine', insert 'rank and file personnel and senior officers of the State Criminal Law Enforcement Service of Ukraine';
 - 2) in the second sentence, Article 69 section one, after the words 'the Security Service of Ukraine', insert 'rank and file personnel and senior officers of the State Criminal Law Enforcement Service of Ukraine';
 - 3) in the text of the Law, the words 'institutions of the criminal law enforcement system' in all the grammatical cases shall be substituted for 'penal institutions and pre-trial detention facilities' in the appropriate cases.
37. In the Law of Ukraine 'On the Election of the Ukrainian People's Deputies' (Bulletin of the Verkhovna Rada, 2005, No 38-39, p. 449) the words 'an institution of the criminal law enforcement system' in all the grammatical cases and numbers shall be substituted for 'a penal institution and pre-trial detention facility' in the appropriate case and number.
- (Part I clause 38 ceased to be in force under Law N 2487-VI of 10.07.2010)
39. In the Law of Ukraine 'On the State Criminal Law Enforcement Service of Ukraine' (Bulletin of the Verkhovna Rada, 2005, No 30, p. 409):
- 1) in Article 6 section three, the word 'employees' shall be substituted for 'personnel';
 - 2) in the firsts sentence, Article 7 section one, the words 'the President of Ukraine' shall be substituted for 'the Cabinet of Ministers of Ukraine';
 - 3) the first sentence, Article 8 section two, shall be put in the following wording:
 - '2. The head of the Central Executive Authority for Corrections Affairs shall be appointed to office and dismissed from it by the Cabinet of Ministers of Ukraine by a move from the Prime Minister of Ukraine';

4) Part VIII clause 3 'Final provisions' shall be deleted.

40. In Article 37 of the Law of Ukraine 'On Military Duty and Military Service' (Bulletin of the Verkhovna Rada, 2006, No 38, p. 324):

- in the fifth paragraph, section one clause 2, the words 'the Department of Corrections' shall be substituted for 'the State Criminal Law Enforcement Service of Ukraine';
- in the third paragraph, section five clause 2, insert 'and the State Criminal Law Enforcement Service of Ukraine'.

I. THE FOLLOWING SHALL BE CONSIDERED TO HAVE LOST FORCE:

Resolution of the UkSSR Verkhovna Rada Presidium of August 17, 1966 on Compulsory Treatment and Labor Re-education of Chronic Alcoholics (Bulletin of the UkSSR Verkhovna Rada, 1966, No 32, p. 196)

Law of the UkSSR on Enacting the Resolution of the UkSSR Verkhovna Rada Presidium of August 17, 1966 on Compulsory Treatment and Labor-Re-education of Heavy Drinkers (Bulletin of the UkSSR Verkhovna Rada, 1966, No 50, p. 308);

Article 4 clause 'e' of the Resolution of the UkSSR Verkhovna Rada Presidium of March 29, 1973 on Introducing Additions and Amendments to Selected Acts of Legislation of the UkSSR (Bulletin of the UkSSR Verkhovna Rada, 1973, No 15, p. 110);

Resolution of the UkSSR Verkhovna Rada Presidium of September 5, 1975, on Introducing Additions and Amendments to the Law of the UkSSR concerning health care, Resolutions of the UkSSR Verkhovna Rada Presidium of August 17, 1966 on Compulsory Treatment and Labor Re-education of Chronic Alcoholics and of June 22, 1972 on Measures to Intensify the Fight Against Alcohol Abuse, as well as to the Provisions of Burlaw Courts of the UkSSR (Bulletin of the UkSSR Verkhovna Rada, 1975, No 37, p. 419);

The Law of the UkSSR of December 12, 1975 on Enacting the Resolution of the UkSSR Verkhovna Rada Presidium under which additions and amendments were introduced to the applicable legislation of the UkSSR (Bulletin of the Verkhovna Rada of the UkSSR, 1975, No 51, P. 556) as it pertains to enacting the Resolutions of the UkSSR Verkhovna Rada Presidium of August 17, 1966 on Compulsory Treatment and Labor Re-education of Chronic Alcoholics and of June 22, 1972 On Measures to Intensify the Fight Against Alcohol Abuse;

Part III Article 1 of the Resolution of the UkSSR Verkhovna Rada Presidium of November 16, 1982 on Introducing Amendments and Additions to the Criminal Code and Other Legal Acts of the UkSSR (Bulletin of the Verkhovna Rada of the UkSSR, 1982, No 48, p. 774);

Article 3 of the Resolution of the UkSSR Verkhovna Rada Presidium of August 1, 1985 on Introducing Amendments and Additions to Selected Legal Acts of the UkSSR (Bulletin of the Verkhovna Rada of the UkSSR, 1985, No 33, p. 787);

Part I of the Resolution of the UkSSR Verkhovna Rada Presidium of January 28, 1991 on Introducing Amendments and Additions to Selected Legal Acts of the UkSSR (Bulletin of the Verkhovna Rada of the UkSSR, 1991, No 8, p. 56).

II. FINAL PROVISIONS

1. This Law becomes effective from the date of its official publication.
2. The Cabinet of Ministers of Ukraine shall, within three months since the entry into force of this Law:
 - adjust its regulatory legal acts to this Law;
 - ensure that Cabinet Ministries and other central executive authorities shall amend their respective regulatory legal acts which this Law affects;
 - ensure the settlement, as appropriate, of matters within their competencies concerning the scrapping of occupational therapy rehabilitation centres which operated within the Criminal Law Enforcement Service of Ukraine.

President of Ukraine V.YUSHCHENKO
Kyiv, April 14, 2009
No 1254-VI

Part VII

The Legislative Framework for the Participation of Ukraine in International Peacekeeping Activities, Military and Military-Technical Cooperation

Law of Ukraine ‘On Introducing Amendments to the Law of Ukraine ‘On State Control over International Military Transfers and Dual-use Goods’

(Bulletin of the Verkhovna Rada of Ukraine, 2011, No 6, p.46)

The Verkhovna Rada of Ukraine decrees:

1. To introduce amendments to the Law of Ukraine ‘On State Control over International Military Transfers and Dual Use Goods’ (Bulletin of the Verkhovna Rada, 2003, No 23, p. 148) as follow:
 - 1) In Article 1:
 - in the second paragraph, the words ‘in case of involvement of entities engaged in international transfers of goods’ shall be deleted;
 - in the twenty-second paragraph, the words ‘works and’ shall be deleted; after the word ‘services’, insert ‘(technical assistance)’;
 - after the twenty-second paragraph, insert new paragraph reading:
 - ‘services (technical assistance) designated for military and civilian purposes – the provision of foreign-State legal entities or aliens in/outside Ukraine with technical

support services relating to repairs, design/development, production, operation, assembly, testing, modification, upgrading, maintenance in good running order, including designer/warranty supervision, or any other maintenance of systems, equipment and related components, software and technologies whereof are subjected to State export control. The services (technical assistance) can be provided in the form of instruction, advanced vocational training, teaching, consultations or practical mastering of operating methods, and can include transfers of technical information’.

- Thereby, paragraphs from 23 to 40 shall respectively be considered paragraphs 24-41;
 - In the first sentence, paragraphs 30 and 31, the words ‘entities engaged in international transfers of goods’ shall be deleted;
 - in paragraph 32, after the words ‘entity engaged in international transfers of goods’, insert ‘or entities specified in Article 15 section three of this Law’;
 - in paragraph 41, the words ‘entrepreneurial entity’ shall be substituted for ‘consumer’;
- 2) In Article 2:
- in section one, the words ‘performed pursuant to legally prescribed procedures by entities engaged in international transfers of goods’ shall be deleted;
 - section two shall be put in the wording as follows:

‘This Law extends to:

- movements of goods in connection with measures being taken by military units, law enforcement agencies, agencies and units in charge of civil protection in or outside Ukraine, or by foreign-State military units in Ukraine in accordance with the international agreements of Ukraine, which provide for special export control procedures to be applied to movements of herein-before mentioned goods;
- international transfers of gas-pellet, sports and hunting weapons, non-lethal traumatic weapons and other weapons to which regulatory approval procedures apply with respect to circulation of the herein-before mentioned goods as well as components, cartridges and munitions for the herein-before mentioned weapons;
- international transfers of special assets for riot control applications as per List approved by the Cabinet of Ministers of Ukraine;
- movement outside/inside Ukraine, in pursuance of its international obligations, of work-issued or service weapons during the discharge of official duties by rank and file personnel and senior officers of law enforcement agencies, military servicemen

and other individuals entitled by Ukrainian laws to keep and carry those weapons;

3) in Article 8, insert 'and types of their international transfers';

4) in the first paragraph, Article 10 clause two, after the word 'export', insert 'import';

5) in Article 11:

- in section one, the words 'entities engaged in international transfers of goods' shall be deleted;
- after section one, insert new section reading:
- the executive agency with special authority to enforce state export controls is empowered to receive from central executive authorities, other Government authorities, agencies and organizations reports concerning matters falling under their respective competencies, as well as to engage the herein mentioned authorities, agencies and organizations on expert evaluations'.

Thereby, sections two, three and four shall respectively be considered sections three, four and five.

In section three:

- In the eighth paragraph, the words 'entities engaged in international transfers of goods' shall be deleted; the words 'violations committed by those entities' shall be substituted for 'violation fact-finding';
- in the ninth paragraph, the words 'violations committed by such entities' shall be substituted for 'violation fact-finding';
- the twelfth paragraph shall be put in the wording as follows:
- 'determining whether those goods can be qualified as 'classified information mediums'; determining classification level of those mediums';

6) in Article 12:

- in the third sentence, section one, after the words 'to specific States', insert 'depending on type of goods, types of international transfers of those goods, etc.';
- after section one, insert three new sections reading:

'Time period for consideration of applications and decision making on granting or denial of a certificate of registration, unless further interagency co-ordination is required, shall be 30 working days from the date of submission of the required set of documents.

In cases where additional interagency co-ordination is required, the overall time period for consideration of applications and decision making on granting or denial of a certifi-

cate of registration shall not exceed 60 working days from the date of submission of the required set of documents.

- certificates of registration shall be denied, suspended, cancelled or revoked by the Executive agency with special authority to enforce state export controls in case of/if:
- operation of an economic entity was discontinued pursuant to procedures prescribed by applicable laws of Ukraine;
- it is determined that certificate of registration or relevant comments were issued based on unreliable information.

Thereby, sections Two, Three and Four shall respectively be considered sections five, six and seven.

- sections five and six shall be put in the wording as follows:

'Preliminary identification of goods and carrying out activities necessary for obtaining permission for international transfers of those goods as well relevant conclusions shall be the responsibility of an economic entity and the entities specified in Article 15 section three of this Law.

An economic entity and the entities specified in Article 15 section three of this Law shall be empowered to entrust a legal entity, which has obtained the appropriate license and authority according to legally prescribed procedures, to conduct preliminary identification of goods';

After section six, insert new section reading:

'The Executive agency with special authority to enforce state export controls grants authority for legal entities to conduct preliminary identification of goods in the field of State export control, and issues appropriate certificates to those entities, together with annexes containing a list of full-time/part-time experts and positions of relevant goods or groups of goods that are subject to preliminary identification by experts'.

Thereby, section seven shall be considered section eight;

Insert sections nine to twelve reading:

'Time period for consideration of applications and decision making on granting or denial of certificates authorizing legal entities to conduct preliminary identification of controlled goods, unless further interagency co-ordination is required, shall be 45 working days from the date of submission of the required set of documents.

In cases where additional interagency co-ordination is required, Cabinet Ministries and other Government authorities shall submit their conclusions within 15 days from the date of submission of relevant request for information by the Executive agency with special authority to enforce state export controls.

A certificate of authority to conduct preliminary identification of goods in the field of State export control, or an application for extending the term of such certificate may be denied in case of if:

- data indicated in documents submitted by a legal entity are found to be invalid;
- a legal entity fails to submit all the required documents;
- a legal entity violates legislation on State export controls.

A certificate of authority shall be cancelled or revoked in case of/if:

- an authorized legal entity violates legislation on State export controls;
- an authorized legal entity submits an obviously untrue conclusion related with preliminary identification of goods;
- it is established that a certificate authorizing a legal entity to conduct preliminary identification of goods in the field of State export control was issued to the mentioned legal entity based on invalid data provided by the mentioned entity;
- a document of conclusions related with preliminary identification of goods by an authorized legal entity was executed in contravention to a list of experts and positions of relevant goods (groups of goods) which are subjects of expert examination as specified in annexes to relevant certificates;
- liquidation of a legal entity, or by request of such entity;

7) in Article 15:

- after section two, insert new section reading:

‘One-time permits and conclusions may be issued to: foreign entities involved in economic and other activities, who conduct international transfers of dual-use goods in pursuance of international agreements concluded in the name of Ukraine or the Government of Ukraine, or conduct transit of goods through Ukraine’s territory, or temporary movement of goods inside Ukraine for display at international exhibitions and trade shows, or for testing purposes; military organizations, law enforcement agencies and civil protection units of Ukraine, who conduct temporary movement of goods outside/inside Ukraine for training purposes or logistical support for those organizations, agencies and units while outside Ukraine, or conduct import or temporary movement of goods inside Ukraine in pursuance of international agreements concluded in the name of Ukraine or the Government of Ukraine, excluding those specified in Article 2 section two of this Law’.

Thereby, sections three to nine shall respectively be considered sections four to ten;

- the first paragraph in section seven shall be put in the wording as follows:

'Time period for consideration of applications and decision making on granting or denial of a certificate of authority or conclusions, unless further interagency co-ordination is required, shall be established depending on the category of goods, but shall not exceed from the date of submission of the required set of documents:;

- sections eight and nine shall be substituted for three new sections reading:

'In cases where additional interagency co-ordination is required, the overall time period for consideration of applications and decision making on granting or denial of a certificate of authority or conclusions shall not exceed 90 working days from the date of submission of the required set of documents.

Time necessary for obtaining the full set of required documents from the entities specified in this Article shall not be included into consideration period.

If the full set of required documents does not arrive within two months, application shall be considered rejected and shall not be subject to consideration.'

Thereby, section ten shall be considered section eleven.

8) In Article 16:

- section two shall be put in the wording as follows:

For receipt of a permit, conclusions or international import certificate, an entity involved in international transfers of goods or entities specified in Article 15 section three of this Law shall turn to the Executive agency with special authority to enforce state export controls with a relevant written request. The document of request shall contain the data required for conducting relevant expert examination and decision making on the merits, particularly true information concerning entities involved in international transfers of goods, goods per se and procedures to be applied to the requested international transfer of those goods. In cases identified by the Cabinet of Ministers of Ukraine, original versions of guarantees and other documents required for conducting relevant expert examination shall be submitted along with the request';

- the second paragraph in section four shall be put in the wording as follows:
- 'it is submitted by (or endorsed by signature of) a person that has no relevant powers; or executed in violation of requirements of this Article';
- section five shall be substituted for two new sections reading:

'If a request for issue of a permit (conclusions, international import certificate) remains not considered, the Executive agency with special authority to enforce state export controls shall duly inform the applicant entity within three days after relevant decision is taken with explanation of reasons.

'If a decision is taken that a request for issue of a permit (conclusions, international import certificate) is declined, the Executive agency with special authority to enforce state

export controls shall duly inform the applicant entity and the Central Executive concerned (if it has jurisdiction over the mentioned entity) within three days after relevant decision is taken with explanation of reasons’.

Thereby, sections six and seven shall respectively be considered sections seven and eight.

In section seven:

The first paragraph shall be put in the wording as follows:

‘A permit, conclusions or international import certificate shall be denied, cancelled or revoked by the Executive agency with special authority to enforce state export controls in case of:’;

- in the fifth paragraph, the words ‘entity involved in international transfers of goods’ shall be deleted;
- insert the seventh paragraph reading:
- ‘cancellation of a certificate of registration of an economic entity as an entity eligible for international transfers of goods’;
- in section eight, the words ‘foreign entities involved in economic and other activities’ shall be substituted for ‘entities specified in Article 15 section three of this Law’;

9) Article 18 section one shall be put in the wording as follows:

‘An economic entity shall not conduct negotiations with a foreign entity involved in economic and other activities related with signing of foreign economic agreements (contracts) with respect to export of the goods which are partially embargoed for import to the concerned foreign country in conformity with Ukraine’s obligations under applicable international agreements, other than in cases where it obtains a positive conclusion by the Executive agency with special authority to enforce state export controls as to their acceptability’;

10) Article 22 section one shall be put in the wording as follows:

‘An entity involved in international transfers of goods, who obtained a permit, conclusions or an international import certificate, shall report in written to the Executive agency with special authority to enforce state export controls about the outcome of the negotiations specified in Article 18 of this Law, as well as about factual export/import transactions involving the goods specified by relevant documents, and also about the use of the mentioned goods for the declared purposes. Form of and submission deadlines for those reports shall be defined by the Executive agency with special authority to enforce state export controls’;

11) In Article 24:

The second and third paragraphs shall be substituted for new paragraph reading:

- ‘involvement in international transfers of goods without holding relevant permits, conclusions or documents of State guarantees obtained pursuant to legally prescribed procedures; or conducting those transfers based on permits, conclusions or documents of guarantees which were obtained by virtue of submitting counterfeit documents, or documents containing untrue information’.

Thereby, paragraphs four to twelve shall respectively be considered paragraphs three to eleven;

- the seventh paragraph shall be put in the wording as follows:
- ‘the conduct of negotiations related with the signing of foreign economic agreements (contracts) with respect to export of the goods, which are partially embargoed for import to the concerned foreign country in conformity with Ukraine’s obligations under applicable international agreements, without obtaining a positive conclusion by the Executive agency with special authority to enforce state export controls as to their acceptability’;
- in the eighth paragraph, the words ‘international transfers of goods designated for defence and dual-use applications’ shall be substituted for ‘export and import of goods’; the words ‘permits or conclusions’ shall be substituted for ‘permits, conclusions or international import certificates’;

12) In Article 25:

- the second paragraph, section one, shall be substituted for three new paragraphs reading:

‘For violations specified in the second and third paragraphs of the Article 24 of this Law:

- in case if central executives and other Government authorities find that [the violations] caused damage to national interests of Ukraine (political, economic or military), or infringe Ukraine’s obligations under applicable international agreements – in the amount of 150% of the value of the goods that were subjects of respective international transfer ;
- in case if central executives and other Government authorities find that [the violations] caused damage to national interests of Ukraine (political, economic or military), but not infringed Ukraine’s obligations under applicable international agreements – in the amount of 100% of the value of the goods that were subjects of respective international transfer ;

Thereby, the third to sixth paragraphs shall respectively be considered the fifth to eighth paragraphs;

- in the fifth paragraph, the words ‘the fifth, sixth and seventh’ shall respectively be substituted for ‘the fourth, fifth and sixth’;
- in the sixth paragraph, the words ‘the eighth and twelfth’ shall be substituted for ‘the seventh and eleventh’;
- in the seventh paragraph, the words ‘the ninth’ shall be substituted for ‘the eighth’;
- in the eighth paragraph, the words ‘the tenth and eleventh’ shall be substituted for ‘the ninth and tenth’;
- after section one, insert new section reading:

‘For imposing fines for the violations identified by the third and fourth paragraphs, Article 24 of this Law, the executive agency with special authority to enforce state export controls shall obtain a written conclusion by the Security Service of Ukraine, which shall be executed based on proposals from the Ministry of Foreign Affairs of Ukraine, Ministry of Defence of Ukraine, Foreign Intelligence Service of Ukraine and other central executives and Government authorities’.

Thereby, sections two to five shall respectively be considered sections three to six;

- in section three, insert ‘a consequence of which is loss of effect of any and all permits and documents of guarantees which were previously issued to the mentioned entity and remained effective as of the date of cancellation of the registration certificate’;
- in section six, the words ‘types of goods designated for defence applications’ shall be substituted for ‘types of armaments’;

13) section two in Article 30 shall be put in the wording as follows:

‘The value of the payment specified in section one of this Article shall be defined by the Cabinet of Ministers of Ukraine depending on the type of document or contract value’;

14) in the text of the Law, the words ‘entrepreneurial entity’ and ‘entity involved in foreign economic activities’ in all the grammatical cases and numbers shall respectively be substituted for ‘economic entity’ using the appropriate case and number.

2. This Law becomes effective from the date of its official publication.

President of Ukraine V. YANUKOVYCH
Kyiv, September 21, 2010
No 2561-VI

Law of Ukraine 'On Ratification of the Agreement between the European Union and Ukraine Establishing a Framework for the Participation of Ukraine in the European Union Crisis Management Operations'

(Bulletin of the Verkhovna Rada of Ukraine, 2008, No 23, p.212)

The Verkhovna Rada of Ukraine decrees:

To ratify the Agreement between the European Union and Ukraine Establishing a Framework for the Participation of Ukraine in the European Union Crisis Management Operations that was signed in Luxembourg on June 13, 2005 (attached).

President of Ukraine V. YUSHCHENKO
Kyiv, March 6, 2008,
No 137-VI

Agreement between the European Union and Ukraine establishing a framework for the participation of Ukraine in the European Union crisis management operations

THE EUROPEAN UNION,
of the one part, and
UKRAINE
of the other part,
hereinafter referred to as the 'Parties',
Whereas:

- (1) The European Union (EU) may decide to take action in the field of crisis management, including peacekeeping.
- (2) The European Council at Seville on 21 and 22 June 2002 has agreed arrangements for consultation and cooperation between the European Union and Ukraine on crisis management.
- (3) The European Union will decide whether third States will be invited to participate in an EU crisis management operation. Ukraine may accept the invitation by the European Union and offer its contribution. In such case, the European Union will decide on the acceptance of the proposed contribution of Ukraine.
- (4) General conditions regarding the participation of Ukraine in the EU civilian and military crisis management operations should be laid down in this Agreement establishing a framework for such possible future participation, rather than defining

these conditions on a case-by-case basis for each operation concerned. Additional implementation arrangements should be concluded for each operation concerned as provided in Article 13 of this Agreement.

(5) The Agreement should be without prejudice to the decision-making autonomy of the European Union, and should not prejudice the case-by-case nature of the decisions of Ukraine to participate in an EU crisis management operation, in accordance with its legislation.

(6) The Agreement should only address future EU crisis management operations and should be without prejudice to possible existing agreements regulating the participation of Ukraine in an already deployed EU crisis management operation.

HAVE AGREED AS FOLLOWS:

SECTION I. GENERAL PROVISIONS

Article 1. Decisions relating to participation

1. Following the decision of the European Union to invite Ukraine to participate in an EU crisis management operation, and once Ukraine has decided to participate, Ukraine shall provide information on its proposed contribution to the European Union.
2. The assessment by the European Union of Ukraine's contribution shall be conducted in consultation with Ukraine.
3. The European Union will provide Ukraine with an early indication of likely contribution to the common costs of the operation as soon as possible with a view to assisting Ukraine in the formulation of its offer.
4. The European Union shall communicate the outcome of the assessment to Ukraine by letter with a view to securing the participation of Ukraine in accordance with the provisions of this Agreement.

Article 2. Framework

1. Ukraine shall associate itself with the Joint Action by which the Council of the European Union decides that the EU will conduct the crisis management operation, and with any Joint Action or Decision by which the Council of the European Union decides to extend the EU crisis management operation, in accordance with the provisions of this Agreement and any required implementing arrangements.
2. The contribution of Ukraine to an EU crisis management operation is without prejudice to the decision-making autonomy of the European Union.

Article 3. Status of personnel and forces

1. The status of personnel seconded to an EU civilian crisis management operation and/or of the forces contributed to an EU military crisis management operation by Ukraine shall be governed by the agreement on the status of forces/mission, if available, concluded between the European Union and the State(s) in which the operation is conducted.
2. The status of personnel contributed to headquarters or command elements located outside the State(s) in which the EU crisis management operation takes place, shall be governed by arrangements between the headquarters and command elements concerned and Ukraine.
3. Without prejudice to the agreement on the status of forces/mission referred to in paragraph 1 of this Article, Ukraine shall exercise jurisdiction over its personnel participating in the EU crisis management operation.
4. Ukraine shall be responsible for answering any claims linked to participation in an EU crisis management operation, from or concerning any of its personnel. Ukraine shall be responsible for bringing any action, in particular legal or disciplinary, against any of its personnel in accordance with its laws and regulations.
5. Ukraine undertakes to make a declaration as regards the waiver of claims against any State participating in an EU crisis management operation in which Ukraine participates, and to do so when signing this Agreement. A model for such a declaration is annexed to this Agreement.
6. European Union Member States undertake to make a declaration as regards the waiver of claims, for any future participation of Ukraine in an EU crisis management operation, and to do so when signing this Agreement. A model for such a declaration is annexed to this Agreement.

Article 4. Classified information

1. Ukraine shall take appropriate measures to ensure that EU classified information is protected in accordance with the European Union Council's security regulations, contained in Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations [1], and in accordance with further guidance issued by competent authorities, including the EU Operation Commander concerning an EU military crisis management operation or by the EU Head of Mission concerning an EU civilian crisis management operation.
2. Where the EU and Ukraine have concluded an agreement on security procedures for the exchange of classified information, the provisions of such an agreement shall apply in the context of an EU crisis management operation.

SECTION II. GENERAL CONDITIONS ON PARTICIPATION IN CIVILIAN CRISIS MANAGEMENT OPERATIONS

Article 5. Personnel seconded to an EU civilian crisis management operation

1. Ukraine shall ensure that its personnel seconded to the EU civilian crisis management operation undertake their mission in conformity with:
 - the Joint Action and subsequent amendments as referred to in Article 2(1) of this Agreement,
 - the Operation Plan,
 - implementing measures.
2. Ukraine shall inform in due time the EU civilian crisis management operation Head of Mission and the General Secretariat of the Council of the European Union of any change to its contribution to the EU civilian crisis management operation.
3. Personnel seconded to the EU civilian crisis management operation shall undergo a medical examination, vaccination and be certified medically fit for duty by a competent authority from Ukraine. Personnel seconded to the EU civilian crisis management operation shall produce a copy of this certification.

Article 6. Chain of command

1. Personnel seconded by Ukraine shall carry out their duties and conduct themselves solely with the interests of the EU civilian crisis management operation in mind.
2. All personnel shall remain under the full command of their national authorities.
3. National authorities shall transfer operational control to the EU civilian crisis management operation Head of Mission, who shall exercise that command through a hierarchical structure of command and control.
4. The Head of Mission shall lead the EU civilian crisis management operation and assume its day-to-day management.
5. Ukraine shall have the same rights and obligations in terms of day-to-day management of the operation as European Union Member States taking part in the operation, in accordance with the legal instruments referred to in Article 2(1) of this Agreement.
6. The EU civilian crisis management operation Head of Mission shall be responsible for disciplinary control over EU civilian crisis management operation personnel. Where required, disciplinary action shall be taken by the national authority concerned.
7. A National Contingent Point of Contact (NPC) shall be appointed by Ukraine to represent its national contingent in the operation. The NPC shall report to the EU civil-

ian crisis management operation Head of Mission on national matters and shall be responsible for day-to-day contingent discipline.

8. The decision to end the operation shall be taken by the European Union, following consultation with Ukraine, provided that Ukraine is still contributing to the EU civilian crisis management operation at the date of termination of the operation.

Article 7. Financial aspects

1. Ukraine shall assume all the costs associated with its participation in the operation apart from the costs, which are subject to common funding, as set out in the operational budget of the operation. This shall be without prejudice to Article 8.
2. In case of death, injury, loss or damage to natural or legal persons from the State(s) in which the operation is conducted, Ukraine shall, when its liability has been established, pay compensation under the conditions foreseen in the agreement on status of mission, if available, as referred to in Article 3(1) of this Agreement.

Article 8. Contribution to operational budget

1. Ukraine shall contribute to the financing of the operational budget of the EU civilian crisis management operation.
2. The financial contribution of Ukraine to the operational budget shall be the lower amount of the following two alternatives:
 - (a) that share of the reference amount which is in proportion to the ratio of its GNI to the total of the GNIs of all States contributing to the operational budget of the operation; or
 - (b) that share of the reference amount for the operational budget which is in proportion to the ratio of the number of its personnel participating in the operation to the total number of personnel of all States participating in the operation.
3. Notwithstanding paragraphs 1 and 2, Ukraine shall not make any contribution towards the financing of per diem allowances paid to personnel of the European Union Member States.
4. Notwithstanding paragraph 1, the European Union shall, in principle, exempt third States from financial contributions to a particular EU civilian crisis management operation when:
 - (a) the European Union decides that the third State participating in the operation provides a significant contribution which is essential for this operation; or

(b) the third State participating in the operation has a GNI per capita which does not exceed that of any Member State of the European Union.

5. An arrangement on the practical modalities of the payment shall be signed between the EU civilian crisis management operation Head of Mission and the relevant administrative services of Ukraine on the contributions of Ukraine to the operational budget of the EU civilian crisis management operation. This arrangement shall, *inter alia*, include the following provisions:

(a) the amount concerned;

(b) the arrangements for payment of the financial contribution;

(c) the auditing procedure.

SECTION III. GENERAL CONDITIONS ON PARTICIPATION IN MILITARY CRISIS MANAGEMENT OPERATIONS

Article 9. Participation in the EU military crisis management operation

1. Ukraine shall ensure that its forces and personnel participating in the EU military crisis management operation undertake their mission in conformity with:
 - the Joint Action and subsequent amendments as referred to in Article 2(1) of this Agreement,
 - the Operation Plan,
 - implementing measures.
2. Personnel seconded by Ukraine shall carry out their duties and conduct themselves solely with the interest of the EU military crisis management operation in mind.
3. Ukraine shall inform the EU Operation Commander in due time of any change to its participation in the operation.

Article 10. Chain of command

1. All forces and personnel participating in the EU military crisis management operation shall remain under the full command of their national authorities.
2. National authorities shall transfer the Operational and Tactical command and/or control of their forces and personnel to the EU Operation Commander. The EU Operation Commander is entitled to delegate his authority.
3. Ukraine shall have the same rights and obligations in terms of the day-to-day management, of the operation as participating European Union Member States.

4. The EU Operation Commander may, following consultations with Ukraine, at any time request the withdrawal of Ukraine's contribution.
5. A Senior Military Representative (SMR) shall be appointed by Ukraine to represent its national contingent in the EU military crisis management operation. The SMR shall consult with the EU Force Commander on all matters affecting the operation and shall be responsible for day-to-day contingent discipline.

Article 11. Financial aspects

1. Without prejudice to Article 12, Ukraine shall assume all the costs associated with its participation in the operation unless the costs are subject to common funding as provided for in the legal instruments referred to in Article 2(1) of this Agreement, as well as in Council Decision 2004/197/CFSP of 23 February 2004 establishing a mechanism to administer the financing of the common costs of EU operations having military or defence implications [2].
2. In case of death, injury, loss or damage to natural or legal persons from the State(s) in which the operation is conducted, Ukraine shall, when its liability has been established, pay compensation under the conditions foreseen in the agreement on status of forces, if available, as referred to in Article 3(1) of this Agreement.

Article 12. Contribution to the common costs

1. Ukraine shall contribute to the financing of the common costs of the EU military crisis management operation as defined in the Council Decision mentioned in Article 11.
2. The financial contribution of Ukraine to the common costs shall be the lower amount of the following two alternatives:
 - (a) that share of the reference amount for the common costs which is in proportion to the ratio of its GNI to the total of the GNIs of all States contributing to the common costs of the operation; or
 - (b) that share of the reference amount for the common costs which is in proportion to the ratio of the number of its personnel participating in the operation to the total number of personnel of all States participating in the operation.

In calculating 2(b), where Ukraine contributes personnel only to the Operation or Force Headquarters, the ratio used shall be that of its personnel to that of the total number of the respective headquarters personnel. Otherwise, the ratio shall be that of all personnel contributed by Ukraine to that of the total personnel of the operation.

3. Notwithstanding paragraph 1, the European Union shall, in principle, exempt third States from financial contributions to the common costs of a particular EU military crisis management operation when:

- (a) the European Union decides that the third State participating in the operation provides a significant contribution to assets and/or capabilities which are essential for this operation; or
 - (b) the third State participating in the operation has a GNI per capita which does not exceed that of any Member State of the European Union.
4. An arrangement shall be concluded between the Administrator provided for in Council Decision 2004/197/CFSP of 23 February 2004 establishing a mechanism to administer the financing of the common costs of EU operations having military or defence implications, and the competent administrative authorities of Ukraine. This arrangement shall include, inter alia, provisions on:
- (a) the amount concerned;
 - (b) the arrangements for payment of the financial contribution;
 - (c) the auditing procedure.

SECTION IV. FINAL PROVISIONS

Article 13. Arrangements to implement the Agreement

Without prejudice to the provisions of Articles 8(5) and 12(4), any necessary technical and administrative arrangements in pursuance of the implementation of this Agreement shall be concluded between the Secretary General of the Council of the European Union, High Representative for the Common Foreign and Security Policy, and the appropriate authorities of Ukraine.

Article 14. Non-compliance

Should one of the Parties fail to comply with its obligations laid down in the previous Articles, the other Party shall have the right to terminate this Agreement by serving a notice of one month.

Article 15. Dispute settlement

Disputes concerning the interpretation or application of this Agreement shall be settled by diplomatic means between the Parties.

Article 16. Entry into force

1. This Agreement shall enter into force on the first day of the first month after the Parties have notified each other of the completion of the internal procedures necessary for this purpose.
2. This Agreement shall be subject to review not later than 1 June 2008, and subsequently at least every three years.

3. This Agreement may be amended on the basis of mutual written agreement between the Parties.
4. This Agreement may be denounced by one Party by written notice of denunciation given to the other Party. Such denunciation shall take effect six months after receipt of notification by the other Party.

Done at Luxembourg, on 13 June 2005, in the English language in four copies.

For the European Union

Signature

For Ukraine

Signature

ANNEX
TEXT OF DECLARATIONS
DECLARATION BY THE EU MEMBER STATES

The EU Member States applying an EU Joint Action on an EU crisis management operation in which Ukraine participates will endeavour, insofar as their internal legal systems so permit, to waive as far as possible claims against Ukraine for injury, death of their personnel, or damage to, or loss of, any assets owned by themselves and used by the EU crisis management operation if such injury, death, damage or loss:

- was caused by personnel from Ukraine in the execution of their duties in connection with the EU crisis management operation, except in case of gross negligence or wilful misconduct, or
- arose from the use of any assets owned by Ukraine, provided that the assets were used in connection with the operation and except in case of gross negligence or wilful misconduct of EU crisis management operation personnel from Ukraine using those assets.

DECLARATION BY UKRAINE

Ukraine applying an EU Joint Action on an EU crisis management operation will endeavour, insofar as its internal legal system so permits, to waive as far as possible claims against any other State participating in the EU crisis management operation for injury, death of its personnel, or damage to, or loss of, any assets owned by itself and used by the EU crisis management operation if such injury, death, damage or loss:

- was caused by personnel in the execution of their duties in connection with the EU crisis management operation, except in case of gross negligence or wilful misconduct, or
- arose from the use of any assets owned by States participating in the EU crisis management operation, provided that the assets were used in connection with the operation and except in case of gross negligence or wilful misconduct of EU crisis management operation personnel using those assets.

Law of Ukraine 'On Ratification of the Memorandum of Understanding between the Cabinet of Ministers of Ukraine and the Government of the United Kingdom of Great Britain and Northern Ireland on Exchange and Mutual Protection of Restricted Access Information in Defence Sector'

(Bulletin of the Verkhovna Rada of Ukraine, 2009, No 15, p.202)

The Verkhovna Rada of Ukraine decrees:

To ratify the 'Memorandum of Understanding between the Cabinet of Ministers of Ukraine and the Government of the United Kingdom of Great Britain and Northern Ireland on Exchange and Mutual Protection of Restricted Access Information in Defence Sector' that was signed in London on September 6, 2004 (attached).

President of Ukraine V. YUSHCHENKO

Kyiv, December 17, 2008,

No 686 -VI

Memorandum of Understanding between the Cabinet of Ministers of Ukraine and the Government of the United Kingdom of Great Britain and Northern Ireland on Exchange and Mutual Protection of Restricted Access Information in Defence Sector

INTRODUCTION

- The Cabinet of Ministers of Ukraine and the Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as the 'Participants');
- Having decided to broaden and tighten their defence co-operation;
- Being aware of the changes in the political situation in the world and recognising the important role of their mutual co-operation for the stabilisation of peace, international security and mutual confidence;
- Realising that effective co-operation may require the exchange of defence classified information (hereinafter referred to as 'classified information') between the Participants;
- Desiring to create a set of rules regulating the mutual protection of classified information applicable to any future arrangements for co-operation which may be implemented between the Participants, containing or involving classified information;
- Noting that it is not intended that proprietary information will be transferred under this Memorandum and that in the event that such information is to be transferred a separate arrangements will be required;

Have reached the following understandings:

SECTION 1. DEFINITIONS

For the purposes of this Memorandum,

- a. 'classified information' means any defence information regardless of its physical form or characteristics which in the interests of national security of either Participant has been determined to require protection against unauthorised disclosure and which has been so designated by a classification marking;
- b. 'receiving Participant' means the Participant, as represented by its Competent Authority, to which classified information is transferred;
- c. 'originating Participant' means the Participant, as represented by its Competent Authority, which creates and transfers classified information;
- d. 'Competent Authority' means the Participant's authority specified in Section 5 of this Memorandum which, in compliance with the national legislation or regulations of the respective Participant, is responsible for the policy on and protection of classified information, and exercises overall control in this sphere as well as undertaking the implementation requirements of this Memorandum;
- e. 'classified contract' means an agreement between two or more organisations of the states of the Participants creating and defining enforceable rights and obligations between them, which contains or provides for access to classified information;
- f. 'organisation' means a legal entity possessing the legal capacity to conclude classified contracts and/or which takes part in relevant co-operative activities or in implementation of classified contracts;
- g. 'third party' means an international organisation or state which is not a Participant in this Memorandum or an individual who is not a citizen of either of the Participants' states or who holds dual citizenship including that of a non-Participant.

SECTION 2. OBJECTIVE

The objective of this Memorandum is to ensure the protection of classified information which is produced by and/or exchanged between the Participants.

SECTION 3. CLASSIFICATION MARKINGS

The Participants accept that the following classification markings are equivalent and correspond to the security classification levels specified in the national legislation or regulations of the respective Participant:

<i>Ukraine</i> ЦІЛКОМ ТАЄМНО • ТАЄМНО • ДЛЯ СЛУЖБОВОГО КОРИСТУВАННЯ	<i>United Kingdom</i> • UK SECRET • UK CONFIDENTIAL • UK RESTRICTED
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SECTION 4. MEASURES FOR THE PROTECTION OF CLASSIFIED INFORMATION

1. In compliance with their national legislation or regulations, the Participants will implement all appropriate measures for the protection and avoiding disclosure to the public of classified information, which is transferred under this Memorandum or created in connection with a classified contract. The same level of protection will be ensured for such classified information as is provided for national classified information with the equivalent security classification level.
2. The Participants will inform each other without delay of any significant changes in the national legislation affecting the protection of classified information. In such cases, the Participants will consult in compliance with Section 5(3) in order to discuss possible amendments to this Memorandum. Meanwhile, the classified information will be protected according to the provisions of the Memorandum, unless other arrangements are made in writing.
3. No one will be permitted access to classified information solely on the grounds of their rank, official position or security clearance. Access to classified information will be limited only to those persons who have been security cleared in accordance with the national legislation or regulations of the respective Participant, who have a 'need to know', and whose official duties require such access.
4. The originating Participant will:
 - a. ensure that classified information transferred is marked with an appropriate classification and inform the receiving Participant of any conditions of release or limitations on its use;
 - b. inform the receiving Participant of any subsequent change in classification markings.
5. The receiving Participant will:
 - a. not disclose or permit the disclosure of classified information to a third party, without the prior written consent of the originating Participant;
 - b. mark classified information with an equivalent classification marking in accordance with Section 3;

c. not use or permit the use of classified information for purposes other than those for which it has been provided.

SECTION 5. COMPETENT AUTHORITIES

1. The Competent Authorities of the Participants are:
 - a. for Ukraine, the Security Service of Ukraine;
 - b. for the United Kingdom, the Ministry of Defence.
2. After this Memorandum enters into effect the Competent Authorities will exchange letters which identify the offices within each Competent Authority with specific responsibilities with regard to this Memorandum.
3. In order to achieve and maintain comparable standards of security, the Competent Authorities of each Participant will, on request, provide one another with information about the security standards, procedures and practices applied for the protection of classified information and, as necessary, may hold meetings to discuss such procedures.

SECTION 6. TRANSFER OF CLASSIFIED INFORMATION

1. Classified information marked UK CONFIDENTIAL or UK SECRET/ТАСМНО or ЦІЛКОМ ТАСМНО will normally be transferred by means of diplomatic or military couriers or by other means satisfying the requirements of the national legislation or regulations of the Participants.
2. Classified information marked UK RESTRICTED/ДЛЯ СЛУЖБОВОГО КОРИСТУВАННЯ will be transmitted in accordance with the national legislation or regulations of the originating Participant.
3. Classified information transmitted electronically may be transmitted only via protected telecommunication systems, networks or other electromagnetic methods by encryption systems approved by the Competent Authorities according to the national legislation or regulations of each Participant.
4. Other means of transfer of classified information may be used only if jointly approved by the Competent Authority of each Participant.
5. In the event of transferring a large consignment containing classified information, the Competent Authorities of the Participants will mutually determine and approve the means of transportation, the route and the security measures required.

SECTION 7. TRANSLATION, COPYING AND DESTRUCTION

1. Translations of classified information will be made only by individuals who have appropriate security clearance. Such translations will bear the same classification markings as the originals.
2. When copies of classified information are made, all original classification markings thereon will also be reproduced or marked on each copy. Such copies will be placed under the same control as the original information. The number of copies will be limited to the minimum required for official purposes.
3. Classified information will, when no longer required, be destroyed or mutilated insofar as to prevent reconstruction in whole or in part.
4. The originating Participant may prohibit the making of copies, alteration or destruction of classified information by giving it an appropriate marking or by sending subsequent written notice. In such cases, the classified information will be returned to the originating Participant when no longer required.

SECTION 8. CLASSIFIED CONTRACTS

1. Classified contracts will be concluded and implemented in accordance with the national legislation or regulations of the Participant in whose territory the contract is to be performed. Upon request, the Competent Authority of a Participant will furnish information whether an organisation which is to be invited to tender for or be awarded a classified contract has been issued a national security clearance of the required level. If the organisation does not hold a security clearance or if the clearance is not at the required level the Competent Authority of a Participant may ask for that organisation to be security cleared in accordance with its national legislation or regulations.
2. Each classified contract will contain security provisions specifying which classified information will be released to or generated by the organisation as a consequence of the contract, and the required classification markings to be assigned to this information. These provisions will also specify the following:
 - a. the organisation's obligation to protect the classified information;
 - b. an obligation that the organisation will disclose the classified information only to a person who has been security cleared for access with regard to the relevant contract activities, who has a 'need-to-know' and who is employed on or engaged in the carrying out of the contract;
 - c. the channels to be used for the transfer of the classified information;

- d. the procedures and mechanisms for communicating the changes that may arise in respect of classified information either because of changes in its classification markings or because protection is no longer necessary;
 - e. the procedure for the approval by the Competent Authorities of visits, access or inspection by personnel of one Participant to facilities of the other Participant which are covered by the contract;
 - f. an obligation that the organisation must notify its Competent Authority of any actual, attempted or suspected unauthorised access to, or breach or compromise of, classified information of the contract;
 - g. that the use of the classified information under the contract is only for the purposes related to the subject matter of the contract;
 - h. that the organisation must comply with the national legislation or regulations for the procedures for destruction of the classified information; and
 - i. that provision of classified information under the contract to any third party may take place only with the prior explicit consent of the originating Participant.
3. The measures required for the protection of classified information as well as the procedure for assessment of and indemnification for possible losses caused by unauthorised access to classified information will be specified in more detail in the respective classified contract.
 4. Contracts involving classified information marked UK RESTRICTED/ДЛЯ СЛУЖБОВОГО КОРИСТУВАННЯ will contain an appropriate clause identifying the measures to be applied for the protection of such classified information. No security clearance is required for access to UK RESTRICTED/ДЛЯ СЛУЖБОВОГО КОРИСТУВАННЯ information.

SECTION 9. VISITS

1. The prior approval of the Competent Authority of the host Participant will be required in respect of visits by representatives from the other Participant or organisations in its territory, including those on detached duty, where access to classified information or to premises where classified information is produced, processed or stored is necessary. Requests for such visits will be submitted through the appropriate diplomatic channels to the Competent Authority of the host Participant.
2. Requests for visits will include the following information:
 - a. purpose of the visit;

- b. details of the working programme;
 - c. issues containing classified information which are to be discussed, and the security classification level of this information;
 - d. full name of the visitor, date and place of birth, citizenship and passport number or identity card number;
 - e. position of the visitor, together with the name of the organisation which he or she represents;
 - f. certification of the level of security clearance held by the visitor;
 - g. full name and address of the facility to be visited;
 - h. name(s) and position(s) of the person(s) to be visited, if known;
 - i. dates of the visit.
3. Any information which may be provided to visiting personnel, or which may come to the notice of visiting personnel, will be treated by them as if such information had been furnished pursuant to the provisions of this Memorandum.
 4. In cases involving a specific project or a particular contract it may, subject to the approval of both Participants, be possible to establish Recurring Visitors Lists. These lists will be valid for an initial period not exceeding 12 months and may be extended for a further period of time (not to exceed 12 months) subject to the prior approval of the Competent Authority of each Participant. They will be submitted to the Competent Authority in accordance with the normal procedures of the host Participant. Once a list has been approved, visit arrangements may be made direct between the facilities involved in respect of listed individuals.

SECTION 10. ACTIONS TO BE TAKEN IN THE EVENT OF A BREACH OF SECURITY

1. In case of a breach of security resulting in the actual or possible loss or compromise of, unauthorised access to or disclosure of classified information which originated or was received from the other Participant, the Competent Authority of the Participant where the breach of security has occurred will inform the Competent Authority of the other Participant as soon as possible and carry out an appropriate investigation. The other Participant will, if required, co-operate in the investigation.
2. The other Participant will, in all cases, be informed of the results of the investigation, the measures adopted to prevent a recurrence of the breach, and the measures to be taken against the person or persons responsible for the breach, and will receive a final report on the reasons for and circumstances of the breach of security.

SECTION 11. EXPENSES

Each Participant will itself bear the expenses incurred in the course of implementing its own commitments under this Memorandum.

SECTION 12. EFFECTIVE DATE, DURATION, AMENDMENT, DISPUTES AND TERMINATION

1. This Memorandum is concluded for an indefinite period of time and will enter into effect on the date of the later notice whereby the Participants inform each other of the fulfilment of all internal legal procedures necessary for its entry into effect.
2. This Memorandum may be amended in writing with the consent of both Participants. Such amendments will enter into effect in accordance with paragraph 1 of this Section.
3. Any dispute regarding the interpretation or application of this Memorandum will be resolved only by consultation between the Participants and will not be referred to a national or international tribunal or other third party for settlement.
4. This Memorandum may be terminated either by mutual consent or by one Participant on giving six months' notice in writing to the other. Notwithstanding the termination of this Memorandum, all classified information transferred pursuant to it will continue to be protected in accordance with the provisions set forth herein, unless and until the originating Participant releases the receiving Participant from this commitment.

The foregoing represents the understandings reached between the Cabinet of Ministers of Ukraine and the Government of the United Kingdom of Great Britain and Northern Ireland upon the matters referred to therein.

Signed in duplicate in London on 06.09.2004 in Ukrainian and English languages, each text having equal validity.

For the Cabinet
of Ministers of Ukraine
Signature

For the Government of the United Kingdom
of Great Britain and Northern Ireland
Signature

**Law of Ukraine 'On Ratification of the Agreement between
the Cabinet of Ministers of Ukraine and the Government
of the Federal Republic of Germany on Transportation of Military
Cargoes and Personnel through the Territory of Ukraine'**
(Bulletin of the Verkhovna Rada of Ukraine, 2009, No 27, p.347)

The Verkhovna Rada of Ukraine decrees:

To ratify the 'Agreement between the Cabinet of Ministers of Ukraine and the Government of the Federal Republic of Germany on Transportation of Military Cargoes and Personnel through the Territory of Ukraine' that was signed in Berlin on July 12, 2006 (attached).

President of Ukraine V. YUSHCHENKO
Kyiv, January 14, 2009,
No 861-VI

**Agreement between the Cabinet of Ministers of Ukraine and the Government of the
Federal Republic of Germany on Transportation of Military Cargoes and Personnel
through the Territory of Ukraine**

The Cabinet of Ministers of Ukraine and the Government of the Federal Republic of Germany (hereinafter referred to as the 'Contracting Parties'),

Taking into consideration the United Nations Security Council Resolutions No. 1368 (2001) of September 12, 2001, No. 1373 (2001) of September 28, 2001, No. 1377 (2001) of November 12, 2001, No. 1378 (2001) of November 14 2001, No. 1386 (2001) of December 20, 2001, No. 1444 (2002) of November 27, 2002 and No. 1510 (2003) of October 13, 2003,

Desiring to implement the Memorandum of Understanding between the Cabinet of Ministers of Ukraine and Supreme Allied Command, Atlantic and Supreme Allied Command, Europe on providing support to NATO operations by Ukraine, signed in Kyiv (hereinafter referred to as 'Memorandum'),

Having the interest to support the NATO Forces, as well as German and Multinational Forces under NATO command on the territory of Afghanistan in time of peace, crisis situations and conflicts, and to support the operations of ISAF by the way of providing the transit through the territory of Ukraine,

Have reached the following understandings:

Article 1

In this Agreement the definitions are used in the following meaning:

- ‘personnel’ – unarmed military and civilian servicemen of the Armed Forces of the Federal Republic of Germany, as well as the other civilian personnel of the German Contracting Party;
- ‘military cargos’ – military weapons systems and their supporting equipment, including means of their delivery, devices for their targeting, launching and guiding, as well as the other special technical equipment and other shipments, designed to equip the armed forces, ammunition and its components, spare parts, instruments and their essential parts, systems of life support for personnel of the armed forces, collective and individual gear to protect from weapon of mass destruction, means of prophylactic and treatment from consequences of the weapon of mass destruction application, individual and service weapon, special logistical equipment, military uniform and its essential insignia of the Federal Republic of Germany and other states contributing troops to ISAF operations, when the Federal Republic of Germany conducts transportation in their interests, taking into consideration the limitations as stipulated in the Treaty on Conventional Armed Forces in Europe of November 19, 1990. Military weapons systems and their supporting equipment, including means of their delivery, devices for their targeting, launching and guiding, as well as ammunition of the third parties shall not be covered by this Agreement;
- ‘transit transportation’ – means transportation of military cargoes and personnel carried out by rail or air transport through the territory of Ukraine, which starts and ends outside of the territory of Ukraine;
- ‘transit transportation period’ – period of time cleared for transit transportation of military cargoes and personnel through the territory of Ukraine;
- ‘security detail’ – personnel of the State Protection Service of the Ministry of Internal affairs of Ukraine or the militarized guard of the State Railway Transport Administration of Ukraine, which carry out duties of escorting and guarding of military cargoes and personnel transported through the territory of Ukraine;
- ‘ISAF’ – International Security Assistance Force;
- ‘third parties’ – physical and legal persons, as well as subjects of international law, except of Ukraine and of the Federal Republic of Germany.

Article 2

- (1) The present Agreement shall identify framework terms and conditions, the general procedure for and the organization of transit transportation of military cargoes and personnel through the territory of Ukraine for the purpose of providing support to international efforts related to stabilization and reconstruction of Afghanistan.

- (2) Provisions of the present Agreement shall apply in part:
 - (a) of the granting by competent bodies of Ukraine of the relevant permits for transit transportation of military cargoes and personnel through the territory of Ukraine;
 - (b) of the rendering by Ukraine of civil and military support for personnel during transit transportation.

Article 3

- (1) The German Contracting Party shall ensure that, at the time of transit transportation through the territory of Ukraine, military cargoes and personnel shall not be used against military, political and other interests of Ukraine, as well as contrary to the provisions of the Charter of the United Nations Organization related to actions in support of peace and security, as well as other provisions of international law.
- (2) The German Contracting Party shall undertake not to transport through the territory of Ukraine weapons of mass destruction and its component parts.
- (3) The German Contracting Party shall undertake transit transportation exclusively for the purposes of this Agreement.

Article 4

- (1) Transit by aircraft through the territory of Ukraine shall be carried out on the basis of a Permanent Diplomatic Flight Clearance for ISAF Afghanistan. To receive such a permit it shall be necessary to submit a request according to the procedure set forth in Ukraine and, as a rule, without an intermediate stop-over on the territory of Ukraine. At the same time, it shall be necessary to adhere to the procedures that shall be published by aviation authorities of Ukraine in the Aeronautical Information Publication of Ukraine, as well as the provisions of the International Civil Aviation Organization (ICAO).
- (2) The Government of Germany shall compensate the Cabinet of Ministers of Ukraine, as well as legal entities of Ukraine, expenditures on specific services related to transit transportation that shall be provided to German state-owned aircraft, including air-navigation expenditures.
- (3) Where, in cases of force majeure, an aircraft on a transit flight has to land, Ukrainian Contracting Party shall provide an airdrome for emergency landing. In this case military cargoes and personnel shall be subjected to border, customs and other controls as stipulated by Article 6 of this Agreement.
- (4) Based on mutual agreement Ukrainian Contracting Party provides the German Contracting Party with air transport aviation for the purposes of air transportation of military cargoes and personnel.

Article 5

- (1) Transit transportation of military cargoes and personnel through the territory of Ukraine by railway transport shall be carried out after receiving clearance from competent authorities of Ukraine on the bases of, and taking into account the provisions of Memorandum, this Agreement, as well as relevant provisions of Ukrainian legislature.
- (2) Transit transportation of military cargoes and personnel through the territory of Ukraine by railway transport shall be carried out only through those points of entry at the state border of Ukraine that shall be opened for international communication.
- (3) Transit transportation of military cargoes and personnel through the territory of Ukraine by railway transport may not last longer than ten days.
- (4) Ukrainian Contracting Party has the right to withdraw the clearance for transit transportation in case the competent authorities of Ukraine find out that transportation of military cargoes and personnel may constitute a threat to national security of Ukraine.
- (5) Additionally, Ukrainian Contracting Party has the right to withdraw the clearance for transit transportation by railway transport in case German Contracting Party violates the rules for transit transportation. In case of withdrawal of such a clearance, German Contracting Party at its own expense cares about removal of military cargoes and personnel, for which the clearance on transit transportation was annulled, from the territory of Ukraine.
- (6) In case of introduction of the state of emergency or marshal law in Ukraine or some regions of Ukraine, in the interests of national security there can be introduced additional limitations or ban on transit transportation of military cargoes and personnel by railway transport through the territory of specific region, or through the territory of Ukraine.
- (7) Competent authorities of German Contracting Party or enterprises representing it shall compensate to Ukrainian Contracting Party, as well as to legal persons of Ukraine, the cost of services in transit transportation by railway transport.

Article 6

- (1) At the time of transit transportation by railway transport, military cargoes and personnel shall be subject respectively to border control and to customs control and, if necessary, also to other types of control based on a decision of the competent bodies of Ukraine. This control shall cover personal belongings and personal equipment of personnel. Customs clearance shall be carried out according to the present Agreement and the legislation of Ukraine.
- (2) Checking of military cargoes and personnel during the border and customs control, request and checking of additional documentation and data necessary for the border

and customs control, shall be carried out only on the basis of justified suspicion (broken seal, damaged packaging, etc.) that declared cargoes differ from those cargoes, transit transportation of which were cleared.

- (3) Customs clearance and transit transportation of military cargoes and personnel by railway transport through the state border of Ukraine shall be carried out without the collection of duties, taxes and fees for customs clearance.
- (4) Military cargoes and personnel shall be moved from Ukraine in accordance with the same rules and procedures as were established for their movement when entering Ukraine.

Article 7

- (1) Within the frameworks of transit transportation by railway transport, personnel shall carry diplomatic, service, or foreign passports at the time of crossing the state border of Ukraine. The availability of a visa shall not be required.
- (2) The German Contracting Party shall provide for timely information of the Ukrainian Contracting Party, but not later than 30 days prior to the event of scheduled transit transportation by railway transport.
- (3) Personnel has a waiver from obligatory registration of documents, mentioned in clause 1 of this Article, in the registration body of Ukraine.
- (4) At the time of the transit transportation by railway transport, military personnel has the right to wear military uniforms with the appropriate insignia.
- (5) At the time of the transit transportation by railway transport through the territory of Ukraine, personnel shall respect the sanitary norms and rules established in Ukraine. In particular, the German Contracting Party shall provide for the absence of infectious illnesses among its personnel during the transit transportation through the territory of Ukraine.
- (6) Contracting Parties shall cooperate on all issues of support to personnel during its presence on the territory of Ukraine.
- (7) Personnel shall respect the sovereignty and legislation of Ukraine, avoid interference into internal affairs of the country, as well as refrain from any activity which is contrary to provisions of this Agreement.

Article 8

- (1) personnel shall be subject to the jurisdiction of Ukraine at the time of their stay in the territory of Ukraine, except for the cases as stipulated in clause 2 of this Article.
- (2) At the time of their stay in the territory of Ukraine in connection with the present Agreement, personnel shall not be subject to the jurisdiction of Ukraine in the instance when:

- (a) criminal actions or offences have been committed against the Federal Republic of Germany, as well as against personnel or with respect to cargoes of the Federal Republic of Germany or cargoes that shall be transported by the Federal Republic of Germany;
- (b) criminal actions or offences have been committed immediately at the time of fulfilling official responsibilities connected with transit transportation.

Article 9

- (1) Transportation by railway transport is carried out in accordance with the legislation of Ukraine and provisions of this Agreement. Planning, support, and control of implementation of transportation by railway transport is carried out by the State Railway Transport Administration of Ukraine in coordination with the Ministry of Defence of Ukraine.
- (2) Ukrainian Contracting Party shall provide the rolling stock (train locomotives and switch locomotive, as well as railway cars) and the relevant maintenance and service personnel, as well as handling facilities for the purpose of transporting military cargoes and personnel and observance of the schedule and safety at the time of transporting military cargoes and personnel through the territory of Ukraine.
- (3) The German Contracting Party shall identify a shipping company that shall provide shipping services for military cargoes and/or personnel at the time of their transportation by Ukrainian railways and that shall be responsible for the fulfillment of terms, conditions and rules of transportation, as well as timely pay for the provided transport services. The relationship between the shipping company and the State Railway Transport Administration of Ukraine shall be regulated by a separate contract (agreement).
- (4) The German Contracting Party, or shipping company representing it, shall inform the State Railway Transport Administration of Ukraine on the date of arrival of the train with military cargoes and/or personnel, quantity and type of the rolling stock, necessary for reload from 1435 mm rolling stock to 1520 mm rolling stock, as well as on international border crossing points.
- (5) At the request of the German competent authority or shipping company representing it, the State Railway Transport Administration of Ukraine shall submit the conclusion on transit transportation of military cargoes by railway transport.
- (6) At the time of the transit transportation by railway transport, security detail is provided only under specific agreement with the German Contracting Party or shipping company representing it, and only in case when Ukrainian legislation requires this.
- (7) transportation of dangerous cargoes by railway transport is carried out in accordance with legislation of Ukraine and provisions of this Agreement.

- (8) When required, and in accordance with specific agreement with bodies of the German Contracting Party, Ukrainian Contracting Party provides the personnel, travelling by railway transport through the territory of Ukraine, with logistical, medical and other paid services.

Article 10

- (1) The German Contracting Party shall provide for:

(a) timely payment by the shipping company authorized thereby of expenditures arising within the frameworks of transit transportation of military cargoes and personnel through the territory of Ukraine according to the effective rates and procedures, but not later than 30 days after the submission of an invoice;

(b) carrying out by the shipping company authorized thereby the needed preparations for transporting military cargoes and personnel according to the requirements of the legislation of Ukraine and international transport standards. At the same time, the German Contracting Party shall be responsible for the availability of the needed shipping documents, passports and certificates according to the legislation of Ukraine.

- (2) The Ukrainian Contracting Party shall provide for:

(a) safe transportation of military cargoes and personnel by railway transport through the territory of Ukraine;

(b) transloading/loading of military cargoes and personnel for transportation by railway transport through the territory of Ukraine according to the procedures stipulated by the legislation of Ukraine.

Article 11

Following the request, the State Railway Transport Administration of Ukraine calculates the cost of transit transportation through the territory of Ukraine, which has to be covered by the German Contracting Party, or shipping company representing it, as well as procedure of the payment and informs the German Contracting Party, or shipping company representing it.

Article 12

- (1) at the time of activities and operations related to the fulfillment of the present Agreement, Ukrainian Contracting Party and German Contracting Party shall not present any claims to each other and shall not initiate against each other any judicial proceedings based on civil law. An exception here shall be claims in connection with death, bodily injuries or material damages that have emerged as a result of deliberate actions or inaction at the time of fulfilling the obligations in connection with the present Agreement.

This provision shall not apply to the fulfillment of contracts (agreements) signed for the purpose of implementing the present Agreement.

- (2) Each Contracting Party at its own expense shall ascertain and deal with claims of the third parties in case of the death, bodily injuries or material losses resulted from actions or lack of them on the part of personnel of this Contracting Party at the time of fulfilling official responsibilities connected with implementation of this Agreement.
- (3) Contracting Parties shall cooperate at the time of submission and execution of claims against the third parties.

Article 13

- (1) Information obtained by one Contracting Party in connection with transit transportation may not be transferred to third parties without written consent of the other Contracting Party that has provided such information.
- (2) Access to classified information and handling it shall be regulated in accordance with the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Federal Republic of Germany on the Mutual Protection of the Classified Information, as of May 12, 1998.

Article 14

Any dispute regarding the application or interpretation of this Agreement will be resolved only by consultation between the Contracting Parties.

Article 15

Changes and amendments to this Agreement can be done in writing with the consent of the Contracting Parties.

Article 16

- (1) This Agreement will enter into effect on the date of the later notice whereby the Contracting Parties inform each other of the fulfilment of all internal legal procedures necessary for its entry into effect.
- (2) This Agreement is concluded for the period of five years. Its effect will be automatically extended for the next period of one year, if none of the Contracting Parties gives six months' notice in writing to the other about the termination of the Agreement.

Signed in duplicate in Berlin on July 12, 2006, in Ukrainian and German languages, each text having equal validity.

For the Cabinet of Ministers
of Ukraine
Signature

For the Government
of the Federal Republic of Germany
Signature

Decree of the President of Ukraine ‘On Decision of the National Security and Defence Council of Ukraine of April 24, 2009, ‘On a Strategy of International Peacekeeping Activity of Ukraine’

According to Article 107 of the Constitution of Ukraine, I decree:

1. To enact the Decision of the National Security and Defence Council of Ukraine on April 24, 2009 ‘On a Strategy of International Peacekeeping Activity of Ukraine’.
2. To approve the Strategy of International Peacekeeping Activity of Ukraine (attached).
3. This Decree enters into force from the date of its publication.

President of Ukraine V. YUSHCHENKO

Kyiv, June 15, 2009,

No 435/2009

Strategy of International Peacekeeping Activity of Ukraine

1. General Provisions

Being fully aware of the responsibility for international peace and security, taking into account the obligations of Ukraine as a member state of the United Nations and the Organisation for Security and Cooperation in Europe, increasing security cooperation with the European Union and the North Atlantic Treaty Organisation, Ukraine considers its participation in international peacekeeping activity as an important component of the country's foreign policy.

Development of Ukraine takes place within complex external security environment, which in the course of the recent decade has underwent fundamental changes. After the end of the two-block confrontation, which dominated the world in the last century, the threat of the total nuclear destruction of the civilization has noticeably subsided. However, it was substituted by the new types of threats to international peace and security, such as terrorism, separatism, national and religious extremism, transnational organized crime, interstate and internal armed conflicts, proliferation of the weapons of mass destruction, ecological catastrophes and epidemics, etc. Conditioned by the globalizing world development and growing interconnectivity and interdependence, it became a threat to regional and often global security.

The nature of these threats and specifics of modern world condition is the growing dependence of the national security of every state on development of the situation in any region of the world.

Particular danger comes from interstate and internal armed conflicts, which do not only have destructive potential, but also significantly influence the international stability and security. According to the world experience, carrying out of effective countermeasures against

emergence of such conflicts and their resolution is possible only under condition of joint efforts by many countries in the framework of international peacekeeping activity – activity by the states aimed at maintaining or reconstitution of international peace and security under the auspices of the UN, OSCE and other international security organizations.

Modern international peacekeeping activity is carried out by the states with the purpose of:

- preventing international or internal conflicts;
- regulating or creating conditions for the regulation of the interstate, as well as internal conflicts, by consent of the parties to conflict, or taking coercive actions upon a decision by the UN Security Council;
- providing humanitarian assistance to people suffering from the interstate, as well as internal conflicts;
- ensuring security and observance of human rights;
- providing assistance in post-conflict reconstruction;
- eliminating the threat to peace, breaking of peace or act of aggression.
- Participation of Ukraine in international peacekeeping activity provides for its active presence in the global political processes and serves as one of the key directions of the country's national security policy.

In view of the fact, that peacekeeping activity plays important role in maintaining international peace and creating favourable external conditions for development and security of our country, Ukraine should continue to be its active participant. In this context, primary attention should be devoted to expansion of Ukraine's participation in international peacekeeping operations as one of the most productive forms of international peacekeeping activity.

In the recent period, Ukraine has gained a significant experience in international peacekeeping activity. At the same time, changes in the character of modern armed conflicts and in the nature of peacekeeping operations, as well as the degree of involvement of our country in the global political processes establishes the need to formulate the strategy of international peacekeeping activity of Ukraine for the foreseeable future.

The Strategy of International Peacekeeping Activity of Ukraine (further – the Strategy) stipulates the priority goals of the country's participation in international peacekeeping activity, tasks and mechanisms of implementation of the national security interests in this process.

The legal basis of the Strategy is constituted by the Constitution of Ukraine, the Laws of Ukraine 'On the Foundations of National Security of Ukraine', 'On Participation in International Peacekeeping Operations' and 'On the Procedure of Sending Armed Forces' of Ukraine Units to Other States', other laws and international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine.

2. Present day specifics of international peacekeeping activity

2.1. Specifics of modern interstate and internal conflicts and their impact on international and national security

Armed conflicts, which international peacekeeping activity struggles to resolve or prevent from emerging, influence all spheres of public life of their participants, including political, economic, social, ethno-cultural and other spheres of countries' life. They are accompanied with social, religious and ethnic tensions.

Damage to the system of public administration, which is common for internal armed conflicts, leads to deep economic and social crisis, chaos in particular state, generates the display terrorism and growth if international crime.

Armed conflict creates the extreme conditions for civilian population, which often suffers from hunger, lack of drinking water, spread of infectious diseases and lives under the constant threat of physical extermination. This provokes the mass flow of refugees from the region of conflict, illegal migration and illegal proliferation of conventional weapons, and, possibly, the weapons' of mass destruction components.

In time of globalization, the armed conflicts, even in the regions geographically distant from the global political, economic and financial centres, become the threat to international security. The broadening of transnational communication and informational exchanges, growth of economic interdependence of the states in the world, leads to the spreading of the negative consequences of the conflicts, including terrorism, organized crime, smuggling of weapons and illegal circulation of drugs, mass migration and spread of infectious diseases far beyond the geographical borders of their emergence. In view of such conditions, distance from the conflict area ceases to serve as a guarantee of preserving the stable condition of the national security in any country of the world.

Conflict also provokes a loss of stability in economic sphere. Economic cooperation between the states in the modern world has reached such a level, that none of them can exist outside of the systemic cooperation with other states. That is why economic crisis in the state in conflict may lead to serious aggravation of economic situation in the world, which will consequently influence the national interests of many other countries.

Following the above, in the modern environment, the tendency of strengthening impact of interstate and internal conflicts on regional and global stability and security can be observed.

2.2. Nature of modern peacekeeping operations

In the last decade, the character of peacekeeping operations has changed. Missions became more complex and practice of using the force became more common. In modern peacekeeping operations with mandate, which includes the application of enforcement in conflict resolution, the force is used not only for self-defence, but in other cases as well: in case of attempts to create obstacles to humanitarian missions during combat opera-

tions, to protect civilian population and to separate the sides of the conflict with the purpose of national reconciliation.

Depending on their character, modern international peacekeeping operations in most cases are not purely military. They become more and more complex having a wide range of policing functions. Consequently, such operations require involvement of both military and civilian personnel, as well as the simultaneous efforts of several international and regional security organizations and non-governmental organizations.

Restoration of peace and providing support in overcoming the consequences of the conflicts are important features of modern peacekeeping operations. As recognized by the UN and regional security organizations, only implementation of this concept provides the opportunity to preclude conflict and facilitates achieving a stable situation in the region of conflict. Therefore, there can be the following types of peacekeeping missions: providing consultative and other support to national governments in executing the programs of disarmament, demobilization and reintegration of belligerents; providing support to them in performing the function of security guarantee to their citizens; supporting their efforts to reform the national armed forces and police; economic and social development, etc.

Due to the broadening of the range of the above-mentioned missions, peacekeeping operations become longer in time and more complex, there is also a growing need in civilian experts to implement the tasks in the stabilizing phase of the conflict.

3. Priority goals, tasks and implementation mechanisms of the national security interests of Ukraine in international peacekeeping activity

Ukraine's priority goals for participation in international peacekeeping activity are as follows:

- preservation of the current level of Ukraine's active presence in international efforts for peace and security support and enlargement;
- improvement of the international image of Ukraine and confirmation by the country of its aspirations towards integration with the European and Euro-Atlantic security space;
- securing the implementation of the national security interests.
- To achieve these goals, it will be necessary:

1) to increase the capabilities of the Ukrainian peacekeeping contingents and peacekeeping personnel to effectively implement the tasks of international peacekeeping operations.

To achieve this particular goal, it is necessary to improve the effectiveness of functioning of the system of control over the processes of preparation and participation of Ukraine in international peacekeeping operations by the way of:

- improving the system of control, coordination and cooperation of executive bodies during the planning and participation of peacekeeping contingent and peacekeeping personnel in international peacekeeping operations;
- adapting to modern environment the mechanisms and procedures of decision-making concerning participation in international peacekeeping operations and recall of Ukrainian peacekeeping contingent and peacekeeping personnel in cases under the legislation of Ukraine;
- creating the integrated database of the citizens of Ukraine, who wish and who have required professional and psychological training for participation in international peacekeeping operations.
- It is also necessary to provide high preparedness to implement all kinds of peacekeeping tasks by the way of:
 - maintaining the readiness to provide, within timeframe indicated by the international security organizations, the peacekeeping contingents, peacekeeping personnel, as well as material-technical resources and services for participation in peacekeeping operations in accordance with procedures stipulated by the legislation of Ukraine;
 - creating of civilian expert training system for participation in international peacekeeping operations;
 - prioritizing the training of peacekeeping contingent and peacekeeping personnel for specific missions, which are in demand by the UN and other international security organizations;
 - introducing the practice of training for military units, which have the plans for participation in international peacekeeping operations as peacekeeping contingents, in organizing cooperation with police and civilian peacekeeping personnel during the international peacekeeping operations, taking into account their specifics and complex character;
 - introducing changes to organizational structures of peacekeeping contingents with taking into account the specifics of peacekeeping tasks and conditions for their accomplishment;
 - raising the quality of the language training, knowledge of international humanitarian law, as well as specialized training for peacekeepers, primarily on the issues concerning the specifics of duties within multinational headquarters;
 - devoting primary attention to developing in peacekeepers the feeling of pride for representing Ukraine in peacekeeping missions, respect to international humanitarian law, local population and its social and religious traditions;

- educating peacekeepers in specifics of history, people's culture and social-political situation in the country where operation takes place;
 - introducing the system of learning, summarizing and bringing to attention of the interested central bodies of executive power, military formations and law-enforcement bodies of Ukraine with regard to application experience of Ukrainian peacekeeping contingent and peacekeeping personnel in international peacekeeping operations.
 - To provide equipping of peacekeeping contingents with modern weapons, military hardware and special equipment, it is necessary:
 - to organize development (procurement), modernization and equipping of peacekeeping units with modern types of weapons and military hardware, which correspond to requirements of peacekeeping operations and are adapted for the regions where the operations take place;
 - to equip the peacekeeping contingents and peacekeeping personnel with modern individual protection gear, communication and navigation equipment, night vision goggles and other special equipment necessary for successful implementation of peacekeeping tasks.
- 2) increase the motivation of military servicemen, rank and file personnel and officers of internal affairs bodies and civilians for participation in international peacekeeping operations. For this purpose, it is necessary to provide:
- necessary level of medical and psychological support for Ukrainian peacekeeping contingents and peacekeeping personnel during the implementation of peacekeeping tasks and after the end of operations;
 - higher level of legal and social protection for participants of international peacekeeping operations and members of their families, including the gradual raising of the pay level for service duties in peacekeeping contingents or as peacekeeping personnel to the level of corresponding payments in the states of Central Europe;
 - appropriate living conditions and supply during peacekeeping operations, uninterrupted delivery to peacekeepers of information about events in Ukraine and providing of communication with their families (relatives);
- 3) ensure that Ukrainian interests are taken into account during the process of preparation for international peacekeeping operations and distribution of tasks and spheres of responsibility during their active phase, and for that purpose:
- intensify activity aimed at the enlargement of Ukraine's mission to the UN Secretariat, primarily in Departments of Peacekeeping Operations and Field Support, multina-

tional military headquarters, as well as in headquarters of peacekeeping operations, in which Ukrainian peacekeepers take part;

- build the appropriate relations with secretariats of the UN and other international security organizations, as well as bilateral relations with the states – participants of peacekeeping operations;

4) support the enterprises, administrations and organizations of Ukraine in receiving orders for restoration of the economies and social spheres of the states hosting the international peacekeeping operations and further development of economic cooperation with these countries.

Implementation of this task must be secured by the way of:

- providing informational, consultative and specialized legal support to potential Ukrainian exporters of goods and services;
- introducing the mechanism of state support for the participation of enterprises, administrations and organizations of Ukraine, regardless of their form of ownership, in the restoration projects of economic and social infrastructure of the states hosting Ukrainian peacekeeping contingents and peacekeeping personnel;
- providing them with bank finance and insurance support;
- building contacts with political, religious and business circles in the states hosting Ukrainian peacekeeping contingents and peacekeeping personnel with the purpose of developing and broadening of economic cooperation for mid-term and long-term perspective.
- At the stage of drafting proposals for Ukraine's participation in international peacekeeping operations, the following should be done:
 - analysis of the whole spectrum of potential and real threats to the national security of Ukraine (in foreign policy, military, economical and other spheres) emerging from the conflict, that international peacekeeping operation is supposed to resolve;
 - assessment of the possibilities for taking into account Ukraine's interests in international peacekeeping operation, including the potential for its further involvement in reconstruction efforts in the region of crisis.
- When drafting proposals for Ukraine's participation in international peacekeeping operations the following priority rating of such international operations must be taken into account:

Primary level – operations in the regions crucial for Ukraine's national interests;

Secondary level – operations conducted along with international partners of Ukraine, cooperation with whom promotes the country's European and Euro-Atlantic integration;

Tertiary level – other operations, with the Ukrainian peacekeepers contributing to the efforts of the international community to maintain peace and stability.

All state bodies involved in drafting the proposals for Ukraine's participation in international peacekeeping operation must follow the principles of strictly abiding by the legislation of Ukraine, international law and priority of maximal security of Ukrainian citizens.

During the process of formalizing the participation of Ukraine in any peacekeeping operation, it is necessary to ensure the impossibility of prosecution for members of peacekeeping contingents and peacekeeping personnel, provided their actions to implement the duties of peacekeeping operation were legitimate. To avoid human losses in peacekeeping contingents and peacekeeping personnel, it is necessary to establish the limits of Ukraine's participation in any peacekeeping operation or withdrawal in case of significant changes of the situation.

4. The legal foundation for Ukraine's participation in international peacekeeping activity

International peacekeeping activity of Ukraine is performed according to the Constitution and Laws of Ukraine, as well as international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine and other normative and legal acts of Ukraine.

Changes in international security environment, in character and tasks of peacekeeping operations and implementation of this Strategy provisions establish the necessity of improving the legislature on the issues of international peacekeeping activity of Ukraine, particularly, with the purpose of:

- harmonizing the national legislature with corresponding decisions of international security organizations on the issues of defining the legal status of peacekeeping contingents and peacekeeping personnel, their rights, duties and responsibilities;
- improvement of the system of supervising the process of preparation for and participation of Ukraine in international peacekeeping operations;
- creation of conditions for broader participation in international peacekeeping operations by civilian personnel, governmental and non-governmental organizations providing peacekeeping services;
- improvement of social and legal protection for the participants of international peacekeeping operations and members of their families.
- There is also a need for clear separation of state bodies' authority in the sphere of international peacekeeping activity of Ukraine and specification of the procedures of cooperation between them. It is necessary to create the list of bodies of state power, which may delegate their employees for participation in international peacekeeping operations.

5. Organizing the implementation of a Strategy of International Peacekeeping Activity of Ukraine

Achieving the goals and implementing the tasks, stipulated by the Strategy of International Peacekeeping Activity of Ukraine, must be secured through implementation of the relevant provisions, stipulated in the Constitution and laws of Ukraine, by the national security of Ukraine subjects – the President of Ukraine, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, the National Security and Defence Council of Ukraine, ministries and other central bodies of executive power.

The Secretary of the National Security and Defence Council of Ukraine is organizing the drafting of plans for implementation of the Strategy, brings them to attention of the National Security and Defence Council of Ukraine and provides control of implementation of the National Security and Defence Council of Ukraine decisions, aimed at implementation of the Strategy; annually the Secretary must inform the President of Ukraine and the National Security and Defence Council of Ukraine about the results of implementation.

Scientific supervision for the implementation of the Strategy must be carried out by the National Institute of International Security Problems, Institute of National Security Problems, National Defence Academy of Ukraine, Kyiv National University of Internal Affairs of Ukraine, Kharkiv National University of Internal Affairs of Ukraine and Diplomatic Academy of the Ministry of Foreign Affairs of Ukraine.

Head of the Secretariat of the President of Ukraine

V. ULIANCHENKO

Resolution of the Cabinet of Ministers of Ukraine of December 15, 2010, 'On Introducing Amendments to the Rules for the Navigation and Presence of Foreign Navy Ships within the Territorial Sea, Territorial Waters, in the Roads and Harbours of Ukraine'

The Cabinet of Ministers of Ukraine resolves:

To introduce to the Rules for the Navigation and Presence of Foreign Navy Ships within the Territorial Sea, Territorial Waters, in the Roads and Harbours of Ukraine, enacted by the Cabinet of Ministers Resolution of May 16, 1996, No 529 (ZP of Ukraine, 1996, No 12, p. 334; Official Bulletin of Ukraine, 2003, No 37, p[p. 1981) the amendments attached below.

Prime Minister of Ukraine M. AZAROV
Kyiv, December 15, 2010
No 1142

Amendments to be introduced to the Rules for the Navigation and Presence of Foreign Navy Ships within the Territorial Sea, Territorial Waters, in the Roads and Harbours of Ukraine

1. In clause 13, insert new paragraph reading:

- 'entries carried out for the purpose of undergoing repairs by ship repair companies.'

2. In clause 15, insert new paragraph reading:

'[The documents required] for obtaining the herein mentioned permit also include a duly notarized copy of a contract (contracts) for the performance of ship repair works by a ship repair company (companies) – where a contract is concluded in Ukraine, or a certified copy legalized according to procedures stated by the legislation of Ukraine, unless otherwise provided for by international agreements of Ukraine – where a contract is concluded outside Ukraine.'

In clause 18, after the first paragraph, insert new paragraph reading:

- 'Permit for a Foreign Navy Ship entry into internal waters or harbours of Ukraine shall be issued depending on the duration of the works defined by respective contracts with herein-before mentioned companies.'

Thereby, the second paragraph shall be considered the third paragraph.

Part VIII

The Legislative Framework for the Social Protection of Servicemen and Members of Their Families

Law of Ukraine ‘On Introducing Amendments to Article 63 of the Law of Ukraine ‘On Pension Benefits for Retired Armed Forces Personnel and Some Other Persons’

(Bulletin of the Verkhovna Rada of Ukraine, 2010, No 1, p.4)

The Verkhovna Rada of Ukraine decrees:

1. To amend Article 63 Sec. 3 in the Law of Ukraine ‘On Pension Benefits for Retired Armed Forces Personnel and Some Other Persons’ (Bulletin of the Verkhovna Rada, 1992, No 29, p. 399; 2205, No 4, p. 107; 2207, No 27, p. 361) by adding the following provision: ‘If the rates of retirement pensions for retired Armed Forces personnel and persons eligible for pension benefits under this Law will be lowered as a result of the recalculation of retirement pension rates as provided for by this section, the rates of pensions shall remain equivalent to those already granted to the herein-before mentioned persons.’

I. FINAL PROVISIONS

1. This Law becomes effective from the date of official publication.
2. This Law extends to retired Armed Forces personnel and some other persons who had been granted pensions in accordance with the Law of Ukraine ‘On Pension Benefits for

Retired Armed Force Personnel and Some Other Persons' prior to the entry into force of this Law.

3. The Cabinet of Ministers of Ukraine shall, within three months since the entry into force of this Law:
 - adjust its regulatory legal acts to this Law;
 - ensure that the Cabinet of Ministries of Ukraine and other central executive authorities shall overrule their regulatory legal acts that are non-conforming to this Law.

President of Ukraine V.YUSHCHENKO
Kyiv, June 25, 2009
No 1567-VI

Law of Ukraine ‘On Introducing Amendments to Article 11 of the Law of Ukraine ‘On Social and Legal Protection of Military Servicemen and Their Family Members’

(Bulletin of the Verkhovna Rada of Ukraine, 2009, No 30, p. 425)

The Verkhovna Rada of Ukraine decrees:

1. In Article 11 of the Law of Ukraine ‘On Social and Legal Protection of Military Servicemen and their Family Members’ (Bulletin of the Verkhovna Rada, 1992, No 15, p. 190; 2006, No 51, p. 519; 2008, No 508, p. 78), insert clause 7 reading:

‘7. The change of jurisdiction or the speciality of military healthcare establishments, therapeutic resort facilities and health rehabilitation centres affiliated with the Ministry of Defence of Ukraine, the Security Service of Ukraine, the State Border Protection Service of Ukraine and other Military and Law Enforcement organizations established pursuant to the laws of Ukraine; or the disposal of immovable property of the herein mentioned entities are prohibited.

2. This Law becomes effective from the date of official publication.

President of Ukraine V. YUSHCHENKO

Kyiv, March 17, 2009

No 1138-VI

Law of Ukraine ‘On Introducing Amendments to Article 4 of the Law of Ukraine ‘On Defence Land Use with Respect to Housing Construction for Military Servicemen and Their Family Members’

The Verkhovna Rada of Ukraine decrees:

1. Article 4 section two of the Law of Ukraine ‘On Defence Land Use’ (Bulletin of the Verkhovna Rada, 2004, No 14, p. 209; 2009, No 19, p. 257) shall be put in the following wording:

‘Defence lands can be used, without changing their designated purpose, for the construction of social/cultural facilities, housing construction for the military servicemen and their family members, as well as the construction of social and affordable housing.’

2. This Law becomes effective from the date of its official publication.

President of Ukraine V. YANUKOVYCH

Kyiv, November 4, 2010

No 2674-VI

Law of Ukraine 'On Introducing Amendments to Selected Acts of Legislation of Ukraine with Respect to the Provision of Housing for Citizens'

(Bulletin of the Verkhovna Rada of Ukraine, 2009, No 46, p.701)

(With amendments introduced by Code No 2755-VI (2755-17) enacted on 02.12.2010)

The Verkhovna Rada of Ukraine decrees:

I. TO INTRODUCE AMENDMENTS TO THE ACTS OF LEGISLATION OF UKRAINE AS FOLLOW:

1. In the Housing Code of the Ukrainian SSR (Bulletin of the Verkhovna Rada of the UKSSR, 1983, Supplement to No 28, p. 573):

- 1) in Article 1, after the words 'provided, as comfortable housing construction programs are implemented'; insert 'provision of citizens, should they so wish, with monetary compensations for the accommodations to which the categories of citizens identified by law are entitled';

- 2) in Article 9, section one, after the words 'housing stock'; insert 'or for provision of citizens, should they so wish, with monetary compensations for the accommodations to which the categories of citizens identified by law are entitled';

- 3) in Article 40 section two, after clause 1, insert clause 1-1 reading:

- '1-1. receiving, should they so wish, from state or local government authorities of one-off monetary compensation for accommodations to which they are entitled';

- 4) Insert Article 48-1 reading:

'Article 48-1. Procedures for and the value of the provision of citizens with monetary compensations for accommodations to which they are entitled

Procedures for and the value of the provision of citizens with monetary compensations for accommodations to which they are entitled shall be decided by the Cabinet of Ministers of Ukraine.'

2. In Article 12 of the Law of Ukraine 'On Social and Legal Protection of Military Servicemen and Their Family Members' (Bulletin of the Verkhovna Rada, 1992, No 15, p. 190; 2004, No 45, p. 503):

in clause 1:

- in the first paragraph, after the words 'accommodations'; insert 'or, should they so wish, monetary compensation for the accommodations to which they are entitled';

- the fourth paragraph shall be put in the following wording:

'Military servicemen with 20+ years' service and their family members are provided with accommodations for permanent residence, or, should they so wish, monetary compensation for the accommodations to which they are entitled'. The herein mentioned accommodations or monetary compensations are provided on a one off-base during the entire duration of service, provided they have not exercised their right to free privatization of housing yet';

- in the first paragraph, clause 9, after the words 'obtaining accommodations from the State housing stock', insert 'or, should they so wish, monetary compensation for the accommodations to which they are entitled'.

(Part I clause 3 ceased to be in force under Code No 2755-VI (2755-17, enacted on 02.12.2010)

II. FINAL PROVISIONS

1. This Law comes into effect on January 1, 2010.
2. The Cabinet of Ministers of Ukraine shall:
 - within two months since the date of official publication of this Law, ensure that Cabinet Ministries and other central executive authorities shall amend their respective regulatory legal acts which this Law affects;
 - ensure the adoption of legal regulatory acts in pursuance of this Law;
 - adjust their regulatory legal acts to this Law;
 - annually, during the development of draft State Budget Authorization Laws of Ukraine, provide for budget appropriations required for this Law to be duly enforced.

President of Ukraine V.YUSHCHENKO
Kyiv, June 11, 2009
No 1510-VI

Decree of the President of Ukraine ‘On Decision of the National Security and Defence Council of Ukraine of May 16, 2008, ‘On Granting Combatant Status to Ukrainian Citizens who Participated in International Peacekeeping Operations’

According to Article 107 of the Constitution of Ukraine, I decree:

1. To enact the Decision of the National Security and Defence Council of Ukraine on May 16, 2008, ‘On Granting Combatant Status to Ukrainian Citizens who Participated in International Peacekeeping Operations’ (attached).
2. That control over the implementation of this Decree shall be assigned to the Secretary of the National Security and Defence Council of Ukraine.
3. That this Decree enters into force from the date of its publication.

President of Ukraine V. YUSHCHENKO

Kyiv, June 17, 2008,

No 550/2008

Decision of the National Security and Defence Council of Ukraine ‘On Granting Combatant Status to Ukrainian Citizens who Participated in International Peacekeeping Operations’

Having discussed the issue of granting combatant status to Ukrainian citizens who participated in international peacekeeping operations, the National Security and Defence Council of Ukraine acknowledges, that:

- peacekeeping activity, where Ukraine is an active participant, is recognized by international community as effective instrument for keeping peace and security in the world;
- status of peacekeeper is regarded as a symbol of the struggle of mankind for strengthening of belief in basic human rights, in dignity and value of human being, in equality of the rights of big and small nations;
- Ukrainian peacekeepers with dignity represent our country in various international peacekeeping operations;
- system of social support and benefits for citizens of Ukraine who participated in international peacekeeping operations require further improvement, taking into consideration the specifics of implementing duties, which often are fraught with danger to the life of participants;

- the Law of Ukraine 'On the Status of War Veterans and Guarantees of Their Social Protection' and other relevant normative-legal acts are not sufficiently taking into account the specifics of peacekeeping operations and the level of danger to their participants, when stipulating conditions for granting them the status of combatant;
- criteria for granting the status of combatant to persons who participated in international peacekeeping operations require further specifying.

Having the aim of granting the status of combatant and further improving of the social protection of the citizens of Ukraine, who participated in international peacekeeping operations, and to raise their image in society, the National Security and Defence Council of Ukraine decided:

1. That the Cabinet of Ministers of Ukraine shall:

- prepare within a four months period and submit for consideration by the Verkhovna Rada of Ukraine the draft Law 'On Amendments to the Law of Ukraine 'On the Status of War Veterans and Guarantees of Their Social Protection' aimed at specifying the criteria for granting the status of combatant to the citizens of Ukraine who participated in international peacekeeping operations, taking into account the character and missions of peacekeeping operations and the level of danger to the life of their participants;
- adopt within a three months period the list of criteria for identifying the countries (regions) where participation in peacekeeping operations gives the right for the status of combatant, as well as criteria for the other peacekeeping operations, which give the right for the status of combatant to only to certain individuals, including civilian personnel.

Head of the National Security and Defence Council of Ukraine V. YUSHCHENKO
Secretary of the National Security and Defence Council of Ukraine R. BOGATYRIOVA
Kyiv, May 16, 2008

Part IX

The Legislative Framework for Law-Enforcement and Regulations within the Armed Forces and other Security Formations

Law of Ukraine 'On the Disciplinary Regulations of the Civil Defence Service'

(Bulletin of the Verkhovna Rada of Ukraine, 2009, No 9, p.398)

The Verkhovna Rada of Ukraine decrees:

1. To approve the 'Disciplinary Regulations of the Civil Defence Service' (attached).
2. This Law enters into force from the date of its publication.

President of Ukraine V. YUSHCHENKO

Kyiv, March 5, 2009,

No 1068-VI

DISCIPLINARY REGULATIONS OF THE CIVIL DEFENCE SERVICE

The Disciplinary Regulations of the Civil Defence Service (hereinafter referred to as the Regulations) must identify the essence of service discipline, rights and obligations of rank and file personnel and officers of civil defence bodies and sub-divisions, including students and cadets of educational institutions of the specially authorized central body of executive power in the area of civil defence (hereinafter referred to as rank and file personnel and officers) regarding the observance of such discipline, types of incentives and disciplinary penalties, as well as the procedure for their application.

The present Regulations oblige all rank and file personnel and officers to follow their requirements.

PART I. GENERAL PROVISIONS

Service discipline

1. Service discipline means irreproachable and steady implementation by rank and file personnel and officers of their service obligations established by the Law of Ukraine 'On Legal Foundations of Civil Defence', the present Regulations, and other regulatory and legislative acts as well as the contract for doing service in the bodies and sub-units of Civil Defence (hereinafter referred to as the contract).
2. Service discipline is based on the comprehension by all rank and file personnel and officers of their service obligations and faithfulness to the Military Oath (hereinafter referred to as the Oath), which under the Law must be taken by all rank and file personnel and officers.
3. Service discipline in civil defence bodies and sub-divisions must bind each individual belonging to rank and file personnel or officers at the time of doing their service:
 - to protect life, health, rights, and property or citizens, territory and interests of the society and the state in the instance of emergency situations;
 - to fulfil the requirements of the Oath, the contract, orders of superiors, to observe the present Regulations and other regulatory and legislative documents;
 - to be honest, conscientious and disciplined;
 - to steadily endure all hardships and limitations related to the service, not to spare themselves at the time of fulfilling their assignments;
 - to continuously improve their professional skills, to enhance their proficiency;
 - to observe the standards of professional and service conduct, not to commit actions that may result into inappropriate fulfilment of their official responsibilities, to be free from the influence of political parties and community organizations;
 - to respect human dignity and to be ready, at any time, to provide assistance to people;
 - to contribute to strengthening of the discipline, to accord respect to superiors, to be polite, to observe the rules of the internal order, the rules for wearing the established form of clothes, the rules for salutation and etiquette;
 - to guard state and service secrets;

- to take care of and to maintain in the appropriate condition property, equipment and machinery transferred thereto into use.
4. Each individual belonging to rank and file personnel and officers must display dignity and honour during and after their service time, to serve as an example of the ethical conduct and refrain from violation of public order.
 5. The appropriate level of service discipline in civil defence bodies and sub-divisions must be achieved, in particular, by way of:
 - bringing up high professional, moral and psychological qualities in rank and file personnel and officers on the basis of national and historical traditions, patriotic principles, conscious attitude to the fulfilment of their official responsibilities, and the adherence to the Oath;
 - establishing personal responsibility of each individual belonging to rank and file personnel and officers;
 - tradition of high respect for the rule of law by rank and file personnel and officers;
 - combining methods of persuasion and encouragement with the application of measures of disciplinary penalty;
 - showing personal example of the exemplary fulfilment by superiors of their official responsibilities and showing fair attitude to subordinates;
 - establishing the required level of comfort in all bodies and sub-units of Civil Defence, providing for the proper internal order;
 - ensuring complete and timely provision of rank and file personnel and officers with the established types of support;
 - involvement of all rank and file personnel and officers in the service training programs.
 6. Violation of service discipline is considered a disciplinary offence.
 7. The present Regulations must establish that rank and file personnel and officers must be subject to encouragement for the exemplary fulfilment of their official responsibilities and must bear disciplinary, civil, administrative, or criminal responsibility for violation of service discipline.
 8. Violation of service discipline must be unlawful, culpable (deliberate or careless) action or inaction by an individual belonging to rank and file personnel or officers aimed at not observing the requirements of the Oath, in particular, at not fulfilling or inappropriately fulfilling their official responsibilities, exceeding their authority, violating restrictions and prohibitions set forth by the legislation related to issues on doing service in civil

defence bodies and sub-divisions, or at committing other actions that must defame or discredit an individual as a representative of the Civil Defence Service.

Superiors and subordinates, senior and junior individuals by rank or by position

9. A superior must be an individual belonging to junior, medium, senior, or supreme officers that must have the right to give (issue) orders or instructions, to apply measures of encouragement and to impose disciplinary penalties, or to submit a petition thereon to their immediate superior.
10. A superior to rank and file personnel and officers, even if temporary, but whose authority is confirmed by an order, is considered a direct superior.
11. A superior to the subordinate individual and occupying the next higher position is considered the immediate superior.
12. There must be senior and junior chiefs. A superior must be a chief taking a higher office.
13. Rank and file personnel and officers that are of equal position and not subordinate to each other in terms of service, can be senior or junior depending on their special rank.
14. In the instance of joint fulfilment of official responsibilities by rank and file personnel and officers that are not subordinate to each other in terms of service, a superior must be the individual who is appointed a chief or who takes a higher office. In the instance of equal offices, superiority must be determined in terms of a special rank.
15. In the instance of temporary fulfilment of official responsibilities at the different position, when the authority is confirmed by an order, senior chief has the authority to encourage or to punish subordinates equal to the authority of temporary position.

Giving (issuing) and fulfilling orders or instructions

16. An order is one of the ways of exercising service authority by senior individual. It establishes the purpose and substance of the task, terms of its implementation and an individual responsible for it.
17. An order or instruction should be given (issued) by senior chief in accordance with the authority of his position, based on the legal grounds and avoiding the humiliation of dignity and honour of subordinates. It must be clear and fulfilled implicitly, precisely and on time.
18. An order or instruction should be given verbally or in writing to a single individual or to a group of individuals of rank and file personnel and officers, including with the help of technical means of communication.

19. The authority to cancel an order or instruction belongs exclusively to the senior chief, who gave (issued) the respective order or instruction, or to the senior direct chief.
20. A senior chief assumes responsibility for given (issued) order or instruction and for its legality; for abusing authority and service negligence in the process of giving (issuing) an order or instruction; and for failure to take necessary measures to provide for its implementation.
21. In case of receiving an order or instruction contradicting the law subordinate must not fulfil, but he is obliged to report immediately and in writing to senior chief who gave (issued) an order or instruction. In case the latter confirms this order or instruction, the subordinate must inform in writing to the senior direct chief.
22. Failure to fulfil the legal order or instruction leads to responsibility under these Regulations or other legal acts.
23. Persons guilty of giving (issuing) an evidently criminal order or instruction must be accountable under the law. Responsibility under the law is determined for direct or indirect giving (issuing) of criminal order, as well as for senior individuals, who within their authority could have precluded the fulfilment of criminal order or instruction, which became known to them, but failed to take appropriate actions (criminal inaction).

Rights and obligations of superiors

24. A senior chief is obliged to maintain the high level of service discipline in the bodies and sub-units of Civil Defence; demand to respect it by the subordinates; never leave unnoticed any fact of the violation of discipline; fully exercise his authority; and correctly exercise the available measures to influence the state of discipline.
25. A senior chief is obliged to serve as an example in perfect fulfilling of the requirements of the Oath, orders and instructions; in respecting the legislation, service discipline, professional and service ethics; and motivate and maintain the conscientious attitude by subordinates in fulfilling their service obligations, displaying honour and dignity, encouraging the initiative, independence and diligence when on duty.
26. A senior chief must give special attention to awareness about the individual qualities of subordinates; respect to requirements of the present and other Regulations for bodies and sub-units of Civil Defence in relations with them, as well as between them; developing the team spirit; timely taking the punitive actions against the violators of service discipline; and investigating the reasons for disciplinary offences by subordinates and taking actions to preclude them.
27. Activity of a senior chief aimed at maintaining the high level of service discipline is assessed by the completeness of fulfilment of service obligations by his subordinates and by absence of violations of legislation on their part.

28. A direct superior at least once per half year is obliged to control the level of service discipline among subordinates and take preventive measures against violation of discipline. A superior, who failed to provide observance by subordinates of the appropriate level of service discipline and who failed to take the appropriate measures for this must be held responsible under the present Regulations.
29. A superior has the right to give (issue) orders and instructions, while a subordinate assumes the responsibility to fulfil them.
30. A senior direct chief under the present Regulations has the authority to resort to encouragement or to disciplinary punishments within all rights of junior chiefs.
31. Head of the specially designated central body of executive power on the issues of the Civil Defence has the authority to exercise the encouragement or to resort to disciplinary punishments within all the rights established by the present Regulations.
32. Senior officials occupying the positions of deputies of the head of the specially designated central body of executive power, heads of its divisions or territorial headquarters, commanders of the Civil Defence sub-units and other direct superiors have the authority to exercise the encouragement or to resort to disciplinary punishments within all the rights established by these Regulations within the scope established by the head of the specially designated central body of executive power.

PART II. ENCOURAGEMENT MEASURES

33. Encouragement measures serve as an important incentive for developing high professional, moral and psychological qualities of rank and file personnel and officers as well as for strengthening service discipline.
34. A superior within the authority under these Regulations must encourage his subordinates for their diligence, initiative and conscientious fulfilment of service responsibilities.
35. When choosing the type of incentive, the character of the merit of the individual belonging to the rank and file personnel and officers and his attitude to service duties must be taken into consideration.
36. In case the superior decides that he does not have enough authority to encourage subordinates who deserve the incentive, he can address the senior direct official with request to exercise encouraging measures.
37. For courage and bravery displayed at the time of fulfilling their official responsibilities, exemplary management of civil defence sub-divisions, high levels in terms of vocational training, mastering of equipment and machinery, and other merits – individuals belonging to rank and file personnel and officers may, according to the procedure

set forth by the law, be recommended for the conferment of honorary ranks and the rewarding with state awards of Ukraine and honours of the President of Ukraine

Types of incentives applied to rank and file personnel and officers

38. According to the present Regulations, the following incentives may be applied to rank and file personnel and officers:

- a pre-term remission of a disciplinary penalty;
- the public announcement of gratitude;
- the rewarding with a valuable present or a pecuniary bonus;
- the rewarding with a diploma of the relevant civil defence body or sub-division;
- the entry of the name of the individual to the honorary board of the relevant civil defence body or sub-division;
- the entry of the name of the individual to the honorary board of the central Civil Defence body;
- pre-term conferment of the next special rank;
- the conferment of the next special rank that must be one degree higher than the rank envisaged by the current position;
- the rewarding with encouraging honours of the specially authorized central body of executive power in the area of Civil Defence;
- the recommendation for state and government awards of Ukraine.

39. There must be additional encouragement measures other than indicated in section 38 of these Regulations, which may be applied to the students of educational establishments of specially authorized central body of executive power in the area of Civil Defence:

- giving to the student an honorary right to take a photo near the banner of educational institution with further presentation of the picture to him;
- sending the letter of gratitude to the parents of the student;
- granting an extra leave from the territory of establishment.

Rights of superiors to apply encouragement measures to subordinates

40. An immediate superior occupying the position of the individual belonging to junior command personnel has the right to exercise the following incentives to his subordinates:

- a pre-term remission of a disciplinary penalty;
- the public announcement of gratitude.

41. A direct superior who takes the office specified by the list of staff members for individuals belonging to middle, senior and higher officers must have the right to apply to their subordinates such incentives as provided by section 38 of the these Regulations in the degree established by the head of the specially authorized central body of executive power in the area of Civil Defence

Procedure for application of encouragement measures

42. Encouraging measures, except for the verbal announcement of gratitude and a pre-term remission of a verbally applied disciplinary penalty must be applied to announcement of gratitude through the issuing of the order.
43. The content of the order on encouragement measures must be announced to the rank and file personnel and officers during the general meetings, service sessions, in front of the lined up formation and in person.
44. An announcement of gratitude may be applied to the individual belonging to the rank and file personnel and officers as well as to all personnel of the body or sub-unit of Civil Defence.
45. An individual belonging to the rank and file personnel and officers who are under the disciplinary penalty may be encouraged only through the pre-term remission of a disciplinary penalty.
46. The right for pre-term remission of a disciplinary penalty belongs exclusively to superior who has applied it, or to senior direct superior. Only one remission of a disciplinary penalty can be applied in a single instance.
47. A superior has the right for remission of a disciplinary penalty only after it fulfilled its motivating function and an individual belonging to the rank and file personnel and officers has changed its attitude to his service duty, but not earlier than three months after the order on application of disciplinary penalty was issued.
48. Disciplinary penalties in the form of demotion in the special rank by one degree and dismissal from the office may be removed from the officers not earlier than a year after the order on application of disciplinary penalty was issued.
49. A disciplinary penalty in the form of dismissal from the office may be removed without restoring of the officer in the previous position.
50. In case of an announcement of gratitude to all personnel of the body or sub-unit of Civil Defence the rank and file personnel and officers, who are not on leave or on temporary duty etc., and who previously were punished in the form of such disciplinary penalties as reproof, reprimand, extra duty shift (except for appointment to the guard or sub-unit duty shift), cancellation of the regular leave from the training establishment (sub-unit),

must be considered to be without such disciplinary penalties. If these individuals have been previously punished by other types of disciplinary penalties, then this fact must be taken into account when taking decision about the remission of a disciplinary penalty.

51. The entry of the name of the individual to the honorary board of the relevant civil defence body or sub-division or the entry of the name of the individual to the honorary board of the central Civil Defence body, as a rule, must be applied at the end of the year to the rank and file personnel and officers who achieved the high standards of professional training, displayed exceptional discipline and proved distinctive professionalism in fulfilling their duties.
52. The rewarding with a valuable present or a pecuniary bonus may be used as a separate type of incentive or simultaneously with rewarding by the entry of the name of the individual to the honorary board of the relevant civil defence body or sub-division, the entry of the name of the individual to the honorary board of the central Civil Defence body, the rewarding with encouraging honours of the specially authorized central body of executive power in the area of Civil Defence, and the rewarding with a diploma of the relevant civil defence body or sub-division.
53. Encouragement measures, such as pre-term conferment of the next special rank and the conferment of the next special rank that must be one degree higher than the rank envisaged by the current position must be applied in accordance with the requirements of the Regulations on the Performance of Service by Individuals Belonging to the Rank and File Personnel and Officers of Civil Defence approved by the Cabinet of Ministers of Ukraine to the rank and file personnel and officers who displayed successful results in fulfilling their service duties.
54. The rewarding with encouragement honours of the specially authorized central body of executive power in the area of Civil Defence, and the rewarding with a diploma of the relevant civil defence body or sub-division must be applied to the rank and file personnel and officers for irreproachable service and special merits in fulfilling their service duties.
55. Granting to the students the extra leave from the educational institution can be exercised during the day and hours established by the rector (commandant) of educational institution of the specially authorized central body of executive power in the area of Civil Defence.
56. Taking a photo of the student near the banner of educational institution as a reward by the personal picture is conducted in the parade type of uniform and a service hat.

PART III. DISCIPLINARY PENALTIES FOR VIOLATIONS OF SERVICE DISCIPLINE

57. Disciplinary penalties must be imposed on rank and file personnel and officers for violations of service discipline.

58. A gross disciplinary misconduct must be the fact of a gross violation of service discipline that must not contain the signs of *corpus delicti*, namely:

- absence at service without a reasonable excuse;
- violation of the order of the day established by the head of the relevant Civil Defence body or sub-division;
- consumption of alcoholic beverages or narcotic substances during service hours, arrival at the service in the state of inebriation or in the state of narcotic intoxication;
- violation of the rules for doing service written in the present Regulations;
- the loss of a service identity card, service documents or forms of strict reporting;
- the failure to fulfil orders and instructions of superiors, which resulted in the unreadiness for actions as per assignment and the disruption of the fulfilment of assignment entrusted to the relevant Civil Defence body or sub-division;
- breaking the legal or regulatory acts which resulted in the damage or loss of the service property, equipment and material or other losses, as well as in harm to the health of personnel of the body or sub-unit of Civil Defence, or to the third persons;
- unauthorized absence of cadets (students) from the location of the relevant educational institution;
- the failure to fulfil individual plans of works by the scientific, research and educational, and pedagogical personnel, post-graduates, persons working on a doctorate degree.

59. There are other actions considered to be violations of service discipline, such as:

- infringement of the legal acts regulating the activity of the bodies and sub-units of Civil Defence;
- brutal or belittling attitude to citizens, humiliation of their honour and dignity while performing the service duties;
- concealment or incorrect submission of personal information, which can be important in the interest of service (change of address, past administrative or criminal sentences);
- other actions tantamount the violation of service discipline under the law or the present Regulations.

60. In case of the insignificant violation of service discipline by the rank and file personnel and officers, the superior may limit his reaction to the verbal warning of the individual regarding the necessity to respect the service discipline and to pointing out the failures. If later it will be found that the person continues to display dereliction of service responsibilities, the superior may resort to formal disciplinary penalty.

61. In case of the gross disciplinary misconduct when situation requires immediate response, the direct superior may remove the individual belonging to the rank and file personnel and officers from exercising his service duties.
62. The superior who removed the subordinate from exercising his service duties must immediately report about this to his higher direct superior citing the reasons and circumstances of the removal. The duration of the removal from exercising one's service duties must not exceed the duration of the service investigation and the period necessary for the superior to take a decision.
63. The superior who removed the subordinate from exercising his service duties without sufficient grounds or by the way of exceeding his service authority must be held responsible under the law or the present Regulations.
64. Disciplinary penalties imposed on rank and file personnel and officers in the written order are considered valid for one year since the date of the issuing of the order, but in case they are imposed verbally, the term of validity must be one month since the date of imposing.
65. The individual belonging to the rank and file personnel and officers who has valid disciplinary penalty may not be promoted to the next special rank; he may not be appointed on the higher position till the end of validity of the disciplinary penalty or till its removal through procedures stipulated in the present Regulations.
66. In case the violation of service discipline has the signs of administrative misconduct or crime, the superior is obliged, simultaneously with the imposing the disciplinary penalty on rank and file personnel and officers, to submit the relevant materials to the body, which is assigned to explore the cases of administrative violations or to the body of pre-trial investigation.
67. The superiors who failed to take proper measures to make the subordinates accountable for their disciplinary misconduct and cases of corruption, and who did not submit the evidence on the cases of rank and file personnel and officers committing the administrative misconducts or crimes to the body, which is assigned to explore the cases of administrative violations or to the body of pre-trial investigation in cases stipulated by the section 66 of the present Regulations must be held responsible under the present Regulations and the law.

Types of disciplinary penalties, which may be imposed on rank and file personnel and officers

68. The following types of disciplinary penalties may be imposed on rank and file personnel and officers for violation of service discipline:
 - reproof;
 - reprimand;

- severe reprimand;
 - a warning on incomplete service compliance;
 - dismissal from service in connection with the systematic failure to fulfil terms and conditions of the contract or because of service incompliance.
69. The individuals belonging to the rank and file personnel and officers for violations of service discipline other than indicated in section 68 of the present Regulations can be punished with the following disciplinary penalties:
- dismissal from the office;
 - demotion in the special rank by one degree.
70. There may be additional disciplinary penalties, which may be applied to the students of educational establishments of specially authorized central body of executive power in the area of Civil Defence:
- reproof;
 - reprimand;
 - severe reprimand;
 - cancelling the regular leave from the educational institution (sub-unit);
 - assigning the extra duty shift (except for appointment to the guard or sub-unit duty shift).
71. Disciplinary penalties in the form of dismissal from the office, demotion in the special rank by one degree and dismissal from service in connection with the systematic failure to fulfil terms and conditions of the contract or because of service incompliance must not be applied to officers who must be appointed to their offices and who must be conferred special ranks by the President of Ukraine.

Rights of a superior related to imposing disciplinary penalties

72. Direct superiors who occupy the position specified by the list of staff members for individuals belonging to junior command personnel have the authority of imposing disciplinary penalties in the form of reproof.
73. Direct superiors who takes the office specified by the list of staff members for individuals belonging to middle, senior and higher officers must have the right to impose on their subordinates such disciplinary penalties as provided by sections 68-70 of the present Regulations in the volume established by the head of the specially authorized central body of executive power in the area of Civil Defence.

74. The authority to impose disciplinary penalties on the higher officers of bodies and sub-units of Civil Defence belongs to the head of the specially authorized central body of executive power in the area of Civil Defence.

Procedure for imposing disciplinary penalties

75. To the individuals belonging to the rank and file personnel and officers who violated service discipline must be imposed with only disciplinary penalties under the present Regulations and compatible with the degree of their fault.

76. Responsibility of a person must be of individual nature.

77. For each violation of service discipline, there must be only one disciplinary penalty. In case of the violation of service discipline by several individuals, the disciplinary penalty must be imposed separately on each of them.

78. Disciplinary penalties such as reproof, assigning the extra duty shift (except for appointment to the guard or sub-unit duty shift) and cancelling the regular leave from the educational institution (sub-unit) may be imposed in the form of verbal or written order. Other types of disciplinary penalties as provided by sections 68-70 of the present Regulations must be imposed on the rank and file personnel and officers in the written order.

79. Disciplinary penalty in the form of a warning on incomplete service compliance must be imposed only once.

80. Dismissing of the rank and file personnel and officers on the grounds of the systematic failure to fulfil terms and conditions of the contract or because of incomplete service compliance must be considered as radical measure of disciplinary influence and may be used in case, when previous measures did not produce positive effect or when the disciplinary offence is incompatible with further service in Civil Defence Service.

81. Prior to imposing of disciplinary penalty the offender must submit written explanation. In case the offender refuses to submit written explanation, his superior must record this fact in the form of an act.

82. Imposing of disciplinary penalty on the offender who is under intoxication as well as receiving of written explanation from such person must be postponed until he becomes sober.

83. Prior to taking decision on imposing the disciplinary penalty on subordinate for gross disciplinary misconduct the superior may initiate the service investigation with the aim to clarify all the circumstances, as well as specify the reasons and circumstances which led to this violation of discipline, assessing correctly the degree of the fault and the extent of the damage.

84. Service investigation must be completed in the course of one month after ordering it by superior. In case of necessity, this term may be prolonged by senior direct superior, but for no longer than one month.
85. The procedure of conducting the service investigation is established by the specially authorized central body of executive power in the area of Civil Defence.
86. Disciplinary penalty may be imposed no later than in the course of 30 days since the day when superior has discovered the violation, and in case of conducting the service investigation of the fact of violation – since the day of completion of the service investigation, omitting the days of temporary absence of the offender due to sick calls or leaves.
87. Disciplinary penalty may not be imposed during the time of temporary absence of the individual belonging to the rank and file personnel and officers due to sick calls or leaves, or when more than a year have passed since the day of violation.
88. Imposing of disciplinary penalty on the individual belonging to the rank and file personnel and officers who is a member of the duty shift for disciplinary violation during the service in the shift must be imposed only after the end of the shift or after the substitution of the offender by other person.
89. In case a superior decides that the gravity of disciplinary violation of his subordinate exceeds the authority of his position under the present Regulations, he may address the senior direct superior with request for imposing the penalty on the offender.
90. The superior who exceeded his service authority of imposing disciplinary penalties must be held responsible under the present Regulations and the law.
91. Senior superior has no right to cancel or reduce the disciplinary penalty imposed by junior chief on the grounds of severity of the penalty, if junior chief has not exceeded his authority and imposed penalty corresponds to the gravity of disciplinary violation.
92. Senior superior has the right to increase the disciplinary penalty imposed by junior chief, if it becomes evident that the penalty does not correspond to the gravity of disciplinary violation, or cancel disciplinary penalty if comes to decision that it was imposed without any grounds.
93. The individual belonging to the rank and file personnel and officers has the right to appeal against the disciplinary penalty imposed on him to the next senior direct superior or to the court during one month since the day of imposition.
94. Complaint on the actions of superior who imposed the disciplinary penalty must be reviewed during the period not exceeding one month since the day of receiving it.

Procedure of fulfilment of disciplinary penalty

95. A disciplinary penalty, as a rule, must be fulfilled immediately.
96. Individuals guilty of failing to fulfil the disciplinary penalty without a valid excuse must be subjected to disciplinary responsibility under the present Regulations.
97. In case of complaint to the senior superior, the fulfilment of the imposed disciplinary penalty must not be postponed, unless the senior superior takes the decision for postponement for the period of reviewing the complaint.
98. The fact of imposing the disciplinary penalty is announced to:
 - individuals belonging to rank and file and junior personnel – in person, in front of the lined up formation or during the meeting;
 - middle, senior and higher officers – in person, during the meeting or during the session of the corresponding category of officers.
99. Announcing the disciplinary penalty to an officer, in presence of his subordinates, is not forbidden.
100. An order may be issued to impose a disciplinary penalty upon the offender. The contents of such an order must be announced to and signed by the relevant individual belonging to rank and file personnel or officers, which was brought to disciplinary responsibility. In case of retirement, the individual belonging to rank and file personnel or officers must receive an extract from this order. In case the individual refuses to get acquainted with such an order, his superior must record this fact in the form of an act.
101. Cadets and students of educational establishments of specially authorized central body of executive power in the area of Civil Defence to whom the disciplinary penalty is imposed in the form of assigning the extra duty shift (except for appointment to the guard or sub-unit duty shift) must be assigned to the extra duty shift on any day of the week in their time free of classes. The duration of one such duty shift should not exceed 8 hours per day.
102. In case of imposing the disciplinary penalty in the form of demotion in the special rank by one degree to the officer, he must be given time for change to proper insignia.
103. In case after the imposition of such penalty, as a warning on incomplete service compliance, an individual belonging to rank and file personnel or officers, has repeated the violation of service discipline and the above-mentioned disciplinary violation was not removed, the corresponding superior must take a decision to transfer this person to the lower position or to dismiss him from the service.

PART IV. TRACKING OF ENCOURAGEMENTS AND DISCIPLINARY PENALTIES

104. All encouragements and disciplinary penalties must be subject to tracking.
105. Tracking of encouragements and disciplinary penalties of the rank and file personnel and officers must be kept in the bodies and sub-units of Civil Defence in the personal files in accordance with the register of encouragements and disciplinary penalties (Appendixes 1 and 2).
106. All encouragements and disciplinary penalties under the present Regulation, including the encouragements announced by the superior to all personnel of the body or sub-unit of Civil Defence must be registered within a week in the respective section of the personal file according to the registry of encouragements and disciplinary penalties.
107. In case of cancellation of the disciplinary penalty a record must be made in the personal file and the registries of encouragements and disciplinary penalties as to who and when has cancelled respective disciplinary penalty.
108. In case the disciplinary penalty imposed in the order was not cancelled within a year and an individual belonging to rank and file personnel or officers did not commit during this period any other offence for which the disciplinary penalty may be received, the record must be made in his personal file and the registries of encouragements and disciplinary penalties as for the ending of the validity period of this disciplinary penalty.

PART V. PROPOSALS, APPLICATIONS AND COMPLAINTS

109. All rank and file personnel and officers must have the right for a written address – a proposal, an application, a complaint, or an appeal – personally to officials, bodies and to a court in the instance of:
- the adoption of illegal decisions or the committal of actions (inaction) with respect to them by superiors or other rank and file personnel or officers or violation of their rights, legal interests and freedoms;
 - illegal assignment of obligations to them or of illegal bringing of them to account;
 - the emergence of other issues related to service activities and operations.
110. Proposal, application or appeal must be submitted to immediate superior while a complaint must be submitted to immediate superior of the person, whose actions became the reason for complaint. In case the person at fault is not known, the complaint must be submitted through the chain of command.

111. An individual belonging to rank and file personnel or officers who submitted a proposal, an application, a complaint, or an appeal, has the right to:
 - personally provide reasons to the person who is reviewing proposal, an application, a complaint, or an appeal and support them with evidence if necessary;
 - submit additional materials relative to the matter or solicit about their request by the superior or the body reviewing a proposal, an application, a complaint, or an appeal;
 - be present during the review of a proposal, an application, a complaint, or an appeal;
 - receive a written response about the results of the reviewing of a proposal, an application, a complaint, or an appeal;
 - access the records of the review of a proposal, an application, a complaint, or an appeal;
 - appeal to the court against the decision adopted on his appeal or complaint;
 - demand reimbursement of the losses in according to the procedure established by law.
112. No one must be offended or punished for submitting a proposal, an application, a complaint, or an appeal.
113. Submitting of complaint by the individuals belonging to the rank and file personnel and officers of the bodies and sub-units of Civil Defence does not free them from fulfilling their service duties and orders of superiors.
114. It is forbidden to submit complaint while on duty, in formation (except for complaints submitted during the questioning of the rank and file personnel and officers), within duty shift and during the training lessons.
115. During the questioning of the rank and file personnel and officers, a proposal, an application, a complaint, or an appeal may be submitted verbally or in writing directly to the superior, who conducted questioning.
116. When the facts like theft or damage of service property, illegal spending of money, violations in resource supply, deficiencies in the norms of technical equipment or other negative facts become evident, an individual belonging to the rank and file personnel and officers must report it to his immediate superior. This individual may also send a written appeal to senior superior up to the head of the specially authorized central body of executive power in the area of Civil Defence, or to the other governmental, including law-enforcement, bodies.
117. A proposal, an application, a complaint, or an appeal submitted in writing must always be signed. In case there is no information about the author of a proposal, an application, a complaint, or an appeal, it is regarded as anonymous and must not be reviewed.

118. Properly submitted proposal, application, complaint, or appeal must be taken for reviewed. If the problem indicated in a proposal, an application, a complaint, or an appeal does not fall within the framework of authority of the particular superior, who received it for further review, then the proposal, the application, the complaint, or the appeal, no later than in five days, must be sent to competent person or the body, and an individual belonging to the rank and file personnel and officers who submitted the proposal, the application, the complaint, or the appeal must be informed about it. If a proposal, an application, a complaint, or an appeal does not contain the information necessary take a well-grounded decision by the body or an official, then it must be returned within the same period to an individual belonging to the rank and file personnel and officers with proper explanation.
119. It is forbidden to resend the appeal or complaint of the individuals belonging to the rank and file personnel and officers to the same officials or bodies, actions of which are the subject of the complaint.
120. A proposal, an application, a complaint, or an appeal is considered to be resolved, if all its issues are examined and consequent necessary measures are taken or detailed responses provided. Decision to refuse in accommodating the issues of a proposal, an application, a complaint, or an appeal must be announced to the rank and file personnel and officers in written form with proper substantiation by legal acts and references to the reasons of refusal and explanation of the procedure for further appeal.
121. All proposals, applications, complaints, or appeals must be considered in within one month after the date of arrival, and those, which do not require an additional scrutinizing, must be considered immediately but no later than in 15 days after the date of arrival. If within one month, the issues raised in a proposal, an application, a complaint, or an appeal cannot be resolved, then the superior establishes a new term of consideration, which must be announced to the individual belonging to rank and file personnel and officers who submitted the proposal, the application, the complaint, or the appeal. In this case the general term of review of a proposal, an application, a complaint, or an appeal must not exceed 45 days.
122. During review of a proposal, an application, a complaint, or an appeal, the superior or another person who participates in the process of review must not disclose any personal information of the individual belonging to rank and file personnel and officers as well as any other information concerning his rights, freedoms and legitimate interests.
123. A superior, who allowed an illegitimate action towards his subordinates with regard to their proposal, application, complaint, or appeal, must be held responsible under the law.

Law of Ukraine ‘On Introducing Amendments to the Law of Ukraine on Detective-Investigative Activity’ Regarding International Cooperation”

(Bulletin of the Verkhovna Rada of Ukraine, 2010, No 38, p. 508)

The Verkhovna Rada of Ukraine decrees:

1. To introduce amendments to the Law of Ukraine ‘On Detective-Investigative Activity (Bulletin of the Verkhovna Rada, 1992, No 22, p. 303 with subsequent amendments) as follow:

- 1) insert Article 5-1 reading:

‘Article 5-1. International cooperation in the field of detective-investigative activity
Cooperation in the field of detective-investigative activity between/with the Cabinet Ministries, other central executive authorities and Government agencies which have in their composition the operating units as identified by Article 5 of this Law; foreign-State law enforcement and special services which have in their composition similar units, as well as international law enforcement organizations shall be carried out in compliance with the legislation of Ukraine, international agreements of Ukraine, as well as constituent acts and regulations of the international law enforcement organizations to which Ukraine is a party’;

- 2) in Article 6 section two, the words ‘in requests for information by operating units of international law enforcement organizations and foreign-State organizations’ shall be substituted for ‘in requests for information and reports by foreign-State law enforcement agencies and international law enforcement organizations’;

- 3) Article 7 clause 3 shall be put in the following wording:

‘3) satisfy requests for information by foreign-State or international law enforcement organizations – within their competence and in conformity with the legislation of Ukraine, international agreements of Ukraine as well as constituent acts and regulations of the international law enforcement organizations to which Ukraine is a party’;

- 4) in Article 8 section one, insert clause 19 reading:

‘19) forward requests for information to foreign-State or international law enforcement organizations – within their competence and in conformity with the legislation of Ukraine, international agreements of Ukraine as well as constituent acts and regulations of the international law enforcement organizations to which Ukraine is a party’.

- 2) This Law becomes effective from the date of its official publication.

President of Ukraine V. YANUKOVYCH
Kyiv, July 1, 2010
No 2397-VI

Law of Ukraine 'On Introducing Amendments to Article 11 of the Law of Ukraine 'On the Militia''

(Bulletin of the Verkhovna Rada of Ukraine, 2009, No 32-33, p. 487)

The Verkhovna Rada of Ukraine decrees:

1. In the eighth paragraph, Article 11, section one clause 5 of the Law of Ukraine 'On the Militia' (Bulletin of the Verkhovna Rada of the Ukrainian Soviet Socialist Republic, 1991, No 4, p. 20; Bulletin of the Verkhovna Rada; 1992, No 36, p. 526; 2003, No 29, p. 233, No 30, p. 247; 2005, No 10, p. 187; 2007, No 15, p. 194), the words 'with the sanction of the Public Prosecutor' shall be substituted for 'under a substantiated court decision'.
2. This Law becomes effective from the date of its official publication.

President of Ukraine V.YUSHCHENKO

Kyiv, March 19, 2009

No 1188-VI

Law of Ukraine ‘On Introducing Amendments to the Law of Ukraine ‘On the Militia’ Regarding International Cooperation”

(Bulletin of the Verkhovna Rada of Ukraine, 2010, No 31, p. 414)

The Verkhovna Rada of Ukraine decrees:

1. To introduce amendments to the Law of Ukraine ‘On the Militia’ (Bulletin of the Verkhovna Rada of the UkSSR, 1991, No 4, p. 20 with subsequent amendments) as follow:

1) Article 8 shall be put in the following wording:

‘Article 8. Cooperation in the field of the Militia activities between the Ministry of the Interior of Ukraine and similar foreign-State agencies and international police organizations

Cooperation in the field of the Militia activities between the Ministry of the Interior of Ukraine and similar foreign-State agencies and international police organizations shall be carried out in compliance with the legislation of Ukraine, international agreements of Ukraine as well as constituent acts and regulations of the international law enforcement organizations to which Ukraine is a party’;

2) in Article 10 section two, insert clause 31 reading:

‘31) satisfy, within their competence, requests for information by foreign-State or international law enforcement organizations in conformity with the legislation of Ukraine, international agreements of Ukraine as well as constituent acts and regulations of the international law enforcement organizations to which Ukraine is a party’;

3) in Article 11 section one:

in clause 5, insert the twelfth paragraph reading:

- ‘Aliens and stateless persons wanted by foreign-State law enforcement agencies as suspects, accused criminals or convicted offenders who evade from being subjected to criminal penalty, – pursuant to procedures and for the periods as stipulated in the legislation of Ukraine and international agreements of Ukraine’;

insert clause 32 reading:

- ‘32) forward, within their competence, requests for information to foreign-State or international law enforcement organizations in conformity with the legislation

of Ukraine, international agreements of Ukraine as well as constituent acts and regulations of the international law enforcement organizations to which Ukraine is a party'.

2) This Law becomes effective from the date of its official publication.

President of Ukraine V. YANUKOVYCH

Kyiv, May 11, 2010

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