



THE SECURITY SECTOR LEGISLATION OF UKRAINE



2017

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of the national security and defence of Ukraine updated after
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“The Security Sector Legislation of Ukraine” (2012).
For a wide range of readers.

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FOREWORD

Oleksandr Lytvynenko, Ph.D.
Deputy Secretary of the National Security and Defence Council of Ukraine

The time that passed since the previous edition of the digest of legislation on national security and defence saw dramatic changes in Ukraine's security environment. The Russian hybrid aggression against our state took new forms and led to annexation of the Crimean Peninsula and occupation of some districts of Donetsk and Lugansk regions.

The Armed Forces of Ukraine and other military formations for the first time in their history stand in defence of state sovereignty and territorial integrity of the Motherland. Strategic plans of the enemy were defeated, but the threat has not been removed; it took new forms and is long-standing. The aggressive policy of the Russian Federation now presents itself as the source of the most pressing and direct military and other threats to the national security of Ukraine.

Meanwhile, the world does not stand still and is stunned, watching the armed conflict on the outskirts of Europe. Developed countries transition to a new technological wave. We witness the emergence of new forms of global governance. The European Union undergoes deep transformations, US policy is changing, the foreign and security ambitions of the People's Republic of China (PRC) has become much more active. An epoch of radical change is beginning, following which a new world order will be established.

Global and regional threats such as climate change, international terrorism, transnational organised crime, drug trafficking, uncontrolled migration, also retain their importance.

Internal threats remain topical for Ukraine. A new, innovative-investment model of economic development was not implemented, and the degradation of science, education and healthcare goes on. The inertia of the "oligarchic republic" is not over, and its uncontrolled dismantling may pose a challenge to the very existence of the state.

In such conditions, Ukraine's security and defence sector requires deep reformation and adaptation to the new threats. For this purpose, a Comprehensive Review of Ukraine's security and defence sector was started in April 2014, that resulted in development and adoption of the new Strategy of National Security of Ukraine, Military Doctrine of Ukraine, Strategic Defence Bulletin, the President of Ukraine for the first time signed the Concept of development security and defence sector Ukraine, the Strategy of Cyber Security of Ukraine, and the National Intelligence Programme. Legislation undergoes steadfast improvement. The draft of the basic Law of Ukraine "On National Security" is being finalised.

Those documents specify the goals, timelines, objectives and methods of security and defence sector reform, proceeding from priority development of defence and security capabilities. Such an approach is seen as the only one possible in the conditions where at least in the middle run, Ukraine has to rely solely on its own powers, and accession to NATO is a long way ahead. Meanwhile, regular implementation of the Alliance's norms and standards is one of the key lines of reforms in the security and defence sector.

The reformed security and defence sector should become both an area and an efficient tool of transformation of the state and country in line with present-day European and Euro-Atlantic models.

In the past two years, the combat efficiency of the Armed Forces was restored, the National Guard was formed, the efficiency of the Security Forces of Ukraine and intelligence bodies grew substantially, the National Police is being built that, in contrast to the post-Soviet militia that was a punitive agency, focuses on defence of rights, freedoms and legitimate interests of citizens. The institutional framework for fighting corruption was laid down. Meanwhile, reforms are only at an initial stage. The documents in this digest that were adopted or supplemented in 2013-2016 generally reflect the described situation. Life goes on.

Kyiv, July 2016

Philipp Fluri, Ph.D.

Deputy Director of Geneva Centre for the Democratic Control of Armed Forces

I take pleasure in making this volume on the Security Sector legislation of Ukraine available to the interested public.

Strengthening the role of parliaments and other democratic institutions in security sector governance is one of DCAF's main concerns and raisons d'être. Much initial co-operation 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. Co-operation with the Inter-Parliamentary Union and regional parliamentary assemblies such as the NATO Parliamentary Assembly evolved in parallel and reached a high level of professionalism and visibility.

Ukraine, as a founding member of our organisation, has assisted in shaping these developments, while benefitting from DCAF co-operation in the realms of defence reform, oversight and guidance, reform of the intelligence and security services, integrity building, and Human Rights.

The various volumes preceding this collection testify to intense co-operation for more than ten years. This volume will undoubtedly be useful in the process of further buttressing civilian political oversight, if only by offering a comprehensive overview of laws now in vigor.

I would like to thank the Swiss Ministry of Defence Security Policy Department for making this publication possible by generous financial support. DCAF's Ukraine co-operation programme is financially supported by the governments of Latvia, the Netherlands, Sweden and Switzerland.

Geneva, August 2016

Valentyn Badrak, Ph.D.
Director of the Centre for Army, Conversion and Disarmament Studies

In course of the four years that past after the release of the previous edition of this publication, the Verkhovna Rada of Ukraine made rather serious steps towards democratisation and Western standards in the security sector. Despite the extreme trials of its statehood with a war, Ukraine restored its system of national security from scratch, revived the Armed Forces, created the National Guard, strengthened such important branches as the Security Service and national intelligence bodies supporting its ability to respond to present security challenges. As a result of the long preparation of Russia for the war and formation of spy rings and subversive networks in Ukraine, Ukraine lost part of its territory. However, misfortunes and dangerous trends kind of rallied not only society but also the legislative branch.

This digest presents changes in the legislation on the security and defence sector in 2013-2016. The readers will surely notice that the bulk of regulatory acts were drafted and adopted in such a way that their principles and substance bring Ukraine much closer to the Western norms of international law, harmonise its security and defence environment.

Special note should be made of implemented intentions of fighting corruption and terrorism, and of social protection of military servants who took part in combats against the aggressor country – Russia. Most legislative acts touch upon the security sector building and deal with problems of mobilisation, antiterrorist operation, creation of asymmetric capabilities of the state.

Of course, this work is not over. In my opinion, many regulatory-legal acts still require finalisation and adoption, in particular, for the employment of the available potential of development of arms and military equipment, preparation of proper conditions for Ukraine's military-technological co-operation with the Western countries.

I believe that this will be the job for the next stage of work of the Ukrainian Parliament.

Kyiv, July 2016

PART I

THE CONSTITUTIONAL FRAMEWORK OF UKRAINIAN NATIONAL SECURITY AND DEFENCE POLICY

Declaration of Ukrainian State Sovereignty

Adopted by the Verkhovna Rada of the Ukrainian Soviet Socialist Republic
Kyiv (Kiev), July 16, 1990

The Verkhovna Rada of the Ukrainian SSR:

- expressing the will of the people of Ukraine;
- striving to create a democratic society;
- acting on the need for comprehensive guarantees of human rights and freedoms;
- respecting national rights of all states;
- caring for the fully-fledged political, economic, social, and spiritual development of the people of Ukraine;
- recognising the necessity to develop a constitutional State;
- aiming to establish sovereignty and self-rule for the people of Ukraine;

Proclaims that:

The State Sovereignty of Ukraine shall be supreme, independent and transparent, assuring indivisibility of Ukraine's authority within its State boundaries and its independence and equality in foreign relations.

I. SELF-DETERMINATION OF THE UKRAINIAN NATION

The Ukrainian SSR as a sovereign national State develops within its existing boundaries the inalienable right to exercise self-determination. The Ukrainian SSR stands to protect and defend the Statehood of the Ukrainian people. Any violent actions against Ukraine undertaken by political parties, non-governmental organisations, other groups or individuals shall be impeached.

II. RULE OF THE PEOPLE

The citizens of all nationalities comprise the people of Ukraine. The people of Ukraine are the sole source of State authority. The absolute authority of the people of Ukraine is exercised directly through the Republic's Constitution, as well as via National Deputies elected to the Verkhovna Rada and Local Councils of the Ukrainian SSR. The Verkhovna Rada represents all the people. No political party, non-governmental organisation (NGO), other group or individual can represent all the people of Ukraine.

III. STATE POWER

The Ukrainian SSR is independent in determining its State affairs. The Ukrainian SSR guarantees the supremacy of the Constitution and Laws. State power is exercised on the principle of its divisions into legislative,

executive, and judicial branches. The Prosecutor General of the Ukrainian SSR (appointed by, responsible and accountable to the Verkhovna Rada) has the highest authority to ensure the precise and uniform application of law.

IV. CITIZENSHIP OF THE UKRAINIAN SSR

The Ukrainian SSR has its own citizenship and guarantees each citizen the right to retain citizenship of the USSR. The citizenship of the Ukrainian SSR is acquired and lost on the grounds determined by the Laws on Citizenship of the Ukrainian SSR. All citizens of the Ukrainian SSR are guaranteed the rights and freedoms stipulated by the Constitution of the Ukrainian SSR and recognised standards of international law. The Ukrainian SSR guarantees the equal protection of the law to all citizens regardless of their origin, social or economic status, racial or national identity, sex, education, language, political views, religious beliefs, occupation, place of residence or any other circumstances.

The Ukrainian SSR regulates immigration procedures. The Ukrainian SSR acknowledges and undertakes measures to protect and defend the interests of Ukrainian citizens beyond its borders.

V. TERRITORIAL SUPREMACY

The Ukrainian SSR has supremacy over all its territory. The territory of the Ukrainian SSR within its existing borders is inviolable and cannot be changed or used without its consent. The Ukrainian SSR is independent in determining its administrative-territorial system and the procedures for establishing national and administrative units.

VI. ECONOMIC INDEPENDENCE

The Ukrainian SSR independently determines its economic status guaranteed by law. The people of Ukraine have the exclusive right to control and directly use the national resources of Ukraine. The land, mineral wealth, air space, water, natural resources within Ukraine and its continental shelf as well as its maritime economic zones including all economic and scientific-technical potential created locally are the property of its people.

These resources constitute the material basis of Ukraine's sovereignty, and are to be used to meet the material and spiritual needs of its citizens. The Ukrainian SSR has the right to its share of Soviet Union (USSR) wealth, especially in all-union (USSR) gemstone, hard currency stocks and gold reserves that were created through Ukrainian efforts. Issues concerning all-union (USSR) property (joint property of all Soviet Republics) are to be resolved through agreements between the Soviet Republics entitled to the aforementioned property. Businesses, institutions, organisations, and assets belonging to other States and their citizens, as well as international organisations located in Ukraine, may also use the natural resources of Ukraine in accordance with the law. The Ukrainian SSR independently establishes banking (including a foreign economic bank), pricing, financial, customs, and tax systems. It will develop a State Budget, and, if necessary, it will introduce its own currency. The National Bank of Ukraine is the chief credit institution in Ukraine and is accountable to the Verkhovna Rada. Businesses, institutions, organisations, and manufacturing companies based in Ukraine pay a fee for land use, natural and labour resources, and have tax deductions made from their foreign currency earnings creating taxes for local budgets. The Ukrainian SSR guarantees protection of all forms of private ownership.

VII. ENVIRONMENTAL SAFETY

The Ukrainian SSR independently determines procedures to organise ecological protection in Ukraine to develop procedures for the rational use of natural resources. Ukraine has a national committee that organises protection for the population in case of radiation contamination. The Ukrainian SSR reserves the right to ban the construction and to halt the operation of any businesses, institutions, organisations and other objects that threaten environmental safety. The Ukrainian SSR is concerned for the environmental safety and lineage of its current citizens and future generations. The Ukrainian SSR has the right to compensation for the damages made to Ukrainian environment by the acts of the USSR union authorities.

VIII. CULTURAL DEVELOPMENT

The Ukrainian SSR is autonomous when solving issues associated with science, education, as well as cultural and spiritual development of the nation and guarantees all nationalities living on the territory of the Republic the right to free national and cultural development. The Ukrainian SSR guarantees national and cultural recovery of the pre-USSR Ukrainian nation, its historical consciousness and traditions, national and ethnographic characteristics, and the use of Ukrainian language in all aspects of social activity. The Ukrainian SSR strives to meet the national, cultural, spiritual and linguistic needs of Ukrainians living outside its borders. The national, cultural, and historical values within Ukraine belong exclusively to the people. The Ukrainian SSR reserves the right to return into State ownership national, cultural, and historical values found outside the borders of the Ukrainian SSR.

IX. EXTERNAL AND INTERNAL SECURITY

The Ukrainian SSR has the right to possess Armed Forces. The Ukrainian SSR retains internal State military and security organisations regulated by the Verkhovna Rada. The Ukrainian SSR determines procedures for military service. Citizens of Ukraine perform military service, as a rule on local territory and cannot be used for military purposes beyond its borders without the consent of the Verkhovna Rada. Ukraine solemnly declares its intention of becoming a permanently neutral State that does not participate in military blocs and adheres to three nuclear-free principles: not to accept, produce or to purchase nuclear weapons.

X. INTERNATIONAL RELATIONS

Ukraine, as a subject of international law, maintains direct relations with other States, enters into agreements, exchanges diplomatic, consular and trade representation, and participates in the activity of international organisations to the full extent necessary to effectively guarantee national interests in political, economic, ecological, information, academic, technical, cultural fields.

The Ukrainian SSR acts as an equal participant in international affairs, actively promotes the reinforcement of general peace and international security, and directly participates in Euro-centric processes and structures. Ukraine recognises the importance of general human values over class ones and the precedence of generally accepted standards of international law over domestic law.

* * *

Relations of the Ukrainian SSR with other Soviet Republics are built upon the basis of agreements concluded on the principles of equality, mutual respect, and non-interference in internal affairs.

This Declaration is the basis for a new Constitution and Legal Code for Ukraine that determines the position of the Republic for the purpose of international agreements. The principles of the Declaration of the Sovereignty of Ukraine are to be used for the preparation of a new Union agreement.

Verkhovna Rada of Ukraine Resolution "On Declaration of Independence of Ukraine"

The Verkhovna Rada of the Ukrainian Soviet Socialist Republic resolves that:

Ukraine shall be declared an independent democratic state on August 24, 1991.

Upon declaration of its independence, only its Constitution, laws, orders of the Government, and other legislative acts of the republic are valid on the territory of Ukraine.

A republican referendum shall be organised on December 1, 1991, to confirm the act of declaration of independence.

Chairman of the Verkhovna Rada of the Ukrainian SSR L. Kravchuk

Kyiv, August 24, 1991 No 1427-XII

ACT OF DECLARATION OF INDEPENDENCE OF UKRAINE

August 24, 1991

In view of the mortal danger surrounding Ukraine in connection with the state coup in the USSR on August 19, 1991, Continuing the thousand-year tradition of state development in Ukraine, Proceeding from the right of a nation to self-determination in accordance with the Charter of the United Nations and other international legal documents, and Implementing the Declaration of State Sovereignty of Ukraine, the Verkhovna Rada of the Ukrainian Soviet Socialist Republic solemnly declares

Independence of Ukraine and creation of the independent Ukrainian state - UKRAINE.

The territory of Ukraine is indivisible and inviolable.

From this day forward, the Constitution and laws of Ukraine only are valid on the territory of Ukraine.

This act comes into force upon its approval.

Constitution of Ukraine

(*Bulletin of the Verkhovna Rada (BVR), 1996, No 30, p. 141*)

Amended by the Laws of Ukraine:

No 2222-VI of 08.12.2004, BVR, 2005, No 2, p. 44;
No 2952-VI of 01.02.2011, BVR, 2011, No 10, p. 68;
No 586-VII of 19.09.2013, BVR, 2014, No 11, p. 142;
No 742-VII of 21.02.2014, BVR, 2014, No 11, p. 143;
No 1401-VIII of 02.06.2016.

The Law of Ukraine No 2222-VI dated 08.12.2004 is recognised as such that does not correspond to the Constitution of Ukraine (is unconstitutional), in accordance with the Decision of the Constitutional Court of Ukraine No 20-pn/2010 dated 30.09.2010 due to infringement of the constitutional procedure of its consideration and adoption.

The provisions of the Constitution of Ukraine adopted at the fifth session of the Verkhovna Rada of Ukraine on 28.06.1996, with amendments and attachments, contributed by the Laws of Ukraine No 2222-VI dated 08.12.2004, No 2952-VI dated 01.02.2011, No 586-VII dated 19.09.2013, are recognised to be in force at the territory of Ukraine in accordance with the Verkhovna Rada of Ukraine Decree No 750-VII dated 22.02.2014.

The Verkhovna Rada (the Parliament) of Ukraine on behalf of the Ukrainian people – Ukrainian citizens of all nationalities, expressing the sovereign will of the people, relying on the centuries-old history of Ukrainian state-building and upon the right to self-determination realised by the Ukrainian nation, all the Ukrainian people, aspiring to ensure human rights and freedoms, and life conditions worthy of human dignity, supporting the strengthening of civil harmony on the Ukrainian soil, striving to develop and strengthen a democratic, social, law-based state, realising the responsibility in the eyes of God, before our own conscience, past, present and future generations, guided by the Act of Declaration of the Independence of Ukraine

of August 24, 1991, approved by the national vote on December 1, 1991, adopts this Constitution as the Fundamental Law of Ukraine.

TITLE I. GENERAL PRINCIPLES

Article 1. Ukraine shall be a sovereign and independent, democratic, social, law-based state.

Article 2. The sovereignty of Ukraine shall extend throughout its entire territory. Ukraine shall be a unitary state.

The territory of Ukraine within its present borders shall be indivisible and inviolable.

Article 3. An individual, his life and health, honour and dignity, inviolability and security shall be recognised in Ukraine as the highest social value.

Human rights and freedoms, and guarantees thereof shall determine the essence and course of activities of the State. The State shall be responsible to the individual for its activities. Affirming and ensuring human rights and freedoms shall be the main duty of the State.

Article 4. There shall be a single form of citizenship in Ukraine. The grounds for the acquisition and termination of Ukrainian citizenship shall be determined by law.

Article 5. Ukraine shall be a republic.

The people shall be the bearer of sovereignty and the sole source of power in Ukraine. The people shall exercise power directly or through the state authorities and local self-government bodies.

The right to determine and change the constitutional order in Ukraine shall belong exclusively to the people and shall not be usurped by the State, its bodies, or officials.

No one shall usurp the State power.

Article 6. The State power in Ukraine shall be exercised with the consideration of its division into legislative, executive, and judicial branches.

Legislative, executive, and judicial bodies shall exercise their authority within the limits determined by this Constitution and in accordance with the laws of Ukraine.

Article 7. Local self-governance shall be recognised and guaranteed in Ukraine.

Article 8. The rule of law shall be recognised and effective in Ukraine.

The Constitution of Ukraine shall be regarded as superior law. Laws and other regulatory legal acts shall be adopted on the basis of the Constitution of Ukraine and shall conform to it.

Norms of the Constitution of Ukraine shall be the norms of direct effect. Recourse to the court for protection of constitutional rights and freedoms of an individual and citizen directly on basis of the Constitution of Ukraine shall be guaranteed.

Article 9. International treaties in force, consented by the Verkhovna Rada of Ukraine as binding, shall be an integral part of the national legislation of Ukraine.

Conclusion of international treaties, contravening the Constitution of Ukraine, shall be possible only after introducing relevant amendments to the Constitution of Ukraine.

Article 10. The State language of Ukraine shall be the Ukrainian language.

The State shall ensure comprehensive development and functioning of the Ukrainian language in all spheres of social life throughout the entire territory of Ukraine.

Free development, use, and protection of Russian and other languages of national minorities of Ukraine shall be guaranteed in Ukraine.

The State shall promote the learning of languages of international communication.

The use of languages in Ukraine shall be guaranteed by the Constitution of Ukraine and shall be determined by law.

Article 11. The State shall promote the consolidation and development

of the Ukrainian nation, its historical consciousness, traditions, and culture, as well as development of ethnic, cultural, linguistic, and religious identity of all indigenous peoples and national minorities of Ukraine.

Article 12. Ukraine shall provide for meeting the national, cultural, and linguistic needs of Ukrainians residing beyond the borders of the State.

Article 13. The land, its subsoil, atmosphere, water and other natural resources within the territory of Ukraine, natural resources of its continental shelf and of the exclusive (maritime) economic zone shall be the objects of property rights of the Ukrainian people. State authorities and local self-government bodies shall exercise the ownership rights on behalf of the Ukrainian people within the limits determined by this Constitution.

Every citizen shall have the right to utilise the natural objects of the people's property rights in accordance with the law.

Property entails responsibility. Property shall not be used to the detriment of the individual or the society.

The State shall ensure protection of rights of all property rights holders and economic operators, and the social orientation of the economy. All the property rights holders shall be equal before the law.

Article 14. Land shall be the main national asset and as such shall be under special protection of the State.

The property right for the land shall be guaranteed. This right shall be acquired and realised by citizens, legal persons, and the State exclusively in accordance with the law.

Article 15. Social life in Ukraine shall be based on the principles of political, economic, and ideological diversity.

No ideology shall be recognised as mandatory by the State.

Censorship shall be prohibited.

The State shall guarantee the freedom of political activities, not prohibited by the Constitution and the laws of Ukraine.

Article 16. Ensuring environmental safety, maintaining ecological balance in the territory of Ukraine, overcoming the aftermath of the Chernobyl catastrophe – a catastrophe on a global scale – and preserving the gene pool of the Ukrainian people, shall be the duty of the State.

Article 17. Protecting the sovereignty and territorial integrity of Ukraine, ensuring its economic and information security, shall be the most important function of the State and a matter of concern for all the Ukrainian people.

The defence of Ukraine and protection of its sovereignty, territorial integrity and inviolability shall be entrusted to the Armed Forces of Ukraine.

Ensuring the security of the State and protecting the State borders of Ukraine shall be entrusted to respective military formations and law enforcement bodies of the State, whose organisation and operational procedure shall be determined by law.

The Armed Forces of Ukraine and other military formations shall not be used by anyone to restrict the rights and freedoms of citizens or with the intent to overthrow the constitutional order, subvert the public authorities or obstruct their activity.

The State shall ensure social protection of citizens of Ukraine who serve in the Armed Forces of Ukraine and in other military formations as well as members of their families.

Establishment and operation of any armed formations not envisaged by law are prohibited in the territory of Ukraine.

The location of foreign military bases in the territory of Ukraine shall not be permitted.

Article 18. The foreign political activity of Ukraine shall be aimed at ensuring its national interests and security by maintaining peaceful and mutually beneficial co-operation with members of the international community in compliance with the generally acknowledged principles and norms of international law.

Article 19. The legal order in Ukraine shall be based on the principles according to which no one shall be forced to do what is not stipulated by law.

Public authorities and bodies of local self-government and their officials shall be obliged to act only on the grounds, within the powers, and in the way determined by the Constitution and the laws of Ukraine.

Article 20. The National Flag of Ukraine, the National Coat of Arms of Ukraine, and the National Anthem of Ukraine shall be the State symbols of Ukraine.

The National Flag of Ukraine shall be a banner of two equally sized horizontal stripes of blue and yellow.

The Great National Coat of Arms of Ukraine shall be established incorporating the elements of the Small National Coat of Arms of Ukraine and the Coat of Arms of the Zaporizhia Host, and shall be approved by the law, adopted by at least two-thirds of the constitutional membership of the Verkhovna Rada of Ukraine.

The Princely State Symbol of Volodymyr the Great (the Small National Coat of Arms of Ukraine) shall be the main element of the Great National Coat of Arms of Ukraine.

The State Anthem of Ukraine shall be the national anthem to the music of M. Verbytskyi, with the words, approved by the law, adopted by at least two-thirds of the constitutional membership of the Verkhovna Rada of Ukraine.

The description of the State symbols of Ukraine and procedure for their use shall be determined by the law, adopted by at least two-thirds of the constitutional membership of the Verkhovna Rada of Ukraine.

The City of Kyiv shall be the capital of Ukraine.

TITLE II. HUMAN AND CITIZEN RIGHTS, FREEDOMS, AND DUTIES

Article 21. All people shall be free and equal in their dignity and rights. Human rights and freedoms shall be inalienable and inviolable.

Article 22. Human and citizen rights and freedoms affirmed by this Constitution shall not be exhaustive.

The constitutional rights and freedoms shall be guaranteed and shall not be abolished.

The content and scope of the existing rights and freedoms shall not be diminished by an adoption of new laws or by introducing amendments to the effective laws.

Article 23. Every person shall have the right to free development of his personality, provided that the rights and freedoms of other persons are not thus violated, and shall have duties to society, in which free and comprehensive development of his personality shall be guaranteed.

Article 24. Citizens shall have equal constitutional rights and freedoms and shall be equal before the law.

There shall be no privileges or restrictions based on race, skin colour, political, religious, and other beliefs, gender, ethnic and social origin, property status, place of residence, linguistic or other characteristics.

Equality of the rights of women and men shall be ensured by providing women with opportunities equal to those of men in public, political and cultural activities, in obtaining education and in professional training,

in work and remuneration for it; by taking special measures for the protection of work and health of women; by establishing pension privileges; by creating conditions that make it possible for women to combine work and motherhood; by adopting legal protection, material and moral support of motherhood and childhood, including the provision of paid leave and other privileges to pregnant women and mothers.

Article 25. No citizen of Ukraine shall be deprived of citizenship or of the right to change citizenship.

No citizen of Ukraine shall be exiled from Ukraine or surrendered to another state.

Ukraine shall guarantee care and protection to its citizens staying abroad.

Article 26. Foreigners and stateless persons staying in Ukraine on legal grounds shall enjoy the same rights and freedoms and bear the same duties as citizens of Ukraine, except as restricted by the Constitution, laws, or international treaties of Ukraine.

Foreigners and stateless persons may be granted asylum under the procedure established by law.

Article 27. Every person shall have the inalienable right to life.

No one shall be arbitrarily deprived of life. Protection of human life shall be the duty of the State.

Everyone shall have the right to protect his life and health, and lives and health of other people, against unlawful encroachments.

Article 28. Everyone shall have the right to have his dignity respected.

No one shall be subjected to torture, cruel, inhumane, or degrading treatment or punishment that violates his dignity.

No person shall be subjected to medical, scientific, or other experiments without his free consent.

Article 29. Every person shall have the right to freedom and personal inviolability.

No one shall be arrested or held in custody except under a substantiated court decision and on the grounds and in accordance with the procedure established by law.

In the event of an urgent necessity to prevent or stop a crime, bodies authorised by law may hold a person in custody as a temporary preventive measure, the reasonable grounds for which shall be verified by court within seventy-two hours. The detained person shall be immediately released if a substantiated court decision regarding his detention is not served to them within seventy-two hours.

Every person, arrested or detained, shall be informed without delay of the reasons for his arrest or detention, apprised of his rights, and from the moment of detention, shall be given an opportunity to personally defend himself/herself or to receive legal assistance from a defender.

Every person detained shall have the right to challenge his detention in court at any time.

Relatives of an arrested or detained person shall be informed immediately of such an arrest or detention.

Article 30. Everyone shall be guaranteed the inviolability of his domicile.

Intrusion into a person's domicile or other property, inspection or search thereof, shall not be permitted except when under a substantiated court decision.

In urgent cases related to preservation of human life and property or to the direct pursuit of persons suspected of committing a crime, other procedures of entering a person's domicile or other property, inspecting or searching thereof, determined by law, shall be allowed.

Article 31. Everyone shall be guaranteed privacy of his correspondence, telephone conversations, telegraph, and other communications. Exceptions shall be established only by court in cases stipulated by law for the purposes of preventing crime or ascertaining the truth during the investigation of a criminal case, if it is not possible to obtain information by other means.

Article 32. No one shall be subjected to interference in his private life and family matters, except when such interference is stipulated by the Constitution of Ukraine.

The collection, storage, use, and dissemination of confidential information about a person without his consent shall not be permitted, except for the cases determined by law and only in the interests of national security, economic welfare, and human rights.

Every citizen shall have the right to have access to the information about himself/herself possessed by public authorities and bodies of local self-government, institutions, and organisations unless such information is considered a state or other secret protected by law.

Everyone shall be guaranteed judicial protection of the right to rectify unauthentic information about himself/herself and members of his family, the right to demand the expungement of any type of information, as well as the right to compensation for material and moral damages caused by the collection, storage, use, and dissemination of such unauthentic information.

Article 33. Every person, legally staying in the territory of Ukraine shall be guaranteed freedom of movement and travel, free choice of place of residence, and the right to freely leave the territory of Ukraine, with the exception of restrictions stipulated by law.

A citizen of Ukraine may not be deprived of the right to return to Ukraine at any time.

Article 34. Everyone shall be guaranteed the right to freedom of thought and speech, and to free expression of his views and beliefs.

Everyone shall have the right to freely collect, store, use, and disseminate information by oral, written, or other means at his discretion.

The exercise of such rights may be restricted by law in the interests of national security, territorial integrity, or public order, for the purposes of preventing disturbances or crimes, protecting the health of the population, protecting the reputation or rights of other persons, preventing the publication of information received confidentially, or supporting the authority and impartiality of justice.

Article 35. Everyone shall have right to freedom of beliefs and religion. This right shall include the freedom to profess any religion or profess no religion, to freely practice religious rites and ceremonial rituals, alone or collectively, and to pursue religious activities.

The exercise of this right may be restricted by law only in the interests of protection of the public order, health and morality of the population, or protection of the rights and freedoms of other persons.

The Church and religious organisations in Ukraine shall be separated from the State, and school shall be separated from the Church. No religion shall be recognised by the State as mandatory.

No one shall be exempt from his duties to the State or refuse to abide by laws on religious grounds. If the performance of military duty contradicts the religious beliefs of a citizen, the performance of this duty shall be replaced by alternative (non-military) service.

Article 36. Citizens of Ukraine shall have the right to freedom of association into political parties and public organisations for exercising and protecting their rights and freedoms and for satisfying their political, economic, social, cultural and other interests, with the exception of restrictions established by law in the interests of national security and public order, protection of public health, or protection of rights and freedoms of other persons.

Political parties in Ukraine shall promote the formation and expression of political will of citizens and shall participate in elections. Only citizens of Ukraine may be members of political parties. Restrictions on membership in political parties shall be determined exclusively by this Constitution and laws of Ukraine.

Citizens shall have the right to take part in trade unions with the purpose of protecting their labour and socio-economical rights and interests. Trade unions shall be public organisations uniting citizens bound by common interests in accordance with the nature of their professional activity. Trade unions shall be formed without prior permission on the basis of the free choice of their members. All trade unions shall have equal rights. Restrictions on membership in trade unions shall be determined exclusively by this Constitution and laws of Ukraine.

No one may be forced to join any association of citizens or be restricted in his right to belong or not to belong to political parties or public organisations.

All associations of citizens shall be equal before the law.

Article 37. Foundation and activity of political parties and public associations shall be prohibited if their programme goals or actions are aimed at the liquidation of the independence of Ukraine, change of the constitutional order by force, violation of the sovereignty and territorial indivisibility of the State, undermining national security, unlawful seizure of the state power, the propaganda of war or violence, fomentation of inter-ethnic, racial, or religious enmity, or infringement of human rights and freedoms or the health of the population.

Political parties and public associations shall not have paramilitary formations.

Foundation and activities of organisational structures of political parties shall not be permitted within the bodies of executive and judicial power or the executive bodies of local self government, in military formations, as well as at state enterprises, educational establishments, or other state institutions and organisations.

Prohibition of the activities of associations of citizens, shall be possible only through a judicial procedure.

Article 38. Citizens shall have the right to participate in the administration of state affairs, in All-Ukrainian and local referendums, to freely elect and to be elected to the bodies of State power and local self-government.

Citizens shall enjoy equal rights of access to the civil service and to the service in local self-government bodies.

Article 39. Citizens shall have the right to assemble peacefully without arms and to hold rallies, meetings, processions, and demonstrations upon notifying executive or local self-government bodies in advance.

Restrictions on the exercise of this right may be established by a court in accordance with law and only in the interests of national security and public order, for the purpose of prevention of disturbances or crimes, protection of the health of the population, or protection of the rights and freedoms of other persons.

Article 40. Everyone shall have the right to address individual or collective petitions, or to personally recourse to public authorities, local self-government bodies, officials, and officers of these bodies obliged to consider the petitions, and to provide a substantiated reply within the period determined by law.

Article 41. Everyone shall have the right to own, use, or dispose of his property and the results of his intellectual or creative activities.

The right for private property shall be acquired in compliance with the procedure established by law.

Citizens may use the objects of state or communal property in accordance with law in order to satisfy their needs.

No one shall be unlawfully deprived of the right for property. The right for private property shall be inviolable.

The expropriation of private property objects may be applied only as an exception for the reasons of social necessity, on the grounds of, and in the order established by law, and on terms of advance and complete compensation of the value of such objects. The expropriation of such objects with subsequent complete compensation of their value shall be permitted only under conditions of martial law or a state of emergency.

Confiscation of property may be applied only pursuant to a court decision, in the cases, to the extent, and in compliance with the procedure established by law.

The use of property shall not prejudice the rights, freedoms, and dignity of citizens, the interests of society or aggravate the environmental situation and the natural qualities of land.

Article 42. Everyone shall have the right to entrepreneurial activity that is not prohibited by law.

The entrepreneurial activity of deputies, officials, and officers of the bodies of State power and local self-government shall be restricted by law.

The State shall ensure the protection of competition in pursuit of entrepreneurial activity. The abuse of a monopolistic position in the market, unlawful restriction of competition, and unfair competition shall not be permitted. The types and limits of monopolies shall be determined by law.

The State shall protect the rights of consumers, exercise control over the quality and safety of products and all types of services and works, and promote the activities of public consumer associations.

Article 43. Everyone shall have the right to work, including a possibility to earn a living by labour that he freely chooses or to which he freely agrees.

The State shall create conditions for citizens that will make it possible to fully realise their right to work, guarantee equal opportunities in the choice of profession and of types of labour activities, and implement programmes for vocational education, training, and retraining of personnel according to the needs of society.

The use of forced labour shall be prohibited. Military or alternative (non-military) service, work or service carried out by a person in compliance with a verdict or other court decision, or in accordance with the martial or state of emergency laws, shall not be considered the forced labour.

Everyone shall have the right to proper, safe, and healthy labour conditions and to remuneration no less than the minimum wage determined by law.

The employment of women and minors for work hazardous to their health shall be prohibited.

Citizens shall be guaranteed protection from unlawful dismissal.

The right to timely payment for work performed shall be protected by law.

Article 44. Those who are employed shall have the right to strike in order to protect their economic and social interests.

A procedure for exercising the right to strike shall be established by law taking into account the necessity to ensure national security, public health protection, and rights and freedoms of others.

No one shall be forced to participate or not to participate in a strike.

The prohibition of a strike shall be possible only on the basis of the law.

Article 45. Everyone who is employed shall have the right to rest.

This right shall be ensured by providing weekly rest days, paid annual vacation, and by establishing a shorter working day for certain professions and industries, as well as reducing working hours at night.

The maximum duration of work time, the minimum duration of rest and of paid annual vacation, days off and holidays, as well as other conditions for exercising this right shall be determined by law.

Article 46. Citizens shall have the right to social protection including the right to financial security in cases of complete, partial, or temporary disability, loss of the principal wage-earner, unemployment due to circumstances beyond their control, old age, and in other cases determined by law.

This right shall be guaranteed by the mandatory state social insurance based on insurance payments made by citizens, enterprises, institutions, and organisations, as well as by budgetary and other sources of social security; and by establishing a network of state, communal, and private institutions caring for incapacitated persons.

Pensions and other types of social payments and assistance that are the principal sources of subsistence shall ensure a standard of living not lower than the minimum living standard established by law.

Article 47. Everyone shall have the right to housing. The State shall create conditions enabling every citizen to build, purchase, or rent housing.

Citizens in need of social protection shall be provided with housing by the bodies of State power and local self-government, free of charge or at a price affordable for them in accordance with law.

No one shall be arbitrarily deprived of housing other than on the basis of the law pursuant to a court decision.

Article 48. Everyone shall have the right to a standard of living sufficient for themselves and their families including adequate nutrition, clothing, and housing.

Article 49. Everyone shall have the right to health protection, medical care and medical insurance.

Health protection shall be ensured through state funding of the relevant socio-economic, medical and sanitary, health improvement and prevention programmes.

The State shall create conditions for effective medical service accessible to all citizens. State and communal health protection institutions shall render medical care free of charge; the existing network of such institutions shall not be reduced. The State shall promote the development of medical institutions under all forms of ownership.

The State shall provide for the development of physical culture and sports, and ensure sanitary-epidemic welfare.

Article 50. Everyone shall have the right to an environment that is safe for life and health, and to compensation for damages caused by violation of this right.

Everyone shall be guaranteed the right of free access to information about the environmental situation, the quality of foodstuffs and consumer goods, as well as the right to disseminate such information. No one shall make such information secret.

Article 51. Marriage shall be based on free consent between a woman and a man. Each of the spouses shall have equal rights and duties in the marriage and family.

Parents shall be obliged to sustain their children until they are of full age. Adult children shall be obliged to care for their parents who are incapable to work.

The family, childhood, motherhood, and fatherhood shall be under the protection of the State.

Article 52. Children shall be equal in their rights regardless of their origin and whether they are born in or out of wedlock.

Any violence against a child or his exploitation shall be prosecuted by law.

The subsistence and upbringing of orphans and children deprived of parental care shall be entrusted to the State. The State shall encourage and support charitable activity in regard to children.

Article 53. Everyone shall have the right to education.

Complete general secondary education shall be compulsory.

The State shall ensure accessible and free pre-school, complete general secondary, vocational and higher education at the state and communal educational establishments; the development of pre-school, complete general secondary, extra-curricular, vocational, higher and post-graduate education, various forms of study; the provision of state scholarships and privileges to pupils and students.

Citizens shall have the right to obtain free higher education at the state and communal educational establishments on a competitive basis.

Citizens belonging to national minorities shall be guaranteed, in accordance with law, the right to education in their native language, or to study their native language at the state and communal educational establishments or through national cultural societies.

Article 54. Citizens shall be guaranteed the freedom of literary, artistic, scientific, and technical creative activities, protection of intellectual property, their copyright, moral and material interests arising in connection with various types of intellectual activity.

Every citizen shall have the right to the product of his intellectual, creative activity; no one shall use or distribute them without his consent, except for the cases established by law.

The State shall promote the development of science and the establishment of scientific relations of Ukraine with the world community.

Cultural heritage shall be protected by law.

The State shall ensure the preservation of historical monuments and other objects of cultural value, and take measures to return to Ukraine the cultural treasures of the nation located beyond its borders.

Article 55. Human and citizen rights and freedoms shall be protected by court.

Everyone shall be guaranteed the right to challenge in court the decisions, actions, or inactivity of State power, local self-government bodies, officials and officers.

Everyone shall have the right to appeal for the protection of his rights to the Authorised Human Rights Representative (Ombudsman) to the Verkhovna Rada of Ukraine.

Everyone shall be guaranteed the right to apply with a constitutional complaint to the Constitutional Court of Ukraine on grounds defined in this Constitution and under the procedure prescribed by law.

After exhausting all domestic legal instruments, everyone shall have the right to appeal for the protection of his rights and freedoms to the relevant international judicial institutions or to the relevant bodies of international organisations of which Ukraine is a member or participant.

Everyone shall have the right to protect his rights and freedoms from violations and illegal encroachments by any means other than prohibited by law.

Article 56. Everyone shall have the right to compensation, at the expense of the State authorities or local self-government bodies, for material and moral damages caused by unlawful decisions, actions, or inactivity of State power, local self-government bodies, officials, or officers while exercising their powers.

Article 57. Everyone shall be guaranteed the right to know his rights and duties.

Laws and other regulatory legal acts defining the rights and duties of citizens shall be brought to the notice of the population in compliance with the procedure established by law.

Laws and other regulatory legal acts defining the rights and duties of citizens, which have not been brought to the notice of the population in compliance with the procedure established by law, shall be invalid.

Article 58. Laws and other regulatory legal acts shall have no retroactive force, unless they mitigate or nullify the responsibility of a person.

No one shall bear responsibility for acts that, at the time they were committed, were not deemed by law to be an offence.

Article 59. Everyone shall have the right to professional legal assistance. Such assistance shall be rendered free of charge in cases stipulated by law. Everyone shall be free to choose the defender of his rights.

Article 60. No one shall be obliged to execute directions or orders that are manifestly criminal.

For the issue or execution of a manifestly criminal ruling or order, legal liability shall arise.

Article 61. No person may be brought to legal liability of the same type for the same offence twice.

The legal liability of a person shall be of an individual character.

Article 62. A person shall be presumed innocent of committing a crime and shall not be subjected to criminal punishment until his guilt is proved through a legal procedure and established by a court verdict of guilty.

No one shall be obliged to prove his innocence of committing a crime.

An accusation shall not be based on illegally obtained evidence or on assumptions. All doubts in regard to the proof of guilt of a person shall be interpreted in his favour.

In the event of revocation of a court verdict as unjust, the State shall compensate the material and moral damages caused by the groundless conviction.

Article 63. A person shall not bear responsibility for refusing to testify or to provide explanations about himself/herself, members of his/her family, or close relatives, the circle of whom is determined by law.

A suspect, an accused, or a defendant shall have the right to a defence.

A convicted person shall enjoy all human and civil rights, with the exception of restrictions determined by law and established by a court verdict.

Article 64. Constitutional human and civil rights and freedoms shall not be restricted, unless a restriction is stipulated by the Constitution of Ukraine.

Under the conditions of martial law or a state of emergency, specific restrictions on rights and freedoms may be established with the indication of the period of effect for such restrictions. The rights and freedoms stipulated in Articles 24, 25, 27, 28, 29, 40, 47, 51, 52, 55, 56, 57, 58, 59, 60, 61, 62 and 63 of this Constitution shall not be restricted.

Article 65. Defence of the Motherland, independence and territorial integrity of Ukraine, respect for its State symbols shall be the duty of the citizens of Ukraine.

Citizens shall perform military service in accordance with law.

Article 66. Everyone shall be obliged not to harm nature or cultural heritage, and to compensate for any damage he/she inflicted.

Article 67. Everyone shall be obliged to pay taxes and levies in accordance with the procedure and to the extent established by law.

All citizens shall annually file declarations to the tax authorities at their place of residence on their property status and income for the past year, in compliance with the procedure established by law.

Article 68. Everyone shall be obliged to strictly abide by the Constitution of Ukraine and laws of Ukraine, and not to encroach upon the rights, freedoms, honour, or dignity of other persons.

Ignorance of laws shall not exempt one from legal liability.

TITLE III. ELECTIONS. REFERENDUMS

Article 69. The expression of the will by the people shall be exercised through elections, referendums and other forms of direct democracy.

Article 70. Citizens of Ukraine who have attained to the age of eighteen as of the day of elections or referendums, shall have the right to vote.

Citizens found legally incapable by a court shall not have the right to vote.

Article 71. Elections to the State and local self-government bodies shall be free and shall be held on the basis of universal, equal and direct suffrage by secret ballot.

Voters shall be guaranteed the free expression of their will.

Article 72. The All-Ukrainian referendum shall be called by the Verkhovna Rada of Ukraine or by the President of Ukraine in accordance with their powers determined by this Constitution.

The All-Ukrainian referendum shall be convened as a popular initiative at the request of at least three million citizens of Ukraine eligible to vote, provided that the signatures in favour of the referendum have been collected in at least two-thirds of the oblasts with at least 100,000 signatures gathered in each oblast.

Article 73. Alterations to the territory of Ukraine shall be resolved exclusively by the All-Ukrainian referendum.
Article 74. A referendum shall not be permitted with regard to draft laws on taxation, budgetary or amnesty issues.

TITLE IV. THE VERTHOVNA RADA OF UKRAINE

Article 75. The sole body of legislative power in Ukraine shall be the parliament – the Verkhovna Rada of Ukraine.

Article 76. The constitutional membership of the Verkhovna Rada of Ukraine shall comprise 450 people's deputies of Ukraine elected on the basis of universal, equal and direct suffrage by secret ballot.

A citizen of Ukraine having attained the age of twenty-one as of election day, having the right to vote, and having resided in the territory of Ukraine for the past five years, may be elected a people's deputy of Ukraine.

A citizen who has a criminal record of committing an intentional crime shall not be elected to the Verkhovna Rada of Ukraine if the record has not been nullified in compliance with a procedure established by law.

The powers of the people's deputies of Ukraine shall be determined by the Constitution and the laws of Ukraine.

The Verkhovna Rada of Ukraine shall retain its power for a five-year term.

Article 77. Regular elections to the Verkhovna Rada of Ukraine shall be held on the last Sunday of the last month of the fifth year of the term of the Verkhovna Rada of Ukraine.

Early elections to the Verkhovna Rada of Ukraine shall be appointed by the President of Ukraine and shall be held within sixty day period from the day of publication of the decision on the early termination of the powers of the Verkhovna Rada of Ukraine.

The procedure for electing the people's deputies of Ukraine shall be established by law.

Article 78. The people's deputies of Ukraine shall exercise their powers on a permanent basis.

The people's deputies of Ukraine shall not have another representative mandate or be involved in the civil service or hold another office of profit or undertake other paid or entrepreneurial activity (other than teaching, research or creative activities) or be a member of a management body or a supervisory board of an enterprise or a profit-making organisation.

Requirements concerning the incompatibility of the mandate of the deputy with other types of activities shall be established by law.

Should any circumstances arise to be in breach with the requirements concerning the incompatibility of the mandate of the deputy with other types of activity, the people's deputy of Ukraine shall, within twenty days after the commencement of such circumstances, terminate his activities or file a personal application to abdicate his position as the people's deputy of Ukraine.

Article 79. Prior to assuming office, people's deputies of Ukraine shall take the following oath before the Verkhovna Rada of Ukraine:

"I swear allegiance to Ukraine. I commit myself with all my deeds to protect the sovereignty and independence of Ukraine, to provide for the good of the Motherland and for the welfare of the Ukrainian people.

"I swear to abide by the Constitution of Ukraine and the laws of Ukraine, to discharge my duties in the interests of all fellow-citizens".

The oath shall be read by the oldest people's deputy of Ukraine before the opening of the first session of the newly elected Verkhovna Rada of Ukraine, upon which the deputies shall affirm the oath with their signatures below the text of the oath.

A refusal to take the oath shall result in the loss of the deputy's mandate.

The powers of people's deputies of Ukraine shall commence immediately upon taking of the oath.

Article 80. The people's deputies of Ukraine shall be guaranteed immunity of a deputy.

The people's deputies of Ukraine shall not be held legally liable for the results of voting or for statements made in the parliament and in its bodies, save as the liability for an insult or defamation.

The people's deputies of Ukraine shall not be held criminally liable, detained or arrested without the consent of the Verkhovna Rada of Ukraine.

Article 81. The powers of the people's deputies of Ukraine shall terminate with the termination of the powers of the Verkhovna Rada of Ukraine.

The powers of a people's deputy of Ukraine shall be subject to early termination in the event of:

- 1) resignation by virtue of a personal statement;
- 2) guilty verdict against him/her entering into legal force;
- 3) court declaring them legally incapable or missing;
- 4) termination of his citizenship or his departure from Ukraine for permanent residence abroad;
- 5) failure of the deputy to remedy the circumstances causing a breach in the incompatibility requirements of his mandate with other activities within twenty days after the commencement of such circumstances;
- 6) failure of the deputy elected as a member of a political party (an electoral block of parties) to join a deputy faction of such political party (an electoral block of parties) or the termination of the membership of such deputy in such faction;
- 7) his/her death.

The powers of a people's deputy of Ukraine shall be terminated in case of early termination of powers of the Verkhovna Rada of Ukraine in compliance with the Constitution of Ukraine on the opening day of the first meeting of the Verkhovna Rada of Ukraine of the new convocation.

A decision about early termination of a people's deputy's powers in cases stipulated in items 1 and 4 of the second paragraph of this Article shall be adopted by the Verkhovna Rada of Ukraine, whereas in cases stipulated by the item 5 of the second paragraph of this Article – by the court.

Should a guilty verdict against a people's deputy of Ukraine enter into legal force or should a people's deputy of Ukraine be found legally incapable or missing, the powers of the people's deputy shall be terminated when the relevant court decision comes into force, and in case of the death of a people's deputy of Ukraine – from the date of death confirmed by the certificate of death.

In case of a failure by a people's deputy of Ukraine elected as a member of a political party (an electoral block of parties) to join a deputy faction of such political party (an electoral block of parties) or in case of termination of the membership of people's deputy of Ukraine in such faction, the power of such deputy shall be subject to an early termination on the basis of a law by virtue of a decision of the supreme body of the relevant political party (an electoral block of parties) from the date of adoption of such decision.

Article 82. The Verkhovna Rada of Ukraine shall work in sessions.

The Verkhovna Rada of Ukraine shall be legally constituted provided that at least two-thirds of its constitutional membership has been elected.

The Verkhovna Rada of Ukraine shall convene its first session no later than on the thirtieth day after the official announcement of the election results.

The first meeting of the newly elected Verkhovna Rada of Ukraine shall be opened by the oldest people's deputy of Ukraine.

Article 83. Regular sessions of the Verkhovna Rada of Ukraine shall commence on the first Tuesday of February and on the first Tuesday of September each year.

Extraordinary sessions of the Verkhovna Rada of Ukraine shall be convened, mentioning the agenda, by the Chairman of the Verkhovna Rada of Ukraine, at the request of the President of Ukraine or at the request of at least one-third of the constitutional membership of the Verkhovna Rada of Ukraine.

Should a Decree of the President of Ukraine declare an introduction of martial law or a state of emergency in Ukraine or in certain regions of Ukraine, the Verkhovna Rada of Ukraine shall hold a meeting within two days without convocation.

If the term of powers of the Verkhovna Rada of Ukraine expires while martial law or a state of emergency is in effect, its powers shall be extended until the day of the first meeting of the first session of the Verkhovna Rada of Ukraine elected after the cancellation of martial law or of the state of emergency.

A procedure for the operation of the Verkhovna Rada of Ukraine shall be established by the Constitution of Ukraine and Rules of Procedure of the Verkhovna Rada of Ukraine.

A coalition of deputy factions comprising a majority of people's deputies of Ukraine in the constitutional membership of the Verkhovna Rada of Ukraine shall be formed in the Verkhovna Rada of Ukraine on the basis of the results of election and on the basis of the harmonisation of the political platforms.

A coalition of deputy factions in the Verkhovna Rada of Ukraine shall be formed within one month from the date of opening of the first meeting of the Verkhovna Rada of Ukraine held upon regular or extraordinary elections to the Verkhovna Rada of Ukraine or within one month after the date of termination of the activity of a coalition of deputy factions in the Verkhovna Rada of Ukraine.

A coalition of deputy factions in the Verkhovna Rada of Ukraine shall, in accordance with this Constitution, present to the President of Ukraine for his approval a candidate for the position of the Prime Minister of Ukraine as well as in accordance with this Constitution shall present candidates for the Cabinet of Ministers of Ukraine.

The basis for the formation, organisation of operation, and termination

of activities of coalition of deputy factions in the Verkhovna Rada of Ukraine shall be established by the Constitution of Ukraine and Rules of Procedure of the Verkhovna Rada of Ukraine.

The deputy faction of the Verkhovna Rada of Ukraine, comprising the majority of the constitutional membership of the Verkhovna Rada of Ukraine, shall have the rights of a coalition of deputy factions in the Verkhovna Rada of Ukraine envisaged by this Constitution.

Article 84. Sittings of the Verkhovna Rada of Ukraine shall be held openly. A closed sitting shall be held subject to a decision of the majority of the constitutional membership of the Verkhovna Rada of Ukraine.

Decisions of the Verkhovna Rada of Ukraine shall be adopted exclusively at its plenary sittings by voting.

Voting at the meetings of the Verkhovna Rada of Ukraine shall be performed by a people's deputy of Ukraine in person.

Article 85. The Verkhovna Rada of Ukraine shall have the following powers:

- 1) to introduce amendments to the Constitution of Ukraine within the limits and in compliance with the procedure stipulated in Title XIII of this Constitution;
- 2) to call the All-Ukrainian referendum on issues indicated in Article 73 of this Constitution;
- 3) to adopt laws;
- 4) to approve the State Budget of Ukraine and amend it; to supervise the execution of the State Budget of Ukraine and adopt decisions on reporting concerning its execution.
- 5) to establish the principles of domestic and foreign policy;
- 6) to approve national programmes for economic, scientific, technical, social, national, and cultural development and protection of the environment;
- 7) to call elections for the President of Ukraine within the period stipulated by this Constitution;
- 8) to hear annual and extraordinary addresses of the President of Ukraine on the domestic and foreign situation of Ukraine;
- 9) to declare war, upon the recommendation made by the President of Ukraine, and make peace, approve a decision of the President of Ukraine on the use of the Armed Forces of Ukraine and other military formations in the event of armed aggression against Ukraine;
- 10) to remove the President of Ukraine from the office in accordance with a special procedure (impeachment) established by the Article 111 of this Constitution;
- 11) to consider and adopt decisions on the approval of the Programme of Activity of the Cabinet of Ministers of Ukraine;
- 12) to appoint on a recommendation made by the President of Ukraine, of the Prime Minister of Ukraine, the Minister of Defence of Ukraine, the Minister of Foreign Affairs of Ukraine, and appoint, on the recommendation made by the Prime Minister of Ukraine, of other members of the Cabinet of the Ministers of Ukraine, the Chairman of the Antimonopoly Committee of Ukraine, the Chairman of the State Committee for Television and Radio Broadcasting of Ukraine, the Chairman of the State Property Fund of Ukraine; and remove the aforementioned persons from their offices; and resolve resignation of the Prime Minister of Ukraine and the members of the Cabinet of Ministers of Ukraine;
- 12-1) to appoint and remove from the office the Chairman of the Security Service of Ukraine upon the recommendation made by the President of Ukraine;
- 13) to monitor the activities of the Cabinet of Ministers of Ukraine in accordance with this Constitution and law;

- 14) to approve decisions on granting loans and economic aid by Ukraine to foreign states and international organisations as well as decisions on receiving loans by Ukraine, other than those stipulated by the State Budget of Ukraine, from foreign countries, banks, and international financial organisations, and oversee the utilisation of such loans;
- 15) to adopt the Rules of Procedure of the Verkhovna Rada of Ukraine;
- 16) to appoint and remove from the office the Chairman and other members of the Chamber of Accounts;
- 17) to appoint and remove from the office the Authorised Human Rights Representative to the Verkhovna Rada of Ukraine; and to hear the Representative's annual reports on the state of affairs in the sphere of observance and protection of human rights and freedoms in Ukraine;
- 18) to appoint and remove from the office the Chairman of the National Bank of Ukraine upon the recommendation made by the President of Ukraine;
- 19) to appoint and remove from the office half the total members of the Council of the National Bank of Ukraine;
- 20) to appoint and remove from the office half the total members of the National Council of Ukraine on Television and Radio Broadcasting;
- 21) to appoint and remove from the office the members of the Central Election Commission on the recommendation made by the President of Ukraine;
- 22) to approve the general structure, and number of staff of the Security Service of Ukraine, the Armed Forces of Ukraine, and other military formations established in accordance with the laws of Ukraine, as well as of the Ministry of Interior of Ukraine, and specification of the functions of the same;
- 23) to approve decisions on military assistance to other states, on dispatching Ukrainian Armed Forces units to another state or on admitting units of armed forces of other states to the territory of Ukraine;
- 24) to designate the State symbols of Ukraine;
- 25) granting consent for appointment and dismissal by the President of Ukraine of the Prosecutor General;
- 26) appointment of one-third of the composition of the Constitutional Court of Ukraine;
- 27) deleted;
- 28) to terminate early the powers of the Verkhovna Rada of the Autonomous Republic of Crimea on the basis of an opinion of the Constitutional Court of Ukraine concerning the violation of the Constitution or laws of Ukraine by the Verkhovna Rada of the Autonomous Republic of Crimea; to call extraordinary elections for the Verkhovna Rada of the Autonomous Republic of Crimea;
- 29) to establish and abolish rayons (districts), to establish and alter rayon and city boundaries, as well as to grant the status of city to inhabited localities, name and rename of inhabited localities and rayons;
- 30) to call regular and extraordinary elections to local self-government bodies;
- 31) to approve, within a two-day period from the date of submission by the President of Ukraine, the decrees on introduction of martial law or the state of emergency in Ukraine or in its particular areas, on total or partial mobilisation, and on declaring particular areas as zones of ecological emergency situations;
- 32) to grant by law the consent to the binding character of international treaties of Ukraine, and to denounce international treaties of Ukraine;
- 33) to exercise parliamentary control within the limits established by this Constitution and law;
- 34) to adopt decisions on forwarding an inquiry to the President of Ukraine at the request of a people's deputy of Ukraine, a group of people's deputies, or a Committee of the Verkhovna Rada of Ukraine previously supported by at least one-third of the constitutional members of the Verkhovna Rada of Ukraine;
- 35) to appoint and remove from the office the Head of Staff of the Verkhovna Rada of Ukraine; approve the budget of the Verkhovna Rada of Ukraine and the structure of its staff;
- 36) to adopt the list of objects of the state property not subject to privatisation and establish legal principles regarding the expropriation of private property;
- 37) to approve by the law the Constitution of the Autonomous Republic of Crimea and amendments thereto. The Verkhovna Rada of Ukraine shall exercise other powers specified within the frame of reference of the Verkhovna Rada in accordance with the Constitution of Ukraine.

Article 86. At a session of the Verkhovna Rada of Ukraine, a people's deputy of Ukraine shall have the right to make inquiries to bodies of the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, heads of other state and local self-government bodies, as well as heads of enterprises, institutions, and organisations located in the territory of Ukraine, irrespective of their subordination and forms of ownership.

Heads of state power and local self-government bodies, heads of enterprises, institutions, and organisations shall be obliged to notify a people's deputy of Ukraine of the results of their inquiry.

Article 87. The Verkhovna Rada of Ukraine, upon the proposal of the President of Ukraine or of at least one-third of the constitutional membership of the people's deputies of Ukraine, may consider an issue concerning responsibility of the Cabinet of Ministers of Ukraine or adopt a resolution of non-confidence in the Cabinet of Ministers of Ukraine by the majority of the constitutional membership of the Verkhovna Rada of Ukraine.

The issue of the responsibility of the Cabinet of Ministers of Ukraine shall not be considered by the Verkhovna Rada of Ukraine more than once during same regular session, or within one year after the approval of the Programme of Activity of the Cabinet of Ministers of Ukraine, or in course of the last session of the Verkhovna Rada of Ukraine.

Article 88. The Verkhovna Rada of Ukraine shall elect from among its members the Chairman of the Verkhovna Rada of Ukraine, the First Vice-Chairman and the Vice-Chairman of the Verkhovna Rada of Ukraine, and shall recall them from their respective offices.

The Chairman of the Verkhovna Rada of Ukraine shall:

- 1) preside at the meetings of the Verkhovna Rada of Ukraine;
- 2) organise the operation and proceedings of the Verkhovna Rada of Ukraine and co-ordinate the activities of its bodies;
- 3) sign acts adopted by the Verkhovna Rada of Ukraine;
- 4) represent the Verkhovna Rada of Ukraine in relations with other State governing bodies of Ukraine and with the agencies of other states;
- 5) organise the work of the staff of the Verkhovna Rada of Ukraine.

The Chairman of the Verkhovna Rada of Ukraine shall exercise the powers, stipulated by this Constitution in compliance with the procedure established by the Rules of Procedure of the Verkhovna Rada of Ukraine.

Article 89. The Verkhovna Rada of Ukraine, for the purposes of law drafting, preparation, and preliminary consideration of issues within the frame of reference of the Verkhovna Rada, and to exercise the supervisory functions in compliance with the Constitution of Ukraine, shall form the Committees of the Verkhovna Rada of Ukraine from among people's deputies of Ukraine and shall elect the chairmen, first vice-chairmen, vice-chairmen and secretaries of such Committees.

The Verkhovna Rada of Ukraine, within the limits of its powers, may establish ad hoc Special Commissions for the preparation and preliminary consideration of issues.

To investigate issues of public interest, the Verkhovna Rada of Ukraine shall establish ad hoc Commissions of Inquiry, provided that at least one-third of the constitutional membership of the Verkhovna Rada of Ukraine has voted in favour thereof.

The conclusions and proposals of the ad hoc Commissions of Inquiry shall not be decisive for investigation or court.

The organisation and operational procedure of Committees of the Verkhovna Rada of Ukraine, and its ad hoc Special Commissions and the ad hoc Commissions of Inquiry shall be determined by law.

Article 90. The powers of the Verkhovna Rada of Ukraine shall be terminated on the day of the opening of the first meeting of the Verkhovna Rada of Ukraine of a new convocation.

The President of Ukraine shall have the right to an early termination of powers of the Verkhovna Rada in the following cases:

- 1) the Verkhovna Rada of Ukraine fails within one month to form a coalition of deputy factions in compliance with Article 83 of this Constitution;
- 2) no new Cabinet of Ministers of Ukraine has been formed within sixty days after the resignation of the Cabinet of Ministers of Ukraine;

- 3) plenary sessions fail to commence within thirty days of a single regular session.

A decision on an early termination of the powers of the Verkhovna Rada of Ukraine shall be taken by the President of Ukraine upon consultations with the Chairman of the Verkhovna Rada of Ukraine, vice-chairmen, and leaders of deputy factions in the Verkhovna Rada of Ukraine.

The powers of the Verkhovna Rada of Ukraine elected at extraordinary elections held after the early termination of powers of the Verkhovna Rada of Ukraine of the previous convocation by the President of Ukraine shall not be terminated within one year from the date of its election.

The powers of the Verkhovna Rada of Ukraine may not be subject to an early termination at the initiative of the President of Ukraine within the last six months of the term of powers of the Verkhovna Rada of Ukraine or the President of Ukraine.

Article 91. The Verkhovna Rada of Ukraine shall adopt laws, resolutions, and other acts by the majority of its constitutional membership, unless otherwise stipulated by this Constitution.

Article 92. The following matters shall be determined exclusively by laws of Ukraine:

- 1) human and citizen rights and freedoms, the guarantees of these rights and freedoms; the main duties of the citizen;
- 2) citizenship, the legal personality of citizens, the status of foreigners and stateless persons;
- 3) the rights of indigenous peoples and national minorities;
- 4) a procedure for the use of languages;
- 5) the principles of the use of natural resources, the exclusive (maritime) economic zone and the continental shelf, the exploration of outer space, the organisation and operation of power supply systems, transport, and communications;
- 6) the fundamentals of social protection, the forms and types of pension; the principles of the regulation of labour and employment, marriage, family, the protection of childhood, motherhood, and fatherhood; upbringing, education, culture, and health care; ecological safety;
- 7) the legal framework for property;
- 8) legal principles and guarantees for entrepreneurship; rules of competition and provisions on antimonopoly regulation;
- 9) the principles of foreign relations, foreign economic activity, and customs practices;
- 10) the principles of demographic and migration processes regulation;
- 11) the principles of the establishment and activity of political parties, other associations of citizens, and the mass media;
- 12) the organisation and activity of executive power bodies, the fundamentals of civil service, the organisation of state statistics and information;
- 13) the territorial structure of Ukraine;
- 14) the judiciary, the judicial proceedings, the status of judges; the principles of judicial expertise; the organisation and operation of the prosecution, the notary, the bodies of pre-trial investigation, the bodies and institutions for the execution of punishments; the procedure for enforcement of the court decisions; the fundamentals of the organisation and functioning of the bar;
- 15) the principles of local self-governance;
- 16) the status of the capital of Ukraine; the special status of other cities;
- 17) the fundamentals of national security, the formation of the Armed Forces of Ukraine and ensuring public order;
- 18) the legal regime of the state border;
- 19) the legal regime of martial law and state of emergency, zones of ecological emergency situations;
- 20) the organisation and procedure for conducting elections and referendums;
- 21) the organisation and operational procedure of the Verkhovna Rada of Ukraine, the status of people's deputies of Ukraine;
- 22) the principles of civil legal liability; acts deemed crimes, administrative or disciplinary offences, and liability for the same.

The following matters shall be established exclusively by laws of Ukraine:

- 1) the State Budget of Ukraine and the budgetary system of Ukraine; the system of taxation, taxes and levies; the principles of the formation and operation of financial, monetary, credit, and investment markets; the status of the national currency and the status of foreign currencies on the territory of Ukraine; a procedure for the formation and settlement of state domestic and foreign debt; and a procedure for the issue and circulation of state securities, and their types and forms;
- 2) a procedure for dispatching units of the Armed Forces of Ukraine to other states; and a procedure for admitting and the terms for stationing units of armed forces of other states on the territory of Ukraine;
- 3) units of weight, measure and time; a procedure for the establishment of state standards;
- 4) a procedure for the use and protection of State symbols;
- 5) state awards;
- 6) military, diplomatic, and other special ranks;
- 7) public holidays;
- 8) a procedure for the establishment and functioning of free and other special zones having an economic and migration regime other than the general regime.

Amnesty shall be declared by a law of Ukraine.

Article 93. The right of legislative initiative in the Verkhovna Rada of Ukraine shall be vested in the President of Ukraine, people's deputies of Ukraine, and the Cabinet of Ministers of Ukraine.

Draft laws defined by the President of Ukraine as urgent shall be considered out of turn by the Verkhovna Rada of Ukraine.

Article 94. The Chairman of the Verkhovna Rada of Ukraine shall sign a law and forward it without delay to the President of Ukraine.

The President of Ukraine shall sign such law within fifteen days of its receipt, accepting it for execution, and shall officially promulgate it or return to the Verkhovna Rada of Ukraine with substantiated and formulated proposals for reconsideration.

Should the President of Ukraine fail to return a law for reconsideration within the established period, such law shall be deemed approved by the President of Ukraine and shall be signed and officially promulgated.

Should the Verkhovna Rada of Ukraine adopt a law during its reconsideration by at least two-thirds of the constitutional membership of people's deputies, the President of Ukraine shall be obliged to sign and officially promulgate such law within ten days. Should the President fail to sign such law, it shall be immediately promulgated by the Chairman of the Verkhovna Rada of Ukraine and published with the signature of the Chairman of the Verkhovna Rada of Ukraine.

A law shall enter into force in ten days after the date of its official promulgation, unless otherwise stipulated by such law, provided that such other date shall not be earlier than the date of publication of such law.

Article 95. The budgetary system of Ukraine shall be based on the principles of fair and impartial distribution of social wealth among citizens and territorial communities.

Any state expenditures for the needs of the entire society, and the extent and purposes of such expenditures shall be determined exclusively by the law on the State Budget of Ukraine.

The State shall strive for a balanced budget.

Regular reports on revenues and expenditures of the State Budget of Ukraine shall be made public.

Article 96. The State Budget of Ukraine shall be annually approved by the Verkhovna Rada of Ukraine for the period from the 1 January to 31 December, or for a different period under special circumstances.

The Cabinet of Ministers of Ukraine shall submit a draft law on the State Budget of Ukraine for the succeeding year to the Verkhovna Rada of Ukraine not later than September 15 of each year. The report on the course of the execution of the State Budget of Ukraine in the current year shall be submitted along with the draft law.

Article 97. The Cabinet of Ministers of Ukraine shall submit a report on the execution of the State Budget of Ukraine to the Verkhovna Rada of Ukraine in accordance with law.

The submitted report shall be made public.

Article 98. The Chamber of Accounts shall, on behalf of the Verkhovna Rada of Ukraine, exercise the control over the revenue to the State Budget of Ukraine and the use thereof.

Article 99. The currency unit of Ukraine shall be the hryvnia.

Ensuring the stability of the currency unit shall be the major function of the central bank of the State, the National Bank of Ukraine.

Article 100. The Council of the National Bank of Ukraine shall develop the basic principles of monetary and credit policy, and control its implementation.

The legal status of the Council of the National Bank of Ukraine shall be determined by law.

Article 101. Parliamentary oversight of the protection of human and citizen constitutional rights and freedoms shall be conducted by the Authorised Representative to the Verkhovna Rada of Ukraine on Human Rights.

TITLE V. THE PRESIDENT OF UKRAINE

Article 102. The President of Ukraine shall be the Head of the State and shall act on behalf of the State.

The President of Ukraine shall be the guarantor of the state sovereignty and territorial integrity of Ukraine, the observance of the Constitution of Ukraine, human and citizen rights and freedoms.

Article 103. The President of Ukraine shall be elected by the citizens of Ukraine for a five-year period on the basis of universal, equal, and direct suffrage by secret ballot.

A citizen of Ukraine, having attained the age of thirty-five, having the right to vote, residing in Ukraine for the past ten years prior to the day of elections, and having command of the state language, may be elected the President of Ukraine.

The same person may not serve as the President of Ukraine for more than two consecutive terms.

The President of Ukraine shall not have another representative mandate, hold office in State power bodies or associations of citizens, perform any other paid or entrepreneurial activity, and shall not be a member of an administrative body or board of supervisors of an enterprise aimed at making profit.

Regular elections of the President of Ukraine shall be held on the last Sunday of the last month of the fifth year of authority of the President of Ukraine. In case of an early termination of the authority of the President of Ukraine, elections of the President of Ukraine shall be held within ninety days from the day of termination of the authority.

A procedure for holding elections for the President of Ukraine shall be established by law.

Article 104. The newly elected President of Ukraine shall assume office within thirty days after the official announcement of the results of the election upon taking the oath to the people at a ceremonial meeting of the Verkhovna Rada of Ukraine.

The Chairman of the Constitutional Court of Ukraine shall administer the oath to the President of Ukraine.

The President of Ukraine shall take the following oath:

"I, (name and surname), elected by the will of the people as the President of Ukraine, assuming this high office, do solemnly swear allegiance to Ukraine. I pledge with all my undertakings to protect the sovereignty and independence of Ukraine, to provide for the good of the Motherland and the welfare of the Ukrainian people, to protect the rights and freedoms of citizens, to abide by the Constitution of Ukraine and laws of Ukraine, to exercise my duties in the interests of all compatriots, and to enhance the prestige of Ukraine in the world".

The President of Ukraine elected by special election shall take the oath within five days after the official announcement of the election results.

Article 105. The President of Ukraine shall enjoy the right of immunity for the period of his authority.

Persons guilty of infringing upon the honour and dignity of the President of Ukraine shall be liable according to law.

The title of the President of Ukraine shall be protected by law and shall be reserved for the President for life, unless the President of Ukraine has been removed from the office in compliance with a procedure of impeachment.

Article 106. The President of Ukraine shall:

- 1) ensure the independence, national security, and legal succession of the State;
- 2) address the people, deliver annual and extraordinary speeches on the domestic and foreign situation of Ukraine to the Verkhovna Rada of Ukraine;

- 3) represent the State in international relations, administer the foreign political activity of the State, conduct negotiations and conclude international treaties;
- 4) adopt decisions on the recognition of foreign states;
- 5) appoint and dismiss heads of diplomatic missions of Ukraine to other states and to international organisations; accept credentials and letters of recall of diplomatic representatives of foreign states;
- 6) appoint the All-Ukrainian referendum regarding amendments to the Constitution of Ukraine in accordance with Article 156 of this Constitution, and proclaim the All-Ukrainian referendum initiated through the popular initiative;
- 7) designate extraordinary elections to the Verkhovna Rada of Ukraine within the period determined by this Constitution;
- 8) terminate the authority of the Verkhovna Rada of Ukraine in cases stipulated by this Constitution;
- 9) submit, on the basis of a proposal made by the coalition of deputy factions in the Verkhovna Rada of Ukraine, formed in compliance with Article 83 of the Constitution of Ukraine, the proposal regarding the appointment by the Verkhovna Rada of Ukraine of the Prime Minister of Ukraine within fifteen days after a receipt of such proposal;
- 10) submit the proposal to the Verkhovna Rada of Ukraine regarding the appointment of the Minister of Defence of Ukraine and the Minister of Foreign Affairs of Ukraine;
- 11) appoint and dismiss the Prosecutor General with the consent of the Verkhovna Rada of Ukraine;
- 12) appoint and dismiss one half of the membership of the Council of the National Bank of Ukraine;
- 13) appoint and dismiss one half of the membership of the National Council of Ukraine on Television and Radio Broadcasting;
- 14) submit to the Verkhovna Rada of Ukraine the proposal regarding appointment or dismissal of the Head of the Security Service of Ukraine;
- 15) revoke acts of the Cabinet of Ministers of Ukraine on the ground of their non-compliance with this Constitution and simultaneously appeal to the Constitutional Court of Ukraine for the verification of the constitutionality of such acts;
- 16) revoke acts of the Council of Ministers of the Autonomous Republic of Crimea;
- 17) be the Commander-in-Chief of the Armed Forces of Ukraine; appoint and dismiss the high command of the Armed Forces of Ukraine and other military formations; administer the national security and defence of the State;
- 18) be the Head of the National Security and Defence Council of Ukraine;
- 19) submit to the Verkhovna Rada of Ukraine a declaration of a state of war, and adopt a decision on the use of the Armed Forces and other military formations established in compliance with laws of Ukraine in the event of armed aggression against Ukraine;
- 20) adopt, in accordance with law, a decision on the general or partial mobilisation and the introduction of martial law in Ukraine or in its particular territories, in the event of a threat of aggression, or danger to the independence of Ukraine;
- 21) adopt, if necessary, a decision on the introduction of a state of emergency in Ukraine or in its particular territories, or declare certain territories of Ukraine as zones of ecological emergency situation with the subsequent confirmation of such decisions by the Verkhovna Rada of Ukraine;
- 22) appoints one-third of the composition to the Constitutional Court of Ukraine;
- 23) deleted;
- 24) confer high military, high diplomatic, and other high special ranks and class orders;
- 25) confer state awards; establish presidential distinctions and confer them;
- 26) adopt decisions on granting the citizenship of Ukraine, termination of the citizenship of Ukraine, and on granting asylum in Ukraine;
- 27) grant pardons;
- 28) create, within the limits of the funds stipulated in the State Budget of Ukraine, consultative, advisory, and other subsidiary bodies and services assisting in the exercise of Presidential authority;
- 29) sign laws adopted by the Verkhovna Rada of Ukraine;

30) have the right to veto laws adopted by the Verkhovna Rada of Ukraine (except for the laws on introducing amendments to the Constitution of Ukraine) with their subsequent return for reconsideration by the Verkhovna Rada of Ukraine;

31) exercise other powers determined by the Constitution of Ukraine.

The President of Ukraine shall not delegate his powers to other persons or bodies.

The President of Ukraine shall issue decrees and directives mandatory for the execution on the territory of Ukraine on the basis and in pursuance of the Constitution and laws of Ukraine.

Acts of the President of Ukraine issued within the limits of authority stipulated in items 5, 18, and 21 of this Article shall be countersigned by the Prime Minister of Ukraine and the Minister responsible for the act and its implementation.

Article 107. The National Security and Defence Council of Ukraine shall be the co-ordinating body to the President of Ukraine on the issues of national security and defence.

The National Security and Defence Council of Ukraine shall co-ordinate and control the activity of executive power bodies in the area of national security and defence.

The President of Ukraine shall be the Head of the National Security and Defence Council of Ukraine.

The President of Ukraine shall form the personal membership of the National Security and Defence Council of Ukraine.

The Prime Minister of Ukraine, the Minister of Defence of Ukraine, the Head of the Security Service of Ukraine, the Minister of Internal Affairs of Ukraine, and the Minister of Foreign Affairs of Ukraine, shall be ex officio members of the National Security and Defence Council of Ukraine.

The Chairman of the Verkhovna Rada of Ukraine may participate in the meetings of the National Security and Defence Council of Ukraine.

Decisions of the National Security and Defence Council of Ukraine shall be put into effect by decrees of the President of Ukraine.

The competence and functions of the National Security and Defence Council of Ukraine shall be determined by law.

Article 108. The President of Ukraine shall exercise his powers until the assumption of office by the newly elected President of Ukraine.

The authority of the President of Ukraine shall be subject to an early termination in cases of:

- 1) resignation;
- 2) inability to exercise presidential authority for health reasons;
- 3) removal from office by the procedure of impeachment;
- 4) death.

Article 109. The resignation of the President of Ukraine shall enter into force from the moment when he personally announces the statement of resignation at a meeting of the Verkhovna Rada of Ukraine.

Article 110. Incapability of the President of Ukraine to exercise his authority for health reasons shall be determined at a meeting of the Verkhovna Rada of Ukraine and confirmed by a decision adopted by the majority of its constitutional membership on the basis of a written petition of the Supreme Court of Ukraine, upon a recourse of the Verkhovna Rada of Ukraine and a medical opinion.

Article 111. The President of Ukraine may be removed from the office by the Verkhovna Rada of Ukraine in compliance with a procedure of impeachment if he commits treason or other crime.

The issue of the removal of the President of Ukraine from the office in compliance with a procedure of impeachment shall be initiated by the majority of the constitutional membership of the Verkhovna Rada of Ukraine.

The Verkhovna Rada of Ukraine shall establish a special ad hoc investigating commission, composed of special prosecutor and special investigators to conduct an investigation.

The conclusions and proposals of the ad hoc investigating commission shall be considered at the meeting of the Verkhovna Rada of Ukraine.

On the ground of evidence, the Verkhovna Rada of Ukraine shall, by at least two-thirds of its constitutional membership, adopt a decision to bring charges against the President of Ukraine.

The decision on the removal of the President of Ukraine from the office in compliance with the procedure of impeachment shall be adopted by the Verkhovna Rada of Ukraine by at least three-quarters of its constitutional membership upon a review of the case by the Constitutional Court of Ukraine, and receipt of its opinion on the observance of the constitutional procedure of investigation and consideration of the case of impeachment, and upon a receipt of the opinion of the Supreme Court of Ukraine to the effect that the acts, of which the President of Ukraine is accused, contain elements of treason or other crime.

Article 112. In the event of an early termination of the authority of the President of Ukraine in accordance with

Articles 108, 109, 110 and 111 of this Constitution, the discharge of the duties of the President of Ukraine, for the period pending the elections and the assumption of the office by the next President of Ukraine, shall be vested in the Chairman of the Verkhovna Rada of Ukraine. The Chairman of the Verkhovna Rada of Ukraine, for the period of discharge of the duties of the President of Ukraine, shall not exercise the powers stipulated by items 2, 6 to 8, 10 to 13, 22, 24, 25, 27 and 28 of Article 106 of the Constitution of Ukraine.

TITLE VI. THE CABINET OF MINISTERS OF UKRAINE. OTHER EXECUTIVE AUTHORITIES

Article 113. The Cabinet of Ministers of Ukraine shall be the highest body in the executive branch.

The Cabinet of Ministers of Ukraine shall be responsible to the President of Ukraine and the Verkhovna Rada of Ukraine, under the control of, and accountable to the Verkhovna Rada of Ukraine within the limits stipulated by this Constitution.

The Cabinet of Ministers of Ukraine shall be guided in its activities by the Constitution and laws of Ukraine, as well as by decrees of the President of Ukraine and resolutions of the Verkhovna Rada of Ukraine, adopted in compliance with the Constitution and laws of Ukraine.

Article 114. The Cabinet of Ministers of Ukraine shall be comprised of the Prime Minister of Ukraine, the First Vice-Prime Minister, Vice-Prime Ministers and Ministers.

The Prime Minister of Ukraine shall be appointed by the Verkhovna Rada of Ukraine upon the submission of proposal by the President of Ukraine.

The candidature for the appointment as the Prime Minister of Ukraine shall be introduced by the President of Ukraine on the basis of a proposal of the coalition of deputy factions of the Verkhovna Rada of Ukraine formed in compliance with Article 83 of the Constitution of Ukraine, or of a deputy faction comprising the majority of the people's deputies of the constitutional membership of the Verkhovna Rada of Ukraine.

The Minister of Defence of Ukraine and the Minister of Foreign Affairs of Ukraine shall be appointed by the Verkhovna Rada of Ukraine upon the submission of proposal by the President of Ukraine, whereas other members of the Cabinet of Ministers of Ukraine shall be appointed by the Verkhovna Rada of Ukraine upon the submission of proposal by the Prime Minister of Ukraine.

The Prime Minister of Ukraine shall manage the work of the Cabinet of Ministers of Ukraine and direct such work at the implementation of the Programme of Activity of the Cabinet of Ministers of Ukraine adopted by the Verkhovna Rada of Ukraine.

Article 115. The Cabinet of Ministers of Ukraine shall abdicate responsibility to the newly elected Verkhovna Rada of Ukraine.

The Prime Minister of Ukraine and other members of the Cabinet of Ministers of Ukraine shall have the right to announce their resignation to the Verkhovna Rada of Ukraine.

The resignation of the Prime Minister of Ukraine or adoption of the Cabinet of Ministers of Ukraine non-confidence resolution by the Verkhovna Rada of Ukraine, shall entail the resignation of the entire Cabinet of Ministers of Ukraine. In such cases, the Verkhovna Rada of Ukraine shall form new Cabinet of Ministers of Ukraine within a period and in compliance with the procedure determined by this Constitution.

The Cabinet of Ministers of Ukraine who abdicated responsibility to the newly elected Verkhovna Rada of Ukraine or the resignation of which has been accepted by the Verkhovna Rada of Ukraine, shall continue to exercise its powers until a newly formed Cabinet of Ministers of Ukraine commence its activity.

Article 116. The Cabinet of Ministers of Ukraine shall:

- 1) ensure the state sovereignty and economic independence of Ukraine, the implementation of domestic and foreign policy of the State, and the execution of the Constitution, laws of Ukraine, and acts of the President of Ukraine;
- 2) take measures to ensure human and citizen rights and freedoms;
- 3) ensure the implementation of financial, pricing, investment, and taxation policy; the policy in the areas of labour and employment, social security, education, science and culture, environmental protection, ecological safety, and exploitation of natural resources;
- 4) develop and implement national programmes of economic, scientific and technical, social and cultural development of Ukraine;
- 5) ensure equal conditions of development of all forms of ownership; effect management of the state property in accordance with law;
- 6) elaborate a draft law on the State Budget of Ukraine, ensure the implementation of the State Budget of Ukraine approved by the Verkhovna Rada of Ukraine, and submit a report on its implementation to the Verkhovna Rada of Ukraine;
- 7) take measures to ensure the defence potential and national security of Ukraine, public order, and the fight against crime;
- 8) organise and ensure realisation of foreign economic activity of Ukraine and the customs practice;
- 9) direct and co-ordinate the work of ministries and other executive authorities;
- 9-1) form, reorganise, and liquidate in compliance with law, Ministries and other central executive authorities, acting within the limits of funds allocated to the maintenance of executive authorities;
- 9-2) appoint to and remove from the office chief officers of central executive authorities not included in the Cabinet of Ministers of Ukraine, upon the submission of proposal by the Prime Minister of Ukraine;
- 10) exercise other powers determined by the Constitution and laws of Ukraine.

Article 117. The Cabinet of Ministers of Ukraine shall, within the limits of its competence, issue directives and resolutions mandatory for execution.

Acts of the Cabinet of Ministers of Ukraine shall be signed by the Prime Minister of Ukraine.

Regulatory legal acts of the Cabinet of Ministers of Ukraine, ministries and other central executive authorities shall be subject to registration in compliance with a procedure established by law.

Article 118. The executive power in oblasts and rayons, and in the cities of Kyiv and Sevastopol shall be exercised by the local state administrations.

Particular aspects of exercising executive power in the cities of Kyiv and Sevastopol shall be determined by special laws of Ukraine.

Local state administration bodies shall be formed by the heads of the local state administrations.

Heads of local state administrations shall be appointed to and removed from their office by the President of Ukraine upon the submission of proposal by the Cabinet of Ministers of Ukraine.

In the exercise of their duties, heads of local state administrations shall be responsible to the President of Ukraine and to the Cabinet of Ministers of Ukraine, and shall be accountable to, and under the control of, executive authorities of a higher level.

Local state administrations shall be accountable to, and under the control of, radas (councils) in the part of the powers delegated to them by the respective rayon or oblast radas.

Local state administrations shall be accountable to, and under the control of, the executive authorities of a higher level.

Decisions of the heads of local state administrations contradicting the Constitution and laws of Ukraine or other acts of legislation of Ukraine, may be revoked by the President of Ukraine or by the head of the local state administration of a higher level in accordance with law.

An oblast or rayon rada may express non-confidence in the head of the respective local state administration, and on the basis of which the President of Ukraine shall adopt a decision and provide a substantiated reply.

If two-thirds of the deputies of the membership of the respective rada express non-confidence in the head of a rayon or oblast state administration, the President of Ukraine shall adopt a decision on the resignation of the head of the local state administration.

Article 119. Local state administrations in their respective territory shall ensure:

- 1) the execution of the Constitution and laws of Ukraine, acts of the President of Ukraine, acts of the Cabinet of Ministers of Ukraine and other executive power bodies;
- 2) legality and legal order; the observance of rights and freedoms of citizens;
- 3) the implementation of state and regional programmes for socio-economic and cultural development, programmes for environmental protection, and, in areas where indigenous peoples and national minorities reside, programmes for their national and cultural development;
- 4) preparation and execution of respective oblast and rayon budgets;
- 5) reporting on the execution of respective budgets and programmes;
- 6) interaction with local self-government bodies;
- 7) the realisation of other powers vested by the State and delegated by the respective radas.

Article 120. Members of the Cabinet of Ministers of Ukraine and heads of central and local executive power bodies shall have no right to combine their office with other work (except for teaching, research, and creative activities outside of working hours), or to be members of an administrative body or board of supervisors of an enterprise aimed at making profit.

The organisation, powers, and operational procedure of the Cabinet of Ministers of Ukraine, and other central and local executive power bodies shall be determined by the Constitution and laws of Ukraine.

TITLE VII. PUBLIC PROSECUTION IS REMOVED UNDER THE LAW NO 1401-VIII OF 02.06.2016

TITLE VIII. JUSTICE

Article 124. Justice in Ukraine shall be administered exclusively by the courts. Delegation of the functions of courts or appropriation of such functions by other bodies or officials shall be prohibited.

The jurisdiction of the courts shall cover any legal dispute and any criminal charge. Courts shall consider also other matters in cases prescribed by the law.

Mandatory pre-trial dispute resolution procedures may be provided for in the law.

The people shall directly participate in the administration of justice through jurors.

Ukraine may recognise the jurisdiction of the International Criminal Court as provided for by the Rome Statute of the International Criminal Court. (Valid after 30.06.2019)

Article 125. The judiciary system in Ukraine shall be based on the principles of territoriality and specialisation and is defined by the law.

Courts shall be established, reorganised and dissolved by law, which draft shall be submitted to the Verkhovna Rada of Ukraine by the President of Ukraine after consultation with the High Council of Justice.

The Supreme Court shall be the highest court in the system of judiciary in Ukraine. Higher specialised courts may function in accordance with the law.

Administrative courts shall function aimed to protect human rights, freedoms, and interests of a person in the sphere of public law.

Establishment of extraordinary and special courts shall not be permitted.

Article 126. Independence and inviolability of a judge are guaranteed by the Constitution and laws of Ukraine.

Any influence on a judge is prohibited.

A judge shall not be detained or kept under custody or under arrest without the consent of the High Council of Justice until a guilty verdict is rendered by a court, except for detention of a judge caught committing serious or grave crime or immediately after it.

A judge shall not be held liable for the decision rendered by him or her, except the cases of committing a crime or a disciplinary offence.

A judge shall hold an office for unlimited term.

The grounds to dismiss a judge are the following:

- 1) inability to exercise his or her powers for health reasons;
- 2) violation by a judge of the incompatibility requirements;
- 3) commission by him or her of a serious disciplinary offence, flagrant or permanent disregard of his or her duties to be incompatible with the status of judge or reveal his or her non-conformity with being in the office;
- 4) submission of a statement of resignation or voluntary dismissal from office;
- 5) refusal to be removed from one court to another in case the court in which a judge holds the office is to be dissolved or reorganised;
- 6) violation of the obligation to justify the legality of the origin of property.

The powers of a judge shall be terminated in case of:

- 1) the judge's attainment of the age of sixty-five;
- 2) termination of Ukrainian citizenship or acquiring by a judge citizenship of another state;
- 3) taking effect of a court decision on recognition or declaration of a judge missing or dead, or on recognition of a judge to be legally incapable or partially legally incapable;
- 4) death of a judge;
- 5) taking effect of a guilty verdict against him or her for committing a crime.

The State shall ensure the personal security of a judge and members of his or her family.

Article 127. Justice shall be administered by judges. In cases prescribed by law justice shall be administered with participation of jurors.

A judge shall not belong to political parties, trade unions, take part in any political activity, hold a representative mandate, occupy any other paid office, perform other remunerated work except scholarly, teaching or creative activity.

A citizen of Ukraine, not younger than the age of thirty and not older than sixty-five, who has a higher legal education and has professional experience in the sphere of law for no less than five years, is competent, honest and has command of the state language may be appointed to the office of a judge. Additional requirements to be appointed to the office of a judge may be provided for in the law.

As for judges of specialised courts, other requirements with regard to education and professional experience may be provided by law.

Article 128. A judge shall be appointed by the President of Ukraine on submission of the High Council of Justice due to the procedure prescribed by law.

Judge shall be appointed on competition basis, except the cases provided for in the law.

The Chairman of the Supreme Court shall be elected to office and dismissed from office at the Plenary Sitting of the Supreme Court by secret ballot, due to the procedure prescribed by law.

Article 129. While administering justice, a judge shall be independent and governed by the rule of law.

The main principles of justice are:

- 1) equality of all participants in a trial before the law and the court;
- 2) ensuring guilt is proven;
- 3) adversarial procedure and freedom of the parties to present their evidence to the court and to prove the weight of evidence before the court;
- 4) exercising prosecution by the public prosecutor in court on behalf of the State;
- 5) ensuring an accused the right to defence;
- 6) openness of a trial and its complete recording by technical means;
- 7) reasonable time of case consideration by a court;
- 8) ensuring the right to appeal and, in cases prescribed by law, the right to cassation;
- 9) the legally binding nature of a court decision.
- 10) Other principles of justice can be determined by law.
- 11) Justice shall be administered by a single judge, by a panel of judges, or by juries.
- 12) Persons found guilty of contempt of court or against a judge shall be held legally liable.

Article 129-1. A court shall render the decision in the name of Ukraine. The court's decision shall be legally binding and is to be enforced. The State ensures that a court's decision is enforced according to the procedure prescribed by law. The court shall supervise the enforcement of the court's decision.

Article 130. The State shall ensure funding and proper conditions for the operation of courts and the activity of judges. Expenditures for the maintenance of courts shall be allocated separately in the State Budget of Ukraine, taking into account proposals of the High Council of Justice.

Remuneration of judges shall be defined by the law on judiciary.

Article 130-1. Judicial self-governance shall operate to protect the professional interests of judges and to resolve issues of the internal affairs of the courts.

Article 131. In Ukraine, the High Council of Justice shall function having powers:

- 1) to present submission for the appointment of a judge to office;
- 2) to decide on the violation by a judge or a prosecutor of the incompatibility requirements;
- 3) to review complaints as regards decisions of the relevant body imposing disciplinary liability on a judge or a prosecutor;
- 4) to decide on dismissal of a judge from office;
- 5) to grant consent for detention of a judge or keeping him or her under custody;
- 6) to decide on temporal withdrawal the powers of a judge to administer justice;
- 7) to take measures to ensure independence of judges;
- 8) to decide on transfer and promotion of a judge;
- 9) to exercise other powers defined by the Constitution and laws of Ukraine.

The High Council of Justice shall consist of twenty-one members: ten of them shall be elected by the Congress of Judges of Ukraine among judges or retired judges; two of them shall be appointed by the President of Ukraine; two of them shall be elected by the Verkhovna Rada of Ukraine; two of them shall be elected by the Congress of Advocates of Ukraine; two of them shall be elected by the All-Ukrainian Conference of Public Prosecutors; two of them shall be elected by the Congress of Representatives of Law Schools and Law Academic Institutions.

The procedure for election (appointment) of members of the High Council of Justice to office shall be prescribed by law.

The Chairman of the Supreme Court shall be a member of the High Council of Justice ex officio. Term of the office for elected (appointed) members of the High Council of Justice shall be four years.

The same person cannot hold the office for two consecutive terms.

A member of the High Council of Justice shall not belong to political parties, trade unions, take part in any political activity, hold a representative mandate, occupy any other paid office (except for the office of the Chairman of the Supreme Court), perform other remunerated work except scholarly, teaching or creative activity.

Members of the High Council of Justice shall be legal professionals and meet the requirement of political neutrality.

Additional requirements to be a member of the High Council of Justice may be provided for in the law.

The High Council of Justice shall be authoritative as if not fewer than fifteen of its members, the majority of which being judges, are elected (appointed).

In the system of the judiciary, according to the law there shall be established bodies and institutions which provide selection of judges, prosecutors, their professional training, assessment, consider disciplinary liability cases, provide financial and organisational support for the courts

Article 131-1. In Ukraine, public prosecutor's office shall function with the powers of:

- 1) public prosecution in the court;
- 2) organising and procedurally directing during pre-trial investigation, deciding other matters in criminal proceeding in accordance with the law, supervising undercover and other investigative and search activities of law enforcement agencies;
- 3) representing interests of the State in the court in exceptional cases and under procedure prescribed by law. Organisation and functioning of the public prosecutor's office shall be determined by law.

The public prosecutor's office in Ukraine shall be chaired by the Prosecutor General who shall be appointed and dismissed by the President of Ukraine on the consent of the Verkhovna Rada of Ukraine.

The term of the office of the Prosecutor General shall be six years.

The same person cannot hold the post of the Prosecutor General for two consecutive terms.

The Prosecutor General shall be early dismissed from his or her office exclusively in cases and on grounds prescribed by law.

Article 131-2. In Ukraine, the bar is functioning to provide professional legal assistance.

The independence of the bar is guaranteed.

The fundamentals of organisation and functioning of the bar and advocates' activity in Ukraine shall be defined by law.

Only an advocate shall represent another person before the court and defend a person against prosecution.

Exceptions for representation before the court in labour disputes, social rights protection disputes, disputes related to elections and referendums or in disputes of minor importance, and for representation before the court of minors or adolescents, legally incapable or partially legally incapable can be determined by law

TITLE IX. TERRITORIAL STRUCTURE OF UKRAINE

Article 132. The territorial structure of Ukraine shall be based on the principles of unity and integrity of State territory, the combination of centralisation and decentralisation in the exercise of the state power, and the balanced socio-economic development of regions taking into consideration their historical, economic, ecological, geographic, and demographic characteristics as well as ethnic and cultural traditions.

Article 133. The system of the administrative and territorial structure of Ukraine shall include: the Autonomous Republic of Crimea, oblasts, rayons, cities, city districts, settlements and villages.

Ukraine shall be composed of the Autonomous Republic of Crimea, Vinnytsia Oblast, Volyn Oblast, Dnipropetrovsk Oblast, Donetsk Oblast, Zhytomyr Oblast, Zakarpattia Oblast, Zaporizhia Oblast, Ivano-Frankivsk Oblast, Kyiv Oblast, Kirovohrad Oblast, Lugansk Oblast, Lviv Oblast, Mykolaiv Oblast, Odesa Oblast, Poltava Oblast, Rivne Oblast, Sumy Oblast, Ternopil Oblast, Kharkiv Oblast, Kherson Oblast, Khmelnytskyi Oblast, Cherkasy Oblast, Chernivtsi Oblast and Chernihiv Oblast, the City of Kyiv, and the City of Sevastopol.

The cities of Kyiv and Sevastopol shall have special status determined by the law of Ukraine.

TITLE X. THE AUTONOMOUS REPUBLIC OF CRIMEA

Article 134. The Autonomous Republic of Crimea shall be an integral constituent part of Ukraine and shall resolve issues relegated to its authority within the frame of its reference, determined by the Constitution of Ukraine.

Article 135. The Autonomous Republic of Crimea shall have the Constitution of the Autonomous Republic of Crimea adopted by the Verkhovna Rada of the Autonomous Republic of Crimea and approved by the Verkhovna Rada of Ukraine by no less than one half of the constitutional membership of the Verkhovna Rada of Ukraine.

Regulatory legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea and decisions of the Council of Ministers of the Autonomous Republic of Crimea shall not contradict the Constitution and laws of Ukraine and shall be adopted in accordance with and in pursuance of the Constitution of Ukraine, laws of Ukraine, acts of the President of Ukraine and the Cabinet of Ministers of Ukraine.

Article 136. The Verkhovna Rada of the Autonomous Republic of Crimea shall be the representative body of the Autonomous Republic of Crimea.

The Verkhovna Rada of the Autonomous Republic of Crimea shall, within its competence, adopt decisions and resolutions mandatory for execution in the Autonomous Republic of Crimea.

The Council of Ministers of the Autonomous Republic of Crimea shall be the government of the Autonomous Republic of Crimea. The Chairman of the Council of Ministers of the Autonomous Republic of Crimea shall be appointed or dismissed by the Verkhovna Rada of the Autonomous Republic of Crimea subject to the consent of the President of Ukraine.

The powers and the procedure for the formation and operation of the Verkhovna Rada of the Autonomous Republic of Crimea and of the Council of Ministers of the Autonomous Republic of Crimea shall be determined by the Constitution of Ukraine and laws of Ukraine, and by regulatory legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea in relation to the issues within its competence.

In the Autonomous Republic of Crimea justice shall be administered by the courts of Ukraine.

Article 137. The Autonomous Republic of Crimea shall effect normative regulation in the following areas:

- 1) agriculture and forestry;
- 2) land improvement and surface mining;
- 3) public works, crafts and trades; charity;
- 4) urban construction and housing management;
- 5) tourism, hotel business, fairs;
- 6) museums, libraries, theatres, other cultural establishments, historical and cultural conservation areas;
- 7) public transportation, roadways, water supply;
- 8) hunting and fishing;
- 9) sanitary and hospital services.

In case of nonconformity of regulatory legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea with the Constitution of Ukraine and laws of Ukraine, the President of Ukraine may suspend such regulatory legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea with a simultaneous appeal to the Constitutional Court of Ukraine in regard to their constitutionality.

Article 138. The following issues shall be under the authority of the Autonomous Republic of Crimea:

- 1) call elections of deputies to the Verkhovna Rada of the Autonomous Republic of Crimea, approve of the membership of the electoral commission of the Autonomous Republic of Crimea;
- 2) organise and hold local referendums;
- 3) manage property that belongs to the Autonomous Republic of Crimea;
- 4) elaborate, approve, and execute the budget of the Autonomous Republic of Crimea on the basis of the uniform tax and budget policy of Ukraine;
- 5) develop, approve, and implement programmes of the Autonomous Republic of Crimea for socio-economic and cultural development, rational exploiting of natural resources and environmental protection in accordance with national programmes;
- 6) grant the resort status for localities; establish zones for the sanitary protection of resorts;
- 7) participate in ensuring the rights and freedoms of citizens, national harmony, and to promote the protection of legal order and public security;
- 8) ensure the functioning and development of the state language and national languages and cultures in the Autonomous Republic of Crimea; protect and use of historical monuments;
- 9) participate in the development and realisation of state programmes for the return of deported persons;
- 10) initiate the introduction of a state of emergency and establish zones of ecological emergency as needed in the Autonomous Republic of Crimea or in its particular areas.

Other powers may also be delegated to the Autonomous Republic of Crimea by laws of Ukraine.

Article 139. The status of the Representative Office of the President of Ukraine operating in the Autonomous Republic of Crimea shall be determined by the law of Ukraine.

TITLE XI. LOCAL SELF-GOVERNMENT

Article 140. Local self-governing shall be the right of a territorial community – residents of a village or a voluntary association of residents of several villages into one village community, residents of a settlement, and of a city – for the purposes of an independent settlement of issues of local character in compliance with the Constitution and laws of Ukraine.

Particular aspects of the exercise of local self-governing in the cities of Kyiv and Sevastopol shall be determined by the special laws of Ukraine.

Local self-governing shall be exercised by a territorial community in compliance with a procedure established by law, both directly and through local self-government bodies: village, settlement and city radas, and their executive bodies.

Rayon and oblast radas shall be the bodies of local self-government representing the common interests of territorial communities of villages, settlements, and cities.

The issues of organisation of the administration of city districts shall fall within the competence of city radas.

Village, settlement, and city radas may permit, at the initiative of residents, the establishment of house, street, block, or other bodies of popular self-organisation, and assign them a part of their own competence, finances, or property.

Article 141. Village, settlement, city, rayon or oblast radas shall comprise deputies elected for a five-year term by residents of village, settlement, city, rayon or oblast on the basis of universal, equal, and direct suffrage by secret ballot.

Territorial communities shall elect respectively the head of the village, settlement, or city, who shall lead the executive body of the rada and preside at its meetings, for a four-year term, on the basis of universal, equal, and direct suffrage by secret ballot.

The status of heads, deputies, and executive bodies of a rada, their powers, and procedures of their establishment, reorganisation, and liquidation shall be determined by law.

The head of a rayon rada and the head of an oblast rada shall be elected by the respective rada and shall lead the executive staff of the council.

Article 142. Personal and real estate, revenues of local budgets, other funds, land, natural resources owned by territorial communities of villages, settlements, cities, city districts, and objects of their common property managed by rayon and oblast radas shall be the material and financial basis for local self-government.

Territorial communities of villages, settlements, and cities may combine objects of communal property as well as budget funds on the basis of agreements in order to implement joint projects or to jointly finance (maintain) communal enterprises, organisations, or establishments, and create appropriate bodies and services for this purpose.

The State shall participate in the collection of revenues for budgets of local self-governments and financially support local self-governments. Expenditures of local self-government bodies arising from the decisions of state power bodies shall be reimbursed by the State.

Article 143. Territorial communities of a village, settlement, and city, directly or through the local self-government bodies established by them, shall manage the property in communal ownership; approve programmes of socio-economic and cultural development and control the implementation of such programmes; approve budgets of respective administrative and territorial units and control the execution of such budgets; establish local taxes and levies in accordance with the law; ensure holding of local referendums and implementation of their results; establish, reorganise and liquidate communal enterprises, organisations and institutions and supervise their activity; and settle other issues of local importance assigned to their competence by law.

Oblast and rayon radas shall approve programmes for socio-economic and cultural development of respective oblasts and rayons and control the implementation of such programmes; approve rayon and oblast budgets formed from the funds of the State budget for their appropriate distribution among territorial communities or for the implementation of joint projects and from the funds drawn on the basis of agreement from local budgets for the realisation of joint socio-economic and cultural programmes, and control the execution of such budgets; settle other issues delegated to their competence by law.

Certain powers of executive bodies may be assigned by law to local self-government bodies. The State shall finance the exercise of such powers from the State Budget of Ukraine in full or through the allocation of certain national taxes to a local budget in compliance with a procedure established by law, and transfer the relevant objects of state property to local self-government bodies.

Local self-government bodies shall be under the control of respective executive power bodies in connection with the exercise of powers of executive power bodies by such bodies.

Article 144. Local self-government bodies, within the scope determined by law, shall adopt decisions mandatory for execution throughout the respective territory.

In case of nonconformity of decisions of local self-government bodies with the Constitution or laws of Ukraine, such decisions shall be suspended in compliance with the procedure established by law with a simultaneous appeal to a court.

Article 145. The rights of local self-government shall be protected by judicial procedure.

Article 146. Other issues of the organisation of local self-government, and formation, operation and responsibilities of local self-government bodies shall be determined by law.

TITLE XII. THE CONSTITUTIONAL COURT OF UKRAINE

Article 147. The Constitutional Court of Ukraine shall decide on compliance of laws with the Constitution of Ukraine and, in cases prescribed by this Constitution, shall decide on compliance of other acts with the Constitution of Ukraine, shall provide official interpretation of the Constitution of Ukraine as well as shall exercise other powers in accordance with this Constitution.

The Constitutional Court of Ukraine shall act on the basis of principles of the rule of law, independence, collegiality, transparency, reasonableness and binding nature of its decisions and opinions.

Article 148. The Constitutional Court of Ukraine shall be composed of eighteen judges of the Constitutional Court of Ukraine.

The President of Ukraine, the Verkhovna Rada of Ukraine and the Congress of Judges of Ukraine each shall appoint six judges to the Constitutional Court of Ukraine. Selection of candidates for the post of judge of the Constitutional Court of Ukraine shall be conducted on competitive basis under the procedure prescribed by the law.

A citizen of Ukraine who has command in the state language, attained the age of forty on the day of appointment, has a higher legal education and professional experience in the sphere of law not less than fifteen years, has high moral character and is a jurist of recognised competence can be a judge of the Constitutional Court of Ukraine.

A judge of the Constitutional Court of Ukraine shall not belong to political parties, trade unions, take part in any political activity, hold a representative mandate, occupy any other paid office, perform other remunerated work, except scholarly, teaching or creative activities.

A judge of the Constitutional Court of Ukraine shall be appointed for nine years without the right of reappointment.

A judge of the Constitutional Court of Ukraine shall enter into his or her office as of the date of taking the oath at the special plenary sitting of the Court.

The Constitutional Court of Ukraine shall elect the Chairman among the judges of the Court at a special plenary sitting of the Court by secret ballot only for one three-year term

Article 148-1. The State shall ensure funding and proper conditions for operation of the Constitutional Court of Ukraine.

Expenditures for operation of the Court shall be allocated separately in the State budget of Ukraine, taking into account proposals of its Chairman.

Remuneration of judges of the Constitutional Court of Ukraine shall be defined by the law on the Constitutional Court of Ukraine.

Article 149. Independence and inviolability of a judge of the Constitutional Court of Ukraine are guaranteed by the Constitution and laws of Ukraine.

Any influence on a judge of the Constitutional Court of Ukraine is prohibited. A judge of the Constitutional Court of Ukraine shall not be detained or kept under custody or under arrest without the consent of the Constitutional Court of Ukraine until a guilty verdict is rendered by a court, except for detention of a judge caught committing serious or grave crime or immediately after it.

A judge of the Constitutional Court of Ukraine shall not be held legally liable for voting on decision or opinions of the Court, except the cases of committing a crime or a disciplinary offence.

The State shall ensure the personal security of a judge of the Constitutional Court of Ukraine and members of his or her family

Article 149-1. The powers of a judge of the Constitutional Court of Ukraine shall be terminated in case of:

- 1) expiration of the term of his or her office;
- 2) his or her attainment of the age of seventy;
- 3) termination of Ukraine's citizenship or acquiring him or her the citizenship of another state;
- 4) taking effect of a court's decision on recognition or declaration of a judge of the Court missing or dead, or on recognition of a judge of the Court to be legally incapable or partially legally incapable;
- 5) taking effect of a guilty verdict against him or her for committing a crime;
- 6) death of a judge of the Constitutional Court of Ukraine.

The grounds of dismiss of a judge of the Constitutional Court of Ukraine are the following:

- 1) inability to exercise his or her powers for health reasons;
- 2) violation by him or her of incompatibility requirements;
- 3) commission by him or her of a serious disciplinary offence, flagrant or permanent disregard of his or her duties to be incompatible with the status of judge of the Court or reveals non-conformity with being in the office;
- 4) submission by a judge of statement of resignation or of voluntary dismissal from office. Dismissal of a judge of the Constitutional Court of Ukraine from his or her office shall be decided by not less than two third votes of full Court.

Article 150. The Constitutional Court of Ukraine shall have the following powers:

- 1) resolve issues of compliance with the Constitution of Ukraine (constitutionality) of:
- 2) laws and other legal acts of the Verkhovna Rada of Ukraine;
- 3) acts of the President of Ukraine;
- 4) acts of the Cabinet of Ministers of Ukraine;
- 5) legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea;
- 6) the official interpretation of the Constitution of Ukraine;
- 7) exercising of other powers stipulated by the Constitution of Ukraine.

On matters stipulated by this Article, the Constitutional Court of Ukraine shall adopt decisions mandatory for execution throughout the territory of Ukraine, and such decisions shall be final and shall not be appealed.

On matters stipulated by the clause 1,2 of the first paragraph of this Article such issues shall be considered upon request from: the President of Ukraine; no less than forty-five people's deputies of Ukraine; the Supreme Court of Ukraine; the Authorised Human Rights Representative to the Verkhovna Rada of Ukraine; or the Verkhovna Rada of the Autonomous Republic of Crimea.

Article 151. The Constitutional Court of Ukraine, on submission of the President of Ukraine or not less than forty-five People's Deputies of Ukraine, or the Cabinet of Ministers of Ukraine, shall provide opinions on compliance with the Constitution of Ukraine of international treaties of Ukraine that are in effect, or the international treaties submitted to the Verkhovna Rada of Ukraine for granting agreement on their binding nature.

The Constitutional Court of Ukraine on submission of the President of Ukraine or not less than forty-five People's Deputies of Ukraine shall provide opinions on compliance with the Constitution of Ukraine (constitutionality) of questions that are proposed to be put for the all Ukrainian referendum on people's initiative.

The Constitutional Court of Ukraine on the submission of the Verkhovna Rada of Ukraine shall provide an opinion on the observance of the constitutional procedure of investigation and consideration of the case of removing the President of Ukraine from office by the impeachment procedure.

Article 151-1. The Constitutional Court of Ukraine shall decide on compliance with the Constitution of Ukraine (constitutionality) of a law of Ukraine on constitutional complaint of a person alleging that the law of Ukraine applied in a final decision in his or her case contravenes the Constitution of Ukraine.

A constitutional complaint may be logged after exhaustion of any other domestic remedies.

Article 151-2. Decisions and opinions adopted by the Constitutional Court of Ukraine shall be binding, final and cannot be challenged.

Article 152. Laws and other acts, according to a decision of the Constitutional Court of Ukraine, shall be deemed unconstitutional, whether in whole or in part, should such laws and legal acts fail to comply with the Con-

stitution of Ukraine, or in case of a violation of a procedure established by the Constitution of Ukraine for the review, adoption, or entry into force of such laws and legal acts.

Laws, other acts, or their particular provisions, declared to be unconstitutional, shall lose legal effect from the day the Constitutional Court of Ukraine adopts the decision on their unconstitutionality, unless otherwise provided for in the decision but not earlier the day of its adoption.

Material or moral damages caused to physical or juridical persons by the acts or actions deemed to be unconstitutional shall be compensated for by the State in compliance with a procedure established by law.

Article 153. Organisation and operation of the Constitutional Court of Ukraine, status of judges of the Court, grounds to apply to the Court and application procedure, case consideration procedure and enforcement of decisions of the Court shall be defined by the Constitution of Ukraine and by law.

TITLE XIII. MAKING AMENDMENTS TO THE CONSTITUTION OF UKRAINE

Article 154. A draft law on making amendments to the Constitution of Ukraine may be submitted to the Verkhovna Rada of Ukraine by the President of Ukraine or by the people's deputies of Ukraine comprising at least one-third of the constitutional membership of the Verkhovna Rada of Ukraine.

Article 155. A draft law on making amendments to the Constitution of Ukraine, except for Title I General Principles, Title III Elections, Referendum, and Title XIII Making Amendments to the Constitution of Ukraine, previously adopted by the majority of the constitutional membership of the Verkhovna Rada of Ukraine, shall be deemed adopted, if at least two-thirds of the constitutional members of the Verkhovna Rada of Ukraine vote in its favour at the succeeding regular session of the Verkhovna Rada of Ukraine.

Article 156. A draft law on making amendments to Title I General Principles, Title III Elections, Referendum, and Title XIII Making Amendments to the Constitution of Ukraine, shall be submitted to the Verkhovna Rada of Ukraine by the President of Ukraine, or by not less than two-thirds of the constitutional membership of the Verkhovna Rada of Ukraine, provided that

it is adopted by at least two-thirds of the constitutional members of the Verkhovna Rada of Ukraine, be approved by an All-Ukrainian referendum called by the President of Ukraine.

Resubmission of a draft law on making amendments to Titles I, III and XIII of this Constitution, addressing the same issue, shall be possible only at a succeeding convocation of the Verkhovna Rada of Ukraine.

Article 157. The Constitution of Ukraine shall not be amended, if the amendments foresee the abolition or restriction of human and citizen rights and freedoms, or if they are aimed at the liquidation of the independence or violation of the territorial integrity of Ukraine.

The Constitution of Ukraine shall not be amended under the conditions of martial law or a state of emergency.

Article 158. The draft law on making amendments to the Constitution of Ukraine, having been considered by the Verkhovna Rada of Ukraine and failing to be adopted, may be submitted to the Verkhovna Rada of Ukraine no sooner than in one year from the day of the adoption of the decision on this draft law.

Within the term of its powers, the Verkhovna Rada of Ukraine shall not amend twice the same provisions of the Constitution of Ukraine.

Article 159. A draft law on making amendments to the Constitution of Ukraine shall be considered by the Verkhovna Rada of Ukraine upon the availability of an opinion of the Constitutional Court of Ukraine on the conformity of such draft law with the requirements of Articles 157 and 158 of this Constitution.

TITLE XIV. FINAL PROVISIONS

Article 160. The Constitution of Ukraine shall enter into effect on the day of its adoption.

Article 161. The day of the adoption of the Constitution of Ukraine shall be a State holiday – Ukrainian Constitution Day.

TITLE X. VTRANSITIONAL PROVISIONS

1. Laws and other regulatory acts adopted prior to the day the Constitution entered into effect shall be in force to the extent they do not contradict the Constitution of Ukraine.

2. After the adoption of the Constitution of Ukraine, the Verkhovna Rada of Ukraine shall exercise the powers stipulated by this Constitution.

Regular elections to the Verkhovna Rada of Ukraine shall be held in March 1998.

3. Regular elections for the President of Ukraine shall be held on the last Sunday of October 1999.

4. The President of Ukraine, within three years after the date the Constitution of Ukraine entered into force, shall have the right to issue decrees approved by the Cabinet of Ministers of Ukraine and signed by the Prime Minister of Ukraine on economic issues not regulated by laws, with simultaneous submission of the respective draft law to the Verkhovna Rada of Ukraine in compliance with a procedure established by Article 93 of this Constitution.

Such a decree of the President of Ukraine shall take effect if within thirty calendar days from the day of submission of the draft law (except for the days between sessions), the Verkhovna Rada of Ukraine fails to adopt the law or fails to reject the submitted draft law by the majority of its constitutional membership, and be effective until a law adopted by the Verkhovna Rada of Ukraine on these issues enters into force.

5. The Cabinet of Ministers of Ukraine shall be formed in accordance with this Constitution within three months after its entry into force.

6. The Constitutional Court of Ukraine shall be formed in accordance with this Constitution, within three months after its entry into force. The Verkhovna Rada of Ukraine shall interpret the laws prior to the appointment of the Constitutional Court of Ukraine.

7. Heads of local state administrations, upon the entry of this Constitution into force, shall acquire the status of heads of local state administrations in accordance with Article 118 of this Constitution, and after the election of chairmen of respective radas, resign from the chairman positions of these radas.

8. Village, settlement, and city radas and the chairmen of these radas, upon entry of this Constitution of Ukraine into force, shall exercise the powers as determined by this Constitution until the election of new members of such radas in March 1998.

Rayon and oblast radas, elected prior to the entry of this Constitution into force, shall exercise the powers as determined by this Constitution, until the formation of the new membership of such radas in accordance with the Constitution of Ukraine.

City district radas and their chairmen, upon entry of this Constitution into force, shall exercise their powers in accordance with law.

9. The Public Prosecution shall, in accordance with effective laws, continue to perform the function of pre-trial investigation until the agencies, to which the function is transferred under the law, will have been launched, and continue to perform the function of overseeing the observance of laws while enforcing court decisions in criminal cases, while application of other measures of coercion in relation to the restraint of personal freedoms of citizens, until the law on establishment of a dual system of regular penitentiary inspections takes effect.

10. Prior to the adoption of laws determining the particular aspects of the exercise of executive power in the cities of Kyiv and Sevastopol, in accordance with Article 118 of this Constitution, the executive power in these cities shall be exercised by the respective state administrations.

11. Paragraph one of Article 99 of this Constitution shall be put into force upon the introduction of the national monetary unit – the hryvnia.

12. The Supreme Court of Ukraine and the High Court of Arbitration of Ukraine shall exercise their powers in accordance with effective legislation of Ukraine, until the formation in Ukraine of a system of courts of general jurisdiction in accordance with Article 125 of this Constitution, provided that the period of such powers shall not exceed five years.

Judges of all courts in Ukraine elected or appointed prior to the date of entry of this Constitution into force shall continue to exercise their powers in accordance with the effective legislation until the expiration of the period for which they are elected or appointed.

Judges whose powers have terminated on the day this Constitution enters into force, shall continue to exercise their powers for a period of one year.

13. The effective procedures for arrest, retaining in custody, and detention of persons suspected of a crime, and also for the examination and search of a domicile or other property of a person, shall be preserved for five years after this Constitution enters into effect.
 14. The use of the existing military bases in the territory of Ukraine for the temporary stationing of foreign military formations shall be possible on the terms of lease, in compliance with a procedure determined by the international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine.
 15. Regular elections of the Verkhovna Rada of Ukraine after restoration of provisions of the Constitution of Ukraine in the wording of June 28, 1996, upon the Decision of the Constitutional Court of Ukraine dated September 30, 2010, No 20-rp/2010 in the case on observance of the procedure of introducing amendments to the Constitution of Ukraine are held on the last Sunday of October 2012.
 16. Regular elections of the President of Ukraine after restoration of the provisions of the Constitution of Ukraine in the wording of June 28, 1996, upon the Decision of the Constitutional Court of Ukraine dated September 30, 2010, No 20-rp/2010 in the case on observance of the procedure of introducing amendments to the Constitution of Ukraine are held on the last Sunday of March 2015.
- 16-1. Upon taking effect of the Law of Ukraine "On Amending the Constitution of Ukraine (as to justice)":
- 1) prior to the establishment of the High Council of Justice (Vyshcha Rada Pravosuddia) its competence shall be exercised by the High Council of Justice (Vyshcha Rada Yustysii). The High Council of Justice (Vyshcha Rada Pravosuddia) shall be established through reorganising of the High Council of Justice (Vyshcha Rada Yustysii). Prior to election (appointment) of members of the High Council of Justice (Vyshcha Rada Pravosuddia) it shall be composed of members of the High Council of Justice (Vyshcha Rada Yustysii) during their term in office, but no longer than by April 30, 2019. Election (appointment) of members of the High Council of Justice (Vyshcha Rada Pravosuddia) shall be conducted not later than by April 30, 2019;
 - 2) powers of judges appointed for a five-year term shall terminate with the expiration of the term for which they were appointed. Such judges may be appointed to the office of judge according to the procedure prescribed by law;
 - 3) judges who were elected for unlimited term shall exercise their powers until being dismissed or their powers terminated on grounds defined in the Constitution of Ukraine;
 - 4) conformity with being in the office of a judge, who was appointed to the office for a five-year term or elected for unlimited term, before the Law of Ukraine "On amending the Constitution of Ukraine (as to justice)" taking effect, should be assessed due to the procedure prescribed by law. Non-conformity of the judge with being in the office based on criteria of competence, professional ethics, or honesty, or refusal of the judge from such assessment shall constitute the ground to dismiss a judge. Procedure and exclusive grounds for appeal against the decision on dismissal of a judge resulted from the assessment shall be established by law;
 - 5) in cases of reorganisation or dissolution of particular courts, established before the Law of Ukraine "On amending the Constitution of Ukraine (as to justice)" taking effect, judges concerned shall have the right to retire or apply for a new position through a competitive process according to the procedure prescribed by law. Specifics of the transfer of a judge to another court may be prescribed by law;
 - 6) until new administrative-territorial system of Ukraine is implemented according to the amendments to the Constitution of Ukraine as to decentralisation, but not later than by December 31, 2017, the establishment, reorganisation, and dissolution of courts shall be conducted by the President of Ukraine on the basis and under the procedure prescribed by the law;
 - 7) within two years transfer and promotion of judge to another court shall be exercised by the President of Ukraine on the basis of the submission by the High Council of Justice (Vyshcha Rada Pravosuddia);

- 8) judges of the Constitutional Court of Ukraine, appointed before the Law of Ukraine "On amending the Constitution of Ukraine (as to justice)" taking effect, shall exercise their powers until being dismissed or their powers being terminated in accordance with the procedure prescribed in Article 1491 of the Constitution of Ukraine and without right to reappointment. Powers of a judge of the Constitutional Court of Ukraine, who as of the day the Law of Ukraine "On amending the Constitution of Ukraine (as to justice)" taking effect has attained the age of sixty-five, but the decision on his or her dismissal from office has not been taken, shall be terminated;
- 9) the representation of citizens before courts by the public prosecution according to the law in cases in which proceedings had been initiated prior to the Law of Ukraine "On Amending the Constitution of Ukraine (as to justice)" taking effect, shall be exercised according to the rules have been effective prior to this Law taking effect, until rendering the final court decisions that cannot be challenged;
- 10) the Prosecutor General of Ukraine appointed to office prior to the Law of Ukraine "On Amending the Constitution of Ukraine (as to justice)" taking effect shall exercise powers of the Prosecutor General until dismissal under the procedure prescribed by law but no longer within the term for which he or she was appointed, and may not hold the office for two consecutive terms;
- 11) in accordance with the sub-paragraph 3 paragraph 1 Article 1311 and Article 1311 of this Constitution representation before the Supreme Court and the courts of cassation shall be exercised exclusively by public prosecutors and advocates as from January 1, 2017; before the appellate courts – from January 1, 2018; before the first instance courts –from January 1, 2019.

Representation of the state and local authorities before courts shall be exercised exclusively by public prosecutors and advocates from January 1, 2020.

Representation before courts in cases pending prior to the Law of Ukraine "On Amending the Constitution of Ukraine (as to justice)" taking effect shall be exercised according to the rules have been effective prior to this Law taking effect, until rendering the final court decisions that cannot be challenged.

* * *

The Constitution of Ukraine

was adopted at the Fifth Session of the Verkhovna Rada of Ukraine
on June 28, 1996

PART II

THE LEGISLATIVE AND CONCEPTUAL FRAMEWORK FOR THE PROVISION OF NATIONAL SECURITY AND IMPLEMENTATION OF DEFENCE POLICY

The Law of Ukraine “On the Fundamentals of the National Security of Ukraine”

With changes introduced by Laws
No 3200-IV of 15.12.2005, BVR, 2006, No 14, p. 116;
No 2411-VI of 01.07.2010, BVR, 2010, No 40, p. 527;
No 4711-VI of 17.05.2012, BBP, 2013, No 14, p. 89;
No 5286-VI of 18.09.2012, BBP, 2013, No 38, p. 499;
No 221-VII of 18.04.2013, BBP, 2014, No 10, p. 119;
No 1170-VII of 27.03.2014, BBP, 2014, No 22, p. 816;
No 35-VIII of 23.12.2014, BBP, 2015, No 4, p. 13;
No 186-VIII of 12.02.2015, BBP, 2015, No 16, p. 110;
No 630-VIII of 16.07.2015, BBP, 2015, No 39, p. 375.

In accordance with Article 92, paragraph 1, subparagraph 17 of the Constitution of Ukraine, the aforementioned law defines the fundamentals and interests of Ukrainian national state security policy, while guaranteeing society and the individual citizen protection from both internal and external threats.

Article 1. Definition of Terms

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

- National Security is the safeguarding of vital interests pertaining to the citizen and State of Ukraine that insure the sustainable development of society; through the timely detection, prevention and neutralisation of implicit and explicit threats to national interests in the following areas: law enforcement activity, fighting corruption, border control and defence, migration policy, health protection, education and science, research and innovation policy, cultural de-

velopment of the population, provision of freedom of speech and information security, social support and pensions, housing and utilities, financial market, property rights protection, stock exchange and share market, taxation budgeting and customs policy, trade and entrepreneurship, banking services, investment policy, auditing, monetary and currency policy, information protection, licensing, industry and agriculture, transportation and communication, information technologies, power generation and energy saving, natural monopolies, exploitation of natural land and water resources, protection of environment and in other areas of the state governance in case of emerging negative tendencies having potential to provoke implicit and explicit threats to national interests;

- National Interests are natural resources, intellectual, cultural and sovereign property belonging to and recognised by the state and citizens of Ukraine; as well as the recognition of needs from both state and society that guarantee autonomy and progress in the development of Ukraine;
- Threats to National Security are clear and present factors that represent a danger to vital national interests of Ukraine;
- State Military Organisations are state and military agencies (generically referred to as Armed Forces hereinafter) created and democratically regulated in accordance with the Laws of Ukraine whose purpose is to defend the national interests of Ukraine against both internal and external threats;
- Law Enforcement Agencies are constitutionally assigned state organisations responsible for law enforcement.

Article 2. Legal Grounds for National Security

The Constitution and laws of Ukraine as well as international treaties and normative legislation subject to the agreement of parliament, the Verkhovna Rada, bind and provide a guarantee for the legal basis of the National Security of Ukraine.

Pursuant to this legal basis the President of Ukraine develops and approves the National Security Strategy and The Military Doctrine; to include principles relating to the ultimate goals of military development as well as providing guidelines for agencies (under concrete circumstances), who with timely detection need to prevent and or neutralise implicit and explicit threats to the national interests of Ukraine.

The National Security Strategy of Ukraine and the Military Doctrine of Ukraine are indispensable documents for the establishment, execution and development of concrete programs covering all elements of state policy relating to national security.

Article 3. Objects of National Security

Objects of National Security are:

- A person and citizen - his/her constitutional human rights and freedoms;
- Society and its spiritual, moral, ethical, cultural, historical, intellectual and material values, information media and environment as well as its natural resources;
- The state and its constitutionally ordered system, sovereignty, territorial integrity and inviolability.

Article 4. Subjects of National Security

Subjects of National Security are:

- 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 organisations with Executive power;
- The National Bank of Ukraine;
- The Ukrainian general courts of jurisdiction;
- The Office of the Public Prosecutor of Ukraine;
- National Anticorruption Bureau of Ukraine;
- Local State Administrations and Local Self-Government Organisations;

- The Armed Forces of Ukraine, the Security Service of Ukraine, the Foreign Intelligence Service of Ukraine, the State Border Service of Ukraine and other Military Forces established in accordance with the Laws of Ukraine;
- Organs and units of civil protection;
- Citizens and Trade/Workers Unions of Ukraine.

Article 5. Principles of National Security

The main principles of National Security are:

- The priorities of human rights and freedoms;
- The rule of law;
- The priority of peaceful negotiations in conflict resolution;
- The timely detection and necessary action to prevent and or neutralise implicit and explicit threats to the national interests of Ukraine;
- The clear divisions of responsibility and co-ordination between all national security state bodies;
- The democratic and civil control of all State Organisations, Military and Armed Forces responsible for the National Security of Ukraine;
- The use of international security systems and collective international security doctrine in the interests of Ukraine;
- National Security in Ukraine is provided for by state policy in accordance with adopted doctrines, strategies, concepts and programs encapsulating political, socio-economic, military, ecological, scientific and technological information.

National Security in Ukraine is determined and deployed relative to the time, scale and nature of threats to national interests.

Article 6. National Priority Interests

National Priority Interests of Ukraine include:

- The protection of constitutional, human and freedom rights of every citizen;
- The development of democratic civil society and state institutions;
- The protection of state sovereignty, territorial integrity, inviolability of state borders, and protection from external intrusion into the domestic affairs of Ukraine;
- The strengthening of political and social stability in society;
- The provision for the development and promotion of Ukrainian as the official state language in public life, while guaranteeing the development, use and protection of Russian and other National Minorities' languages used in Ukraine;
- The creation of a competitive, socially orientated market economy that will ensure a constantly increasing standard of living and quality of life for the people of Ukraine;
- The preservation and strengthening of scientific and technological potential and the introduction of an innovative model for development;
- The provision for ecologically sound and safe living conditions for citizens and society; the preservation of the environment and the rational use of natural resources;
- The development of spiritual, moral values, intellectual potential and physical health for the nation in creating favourable conditions for population growth;
- The integration of Ukraine into the European political, economic, and legal space with the aim of acquiring membership in the European Union and in the Euro-Atlantic security zone; and developing mutually equitable and favourable relationships with other states that have a common interest in Ukraine.

Article 7. Threats to National Interests and Security

Current concerns that threaten the national security and public stability of Ukraine are summarised accordingly:

International concerns:

- Infringements on the state sovereignty of Ukraine, its territorial integrity, and territorial claims from other states;

- Interference in the domestic affairs of Ukraine by foreign states;
- Military and political instability, international, regional and local wars (conflicts) particularly concerning those close to sovereign Ukrainian borders.

Internal State Security Concerns:

- Subversive activity carried out by foreign intelligence services operating in Ukraine;
- Groups or individuals that threaten state sovereignty, the territorial integrity, economic, scientific, technical and defence potential of Ukraine as well as the rights and freedoms of its citizens;
- The spread of state corruption including the overlap of business, politics and organised crime;
- Criminal activities against the peace and security of humanity including the spread of international terrorism;
- The threat of use of nuclear powered and other weapons by terrorists on Ukrainian territory;
- The prospect of illegal arms imports, radioactive materials and illicit drugs;
- Attempts to create and sustain illegal paramilitary organisations that usurp official military and state bodies in the promotion of their individual causes;
- Manifestations of separatism and attempts to acquire nation-state sovereignty based on ethnicity in Ukraine.

Military and Border Control Concerns:

- Proliferation and supply of weapons of mass destruction;
- Ineffectiveness of existing structures that ensure international security and global stability;
- Illegal migration;
- The possibility of the involvement of Ukraine in regional armed conflicts or confrontations with other states;
- Military building by states close to Ukrainian borders that would contravene the current balance of forces;
- A dangerous decrease in the supply of military hardware and new generation specialise equipment for the Armed Forces that could incapacitate military efficiency;
- The slow implementation of reforms and insufficient funding of military programs and the Defence-Industrial Complex in Ukraine;
- The accumulation of sizeable quantities of dated and ineffective military hardware;
- Unclear legal statuses and insufficient infrastructure of Ukrainian borders;
- Unsatisfactory levels of social security benefits and protection for military service personnel, ex-military service personnel and their families.

Domestic Concerns:

- Violation of the Constitution and the Laws of Ukraine; human rights infringements; electoral campaign veracity; State and Local Executive accountability; insufficient control of compliance and responsibility requirements as prescribed by the Constitution and the correct implementation of the Laws of Ukraine;
- A possibility of interethnic and inter-confession conflicts, radicalisation and manifestations of extremism in the activities of certain national minorities unions and religious communities;
- A threat of separatist trends and movements in Ukraine;
- Structural and functional imbalances of the socio-political system that facilitates a deficit in part, of the ability to sufficiently operate to threats to national security.

Economic Concerns:

- A significant reduction in GDP, investments and the innovation of scientific and technological research development;
- The weakening of state regulation and control in market economics;
- The instability of legal financial regulation and compliance including state financial policy as well as the absence of an effective programme for the prevention of a financial crisis and the increase of credit risks;
- Lack of funding for problems affecting main industry and agricultural sectors and critical infrastructure installations;

- Insufficient economic growth and related infrastructure deficits;
- Critical national economy dependence on external markets and a low rate of internal market expansion;
- Erratic exports structure mainly of raw materials and marginally with high value-added products;
- Critical levels of internal and external State debts and borrowing;
- Alarming growth in foreign capital share holdings in the hub industries of the local economy;
- Inadequate antimonopoly (anti-trust) State policy and regulation of local monopolies that thwart a competitive economic environment;
- Critical food quotas and supply for the population;
- Ineffective use of fuel and energy resources, insufficient rates of diversification for their supply and an absence of an effective energy-saving policy that in turn could induce a state energy security crisis;
- The "Black" or "Shadow Economy";
- A predisposition in government policy favouring individual, corporate and regional economic interests over national priorities.

Social and Humanitarian Concerns:

- An inconsistency between national socio-economic reform programs and their results;
- Inefficient state policy in increasing individual earnings to overcome poverty and rising unemployment;
- Crisis in the healthcare and social security systems resulting in the deterioration of the population's health through the spread of drug abuse, alcoholism, and social disease;
- Aggravation of the demographic crisis;
- A reduction in access to education by the poor;
- Loss of socio-moral fabric and spirituality;
- Increase in child /adolescent vagrancy and homelessness.

Science & Technology Concerns:

- The Ukrainian science and technology sector lags behind the developed world;
- There is a lack of impetus in state policy to stimulate innovation;
- Ukrainian science and technology products are not competitive;
- There is a lack of infrastructure and exposure to foreign interests of the internal market for high-tech products, which is much needed to assist local expansion;
- There has been a reduction of internal demand for the training of scientific and technical personnel in engineering, technology and related enterprises. Unsatisfactory levels of remuneration for work in science and technology have caused a drop in their appeal, also aggravated by inadequate protection for intellectual property rights;
- There has been a "brain drain" of highly skilled manpower.

In the sphere of civil protection:

- Inadequate to modern challenges state of readiness of the Integrated State Civil Protection System, civil protection units and their technical equipment;
- Significant antropogenic and technogenic overload of the territory of Ukraine, growing risks of developing the of technogenic and natural emergencies;
- Deterioration of technical conditions of hydrotechnical constructions on the water reservoirs on the Dnieper River;
- Failure to maintain the proper technical conditions of nuclear installations in Ukraine;
- Danger of technogenic terrorism, particularly nuclear and biological.

Ecological & Environmental Concerns:

- There has been unreasonable and exhaustive use of natural resources, raw materials and minerals (both renewable and non-renewable);
- The inability to overcome negative social and ecological consequences of the Chernobyl disaster;
- The deterioration of the ecological state of water basins and the intensification of cross-border pollution problems as well as worsening water quality;

- The uncontrolled import into Ukraine of ecologically dangerous technologies, substances, materials and transgenic plants, pathogenic agents, plants and organisms dangerous to humans and animals; as well as the ecologically unjustified use of genetically modified plants, organisms, substances and derivative products;
- There is fruitless action to overcome the negative ecological consequences of military and other unsound ecological activity;
- Intensification of the impact of harmful genetic effects in populations of live organisms, in particular genetically modified organisms and biotechnologies;
- The existence of many dated, ineffective, toxic and ecologically dangerous waste disposal systems.

Information Media Concerns:

- Limitations to the freedom of speech and access to public information;
- Mass media proliferation of violence, brutality and pornography;
- Cyber crime and terrorism;
- Leaking of state secret information or any other confidential information important for the needs and protection of national interests of society and the state;
- Attempts to manipulate the public conscience by spreading propaganda.

Article 8. Core Directives of National Security Policy

Taking into account the internal geopolitical situation in Ukraine, all State organisations are to focus on the timely identification, prevention and neutralisation of real and potential threats to national security to help protect the sovereignty and territorial integrity of Ukraine.

Border security, economic improvement and the guarantee of civil security, including the constitutional and human rights of citizens are at the heart of national security directives.

Fighting organised crime syndicates, improving governance, strengthening the rule of law, radically improving the local ecological situation while preserving social and political stability will strengthen and improve Ukraine's reputation in the world.

The Core Directives of the National Security Policy are the following:

- International Directives

Ukrainian foreign policy must be developed with the purpose of:

- Creating favourable foreign conditions for progressive economic and social development in Ukraine;
- Preventing interference in domestic affairs of Ukraine and the elimination of claims for its sovereignty and territorial integrity by other states;
- Deepening co-operation with the North Atlantic Treaty Organisation with the goal of reaching its entry criteria;
- Preventing conflicts (with particular emphasis on neighbouring regions);
- Participating in international peacekeeping activities under the auspices of the UN, OSCE, NATO and other international security organisations;
- Participating in activities against international organised crime and terrorism groups, to counteract the proliferation and supply of nuclear and other weapons of mass destruction;
- Adapting Ukrainian law to harmonise with EU Law.

Internal State Security Directive:

- Reforming the law enforcement system to increase its efficiency by optimising and improving co-ordination between law enforcement agencies, while improving financial, material, technical, organisational, legal, and personnel support;
- Concentrating resources on strengthening co-ordination between law enforcement and counterintelligence agencies to collectively fight organised crime and the drug trade;
- Participating in international co-operation to fight crime, terrorism, the drug trade and illegal migration;
- Introducing effective systems of control on the supply and use of defence products and technologies.

Military and Border Control Directive:

- Fast-tracking reform in the Armed Forces to maximise efficiency and the capability to react successfully to real or potential threats to Ukraine;
- Converting the Armed Forces to a contractually-based manning system;
- Implementing state programs to modernise existing military hardware through the deployment and introduction of up-to-date military equipment;
- Enhancing control over the condition of armaments and the protection of military installations as well as the timely disposal of dated and surplus weapons;
- Introducing civil democratic controls of the military and State law enforcement agencies;
- Providing social protection for military and ex-service personnel and members of their families;
- Complying with agreements regarding the temporary stationing of the Black Sea Fleet of the Russian Federation on Ukraine territory;
- Fast-tracking the demarcation and delimitation of Ukrainian borders;
- Fighting organised local and international criminal groups, who operate in Ukraine and at crossing border points as well as in exclusive (maritime) economic zones;
- Enhancing trans-border co-operation with neighbouring states.

Domestic Directives:

- Protecting the constitutional human rights and freedoms of a citizen;
- Protecting the Constitution to improve political power to strengthen democracy, the moral and spiritual foundations of society and to improve institutional efficiency;
- Establishing efficient judicial machinery to protect and enshrine constitutional human rights and fundamental freedoms;
- Establishing political stability, public peace and mutual understanding in society and preventing manifestations of extremism;
- Striving for transparency in the decision-making and public information activities of State organisations to improve and strengthen the peoples trust in institutional governance;
- Creating accountable and efficient autonomous Regional and Local Executives;
- Developing and improving the geo socio-economic and legal foundations of Ukraine to enhance spirituality, cultural ethnic tolerance and national stability;
- Providing for inter-religion stability and the prevention of religion based conflicts to particularly between distinct local churches who have specific influence in Ukraine.

Economic Directives:

- Creating favourable conditions for sustainable economic growth and a more competitive national economy;
- Fast-tracking infrastructural and institutional change in the national economy;
- Improving the investment climate and related processes;
- Stimulating development for scientific high-tech industries;
- Improving antimonopoly (anti-trust) policy and legislation; as well as creating efficient regulatory and compliance governance for existing monopolies;
- Overcoming “shadow” (black) economy problems by reforming the tax system to enhance finance and investment as well as restraining international capital outflow while reducing unquantifiable extra-bank cash circulation;
- Providing for an internal and external currency protection balance to encourage stability, protection for investor’s interests and financial markets growth;
- Implementing an even-handed policy of internal and external borrowing;
- Ensuring energy security and stability through the proper functioning of the fuel and energy complex, to include an active energy saving and diversification policy;
- Providing food supply security;

- Protecting the internal market from low-quality imports that could jeopardize national production markets, the health of citizens and or the environment;
- Enhancing Ukraine's participation in the international division of labour and developing its export potential for high-tech products; to facilitate full integration into the European Union and international economic system;
- Intensifying Ukraine's participation with international economic and financial organisations.

Science and Technology Directives:

- Increasing state support for the growth of science and technology as a priority and a basis for the creation of high technologies and economic transition; through the development of an effective system that encourages innovation in Ukraine;
- Incrementally increasing budget expenditures for science and education, as well as creating conditions to attract further extra-budgetary funding for science and technology;
- Improving the socio-economic and political conditions of the scientific and technical elite;
- Providing the necessary conditions for the recognition and registration of intellectual property rights;
- Providing a suitable security level to enhance the development of industry, agriculture, military installations and engineering works.

In the sphere of civil protection:

- Providing for effective functioning of the Integrated State System of Civil Protection, equipping with modern types of civil protection equipment;
- Introduction of administrative, economic, engineering and other measures of emergency risk reduction under acceptable levels;
- Raising the levels of ecological, nuclear and radiation security to norms and standards in corresponding sphere, including the transformation of the object "Shelter (Ukryttia)" of Chernobyl NPS to an ecologically safe system.

Ecological and Environmental Directives:

- Implementing actions that will guarantee the ecological security of nuclear powered installations and equipment, as well as providing reliable protection for the Ukrainian population and environment from radiation exposure, while minimising the on-going consequences of the Chernobyl disaster;
- Introducing modern, ecologically sound, energy saving technologies within industry by making more efficient use of natural resources and developing environmentally friendly waste processing and disposal systems;
- Improving the ecological condition of Ukraine's rivers with particular attention to the Dnieper River basin, as well as improving the quality of available drinking water;
- Preventing pollution and improving the ecology of the Black and Azov Seas;
- Stabilising and improving the ecological and environmental conditions of cities and industrial zones particularly in the region of Donetsk-Prydniprovsky;
- Preventing illegal imports into Ukraine of ecologically dangerous technologies, substances, materials, and pathogenic agents dangerous to humans, animals, plants and organisms;
- Implementing actions to reduce the negative influence of global ecological (i.e., the Greenhouse Effect) problems on Ukraine, while promoting Ukrainian participation in international ecological and environmental co-operation.

Social and Humanitarian Directives:

- Implementing actions to strengthen the social dimension of economic policy to improve the living standards of the Ukrainian population primarily through the increase and prompt payment of wages, guaranteed state social security protection and a reduction in unemployment;
- Creating conditions to help overcome poverty and excessive social strata division;
- Protecting and strengthening the demographic and labour potential of Ukraine;

- Creating effective social security and healthcare systems for the maintenance and regeneration of physical and moral health; and pursuing to eliminate endemic problems of alcoholism, drug abuse and other negative social phenomena;
- Implementing actions to eradicate homelessness and vagrancy among children and youth.

Information and Media Directives:

- Creating and preserving the information sovereignty of Ukraine;
- Improving state media regulations and awareness through the creation of normative, legal and economic prerequisites to aid the development of national information infrastructure and resources, by introducing modern communication technologies to promote the truthful dissemination of information relating to Ukraine both nationally and internationally;
- Active involvement of the mass media in the fight against corruption, abuse of official power, and other phenomena that threaten national security;
- Protecting the constitutional rights of citizens to the freedom of speech and access to information; Preventing the unlawful interference and influence of State bodies, autonomous State organisations and their representatives into the activities of the mass media and journalists, prohibition of censorship, political discrimination in the sphere of information and the harassment of journalists for their political views, performance of their functions and criticism;
- Implementing comprehensive activities to protect national information media from invading corporate media and information monopolies.

Article 9. Powers of the Subjects of National Security

In accordance with the Constitution and the Laws of Ukraine:

- The President of Ukraine, as the Head of State, guarantor of state sovereignty, territorial integrity, compliance with the Constitution, rights and freedoms of a citizen, Commander-in-Chief of the Armed Forces of Ukraine and Head of the National Security and Defence Council of Ukraine, carries out the general management of national security and defence;
- The Verkhovna Rada of Ukraine, within defined powers of the Constitution and the Laws of Ukraine, determines: the trends of internal and foreign policy, the fundamentals of national security, the adoption of national security legislation, the approval and decisions relating to "states of emergency", martial law and troop mobilisation, the definitions and structures relating to the dimensions and functions of the Armed Forces;
- The National Security and Defence Council of Ukraine co-ordinates the activities of the Executive Authorities responsible for national security; and in turn submits to the President proposals for changes to National Security and Military Strategy taking into account the geopolitical situation of Ukraine;
- The Cabinet of Ministers of Ukraine, as the highest Executive body, guarantees state sovereignty and economic independence as well as enshrining measures to facilitate the protection of the rights and freedoms of an individual citizen, while ensuring the defence capability and national security of Ukraine is intact, as well as preserving public order and fighting criminal activity;
- The National Bank of Ukraine, in accordance with State monetary and credit regulation, determines and implements monetary and credit policy in the interests of national security of Ukraine;
- Ministries, other central executive authorities, the Security Service of Ukraine and the Foreign Intelligence Service of Ukraine within their constitutionally and legally defined, presidential decree and or ministerial sanctioned powers: determine actions, concepts and programs for national security to ensure the preparedness for the use of force;
- Local state administrations and autonomous organisations implement national security issues within their competences in accordance with the law;
- State military organisations guarantee the defence of Ukraine, and the protection of its sovereignty, territorial integrity and inviolability of borders as well as countering any internal military threats;
- Organs and units of civil protection implement measures of protection for population and territories during the emergencies in peacetime and the special period;

- Law enforcement agencies fight criminal activity and counteract terrorism;
- Ukraine Courts of General Jurisdiction prosecute for crimes encroaching the national security of Ukraine;
- Office of the Public Prosecutor of Ukraine executes its powers within the national security framework in accordance with the Constitution and the Laws of Ukraine;
- Citizens of Ukraine fulfil their national interests through participating in elections, referendums and other forms of democracy. Elected State authorities and autonomous local executives voluntarily carry out their defined constitutional and legal responsibilities to ensure national security that includes the alerting the general public and other State institutions (with the direct or indirect help of unions and citizens) to alert the general public to all dangerous phenomena affecting citizen rights, interests and personal security.

Article 10. Main Functions of National Security Subjects

The main functions of National Security Subjects are:

- To develop and periodically update the National Security Strategy and Military Doctrine of Ukraine to include doctrines, concepts and programs relating to national security as well as the planning and implementing of concrete actions to counteract and neutralise threats to the national interests of Ukraine;
- To create a normative-legal basis that facilitates a more effective national security system;
- To improve the organisational structure of the national security system by enlisting competent personnel, obtaining financial, material, technical and information support to regenerate the essential parts of this system;
- To prepare the Armed Forces adequately in their responsible use of national security powers;
- To constantly monitor the processes and arenas that influence national security namely socio-economics, ecology, science, technology, information media and the military; as well as observing religious and interethnic relations to anticipate and abate changes that potentially threaten national security;
- To systematically monitor all forms of international terrorism;
- To predict, detect and assess the causes and consequences of possible destabilising threats and conflicts;
- To develop scientifically proven proposals and recommendations on decision-making to assist the protection of Ukrainian national interests;
- To prevent and eliminate destabilising threats and factors that encroach national interests;
- To localise, minimise and find resolutions for influential and potentially destabilising conflicts;
- To assess and determine the cost effectiveness of activities relating to national security;
- To participate in bilateral and multilateral military security co-operation in the national interest of Ukraine;
- To assist regular and operational activities conducted by international organisations and agreements.

Article 11. Control over the Implementation of National Security Activities

Control over the implementation of activities relating to national security are executed by the President of Ukraine, Verkhovna Rada, Cabinet of Ministers, the National Security and Defence Council of Ukraine in accordance with their individual powers defined by the Constitution and the Laws of Ukraine.

Article 12. Final provisions

This Law enters into force from the date of publication.

On enforcement and application of this Law, the National Security Concept (the foundations of state policy), approved by the Decree of the Verkhovna Rada of Ukraine on January 16, 1997, (Bulletin of the Verkhovna Rada, 1997 No 10, p. 85; 2001 No 9 p. 38) are consequently repealed and inapplicable.

President of Ukraine L. Kuchma
Kyiv, June 19, 2003 No 964-IV

Law of Ukraine “On Defence of Ukraine”

(*Bulletin of the Verkhovna Rada (BVR), 1992, No 9, p. 106*)

Enacted by the Resolution of the Verkhovna Rada
No 1933-XII of 6.12.1991, BVR, 1992, No 9, p. 107,
With amendments introduced by the laws
No 3547-XII of 21.10.93, BVR, 1993, No 44, p. 420;
No 221/94 BP of 20.10.94, BVR, 1994, No 45, p. 410;
No 387/95-BP of 17.10.95, BVR, 1995, No 38, p. 284;
in the wording of the Law No 2020-III of 05.10.2000, BVR, 2000, No 49, p. 420.
With amendments introduced by the laws
No 662-IV of 03.04.2003, BVR, 2003, No 27, p. 209;
No 1003-IV of 19.06.2003, BVR, 2004, No 2, p. 8;
No 3428-IV of 09.02.2006, BVR, 2006, No 26, p. 215;
No 1014-V of 11.05.2007, BVR, 2007, No 33, p. 442;
No 803-VI of 25.12.2008, BVR, 2009, No 19, p. 258;
No 2526-VI of 21.09.2010, BVR, 2011, No 4, p. 27;
No 5286-VI of 18.09.2012, BVR, 2013, No 38, p. 499;
No 5404-VI of 02.10.2012, BVR, 2013, No 41, p. 550;
No 1127-VII of 17.03.2014, BVR, 2014, No 17, p. 595;
No 1190-VII of 08.04.2014, BVR, 2014, No 23, p. 871;
No 1194-VII of 09.04.2014, BVR, 2014, No 25, p. 890;
No 133-VIII of 03.02.2015, BVR, 2015, No 13, p. 86;
No 186-VIII of 12.02.2015, BVR, 2015, No 16, p. 110;
No 901-VIII of 23.12.2015, BVR, 2016, No 4, p. 44;
No 1420-VIII of 16.06.2016;
No 1437-VIII of 07.07.2016.

This Law establishes a basis for the defence of Ukraine, as well as for the authorities of the State Executive, the main functions and tasks of the military management organisations, Local State Administrations, Local Self-Government organs; enterprises, institutions, organisations, and their respective officials as well as the rights and duties of the Ukrainian citizens in the defence sphere.

PART I. THE BASIS AND PREPARATION FOR UKRAINIAN STATE DEFENCE

Article 1. Definition of main terms

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

The defence of Ukraine is a system of political, economic, social, military, scientific, technological, informational, legal, organisational and sundry measures undertaken by the State to ensure the preparation for the armed defence of Ukraine in case of an armed aggression or armed conflict;

State defence capacity is the capacity of the Ukraine to defend itself in case of an armed aggression or armed conflict. It consists of material, spiritual, military, economic, social, moral and political defence elements and potential as well as the preparation of appropriate conditions for its fulfilment;

An armed aggression is the use of force by a state or a group of states against Ukraine.

Any of the following actions can be considered to be an armed aggression against Ukraine an invasion or aggression by the armed forces of a State or a group of States against Ukraine as well as the occupation or annexation (in full or in part) of Ukrainian territory:

A blockade of ports, the coast or airspace, including disruptions to communications in Ukraine by the armed forces of a foreign state or group of states;

An aggression by the armed forces of a state or a group of states against Ukrainian land, sea, air or civil navy forces;

The sending of armed groups of regular and irregular forces by a state or on its behalf that commit armed acts against Ukraine that are so serious that it can be equated to the actions listed in sub-paragraphs 5-7 of the present article including the substantial participation of a third party state in such actions;

Actions of a state (states) that allows their territory, placed at a third party state's disposal, to be used by this third party state (states) for committing acts listed in paragraphs 5-8 of the present article;

The use of the armed forces units of a state or a group of states stationed on the territory of Ukraine in accordance with international treaties against a third party state or a group of states; other term violations stipulated in international treaties as well as the illegal prolongation of armed forces units' stay in Ukraine after the contractual termination of aforementioned treaties;

A special period is a period for the functioning of the State Executive, the Armed Forces and other State Military Organisation created in accordance with the laws of Ukraine, organs of Local Self-Government, Civil Defence Authorities and Civil Defence Forces, national economy industries, enterprises, institutions and organisations, that function from the moment when a decision to mobilise troops (except for a special purpose mobilisation) is announced or brought to the attention of the persons subject to concealed mobilisation or from the moment of the introduction of martial law in Ukraine. This period includes the time from mobilisation to the time of war and partially includes the period of reconstruction after the termination of military operations.

Martial law is a special legal regime introduced in Ukraine (in full or in part) in the case of an armed aggression, danger to the state independence or territorial indivisibility of Ukraine. Martial law grants powers to State Executive organs, the Military Command and organs of Local Self-Government necessary for averting threats and to ensure national security. Martial law also prescribes temporary (threat determined) restrictions over constitutional rights and freedoms, as well as over the rights and legitimate interests of legal entities. A clear indication of the period of validity for such restrictions is to be provided also.

Military formation is the totality of military units, joint troops and their management organs created in accordance with the Laws of Ukraine, manned with military personnel intended for the defence, protection of sovereignty, state independence, national interests, territorial indivisibility and inviolability of Ukraine, in the case of an armed aggression, armed conflict or threat of aggression by means of conducting immediate war (combat) operations.

The armed forces unit of another state (hereinafter – Foreign Armed Forces) is a foreign state's military unit(s), that have land, naval, air or special forces, fixed or temporary structures, equipped with light weapons or heavy military equipment as agreed under the terms of the Treaty on Conventional Armed Forces in Europe (CFE), and are under the command of a person responsible to his or her state and the Laws of Ukraine for the conduct of their personnel, who are obliged to maintain internal discipline, observe the Laws of Ukraine, the norms of international law and are sent to Ukraine with a concrete purpose defined by an international treaty ratified by Ukraine.

The military command constitutes the General Staff of the Armed Forces, the Joint Operational Headquarters of the Armed Forces of Ukraine, the command of the services of the Armed Forces of Ukraine, the Special Operations Command of the Armed Forces of Ukraine the command of the branches of the Armed Forces, the operational commands, the commands of the military units, joint units as well as other State Military Formations created in accordance with the Laws of Ukraine.

The Military Management organs include the Ministry of Defence and other Central Executive organs that manage State Military Organisations created in accordance with the Law. The General Staff of the Armed Forces, other staff, commands, administrations, both permanent and ad hoc organs of the Armed Forces and other State Military Organisations that manage (within the limits of their authority) troops, joint units, military units, military education establishments, institutions and organisations, that belong to the administration of the abovementioned Central Executive organs; as well as the military commissariats that guarantee the observance of the legislation on general military duty and military service, mobilisation and training.

Special operation – combination of co-ordinated by goal, tasks, place and time special actions of the units of the Special Operations Command of the Armed Forces of Ukraine, aimed at creation of conditions favourable for achieving the strategic (operational) objectives. They have to be conducted according to the unified concept, separately or in co-operation with military units, other units of the Armed Forces of Ukraine, other military formations, law enforcement bodies of Ukraine and other components of defence forces in order to accomplish the missions.

Article 2. The fundamentals of Ukrainian defence

The defence of Ukraine is based on the readiness and capability of the State Executive, all the State Military components, Local Self-Government organs, the Civil Defence of Ukraine, the preparation of the population and territory and the national economy's ability to function whenever necessary, from peace-time to martial law in order to repel or dissolve ensuing armed aggression or conflict.

The legal basis for State defence is the Constitution of Ukraine, the present Law, as well as other legislative acts and ratified international treaties, as approved by the Verkhovna Rada.

State defence is organised by submissions made by the Cabinet Ministers and approved by the President to decide the military-administrative division of Ukrainian territory.

In order to prevent armed aggression and armed conflict, Ukraine ensures its national interests and implements its military policy, while observing responsible and co-operative conduct in the security sphere, including participation in international security systems and defence co-operation based on ratified international treaties in accordance with the procedures and conditions defined by Ukrainian legislation.

While defining the means of ensuring its own security in the process of State defence preparation and combat operations, the Ukraine observes the principles and norms of international law taking into account the legitimate security interests of other states.

National defence is funded from the State Budget of Ukraine within the annually defined amounts as cited in the Law "On the State Budget of Ukraine", that provides for the proper execution of defence tasks, but this must not constitute more than three per cent of the gross domestic product (GDP).

Supplementary financing of the needs of national defence can be provided by accepting the charitable endowments from physical and legal persons according to procedure established by the Cabinet of Ministers of Ukraine.

Article 3. Preparation for state defence

The preparation for state defence during peacetime includes the:

- Prediction and assessment of military danger and threat;
- Carrying out intelligence and information-analytical measures in the interests of ensuring defence readiness of the State;
- Implementing of foreign policy measures aimed at the prevention or defence against an armed conflict or armed aggression;
- Formation and implementation of military, economic, technical and industrial State policy;
- Improvement of the structure, task specification and functions of the Armed Forces and other State Military Organisations, ensuring an abundance of well trained personnel as well as the development, preparation and maintenance of appropriate levels of combat efficiency and mobilisation readiness for State defence planning and troop deployment;
- Development of the military-industrial complex, the creation of favourable conditions for the deployment of national economy industries to produce armaments, military equipment and munitions in necessary quantities;
- Provision of the Armed Forces, other State Military Organisations and law enforcement organs created in accordance with the laws of Ukraine, with trained personnel, armaments, military and other equipment provisions, clothing, other material as well as financial resources;
- Development of military-technical co-operation with other countries with the purpose of providing the Armed Forces, other State Military Organisations and law enforcement organs created in accordance

with the laws of Ukraine, with armaments, military equipment and munitions, that are not produced in Ukraine;

- Providing the Operational Rescue Service of civil protection for the special period with trained personnel, rescue and other equipment, food, clothing and other material and financial resources;
- Providing for readiness of the State Executive organs, organs of Local Self Government, unified system of civil protection during the special period;
- Preparation of the national economy, the territory, the State Executive, Military Command, Local Self Government organs and the population for actions needed during a special period;
- Creation of State materials and monetary funds reserves;
- Implementation of measures for planning and preparation of resistance movement;
- Protection of Ukrainian State borders;
- Military-patriotic education of citizens, the preparation of the youth for military service in the Armed Forces; as well as enhancing the prestige and image of military service;
- Ensuring the development of military science and technological potential for the creation of highly efficient weaponry for combat;
- Protection of Ukrainian information space and its integration into global cyber and information space, the creation and development of information infrastructure;
- Assurance of open and democratic civil control of defence according to the procedures defined in law while observing the exceptions for the keeping of State secrets;
- Measures that influence State defence capability.

Article 4. Defending armed aggression against Ukraine

In the case of an armed aggression or any threat of an armed attack on Ukraine, the President takes a decision to mobilise and deploy the Armed Forces (in full or in part) and whether or not to introduce martial law or to deploy other State Military Organisations created in accordance with the Laws of Ukraine. The President submits a related proposal to the Verkhovna Rada for approval. The President may also submit a proposal for the declaration of a state of war to the Verkhovna Rada.

State Executive and Military Management Organs take appropriate measures to repel the aggression without waiting for a declaration of war. On the basis of a joint corresponding decision by the President and the Armed Forces along with other State Military Organisations combat operations may be initiated.

War is declared from the moment of a declaration of a state of war or from the actual start of combat operations.

PART II. THE MAIN FUNCTIONS AND TASKS OF EXECUTIVE AUTHORITY FOR MILITARY MANAGEMENT, LOCAL STATE ADMINISTRATIONS, LOCAL SELF-GOVERNMENT, ENTERPRISES, INSTITUTIONS AND ORGANIZATIONS INCLUDING OFFICIALS DUTIES, UKRAINIAN CITIZENS RIGHTS AND DUTIES FOR STATE DEFENCE

Article 5. The Verkhovna Rada of Ukraine

The Verkhovna Rada of Ukraine, within the authorities defined in the Constitution of Ukraine, exercises legislative regulation for state defence.

Article 6. The President of Ukraine

The President of Ukraine as the Supreme Commander-in-Chief of the Armed Forces exercises authority for state defence in accordance with the Constitution of Ukraine and the laws of Ukraine.

The President of Ukraine within Constitutionally defined authority issues decrees and regulations, as the Supreme Commander-in-Chief of the Armed Forces the President of Ukraine issues directives and orders for State defence.

Article 7. The National Security and Defence Council of Ukraine

The National Security and Defence Council of Ukraine co-ordinates and controls the activities of the Executive for state defence within the authority defined in the Constitution of Ukraine and the Law of Ukraine "On the National Security and Defence Council of Ukraine".

Article 8. The Supreme Commander-in-Chief Headquarters

The strategic management for the Armed Forces, Law-Enforcement and other State Military

Organisations are created under the Laws of Ukraine during a special period. The Supreme Commander-in-Chief Headquarters is the highest joint military management body responsible for state defence.

Proposals on the creation of the Supreme Commander-in-Chief Headquarters, including the composition of its personnel and maximum troop numbers, are submitted by the National Security and Defence Council for consideration by the President and are executed by Presidential decree. The regulations for the Supreme Commander-in-Chief Headquarters are approved by the President.

Article 9. Cabinet Ministers authority relating to state defence

The Cabinet Ministers of Ukraine:

- Ensure, within the limits of their authority, that State sovereignty, domestic and foreign policy and the implementation of the Constitution and the Laws of Ukraine as well as the acts of the President for State defence are applied;
- Determine, within financial constraints, defence expenditure from the Ukrainian State Budget relating to Parliamentary-approved State defence activity;
- Organise the development and implementation of State programmes for the development of the Armed Forces; other State Military Organisations and for the development of armaments, military equipment and other programmes for State defence;
- Take pre-determined legislative measures to form, place, finance and implement State defence procurement orders for the purchase and delivery of provisions; the execution of works; the rendering of services for the needs of the Armed Forces and other State Military Organisations;
- Establish the procedure for transferring State assets to the Armed Forces and other State Military Organisations for their disposal, including land plots and waterways, other natural and energy resources, funds, property and services, the use of air and water space, sea and river ports, airports and aerodromes including landing strips, communication and radio frequency resources, general communications, other State infrastructure, navigational, top geodesic, meteorological, hydrographic and other resources for the execution of geodesic and cartographical works necessary for the proper execution by the State for the designed functions and tasks both on a paid and free basis;
- Take national measures to ensure the stability of the national economic and public administrative installations in the time of war;
- Ensure the manning system of the Armed Forces, other State Military Organisations and law enforcement organisations is intact; take measures to prepare and carry out conscription of Ukrainian citizens for regular military service;
- Take legal prescribed measures to enable mobilisation training and mobilisation, the creation of State material reserves and monetary funds to meet State defence needs;
- Organise and prepare the population for State defence;
- Settle matters relating to regulation activities for Local Military Management Organisations (military commissariats); pre-conscription and conscription military and technical training; keeping records of persons liable for military service and conscription; and carrying out military transport duty;
- Establish, in accordance with the law, procedures and the terms to fully compensate for private property appropriated as a result of measures taken during martial law;
- Establish, reorganise and dissolve the Armed Forces and other State Military Organisations research institutes, military education institutions and military faculties within other higher education institutions;
- Ensure the rights for social and economic protection for military personnel, former service personnel and members of their families as well as members of the families of soldiers killed in combat or missing in action, wounded during military service or taken prisoner in the course of combat operations, war or during international peacekeeping operations;

- Regulate cases pre-determined by law on the economic activity of the Armed Forces and other State Military Organisations;
- Establish legal procedures for the manufacture and utilisation of armaments, military equipment, and other property belonging to the Armed Forces, Law Enforcement Organisations and other State Military Organisations utilisation of scrap metal produced by them;
- Ensure the implementation of legal measures for the civil defence of Ukraine by providing military assistance to foreign states, sending units of the Armed Forces to these states or admitting units of foreign forces to Ukraine, and participating in international peacekeeping operations;
- Establish, in accordance with norms of international law, procedures for treatment of prisoners of war and persons interned during the special period;
- Control the implementation of defence laws, take other legal measures to ensure the defence capability of Ukraine; co-ordinate and control their implementation procedures and is responsible, within the limits of its authority, for ensuring State defence.

Article 10. Main functions of the Ukrainian Ministry of Defence

As the central organ of executive power, the Ministry of Defence (hereafter, referred to as MOD) ensures the implementation of State defence policy, military operations, operational, combat and mobilisation preparedness, combat efficiency and the adequate preparation of the Armed Forces for the execution of their duties.

The Ministry of Defence for Ukraine:

- Takes part in the formulation and implementation of State policy and military development through the drafting of a "Concept on the Fundamentals of State Policy" on the national security of Ukraine, the Military Doctrine of Ukraine, and other legislative and normative acts relating to defence. The MOD ensures the implementation of the aforementioned policies by the Armed Forces in accordance with established procedures and co-ordinates the activities of the Executive and Local Self-Government Organisations in preparation for State defence;
- Carries out intelligence and information analysis in the interests of the national security and state defence; analyses the military-political situation and determines the level of military threat to the national security of Ukraine;
- Ensures adequate combat efficiency, manning system, mobilisation preparedness and training of the Armed Forces;
- Takes part in developing defence budgets; makes reports to the Cabinet Ministers on the projected use of allocated expenditure;
- Carries out the State Military personnel policy that ensures the development of military education and science; and the strengthening of public and legal order as well as personnel training;
- Takes part in ensuring that the national economy and state management adequately function during a special period, through planning for the mobilisation training of local industries and controls over the preparation of enterprises, organisations and institutions (both privately and publicly owned) for the execution of mobilisation and special period tasks;
- Formulates state defence procurement for development, manufacture, delivery, maintenance, destruction and disposal of armaments, military equipment, military property and scrap metal; organises the execution of works and rendering of services as well as the supply of material equipment for the mobilisation of the Armed Forces reserve in accordance with the needs, requirements and priorities determined by the General Staff of the Armed Forces;
- Manages the transfer of military property, the property of enterprises, organisations and institutions to the MOD for their control and management;
- Organises the accumulation of armaments, military equipment and other material resources for the reserved stocks and mobilisation reserve; creates a reserve of military trained personnel;
- Ensures the manning system of the Armed Forces, State Military Organisations and law enforcement organisations; together with Ministries, the Central Executive, the Council of Ministers of the Autonomous

Republic of Crimea, Local State Administrations and Local Self-Government, are prepared to take measures to prepare citizens for military service and that conscription or contractual enrolment measures are intact to assist procedures of mobilisation or demobilisation while guaranteeing protection of the rights and freedoms of military personnel;

- Provides social, economic and legal guarantees for conscripts, military service personnel and members of their families and employees of the Armed Forces including ex-service personnel and their families as well as personnel killed in combat, those missing in action, or those who have been seriously wounded during military service or taken prisoner in the course of war or participation in international peace-keeping operations;
- Ensures the implementation of democratic civil control over the Armed Forces;
- Carries out within the limits of its authority, international co-operation in military-political and technical spheres, as well as on the issues of civil-military relations with corresponding organs of foreign states and international organisations;
- Implements decisions on the participation of units of the Armed Forces in international peacekeeping operations and makes provisions for military assistance to other states by sending units of the Armed Forces to foreign states, as well as admitting and defining the terms for the stationing of foreign armed forces in Ukraine;
- Ensures the interaction of the Armed Forces with other state authorities, public organisations and citizen groups to execute powers cited in this legislation, and through other laws as well as presidential and ministerial decrees relating to State defence.

The President approves regulations for the Ministry of Defence.

The procedures for the organisation of intelligence activities in the interests of the State defence are pre-determined by law.

Article 11. The main functions of the General Staff of the Armed Forces

The General Staff of the Armed Forces is the main military body responsible for defence planning, directing the deployment of the Armed Forces, and co-ordinating control over the execution of State defence tasks through the Executive, Local Self-Government organs, other State Military Organisations and law enforcement organs created in accordance with the Laws of Ukraine. These entire aforementioned State organs operate within pre-determined legal limits cited by this law and other laws as well as by the normative-legal acts of the President, the Verkhovna Rada and Cabinet Ministers.

The General Staff of the Armed Forces becomes the working organ of the Supreme Commander-in-Chief Headquarters during a special period.

The General Staff of the Armed Forces:

- Predicts the development trends for the forms and methods of military operations and means of armed warfare;
- Takes part in the development and implementation of the State defence policy, military security strategy and predetermines the directions of Armed Forces development;
- Carries out strategic planning for the deployment of the Armed Forces, other State Military Organisations and law enforcement organs created in accordance with the laws on State defence;
- Defines the requirements and controls the quality of the manning system, armaments, military equipment, material, technical, energy, financial, information resources, provisions, land and water resources, communication facilities, funds and property necessary for the adequate execution of tasks by the Armed Forces and other State Military Organisations;
- Carries out State defence management and ensures that public order in Ukraine is maintained during martial law within limits pre-determined by law;
- Takes part in the creation and controls the State management system during a special period;
- Brings to the attention and administers the Supreme Commander-in-Chief of the Armed Forces directives and orders relating to defence to the Armed Forces, law enforcement organs and other State

- Military Organisations created in accordance with the law during a special period, as well notifying the Ministries, the Central Executive and Defence Councils of the Autonomous Republic of Crimea;
- Assists in the organisation and control of a communication system that prepares Ukraine for State defence;
 - Takes part in the development of State mobilisation plans that controls the mobilisation preparedness of the Executive, Local Self-Government organs, local industry, the economy, enterprises, institutions and organisations (both public and private) as well as executing mobilisation tasks during a special period;
 - Organises the strategic deployment of the Armed Forces and other State Military Organisations created in accordance with the laws of Ukraine, by ensuring their interaction with the Ministries, the Central Executive and the Defence Councils of the Autonomous Republic of Crimea during the execution of State defence tasks;
 - Organises the use and control of air, water and information space during a special period;
 - Executes control over the conditions of mobilisation preparedness and combat efficiency by managing the State Military organs, joint units, units, institutions, law enforcement organs and other State Military Organisations created in accordance with the laws of Ukraine that are assigned to military management during a special period to execute territorial defence tasks;
 - Organises the manning of the Armed Forces and State Military Organisations as well as law enforcement organs, by the conscription of citizens into regular military service, training and special exercises in the pursuit of amassing military trained personnel;
 - Carries out intelligence and information analysis activities in the interests and maintenance of combat preparedness and deployment of the Armed Forces; for each corresponding department within its structure;
 - Organises and prepares the Armed Forces to facilitate missions, to co-ordinate and control the training of State Military Organisations and law enforcement organs created in accordance with the laws of Ukraine for the execution of the defence tasks;
 - Organises the use of the national communication system in the interests of defence, executes in accordance with the law the management and regulation of the use of radio-frequency resources selected for defence tasks;
 - Organises the use and means of State identification within State organisations, the Armed Forces as well as State Military Organisations created in accordance with the laws of Ukraine; organises the use of these means in enterprises, institutions and organisations;
 - Plans and executes control over all forms of military transportation during a special period, including transportation used by the Armed Forces during peacetime;
 - Carries out within the limits of its authority, international military co-operation with foreign armed forces, takes part in international military-political and technical co-operation that ensures the training and participation of peacekeeping contingents and personnel of the Armed Forces in international peacekeeping operations;
 - Permits in accordance with international disarmament and arms control agreements, international inspection activities in Ukraine and abroad;
 - Collects and processes information and reports in accordance with the abovementioned agreements regardless of the objects of inspection;
 - Executes sundry authority that follow from this law and other laws of Ukraine including presidential decrees and ministerial sanctions;
 - The General Staff of the Armed Forces organises its activities in accordance with Regulations approved by the President of Ukraine.

Article 12. The tasks of other military formations and law enforcement organisations created in accordance with the laws of Ukraine

Along with the Armed Forces of Ukraine in defence of Ukraine participate within limits of their authority other military formations established in accordance with the law of Ukraine, the State Special Transportation

Service, the State Service for Special Communication and Information Protection of Ukraine and the relevant law enforcement organs.

The activities and management of other State Military Organisations and law enforcement organs established in accordance with the law take part in State defence in relation to their authority.

Other military formations and law enforcement organs:

- jointly with the General Staff of the Armed Forces agree the programmes of development (in the part) that relates to State defence, as well as plans for the preparation of organs and the management of joint units and units designated to military management during a special period to execute territorial defence tasks;
- carry out, under the direction of the General Staff of the Armed Forces, the deployment planning for the management organs, joint units and units designated to the Armed Forces Military Management during a special period for the execution of territorial defence tasks and to provide the General Staff of the Armed Forces with the necessary activity information;
- jointly carry out with the Armed Forces training to prepare for joint defence actions, to take part in the creation of a unified management system and to ensure the overall support during a special period; agree with the General Staff of the Armed Forces on operative and strategic requirements for armaments, military equipment, military-technical property including quantitative and qualitative parameters with the Ministry of Defence in order to develop a State programme for the development of armaments and military equipment as part of a State defence procurement order;
- agree with the Ministry of Defence on military personnel training programmes and take measures to improve the military education system;
- assist in the preparation of Ukrainian citizens for military service, including the pre-conscription training of the youth, military-technical training of conscripts; and to ensure conscription to the regular military service, training (or control) and special exercises during mobilisation as well as facilitating military-patriotic education for citizens;
- ensure the execution of appropriate measures for the preparation of the territorial State defence;
- take part in territorial defence missions and to promote the maintenance of the legal regime during martial law;
- help the Armed Forces to execute their missions by prioritising provisions and authority for State defence.

During a special period, the management organs of joint units and other State Military Organisations units are assigned to the corresponding military management organs of the pre-determined by the General Staff of the Armed Forces in accordance with established procedure.

Article 13. The activities of the Central and other Executive Organs for Defence

Ministries, central and other organs of Executive power, in co-operation with the Ministry of Defence within the limits of their authority:

- organise and ensure the implementation of State defence laws in support of the Armed Forces for the execution of their missions ensuring the appropriate provisions in all areas of activity;
- concur with the General Staff of the Armed Forces to ensure that measures for the development of communication systems, transport routes, and other areas of the State territorial infrastructure as well as the preparation of industries for State defence are intact and within the limits of their individual authority;
- ensure by request of the Ministry of Defence that additional organs of the Central Executive that manage State Military Organisations and law enforcement organs created in accordance with the law train reserve officers at higher education institutions for future Military management;
- plan, organise and control the execution of measures for the mobilisation training of the corresponding management organs, establishments, institutions and enterprises from representative industries of the national economy to create and maintain the reserves of material and financial resources predetermined by the Cabinet;

- organise activities relating to military and patriotic education for citizens;
- provide assistance to public organisations in promoting activities that are aimed at strengthening State defence capability and patriotic military education;
- assist in the planning and implementing of State programmes for the development of the Armed Forces, other State Military Organisations and law enforcement organs created in accordance with the law for the development of armaments and military equipment including other defence programmes;
- concur with the General Staff of the Armed Forces on the use of air, water and information space;
- organise the development and implementation of programmes for the creation of new military hardware as well as modernising existing armaments, military equipment and property; organise the development of production capacity for achieving the aforementioned programme while gaining experience in science and technology to improve defence industry production;
- ensure the implementation of State defence procurement orders;
- ensure the implementation of the legislation of Ukraine for the social and economic protection of citizens during military service;
- execute other authorities within the defence sphere in accordance with legislation.

The functions of intelligence and information-analytical organisations activities for national security interests are predetermined by regulations approved by the President.

Article 14. The state defence activities of the Council of Ministers and Local State Administrations for the Autonomous Republic of Crimea

The Council of Ministers and Local State Administrations for the Autonomous Republic of Crimea who regulate the adherence of the Constitution, presidential, ministerial and Executive decrees, decisions and the laws of Ukraine by enterprises, institutions and organisations (both public and private), officials and citizens:

- organise and execute territorial defence missions;
- make decisions on the organisation of civil defence and enable the execution of civil defence management organs for their proper function;
- organise the contractually-based provisions for enterprises, institutions and organisations that utilise public services and resources; as well as the production and delivery of goods, electricity and heating to the Armed Forces and other State Military Organisations;
- provide, in accordance with law, housing and living quarters for the units, enterprises, institutions, organisations and higher education establishments for the Armed Forces and State Military Organisations both in the peacetime and wartime;
- organise the registration and preparation of citizens for military service, including the pre-conscription training of the youth, military-technical training and military-patriotic education of conscripts to ensure adequate call-up for regular military service, training, special exercises and or mobilisation;
- organise mobilisation training on a corresponding territory, including control over the mobilisation preparedness of enterprises, institutions and organisations that are part of villages, cities, city districts and are managed by District and Regional Councils or belong to the Autonomous Republic of Crimea or to enterprises, institutions and organisations that are involved in the implementation of mobilisation activities in accordance with established procedure;
- ensure the rights to social, economic and legal protection for military service personnel and members of their families and employees of the Armed Forces including ex-service personnel and their families as well as personnel killed in combat, those missing in action, or those who have been seriously wounded during military service or taken prisoner in the course of war or participation in international peace-keeping operations;
- facilitate and execute additional powers for State defence in accordance with the law during a special period, the Autonomous Republic of Crimea and Regional Defence Councils is created by a decision made by the Council of Ministers for the Autonomous Republic of Crimea and Regional State Administrations, to manage and execute of defence measures in the Ukraine and other relevant territory. The

Cabinet approves the regulations for the Autonomous Republic of Crimea Defence and Regional Defence Councils.

Article 15. The state defence activities of Local Self-Government organs

The Executive organs of village and city councils provide the following aspects for state defence:

- the preparation of citizens for military service as well as general military training during wartime;
- the registration of citizens at call-up stations; the registration of all persons liable for military service and conscription;
- the conscription of citizens for regular military service;
- the training and special exercises for citizens;
- the organisation and participation in mobilisation training, territorial and civil defence activities on the corresponding territory;
- the organisation of military reserves as well as reserves for a period of mobilisation and wartime;
- the mobilisation of human, transport and other resources during a special period;
- the control over the use and protection of land, water and other natural resources needed for defence in accordance with legislation;
- making legally-based decisions on the provisions for housing and living quarters for the units, enterprises, institutions, organisations and higher education establishments for the Armed Forces and State Military Organisations as well as controlling their use of public and other related services;
- the organisation of production and delivery to the Armed Forces of ordered goods, energy and other resources provided by communal enterprises and organisations;
- the assistance and maintenance of an adequate military regime in border zones and regions;
- facilitating measures relating to the patriotic-military education of citizens;
- the execution of other authority within the defence sphere and in accordance with the laws.

Article 16. The tasks and duties of officials in enterprises, institutions and organisations relating to defence

Public and private enterprises, institutions and other organisations:

- implement state defence procurement orders, including the facilitation of scientific research and the implementation of new developments for State defence; maintain mobilisation capacities and material resources for the mobilisation reserve;
- produce and deliver goods on a contractual basis, perform other works, provide public and services not included in the State defence procurement order for the Armed Forces, other State Military Organisations and law enforcement organs in accordance with the law;
- facilitate mobilisation training and actual mobilisation;
- participate in and provide support to civil protection measures.

The officials of public and private enterprises, institutions and other organisations:

- perform duties pre-determined by state defence legislation;
- assist in the registration of citizens liable for military service and conscription, in their preparation for the military service, call-up for regular military service, training and special exercises as well as during mobilisation; create adequate conditions for employees who carrying out their military duty in accordance with legislation and take measures to ensure their patriotic-military education;
- take responsibility for the mobilisation preparedness of enterprises, institutions and organisations, and the preservation of material resources for the mobilisation reserve;
- ensure the manufacture and timely delivery to destination points of defence products as well as the performance of other works and service provisions in accordance with pre-determined terms.

Article 17. Rights and duties of citizens within the defence sphere

The defence of Ukraine is a constitutional duty for all citizens.

Male citizens of an appropriate age and state of health must perform military service, as must all female citizens with adequate professional training fulfil their military duty in accordance with legislation.

All citizens carry out military service, serve in the Military Reserve and fulfil their military duty as reservists in accordance with the legislation.

All citizens who serve in the Military Reserve or carry out state military service in the Armed Forces shall wear a military uniform while on duty and are conferred with lifetime military ranks. Law establishes the procedure for the stripping of ranks.

During Martial Law, any compulsory seizure and or alienation of private property is permitted, provided subsequent and complete compensation is effected for its value in accordance with procedure and within time limits established by the Cabinet.

Ukrainian citizens are legally permitted to establish public organisations to promote the strengthening of state defence.

PART III. TERRITORIAL DEFENCE. CIVIL PROTECTION

Article 18. Territorial defence of Ukraine

The territorial defence of Ukraine is a system of national military and special measures taken during a special period with the following objectives:

- the protection and defence of State borders;
- the provision of conditions for adequate operation of the State Executive and Military Management organs as well as the strategic deployment of the Armed Forces;
- the protection and defence of important installations and communication facilities;
- the fight against subversion and foreign intelligence forces as well as other armed aggressors and or anti-state paramilitary groups;
- the protection of the population from the consequences of combat operations, emergencies and destruction caused by armed, terrorist and subversive attacks;
- the maintenance of the judicial regime during martial law.

The territorial defence of Ukraine is organised by the General Staff of the Armed Forces.

Territorial defence for the regions in the Autonomous Republic of Crimea and in the cities of Kyiv and Sevastopol is organised by the Head of the Council of Ministers for the Autonomous Republic of Crimea, Regional State Administrations and the Kyiv and Sevastopol City Administrations.

The Chief of the General Staff – Commander-in-Chief of the Armed Forces, is responsible for the management of State territorial defence.

The Armed Forces of Ukraine and other military formations created in accordance with the law as well as bodies of the National police, units of the State Special Transportation Service, the State Service for Special Communication and Information Protection of Ukraine and other relevant law enforcement organs are involved in the execution of territorial defence tasks within the limits of their individual authority.

The main tasks and activities for the preparation of co-operative territorial defence, lies with the authority of the Cabinet Ministers, Ministries, Central Executive, the Council of Ministers for the Autonomous Republic of Crimea, Local State Administrations, Local Self-Government organs, and other State Military Organisations as defined by the regulations on territorial defence as approved by the President.

Article 19. The Civil Protection of Ukraine

The Civil Protection of Ukraine in peacetime shall be conducted in accordance with the Code of Civil Protection of Ukraine, while during the special period or in the process of preparation for it, all civil protection activity shall be conducted taking into account specifics covered by the legislation on defence, mobilisation and legal regime of martial law.

PART IV. LIABILITY FOR VIOLATIONS OF THE LEGISLATION ON THE DEFENCE OF UKRAINE

Article 20. Liability for a violation of legislation on defence

Officials and citizens guilty of violations of legislation and other normative-legal acts in the defence sphere, will be brought to account in accordance with the legislation.

PART V. FINAL PROVISIONS

1. This Law enters into force from the date of publication.
2. The Cabinet Ministers must within six months of this law being enacted:
 - submit a proposal to the Verkhovna Rada introducing amendments to the laws of Ukraine that follow from this legislation;
 - develop and approve the normative-legislative acts pre-determined in this legislation;
 - bring all normative-legislative acts into conformity with this Law;
 - ensure the review and repeal of normative-legislative acts that contradict this Law to be effected by the relevant ministries and Central Executive.

President of Ukraine L. Kravchuk
Kyiv, December 6, 1991 No 1932-XII

Law of Ukraine “On Defence Planning”

(*Bulletin of the Verkhovna Rada, 2005, No 4, p.97*)

This law defines the tasks, principles, contents and procedures of defence planning including the co-ordination of actions by State organisations.

Article 1. Definition of terms

1. The terms used in this Law shall have the following meaning:
 1. National Security Strategy of Ukraine is a comprehensive long-term programme of practical actions with a common purpose of safeguarding vital Ukrainian interests pertaining to citizen and state from external and internal threats. The National Security Strategy of Ukraine is a basis for comprehensive state planning for defence and national security;
 2. Military Security Strategy is a component of the National Security Strategy of Ukraine, that determines ways of prevention and neutralisation of real and potential threats to the national military security of Ukraine;
 3. Strategic Planning is a function of government that determines the goals, tasks, priorities and actions required to fulfil military defence state policy;
 4. The Strategic Defence Bulletin is chronological documentation on the reform and development of the Armed Forces and other Military organisations of Ukraine (hereinafter, the Armed Forces);
 5. Defence Planning is a component within the system of strategic planning and the management of state defence resources prescribed by law. The purpose of defence planning is to maintain an essential level of defence through the development of the Armed Forces in view of real and potential military threats that could endanger state economic resources;
 6. Defence Planning Directive is a document that determines the main indices of defence planning;
 7. State Programs for the development of the Armed Forces are developed by the Central Executive. The Executive manages military development through programs that determine long-term practical/technical goals as well as organisational and socio-economic activity taking into account the main indices of materials, finance and human resources (summarised hereinafter as State Resources). State programs can include multifactor target programs;
 8. Main Indices for Defence Planning primarily include planned responsibilities for military development in peace and wartime; enveloping prioritised goals, a list of basic defence programs, analysis of estimated trends and patterns in the development of the military. Projected defence needs are calculated in terms of available State Resources contrasted with goals and sundry data relating to its terms of development, co-ordination and approval;
 9. Defence Budget is expenditure allocated by the State Budget of Ukraine for defence spending.

Article 2. Subjects and objects of defence planning

1. Within the powers provided for under the Constitution and the Laws of Ukraine the subjects of defence planning are:
 - The Verkhovna Rada (Parliament) of Ukraine;
 - The President of Ukraine;
 - The Cabinet of Ministers of Ukraine;
 - The National Security and Defence Council of Ukraine;
 - The Central Executive that manages the Armed Forces of Ukraine;
 - The Joint Chiefs of Staff of the Armed Forces of Ukraine;
 - Local State Administrations and Local Self-governing Organisations;
 - Government Commissions, Inter-Branch and Departmental Working Groups.
2. The objects of defence planning are:
 - The Armed Forces of Ukraine;
 - The Central Executive, as well as enterprises, institutions and organisations, whose activity can influence the defence capacity of the State.

Article 3. Main principles of defence planning

1. Defence Planning is carried out to ensure that both prospective and current plans, State Programs and the actions of national security State Organisations conform to the fundamentals of state defence policy through the:
 - Application of a programmed target plan to ensure the optimal and most effective use of State Resources;
 - Systematic and parallel processes for defence planning enshrining collective decision-making;
 - Impartiality and responsibility of the Subjects of Defence in defining the basic indices of defence planning;
 - Continuity of defence planning management;
 - Timely and sufficient actions aimed at the protection of national interests from external and internal military threats;
 - Provision of informative state organised plans and programs to envelope technical and scientific methods for the effective use of State Resources;
 - Establishment of the democratic civil control of the Armed Forces in Ukraine.

Article 4. Primary goals and types of defence planning

1. Primary goals for defence planning are:
 - The regular state policy-based assessments of real and potential military threats; the defining of the relation between goals and tasks for the development of the Armed Forces of Ukraine;
 - Reviews of perspective and current plans for development of the Armed Forces based on programmed target plans;
 - The manufacture, maintenance and the efficient management of appropriate State Resources to ensure the development of the Armed Forces;
 - The introduction of a market economy and defence products to attract international defence industry investments.
2. Defence planning is divided into long, medium and short-term planning. Crucial documents for defence planning include:
 - Legislative acts on national security and defence, conceptual documents on social and economic development;
 - Official National Security Strategy and Military Security Strategy of Ukraine;
 - The Military Doctrine of Ukraine;
 - The State Programme for the Development of State Military Organisations;
 - The tasks of the Armed Forces of Ukraine;
 - The Strategic Defence Bulletin;
 - The State Programme for the Development of Arms and Military Technical Equipment;
 - The State Programme for the Reform and Development of an Industrial Defence Complex.

Article 5. Long-term defence planning

1. Long-term defence planning is carried out with a current purpose defined by the state defence policy while simultaneously providing a fundamental legal basis for medium and short-term defence planning.
2. Long-term defence State programs are structured for a period of 12 years. In fulfilling long-term defence planning:
 - 1) The National Security and Defence Council of Ukraine within its constitutional legal powers and on the basis of the National Security Strategy, submits proposals to the President relating to Military Security Strategy. Updates to these proposals are provided whenever required. General plan concepts are also supplied to highlight the activities and programs of the Armed Forces and Military Doctrine relating to national security and defence.
 - 2) The Verkhovna Rada further develops related legislative bills.

- 3) The President of Ukraine, by addressing the Verkhovna Rada with a message on the internal and external situation in Ukraine, helps determine the National Security Strategy of Ukraine and when necessary submits cases and proposals to amend and change laws relating to national security and defence.
- 4) The Ukrainian Cabinet of Ministers create macroeconomic indices for the development of the national economy, including the Industrial Defence Complex as well as State Resources needed for defence; determined by allocated expenditure from the State Budget. The Cabinet also develops large-scale procurement proposals on defence to include strategic State planning, mobilisation preparedness and territorial readiness in case of military threat. These draft concepts and State Programs for the development of the Armed Forces are submitted to the National Security and Defence Council of Ukraine for approval.
- 5) The Central Executive that manages the Armed Forces, also produces State Programme drafts for military development and submit these for approval in accordance with law. Long-term defence planning is a basis for medium and short-term planning.

Article 6. Medium-term defence planning

1. Medium-term defence planning defines technical-organisational and socio-economic measures that facilitate the maintenance of a necessary level of state defence capacity at any given time.
2. Medium-term state defence programs are structured on a period of six years.
3. In fulfilling medium-term defence planning:
 - 1) The Cabinet of Ministers of Ukraine approves the main defence goals of the Central Executive that comprise of concepts, programmed target plans and State Budget calculations in light of large-scale defence procurement.
 - 2) The Central Executive that manages the Armed Forces is sanctioned by the President of Ukraine to develop concepts and draft State Programs concerning the Armed Forces and to submit these proposals for approval in accordance with the law.
 - 3) The Ministry of Defence, joined by the Central Executive, issues directives and normative documents on defence planning. Whenever necessary, the Central Executive also submits plans and schedules for state implementation of programs for the development and the provision of resources for the Armed Forces to the Cabinet of Ministers for approval.

Article 7. Short-term defence planning

1. Short-term defence planning covers annual maintenance plans for the Armed Forces structured on a two-year period framework. This planning cements essential details for the proper development of State Programs for the Armed Forces in accordance with established procedure.
2. In fulfilling short-term defence planning:
 - 1) The National Security and Defence Council of Ukraine tenders and considers drafts of new legal articles linked to national security and State Budget defence expenditure.
 - 2) The Council also submits proposals on State Resources and sundry actions relating to national security and defence to the President.
 - 3) The Cabinet of Ministers update and project defence expenditure to be allocated from the State Budget of Ukraine using a two-year forecast balanced against state defence procurement.
 - 4) This forecast is submitted to the Verkhovna Rada for approval, and expenditure on national defence is calculated for the proceeding fiscal year to match decisions affirmed by the National Security and Defence Council; that ultimately implements State Programs for the development of the Armed Forces.
 - 5) The Central Executive manages, maintains and develops plans for the Armed Forces. The Central Executive also collates a series of documents on state defence procurement for the proceeding fiscal year as well as submitting draft law proposals relating to the State Budget.
 - 6) The Head of the resultant Central Executive organisation in charge approves short-term plans of maintenance and development for the Armed Forces.

Article 8. Co-ordination of actions and control of defence planning

1. Co-ordinated actions and control of defence planning are carried out by the National Security and Defence Council of Ukraine.
2. The Accounting Chamber controls and regulates finance from the State Budget and in turn allocates funds for state defence on behalf of the Verkhovna Rada.
3. The Cabinet of Ministers creates controls and implements State Programs for the development for the Armed Forces.
4. The Central Executive that manages the Armed Forces annually submits to the Cabinet of Ministers, reports on state defence planning including budget issues and the implementation of State Programs.
5. The Cabinet of Ministers have executive power to create governmental commissions and inter branch/departmental working groups to develop a common ground for deploying defence planning tasks; to effect co-ordination and partnerships between the Central and Local Executive.

Article 9. Defence reviews

1. A Defence Review is a procedural assessment on the condition and preparedness of the Armed Forces to execute defence tasks. As a result of this assessment, the Strategic Defence Bulletin is developed, and direct action for strengthening state defence capability is taken.
2. A decision to conduct a Defence Review is made by the National Security and Defence Council; sanctioned by presidential decree.
3. The Cabinet of Ministers organises and control the processes of Defence Reviews carried out by the Central Executive and other relevant state authorities.
4. The National Security and Defence Council is responsible for the development of the Strategic Defence Bulletin that is submitted to the President of Ukraine for approval.

Article 10. Final provisions

1. This Law comes into force on the date of publication.
2. The Cabinet of Ministers of Ukraine are obliged to:
 - Ensure the development and introduction of a methodical budget and financing system to assist defence and strategic planning;
 - Submit a proposal within three months of the application of this Law to the Verkhovna Rada to facilitate compliance of the existing Laws of Ukraine with current Laws;
 - Bring about all normative-legislative acts into conformity with the current Law;
 - Review and guarantee abrogation through Ministerial and other Central Executive authority any normative-legislative act that contradicts the current Law.

President of Ukraine L. Kuchma
Kyiv, November 18, 2004 No 2198-IV

Law of Ukraine “On the Legal Regime of Martial Law”

(*Bulletin of the Verkhovna Rada, 2015, No 28, p. 250*)

With changes introduced by the Laws

No 766-VIII of 10.11.2015, BBP, 2015, No 52, p. 482;

No 1420-VIII of 16.06.2016.

This law defines the content of the Martial Law legal regime (the procedure for its introduction and termination, the legal basis for the activities of State Executive, Local Self Government organs, the Military Command, military administrations, enterprises, institutions and organisations under Martial Law, the guarantees of human and freedoms as well as the rights and legitimate interests of all legal persons) and the responsibility for any violation or failure to observe Martial Law legislation.

PART I. GENERAL PROVISIONS

Article 1. Definition of Martial Law

1. Martial Law is a special legal regime that is introduced in Ukraine in case of an armed aggression or a threat of an attack, a threat to state sovereignty and territorial indivisibility of Ukraine. This rule involves granting the relevant State Executive, Local Self Government organs, the Military Command and military administrations, necessary powers to prevent threats, repel armed aggression and to guarantee national security, remove the threat of danger to national security of Ukraine and its territorial integrity. It also involves temporary (threat determined) restrictions of human constitutional rights and freedoms as well as the rights and legitimate interests of all legal persons with an indication of the period of effectiveness for these restrictions.

Article 2. The legal base of introduction of Martial Law

1. The legal basis for the introduction of Martial Law is the Constitution of Ukraine, the present Law and other laws of Ukraine as well as Presidential Decrees approved by the Verkhovna Rada of Ukraine.

Article 3. The Military Command

1. The present Law gives the Military Command together with the State Executive, military administrations, the Council of Ministers of the Autonomous Republic of Crimea and Local Self Government organs the right to introduce and undertake legal measures under Martial Law. The Military Command consists of the following components:

The General Staff of the Armed Forces of Ukraine, the Joint Operational Headquarters of the Armed Forces of Ukraine, the command of the services of the Armed Forces of Ukraine, the Special Operations Command of the Armed Forces of Ukraine, Command of the High-mobile Airborn troops of the Armed Forces of Ukraine, headquarters of operational commands, commands of joint units and units of the Armed Forces;

Headquarters of other military formations, created in accordance with the Laws of Ukraine.

Article 4. The Military Administrations

1. In territories where martial law has been declared, temporary state authorities – military administrations – can be created, in order to enforce the Constitution and laws of Ukraine, and provide for joint implementation with the military command of the measures entailed by the legal status of martial law, defence, civil protection, civil law and order, protection of civil rights, freedoms and lawful interests.
2. The decision to create a military administration is made by the President of Ukraine, by proposal of regional state administration or the military command.
3. Military administrations of population centres are created in one or several population centres (villages, townships, towns) where village, township or town councils and/or their executive bodies are not exercising the authority vested in them by the Constitution and laws of Ukraine, including due to actual self-dissolution or self-removal from authority, or actual failure to exercise such authority.

The military administration of a population centre is directed by the head, appointed to and dismissed

from their position by the President of Ukraine, by proposal of the General Staff of the Armed Forces of Ukraine or a respective regional state administration.

The structures and staffing tables of military administrations of population centres are approved by the head of the General Staff – the Supreme Commander of the Armed Forces of Ukraine, by proposal of the head of the appropriate military administration.

4. Military administrations in districts or regions are created in case a district or regional council, respectively, fails to hold a session within the timeframe established by the Law of Ukraine "On Local Self-Government in Ukraine", or in order to carry out governance in the sphere of ensuring defence, civil order, and security. In case a decision is made to create a district or regional military administration, the district or regional council, respectively, assumes the status of a military administration, and the head of the district or regional council assumes the status of the head of the appropriate military administration.
5. Military administrations of population centres are staffed with military service personnel of military formations created according to the laws of Ukraine, members of private and officer corps of law enforcement bodies, and the civil protection service, who are dispatched to them according to the procedure established by the legislation, to carry out tasks in the interests of state security and defence, while continuing military service, or service in law enforcement bodies or civil protection bodies and divisions, without exclusion from the personnel list; as well as with employees who concluded a labour agreement with the General Staff of the Armed Forces of Ukraine.

In case a district or regional state administration assumes the status of a regional or regional military administration, respectively, posts of state officials in such administrations can be filled with military service personnel of military formations created according to the laws of Ukraine, members of private and officer corps of law enforcement bodies, and the civil protection service, who are dispatched to them according to the procedure established by the legislation, to carry out tasks in the interests of state security and defence, while continuing military service, or service in law enforcement bodies or civil protection bodies and divisions, without exclusion from the personnel list.

The list of posts in military administrations of population centres to be filled with military service personnel of military formations or members of private and officer corps of law enforcement bodies, as well as the list of posts that can be filled with military service personnel of military formations or members of private and officer corps of law enforcement bodies in district or regional military administrations, are approved by the President of Ukraine by proposal of the head of the General Staff – the Supreme Commander of the Armed Forces of Ukraine.

6. Financing of the activity of military administrations to exercise the authority of bodies of local self-government is carried out at the expense of respective state budgets, and financing of their other functions, at the expense of the State Budget of Ukraine.
7. Direction, co-ordination, and oversight of the activity of regional military administrations in the issues of ensuring defence, civil order and security, and of carrying out measures entailed by the legal status of martial law, are carried out by the General Staff of the Armed Forces of Ukraine, and in the other issues, by the Cabinet of Ministers of Ukraine, within the scope of its authority.

Direction, co-ordination, and oversight of the activity of district military administrations in the issues of ensuring defence, civil order and security, and of carrying out measures entailed by the legal status of martial law, are carried out by the General Staff of the Armed Forces of Ukraine and regional military administrations (if created), and in the other issues, by the Cabinet of Ministers of Ukraine and regional state administrations, within the scope of their authority.

General governance over the activity of military administrations of population centres is carried out by heads of appropriate district state administrations or heads of district military administrations (if created).

Direct governance of military administration is carried out by their heads.

8. Military administrations of population centres, as well as district and regional military administrations, created due to the failure of the district or regional council to hold a session within the timeframe estab-

lished by the Law of Ukraine "On Local Self-Government in Ukraine", exercise their authority until the day of the first meeting of the first session of the respective council elected after the martial law is no longer in effect. District or regional military administrations created to provide governance in the sphere of ensuring defence, civil order and security exercise their authority until the martial law is no longer in effect.

Article 5. The Procedure for the Introduction of Martial Law

1. The National Security and Defence Council of Ukraine submits proposals to introduce Martial Law to the President of Ukraine.
2. In case the decision on expediency of introduction of Martial Law in Ukraine or separate territories of the country is made, the President of Ukraine issues Decree introducing Martial Law in Ukraine or separate territories of the country and immediately submits to the Verkhovna Rada of Ukraine request for its approval along with the relevant draft.
3. A Presidential Decree introducing Martial Law, approved by the Verkhovna Rada of Ukraine, is made public without delay through the mass media, or in any other method.
4. When Martial Law is introduced in Ukraine or separate territories of the country by Presidential Decree as stipulated by the Constitution of Ukraine and the Procedures of the Verkhovna Rada of Ukraine, it is subject to approval of the Verkhovna Rada of Ukraine within two days from an address made by the President.
5. When Martial Law is introduced in Ukraine or separate territories of the country by Presidential Decree, heads of State Executive and Local Self Government, the companies and the organisations of all forms of ownership shall help in immediate arrival of People's Deputies of Ukraine on meeting of the Verkhovna Rada of Ukraine and in implementation of their powers.
6. A Presidential Decree introducing Martial Law in Ukraine or separate territories of the country, approved by the Verkhovna Rada of Ukraine, is made public together with the Law on approval of such Presidential Decree and becomes effective simultaneously with entry into force of such Law.

Article 6. Presidential Decree for the Introduction of Martial Law

1. A Decree by the President of Ukraine on the introduction of Martial Law shall specify:
 - 1) A substantiation of the necessity for the introduction of Martial Law;
 - 2) A territorial boundary where Martial Law is introduced, a time of its introduction and its period of effectiveness;
 - 3) The responsibilities of the Military Command, military administrations, State Executive and Local Self Government organs regarding the introduction and execution of measures relating to Martial Law;
 - 4) The tasks to subjects of ensuring civil protection on transfer of unified state system of civil protection, its functional and territorial subsystems in readiness for accomplishment of their missions for the special period;
 - 5) An exhaustive list of human and constitutional rights and freedoms that are to be provisionally restricted through the introduction of Martial Law and establishment of the period of effectiveness of these restrictions, as well as provisional restrictions on the rights and legitimate interests of legal persons with an indication of the period of effectiveness of these restrictions;
 - 6) Other questions stipulated in the present Law.

Article 7. The Termination and Cancellation of Martial Law

1. Martial law in Ukraine or separate territories of the country shall be terminated after the period of its effectiveness ends.
2. The President of Ukraine may cancel the Decree on introduction of martial law in Ukraine or separate territories of the country prior to the end of the period of its effectiveness after the elimination of the threat of attack or danger to independence of Ukraine, the territorial indivisibility of Ukraine, and this termination is to be made public without delay through the mass media.

Article 8. Measures of the legal regime of Martial Law

1. In Ukraine or in certain areas where martial law is introduced, the military command, together with the military administration (in case of formation) may directly or through executive bodies of the Autono-

mous Republic of Crimea, Local Self Governments implement and exercise within temporary constraints of constitutional rights and freedoms of man and citizen, and the rights and legitimate interests of legal persons covered by Presidential Decree Ukraine on the introduction of martial law, the following measures of martial law:

- 1) Place guards at installations vitally important to the national economy and objects providing for the vital needs of the population, as well as establish a special regime for their operation. The Cabinet of Ministers shall adopt the list of national economic installations and objects providing for vital needs of the population and require reinforced protection under martial law.
- 2) Introduce civilian duty provided by capable citizens, not involved in contemporaneous defence activities, defence support activities and not reserved for enterprises, institutions and organisations during a mobilisation period of Martial Law. Furthermore, civilian duty is required for defence works, addressing the consequences of natural disasters, accidents and other emergencies that emerged during martial law. Capable citizens can be called for public works to support the needs of the Armed Forces of Ukraine, other military formations, law enforcement bodies and civic protection forces, to provide for the needs of the national economy and systems providing for vital population needs. Generally, these works do not require special professional training. Persons, called for these public works, shall be granted their previously held occupations, or, in such case that option is not available, a similar job at the same enterprise or organisation provided they accept the offer. The Cabinet of Ministers shall adopt the regulations for organising the public works under the Martial Law and provision of relevant compensation are determined by the Cabinet of Ministers of Ukraine.
- 3) Use the capacities and manpower resources of enterprises, institutions and organisations (both publicly and privately owned) for defence needs to change the system of their work, and to introduce other changes within production activity and working conditions in accordance with the labour legislation;
- 4) Forcefully alienate private and community property, expropriate the property and assets of state enterprises and state commercial organisations for the needs of the state under Martial law. Corresponding legal documentation relating to these appropriations are to be issued at the time of legal confiscation;
- 5) Impose a curfew (a prohibition to be out on the streets during a designated time of the day without special passes or identity cards) and a special screening regime;
- 6) Introduce a special entry-departure procedure, to restrict the freedom of movement of citizens, foreigners, stateless persons as well as their vehicles;
- 7) Examine an individual's documents and, in case of necessity, their belongings, vehicles, luggage, cargo, office premises, dwellings, except within the limitations pre-determined by the Constitution of Ukraine;
- 8) Prohibit peaceful rallies, meetings, marches and demonstrations and other mass gatherings;
- 9) Raise an issue, in accordance with procedures pre-determined by the Constitution and Laws of Ukraine, on the prohibition of the activity of political parties, public organisations, if it threatens the sovereignty, national security, independence, forceful change of Constitutional order, territorial indivisibility of the state, undermining its security, unlawful seizure of state power, propaganda of war, violence, instigation of interethnic, race and religious animosity, as well as threat to rights and freedoms and the health of the citizens of Ukraine;
- 10) Set the prohibition or restrictions on the choice of the place of stay or the residence for persons on the territories under martial law;
- 11) Exercise control over the activity of TV-radio enterprises, print media, publishing houses and other cultural and media enterprises, institutions and organisations; the use of local radio and TV broadcasting stations and printing presses for military needs and the carrying out of educational work among the military and the population; to prohibit the activity of transceiver radio stations of private or collective use and transmission of information over computer networks;

- 12) In case of a violation of the requirements or a failure to perform the measures prescribed by a legal regime of martial law, to seize telecommunication equipment, TV, video, audio equipment, computers and, if the need arises, other technical communication means from enterprises, organisations and institutions (both publicly and privately owned) as well as from private citizens;
 - 13) Prohibit the trade in arms, strong chemical and poisonous substances as well as alcoholic drinks and other substances produced with alcohol;
 - 14) Establish the special regime in the sphere of production and sale of medicines that contain drugs, psychotropic substances and precursors, other strong substances according to the list determined by the Cabinet of Ministers of Ukraine;
 - 15) Seize firearms, ammunition, and cold steel arms from citizens; to seize military and military-training equipment, explosive, radioactive substances and materials, strong chemical and poisonous substances from enterprises, organisations and institutions;
 - 16) Prohibit conscripts and citizens liable for military service and placed on military or special register in the Ministry of Defence of Ukraine, Security Service of Ukraine or Foreign Intelligence Service to change their place of residence without permission from the military commissar or from the head of the relevant body of the Security Service of Ukraine or Foreign Intelligence Service; limit alternative (non-military) service;
 - 17) Introduce for physical and legal persons a military-billet duty system that billets military service personnel, personnel of law enforcement bodies and civil protection units, as well as facilitates the creation of quarter military units, sub-units and other related facilities;
 - 18) Establish procedures for the use of shelters and other installations for the protection of the civilian population and other defence needs;
 - 19) Evacuate civilian population as well as material assets of national and cultural importance from high risk areas in accordance with the list approved by the Cabinet of Ministers of Ukraine;
 - 20) Provide in case of necessity the civilian population with basic food, non-food goods and medicines;
 - 21) Dismiss the heads of the enterprises, organisations and institutions for their failure to fulfil their duties stipulated by present Law and appoint acting heads for the abovementioned enterprises, organisations and institutions.
 - 22) Take additional measures for strengthening the protection of state secrets;
 - 23) Intern (compulsorily settle) citizens of the foreign state that threatens with attack, performs aggression against Ukraine;
 - 24) Perform compulsory evacuation of the detained persons held in temporary detention centres; the suspects and accused persons concerning whom the measure of restraint - the detention is applied, held in pre-trial detention centres; the transfer of convicted persons serving such punishments as arrest, imprisonment on the definite term and the life imprisonment from jails and places of detention located in districts, close to areas of combat operations to the relevant organisations located in the safe areas.
2. In the areas of combat operations, introduction and implementation of measures of legal regime of Martial Law is assigned directly to the Military Command and military administrations (in case of their establishment).
 3. Introduction and implementation of measures of the legal regime of martial law is conducted according to the standard plan of introduction and implementation measures of legal regime of Martial law in Ukraine or in its separate areas, approved by the Cabinet of Ministers of Ukraine.

Article 9. Implementation by State Executive Bodies and Local Self Government Bodies of Their Authority under Martial Law

1. During martial law the President of Ukraine and the Verkhovna Rada of Ukraine operate only on the basis, within powers and according to procedures determined by the Constitution and the laws of Ukraine.
2. The Cabinet of Ministers of Ukraine, other public authorities, Military Command, the military administrations, the Verkhovna Rada of the Autonomous Republic of Crimea, Council of Ministers of the Autonomous Republic of Crimea, local Self Government bodies perform their powers provided by the Constitution of Ukraine, the present Law and other laws of Ukraine.

Article 10. Illegality of the Termination of State Executive Bodies, other State Organs under Martial Law

1. During Martial Law, the authority of the Verkhovna Rada, the Human Rights Ombudsman to the Verkhovna Rada, as well as the Courts, the Public Prosecutor's Office and State Investigation, Prosecution Organs organs conducting counterintelligence activity cannot be terminated.

Article 11. Activity of the President of Ukraine under Conditions of Martial Law

1. Under conditions of martial law, the President of Ukraine:
 - 1) Carries out general governance by implementing and carrying out measures entailed by the legal status of martial law;
 - 2) By proposal of the National Security and Defence Council of Ukraine, makes decisions to involve the Armed Forces of Ukraine, other military formations, and law enforcement bodies, in the implementation of measures entailed by the legal status of martial law;
 - 3) Carries out strategic governance of the Armed Forces of Ukraine, other military formations, and law enforcement bodies, through the General Staff of the Armed Forces of Ukraine;
 - 4) Determines the procedure for performance of military duty.
2. If the term of authority of the President of Ukraine expires while martial law is in effect, their authority shall be prolonged until the accession to the presidency of the newly elected President of Ukraine, elected after martial law is no longer in effect.
3. The authority of the President of Ukraine provided for by the Constitution of Ukraine cannot be restricted under conditions of martial law.

Article 12. The Activities of the Verkhovna Rada of Ukraine under Martial Law

1. In the event of the introduction of Martial Law in Ukraine or in separate locations of the country, the Verkhovna works in a session mode.
2. Heads of State Executive and Local Self Government organs, enterprises, institutions and organisations (owned both publicly and privately) are obliged to assist the Peoples' Deputies during the immediate session of the Verkhovna Rada of Ukraine and in the fulfilment of their individual authority.
3. In the event that a term of the Verkhovna Rada of Ukraine comes to an end during Martial Law, its authority is extended until the day of the first sitting of the first session of the Verkhovna Rada of Ukraine elected after the termination of Martial Law.
4. Under Martial Law, the authorities of the Verkhovna Rada of Ukraine determined by the Constitution of Ukraine cannot be restricted.

Article 13. Distinctiveness Relating to the Enforcement of Normative-Legal Acts under Martial Law

1. The normative-legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea, decisions of the Council of Ministers for the Autonomous Republic of Crimea, decisions by Local Executive organs concerning human rights restricted under Martial Law, are provisionally inapplicable.

Article 14. Authority of the General Staff of the Armed Forces of Ukraine

1. The General Staff of the Armed Forces of Ukraine:
 - 1) Takes part in drafting a standard plan for implementing and providing for the legal status of martial law in Ukraine or its specific localities;
 - 2) Organises for preparation and carries out governance of the Armed Forces of Ukraine, units, divisions, and bodies of other military formations and law enforcement bodies during their implementation of measures entailed by the legal status of martial law;
 - 3) Organises activity of military administrations, commands of branches of the Armed Forces of Ukraine, operational command authorities, and commands of military divisions and units of the Armed Forces of Ukraine in the territory where martial law has been implemented;
 - 4) Drafts and submits for review to the National Security and Defence Council of Ukraine proposals on the involvement of other military formations and law enforcement bodies in the implementation of measures entailed by the legal status of martial law.

Article 15. Authority of Military Administrations

1. In their activities, military administrations are governed by the Constitution of Ukraine, laws of Ukraine "On the Defence of Ukraine", "On Mobilisation Preparation and Mobilisation", this Law, and other normative-legal acts. Military administrations exercise their authority according to the procedure determined by laws of Ukraine for the exercise of authority by respective local state administration and local self-government bodies, with consideration to the particulars established by this Law.
2. Military administrations of population centres in respective territory exercise their authority to:
 - 1) Implement and carry out measures entailed by the legal status of martial law;
 - 2) Ensure efficient use of natural, labour, and financial resources;
 - 3) On a contractual basis, involve companies, institutions and organisations, irrespective of their property form, to participate in comprehensive socioeconomic development of villages, townships, and towns, and co-ordinate such work in the respective territory;
 - 4) On a contractual basis, place orders with companies, institutions and organisations for production of goods and performance of works (provision of services) required by the territorial community;
 - 5) Draft and approve the local budget, make amendments to it, and ensure execution of the appropriate budget;
 - 6) Set the rates of local taxes and fees according to the Tax Code of Ukraine, if decisions in these issues were not made by the appropriate council;
 - 7) Make decisions to provide tax and fee exemptions, according to the legislation, if decisions in these issues were not made by the appropriate council;
 - 8) Establish, according to the procedure and within the limits determined by the legislation, tariffs for household, municipal (except for the tariffs established by the national commission for state regulation in the sphere of energy and municipal services), transport, and other services;
 - 9) On a contractual basis, attract funds from companies, institutions and organisations located in the respective territory, irrespective of their property form, funds from the population, as well as budget funds, for construction, expansion, repair and maintenance, on a share basis, of social and industrial infrastructure objects, as well as for environmental protection measures;
 - 10) Manage municipal, household, trade, transport, and communication facilities held in municipal ownership of respective territorial communities; ensure their due maintenance, effective use, and the appropriate degree and quality of service provision to the population;
 - 11) Determine the share of profits to be deducted to the local budget by companies, institutions and organisations held in municipal ownership of respective territorial communities;
 - 12) Manage the property held in municipal ownership of respective territorial communities (except for issues of alienation of municipal property, including through privatisation, and of granting lease of municipal property for a period in excess of one year);
 - 13) Provide apartment (house) owners aid in rebuilding in case their homes are damaged due to combat, terrorist acts, or sabotage; organise, at the expense of own funds and share funding, construction, reconstruction and repair of municipal and social facilities, residential houses, and routes of local importance; carry out, or delegate to a general construction organisation (contractor organisations) selected through a competition, functions of project owner in construction, reconstruction and repair of residences, and other social and municipal infrastructure objects held in municipal ownership;
 - 14) Provide, according to law, town-planning conditions and land development restrictions;
 - 15) Manage educational, health care, cultural, physical education, and sports institutions owned or held by territorial communities, as well as local teen and youth institutions; organise for their material, technical, and financial support;
 - 16) Provide social and cultural facilities held in municipal ownership of respective territorial communities, as well as the population, with fuel, power, gas, and other energy carriers; address the issues of water supply, water disposal, and waste water purification; oversee drinking water quality;

- 17) Address the issue of providing funeral services at the expense of local budgets in connection with burial of citizens living alone, veterans of war and labour, and other categories of financially disadvantaged citizens; provide aid for funeral services in other cases provided for by the legislation;
- 18) Facilitate the organisation of induction of citizens into compulsory military and alternative (non-military) service, as well as their mobilisation, preparation of young people for service in the Armed Forces of Ukraine, organisation of training (testing) and specialise military exercises; ensure that the military commissar's order on mobilisation is made known to companies, institutions and organisations of all property forms, as well as to the population;
- 19) Reserve workplaces for persons liable for military service in companies, institutions and organisations, according to legislation;
- 20) Organise and participate in measures related to mobilisation preparation and civil protection;
- 21) Address, according to legislation, issues related to provision of service premises, residential space, other objects, and municipal services to military units, institutions, and educational institutions of the Armed Forces of Ukraine; oversee the use of such objects and the provision of services;
- 22) Facilitate the organisation of production and supply of goods, services and energy resources ordered from companies and organisations in municipal ownership for the military;
- 23) Take measures to create appropriate conditions for the functioning of checkpoints on the state border of Ukraine;
- 24) Assist the State Border Guard Service of Ukraine in maintaining the appropriate state border regime;
- 25) Establish increased security for important national economic entities and entities providing for sustenance of the population;
- 26) Address, according to the law, issues of land-relations regulation (except for issues of alienation of land plots from municipal ownership, and of granting lease of such land plots for a period in excess of one year);
- 27) Address, according to the law, issues of providing permits for specialised use of natural resources of local importance, for a period not exceeding one year, and issues of canceling such permits;
- 28) Create, according to the law and at the expense of the local budgets, institutions that provide free basic legal aid; appoint and dismiss heads of such institutions; involve, according to the procedure established by law, natural persons or legal entities under private law in providing free basic legal aid;
- 29) Facilitate the work of the court, prosecutors, judicial bodies, security services, bodies of the national police, public defender's office, and the State Criminal Enforcement Service of Ukraine;
- 30) Hear information from prosecutors and heads of the bodies of the national police on the state of law and order, crime prevention, protection of civil order, and the results of activity in the respective territory;
- 31) Cancel acts of the executive bodies of the respective council that do not adhere to the Constitution, laws of Ukraine, other legislative acts, or resolutions of the respective council, made within the scope of its authority;
- 32) Establish, according to legislation, regulations to ensure cleanliness and order in population centres, regulations for market trade, and regulations for maintaining peace in public places, the violation of which incurs administrative liability;
- 33) Within the scope determined by the law, make decisions in the issues of protection of the population and territories against emergencies, liquidate the consequences of emergencies, provide relief in case of natural disasters, epidemics, epizootics;
- 34) Make decisions on early termination of authority of the bodies of territorial citizen self-organisation, in cases provided for by the law;
- 35) Create, according to legislation, municipal emergency rescue services; address the issues of the staff numbers of such services and their upkeep expenses; develop and carry out measures to ensure material and technical support for the work of municipal emergency rescue services;

- 36) Provide for centralised temporary storage of archive documents collected in the course of documenting official, labour or other legal relations between legal entities and natural persons in the respective territory, and other archive documents not included in the National Archive Fund;
- 37) Address the issue of collection, transportation, utilisation and neutralisation of household waste; neutralisation and burial of animal bodies;
- 38) Organise local markets;
- 39) Establish the working order of municipal, trade, public catering, and household services companies held in municipal ownership of respective territorial communities;
- 40) Approve routes and schedules of local passenger transport irrespective of its property form, co-ordinate these issues in respect of transit passenger transport in cases provided for by the legislation;
- 41) Provide for appropriate upkeep and security of cemeteries and other burial sites;
- 42) Involve companies, institutions and organisations not held in municipal ownership of respective territorial communities in providing transport and communication services to the population.

Military administrations of population centres exercise the delegated authority of executive authorities provided to bodies of local self-government by laws of Ukraine.

3. District and regional military administrations exercise in the respective territory, in addition to the authority of local state administrations, the authority to implement and carry out measures entailed by the legal status of martial law; district and regional military administrations created due to the failure of the district or regional council to hold a session within the timeframe established by the Law of Ukraine "On Local Self-Government in Ukraine", also exercise the authority to:
 - 1) Draft and approve district and regional budgets, respectively, make amendments to them, approve budget execution reports; distribute funds provided from the state budget as subsidies and subventions between district budgets, local budgets of towns of regional subordination, villages, townships, and towns of district subordination, respectively;
 - 2) Manage entities jointly owned by the territorial communities of villages, townships, towns and city districts, and managed by district and regional councils (except for the issues of alienation of such objects, including through privatisation); appoint and dismiss heads thereof;
 - 3) Address, according to the law, issues of land-relations regulation (except for issues of alienation of land plots from municipal ownership);
 - 4) Address, according to the law, issues of providing permits for specialise use of natural resources of district or regional importance, respectively, and issues of cancelling such permits;
 - 5) Establish regulations for the use of water collection facilities intended for satisfying the drinking water, household, and other needs of the population, protective sanitary zones of water supply sources; restrict or prohibit the use of drinking water by companies for industrial purposes;
 - 6) Within the scope determined by the law, make decisions in the issues of protection of the population and territories against emergencies, liquidate the consequences of emergencies, provide relief in case of natural disasters, epidemics, epizootics;
 - 7) Establish increased security for entities of national economic importance and entities providing for sustenance of the population;
 - 8) Make decisions to address the court to declare unlawful acts of bodies of local self-government, local executive authorities, companies, institutions, or organisations that restrict the rights of territorial communities in the sphere of their joint interest;
 - 9) Hear information from prosecutors and heads of the bodies of the national police on the state of law and order, crime prevention, protection of civil order, and the results of activity in the respective territory;
 - 10) According to the procedure and limits established by the legislation, set tariffs for municipal services.
4. Head of a military administration:
 - 1) Ensures adherence to the Constitution and laws of Ukraine, as well as acts of the President of Ukraine and appropriate executive authorities, in the respective territory;

- 2) Organises the work of the respective military administration and governs its activity; is personally responsible for the exercise by the military administration of authority vested in it;
- 3) Appoints and dismisses officers, officials, and other employees of the respective military administration;
- 4) Manages budget funds;
- 5) Represents the respective military administration and territorial community in relations with state authorities, bodies of local self-government, civil associations, companies, institutions and organisations of every property form, and citizens;
- 6) Addresses the court to declare unlawful acts of bodies of local self-government, local executive authorities, companies, institutions, or organisations that restrict the rights and interests of the territorial community;
- 7) Concludes agreements according to legislation, on behalf of the territorial community and the respective military administration;
- 8) Within a scope of their authority, issues orders and instructions that have the equivalent legal power as resolutions of the respective council (councils). Orders issued within the scope of authority of local councils shall be made public, except for those containing restricted information;
- 9) Personally receives citizen visitors and ensures that the legislation on the review of addresses by citizens and civil associations is observed in the respective territory.

Article 16. Participation of Military Formations and Law Enforcement Bodies in Measures of Legal Regime of Martial Law

1. In accordance with decision by the National Security and Defence Council of Ukraine enacted by Decree of the President of Ukraine under established legal procedure, military formations formed according to the laws of Ukraine together with law enforcement bodies may be involved in the execution of the tasks aimed at implementation of measures of legal regime of martial law, according to their designation and specifics of activities.

Article 17. Assisting the Activities of the Military Command and Military Administrations

1. Ukrainian State Executive organs, the Verkhovna Rada of the Autonomous Republic of Crimea, the Council of Ministers of the Autonomous Republic of Crimea, Local Self Government organs, enterprises, organisations and institutions, citizen associations and private citizens are obliged to provide assistance to activity of the Military Command and military administrations during the introduction and execution of martial law.

Article 18. The Interaction of the Military Command and military administrations with the State Executive under Martial Law

1. The procedure for the co-operation between the Military Command and military administrations with Ministries, other Central State Executive regarding the maintenance of martial law, ensuring the security of citizens, the protection of national interests as well as the command or operational command over other military formations and law enforcement bodies, or their joint units, military units, institutions and organisations are pre-determined by the Commander-in-Chief of the Armed Forces of Ukraine.

Article 19. The Guarantees of the Observance of the Legal Regime under Martial Law

1. Under Martial Law, the following is prohibited:
 - The introduction of amendments to the Constitution of Ukraine;
 - The introduction of amendments to the Constitution of the Autonomous Republic of Crimea;
 - The conducting of presidential elections;
 - The conducting of elections for the Verkhovna Rada of Ukraine, the Verkhovna Rada of the Autonomous Republic of Crimea and Local-Self-Government organs;
 - The conducting of an all-Ukraine and or local referendums;
 - The organising of strikes and mass gatherings.
2. The Verkhovna Rada of Ukraine not later than in 90 days from the date of the termination or cancellation of Martial Law, if the regular or extraordinary elections in relevant organs be carried out in the period on

which Martial Law was introduced, makes the decision to conduct elections of deputies of the Verkhovna Rada of the Autonomous Republic of Crimea or local elections.

Article 20. The Legal Status and the Restrictions on Human and Rights and Freedoms and the Rights and Legitimate Interests of Legal Entities under Martial Law

1. The legal status and the restrictions on human rights and freedoms and the rights and the legitimate interests of legal entities under martial law are pre-determined in accordance with the Constitution of Ukraine, the present Law.
2. Under martial law, rights and freedoms cited in Part 2 of Article 64 of the Constitution of Ukraine cannot be restricted.
3. Work of the persons, called for civil duty, shall correspond to such norms of labour, as minimal salary, minimal holidays and time to rest between the working shifts, maximal duration of the workday, health protection, etc. In case these persons do public works under the contract, their previous jobs and occupations (position) shall be provided for them after the end of the term of civil duty.

Article 21. The Legal Status of Foreigners, Stateless Persons and Legal Entities of foreign countries under Martial Law

1. The legal status of foreigners, stateless persons and legal entities of foreign states, situated in Ukraine while Martial Law is in effect, is pre-determined by the Constitution of Ukraine, the Laws of Ukraine and International Treaties, agreed to be binding by the Verkhovna Rada of Ukraine.

Article 22. The Illegality of Using Martial Law for the Seizure of Power or the Violation of Rights and Freedoms, and or the Rights and Legitimate Interests of Legal Entities

1. The introduction of martial law cannot be used as a justification for torture, cruel, inhumane or degrading treatment that violates a person's dignity. Any attempt to use martial law for the seizure of power entails legal liability.

Article 23. The Indemnification of Damages Inflicted during Martial Law or return of property

1. Forced alienation of the private or municipal property under conditions of legal regime of martial law, in case the preliminary full compensation of cost of such property was not performed, involves the following full recovery of its cost according to the procedure determined by law.
2. Forced alienation of the private citizen and legal entities' property for the purposes of martial law are subject to subsequent and complete compensation to former owner or representative of the former owner in accordance with the procedure pre-determined by law.
3. The former owner of property, forcefully alienated in connection with introduction and implementation of measures of the legal regime of martial law, can request as compensation the provision of different property, if this is possible.

Article 24. Informing the UN Secretary General and Foreign States of the Introduction of a Legal Regime of Martial Law

1. In accordance with the International Pact on Civil and Political Rights, any introduction of Martial Law in Ukraine shall be immediately relayed and brought to the attention of all States and parties to this pact-through the UN Secretary General, of any restrictions on human rights and freedoms that are a departure from the responsibilities undertaken in this International Pact, as well as on the limits of these restrictions and the reasons for their introduction.
2. Any notification should also include information on the start date of any termination of the departure from the responsibilities undertaken by the ratification of the International Pact on Civil and Political Rights.
3. Should any limits of the departure from the responsibilities undertaken in the International Pact on Civil and Political Rights or the validity of the restrictions on human rights and freedoms change, the Ukraine must inform the UN Secretary General in accordance with the procedure established by Part I and Part II of this Article.

Article 25. Liability for Violation of the Legal Regime of Martial Law

1. Any person guilty of a violation of the requirements or a failure to carry out the measures prescribed by Martial Law are to be brought to account in accordance with law.

Article 26. The Administration of Justice under Martial Law

1. When martial law is in effect, the courts still exclusively administer justice in Ukraine. Courts created in accordance with the Constitution of Ukraine continue to function.
2. The shortening or acceleration of judicial proceedings is strictly prohibited.
3. In case of impossibility to function for the courts in the territory where martial law is introduced, the territorial cognisance of the legal cases considered in these courts can be changed by the laws of Ukraine, or in the procedure established by the law the location of courts is changed.
4. Establishment of extraordinary and special courts is prohibited.

Article 27. The Control over the Activity of Military Command, the State Executive and the Local Self Government

1. The control over the activities of Military Command of the State Executive and the State Local Government under martial law is carried out by the National Security and Defence Council of Ukraine.

Article 28. Final provisions

1. This Law enters into force from the next day after the date of publication.

Normative-legal acts adopted prior to validation of this Law are effective as long as they comply with the present Law.

2. Consider invalid the Law of Ukraine "On the Legal Regime of Martial Law" 1647-III, 06.04.2000; (Bulletins of the Verkhovna Rada, 2000, No 28, art. 224; 2003, No 27, p. 209; 2009, No 19, p. 258; 2010, No 12, p. 119; 2013, No 15, art. 99; No 21, ct. 208; No 41, arty. 550; 2015, No 16, art. 110).

3. Cabinet of Ministers within one month since the day of coming into effectiveness is obliged:

To prepare and submit to the Verkhovna Rada of Ukraine a proposal on introduction of amendments to the law "On transfer, forceful alienation and confiscation of property under the legal regime of Martial Law or emergency situation" that follow from the present law;

To adopt normative-legal acts necessary for implementation of the present law and to bring Cabinet's decisions into conformity with the present law; and

To ensure the bringing of the normative-legislative acts of Ministries, other Central and Local State Executive into conformity with the present law.

President of Ukraine P. Poroshenko

Kyiv, May 12, 2015 No 389-VIII

Law of Ukraine “On the Legal Regime of a State of Emergency”

(*Bulletin of the Verkhovna Rada (BVR), 2000, No 23, p.176;*)

Incorporating changes made by Laws

- No 662-IV of 03.04.2003, BVR, 2003, N 27, p. 209;
- No 743-IV of 15.05.2003, BVR, 2003, N 29, p. 223;
- No 4652-VI of 13.04.2012, BBP, 2013, N 21, p. 208;
- No 4765-VI of 17.05.2012, BBP, 2013, N 15, p. 99;
- No 5459-VI of 16.10.2012, BBP, 2013, N 48, p. 682;
- No 245-VII of 16.05.2013, BBP, 2014, N 12, p.178;
- No 877-VII of 13.03.2014, BBP, 2014, N 15, p. 326;
- No 186-VIII of 12.02.2015, BBP, 2015, N 16, p. 110;
- No 901-VIII of 23.12.2015, BBP, 2016, N 4, p. 44.

This Law defines the content of the legal regime for a state of emergency, the procedures for its introduction and termination, specifics relating to the operations of State authorities and Local Self-Government bodies, enterprises, institutions and organisations under a state of emergency, the protection of human rights and freedoms, as well as the rights and legitimate interests of legal entities, and the liability for the violation of these requirements or the failure to implement legal measures during a state of emergency.

PART I. GENERAL PROVISIONS

Article 1. Definition of a State of Emergency

A state of emergency is a special legal regime, that can be introduced on a temporary basis throughout Ukraine or in particular areas or regions where the emergence of extraordinary situations either of a technogenic or natural character occur that may result in human and material losses, the endangerment of life and to the health of citizens, an attempt to seize State power or to change the Ukrainian constitutional system through violent means; it provides and grants necessary powers to all relevant State authorities, the Military Command and Local Self-Government bodies to prevent threats and to ensure the security of the health of the population, the normal operation of the national economy, the Executive, the protection of the constitutional system; and it also involves temporary threat determined restrictions of constitutional human rights and freedoms as well as over the legitimate interests of legal entities with a clear indication of the period of effectiveness for these restrictions.

Article 2. Reasons for the Introduction of a State Emergency

The purpose for introducing a state of emergency is to quickly eliminate any threats to national security and to dissolve the gravest technogenic or natural emergency situations, stabilising a situation and restoring the legal order in the case of an attempt to seize State power or to change the constitutional order by violent means; restoration of human constitutional rights and freedoms, the rights and legitimate interests of legal entities, the creation of conditions for the normal operation of the Executive and Local Self-Government bodies, and other institutions of civil society.

Article 3. The Legal Basis for the Introduction of a State of Emergency

The legal basis for introducing a state of emergency is the Constitution of Ukraine, this Law, as well as other Laws of Ukraine as well as Presidential Decrees subject to the approval by the Verkhovna Rada of Ukraine.

PART II. THE CONDITIONS AND PROCEDURES FOR THE INTRODUCTION AND TERMINATION OF A STATE OF EMERGENCY

Article 4. Conditions for the Introduction of a State of Emergency

A state of emergency is only introduced in case of a real threat to the security of citizens and the constitutional system that cannot be averted by other means. A state of emergency may be introduced in case of:

- 1) an emergence of especially serious technogenic or naturally occurring emergencies including natural disasters, catastrophes, the use and means of mass destruction, pandemics, or epizootics that endanger the life and health of a significant percentage of the population;
- 2) mass terrorist acts that could cause the deaths amongst the civilian population and the destruction of vitally important infrastructure facilities;
- 3) an emergence of inter-ethnic or inter-religious conflicts, the blockade or seizure of vitally important facilities or areas that endanger the security of citizens and interfere with the proper functioning of the State Executive and Local Self-Government bodies;
- 4) an emergence of mass disturbances leading to violence against citizens that restricts their rights and freedoms;
- 5) an attempt to seize State power or change the Ukrainian constitutional system by violent means;
- 6) a mass crossing of Ukrainian State borders from neighbouring States' populations;
- 7) a need to restore the constitutional legal order and to restore the functioning of State authority.

Article 5. Procedures for Introducing a State of Emergency

A state of emergency in Ukraine is introduced by Presidential Decree subject to an approval by the Verkhovna Rada within two days after a submission is made.

Before any introduction of a state of emergency, according to the provisions pre-determined by Article 4, part II paragraphs 2-7 of this Law, the President through the mass media addresses groups of people, institutions, organisations that are potential catalysts or participants of actions that could ignite an introduction of a state of emergency, with the requirement for them to stop their unlawful actions within a determined period while issuing a warning of the possibility of an imminent introduction of a state of emergency.

Under the circumstances requiring immediate action for rescuing the population or preventing loss of human lives, a state of emergency may be introduced without warning.

The National Security and Defence Council submits proposals for the introduction of a state of emergency to the President. In the case where a state of emergency is introduced on the grounds stipulated by paragraph 1 of part II of Article 4, proposals for an introduction of a state of emergency are submitted to the President by the Cabinet Ministers.

The introduction of a state of emergency in the Autonomous Republic of Crimea may be initiated by the Verkhovna Rada of the Autonomous Republic of Crimea.

Article 6. A Presidential Decree on the Introduction of a State of Emergency

A Presidential Decree on the introduction of a state of emergency shall include the following points:

- 1) the justification of the necessity to introduce a state of emergency in accordance with Article 4;
- 2) the specific boundaries and areas where a state of emergency is to be introduced;
- 3) the timeline for the introduction of a state of emergency, and the period for which a state of emergency is to be introduced;
- 4) a list of emergency measures, an exhaustive list of human constitutional rights and freedoms that are to be provisionally restricted because of the introduction of a state of emergency as well as a list of provisional restrictions on the rights and legitimate interests of legal entities with an indication of the period of effectiveness for these restrictions;
- 5) a list of State authorities, Military Command and Local Self-Government bodies responsible for facilitating emergency measures and the limits of their extraordinary powers;
- 6) other issues arising from this present Law.

After signing a Decree for the introduction of a state of emergency, the President submits it to the Verkhovna Rada for approval. The President's submission is to be considered by the Verkhovna Rada without delay.

A Decree for the introduction of a state of emergency approved by the Verkhovna Rada is made public without delay through mass media.

Article 7. Effective Periods for a State of Emergency

A state of emergency can be introduced for no more than 30 days in Ukraine and for no more than 60 days in its particular areas. If necessary, the President of Ukraine can prolong a state of emergency an extra 30 days. A Presidential Decree on the prolongation of a state of emergency comes into force after Verkhovna Rada approval.

Article 8. The Cancellation of a State of Emergency

A state of emergency can be cancelled by a Presidential Decree prior to its official termination date when the reasons that necessitated its introduction are dissolved.

The Verkhovna Rada can address the President with a suggestion to cancel a state of emergency.

A state of emergency in the Autonomous Republic of Crimea can be cancelled by an initiative of the Verkhovna Rada of the Autonomous Republic of Crimea.

Proposals on the cancellation of a state of emergency as stipulated in paragraph 1 of part II of Article 4 of this Law are submitted by the Cabinet Ministers.

The cancellation of a state of emergency is made public without delay through mass media or by other means, immediately after the issue of a Presidential Decree to that effect

PART III. THE ACTIVITIES OF STATE AUTHORITIES AND LOCAL SELF-GOVERNMENT BODIES DURING A STATE OF EMERGENCY**Article 9. The Exercise of Power by State Authorities and Local Self-Government Bodies during a State of Emergency**

During a state of emergency, the President, the Verkhovna Rada, the Cabinet Ministers, Ministries, other Central and Local Executive organs, the Verkhovna Rada of the Autonomous Republic of Crimea, the Council of Ministers of the Autonomous Republic of Crimea, Local Self-Government bodies, the Military Command and its representatives (hereinafter, the Military Command), enterprises, institutions and organisations exercise their powers provided for by the Constitution and Laws of Ukraine to ensure the correct implementation of measures stipulated by this Law.

Article 10. The Military Command

The Military Command, that is given powers to enforce legal measures during a state of emergency within the limits defined by this Law does so jointly with the Executive, the Council of Ministers of the Autonomous Republic of Crimea and Local Self-Government bodies. The Military Command consists of:

- the General Command of the national Guard of Ukraine,
- the Security Service of Ukraine,
- the Military Law Enforcement Service in the Armed Forces of Ukraine.

Article 11. The Illegality of a Termination of the Authority of the State Executive and Local Self-Government Powers during a State of Emergency

During a state of emergency, the authority of the President, the Verkhovna Rada, the Cabinet Ministers, the Ombudsman to the Verkhovna Rada of Ukraine for Human Rights, the Verkhovna Rada of the Autonomous Republic of Crimea, the Council of Ministers of the Autonomous Republic of Crimea, Ministries, other Central and Local Executive organs and Local Self-Government bodies, the courts, the organs of public prosecutions and investigations cannot be terminated or restricted.

Article 12. The Activities of the Verkhovna Rada of Ukraine during a State of Emergency

In the event of the introduction of a state of emergency, the Verkhovna Rada may take a decision to prolong its session or continue its work in plenary meetings during the whole period of a state of emergency. If a Presidential Decree on the introduction of a state of emergency is issued during the period between sessions of the Verkhovna Rada, it assembles within a period of two days without convocation and works in a session regime.

Heads of the Executive and Local Self-Government bodies, enterprises, institutions and organisations are obliged to assist National Deputies in getting to the meetings of the Verkhovna Rada for them to exercise their constitutional powers.

In the event that a term of authority of the Verkhovna Rada expires while a state of emergency is in effect, its powers are extended until the day of the first meeting of the first session of the Verkhovna Rada elected after the cancellation of a state of emergency.

This Article shall also apply to the activities of the Verkhovna Rada of the Autonomous Republic of Crimea, if a state of emergency has been introduced in the whole territory of the Autonomous Republic of Crimea or in its particular areas.

Article 13. State Authorities Powers during a State of Emergency

During a state of emergency, a Presidential Decree approved by a Law of Ukraine, shall specify the limits of additional powers granted to the bodies that take measures aimed at the rapid stabilisation of the situation in affected areas, the restoration of the lawful constitutional order as well as the elimination of any threat to the security of citizens.

Article 14. State Authorities, Military Command and Local Self-Government Bodies Activities during a State of Emergency

The Executive, the Council of Ministers of the Autonomous Republic of Crimea, Local Self-Government bodies and the relevant Military Command are responsible for the implementation and enforcement of state of emergency measures pre-determined by this Law in accordance with a Presidential Decree.

During a state of emergency, the Executive, the Council of Ministers of the Autonomous Republic of Crimea and Local Self-Government bodies in co-operation with the relevant Military Command shall take measures pre-determined by the present Law and ensure the control over the maintenance of public order, constitutional rights and freedoms of citizens including their security, and the protection of State interests.

The Cabinet Ministers shall co-ordinate the activities of the Executive, the Council of Ministers of the Autonomous Republic of Crimea, the Military Command, Local Self-Government bodies, enterprises, institutions and organisations under a state of emergency that do not fall under the scope of the National Security and Defence Council.

In order to co-ordinate the activities of the bodies listed in part III of this Article, namely enterprises, institutions and organisations under a state of emergency aimed at maintaining the lawful order and ensuring the security of citizens, operative staff headed by Area Commandants consisting of representatives from the Security Service of Ukraine, Central Executive Agencies for extraordinary situations, bodies of the national police, the Military Law and Order Service in the Armed Forces, Local Executive and Local Self-Government bodies may be established at a local level in accordance with a Presidential Decree on a state of emergency.

Within their powers, the bodies mentioned in parts I and IV of this Article have the right to issue binding individual or joint decisions, instructions, orders and directives relating to state of emergency measures.

Article 15. The Peculiarities of Enforcing Normative-Legal Acts during a State of Emergency

The normative-legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea, decisions made by the Council of Ministers of the Autonomous Republic of Crimea, decisions of the Local Executive and Local Self-Government bodies concerning human rights that are restricted under a state of emergency, are provisionally inapplicable.

PART IV. MEASURES INTRODUCED UNDER A STATE OF EMERGENCY

Article 16. The Nature of State of Emergency Measures

The following state of emergency measures can be introduced by Presidential Decree in the interests of national security and public order in order to prevent unrest or crimes, to protect the health of individuals, or to protect rights and freedoms of other people:

- 1) the introduction of a special entry-departure regime, restrictions on the freedom of movement within the Ukraine where a state of emergency is in effect;
- 2) the restriction on vehicle movements and their examination;
- 3) the reinforcement of public order and the protection of vitally important facilities that supports the livelihood of the population and the national economy;

- 4) the prohibition of mass gathering activities, except for those whose prohibition is established by a court;
- 5) the prohibition of strikes;
- 6) forceful alienations or confiscation of property from legal entities and physical persons.

Article 17. Additional Emergency Measures in Connection with the Extraordinary Situations of Technogenic or Natural Disasters

During the introduction of a state of emergency on the grounds stipulated in subparagraph 1, part 2, Article 4 of this Law, the following measures may be enforced in addition to the measures pre-determined by Article 16:

- 1) the temporary or permanent evacuations of people from dangerous areas with the mandatory provision of evacuees with stationary or temporary shelter,
- 2) the introduction of a billeting obligation for legal entities for the purposes of temporary accommodation of the evacuated or temporarily displaced populations, for rescue teams and military formations involved in the elimination of an extraordinary situation,
- 3) the temporary prohibition of the construction of new enterprises, expansion to existing enterprises and facilities that are not related to the elimination of an extraordinary situation, provisions for the support of the population and rescue formations,
- 4) the introduction of quarantine and the implementation of other mandatory sanitary and counter-epidemic measures,
- 5) the introduction of special procedures for food and essential goods distribution;
- 6) the mobilisation and use of enterprises, institutions and organisations for averting danger and the elimination of an emergency situation with the consequent mandatory compensation for losses incurred,
- 7) the alteration of working hours for enterprises, institutions and organisations, and their reorientation towards the manufacture of products needed under a state of emergency, and other changes in operations required for the implementation of emergency rescue and reconstruction activities,
- 8) the dismissal of the Heads of State enterprises, institutions and organisations, on whose operation the stabilisation of the situation in a state of emergency area depends, for the period of a state of emergency in cases of the improper fulfilment of their duties and their substitution by acting Heads.

A special purpose mobilisation, whose scope and period must be defined in a Presidential Decree on the introduction of a state of emergency, may be introduced for the dissolving of the consequences of severe emergencies during peacetime.

In exceptional cases related to the need to fulfil urgent emergency rescue activities, a temporary use or recruitment on a voluntary basis of capable citizens and vehicles may be allowed for the carrying out of these activities with express permission from the person managing the emergency rescue activities, provided that labour safety requirements are met. The recruitment of minors and pregnant women in activities that could harm their health is prohibited.

Article 18. Additional Emergency Measures relating to the Mass Violations of Public Order

If a state of emergency is introduced on the grounds stipulated in subparagraphs 2-7, part 2, Article 4 of this Law, the following additional measures can be introduced:

- 1) the introduction of a curfew;
- 2) the inspection of citizens' documents and where necessary their belongings, vehicles, luggage, goods, office premises, and dwellings;
- 3) the prohibition of conscripts and citizens liable for military service to change their place of residence without prior notification to the appropriate military registration and enlistment office;
- 4) the restriction or temporary prohibition of the sale of arms, poisonous and strong chemical substances, as well as alcoholic beverages and alcohol-based substances;
- 5) the temporary seizure of registered fire- and cold arms and ammunition from citizens, as well as military training equipment, explosive and radioactive substances and materials, poisonous and strong chemical substances from enterprises, institutions and organisations;

- 6) the prohibition of the production and the dissemination of information, which could destabilise the situation;
- 7) the control of the works of civil radio and TV broadcasting centres; the prohibition over the activity of amateur and private transceiver radio stations used privately or collectively;
- 8) the special rules for the use of communication facilities and the transmission of information via computer networks;
- 9) in accordance with the procedures determined by the Constitution and the Laws of Ukraine, raising the issue on the prohibition of the activity of political parties, civic organisations in the interests of national security and public order, the protection of the health of the population, or the rights and freedoms of other persons.

Article 19. Support for the Enforcement of Emergency Measures

All state authorities, the Verkhovna Rada of the Autonomous Republic of Crimea, the Council of Ministers of the Autonomous Republic of Crimea, Local Self-Government bodies, enterprises, institutions, political parties and public organisations, as well as individuals affected by a state of emergency, are obliged to offer assistance to the bodies mentioned in Article 14 of this Law in the fulfilment of state of emergency measures.

Article 20. The Involvement of Military Formations in the Enforcement of Emergency Measures

The bodies of the national police, including the National Guard of Ukraine, the Security Service of Ukraine, the Military Law and Order Service in the Armed Forces are all responsible for ensuring that public order, the protection of life, health, rights, freedoms and the legitimate interests of citizens during a state of emergency in accordance with their powers defined by law, are intact.

If a state of emergency is introduced on the grounds stipulated in subparagraph 1, part 2, Article 4 of this Law, when technogenic and natural disasters threaten the life and health of a considerable number of citizens and where an extensive rescue and reconstruction task is required, the military units of the Armed Forces, the bodies and units of the State Border Service can also be recruited in accordance with a Presidential Decree on the introduction of a state of emergency, to assist.

In accordance with a Presidential Decree the introduction of a state of emergency on the grounds stipulated in subparagraph 6, part 2, Article 4 of this Law, military units of the Armed Forces and units of the State Border Service can be recruited for the fulfilment of state of emergency activities.

The procedures for the co-operation between Military Formations recruited for the enforcement of emergency measures with Ministries and other Central and Local Executive agencies, Local Self-Government bodies is defined by the Commander-in-Chief of the Armed Forces.

PART V. THE GUARANTEES OF HUMAN RIGHTS AND FREEDOMS, AND THE LEGITIMATE INTERESTS OF LEGAL ENTITIES DURING A STATE OF EMERGENCY

Article 21. The Guarantees of Law Observance during a State of Emergency

The following is prohibited under a state of emergency:

- amendments to the Constitution of Ukraine;
- amendments to the Constitution of the Autonomous Republic of Crimea,
- amendments to electoral legislation;
- the conducting of presidential elections as well as elections to the Verkhovna Rada, the Verkhovna Rada of the Autonomous Republic of Crimea and or to Local Self-Government bodies;
- the conducting of national and or local referendums;
- the restriction of rights and powers of the People's Deputies.

If a term of authority of Local Self-Government bodies, the Verkhovna Rada of the Autonomous Republic of Crimea or the Verkhovna Rada of Ukraine expires while a state of emergency is in effect, this term shall be duly extended.

Article 22. The Legal Status and Restriction of Rights and Freedoms of Individuals and the Legitimate Interests of Legal Entities during a State of Emergency

The legal status, the restrictions on human rights and freedoms and the rights and the legitimate interests of legal entities under a state of emergency are determined in accordance with the Constitution, the present Law and other Laws of Ukraine.

The restrictions of human rights stipulated in this Law, that may be applied under a state of emergency, are exhaustive and cannot be subject to broader interpretation. The period of their application cannot exceed the period of a state of emergency. The introduction of other restrictions is prohibited.

During a state of emergency, human rights and freedoms as cited in part 2 of Article 64 of the Constitution of Ukraine cannot be restricted.

Article 23. The Legal Status of Foreigners, Stateless Persons, and other States' Legal Entities during a State of Emergency

The legal status for foreigners, stateless persons and legal entities of foreign states, present in Ukraine while martial law is in effect, is pre-determined by the Constitution and Laws of Ukraine, as well as by ratified international treaties agreed to be binding by the Verkhovna Rada.

Article 24. The Prohibition to Use the Legal Regime of a State of Emergency for the Seizure of Power and the Violation of Human Rights and Freedoms, and the Rights and Legitimate Interests of Legal Entities

The introduction of a state of emergency cannot be used as grounds for torture, or cruel, inhumane or degrading punishment that violates a person's dignity as well as restricts the right to life, the freedom of thought, consciousness and religion as stipulated in the International Pact on Civil and Political Rights and in the Laws of Ukraine. Attempts to use a state of emergency for the seizure or abuse of power gives rise to legal liability.

Article 25. The Indemnification for Damages Inflicted during a State of Emergency

Individuals, who lost their homes as a result of a state of emergency, including the activities aimed at its prevention or elimination, shall be provided with a dwelling place according to the law. Individuals who suffered from emergency situations, including emergency rescue activities, shall be reimbursed for material damages inflicted and be provided with other necessary assistance subject to conditions and procedures specified by law.

Legal entities or physical persons, whose property and resources were forcefully alienated for the prevention or elimination of situations that brought about the introduction of a state of emergency, may demand in the court the full reimbursement of the property according to the procedures specified by law, or they may demand the return of their property, if this option is possible.

Article 26. The Guarantees of Labour Rights during a State of Emergency

Persons, temporarily employed without an employment contract, as well as those recruited for liquidation works in the cases envisaged by this Law, shall be guaranteed remuneration for labour in accordance with existing legislation.

Article 27. Informing Other States on the Introduction of a State of Emergency in Ukraine

According to the International Pact of Civil and Political Rights, Ukraine shall notify foreign states a party to the pact on any restriction of human rights and freedoms deviating from its commitments under this Pact, to the extent of such deviations and the reasons for such a decision to be communicated through the UN Secretary General immediately after the introduction of a state of emergency.

This notification should also include information on the date of termination and departure from the responsibilities undertaken in the ratification of the International Pact on Civil and Political Rights.

Should the limits of this deviation from the responsibilities undertaken in the International Pact on Civil and Political Rights or the validity of the restrictions on human rights and freedoms change, Ukraine must inform the UN Secretary General in accordance with the same procedure.

PART VI. PARTICIPATION OF REPRESENTATIVES FROM OTHER COUNTRIES IN THE ELIMINATION OF CONSEQUENCES OF EMERGENCY SITUATIONS

Article 28. The Participation of Representatives from Other Countries in the Elimination of the Consequences of State of Emergency situations

If necessary, emergency rescue teams from other countries may be recruited for the liquidation of especially serious consequences of natural disasters and catastrophes. These issues shall be solved on the basis of agreements with governments from respective countries, unless otherwise provided for by an existing international treaty ratified by Ukraine, agreed to be binding by the Verkhovna Rada.

PART VII. THE LIABILITY FOR A VIOLATION OF THE REQUIREMENTS OR FAILURE TO CARRY OUT THE MEASURES UNDER THE LEGAL REGIME OF A STATE OF EMERGENCY

Article 29. The Liability for the Violation of the Legal Regime during a State of Emergency

Any violation of the requirements or the failure to carry out emergency measures gives rise to legal liability.

Article 30. The Liability for the Abuse of Authority during a State of Emergency

The abuse of authority by individuals participating in the enforcement of a state of emergency, as well as the use of illegitimate force while protecting public order, gives rise to legal liability.

Article 31. Justice during a State of Emergency

Only courts established in accordance with the Constitution of Ukraine can administer justice, during a state of emergency. The introduction of any summary or accelerated forms of judicial proceedings is prohibited.

Article 32. The Control of the Verkhovna Rada of Ukraine over the Observance of this Law

The control of the observance of constitutional human rights and freedoms during a state of emergency is exercised by the Ombudsman of the Verkhovna Rada for Human Rights.

Article 33. The Control over the Activities of the Executive

Cabinet Ministers and the National Security and Defence Council exercise control over the activities of the Executive during a state of emergency.

Article 34. Oversight on the Observance of Laws under State of Emergency

Any oversight on the observance of laws under a state of emergency is exercised in accordance with the Constitution and the Laws of Ukraine.

PART VIII. FINAL PROVISIONS

This Law enters into force from the date of publication;

Once this Law enters into force, the following laws lose all legal force and are therefore repealed:

- The Law of Ukraine "On State of Emergency" (Bulletin of the Verkhovna Rada, 1992, No 43, p.308; 1997, No 6, p. 49); The Resolution of the Verkhovna Rada of Ukraine "On the Procedure of Implementation of the Law of Ukraine 'On State of Emergency'" (Bulletin of the Verkhovna Rada, 1992, No 37, p. 539).
- The Cabinet is obliged to within six months of the passing of this law:
- draft and submit proposals to the Verkhovna Rada amendments to the legislative acts that follow from this Law; bring its decisions into conformity with the current Law; and ensure the bringing of all normative-legislative acts of individual Ministries, other Central and Local State Executive Organs into conformity with the present Law.

President of Ukraine L. Kuchma
Kyiv, March 16, 2000 No 1550-II

Law of Ukraine ‘On Mobilisation Preparation and Mobilisation’

(*Bulletin of the Verkhovna Rada (BVR), 1993, No 44, p. 416*),

Enacted by the Resolution of the Verkhovna Rada No 3544-XII of 1.10.1993, (*Bulletin of the Verkhovna Rada (BVR)*, 1993, No 44, p. 417).

In the wording of Law No 644-XIV of 13.05.99, BVR, 1999, No 27, p. 221; with amendments introduced by Law No 860-IV of 22.05.2003, BVR, 2003, No 37, p. 300.

In the wording of Law No 2435-IV of 02.03.2005, BVR, 2005, No 16, p. 255;

With amendments introduced by Laws

No 2433-VI of 06.07.2010, BVR, 2010, No 46, p. 538;

No 2926-VI of 13.01.2011, BVR, 2011, No 31, p. 303;

No 5404-VI of 02.10.2012, BVR, 2013, No 41, p. 550;

No 5463-VI of 16.10.2012, BVR, 2014, No 4, p. 61;

No 1127-VII of 17.03.2014, BVR, 2014, No 17, p. 595;

No 1169-VII of 27.03.2014, BVR, 2014, No 20-21, p. 746;

No 1190-VII of 08.04.2014, BVR, 2014, No 23, p. 871;

No 1194-VII of 09.04.2014, BVR, 2014, No 25, p. 890;

No 1275-VII of 20.05.2014, BVR, 2014, No 29, p. 942;

No 1575-VII of 03.07.2014, BVR, 2014, No 35, p. 1178;

No 1614-VII of 25.07.2014, BVR, 2014, No 36, p. 1194

No 259-VIII of 18.03.2015, BVR, 2015, N 22, p. 148;

No 267-VIII of 19.03.2015, BVR, 2015, N 22, p. 151;

No 277-VIII of 07.04.2015, BVR, 2015, N 24, p. 166;

No 339-VIII of 21.04.2015, BVR, 2015, N 28, p. 238;

No 413-VIII of 14.05.2015, BVR, 2015, N 26, p. 223

No 570-VIII of 01.07.2015, BVR, 2015, N 35, p. 340;

No 1387-VIII of 31.05.2016.

In the text of the Law, words “the Executive body for economic policy” are substituted with “the Executive body responsible for the formation of the state policy in the area of economic development” as stipulated by the Law No 5463-VI of 16/02/2012.

This Law establishes the legal basis for mobilisation preparation and mobilisation in Ukraine, determines the principles for the organisation of this work, the powers of bodies of the state, other state executive bodies and bodies of local self-government, as well as the duties of enterprises, institutions and organisations irrespective of the form of ownership (hereinafter, enterprises, institutions and organisations), the powers and responsibilities of officials and duties of citizens in the fulfilment of mobilisation activities.

PART I. GENERAL PROVISIONS

Article 1. Definition of Terms

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

Mobilisation preparation in Ukraine is a complex set of organisational, political, economic, financial, social, legal and other actions, which are carried out in peacetime with the purpose of the preparation of the national economy, the organs of the Executive, Local Self-Government, the Armed Forces and other military formations created in accordance with the laws of Ukraine, as well as specially designated law enforcement bodies, the State Service for Special Communication and Information Protection and the State Special Transport Service (hereinafter, the Armed Forces and other military formations), the civil protection forces, enterprises, institutions and organisations, for the timely and organised mobilisation and satisfaction of the requirements of State defence from possible aggression and support for basic population needs during a special period;

System of control over mobilisation preparation. Part of the overall system of state administration, which directs the activity of Executive, Local Self-Government, integrated national system of civil protection towards preparation of control systems, communication and information support, as well as financial and material and technical resources, enterprises, institutions and organisations to mobilisation readiness;

Mobilisation in Ukraine is a complex set of actions, which are carried out with the purpose of the systematic transfer of organs of the Executive, Local Self-Government, the national economy, enterprises, institutions and organisations to support a special period; and the Armed Forces and other military formations, Operational-Rescue System of Civil Protection be transferred to wartime structures. Mobilisation can be general or partial, conducted openly or covertly.

Special period. From the moment an announcement for mobilisation (except for targeted mobilisation) is made, or the introduction of martial law in Ukraine or in particular areas, a special period for the operation of the national economy, the Executive, Local Self-Government, the Armed Forces, the civil protection forces, enterprises, institutions and organisations begins;

Demobilisation is a complex set of actions, and the decision on the procedures and terms are taken by the President, directed at the systematic transfer of the national economy, back to the Executive, Local Self-Government, enterprises, institutions and organisations for work and functioning under peacetime conditions, whereas the Armed Forces and other military formations, Operational-Rescue System of Civil Protection continue be transferred to peacetime structures;

Mobilisation plan. Set of documents, which define content, volumes, responsible personnel, order and terms of executions for measures of mobilisation of the Armed Forces and other military formations, Operational-Rescue System of Civil Protection be transferred to wartime structures, transfer of national economy, activity of Executive, Local Self-Government, enterprises, institutions and organisations, system of support for basic population needs during a special period;

Mobilisation orders. Separate requirements of mobilisation plan covering the list and volumes of the required products, creation and preparation of special formations for deployment, as well as established priority measures of mobilisation preparation, which shall be set for implementation by the Executive, Council of Ministers of the Autonomous Republic of Crimea and Local Self-Government. Enterprises, institutions and organisations responsible for execution of mobilisation tasks (orders) receive them through the legal procedure on the basis of the main indicators of mobilisation plan and on the basis of agreements (contracts).

Special formations. Created by enterprises, institutions and organisations in peacetime in accordance with the procedure established by the Cabinet and based on the formally established charts for automobile, aviation, river, railway, medical and other formations, which after the period of relevant training shall be orderly transferred during mobilisation to the Armed Forces of Ukraine and other military formations to satisfy their needs, as well as created by the relevant central bodies of Executive to provide for the needs of the branches of the national economy;

Basic indicators of the mobilisation plan. Calculated needs of the state for the special period, presented in the form of natural and cost assessments required to satisfy the needs of the Armed Forces of Ukraine, other military formations and civil protection forces, and to provide for the functioning of the national economy and for living necessities of the population;

Mobilisation capacities. Production capacities of enterprises, institutions and organisations created in peacetime to provide for production requirements and for satisfaction of the other needs of the state during the special period. The Executive in accordance with the procedure established by the Cabinet shall make decisions on the transfer of mobilisation capacities to other enterprises, institutions and organisations.

Article 2. The Legal Basis for Mobilisation Preparation and Mobilisation

The legal basis for mobilisation preparation and mobilisation is the Constitution of Ukraine, the Law of Ukraine "On Defence of Ukraine", this and other laws, as well as normative-legal acts.

Article 3. Main Principles and the Content of Mobilisation Preparation and Mobilisation

1. Mobilisation preparation and mobilisation are components of a complex set of actions that are carried out in accordance with this Law, the Law of Ukraine "On Defence of Ukraine", other laws of Ukraine, Presidential Decrees and Cabinet with the purpose of ensuring State defence, except for targeted mobilisation.
2. Mobilisation preparation and mobilisation are conducted on the basis of the following principles:
 - Centralised management;
 - Timeliness;
 - Planned actions;
 - Integrated approaches and co-ordination;
 - Personal responsibility for the fulfilment of mobilisation preparation activities and mobilisation;
 - The observance of the rights of enterprises, institutions, organisations and citizens;
 - Guaranteed amount;
 - Scientific veracity;
 - Financial sufficiency.
3. Mobilisation preparation includes the following:
 - Legal and normative regulation for mobilisation preparation and mobilisation;
 - Scientific and methodical support for mobilisation preparation and mobilisation;
 - The clear definitions of conditions for the activities and preparation of the Executive, Local Self-Government, enterprises, institutions and organisations for work under a special period;
 - The development of mobilisation plans, long-term and annual programmes for mobilisation preparation;
 - The preparation of the Armed Forces and other military formations for mobilisation;
 - The preparation of the national economy and its branches for the transfer and operation under special period conditions;
 - The preparation of integrated national system of civil protection to function during the special period;
 - The creation, development and maintenance of mobilisation capacities to provide for the needs of the state during a special period;
 - The creation and preparation for the deployment of special formations;
 - The creation, maintenance and update of a mobilisation reserve;
 - The creation and maintenance of an insurance fund for the design of technological and projected documentation to ensure the production of mobilisation and defence products;
 - The preparation and maintenance of conditions for technical equipment and installations intended for the transfer in case of mobilisation to the Armed Forces and other military formations;
 - The maintenance of a State system of command and control to function during the special period;
 - The planning and preparation of rationing (when needed) for food and non-foods items, health services, communication/transport services, municipal and household services;
 - The military registration of persons predisposed for military service and conscription;
 - The preparation and build up of a military-trained reserve predisposed for military service and conscription for manning wartime positions;
 - The reserving of persons predetermined for military service for the Executive, Local Self-Government, civil protection forces, enterprises, institutions and organisations for a period of mobilisation and war;
 - The preparation of the administrative leadership of Executive, Local Self-Government, integrated national system of civil protection, enterprises, institutions and organisations for mobilisation actions;
 - The improvement of professional skills relating to mobilisation preparation and mobilisation for the Heads of Executive, Local Self-Government, enterprises, institutions and organisations, and

members of the relevant departments for mobilisation and staff members responsible for mobilisation-related work;

- The conducting of military-economic mobilisation exercises and training;
- The control over and estimates of the conditions of mobilisation preparedness of the national economy, the Executive, Local Self-Government, the Armed Forces and other military formations, Operational-Rescue System of Civil Protection, enterprises, institutions and organisations, as well as the administrative and territorial units of Ukraine;
- International co-operation for mobilisation preparation;
- Preparation of the State's financial system to function under the special period conditions;
- Development of the special period standards and preparation for their introduction;
- Planning and preparation of the special period technical support procedures for objects, buildings and transportation routes of defence and primary state importance;
- Informing on the main indicators of mobilisation plan, concluding agreements (contracts) on the execution by enterprises, institutions and organisations of mobilisation tasks (orders), delivery of material and technical resources, implementation of works and providing services during the special period;
- Preparation of the transportation system for support to mobilisation;
- Preparation for redistribution of the labour force during the special period;
- Information support;
- Preparation of the printed media outlets and TV stations to function during mobilisation and wartime.

4. Mobilisation entails the following:

The transfer of the Executive, Local Self-Government, national economy industries, administrative and territorial units of Ukraine, enterprises, institutions and organisations to work under special period conditions;

The transfer of the Armed Forces and other military formations, Operational-Rescue System of Civil Protection from peacetime to wartime.

PART II. THE ORGANISATIONAL BASIS FOR MOBILISATION PREPARATION AND MOBILISATION

Article 4. The Organisation and the Procedures for Conducting Mobilisation Preparation and Mobilisation

1. This Law, Presidential Decrees and Cabinet predetermine the organisation and procedures for conducting mobilisation preparation and mobilisation.
2. General mobilisation is conducted simultaneously on the entire territory of Ukraine and applies to the national economy, the organs of the Executive, Local Self-Government, the Armed Forces and other military formations, Operational-Rescue System of Civil Protection, enterprises, institutions and organisations.
3. Partial mobilisation can be conducted in particular areas of the State, as well as applied to a particular part of the national economy, the Armed Forces and other military formations, Operational-Rescue System of Civil Protection, enterprises, institutions and organisations.
4. Article excluded by Law No 5404-VI of 02.10.2012.
5. The type, size, procedure and terms of mobilisation are determined by a Presidential decision.
6. The decision on conducting open mobilisation is to be immediately promulgated through mass media.
7. The decision on conducting concealed mobilisation is brought to the attention of the Executive, Ministries, the Council of Ministers of the Autonomous Republic of Crimea, territorial administrations, Kyiv and Sevastopol city administrations through concealed channels in accordance with the procedures determined by the President.
8. From the moment of the declaration of mobilisation (except for the targeted one) or introduction of martial law in Ukraine or in its separate regions starts the special period of functioning of national economy, Executive, Local Self-Government, the Armed Forces, and other military formations, the civil protection forces, enterprises, institutions and organisations.

During the special period, validity of all previously adopted acts requiring reductions in the total strength, supply or budgeting of the Armed Forces, other military formations and special purpose law enforcement bodies shall be postponed.

9. The general management for mobilisation preparation and mobilisation of the Armed Forces, is carried out by the President; management of mobilisation preparation and mobilisation for the Executive and national economy industries - by Cabinet; management in the Autonomous Republic of Crimea - by the Council of Ministers of the Autonomous Republic of Crimea; national economy industries and administrative and territorial units of Ukraine - by the relevant Executive power and Local Self-Government organs; and the management of enterprises, institutions and organisations - by their Heads.

The immediate management for mobilisation preparation and mobilisation in central administrative bodies is carried out by their leadership, and in the Armed Forces, and other military formations – by central bodies of administration in these military formations;

Direct management of the measures for mobilisation preparation and mobilisation in the specific locations or facilitation of their implementation is carried out by the Council of Ministers of the Autonomous Republic of Crimea, Local Executive and Self-Government organs;

10. Procedures for creation, development, maintenance, transfer, liquidation and sale of mobilisation capacities shall be defined by the Cabinet.
11. Procedures for creation of special formations, their composition, mission, as well as procedures for their transfer to the Armed Forces and other military formations during mobilisation shall be defined by the Cabinet.
12. Functions for the co-ordination of planning, methodological, methodical, scientific support of mobilisation preparation and mobilisation in national economic industries is carried out by the Executive body responsible for the formation of the state policy in the area of economic development, unless a different option is determined by law.
13. Exercising control over the state of mobilisation readiness of the relevant Executive, Local Self-Government, as well, as enterprises, institutions and organisations responsible for mobilisation tasks (orders) is provided by the heads of the relevant Executive, Local Self-Government, as well, as enterprises, institutions and organisations.
14. The procedure for the control of mobilisation preparation and the state of mobilisation readiness of the relevant Executive, as well, as enterprises, institutions and organisations responsible for mobilisation tasks (orders) are pre-determined in accordance with procedure, established by the Cabinet.
15. Co-operation with other states in the sphere of mobilisation preparation is carried out according to the international treaties ratified by Ukraine.

Article 5. Mobilisation Organs

1. The organisation of mobilisation preparation and mobilisation as well as the control over the realisation of these actions by Executive, Local Self-Government, institutions and organisations responsible for mobilisation tasks, are carried out by their mobilisation organs or by appointed staff members responsible for mobilisation work.
 2. Mobilisation organs (specialists on mobilisation issues) are integral parts of the system of management of mobilisation preparation.
 3. The structure and staff for mobilisation organs of Executive and Local Self-Government are chosen in view of the character and volume of mobilisation work by the Heads of Executive, Local Self-Government, enterprises, institutions and organisations in accordance with the procedure established by the Cabinet.
 4. The structure and staff for mobilisation organs of the other state bodies are determined by their leadership in view of the character and volume of mobilisation work.
 5. Mobilisation organs (positions for specialists on mobilisation issues) in the structures of the executive bodies of village, settlement, and town councils shall be created by decision of the relevant local councils.
- The total number of specialists in mobilisation organs (specialists on mobilisation issues) within executive

bodies of village, settlement and town councils shall be decided by their leaders in consultation with relevant central and local executive bodies and taking into account the area of activity, character and volume of mobilisation works.

6. Mobilisation organs and staff members responsible for mobilisation work are responsible directly to the Heads of the relevant Executive, Local Self-Government, enterprises, institutions and organisations.
7. It is forbidden to unite the mobilisation organs in executive bodies and in the other administrative bodies of the state with the other structural units and parallel occupation of the specialists on mobilisation issues, as well as burdening them with extra functions not dealing with management of the current issues of mobilisation preparation.
8. The procedure for the creation, the functions, rights and duties of mobilisation organs of the relevant Executive, as well, as functions, powers and responsibilities of the mobilisation workers are predetermined in accordance with this law in accordance with the procedure established by the Cabinet.

Article 6. Military Transport Duty

1. Military transport duty is introduced with the purpose of satisfying the transport needs of the Armed Forces and other military formations during a special period for vehicles and technical equipment. This applies to the Executive, Local Self-Government, the Armed Forces, and other military formations, the civil protection forces, enterprises, institutions and organisations - including railways, ports, quays, airports, oil tanks, gasoline stations and other enterprises, institutions and organisations providing for the operation of vehicles, and citizen owners of vehicles, to be made available to the Armed Forces.
2. The procedure for the performance of the military-transport duty is established by the Cabinet. The procedure for compensation by the State for the cost of property or losses, which the Executive, Local Self-Government, enterprises, institutions and organisations as well as citizens suffered as a result of compulsory withdrawal or alienation of vehicles during a special period, are pre-determined by the law.
3. The military transport duty during mobilisation, in case emergency or martial law regimes are not enacted, shall be executed in accordance with the Mobilisation Plan of Ukraine through non-refundable use of transportation vehicles owned by enterprises, institutions and organisations of all forms of ownership for the needs of the Armed Forces and other military formations provided they will be returned to the owners after demobilisation.

Specific types and models of transportation vehicles supposed to be used during mobilisation are determined in accordance with the Mobilisation Plan of Ukraine for enterprises, institutions and organisations of all forms of ownership by Local Self-Government on the basis of applications from military commissariats.

Practical alienation of transportation vehicles during mobilisation is performed by military commissariats on the basis of decisions made by Local Self-Government issued in the form of relevant ruling.

The processes of the transfer of transportation vehicles from their owners during mobilisation and their subsequent return after declaration of demobilisation are performed on the basis of transfer-return acts, which contain all information about owners, technical condition, remaining (balance) value and other relevant data to allow identification of the transportation vehicles.

The process of the transportation vehicles' return to their owners shall be finished within 30 days once demobilisation is declared.

The procedure for compensation of damage to transportation vehicles resulting from their use during mobilisation shall be determined by the Cabinet.

Article 7. Financing Mobilisation Preparation and Mobilisation

1. Mobilisation preparation is financed by the State Budget, local budgets, and through the means provided by enterprises, institutions and other organisations.
2. The activities and works on mobilisation preparation of national importance are financed from the State Budget according to the law.

3. The activities and works on mobilisation preparation that have local importance are financed from local budgets.
4. The activities and works for mobilisation preparation, carried out by the initiative of enterprises, institutions and organisations according to mobilisation plans, are financed from the enterprises, institutions and organisations.
5. Additional financial support to mobilisation preparation and/or measures of mobilisation can be made at the expense of donations from physical and legal persons according to procedures established by the Cabinet.
6. The activities for mobilisation preparation and mobilisation are financed in accordance with the procedures stipulated in the Budgetary Code and in other normative-legal acts.

Article 8. Stimulation of Mobilisation Preparation Activities

1. Amortisation charges on resources secured for mobilisation purposes that are not being used in current manufacture, as well as for technical equipment and vehicles for mobilisation purposes are not taxed.
2. The procedure for the provision of benefits for works relating to peacetime mobilisation preparation conducted by the Executive, the laws of Ukraine established Local Self-Government, enterprises, institutions and organisations and citizens is determined in the agreements (contracts), signed in accordance with the procedures established by the laws of Ukraine, which regulate the issues of procurement of goods and services for the needs of the State.

Article 9. The Protection of Information for Mobilisation Preparation and Mobilisation

The organisation of works and protection of information relating to mobilisation preparation and mobilisation is realised in accordance with the requirements of the Law of Ukraine "On State Secrets" and other normative-legal acts.

PART III. THE POWERS OF THE VERTHOVNA RADA OF UKRAINE, THE PRESIDENT, THE CABINET OF MINISTERS OF UKRAINE AND OTHER EXECUTIVE BODIES IN THE SPHERE OF MOBILISATION PREPARATION AND MOBILISATION**Article 10. The Verkhovna Rada of Ukraine**

The Verkhovna Rada carries out legislative regulation of queries relating to mobilisation preparation and mobilisation, determines the relevant appropriations from the State Budget of Ukraine, in the course of the two days from the moment of the address by the President, approves his decrees on introduction of the martial law or the state of emergency in Ukraine or its separate territories, on the general or partial mobilisation.

Article 11. The President of Ukraine

According to the Constitution of Ukraine and this Law, the President of Ukraine:

- Carries out the general management in the sphere of State mobilisation preparation and mobilisation;
- Determines the purpose, tasks, type, volume, procedure and terms of conducting mobilisation preparation and mobilisation;
- Co-ordinates through the National Security and Defence Council of Ukraine the activities of the Executive, the Armed Forces and other military formations in the sphere of mobilisation preparation and mobilisation;
- Determines the structure and approves the mobilisation plans for Ukraine during a special period, the Regulations on Mobilisation Preparation of the Armed Forces, and the Regulations on the Procedure of Mobilisation in Ukraine;
- Grants or denies the right of release from a call up to military service in case of mobilisation and in wartime to citizens or particular categories of citizens;
- Takes the decision on introduction of martial law or a state of emergency in Ukraine or its separate territories, on the introduction of general or partial mobilisation and on demobilisation with subsequent address to the Verkhovna Rada;

- Establishes the work regime for the Executive during mobilisation and in war-time;
- Issues normative-legal acts concerning mobilisation preparation and mobilisation.

Article 12. The Cabinet of Ministers of Ukraine

The Cabinet:

- Directs mobilisation preparation and mobilisation in Ukraine within its competencies, and issues acts on these queries;
- Organises the development of a draft mobilisation plan for Ukraine during a special period and submits it for presidential approval;
- Organises scientific, methodological, methodical and informational support for mobilisation preparation and mobilisation;
- Develops draft acts, that are to be introduced during mobilisation and wartime;
- Approves the regulations on mobilisation preparation for the national economy;
- Determines the procedures for co-ordination of national economy of Ukraine and measures to ensure its functioning during a special period;
- Determines and approves the basic parameters for the functioning of the national economy and the mobilisation tasks (orders) for the Executive, Council of Ministers of the Autonomous Republic of Crimea, and other State administrative organs during a special period;
- Determines the sources and procedures for financing mobilisation preparation and mobilisation;
- Creates a mobilisation reserve of material, technical and raw resources;
- Establishes the procedures for activating material assets from the mobilisation reserve, as well as the procedures for the use of resources from the reserve during a special period;
- Determines the procedures relating to the creation, development, maintenance, transfer, liquidation and sale of mobilisation capacities;
- Organises the work connected to the creation of an insurance fund for the documentation of mobilisation and defence production;
- Develops drafts for the long-term State programmes for the creation of an insurance fund for the documentation on mobilisation and defence production;
- Approves the long-term and annual programmes for the mobilisation preparation of the Executive, Autonomous Republic of Crimea, administrative territorial units, and the cities of Kyiv and Sevastopol;
- Determines the procedure for the conclusion of agreements (contracts) for the execution by enterprises, institutions and organisations of mobilisation tasks (orders), particularly the supply of material and technical resources, provision of works and services, including supply of the finished products, ensures adequate provision for these tasks (orders) with material and technical resources and financing;
- Determines the procedure for the transfer by the Executive, other State organs and Local Self-Government of the mobilisation tasks (orders) for enterprises, institutions and organisations, which shall be liquidated (reorganised) to the other enterprises, institutions and organisations, which shall perform the mobilisation tasks (orders);
- Determines and approves the limits and the norms for the free use, or confiscation of, vehicles and technical equipment for a period of mobilisation and wartime;
- During the introduction of mobilisation, carries out the control within the limits of its authority over the realisation of activities for the transfer of the Armed Forces and other military formations, Operational-Rescue System of Civil Protection to the organisational structures during wartime;
- During the introduction of mobilisation, organises the transfer of the national economy to the operations under special period conditions;
- Organises the reserve of persons predetermined for military service from the Executive, Local Self-Government organs, enterprises, institutions and organisations for a period of mobilisation and wartime;

- Organises the work and interaction of the Executive, the Council of Ministers of the Autonomous Republic of Crimea, other State organs for mobilisation preparation and mobilisation;
- Determines the procedures for the testing of the state and assessment of mobilisation preparedness of the national economy, Executive, Local Self-Government organs, enterprises, institutions, organisations and administrative territorial units;
- Carries out the control over mobilisation preparation in Ukraine within the limits of its authority; conducts personnel policy within mobilisation organs (i.e., experts on mobilisation issues);
- Establishes statistical reporting in the sphere of mobilisation preparation, submits to the President annual reports on the condition of mobilisation preparedness of the national economy;
- Within its competencies, decides upon granting privileges to enterprises, institutions and organisations that carry out mobilisation tasks;
- Determines the compensation procedures for the cost of property subject to compulsory withdrawal from enterprises, institutions and organisations in connection to conduct of mobilisation tasks (orders) during a special period, as well as to citizens for alienation of their buildings, houses, vehicles and other properties during mobilisation for the needs of the Armed Forces and other military formations in accordance with the procedure pre-determined by the law;
- Plans and conducts military and economic mobilisation exercises and training;
- Organises the improvement of professional skills for the Heads of the Executive, Local Self-Government organs, enterprises, institutions and organisations, and members of mobilisation organs for mobilisation preparation and mobilisation;
- Ensures the observance of the laws of Ukraine, other normative-legal acts on mobilisation preparation and mobilisation;
- Ensures the observance of obligations under ratified international treaties in the sphere of mobilisation preparation;
- Organises international co-operation on the issues of military and technical co-operation in the sphere of mobilisation preparation.

Article 13. Powers of the Central Executive body responsible for the formation of the state policy in the area of economic development

The Central Executive body responsible for the formation of the state policy in the area of economic development:

- Provides methodological support for the mobilisation preparation of the national economy of Ukraine;
- Carries out co-ordination of planning, methodological support during the development of draft mobilisation plans, long-term and annual programmes for mobilisation preparation of the Executive;
- Takes part in the development of draft legislative and other normative-legal acts for mobilisation preparation and mobilisation;
- Develops a draft mobilisation plan for the national economy of Ukraine for a special period and submits it to the Cabinet;
- Takes part in developing the State Budget for a special period;
- Analyses the condition of mobilisation preparedness of the national economy and submits an annual report to the Cabinet;
- Estimates the needs of the Armed Forces and other military formations and develops the mobilisation tasks (orders) taking into account the economic capacities of the State;
- Develops the estimates for the levels of mobilisation preparedness of the national economy of Ukraine and enterprises, institutions and organisations, which have mobilisation tasks (orders);
- Takes part in the development of State programmes for economic and social development, with the purpose of taking into account State mobilisation needs;
- Co-ordinates the work on preparation of proposals for drafts State programmes for economic and social development, with the purpose of taking into account State mobilisation needs;

- Executes generalising of practices for the application of acts of legislation on mobilisation preparation and mobilisation; develops proposals on improving legislation and in accordance with established procedure submits them for consideration by the Cabinet.

Article 13-1. Powers of the Central Executive body responsible for the execution of the state policy in the area of economic development

The Central Executive body responsible for the execution of the state policy in the area of economic development

- Carries out the analysis of economic and military-economic potentials of the national economy;
- Takes part in the development of draft legislative and other normative-legal acts for mobilisation preparation and mobilisation;
- Co-ordinates the work for the creation, development, maintenance, transfer, liquidation and disposal of mobilisation capacities;
- Co-ordinates the work for the creation of the mobilisation reserve of materials and technology, and raw materials resources;
- Organises scientific support for mobilisation preparation of the national economy and determines the directions of scientific research;
- Conducts analysis of the condition the mobilisation preparation of the national economy of Ukraine, and in accordance with established procedure submits proposals to annual report of the Cabinet;
- Determines the needs (amounts) of the Executive and Local Self-Government for the financing of mobilisation preparation from the State Budget during the certain year;
- Executes control over the condition the mobilisation preparation of the national economy of Ukraine and enterprises, institutions and organisations, which have mobilisation tasks (orders);
- Determines the balance and conducts economic analysis of the basic parameters needed for the development of the national economy during a special period;
- Develops proposals on drafting State programmes of economic and social development of Ukraine taking into account mobilisation requirements and, in accordance with established procedure, submits them;
- Co-ordinates the work on creation and preparation of special formations that join the Armed Forces or other military formations during mobilisation;
- Carries out the control over the implementation of long-term and annual programmes for the mobilisation preparation by the national economy;
- Organises the reserve of persons predisposed for military service for the period of mobilisation and wartime, ensures reporting on the issues of organising the reserve of persons predisposed for military service according to procedures, approved by the Cabinet;
- Takes part in the generalising of practices for the application of acts of legislation on mobilisation preparation and mobilisation; develops proposals on improving legislation and in accordance with established procedure submits them.

Article 14. Powers of the Ministry of Defence of Ukraine

1. The Ministry of Defence:

- Organises planning, methodological, scientific, financial, material and technical support for mobilisation preparation and mobilisation of the Armed Forces;
- In peacetime, organises the stockpiles of "untouchable" reserves and the mobilisation reserve for the Armed Forces of arms, military equipment, and technical resources, food-stuffs, clothing and other property, provides for the creation and maintenance of an insurance fund of documentation on the products of mobilisation and defence application, and creates a reserve of human resources for a period of mobilisation and wartime;
- Provides for mobilisation and demobilisation of the Armed Forces and takes part in support of mobilisation and demobilisation in the other military formations;
- Provides for the development of military-technical policy and proposals on formulation of mobilisation tasks (orders) for the creation, manufacture and repair of arms, military technical equipment and other materials;

- Controls the mobilisation preparation of the Armed Forces and the preparedness of enterprises, institutions and organisations to carry out mobilisation tasks (orders) to meet the needs of the Armed Forces and other military formations;
 - Takes part in developing draft laws and other normative-legal acts on the mobilisation preparation and mobilisation of the Armed Forces and other military formations;
 - Concludes under the established procedure the agreements (contracts) for the execution of mobilisation tasks (orders) by enterprises, institutions and organisations, engaged in execution of mobilisation tasks (orders) and enterprises, supplying military products;
 - Submits to the Cabinet the draft mobilisation plan for the Armed Forces and other military formations;
 - Submits to the Cabinet, while taking into account the economic potential of the State, proposals on the needs of the Armed Forces during the special period, and of the other military formations, included in the plan of mobilisation deployment;
 - Takes part in planning of mobilisation preparation in relevant Executive organs (according to their affiliation to Government and branch of national economy).
2. The Ministry of Defence, through the General Staff:
- Develops the diagram for mobilisation deployment of the Armed Forces and special purpose formations intended to join the Armed Forces during mobilisation, as well as organises development of the diagram for mobilisation deployment of the other military formations and special purpose formations intended to join these military formations during mobilisation;
 - Develops draft mobilisation plans for the Armed Forces and other military formations;
 - Plans and organises methodological and scientific support to mobilisation preparation of the Armed Forces and other military formations;
 - Plans in peacetime the accumulation of "untouchable" stocks in the mobilisation reserve for the Armed Forces of arms, military equipment, other material and technical resources, food-stuffs, clothing and other property, provides for the creation of a reserve of human resources for a period of mobilisation and wartime;
 - Determines the needs of the Armed Forces for the special period and summarises the needs of the other military formations included in the diagram for mobilisation deployment, taking into account the economic capacities of the State;
 - Participates in the development of military-technical policy;
 - Develops proposals for the mobilisation tasks (orders) on design, production and repair of armaments, military equipment and other material and technical resources;
 - Together with the Executive and Local Self-Government ensures the registration of citizens for military service;
 - Develops draft laws and other normative-legal acts on the mobilisation preparation and mobilisation in the Armed Forces and other military formations;
 - Plans and carries out mobilisation and demobilisation of the Armed Forces; participates in the mobilisation and demobilisation of the other military formations;
 - Develops organisational structures and matrices to equip with material and technical resources the special formations intended to join the Armed Forces during mobilisation; participates in developing organisational structures and matrices to equip with material and technical resources during mobilisation the special formations intended to join the other military formations;
 - Participates in the process of conclusion under the established procedure the agreements (contracts) for the execution of mobilisation tasks (orders) by enterprises, institutions and organisations engaged in execution of mobilisation tasks (orders) and enterprises, supplying military products;
 - Plans and organises training and retraining of persons liable for military service.

Article 15. The Powers and Functions of Other Central Executive Bodies and Other Bodies of State Power

1. The Executive:

- Develops mobilisation plans, long-term and annual programmes for mobilisation preparation of national industries and regions of Ukraine;
- Provides methodological, methodical and scientific support for mobilisation preparation and mobilisation of the national industries for which they are responsible;
- Plans, organises and exercises control over mobilisation preparation for the national industries for which they are responsible, and the transfer of operations during a special period;
- Provides for the regulation of mobilisation preparation in certain areas of the national economy; supervises mobilisation preparation for enterprises, institutions and organisations belonging to or recruited for the execution of mobilisation tasks (orders) in relevant industries and regions;
- Determines the ways certain areas of national economy may meet the needs of the Armed Forces and other military formations, civil protection forces as well as the urgent needs of the national economy and population during a special period;
- Determines the needs for financing mobilisation preparation activities;
- Creates mobilisation organs;
- Performs activities to ensure the implementation of mobilisation plans, and long-term annual programmes for mobilisation preparation in certain areas of the national economy;
- Informs (makes decisions) on mobilisation tasks (orders) established for enterprises, institutions and organisations belonging to or recruited for the execution of mobilisation tasks (orders);
- Concludes agreements (contracts) for the execution of mobilisation orders with enterprises, institutions and organisations belonging to or recruited for the execution of mobilisation tasks (orders);
- Provides for the execution of mobilisation tasks (orders) by enterprises, institutions and organisations in accordance with concluded agreements (contracts);
- Submits to the Cabinet proposals on the development of long-term and annual programmes of mobilisation preparation;
- In cases of insolvency or a reorganisation of an enterprise, institution and/or organisations responsible for the execution of mobilisation orders, provides for the transfer of orders to another enterprise, institution, and or organisation, under the procedure established by the Cabinet;
- Organises during mobilisation the realisation of a complex range of activities concerning the transfer of enterprises, institutions and organisations in the relevant sphere to operation under the conditions of a special period;
- Submits to the Central Executive body responsible for the formation of the state policy in the area of economic development proposals on reserving in certain areas of management the persons predisposed for military service for a period of mobilisation and war, ensures reporting on the issues of organising the reserve of persons predisposed for military service according to procedures, approved by the Cabinet;
- Jointly with the Ministry of Defence ensures the functioning of the military registration system for citizens;
- Organises and improves the professional skills of members of mobilisation organs and specialists on mobilisation issues;
- Organises the creation, development, maintenance, transfer, liquidation and realisation of mobilisation capacities for enterprises, institutions and organisations belonging to or recruited for the execution of mobilisation tasks (orders);
- Organises the creation, structure and maintenance of an insurance fund of documentation to ensure the production of mobilisation and defence-related products;
- Organises the creation, storage and maintenance of mobilisation reserve material and technical resources at enterprises, institutions and organisations belonging to or recruited for the execution of mobilisation tasks (orders);

- Develops and within limits of legal authority approves the normative-legal acts concerning mobilisation preparation and mobilisation in the relevant sphere of administration, or in certain branches of the national economy;
- Formulates the basic parameters of mobilisation plans for the industries in the relevant sphere of administration, or in certain branches of the national economy;
- Provides for the observance of the laws of Ukraine and other normative-legal acts relating to mobilisation preparation and mobilisation;
- Submits to the Central Executive body responsible for the formation of the state policy in the area of economic development annual reports on the condition of mobilisation preparedness of the relevant industries in the national economy and on the courses of execution for long-term and annual programmes for mobilisation preparation in accordance with the procedure established by the Cabinet.

Co-operates with central and local organs of executive power, other public institutions and Local Self-Government on the issues of mobilisation preparation and mobilisation; under the legally established procedure collects their reports on information, documentation and materials necessary for accomplishment of mobilisation tasks (orders);

Provides the Council of Ministers of the Autonomous Republic of Crimea, local organs of executive power, and Local Self-Government with information on the issues of its competence, and on the content of mobilisation tasks (orders), established for enterprises, institutions and organisations located on their territory.

Article 16. Powers of the Council of Ministers of the Autonomous Republic of Crimea

1. The Council of Ministers of the Autonomous Republic of Crimea:

- Develops draft key indicators for the mobilisation plan of the Autonomous Republic of Crimea;
- Develops mobilisation plans, long-term and annual programmes for mobilisation preparation in the Autonomous Republic of Crimea;
- Ensures support for the mobilisation preparation and mobilisation of administrative bodies in the Autonomous Republic of Crimea;
- Exercises control over mobilisation preparation of administrative bodies in the Autonomous Republic of Crimea;
- Plans, organises and exercises control over mobilisation preparation in the Autonomous Republic of Crimea, and the transfer of the republic's industries to function during a special period;
- Determines the capacity of the economy of the Autonomous Republic of Crimea to meet the needs of the Armed Forces and other military formations, civil protection forces as well as the needs of the national economy and population during a special period;
- Determines the financing requirements for mobilisation preparation activities;
- Creates mobilisation organs;
- Takes measures to provide for the execution of mobilisation plans, long-term and annual programmes for mobilisation preparation;
- Informs (makes decisions) on mobilisation tasks (orders) for all administrative bodies of the Autonomous Republic of Crimea;
- Provides for the execution of mobilisation tasks (orders) by enterprises, institutions and organisations in accordance with concluded agreements (contracts);
- Submits to Cabinet its proposals on the development of long-term and annual programmes of mobilisation preparation within the limits of its authority;
- Jointly with the Ministry of Defence ensures the functioning of the military registration system for citizens; organises persons predisposed for military service for a period of mobilisation and war, ensures reporting on the issues of organising the reserve of persons predisposed for military service according to procedures and approved by the Cabinet;

- Provides the military commissariats with information on registration, insolvency (liquidation) of enterprises, institutions and organisations in accordance with legal requirements;
- Organises and improves the professional skills of members of mobilisation organs and specialists on mobilisation issues;
- Organises the creation, development, maintenance, transfer, liquidation and realisation of mobilisation capacities;
- Organises the creation, structuring and maintenance of an insurance fund of documentation to ensure the production of mobilisation and defence-related products;
- Organises control over the creation, storage and maintenance of a mobilisation reserve of material and technical resources and raw materials;
- Submits to the Central Executive body responsible for the formation of the state policy in the area of economic development annual reports on the condition of mobilisation preparedness of the Autonomous Republic of Crimea and on the courses of execution for long-term and annual programmes for mobilisation preparation in accordance with the procedure established by the Cabinet.
- Receives from the central organs of executive power necessary information on the issues of their competence, and on the content of mobilisation tasks (orders), established for enterprises, institutions and organisations located on the territory of the Autonomous Republic of Crimea with the purpose of planning the rational exploitation of human and material resources during mobilisation and in wartime.
- Has to duly organise warning to ensure arrival of citizens called up for military service during mobilisation in accordance with procedure established by parts 3 to 5 of Article 22 of this Law, delivery of military equipment in assembly points and military units, allocation of buildings, constructions, land areas, transport and other material and technical means and the providing of services to the Armed Forces and other military formations, Operational-Rescue System of Civil Protection according to mobilisation plans;
- Provides for the adherence of the laws of Ukraine and other normative-legal acts on the mobilisation preparation and mobilisation.

Article 17. Local Bodies' Executive Power

The Local Executive:

- Takes part in the development of draft mobilisation plans;
- Develops mobilisation plans, long-term and annual programmes for mobilisation preparation in the relevant territories;
- Carries out methodical support for the mobilisation preparation and mobilisation of the local administrative bodies, enterprises, institutions and organisations involved in execution of the mobilisation tasks (orders);
- Plans, organises and exercises control over mobilisation preparation on the relevant administrative territories, and the transfer of their economy to functioning during a special period;
- Supervises mobilisation preparation on the relevant administrative territories; supervises mobilisation preparedness of enterprises, institutions and organisations involved in execution of the mobilisation tasks (orders);
- Determines the capacity of the relevant administrative territories to meet the needs of the Armed Forces, other military formations, civil protection forces, the national economy, as well as the needs of the population during a special period;
- Determines the needs (amounts) for financing mobilisation preparation activities;
- Creates mobilisation organs;
- Takes measures to provide for the execution of mobilisation plans, long-term and annual programmes for mobilisation preparation;

- Informs (makes decisions) on mobilisation tasks (orders) for all local administrative bodies, and, when needed, for local subordinated self-government bodies along with transfer of the required financial resources;
- Informs on directions for execution of mobilisation tasks (orders) to enterprises, institutions and organisations involved in execution of the mobilisation tasks (orders) and concludes agreements (contracts) with them;
- Provides for the execution of mobilisation tasks (orders) by enterprises, institutions and organisations located in the relevant administrative territories;
- Submits to the Cabinet its proposals on the development of long-term and annual programmes of mobilisation preparation within the limits of its authority;
- In cases of insolvency (reorganisation) of enterprises, institutions and organisations responsible for the execution of mobilisation tasks (orders), provides for the transfer of orders to other enterprises, institutions, and organisations under the procedure established by the Cabinet;
- When mobilisation is introduced, performs activities to transfer the enterprises, institutions and organisations involved in execution of mobilisation tasks (orders) to function under special period conditions;
- Jointly with the military commissariats ensures the functioning of the military registration system for citizens of Ukraine; organises the reserving of persons predisposed for military service for a period of mobilisation and war, ensures reporting on the issues of organising the reserve of persons predisposed for military service according to procedures, approved by the Cabinet;

Provides the military commissariats with information on registration, insolvency (liquidation) of enterprises, institutions and organisations in accordance with legal requirements;

Supports the military commissariats in their work during peacetime and during mobilisation;

Organises and improves the professional skills of members of mobilisation organs and specialists on mobilisation issues;

Organises the creation, development, maintenance, transfer, liquidation and realisation of mobilisation capacities at enterprises, institutions and organisations involved in execution of the mobilisation tasks (orders);

Organises the creation, structuring and maintenance of an insurance fund of documentation to ensure the production of mobilisation and defence-related products;

Organises control over the creation, storage and maintenance of mobilisation reserve of material and technical and raw material resources at enterprises, institutions and organisations involved in the execution of the mobilisation tasks (orders);

Organises warning to ensure arrival of citizens called up for military service during mobilisation in accordance with procedure established by parts 3 to 5 of Article 22 of this Law, delivery of military equipment in assembly points and military units, allocation of buildings, construction, land areas, transport and other material and technical means and the providing of services to the Armed Forces and other military formations, Operational-Rescue System of Civil Protection according to mobilisation plans;

Provides for the adherence of the laws of Ukraine and other normative-legal acts on the mobilisation preparation and mobilisation;

Submits to the Central Executive body responsible for the formation of the state policy in the area of economic development annual reports on the condition of mobilisation preparedness on the territory of oblasts, the cities of Kyiv and Sevastopol, and on the courses of execution for long-term and annual programmes for mobilisation preparation in accordance with the procedure established by the Cabinet;

Receives from the central organs of executive power necessary information on the issues of their competence, and on the content of mobilisation tasks (orders), established for enterprises, institutions and organisations located on the territory of the relevant administrative territories with the purpose of planning the rational exploitation of human and material resources during mobilisation and in wartime.

Article 18. Powers of Local Self-Government Bodies

1. Executive bodies of village, settlement, and town councils:

- Plan, organise and ensure mobilisation preparation and mobilisation in the relevant territory of settlements;
- Take part in the development of drafts of mobilisation plans;
- Develop mobilisation plans, long-term and annual programmes for mobilisation preparation;
- Provide for the execution of mobilisation tasks (orders) for enterprises, institutions and organisations involved in execution of the mobilisation tasks (orders) on the relevant territory of settlements;
- When mobilisation is introduced, perform activities to transfer the enterprises, institutions and organisations located on their territory to function under special period conditions;
- Inform on directions for execution of mobilisation tasks (orders) to local enterprises, institutions and organisations involved in execution of the mobilisation tasks (orders) and concludes agreements (contracts) with them;
- Supervise mobilisation preparation of enterprises, institutions and organisations involved in execution of the mobilisation tasks (orders);

Organise control over the creation, storage and maintenance of mobilisation reserve of material and technical and raw material resources at enterprises, institutions and organisations belonging to communal property and involved in execution of the mobilisation tasks (orders);

In cases of insolvency (reorganisation) of enterprises, institutions and organisations responsible for the execution of mobilisation tasks (orders), provide for the transfer of orders to other local enterprises, institutions, and organisations under the procedure established by Cabinet;

Organise warning to ensure arrival of citizens called up for military service during mobilisation in accordance with procedure established by parts 3 to 5 of Article 22 of this Law, delivery of military equipment in assembly points and military units, allocation of buildings, construction, land areas, transport and other material and technical means and the providing of services to the Armed Forces and other military formations, Operational-Rescue System of Civil Protection according to mobilisation plans;

On the territory of the relevant populated areas provide for the functioning of the military registration for persons predisposed for military service and conscription; the reserving of persons predisposed for military service for a period of mobilisation and war; and reporting on the issues of organising the reserve of persons predisposed for military service according to the procedures approved by the Cabinet;

Provide the military commissariats with information on registration, insolvency (liquidation) of enterprises, institutions and organisations in accordance with legal requirements;

Support military commissariats in their work during peacetime and mobilisation;

Receive from the Local Executive organs necessary information on the content of the mobilisation tasks (orders) for the enterprises, institutions and organisations located on their territory with the aim of their effective use of materials and human resources during mobilisation and in wartime;

Jointly with the Local Executive organs resolve the issues of management of the mobilisation tasks (orders) by the enterprises, institutions and organisations in local communal property or recruited for the execution of mobilisation orders, and in case of a failure of communication during mobilisation and in wartime;

Provide for the adherence of the laws of Ukraine and other normative-legal acts on the mobilisation preparation and mobilisation on relevant territory.

Article 19. Judiciary

Management for mobilisation preparation of the Constitutional Court of Ukraine, Supreme Court of Ukraine and higher specialised courts is provided by the Cabinet of Ministers of Ukraine, and for the other courts of general jurisdiction management is conducted by the State Administration of Courts of Ukraine.

Article 20. Procurator Bodies of Ukraine

The General Procurator Office of Ukraine provides for mobilisation preparation of the local procurator offices to function during special period.

PART IV. DUTIES OF ENTERPRISES, INSTITUTIONS, ORGANISATIONS AND CITIZENS FOR MOBILISATION PREPARATION AND MOBILISATION**Article 21. Duties of Enterprises, Institutions and Organisations****1. Enterprises, institutions and organisations are obliged:**

- To plan and take measures on the development of mobilisation plans and preparation to implementation of the tasks (orders) for which they are responsible, and submit reports on this issue to relevant Executive and Local Self-Government, who are the consumers of mobilisation tasks (orders);
- To carry out mobilisation orders in accordance with concluded agreements (contracts) and to submit reports on the implementation of these mobilisation tasks (orders) to the relevant Executive and Local Self-Government organs that commissioned the orders;
- To carry out activities to transfer operations under a special period in case of mobilisation;
- To keep military equipment, buildings, construction and installations in proper condition, subject to the transfer in case of mobilisation to the Armed Forces and other military formations, Operational-Rescue System of Civil Protection or when intended for joint use during wartime;
- To assist military commissariats in their work during peacetime and mobilisation;
- To provide for timely arrival of workers, who are called up for military service during mobilisation in accordance with procedure established by parts 3 to 5 of Article 22 of this Law to assembly points and to military units;
- To provide for the delivery of military equipment to assembly points and military units in case of mobilisation according to tasks (orders);
- To take measures to prepare the deployment of special purpose formations intended to join the Armed Forces and other military formations, Operational-Rescue System of Civil Protection during mobilisation and their transfer according to mobilisation plans;
- To provide buildings, construction, communications, transport and other materials to the Armed Forces and other military formations, Operational-Rescue System of Civil Protection according to mobilisation plans with the subsequent compensation of damages in accordance with the procedure established by Cabinet;
- To create and maintain mobilisation production capacities, mobilisation reserves of material resources and raw materials according to mobilisation tasks (orders);
- To provide for creation and maintenance of an insurance fund of documentation on mobilisation and defence products;
- To register conscripts and reservists from amongst employees for the military service and to provide for reserving persons predisposed for military service during a period of mobilisation and wartime and to ensure reporting to the relevant Executive and Local Self-Government;
- To provide the relevant Executive and Local Self-Government with the necessary information for planning and the realisation of mobilisation activities;
- To create mobilisation organs and appoint specialists on mobilisation issues;
- To support their employees serving in the reserve in carrying out their duties of service in military reserve and in their timely arrival to military headquarters and military units;
- In case of the registration (change of registration), re-equipping or removal from registration of transportation vehicles, potentially targeted for supplementary equipment of the Armed Forces and other military formations during the special period, submit to the relevant bodies and structures, responsible for state registration of transportation means in accordance with the Law of Ukraine "On

Road Traffic", the documents with confirmation from regional (city) military commissariat of the fact of vehicles' military registration (removal from registration).

2. Enterprises, institutions and organisations responsible for carrying out mobilisation tasks (orders) sign agreements (contracts) with enterprises, institutions and organisations producing (co-producing) the spare parts or supplying material and technical resources and raw materials;
3. Enterprises, institutions and organisations cannot refuse to carry out mobilisation tasks (orders) if their potential allows them to effectively execute these tasks (orders).

Article 22. Duties of Citizens for mobilisation preparation and mobilisation

1. Citizens are obliged:
 - To report to military commissariats (service personnel of Security Service of Ukraine, when called by the Central Directorate or regional organ of Security Service of Ukraine, and service personnel of the Foreign Intelligence Service of Ukraine when called by the Foreign Intelligence Service of Ukraine) for military registration and to establish their wartime role;
 - To provide buildings, construction, vehicles and other property at the disposal of the Armed Forces and other military formations, Operational-Rescue System of Civil Protection during wartime in accordance with established procedure, with subsequent compensation by the State for the cost in accordance with the procedure established by the law.
2. During mobilisation and wartime, citizens, who have the reserve status and were not called for military duty, or were not called for wartime mobilisation duties at the relevant positions, can be recruited according to the law for the execution of defence work.

Citizens performing commercial activity shall fulfil mobilisation tasks (orders) in accordance with the signed agreements (contracts).

3. In case of mobilisation and transfer of the Armed Forces and other military formations, Operational-Rescue System of Civil Protection to wartime structures, citizens predisposed for military service (excluding those who serve in the military reserve) are obliged to report to military units or to assembly points of military commissariats within specified deadlines by order of mobilisation documents (mobilisation mandates, drafting orders or directives by military commissars (Security Service of Ukraine – by the heads of units where they are registered, service personnel of the Foreign Intelligence Service – when called by the Foreign Intelligence Service of Ukraine, service personnel of Operational-Rescue System of Civil Protection – by the heads of respective units of the Central Executive body responsible for formulation and execution of the state policy in the sphere of civil protection). Reservists must report to military units in time, established by commanders of military units, where they serve in military reserve.
4. Citizens who are in the reserve are pre-registered with military units to carry out military service in wartime, or with other units and formations where they are performing the wartime mobilisation duties at the relevant positions.
5. The call up of citizens to military service (except for those serving in military reserve) during mobilisation or to be employed in the Armed Forces and other military formations is conducted by Local Executive through the military commissariats (service personnel of Security Service of Ukraine - by the Central Directorate or regional organ of Security Service of Ukraine, reservists of the Foreign Intelligence Service - when called by the Foreign Intelligence Service of Ukraine). Citizens registered with the military units during mobilisation are called up by their units' commanders.

Reservists already called for training in case of mobilisation remain at training bases. If needed, these persons are called for military service by orders of respective military units' commanders or by directive of the General Staff of the Armed Forces of Ukraine.

Specific procedures for medical examination of reservists during mobilisation, for the special period shall be approved by the Ministry of Defence of Ukraine jointly with the Ministry of Health Protection of Ukraine.

6. From the moment of an announcement of mobilisation, citizens registered for military duty are prohibited to change their place of residence without the consent of an official indicated in Paragraph 3 of this Article.

Article 23. The Postponement of a Call-Up during Mobilisation

1. The following persons predisposed for military service are not subject to a call up during mobilisation:
 - Those reserved for a period of mobilisation and wartime for the Executive, Local Self-Government, as well as for enterprises, institutions and organisations in accordance with the procedure established by the Cabinet;
 - Recognised temporarily unfit for military service on grounds of health, for a period of up to six months (after which they shall have a subsequent health checkup);
 - Men with three or more children younger than 18 years old (these men can volunteer for call up and shall serve near their household);
 - Single women and single men who support children younger than 18 years old (these persons can volunteer for call up and shall serve near their household);
 - Women and men who support children with disabilities of the I or II group, younger than 23 years old;
 - Adoptive parents, tutors, guardians, foster parents, who support children-orphans or children without parental care younger than 18 years old (these persons can volunteer for call up and shall serve near their household);
 - Citizens who take care of persons requiring constant care according to the legislation of Ukraine, in case there is no substitution for them;
 - Citizens who are Deputies of the Verkhovna Rada of Ukraine and the Verkhovna Rada of the Autonomous Republic of Crimea;
 - Other persons predisposed for military service or particular categories of citizens in special cases prescribed by law;

Students of graduate and post-graduate residential programmes are excluded from call up for military service during mobilisation, for a special period.

PART V. THE RESERVATION OF PERSONS PREDISPOSED FOR MILITARY SERVICE FOR A PERIOD MOBILISATION AND WAR

Article 24. The Purpose for the Reservation of Persons Predisposed for Military Service

1. The reservation of citizens predisposed for military service, in the reserve of the Armed Forces is carried out in peace and wartime with the purpose of maintaining operations of the Executive organs, Local Self-Government organs, as well as enterprises, institutions and organisations during mobilisation and a special period.

Article 25. The Organisation and Procedure for the Reservation of Persons Predisposed for Military Service

1. Citizens liable for military service employed in the Executive, Local Self-Government, enterprises, institutions and organisations responsible for the execution of mobilisation orders or persons who are indispensable for the provision of the proper functioning of the abovementioned organs and for the execution of mobilisation tasks orders can be reserved. These citizens are not liable for service in the military reserve.
2. The organisation, procedure, volumes and lists of posts and professions of persons predisposed for military service, which are subject to reservation for a period of mobilisation and war, are pre-determined by this Law, the acts of the President and the Cabinet.

PART VI. THE RESPONSIBILITY FOR ANY INFRINGEMENTS OF LEGISLATION ON MOBILISATION PREPARATION AND MOBILISATION

Article 26. The Responsibility for the Organisation of Mobilisation Preparation and the Condition of Mobilisation Preparedness

1. The Heads of the Executive, Local Self-Government, national economy industry, administrative and territorial units of Ukraine, the Armed Forces, other military formations, Operational-Rescue System of Civil

Protection, enterprises, institutions and organisations are responsible for the organisation of mobilisation preparation and the state of mobilisation preparedness.

2. Officials guilty of infringement of the laws of Ukraine and other normative-legal acts on mobilisation preparation and mobilisation, as well as citizens guilty of failure to perform their duties on mobilisation preparation and mobilisation are criminally liable.

PART VII. FINAL PROVISIONS

1. This Law enters into force from the date of publication.
2. The Cabinet Ministers, within three months after this Law enters into force, are obliged to:
 - Submit proposals to the Verkhovna Rada of Ukraine on introducing amendments to the laws following from this Law;
 - Bring their normative-legislative acts into conformity with the current Law;
 - Ensure the development and issuance of the normative-legal acts following from this Law;
 - Ensure the revision and cancellation by the Ministries and the Executive other normative-legal acts contradicting this Law.
3. Before the law on the procedures of compensation for the cost of property alienated during mobilisation comes into force, such compensation shall be carried out in accordance with the procedures established by the Cabinet.

President of Ukraine L. Kuchma
Kyiv, March 5, 1998 No 183/98-BP

Law of Ukraine “On the National Security and Defence Council of Ukraine”

(*Bulletin of the Verkhovna Rada, 1998, No 35, p. 237*)

With changes introduced under the Law of Ukraine No 43-VIII of 25.12.2014 (Bulletin of the Verkhovna Rada, 2015, No 4, p. 14)

This law defines the legal basis for the organisation and activities of the National Security and Defence Council of Ukraine including its composition, structure, competences and functions.

PART I. GENERAL PROVISIONS

Article 1. The National Security and Defence Council of Ukraine

In accordance with the Constitution of Ukraine, the National Security and Defence Council is a co-ordinating body for issues relating to national security and defence presided over by the President of Ukraine.

Article 2. The Legal Basis for the Activities of the National Security and Defence Council of Ukraine

1. The activity of the National Security and Defence Council of Ukraine is guided by the Constitution and laws of Ukraine, ratified international treaties agreed to be binding by the Verkhovna Rada and by presidential decree.
2. Under this Law the National Security and Defence Council of Ukraine makes decisions on approval of the provision on the staff of the National Security and Defence Council of Ukraine, which shall be enabled by decree of the President of Ukraine.
3. Procedures for functioning of the National Security and Defence Council of Ukraine are established by this Law and the provision on the staff of the National Security and Defence Council of Ukraine.

Article 3. The Functions of the National Security and Defence Council of Ukraine

1. The functions of the National Security and Defence Council of Ukraine include the following:
 - 1) Submitting proposals to the President on the implementation of the fundamentals of foreign and domestic policy for national security and defence;
 - 2) Co-ordinating and controlling the activities of the Executive within the sphere of national security and defence during peacetime;
 - 3) Co-ordinating and controlling the activities of the Executive within the national security and defence sphere during martial law or a state of emergency and other crises.

Article 4. The Powers of the National Security and Defence Council of Ukraine

1. In accordance with the functions defined by the Constitution of Ukraine and this law, the National Security and Defence Council of Ukraine:
 - 1) Develops and reviews questions in accordance with the Constitution and Laws of Ukraine, the National Security of Ukraine, the Military Doctrine of Ukraine, relating to national security and defence; and submits its proposals to the President of Ukraine on the following issues:
 - The strategic national interests of Ukraine, conceptual approaches and directions of ensuring national security and defence in the political, economic, social, military, scientific and technological, ecological, information and other spheres;
 - Drafts State Programmes, Doctrines, Laws of Ukraine, Acts of the President, Directives of the Supreme Commander-in Chief of the Armed Forces, international treaties, other normative acts and documents relating to national security and defence;
 - Improves the system for national security and defence management; establishes, reorganises and dissolves Executive bodies;
 - Drafts Laws for the State Budget of Ukraine in relation to national security and defence;
 - Ensures the availability of adequate material, financial, personnel, organisational and other resources required for national security and defence;

- Assesses the political, economic, social, military, scientific, technological, ecological, informational and other activities selected in accordance with the scale of potential or real threats to the national interests of Ukraine;
 - Commissions the Executive and scientific institutions to study concrete questions and to research topical issues relating to national security and defence;
 - Recruits, controls, inspects and supervises Executive units to exercise control over the timeliness and quality of the implementation of National Security and Defence Council decisions approved by the President;
 - Provides and controls the input and processes of necessary information, its preservation, confidentiality and use in the interests of national security, including its analysis in the light of State development and global trends in defining potential and real threats to the national interests of Ukraine;
 - Declares a state of war; the total or partial mobilisation of troops; the introduction of martial law or a state of emergency (in full or in part); and announces ecological emergency zones;
 - adopts decisions on urgent measures for managing crises threatening the national security of Ukraine;
- 2) Co-ordinates implementation of decisions adopted by the National Security and Defence Council of Ukraine, and enabled by decree of the President of Ukraine; monitors the national security and defence-related activities of the Executive and submits relevant conclusions and proposals to the President;
- 3) Recruits officials and experts from the Executive, public and scientific institutions, public and private enterprises and organisations for the analysis of information;
- 4) Initiates the development of normative acts and documents on issues relating to national security and defence, processes data relating to the application and the results of their implementation;
- 5) Co-ordinates and controls the transfer of Central and Local Executive authority and the national economy to special operations under martial law or a state of emergency;
- 6) Co-ordinates and controls the activities of Local Self-Government within the limits of authority granted under martial law and or a state of emergency;
- 7) Co-ordinates and controls the activities of the Executive aimed at rebuffing armed aggression and to ensure the defence and vitality of the population including the protection of life, health, constitutional rights, freedoms and legitimate interests of the citizen, the maintenance of public order under martial law or a state of emergency as well as during other national security crises.
- 8) Co-ordinates and controls the activities of the Executive aimed at fighting corruption, providing for public safety and struggle with criminality on the issues of national security and defence.

Note: Under crisis, it is understood to include a situation fraught with radical aggravation of differences, and the sharp destabilisation of the environment in any sphere of activity, any region or the whole country.

PART II. THE COMPOSITION AND STRUCTURE OF THE NATIONAL SECURITY AND DEFENCE COUNCIL OF UKRAINE

Article 5. The Head of the National Security and Defence Council of Ukraine

1. The Head of the National Security and Defence Council of Ukraine is the President of Ukraine.
2. In the event of a pre-term termination of presidential authority in accordance with Articles 108, 109, 110 and 111 of the Constitution of Ukraine, the Prime Minister executes his or her duties as the Head of the National Security and Defence Council of Ukraine, for the period before new elections and the assumption of office by a new President.

Article 6. The Composition of the National Security and Defence Council of Ukraine

1. The President composes the National Security and Defence Council. The Prime Minister, the Minister of Defence, the Head of the Security Service, the Minister for Internal Affairs and the Minister for Foreign Affairs of Ukraine are ex officio members of the National Security and Defence Council.
2. The Heads of other Central Executive authorities can also be members of the National Security and Defence Council.

Article 7. The Secretary of the National Security and Defence Council of Ukraine

1. The Secretary to the National Security and Defence Council of Ukraine is appointed to and dismissed from office by the President of Ukraine and is directly accountable to him/her. The legal status of the Secretary of the National Security and Defence Council is that of a civil servant as defined by the President of Ukraine in accordance with the Law "On State Service".
2. The Secretary of the National Security and Defence Council ensures the organisation and the execution of National Security and Defence Council decisions.
3. The Secretary of the National Security and Defence Council has under-Secretaries, who are appointed to and dismissed from office upon a submission by the President. Both civilians and service personnel can be appointed to the positions of the Secretary and or Under-secretary to the National Security and Defence Council.

Article 8. The Staff of the National Security and Defence Council of Ukraine

Employees who are managed by the Secretary of the National Security and Defence Council provide analytical and organisational support to the National Security and Defence Council. The functions, structure, and composition of staff at the National Security and Defence Council are defined by the President. The officials and employees of the National Security and Defence Council are all civil servants.

PART III. THE PROCEDURES FOR THE FUNCTIONING OF THE NATIONAL SECURITY AND DEFENCE COUNCIL OF UKRAINE**Article 9. The Meeting Arrangements for the National Security and Defence Council of Ukraine**

Meetings held at the National Security and Defence Council provide the primary organisational arena for the Council's activities. Voting at these meetings is done by its members, in person. The delegation of a duty to be present at a meeting of the National Security and Defence Council to other persons shall not be permitted. The Chairman of the Verkhovna Rada may take part in meetings held at the National Security and Defence Council. Other persons, namely the Head of the National Security and Defence Council, the Heads of the Committees of the Verkhovna Rada, other Peoples Deputies of Ukraine, Heads of the Central Executive authority, who are not members of the National Security and Defence Council may be present at an aforementioned meeting subject to an invitation made by the National Security and Defence Council.

Article 10. The Decisions of the National Security and Defence Council of Ukraine

Decisions made by the National Security and Defence Council are adopted subject to agreement by no less than two-thirds of its voting members.

The Chairman of the Verkhovna Rada may express his/her opinion on an adopted decision that is recorded in the minutes of a meeting.

A Presidential Decree enables decisions adopted by the National Security and Defence Council.

Decisions by the National Security and Defence Council enabled by decrees of the President of Ukraine are mandatory for all Executive authorities.

Article 11. The Authority of the Head of the National Security and Defence Council of Ukraine

1. The Head of the National Security and Defence Council of Ukraine:
 - 1) Guides and supervises the activities of the National Security and Defence Council;
 - 2) Approves prospective and current plans for the activities of the National Security and Defence Council, as well as the dates and procedures for its meetings;
 - 3) Presides at National Security and Defence Council meetings;
 - 4) Entrusts the members of the National Security and Defence Council with tasks relating to the execution of the Council's functions;
 - 5) Receives current reports from the Secretary of the National Security and Defence Council on the execution of the Council's decisions; and where necessary, submits an issue on the execution of a National Security and Defence Council decision for consideration at a meeting;

- 6) Approves the Provision on the Staff of the National Security and Defence Council of Ukraine, its organisational and personnel structures on the basis of proposal by the Secretary of the National Security and Defence Council of Ukraine;
- 7) Executes other authority pre-determined by this Law.

Article 12. The Authority of Members of the National Security and Defence Council of Ukraine

1. Members of the National Security and Defence Council of Ukraine:
 - 1) Submit proposals to the National Security and Defence Council for consideration of issues within the Council's powers;
 - 2) Develop issues and take part in the consideration processes made by the National Security and Defence Council;
 - 3) Submit comments and proposals, and votes on the issues under consideration by the National Security and Defence Council;
 - 4) Express, where necessary personal opinions on draft decisions of the National Security and Defence Council;
 - 5) Take part in the planning of the National Security and Defence Council activities;
 - 6) Co-ordinate and control, within the limits of their official powers, the execution of National Security and Defence Council decisions.

Article 13. The Authority of the Secretary and Under-Secretaries of the National Security and Defence Council of Ukraine

1. The Secretary of the National Security and Defence Council of Ukraine:
 - 1) Develops proposals for the prospective and current planning of the National Security and Defence Council activities;
 - 2) Submits draft Acts of the President for enacting National Security and Defence Council decisions, including recommendations on the fundamental implementation of foreign and domestic policy for national security and defence to the President for consideration;
 - 3) Organises the work connected to the preparation of National Security and Defence Council meetings and the control over the execution of the decisions approved by it;
 - 4) Informs the President and members of the National Security and Defence Council on the processes of Council decision implementation;
 - 5) Co-ordinates the activities of the working and advisory bodies of the National Security and Defence Council;
 - 6) At the request of the Head of the National Security and Defence Council, represents the National Security and Defence Council at the Verkhovna Rada, when dealing with Executive authority and Local Self-Government bodies, political parties, public organisations, the mass media and international organisations.
 - 7) submits for approval to the Head of the National Security and Defence Council of Ukraine the Provision on the Staff of the National Security and Defence Council of Ukraine, staff structure and size;
 - 8) during the period between sessions of the National Security and Defence Council of Ukraine, co-ordinates and controls the implementation of resolutions of the National Security and Defence Council of Ukraine by central and local executive authorities, law enforcement bodies, military formations in the sphere of state security, law enforcement, and the fight against corruption, in the military sphere and the sphere of security of the state border of Ukraine, in the spheres of military-technical co-operation, foreign policy, domestic policy, information, economics, science and technology, as well as environmental, social, and humanitarian spheres, according to the resolutions of the National Security and Defence Council of Ukraine entered into force by decrees of the President of Ukraine;
 - 9) organises the work of the Supreme High Commander General Headquarters, in case the latter is created;
 - 10) takes part in the review of proposed candidates for positions in state authorities whose activity is related to issues of national security and defence of Ukraine, and who are appointed by the President

- of Ukraine or by approval of the President of Ukraine; submits to the President of Ukraine proposals on appointment and dismissal of the command of military formations and law enforcement bodies within the scope of authority of the President of Ukraine;
- 11) submits to the President of Ukraine proposals on appointment of deputy Secretaries of the National Security and Defence Council of Ukraine and on the distribution of duties between them;
 - 12) submits for review to the National Security and Defence Council of Ukraine proposals for the draft of the Law of Ukraine on the State Budget of Ukraine, for items related to funding of national security and defence.

Article 14. The Working and Advisory Bodies of the National Security and Defence Council of Ukraine

1. With the purpose of developing and solving complex inter-sectoral problems, ensuring scientific-analysis and forecasts in support of the activities of the National Security and Defence Council, decisions are made, subject to State Budget allocation, to create inter-departmental commissions and advisory bodies. The functions and authority of these bodies are determined by specific regulations subject to Presidential approval.

Article 15. Financing the National Security and Defence Council of Ukraine

1. Financing for the activities of the National Security and Defence Council is specifically provided for by the State Budget of Ukraine.

President of Ukraine L. Kuchma
Kyiv, March 15, 1998 No 183/98-BP

Law of Ukraine “On Democratic Civilian Control of State Military Organisation and Law Enforcement Bodies”

(*Bulletin of the Verkhovna Rada, 2003, No 46, p. 366*)

With changes introduced by the Laws:

- No 4652-VI of 13.04.2012, BVR, 2013, No 21, p. 208;
- No 5286-VI of 18.09.2012, BVR, 2013, No 38, p. 499;
- No 245-VII of 16.05.2013, BVR, 2014, No 12, p. 178;
- No 1697-VII of 14.10.2014, BVR, 2015, No 2-3, p. 12.

With the purpose of protecting the national interests of Ukraine, this law sets about to consolidate and strengthen constitutional grounds for democratic civil-military relations; in the protection of human rights and freedoms in accordance with international commitments undertaken by Ukraine. This law determines the legal basis for the organisation and implementation of Democratic Civilian Control - (hereinafter, Civil Control) of the Armed Forces created in accordance with the laws of Ukraine and law enforcement bodies.

PART I. BASIC GROUNDS FOR DEMOCRATIC CIVILIAN CONTROL OF STATE MILITARY AND LAW ENFORCEMENT ORGANISATIONS

Article 1. Definition of basic terms

1. The terms used in this Law shall have the following meaning:
 - 1) Civil-military relations are the legal relations between society and the functions of State Military Organisations that consists of political, financial, economic, social and other processes for national security and defence.
 - 2) State Military Organisations are centrally managed and created by the Constitution and the Laws of Ukraine. These organisations activities are under Civil Control and are directed in accordance with the Constitution and Law for the protection of State interests from internal and external threats.
 - 3) The Civil Control of State Military and Law Enforcement Organisations is a set of legal, organisational and information measures that enshrine the adherence to the rule of law and transparency in the activities of all components of these organisations.
 - 4) Civil Control facilitates the functioning, discipline and strengthening of State and Military Organisations in accordance with protections under the Constitutions and Laws of Ukraine.

Article 2. Main Objectives of Civil Control

1. Civil Control should ensure:
 - A prioritised political approach to the issues of military development; the guidance of State Military and law enforcement organisations activities directed at the implementation of domestic and foreign policy objectives for national security and defence. State Military and law enforcement organisations activities aimed at developing civil society and strengthening Constitutional Law will facilitate functions of national security and strengthen public order.
 - Transparency in observing the legality of activities conducted by all components of State Military and law enforcement organisations;
 - The maintenance of political stability in society, through the creation of conditions that prevent the use of the Armed Forces or other State Military and law enforcement organisations for the purpose of restricting civil rights and Part II freedoms, overthrowing constitutional order, ousting or restricting activities and powers of State Organisations or in the interests of individuals, political parties or civic organisations;
 - The prevention of violations of constitutional rights and freedoms, the protection of the legal interests of citizens who serve in the Armed Forces and or other State Military and law enforcement organisations, ex-service personnel and members of their families created in accordance with the Laws of Ukraine;

- That public opinion is accounted for and that proposals made by citizens and civic organisations during the development process and implementation of decisions regarding the activities of the Armed Forces and State Military and law enforcement organisations for national security and defence are acknowledged to enhance of public order and the rule of law;
- The allocation of sufficient funds from the State Budget in accordance with the law as well as its rational use for the maintenance and operations of State Military and law enforcement organisations, and particularly for the reform of the Armed Forces;
- The appropriate and functional use of State property assigned to the Armed Forces and other State Military and law enforcement organisations;
- That State Authorities and society are provided with timely, complete and reliable information on the activities and compliance of the Armed Forces and State Military and law enforcement organisations within Ukrainian and International Law, relating to their performance in real military, political and criminogenic situations that assist State defence, security and strengthen public order.

Article 3. Legal Basis of Civil Control

1. The legal basis of Civil Control is the Constitution and Laws of Ukraine, as well as International treaties approved by the Verkhovna Rada of Ukraine.

Article 4. Principles that Facilitate Civil Control

1. Civil Control of State Military and law enforcement organisations is carried out in accordance with the following principles:
 - The rule of law, the strict adherence to civil-military relations legislation and the controlled activities of the Armed Forces and State Military and law enforcement organisations;
 - The divisions in the functions and responsibilities of the political leadership in State Military and law enforcement organisations activities and the professional military management of the Armed Forces, avoiding duplication of specific functions;
 - The interaction and responsibility of State Authorities, the Armed Forces, the Military Management and law enforcement organisations, that facilitate State defence policy, by timely, material and financial maintenance in enhancing the rule of law;
 - The eradication of political and ideological control. Decisions of political parties or public associations must not influence officials responsible for security, defence and law enforcement in accordance with the current Law.
 - Transparency must exist in national security, defence expenditure and law enforcement activities; the disposal and destruction of armaments, as well as Frameworks for National Security Policy observations in the prevention and elimination of the consequences of emergency situations;
 - The activities of the Armed Forces and State Military and law enforcement organisations are based on the principles of well-ordered central management;
 - The availability and freedom of information on the activities of the Armed Forces and State Military and law enforcement organisations (provided it does not constitute a State secret, or a special feature determined by the law);
 - The responsibility of State officials in providing timely, complete and reliable information as well as responding to inquiries from citizens, civil associations and the mass media;
 - A legal defence for the rights of the organisations in charge of Civil Control.

Article 5. The Objects of Civil Control

1. The objectives of Civil Control for State defence, national security and law enforcement activities are:
 - Conformity of decisions made by State organisations on military and law enforcement issues aligned with the basic principles of domestic and foreign policy, international treaty commitments undertaken and approved by the Verkhovna Rada;
 - The implementation of reform programmes for the Armed Forces and State Military and law enforcement organisations; in particular the transition of the Armed Forces into a contractual manning system;

- while providing for social and professional adaptation of former or transferred reserve military service personnel in organising housing requirements; the conversion of former military installations;
- Military-political and technical co-operation with other states and intergovernmental unions; the development and manufacture of new weapons and military hardware, the conversion of defence enterprises and factories; the amortisation and realisation of military property; the privatisation of enterprises managed by the Ministry of Defence as well as the development of other Central Executive State defence and national security programmes including the implementation of a human resources policy;
 - Patriotic military education of the youth and the preparation of citizens for the defence of Ukraine;
 - The import and export of weapons and military equipment;
 - The adherence to Constitutional and legal provisions relating to the rights and freedoms of citizens serving in the Armed Forces and other State Military and law enforcement organisations in offering social and legal protection to military conscripts, military service personnel, military service personnel transferred to the reserve and ex-service personnel including members of their families;
 - The development, approval of expenditure determined by the Laws of Ukraine from the State Budget for defence, national security and law enforcement purposes;
 - The development of financial provisions and the implementation of defence procurement plans for the preparation of mobilisation, the disposal and destruction of armaments and the prevention of emergency situations as well as the elimination of its consequences;
 - The participation of Armed Forces units in international peacekeeping and counter-terrorist operations, joint military exercises and sundry activities in the development of international military-technical co-operation;
 - Adhering to the Laws of Ukraine when deciding to permit the stationing of foreign Armed Forces on Ukrainian soil;
 - Adhering to the Laws of Ukraine when considering complaints and appeals by military service personnel, ex-service personnel and members of their families made against Military State Organisations and its officials.

Article 6. The Systems and Organisations Involved in Civilian Control

1. The system of Civil Control for the State Military and law enforcement organisations consists of:
 - Parliamentary control;
 - Presidential control;
 - Central Executive and Local Government control;
 - Judicial and the Public Prosecutor's control, which shall be exercised in the manner, stipulated by the Constitution and the laws of Ukraine;
 - Control by civil society.
2. The organisations involved in the Civilian Control of State Military and Law Enforcement Organisations are:
 - The Verkhovna Rada;
 - The Ombudsperson for Human Rights in the Verkhovna Rada;
 - The President of Ukraine;
 - The National Security and Defence Council of Ukraine;
 - The Cabinet of Ministers of Ukraine;
 - The Central and Local Executive within powers determined by legislation;
 - Local Self-Governing bodies within powers determined by legislation;
 - The Office of the Public Prosecutor;
 - The Judiciary;
 - Citizens of Ukraine and civil associations founded to support the Constitution and to assist in the exercise and defence of human rights and freedoms of citizens to safeguard individual political, economic, social and cultural interests;
 - The mass media.

Article 7. Peculiarities and Restrictions in exercising Civilian Control

1. The bodies involved in Civilian Control exercise their control within legal boundaries balanced against the issue of access to State Secret information where there are restrictions established by law for the protection of the strategic interests of the State, including the introduction of a "state of emergency" or martial law.
2. Operational and mobilisation commands undertaken by military officials of the Armed Forces and other State Military and law enforcement organisations are exempt from Civilian Control.
3. The activities of the Security Service, Intelligence and Counterintelligence Services, and its operational departments as well as inter-department investigation activities and prejudicial inquiry organisations that are carried out in accordance with the Laws of Ukraine "On the Security Service of Ukraine", "On Intelligence Services of Ukraine", "On Frameworks for National Security Policy Counterintelligence Activities", "On Operational-Investigation Activities", "On the Military Law and Order Service in the Armed Forces of Ukraine", as well as the Criminal Code and supplementary Laws, are all exempt from Civilian Control.

PART II. PARLIAMENTARY CONTROL**Article 8. Powers of the Verkhovna Rada in Exercising its Control of State Military and Law Enforcement Organisations**

1. The Verkhovna Rada fulfils its institutional and legislative function by exercising parliamentary control of State Military and law enforcement organisations in accordance with the Constitution of Ukraine.
2. The Verkhovna Rada:
 - Determines the basic principles of domestic and foreign policy;
 - Determines the basis for national security, the organisation of the Armed Forces and the maintenance of public law and order;
 - Approves the general structure, size and functions of the Armed Forces as well as the Security Service of Ukraine in accordance with the Laws of Ukraine and the endorsement of the Ministry of Interior;
 - Determines the basis for the legal, social protection and pension provisions for military service personnel;
 - Approves the State Budget and determines expenditure allocation for defence, security and public order;
 - Considers and approves the State programs submitted by the Cabinet of Ministers on reform and development of the Armed Forces; on social issues and other State military, defence and security programs including the military-political/technical co-operation with other states and intergovernmental unions;
 - Deliberates on reports and accounts from the Cabinet of Ministers on the use of the State Budget and considers the practical position of budget allocation assigned for the provisions of national defence, state security and public order;
 - Debates the course of reform for the Armed Forces and other matters relating to the functioning of the State Military and law enforcement organisations during the "Government of Ukraine Day" and parliamentary hearings;
 - Determines the procedure for the preservation of State Secrets balanced against the citizens' rights to access public information on the activities of State Military and law enforcement organisations;
 - Determines Ukrainian State borders;
 - Determines the legalised regimes of martial law, "state of emergency" and ecological emergency declarations subject to presidential approval;
 - Declares the state of war and peace subject to Presidential Decree; it also approves decisions of the President to use the Armed Forces in defence of an armed aggression against Ukraine;
 - Approves decisions on providing military assistance to other states; on sending units of the Armed Forces to foreign states, including the participation in peace keeping operations and counterterrorist activities as well as granting permission to foreign armed forces to be based on Ukrainian territory;
 - Approves and binds Ukrainian ratification in international treaties including agreements directly related to State Military and law enforcement organisations.

Article 9. Powers of Parliamentary Committees and Special Commissions in Exercising Civil Control

1. In accordance with the Constitution and the Laws Ukraine, these committees:
 - Analyse the processes of implementation for laws and decrees approved by the Verkhovna Rada for national security and defence, the protection of public order and fight against crime. These committees make proposals in accordance with established procedure to the Verkhovna Rada, the President and the Cabinet of Ministers of Ukraine with reference to ways to resolve current problems and to eliminate potential causes;
 - Inform the public on their respective activities via the mass media;
2. The Verkhovna Rada, within its powers, may establish special ad hoc commissions for the study, preparation and preliminary consideration of particular issues relating to national security, defence and law enforcement. It may also establish impromptu investigation commissions, that function in accordance with the law, to investigate issues of public interest.

Article 10. Powers of the People's Deputies of Ukraine in Exercising Civil Control

1. In accordance with the Constitution and the Laws Ukraine, the People's Deputies of Ukraine:
 - Have the right to legislate initiatives on the regulation of national security, defence and law enforcement activities;
 - Participate in debates concerning draft laws and other issues relating to national security, defence, law enforcement activities during parliamentary sessions, hearings and commissions held at the Verkhovna Rada and on Government of Ukraine Days;
 - Have the right to submit inquiries during parliamentary sessions of the Verkhovna Rada on national security and defence issues; on the fight against criminal activity within State Organisations and Local Autonomous Government, the Armed Forces and other State law enforcement organisations; who are obliged to inform the People's Deputy on the results of pending inquiries.

Article 11. Civil Control of the Adherence of Constitutional Rights and Freedoms of Military Servicemen

1. The Ombudsman of the Verkhovna Rada for Human Rights (hereinafter, the Ombudsman), in accordance with his or her powers determined under the Constitution and the Laws of Ukraine:
 - Holds a self-regulated position, whom at the request of the Verkhovna Rada or at the request of a citizen or civil organisation, opines on the state of constitutional rights and freedoms observances for conscripts, military service personnel, military service personnel transferred to the reserve or exempt from military service and members of their families;
 - Has the right to request and obtain documents, materials and explanations necessary to exercise his/her legal authority from Chiefs and other senior Frameworks for National Security Policy officials of the Armed Forces and other State Military and law enforcement organisations while observing the strict legislative codes relating to state secrecy;
 - Has the right to call urgent meetings with officials of the Armed Forces and other State Military and law enforcement organisations;
 - Has the right and purpose of fulfilling his/her functions without restraint and warning, i.e., attending meetings of military units and sub-units, as well as being present at joint meetings held between the Armed Forces and other State Military and law enforcement organisations, when the issues relating to the purview of the Ombudsman are discussed.
2. The appointment of the Ombudsman and of his/her representative for the protection of military service personnel's rights and dismissal procedures is carried out in accordance with the following Law of Ukraine: "On the Ombudsman of the Verkhovna Rada of Ukraine for Human Rights".
3. The Ombudsman's annual report envelopes the observances of the constitutional rights and freedoms of military service personnel, it makes proposals on ways to enhance the rule of law, and eliminates deficiencies and violations in the activities of the components of State Military and law enforcement organisations. The Ombudsman's report is made public.

4. The Ombudsman regularly informs the public through the media, of his/her activities and on the State observances of constitutional rights and freedoms of citizens in the Armed Forces and other State Military and law enforcement organisations.

Article 12. Civil Control of the Use of State Budget Expenditure Allocated for National Security, Defence and law enforcement Activities

1. Control of the use of State Budget expenditure allocated for the needs of national security, defence and law enforcement activities is carried out by the Accounting Chamber on behalf of the Verkhovna Rada in accordance with the Law "On the Accounting Chamber of Ukraine", the "Budget Code of Ukraine" and miscellaneous Laws of Ukraine.
2. The Accounting Chamber produces an annual report on its activities and state of affairs to the Verkhovna Rada and regularly notifies the public via the media.

PART III. PRESIDENTIAL CONTROL

Article 13. Presidential Powers Relating to the Exercise of Control of the State Military and Other law enforcement organisations

1. The President of Ukraine as the Head of State and the guarantor of State sovereignty, territorial indivisibility of Ukraine, the guardian of the Constitution of Ukraine—the rights and freedoms of a citizen and as the Commander-in-Chief of the Armed Forces in fulfilling his/her state functions in accordance with the Constitution and the Laws of Ukraine:
 - Submits for approval to the Verkhovna Rada proposals on the general structure, size and functions of the Armed Forces and the Security Service created in accordance with the Laws of Ukraine and Ministry for Internal Affairs policy;
 - Appoints, awards senior military ranks and dismisses the high command of the Armed Forces and other State Military and law enforcement organisations;
 - Submits to the Verkhovna Rada declarations of war and makes the decision to use the Armed Forces in the event of an armed aggression against Ukraine;
 - Makes decisions in accordance with the law relating to the full or partial troop mobilisation and on the introduction of martial law (in full or in part) in the event of a threat of aggression or a threat to Ukrainian State sovereignty, subject to the approval of the Verkhovna Rada;
 - Makes decisions relating to a "State of Emergency" (in full or part) to combat ensuing ecological emergencies and decides on the participation and role of the Armed Forces subject to the approval by the Verkhovna Rada;
 - Takes measures to curb the activities of illegal paramilitary groups and to prevent the illegal use of the Armed Forces and other State Military and law enforcement organisations for the restriction of civil rights and freedoms; or with the purpose of overthrowing the constitutional system, ousting or impeding democratic state functions;
 - Takes decisions subject to the approval of the Verkhovna Rada on providing military assistance to other states by sending units of the Armed Forces to another state including the participation in international peacekeeping operations, as well as on the granting of permission to foreign armed forces to be based on Ukrainian territory or waters;
 - Considers State programs relating to defence, national security and techno-political military co-operation between the Ukraine and foreign states as well as intergovernmental unions that are developed by the Cabinet of Ministers prior to its submission before the Verkhovna Rada.
2. The President of Ukraine exercises control of the Armed Forces and other State Military Organisations responsible for national security, defence and law enforcement through powers vested in him/her as the Chairperson of the National Security and Defence Council of Ukraine and if necessary through supporting institutions established in accordance with Article 106, Section One, paragraph 28 of the Constitution of Ukraine.

Article 14. Powers of the National Security and Defence Council of Ukraine in Exercising Control of State Military Organisations

1. The National Security and Defence Council of Ukraine (hereinafter, NSDCU) exercises control of State Military Organisations based on Constitutional powers defined by the Laws of Ukraine "On the National Security and Defence Council of Ukraine".
2. Decisions of NSDCU are enforced by Presidential Decrees.
3. The NSDCU informs the public on its activities through the media.

PART IV. CIVILIAN CONTROL EXERCISED BY THE EXECUTIVE AND LOCAL SELF-GOVERNING ORGANISATIONS

Article 15. Powers of the Cabinet of Ministers of Ukraine in Exercising Control

1. The Cabinet of Ministers, through its constitutional powers, implements State domestic and foreign policies that ensure sovereignty, defence capability, national security, public order and the fight against criminal activity in accordance with the Constitution, Laws and Presidential Decrees. The Cabinet of Ministers also:
 - Develops and submits draft laws to the Verkhovna Rada on national security and defence, law enforcement activities within its powers and legislative control;
 - Defines expenditure allocations for national security, defence, and law enforcement activities, the fight against organised crime, terrorism, the protection of national borders, the guard service and conducts reprimands in accordance with current legislation. Defence Budget drafts (as a constituent part of the State Budget of Ukraine) are also considered by the Ministers after National Security and Defence Council deliberations;
 - Provides for the implementation of the State Budget approved by the Verkhovna Rada to include expenditure allocations from the Budget for national security, defence and law enforcement purposes;
 - Reports to the Verkhovna Rada on the implementation of the State Budget of Ukraine with reference to matters relating to national security, defence and law enforcement;
 - Develops and submits draft State programmes relating to defence, national security and techno-political military co-operation between the Ukraine and foreign states as well as intergovernmental unions that are developed prior to its submission before the Verkhovna Rada;
 - Develops and approves the State orders for military production manufacturing while controlling the execution, creation, maintenance and development of state mobilisation capacity; the creation, maintenance and updating of material bases for the mobilisation reserve, preparation and maintenance of transport and other equipment that would be utilised in case of a declaration of martial law or a state of emergency to be made available to the Armed Forces and other State Military and law enforcement organisations in accordance with the law;
 - Develops a draft periodic mobilisation plan that is submitted to the President for approval;
 - Exercises control of the export of armaments and military equipment, strategic materials, technologies and dual-purpose products;
 - Determines the terms of amortisation and realisation of the military and material assets of the mobilisation reserve, the expiry of periods of exploitation where renovations are needed, the rental agreements for military property; the control of economic activities of the Armed Forces and other State Military and law enforcement organisations of Ukraine carried out in accordance with established law;
 - Controls the performance of land, tax, economic, labour, housing and environment legislative protection for the Armed Forces and other State Military and law enforcement organisations;
 - Submits for Presidential consideration proposals on improving the organisational structure of State Military and law enforcement organisations.

Article 16. Powers of the Central Executive

1. Ministries and the Central Executive that hold powers that control and manage Military and law enforcement organisations:

- Organise and implement laws and other normative-legal acts relating to national security, defence and law enforcement activities;
 - Create the necessary conditions for other groups involved in Civil Control to fulfil their functions in accordance with law;
 - Provide objective and timely reports on the activities of the Military and law enforcement organisations under their charge to the Verkhovna Rada, the President, the National Security and Defence Council and the Cabinet of Ministers of Ukraine;
 - Keep the general public informed on the issues mentioned above in accordance with the law;
2. Additional Central Executive organisations assist the Armed Forces and other State Military and law enforcement organisations to fulfil their legal functions and provide material support to them in accordance with law.

Article 17. Powers of the Verkhovna Rada of the Autonomous Republic of Crimea and the Council of Ministers of the Autonomous Republic of Crimea

1. The Verkhovna Rada (Parliament) and the Council of Ministers of the Autonomous Republic of Crimea implement the Laws of Ukraine and other normative-legal acts on defence, the protection of public order and the fight against commercial and institutional organised crime while providing information to the general public on the above-mentioned issues in accordance with the present law.

Article 18. Participation of the Local Self-Governing and Local State Administrations in Exercising Civilian Control

1. Local Self-Governing and Local State Administrations within their Constitutional and legal powers:
 - Control and regulate pre-conscription military training and the selection of conscripts by Military Commissions for military service;
 - Provide for the execution of legislation that enshrines the rights and social guarantees of conscripts, military service personnel and ex-military service personnel as well as members of their families;
 - Help the Armed Forces and other State Military and law enforcement organisations in fulfilling their functions;
 - Have the right to participate in official report hearings for the management of the Armed Forces and other State Military and law enforcement organisations concerning the implementation of legal and social protection for conscripts, military service personnel, ex-service personnel, pensioners and members of their families;
 - Control the compliance of legislation on land, tax, economic, labour, housing and environment protection matters relating to military bases and establishments of the Armed Forces and other State Military and law enforcement organisations;
 - Co-ordinate (with the purpose of providing for citizen security) plans for carrying out military training and other measures that may involve the participation or presence of a large number of people;
 - Develop operational plans and provide for interaction between Local Self-Governing and Local State Administrations during the execution of territorial defence tasks;
 - Obtain information from the management of military divisions and subdivisions of the Armed Forces on the threat or the scale of pollution levels caused by radioactive, poisonous or other dangerous substances resulting from disasters on military bases or caused by military equipment, as well as information on the available capacity, means and resources in a particular region for co-ordinated action in case of an emergency;
 - Inform the public through the media on matters relating to national security, defence and the fight against crime.
2. In order to fulfil these above-mentioned tasks, Local Councils may form Commissions for the varying issues of Civil Control, and Local State Administrations in turn may establish necessary departments.

PART V. CIVILIAN CONTROL OF THE MILITARY AND LAW ENFORCEMENT ORGANISATIONS OF THE STATE

Article 19. Participation of Citizens in Exercising Civilian Control

1. Citizens of Ukraine participate in exercising civilian control of the State Military and law enforcement organisations through their representation and participation in public organisations or by personal appeal

- to the Ombudsman of the Verkhovna Rada (for example on the protection of military service personnel's rights) determined by the Constitution and the Law of Ukraine "On Citizens' Appeals".
2. Civil organisations, registered in accordance with the above-mentioned legislation, have the following rights under the Constitution and Laws of Ukraine:
 - To request and receive information, in accordance with established procedure (provided it does not constitute a State Secret) relating to the activities of the Armed Forces and other State Military and law enforcement organisations, State Military Management Organisations and enterprise;
 - To carry out scientific-military, defence, national security development and issues relating to the fight against organised crime; and furthermore to consider researched results in creating civil funds, centres and expert groups for this common purpose;
 - To develop civil expertise in legislation drafting and decision making programs, presenting results and proposals for consideration by State organs during the process of reform for the Armed Forces and other State Military and law enforcement organisations;
 - To participate in public discussions and open parliamentary hearings on issues of reform and activities of the Armed Forces and other State Military and law enforcement organisations relating to the legal and social protection of military service personnel and members of their families;
 - To familiarise themselves with the conditions of service and everyday life of military service personnel.
 3. By having legal powers, citizens are afforded the right to make legislative proposals concerning military development, law enforcement activities, and social protection of military service personnel, pensioners and members of their families.

Article 20. The Role of the Mass Media in Exercising Civilian Control

1. As the mass media provide coverage on national security, defence and the fight against organised crime it also helps shape public opinion and potentially promotes the public trust in Ukrainian National Security Agencies. This coverage helps to increase the level of public trust in the Armed Forces and other State Military and law enforcement organisations by providing objective information on the service and everyday life of military service personnel and events in the military life.
2. The mass media:
 - May request and obtain free of charge in accordance with established procedure from Military Management Organisations enterprises, and institutions that envelope State Military and law enforcement organisations open information, documents and materials on issues within their powers. The Heads of these above mentioned establishments are obliged unreservedly to provide information.
 - May disseminate information received via newspapers and other press, radio, television, the internet or other prescribed methods in accordance with legislation on the preservation of State secrets;
 - May publish official responses to public enquiries and issues delivered by State Military Management Organisations;
 - In order to systematically inform the public on the activities of State Military and law enforcement organisations, State Military Management Organisations regularly organise press conferences (announced in advance and posted on websites) to provide updated information. Furthermore, the "White Book" on the activities of the Armed Forces is published annually.

PART VI. GUARANTEES FOR THE IMPLEMENTATION OF CIVILIAN CONTROL OF STATE MILITARY AND LAW ENFORCEMENT ORGANISATIONS

- #### **Article 21. Responsibilities of State Military Management Organisations, Officials of the Armed Forces and other State Military and law enforcement organisations in Exercising Civilian Control**
1. In order to provide open information to the public on the activities of the State Military and law enforcement organisations and to establish the necessary conditions for exercising Civilian Control the following points must be achieved:

- Central and Local Executive responsible for the management of State Military Organisations, the provisions of public order and the fight against organised crime must assist those involved in Civil Control as defined in Law by obtaining the necessary information and support in order to fulfil individual functions;
- The Ministry of Defence, the Ministry of Interior and other Central Executive State Military Management Organisations and its officials are obliged to consider the appeals from civil organisations, military service personnel and other citizens as well as media reports on alleged rights violations and the inappropriate fulfilment of legal responsibilities and functions by the aforementioned national security/ defence organisations and its officials. Appellants and the media must be informed of the results of the considerations and measures taken by the aforementioned State bodies, determined in legal terms;
- The management arm of the Armed Forces and other State Military and law enforcement organisations must provide advanced warning to Local Self Governing organisations and Local State Administrations by way of information to the general public on activities that may affect the property or interest rights of local communities, including the possibility of threats to citizens' lives or health;
- A Deputy Head (State Secretary) of a Ministry or other Central Executive organisation in charge of public and press relations is responsible for notifying the public of the interactions between the Armed Forces and other State Military and law enforcement organisations with the Verkhovna Rada, civil organisations and the mass media;
- With the approval of the President, representatives of Central and Regional State Organisations may become members of Military Councils (within the operational sector) of the Armed Forces and other State Military and law enforcement organisations;
- The press service and public relations department within an Executive organisation provide the media with objectives and comprehensive information on the activities of the Armed Forces and other State Military and law enforcement organisations.

Article 22. Responsibility for a Violation of Legislation on Civilian Control

1. Officials and citizens guilty of non-compliance or violations of the legislation relating to the "Civil Control of the Military Organisation and law enforcement organisations" will be brought to account under the aforesaid legislation.

Article 23. Legal Defences for Civilian Control Issues

1. Courts that perform legal functions for State Military Organisations may take action against the acts of State Executive organs and Local Self Governance organs and their officials that supported crimes by military service personnel and or violations of rights and the legal interests of citizens.

Article 24. Supervision of the Adherence to Laws for Civilian Control

1. Compliance supervision of the Laws regarding the exercise of civilian control of State Military Organisation and Law Enforcement Bodies is performed in accordance with the Constitution and the Laws of Ukraine.

PART VII. FINAL PROVISIONS

1. This Law enters into force from the date of publication. Prior to this legislation being enacted, existing laws and normative-legal acts adopted before this aforementioned Law remain applicable, and do not conflict with this current Law.
2. The Cabinet of Ministers must submit to the Verkhovna Rada proposals on possible amendments to the Laws of Ukraine to comply with this current Law as well as and amendments for other normative-legal acts of the Executive within six months of this law being passed.

President of Ukraine L. Kuchma
Kyiv, June 19, 2003 No 975-IV

Decree of the President of Ukraine “On the National Security and Defence Council of Ukraine Resolution of March 1, 2014 ‘On Urgent Actions to Protect National Security, Sovereignty and Territorial Integrity of Ukraine’”

In pursuit of Articles 107 and 112 of the Constitution of Ukraine, I hereby decree:

1. To enact Ukraine’s National Security and Defence Council Resolution of March 1, 2014 on Urgent Actions to Protect National Security, Sovereignty and Territorial Integrity of Ukraine (attached below).
2. The Secretary of the National Security and Defence Council of Ukraine shall supervise the enforcement of the National Security and Defence Council Resolution, which this Decree enacts.
3. This Decree becomes applicable upon official promulgation.

Acting President of Ukraine, O. TURCHYNOV

Speaker of the Verkhovna Rada of Ukraine

Kyiv, March 2, 2014 No 189/2014

Resolution of the National Security and Defence Council of Ukraine of March 1, 2014,

“ON URGENT ACTIONS TO PROTECT NATIONAL SECURITY, SOVEREIGNTY AND TERRITORIAL INTEGRITY OF UKRAINE”

In pursuit of the need to protect the security, rights and interests of Ukrainian citizens; to secure sovereignty, territorial integrity and inviolability of the State Border of Ukraine; to prevent interference in its internal affairs; in view of Russia’s violation of the Memorandum on Security Assurances in connection with Ukraine’s accession to the Treaty on the Non-Proliferation of Nuclear Weapons of December 5, 1994, the Treaty of Friendship, Co-operation and Partnership between Ukraine and the Russian Federation of May 31, 1997, and the Agreement of May 28, 1997, between Ukraine and the Russian Federation on the Status and Conditions of the Russian Black Sea Fleet’s deployment on the Ukrainian territory, as well as in view of the Federal Assembly of the Russian Federation’s Federation Council resolution on sending Russian troops into Ukraine, Ukraine’s National Security and Defence Council hereby resolves:

1. Chief of General Staff – Commander-in-Chief of the Ukrainian Armed Forces, commanders of other militarised services shall immediately bring the Armed Forces of Ukraine and respective military units to complete readiness, pursuant to the revised combat readiness and deployment plan.
2. Confidential.
3. The Ministry of Defence of Ukraine shall manage and conduct training assemblies for draft-lible individuals, to the sufficient extent and within the timeframes established by the Ukrainian Armed Forces’ General Staff.
4. The Cabinet of Ministers of Ukraine shall immediately earmark the financial, logistical and other resources needed to appropriately protect the security, rights and interests of Ukrainian citizens; to secure sovereignty, territorial integrity and inviolability of the State Border of Ukraine.
5. The Ministry of Foreign Affairs of Ukraine shall immediately urge foreign ministries of individual Signatory States to the Memorandum of December 5, 1994, on Security Assurances in connection with Ukraine’s accession to the Treaty on the Non-Proliferation (the United States of America, the United Kingdom of Great Britain and Northern Ireland) to protect the security of Ukraine and to conduct relevant official consultations in Kyiv.
6. The Ministry of Internal Affairs of Ukraine shall enhance the security of energy and critical infrastructure assets.

7. In pursuit of Article 14 of the Law of Ukraine on the National Security and Defence Council of Ukraine, a crisis centre shall be set up to respond to the situation in the Autonomous Republic of Crimea and the City of Sevastopol (hereinafter referred to as the 'Crisis Centre'). The Crisis Centre will be headed by the Secretary of the National Security and Defence Council of Ukraine and include officials of the Cabinet of Ministers of Ukraine, Ministry of Defence of Ukraine, Ministry of Internal Affairs of Ukraine, State Border Guard Service of Ukraine and other Central Executive Authorities; the Security Service of Ukraine, the Ukrainian Armed Forces General Staff, as well as the General Procuracy of Ukraine (by agreement), the Council of Ministers of the Autonomous Republic of Crimea and the Sevastopol City State Administration.

The Crisis Centre shall:

- Monitor, assess and analyse the situation in the Autonomous Republic of Crimea and the City of Sevastopol;
- Work out initiatives for the prevention and elimination of national security threats, and submit them for consideration to the National Security and Defence Council of Ukraine;

The Office of the National Security and Defence Council of Ukraine shall provide the information support and institutional support for the Crisis Centre operations.

Head of the National Security and Defence Council of Ukraine O. Turchynov
Secretary of the National Security and Defence Council of Ukraine A. Parubiy

Decree of the President of Ukraine “On the National Security and Defence Council of Ukraine Resolution of September 12, 2014, “On Integrated Actions to Strengthen National Defence Capacity, and on Draft Law Proposals Relating to State Budget of Ukraine 2015, with Respect to Budget Items Dealing with National Security and Homeland Defence of Ukraine”

Pursuant to Article 107 of the Constitution of Ukraine, I hereby decree to:

1. Enact the National Security and Defence Council of Ukraine Resolution of September 12, 2014, on Integrated Actions to Strengthen National Defence Capacity, and on the Draft Law Proposals Relating to the State Budget of Ukraine 2015, with Respect to Budget Items Dealing with National Security and Homeland Defence of Ukraine (attached below, except for clause two sub-clause one sub- sub-clause "b" paragraph three – in classified content, and clause three sub-clause "a" – in unclassified content).
2. The Secretary of the National Security and Defence Council of Ukraine shall supervise enforcement of the National Security and Defence Council of Ukraine Resolution that this Decree enacts.
3. This Decree shall take effect on its promulgation date.

President of Ukraine P. POROSHENKO
Kyiv, November 3, 2014 No 842/2014

Resolution of the National Security and Defence Council of Ukraine of September 12, 2014

“ON INTEGRATED ACTIONS TO STRENGTHEN NATIONAL DEFENCE CAPACITY, AND ON DRAFT LAW PROPOSALS RELATING TO STATE BUDGET OF UKRAINE 2015, WITH RESPECT TO BUDGET ITEMS DEALING WITH NATIONAL SECURITY AND HOMELAND DEFENCE OF UKRAINE

In the interest of securing Ukraine's national interests and strengthening its defence capacity, the National Security and Defence Council of Ukraine hereby resolves:

1. The building up of Ukraine's national security and defence capacity as a key enabler of lasting peace for sustainable socio-political and socioeconomic development of Ukraine shall be deemed a first-priority task for the Executive Authorities involved in the implementation of national security and defence policies.
2. Ukraine's Cabinet of Ministers shall:
 - 1) in the national security and defence sector development planning:
 - a) on a first-priority basis:
 - update procedures for the procurement of volunteer personnel for the Ukrainian Armed Forces and other legally established militarised services, particularly by providing for short-term active duty service contracts;
 - act to reinstate elementary military training in the secondary schools;
 - b) within a month's deadline:
 - explore a more effective national security framework for Ukraine, that would particularly include the signing of a multi-country international agreement or binational agreements on effective security assurances to secure Ukraine's sovereignty and territorial integrity;
 - paragraph three – in classified content;

- draw up and submit, pursuant to prescribed procedures, proposals on upgrading the defence mobilisation preparation and mobilisation system;
 - update the 2014 Key Action Plan on Civil Defence;
 - take actions pursuant to prescribed procedures to increase the number of civilian positions in legally established military services and law enforcement agencies of Ukraine;
- c) draw up within a two months' deadline and submit, in the prescribed manner, for consideration to the Ukrainian Verkhovna Rada a draft law on the government forecasting and long-range planning system;
- d) submit by December 15, 2014, for consideration to the National Security and Defence Council of Ukraine a Draft Vision of the defence and security sector development, based on a comprehensive security and defence sector review;
- 2) in the field of financial provision for Ukraine's security and defence sector:
- a) on a first-priority basis:
 - finalise draft of Ukraine's 2015 State Budget, with provisions to ensure first-priority funding for programs included in State Budget items dealing with national security and homeland defence;
 - take actions to relieve, pursuant to prescribed procedures, the Ministry of Defence of functions that it is not supposed to perform, which are management of state-owned property assets and the sale of surplus military property and property that has become unfit for use for the purposes pursued by the Ukrainian Armed Forces;
 - establish rewards for members of the Armed Forces, other legally established military services and law enforcement agencies who were involved as direct participants in the Anti-Terrorist Operation, which will be awarded based on the complexity of combat missions performed;
 - b) ensure, within a month's deadline from the approval of the comprehensive security and defence sector review findings, the introduction of relevant updates to Government-run programs dealing with national security and homeland defence matters, and ensure that such programs are adequately funded;
 - c) draw up and submit, in a prescribed manner, for consideration to the Ukrainian Verkhovna Rada draft laws on the following:
 - amending the Budget Code of Ukraine with respect to raising the ceiling of the State Budget's emergency fund beginning in 2015;
 - increasing the country's level of defence spending to 3 per cent of Gross Domestic Product expected for the respective year;
 - d) ensure the drawing up and adoption by April 1, 2015, of a State-run program on the Ukrainian defence industry's growth and reform up to 2020;
 - e) take actions during 2015 to ensure guaranteed allocation of expenditures earmarked in the State Budget's general fund for security and defence sector institutions, with due regard for their substantiated requirements, as well as for the security and defence sector development programs in the priority areas as follows:
 - strategic planning and analytical support for national security and homeland defence activities;
 - intensive combat training of units and sub-units of the Ukrainian Armed Forces and other legally established military services;
 - State Defence Procurement Order execution, with a focus on R&D and procurement of new defence technologies;
 - ensuring effective operation of intelligence and counterintelligence;
 - physical demarcation of Ukraine's State Border;
 - ensuring sustained operation and development of the Government-run special communications and information security system;
 - carrying out the work under the program on the disposal of solid rocket fuel and empty engine casings of the RS-22 intercontinental ballistic missiles;

- 3) in areas related to defence industry growth and development:
 - a) urgently work out solutions to boost domestic production of defence and dual-use technologies, and, to this end, make an inventory of domestic defence industrial capabilities;
 - b) within a month's deadline:
 - take actions to improve the national military and dual-use products and goods standardisation and codification systems;
 - take actions to modernise domestic defence-industrial capabilities, and to turn technical research (experimental) developments into defence and dual-use products;
 - simplify procedures for the commissioning of arms, military equipment and special-purpose technologies into service in the Ukrainian Armed Forces;
 - c) within a two months' deadline, arrange for and make an ad hoc inventory of arms, ammunition, military equipment and special-purpose technologies in the Ukrainian Armed Forces' military units and in the defence industries;
 - d) arrange for the introduction of the position of Authorised Government Representative for technological development and innovation affairs;
 - 4) in the field of international co-operation:
 - a) develop within a month's deadline practical co-operation projects under the framework of the recently established NATO Trust Fund to boost Ukraine's national defence capacity;
 - b) take actions in a prescribed manner to ensure that the NATO Liaison Office in Ukraine, the NATO Information and Documentation Centre in Ukraine and Advisors of NATO Member States have their offices located in one and the same building;
 - 5) in the field of logistics:
 - a) urgently take actions necessary to establish a centralised public procurement system in Ukraine's defence and security sector; take actions to establish co-operation with NGOs (volunteer organisations supporting the needs of the Ukrainian military forces deployed in the ATO area) in provision of logistic support to the Ukrainian Armed Forces, other legally established military services and law enforcement agencies;
 - 6) draw up within a seven days' deadline and adopt in the prescribed manner uniform standards on military goods procured to meet the needs of the Ukrainian Armed Forces and other legally established military services:
 - a) within a two weeks' deadline, carry out an evaluation of the logistics situation in Donetsk and Luhansk Oblasts in the context of fall/winter operational readiness, and report the results to the President of Ukraine;
 - b) within a month's deadline, draw up and introduce in a prescribed manner simplified procedures for the procurement of arms, military equipment and special-purpose technologies to meet urgent requirements of the Ukrainian Armed Forces and other legally established military services and law enforcement agencies.
3. Ministry of Defence of Ukraine shall:
 - sub-clause "a" - in classified content;
 - b) within a month's deadline:
 - develop jointly with Ukraine's State Emergency Management Service a Mine Action Plan for Donetsk and Luhansk Oblasts;
 - draw up and submit in a prescribed manner for consideration to the President of Ukraine initiatives for updating Ukraine's territorial defence regulations;
 - speed up the work under the framework of intergovernmental commissions on military-technical co-operation with potential donor States; develop and co-ordinate with Ukraine's Ministry of Foreign Affairs work plans 2014/15 for the commissions mentioned herein.

4. Ministry of Foreign Affairs of Ukraine shall:
 - a) ensure regular updates to the international community, influential international political, government, business and cultural circles and international media outlets on the situation in Ukraine and facts proving external military involvement in its internal affairs;
 - b) invite the European Commission and the Organisation for Security and Co-operation in Europe to send an ad hoc mission to monitor the Ukraine–Russia border situation.
5. Ukraine's defence and security sector institutions shall take actions to improve fiscal discipline in the management of budget allocations to assure the proper and most efficient and effective use of budget allocations.

Head of the National Security and Defence Council of Ukraine

P. POROSHENKO

Decree of the President of Ukraine “On the Decision of the National Security and Defence Council of May 6, 2015 ‘On National Security Strategy of Ukraine’”

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

1. To introduce into effect the decision of the National Security and Defence Council of Ukraine of May 6, 2015 “On National Security Strategy of Ukraine” (attached).
2. To approve the National Security Strategy of Ukraine (attached).
3. To recognise as such that the following are no longer valid:
 - Decree of the President of Ukraine of February 12, 2007, No 105 “On the National Security Strategy of Ukraine”;
 - article 2 of the Decree of the President of Ukraine of June 8, 2012 No 389 “On decision of the National Security and Defence Council of Ukraine on June 8, 2012 “On a New Version of the National Security Strategy of Ukraine”.
4. Control over the implementation of the Decision of the National Security and Defence Council brought into force by this Decree to put to the secretary of National Security and Defence Council of Ukraine.
5. This Decree shall take effect on the date of publication.

President of Ukraine P. Poroshenko
Kyiv, May 26, 2015, No 287/2015

Decision of the National Security and Defence Council of Ukraine of May 6, 2015

“ON THE NATIONAL SECURITY STRATEGY OF UKRAINE”

Having considered the draft of the National Security Strategy of Ukraine and preliminary results of a Comprehensive Review of Ukraine’s defence and security sector, the National Security and Defence Council of Ukraine has decided:

1. To approve the draft of the National Security Strategy of Ukraine and submit it to the President of Ukraine for his approval.
2. To recognise the activities of the Ministry of Defence of Ukraine aimed at carrying out the Comprehensive Review of Ukraine’s defence and security sector as insufficiently effective.
3. The Cabinet of Ministers of Ukraine:
 - 1) To complete by May 30, 2015 implementation of the activities of the Comprehensive Review of Ukraine’s defence and security sector;
 - 2) To develop and submit within one month according to the established procedure to the National Security and Defence Council of Ukraine the comprehensive proposals for reforming the components of the security and defence sector of Ukraine;
 - 3) To ensure engagement of public representatives in the preparation of the draft strategic documents on reforming the Armed Forces of Ukraine and other military units established under the laws of Ukraine and law enforcement agencies;
 - 4) To ensure in order to achieve a consistent re-equipping of the Armed Forces of Ukraine and other military units with new samples of weaponry and military equipment the development by June 25, 2015 of the Draft Concept of the State Target Program for the development of armaments and military equipment for the period of 2016-2020;
 - 5) To adopt within three months the new edition of the Naval Doctrine of Ukraine;
 - 6) To take measures according to the established procedures to improve legislation in the sphere of security and defence of Ukraine in view of the new National Security Strategy of Ukraine;
 - 7) To prepare together with the National Institute for Strategic Studies and to submit appropriate proposals for a system of indicators of the state of national security.

4. The Ministry of Defence of Ukraine within one month to finalize with taking into consideration the comments of the NATO-Ukraine Joint Working Group on Defence Reform the drafts of the conceptual documents in the area of national security and defence.

Secretary of National Security and Defence Council of Ukraine O. Turchynov

NATIONAL SECURITY STRATEGY OF UKRAINE

1. INITIAL PROVISIONS

The Dignity Revolution (November 2013 - February 2014) fought against the corrupt government, which under the pressure from outside made an attempt to revise the European civilisation choice of the Ukrainian People, and opened up new opportunities for Ukraine to build a new system of relations between citizens, the public and the state based on the values of democracy and freedom.

The Russian Federation, striving to reverse the will of the Ukrainian People for the European future, has occupied a part of Ukrainian territory – the Autonomous Republic of Crimea and city of Sevastopol, and launched military aggression against Ukraine in the eastern regions attempting to undermine unity of the democratic international community, to revise the world order which was formed upon the end of the World War II, and to violate fundamentals of international security and law, enabling unpunished use of force in the international arena.

A long-term threat from Russia, as well as other radical changes of the external and internal security environment, brought about the need for a new model of national security, which is envisaged by this Strategy.

Ukraine's national security policy is based on the respect of the norms and principles of international law. Ukraine will defend its fundamental values defined in the Constitution and Laws of Ukraine, i.e., independence, territorial integrity and state sovereignty, dignity, democracy, individual, human rights and freedoms, rule of law, welfare, peace and security. The protection of these values will be provided by the effective Armed Forces of Ukraine, other military formations established under the laws of Ukraine, intelligence, counterintelligence and law enforcement structures, dynamic economic development of the state.

The National Security Strategy of Ukraine is targeted at the priorities of the national security state policy that are to be implemented by 2020, as well as reforms envisaged by the Association Agreement between the European Union and Ukraine, ratified by the Law of Ukraine No1678-VII of September 16, 2014 and by Strategy of the Sustainable Development "Ukraine 2020", approved by the Decree of the President of Ukraine No 5 of January 12, 2015.

2. OBJECTIVES OF THE NATIONAL SECURITY

The key objectives of this Strategy are as follows:

- Minimisation of threats to the state sovereignty, creation of conditions for restoration of territorial integrity of Ukraine within its internationally recognised state borders, guaranteeing the future of Ukraine as a democratic, law-based and social state;
- Maintaining the human rights and freedoms of the citizens, acquisition of economic and human development, securing the integration of Ukraine into the European Union and forming conditions for accession to NATO.

In order to achieve these objectives it is necessary:

- To strengthen the Ukrainian state by ensuring sustainable socio-political and socio-economic development of Ukraine;
- To achieve a new quality of the state policies aimed at protection of the national interests in economic, social, humanitarian and other spheres, to implement the complex reform of the national security system, establishing an effective security and defence sector of Ukraine;
- To have a new foreign policy posture of Ukraine in view of instability of the global security system.

3. CURRENT THREATS TO THE NATIONAL SECURITY OF UKRAINE

3.1. Aggressive actions of the Russian Federation, which are aimed at exhausting the Ukrainian economy and undermining its social-political stability in order to dismantle the State of Ukraine and seize its territory, in particular:

- military aggression, direct participation of the regular military troops, advisers, instructors and mercenaries in combat activities on the territory of Ukraine;
- intelligence, subversive and insurgency activities aimed at instigation of ethnic, religious, and social hatred, separatism, terrorism; establishment and support (including military one) of the proxy quasi-state formations at the temporarily occupied territories of some areas in Luhansk and Donetsk Oblasts;
- temporary occupation of the territory of the Autonomous Republic of Crimea, city of Sevastopol, and further actions aimed at destabilisation of the situation in region of the Baltic, Black and Caspian Seas;
- build-up of military formations along the Ukrainian borders as well as within the temporarily occupied territory of Ukraine, including deployment of the tactical nuclear weapons in Crimea;
- blocking Ukraine's efforts aimed at countering the Russian capital's monopolisation of the strategic sector of the economy, and at abolishing the monopoly dependence on the supplies of critical raw materials, first and foremost on energy supplies;
- trade and economic war;
- informational-psychological warfare, humiliation of the Ukrainian language and culture, faking Ukrainian history, creating a distorted alternative informational picture of the world by the Russian Mass Media.

3.2 Inefficiency of the National Security and Defence System of Ukraine:

- not completed formation of the security and defence sector of Ukraine (hereafter - security and defence sector) as a single functional structure managed from the single centre;
- institutional weakness, lack of professionalism, structural imbalance of the security and defence sector institutions;
- lack of resources and inefficient use of available resources in the security and defence sector of Ukraine;
- absence of reliable external security guarantees for Ukraine;
- activities of the illegal military formations, rise of crime, illegal use of firearms.

3.3. Corruption and inefficient system of public administration:

- spreading of corruption and its rooting in all spheres of public administration;
- weak, dysfunctional, outdated model of public institutions, de-professionalisation and degradation of the civil service;
- subordination of the activities of the public institutions to corporate and private interests, which leads to violation of the rights, freedoms and legal interests of the citizens and economic entities.

3.4. Economic crisis, exhaustion of the financial resources decreasing living standards:

- monopolistic and oligarchic, low-tech, resource-intensive model of economic development;
- lack of clearly formulated strategic objectives, priorities and tasks for the social-economic, military-economic, and scientific-technical development of Ukraine, as well as of effective mechanisms for concentration of resources and efforts of the state institutions for their implementation;
- high level of "shadowing" and criminalisation of the national economy, criminal and crony system of appropriation of public resources;
- malformed state regulation policy and corruption pressure put on business;
- excessive dependence of the national economy on external markets;
- inefficient management of state debt;

- decreasing welfare and soaring unemployment;
- migration of IDPs as a result of combat actions;
- devastation of the economic potential and destruction of the life-supporting infrastructure on the temporarily occupied territories, loss of their human potential; illegal removal of local production facilities to the territory of Russia.

3.5. Energy security threats:

- distorted market mechanisms in the energy sector;
- low level of diversification of fuel supplies and technologies;
- criminalisation and corruption of the energy sector;
- ineffective energy efficiency policy.

3.6. Threats to informational security:

- conducting information warfare against Ukraine;
- absence of the single communication policy of the state, low level of the society's media culture.

3.7. Cyber security and informational assets threats

- vulnerability of the critical infrastructure objects, public information assets to cyber-attacks;
- worn-out and obsolete system of protection of the state secrets and sensitive information.

3.8. Threats to critical infrastructure:

- substantial level of wear and tear of critical infrastructure facilities, systems and networks of Ukraine, insufficient level of their physical protection;
- insufficient level of critical infrastructure protection from terrorist attacks and insurgencies;
- inefficient management of the security of the critical infrastructure and life support systems.

3.9. Ecological security threats

- excessive anthropogenic impact and high level of technological load on the territory of Ukraine;
- negative consequences of the Chernobyl disaster;
- accumulation of substantial amounts of industrial and household waste coupled with a low level of their recycling, processing and disposal;
- improper status of the single state of civil protection and absence of the effective environmental monitoring system.

4. PRIORITIES OF THE NATIONAL SECURITY POLICY OF UKRAINE

4.1. Restoration of territorial integrity of Ukraine

Restoration of the territorial integrity of Ukraine and integrity of democratic institutions on its whole territory, reintegration of the temporarily occupied territories after their liberation is the strategic priority of the national security policy.

Premised on the priority of peaceful means, Ukraine shall use all available tools and means not contradictory to international law to protect its territorial integrity.

The key to national security and territorial integrity of Ukraine is a powerful Armed Forces of Ukraine and other military formations established under laws of Ukraine equipped with modern weapons and military equipment, active foreign policy activities, effective intelligence, counterintelligence and law enforcement agencies.

4.2. Establishment of an efficient defence and security sector

Development of an efficient defence and security sector of Ukraine, which is to ensure proper and flexible response to threats rationally applying capabilities and resources, is a priority of the national security policy. Fulfilment of this task must allow for:

- complex improvement of the national legislation of Ukraine on defence and security, including the adoption of Law "On amending the Law 'On the Fundamentals of the National Security of Ukraine' (new draft)" in which the mechanisms of management of national defence and security sector to be defined, as well as defence and security sector's structure and line-up, its system of management, co-ordination and co-operation of its bodies.

- centralised management of defence and security sector in peacetime, in crisis situations threatening the national security of Ukraine and during special periods, interagency co-ordination and interaction;
- co-ordination of concepts (programs) of reforming and development of Ukraine's security and defence sector bodies and defence-industrial complex according to a single concept;
- improvement of a state system of strategic planning, creation of the unified system of monitoring, analysis, forecasting and decision-making in the area of national defence and security in order to ensure effective co-ordination and functioning of the system of the situational centres across all of the agencies of the security and defence sector of Ukraine;
- introduction of an integrated system of education, military and special training for the security sector and defence sector's personnel, engaging lecturers, instructors from NATO and EU countries, forming a new security culture;
- improvement of fiscal policy in the national security and defence sector of Ukraine by the gradual increase of the ratio of expenditures of the security and defence sector on development, combat training and operational activities in accordance with practice of NATO member-states;
- targeted and pragmatic approach to identifying amounts of financial, material and technical resources needed for efficient functioning of the security and defence sector institutions and defence-industrial complex;
- professionalisation of the security and defence sector of Ukraine, raise of the level of professionalism of personnel, effective motivation for proper implementation of assigned tasks, maximal but reasonable reduction of the service [supporting] bodies of the sector;
- qualitative improvement of the democratic civilian control over the security and defence sector, strengthening parliamentary oversight in this area;
- development of the system of military-patriotic education, the introduction of military training and civil protection courses in secondary, vocational schools and higher educational institutions.

4.3. Upgrading defence capability of the state

Ensuring readiness of the state, its economy and society to defence and repelling of armed aggression in all of its aspects (including hybrid warfare), and upgrading the defence capability of the state are the key priority of the national security policy.

The major tasks in this area are as follows:

- preparing the state to repel military aggression, increasing the capacity of state authorities, military and local government, defence forces, civil defence system, and defence industry to function in crisis situations threatening the national security, and during special period;
- reforming of the defence force with a focus on the development of highly combat-ready units of the Armed Forces of Ukraine and other military formations established under the laws of Ukraine, with a priority on their quality rather than quantity characteristics;
- reforming the system of mobilisation training and mobilisation, developing proper conditions for manning the Armed Forces of Ukraine and other military formations established under the laws of Ukraine with trained staff, implementation of a principle of extraterritoriality, creating of an electronic register of the citizens liable for military service;
- creating a powerful, large, military-trained reserve assigned to designated military units ready for rapid deployment and capable of performing their assigned tasks;
- activation of training of the population and territory of the country for defence, improvement of the system of territorial defence;
- modernisation and proactive development of Ukraine's defence industrial complex, optimisation of its production facilities, production of weaponry and equipment competitive at the international arena, implementation of import substitution policy and setting up domestic production of critical components and materials;

- deepening defence-industrial and military-technical co-operation with other countries, first of all with the EU and NATO member-states, achieving full independence from Russia in production of arms and military equipment;
- supporting practically directed and perspective research in the area of national security and defence;
- utilizing bilateral and multilateral co-operation mechanisms with partner-states, first of all towards strengthening the defence capabilities of Ukraine, including receiving modern samples of weapons and equipment, facilitating removal of artificial restrictions in the area of military-technical co-operation.
- The priority task is to reform Ukrainian Armed Forces in order to make them efficient, mobile, armed with modern weapons and special equipment, and, based on that, capable of defending the State.
- In the mid-term, the Armed Forces of Ukraine will be manned according to the principle of mixed staffing with a gradual increase of professional component and creation of the highly mobile immediate reserve forces.

Reform of the Armed Forces of Ukraine shall envisage, in particular:

- revision of functions and tasks, structure and strength optimisation, upgrading of personnel levels, improvement of troops preparation system, equipping them with modern weaponry, military and special equipment;
- elimination of overlapping functions of the Ministry of Defence and General Staff of the Ukrainian Armed Forces, introduction of the centralised structure of defence management in the country;
- creation of the Joint Operational Headquarters as a body responsible for direct command of multi-service and interagency military groupings (forces);
- development of the Special Operations Forces of the Ukrainian Armed Forces according to NATO doctrines and standards;
- upgrading and development using modern technologies according to NATO standards of command system, intelligence, secure communications, intelligence, radio electronic warfare, securing operational access to the air and space intelligence data;
- strengthening counterintelligence protection of the Armed Forces of Ukraine, bringing the system of military intelligence and counterintelligence in line with NATO standards;
- strengthening combat ability of missile and artillery units of the Ukrainian Army, equipping them with domestically produced modern missile systems able to deter an aggressor;
- modernisation of the aircraft fleet and air defence system of the Ukrainian Air Force, ensuring their ability for adequate response to military threats;
- formation of the naval capabilities of Ukraine corresponding to the existing threats, ensuring defence of the coastline, development of the infrastructure of bases of the Ukrainian Navy, as well as restoration of the naval bases in Crimea after the return of the temporarily occupied territory under Ukraine's control;
- reorganisation of the logistical and medical support systems of the Armed Forces of Ukraine, introduction of computerized systems of accounting for materiel and other resources, bringing the amount of unexpendable stocks in line with real needs;
- improvement of military personnel policy, raising prestige of military service, upgrading financial support and social protection of military personnel and their families;
- reaching the highest level of interoperability of the Ukraine's Armed Forces with NATO Allied forces through implementation of the Alliance's standards;
- strengthening military discipline and order in the Armed Forces of Ukraine, establishment of military police.

4.4. Reform and development of intelligence, counterintelligence and law enforcement bodies

Reforming and development of intelligence, counterintelligence and law enforcement bodies of Ukraine should be implemented based on the principles of adherence to the rule of law, raising patriotism and compe-

tence of personnel, departisation, rational demilitarisation, upgrading mechanisms of practical co-ordination and efficient interagency interaction, task distribution and elimination of duplication of functions, strengthening democratic civilian control and transparency.

Reform of the Security Service of Ukraine is aimed at creation of effective, dynamic, highly professional, special service equipped with modern material resources and technical means.

The efforts in this field to be focused on:

- counterintelligence activities;
- neutralisation of separatist and extremist movements and organisations;
- protecting the state against terrorism, economic, information and cyber threats;
- state secrets protection;
- ensuring fast and efficient exchange of information among Ukraine and NATO and EU member-states based on mutual trust.

It is expedient that the majority of the law enforcement functions will be transferred from the Security Service to other law enforcement structures except for countering crimes against the foundations of national security.

Reform of intelligence bodies of Ukraine is targeted at the priority development of Ukraine's intelligence capabilities, based on the co-ordinated functioning of the intelligence services. The National Intelligence Program shall be adopted, which will stipulate:

- focusing intelligence efforts on priority areas of the national security;
- expanding capabilities of human intelligence,
- ensuring the development of capabilities of the technical intelligence, electronic tapping and telecommunications monitoring as well as cyber intelligence, creation of the modern network of air and space surveillance on the basis of modern technical solutions;
- improving information and analytical work, as well as open-source intelligence;
- increasing co-ordination and interaction between intelligence bodies to ensure the preparation of the coherent intelligence assessments;
- strengthening intelligence co-operation with NATO Allies peer special services, in particular by taking measures to build mutual trust.

Reform of the Interior Ministry shall ensure the qualitative changes of organisational culture which to raise the level of public trust of law enforcement bodies, as well as relieving them from inappropriate control and permitting functions, increasing the level of trust of the citizens to law enforcement bodies, transformation of the Ministry into a civilian central executive authority responsible for formulation and implementation of the public policy in law enforcement, state border protection, migration and civil protection.

The National Police as a central executive authority whose operations will be guided through the Interior Minister of Ukraine will perform functions aimed at combating crime, in particular organised crime, and maintaining public order. In order to maintain public order and investigate administrative cases local self-government authorities shall establish Municipal Police within limits of their own budgets.

Development of the National Guard of Ukraine as a military formation with law enforcement functions is aimed at raising its capabilities to maintain public security and physical protection of objects of critical infrastructure, to participate in protection and defence of the national borders, and to support the Armed Forces' operations in crisis situations threatening the national security and during special period.

Development of the State Border Guard Service as a law enforcement body to provide the efficient implementation of protection and defence of the national borders of Ukraine, as well as protection of Ukraine's sovereign rights in its exclusive (maritime) economic zone, which includes development of information, operational, technical and physical components, implementation of modern monitoring systems, creation of properly equipped mobile border guard units.

Development of the State Migration Service of Ukraine shall be aimed at realisation of citizens' rights and freedoms, provision of high quality administrative services, effective control over migration, combating illegal

migration, protection of the national labour market and facilitating the introduction of the visa-free regime with the European Union.

Development of the State Emergencies Service of Ukraine shall envisage raising its capability to manage efficiently a single national system of civil protection, equipping civil protection forces with modern machinery, equipment and tools, optimisation of unit deployment, implementation of the single phone number public emergency assistance system, to prepare and to teach the population on norms and behaviour for protection in emergencies.

According to the Criminal Procedural Code of Ukraine a National Investigation Bureau of Ukraine as a law enforcement body responsible for investigations must be created. The reform of the Public prosecution authorities shall be completed in line with EU standards.

4.5. Reforming the public administration system, new quality of the anti-corruption policy

Public administration shall be grounded on the principles of rule of law and equality of citizens before the law, honesty and transparency of public authorities, and its priority shall be the guaranteed protection of rights, freedoms and legitimate interests of people as well as national interests of Ukraine.

In this context the following tasks are to be fulfilled:

- cleanse public authorities from corrupt officials and foreign agents of special services, non-professional employees, political cronies, making impossible the prevailing of individual and corporate interests over national ones;
- reforming the institute of public service, formation of highly qualified, patriotic, politically neutral corps of public servants, as well as revising the system of personnel training, retraining and professional development, implementation of the modern ethical norms of public servants, military personnel, law enforcement officers;
- decentralisation of the state functions and budgets;
- openness and transparency of public authorities, introduction of e-government.

The effective public administration requires the consistent anti-corruption policy, which shall include:

- limitation of state control and regulatory functions;
- motivation of public servants to devoted work;
- creation of conditions for unavoidability of punishment for acts of corruption.
- It is essential that the following tasks are fulfilled:
 - improving integrity screening procedure and establishing an efficient monitoring of lifestyle, incomes and expenses of public servants;
 - ensuring transparent expenditures of the State and Local budgets;
 - completing formation and supporting efficient work of the National Anticorruption Bureau and National Agency for Corruption Prevention, and ensuring co-operation between the National Anticorruption Bureau and State Investigation Bureau of Ukraine within the framework and tasks assigned by the legislation;
 - enhancing active co-operation with international anticorruption organisations, in particular with Council of Europe's Group of States against Corruption (GRECO) and active promotion and implementation of best practices.

4.6. European Union integration

Sharing the values and strategic objectives common with the European Union, Ukraine regards integration into political and economic structures of the European Union as a key priority of its foreign and domestic policy. Ukraine will ensure the gradual convergence in foreign and defence policy and will develop co-operation in the framework of the EU's Common Security and Defence Policy for strengthening capabilities of the defence and security sector, as well as supporting international security and stability.

Creation of the key preconditions for Ukraine's EU accession is a priority, which is the important guarantee for democratic development, economic welfare and strengthening security. Ukraine's membership in NATO will contribute to improving the climate of trust and security in the region of Eastern Europe and the Black Sea.

4.7. Distinctive Partnership with NATO

Ukraine considers developing distinctive partnership with NATO on the basis of the Charter on Distinctive Partnership signed on July 9, 1997, Declaration to Complement the Charter on a Distinctive Partnership NATO-Ukraine of August 21, 2009 and Annual National Programmes of NATO-Ukraine co-operation to be the priority of its security policy.

Co-operation with NATO contributes to strengthening of democratic values in Ukraine, establishing stable security environment, and is an important tool to support reforms, particularly in the defence and security sector, as well as it ensures a common response to modern security challenges and threats.

Based on long-term goals of joining the European security system, which is based on NATO, Ukraine will deepen co-operation with the Alliance to achieve the criteria required for membership in this organisation in the following areas:

- fostering political dialogue on democratic reforms and ensuring regional security;
- implementation of the short-term and medium-term measures to strengthen defence capabilities of Ukraine, including conduction of joint exercises;
- development of co-operation in security and defence planning, inter alia by conducting regularly comprehensive defence and security sector reviews, on the basis of which defence and security planning documents shall be updated;
- introduction of reforms in the defence and security sector according to NATO standards;
- creation of the efficient crisis response mechanism to crisis situations threatening national security;
- participation in NATO-led peacekeeping and security operations;
- development of capabilities in preventing and countering terrorism, as well as joint fight against terrorism;
- implementation of NATO Building Integrity Initiative principles, coherence, transparency and reduction of corruption risks in security and defence sector;
- development of joint programs for Ukraine's security and defence sector personnel training, including Professional Development Programme;
- interaction in energy security, science and technology, and environmental protection.

The priority is reaching full interoperability of Ukraine's security and defence sector with relevant NATO Allies structures, what is to ensure the future accession of Ukraine to the Alliance in order to acquire effective guarantees of the state sovereignty and territorial integrity of Ukraine.

4.8. Provision of the national security in the foreign policy

Having renounced the non-bloc policy which has not ensured territorial integrity of the state, Ukraine in the medium term will be based on its own capabilities, and reserves a right to select systems of collective security and defence as means of ensuring the state sovereignty and territorial integrity of Ukraine.

The external security guarantees will be ensured through the development of allies network both with individual states and regional organisations and initiatives (by concluding agreements on common defence or military assistance), and with international security organisations (participating in collective security mechanisms).

The foreign policy of Ukraine concerning ensuring the state's national security will be based upon the European and Euro-Atlantic integration policy and will be executed at various levels – global, regional and sub-regional ones.

At the global level Ukraine regards deepening, on the basis of the Ukraine-USA Charter on Strategic Partnership of 19 December 2008, the strategic partnership with the USA as the guarantor of the international security in the Euro-Atlantic area the key foreign policy priority.

Ukraine will seek to develop strategic interaction on the partnership basis with other states which are the key centres of influence, notably with the PRC. Ukraine will continue actively utilize such global formats as international organisations like UN, G-20, G-7, other mechanisms of strengthening peace and stability in the world, adherence to the norms of international law and fair resolution of conflicts.

Ukraine will promote the process of nuclear disarmament and will support initiatives to conclude the universal international treaty on security guarantees, first of all to non-nuclear states, which would contain a clear-cut list of obligations and measures to be taken by the parties in case of its violation, including in the context of applying sanctions against the violating state. Based on the Memorandum on Security Assurances, which was signed in the wake of Ukraine's accession to the Treaty on Non-proliferation of Nuclear Weapons (Budapest Memorandum), Ukraine seeks to create the effective mechanism which would guarantee her state sovereignty and territorial integrity.

Russian aggression against Ukraine has prompted the urgent need to reform the UN Security Council. That's why in the framework of the UN General Assembly the work will be focused on supporting such initiatives aimed at reforming the UN Security Council, which will ensure its adequate response to violations of the international law even if the offender is the permanent member of this body.

Regional level efforts will be aimed at setting up an efficient system of interaction in Central and Eastern Europe for the sake of security and stability. To this end the instruments and capabilities of the OSCE and the Council of Europe will be used first of all. Special attention will be given to setting up security mechanisms in the Black Sea region.

Ukraine together with other European allies will pursue the policy of denuclearisation and demilitarisation of the Black Sea region; will support return to the regime of the renovated CFE treaty; will actively participate in upgrading the existing and introducing new security initiatives aimed at strengthening stability and collective security in Europe.

At the sub-regional level, Ukraine will continue active use of available formats – the Weimar Triangle, the Visegrad Group, GUAM, CEI, BSEC and others – with the aim of protection of territorial integrity and sovereignty of the state, implementation of economic and energy projects and initiatives.

In order to be active at the foreign policy arena, the Ministry of Foreign Affairs of Ukraine should develop with the aim of creation of the European type foreign office supplied with all necessary resources and capabilities for effective promotion of the national interests of the state.

4.9. Provision of the economic security

The content of economic reforms is creation of conditions for overcoming poverty and too big wealth differentiation in the society, approximation of social standards to those of Central and Eastern European Countries – EU members, reaching economic criteria for Ukraine's EU accession

The key precondition for achieving the new quality for economic growth is ensuring of economic security through:

- deoligarchisation, demonopolisation and deregulation of the economy, protection of economic competition, simplification and streamlining of the taxation system, creation of favourable climate for business and conditions for fostered innovative development;
- effective use of mechanism of the special economic and other restrictive measures (sanctions), making impossible for the capital from aggressor country to control the strategic sectors of economy;
- setting up the best conditions in the Central and Eastern Europe for investors, attracting foreign investment into the key economy sectors, in particular into energy and transport, as a national security instrument;
- preparing the economy to Ukraine's repelling armed aggression;
- development of the defence-industrial complex as a powerful high-tech sector of economy able to play a leading role in its rapid modernisation based on innovations;
- legal protection in international institutions of property interests of individuals and legal entities of Ukraine and Ukrainian State violated by Russia;
- raising resilience of Ukrainian economy to negative external influences, diversification of external markets, trade and financial flows;
- preservation and protection of infrastructure in crisis situations threatening to national security and during special period;

- efficient utilisation of budget funds, international economic aid and international financial organisations' resources, effective national debt management;
- stabilisation of the banking system, transparent monetary and credit policy and restoration of trust to the national financial institutions;
- systemic counteraction against organised economic crime and shadow economy on the basis of creation of tangible benefits for legal economic activities accompanied by consolidation of institutional capabilities of financial, fiscal, customs and law enforcement authorities, detection of organised criminal groups' assets and their seizure.

4.10. Provision of the energy security

Priorities for the provision of the energy security of Ukraine are:

- reforming energy markets, ensuring transparency of business activities, competition in these markets and their monopolisation, the integration of Ukraine's energy sector to the energy markets of the EU and European energy security system;
- raising energy efficiency and energy conservation;
- diversification of sources and routes of energy supply, overcoming of dependence on Russia in energy resource and technology supply, development of renewable energy and nuclear energy taking into account priorities of environmental, nuclear and radiological safety;
- creation of conditions for reliable energy supply and transit through the territory of Ukraine, protection of energy infrastructure from a terrorist threat;
- forming energy supply system of the national economy and society operative in a special period.

4.11. Provision of information security

The priority directions of Ukraine's information security policy are:

- ensuring advancing approach to information security policy based on asymmetric actions against all forms and manifestations of information aggression;
- establishing an integrated information system for evaluating threats and prompt responding to them;
- countering special information operations, public mentality manipulations and dissemination of distorted information, protection of national values and strengthening cohesion of the Ukrainian society;
- development and implementation of a co-ordinated information policy of government;
- detection of players in Ukrainian information and cyber space which were created or are used by Russia for information war against Ukraine, and disabling their insurgency activities;
- establishing and developing institutes responsible for information and psychological security using the best practices of the NATO Allies;
- improving professional training in the information security area, introduction of national media culture educational programs in co-operation with the civil society and business community;

4.12 Provision of cyber security and security of the informational assets

- development of information infrastructure of the state;
- setting up a system of cyber security, development of CERT network;
- cyber space monitoring in order to detect, prevent and neutralise cyber threats in time;
- building up the capabilities within the law enforcement agencies to investigate cybercrimes;
- ensuring protection of critical infrastructure, state information resources from cyber-attacks, renouncing use of software, especially antimalware produced in Russia;
- reforming the system of protection of state secrets and other information with restricted access, protection of state information resources, e-government systems, technical and cryptographic protection of information taking into account the best NATO and EU practices;
- setting up a system of cyber defence personnel training for Ukraine's security and defence sector;
- development international cyber defence co-operation, boosting NATO-Ukraine co-operation, especially in the framework of the NATO Trust Fund on enhancing Ukraine's capabilities in cyber security.

4.13 Critical infrastructure security

Priorities for provision of the critical infrastructure security are:

- comprehensive improvement of legal framework for critical infrastructure protection, setting up a state system of its security management;
- strengthening critical infrastructure protection, especially energy and transport;
- setting up co-operation between participants of critical infrastructure protection, development of public-private partnership in the area of emergencies prevention and response;
- design and implementation of mechanisms for information exchange between public authorities, private sector and population on threats and risks to critical infrastructure and protection of sensitive information in this area;
- technogenic accidents prevention, prompt and efficient reaction to them, localisation and minimisation of consequences;
- development of international co-operation in this area

4.14. Provision of environmental security

The priorities for the state environmental security are:

- preservation of wild-life ecosystems, maintaining their cohesiveness and life support functions;
- introduction of an efficient environmental monitoring system;
- resource preservation, well-balanced management of natural resources;
- taking measures to ensure reduction of environmental pollution, control over air and water pollution sources, reduction of land pollution level and restoration of land fertility; cleaning territories from industrial and household waste;
- setting up a system of industrial and consumer waste processing and disposal;
- mitigation of Chernobyl disaster negative consequences;
- prevention of uncontrolled importing environmentally hazardous technologies, substances, materials, transgenic plants and disease agents into Ukraine.

Ukraine will take biosafety measures, preventing spread of dangerous infectious diseases and supporting international efforts in this area.

5. FINAL PROVISIONS

National Security Strategy of Ukraine is a legally binding document and serves as a basis for drafting other national security strategic planning documents – Concept of Security and Defence Sector Development, Military Security Strategy (Military Doctrine), Cyber Security Strategy, other sector strategies as well as state programs for security and defence bodies development.

Implementation of the National Security Strategy requires budget support for defence and security sector annually at the level not lower than 5 % of GDP.

The National Security Strategy of Ukraine will be implemented on the basis of the national defence, security, economic and intellectual capacities using mechanisms of public-private partnership as well as engaging international advisory, financial, material and technical assistance.

Research and expert support for co-ordination and monitoring of work in the area of national security and defence is done by the National Institute of Strategic Studies with participation of leading Ukrainian research institutions, think tanks, and Civil Society organisations.

Upon the analysis of the implementation of this Strategy the National Security and Defence Council hears annual reports and takes decisions on the state of its implementation.

Head of the Presidential Administration of Ukraine B. Lozhkin

Decree of the President of Ukraine 'On the Decision of the National Security and Defence Council of Ukraine of 24 September 2015 'On a New Version of the Military Doctrine of Ukraine"

Pursuant to Article 107 of the Constitution of Ukraine, Article 2 section two of the Law of Ukraine "On Fundamentals of National Security of Ukraine", I hereby decree:

1. To enact the decision of the National Security and Defence Council of Ukraine of September 24, 2015 "On a New Version of the Military Doctrine of Ukraine" (attached).
2. To approve the Military Doctrine of Ukraine (attached).
3. To recognise as such that no longer valid the following:
 - Decree of the President of Ukraine of June 15, 2004 No 648 "On Military Doctrine of Ukraine";
 - Article 2 of the Decree of the President of Ukraine of 15 July 2004 No 800 "On decision of the National Security and Defence Council of Ukraine of July 6, 2004 'On Further Development of Relations with NATO Taking into Account the Results of Ukraine-NATO High Level Commission Meeting of June 29, 2004'";
 - Article 1 of the Decree of the President of Ukraine of April 21, 2005 No 702 "Issues of Military Doctrine of Ukraine";
4. Article 3 of the Decree of the President of Ukraine of July 8, 2009 No 518 "On Amending Selected Decrees of the President of Ukraine";
5. Ministry of Foreign Affairs of Ukraine, Ministry of Defence of Ukraine shall provide for information support to implementation of the Military Doctrine of Ukraine.
6. This Decree shall take effect on its promulgation date.

President of Ukraine P. POROSHENKO
Kyiv, September 24, 2015 No 555/2015

MILITARY DOCTRINE OF UKRAINE (MILITARY SECURITY STRATEGY OF UKRAINE)

Temporary occupation by the Russian Federation of the part of Ukrainian territory – Autonomous Republic of Crimea and city of Sevastopol, mongering of the armed conflict in the East of Ukraine and destroying the global and regional security architecture and the principles of international law by Russia require revision and clarification of the doctrinal provisions of the development and implementation of the Ukraine's military policy.

I. GENERAL PROVISIONS

1. Ukraine's Military Doctrine (hereinafter – Military Doctrine) is an adopted by the state system of views on the reasons, essence and nature of modern military conflicts, principles and ways of their prevention, on preparing the state to a possible military conflict, as well as on the use of military force in order to protect the sovereignty, territorial integrity and other vital national interests.
2. The legal foundation of the Military Doctrine is the Constitution, Laws of Ukraine, National Security Strategy of Ukraine approved by the May 26, 2015 Decree No 287 of the President of Ukraine and international treaties the consent to the binding nature of which was given by the Verkhovna Rada (Parliament) of Ukraine.
3. The Military Doctrine is based on the results of the analysis and forecast of the military and political situation, principles of defence sufficiency and maintaining a non-nuclear status, high level of defence readiness, systemic defence planning as well as the fundamentals of domestic and foreign policy approved by the Verkhovna Rada. The key provisions of the Military Doctrine derive from the National Security Strategy of Ukraine, develop its provisions in the areas of ensuring military security and aimed at blocking aggres-

sive actions of the Russian Federation, fulfilment of criteria necessary for membership in the European Union and the North Atlantic Treaty Organisation, equal and mutually beneficial co-operation in the military, military-economic and military-technical areas with all interested partner states.

5. The presented-below terms are used in the Military Doctrine in the following meanings:

- Military policy of Ukraine – activities by the participants of the national security ensuring aimed at military conflict prevention, organisation, development and preparation of Ukrainian Armed Forces, other military formations set up according to Ukrainian laws, special law enforcement bodies, State Special Transportation Service, State Service of Special Communications and Information Protection for armed protection of the national interests;
- Military-political situation – a state of military-political relations at a certain moment (period) of time;
- Military-political relations – a set of intentions and actions by parties (states, coalitions of states, international corporations, political parties, social and political movements) aimed at satisfaction of their own interests using all available tools in political, military, economic and other spheres of life;
- Military conflict – a form of resolution of interstate or internal disputes with the use of military force by both parties; the major kinds of military conflict are war and armed conflict;
- Armed conflict – armed clash between states (international armed conflict, armed conflict on the state border) or between hostile parties within the borders of one state territory, as a rule under certain external support (internal armed conflict);
- Local war – a war between two or more states in which military hostilities are limited by the warring states territories and aimed at military-political objectives which mainly touch upon the interests of those states (e.g., territorial, political, economic, etc.);
- Regional war – a war which covers a certain region (part of the continent) with participation of all or majority of regional states with the aim to reach certain military and political objectives which touch upon the interests of those states;
- Military-political challenge – intentions or actions of one of the parties of the military-political relations aimed at reaching its own objectives ignoring interests of another party with understanding of causing possible harm to them;
- Military-political risk – intentions or actions by one of the parties of the military and political relations which under certain conditions may harm the other party's national interests;
- A threat to use military force – intentions or actions by one of the parties of military-political relations which demonstrate readiness to use military force against another party in order to reach its own objectives;
- Defence industrial complex – a set of enterprises, establishments and organisations in industry and science which develop, manufacture, upgrade and utilize products of military use, provide services in the interests of defence for equipping and material support of the security and defence forces as well as delivery of military and dual-use products, rendering military services in the framework of co-operation of Ukraine with foreign states;
- Security and defence sector – a set of government executive bodies covered by a single authority, and military formations established in accordance with the Ukrainian legislation, special law enforcement bodies, State Service of Special Communications and Information Protection of Ukraine, State Special Transportation Service whose functional activities according to the Constitution and Legislation of Ukraine are aimed at protection of the national interests from external and internal threats to the national security of Ukraine;
- Security forces – state law enforcement and intelligence bodies, civil protection forces and general competence bodies which according to the Constitution and Laws are responsible for ensuring the national security of Ukraine;
- Defence forces – Armed Forces of Ukraine, State Service of Special Communications and Information Protection of Ukraine, State Special Transportation Service as well as other military formations set up according to the laws of Ukraine, law enforcement and intelligence bodies, if they are engaged into the defence of the state;
- Defence forces capabilities – their ability to reach a necessary result when fulfilling defence tasks under certain conditions according to the identified scenarios and using available resources.

Strategic communications – co-ordinated and proper use of the state communications capabilities – public diplomacy, public relations, military relations, information and psychological operations, measures aimed at promotion of the state's objectives.

II. SECURITY ENVIRONMENT (GLOBAL, REGIONAL AND NATIONAL ASPECTS) IN THE CONTEXT OF MILITARY SECURITY

6. The security environment around Ukraine is complex and dynamic. Due to the armed conflict in Ukraine, military-political instability in the Middle East, the struggle for influence over the world financial and energy flows, the global military-political instability is rising. The world's leading states increase their military spending, stimulate the development of new weapon systems, and increase the intensity of exercises.
7. Formation and development of the global security situation takes place under the influence of the following key trends:
 - Increased contradictions between the leading world powers with regard to division of spheres of influence, increase of their aggressiveness, stubbornness, a desire to prevail in terms of military and strategic equilibrium, particularly the growing confrontation between the USA and the RF;
 - Aggravation of the security situation in the Middle East and North Africa, growing religious extremism and spreading of radical Islamic ideas in Central Asia, contradictions between Asian-Pacific states concerning the possession of island territories;
 - The crisis of the current and unclear foundations of a new international security system, weakening of the role played by the international security institutes, attempts to use military force beyond the existing mechanisms of the international security;
 - Shifting focus of armed conflicts to asymmetric use of military force in the form of illegal paramilitary formations, shifting emphasis in the course of armed conflicts to the comprehensive use of military and non-military instruments, in particular, economic, political, information-psychological and others, which principally changes the nature of war fighting;
 - Violations of peremptory norms and principles of international law embodied in the UN Charter, the 1975 CSCE Final Act and other international agreements;
 - Weaker legal limitations on use of military force beyond the country's own territory;
 - Global climate change, depletion of natural resources, all the more shortage of drinking water, food, increased migration and growing risks of large-scale natural and man-made disasters;
 - Growing scope of terrorism, piracy, and other phenomena related to use of armed violence.
7. Military-political situation in the region around Ukraine is developing under the influence of the following major trends:
 - Spreading practice of special operations and provocations to create conflict situations;
 - Growing internal instability in the countries of the region caused by the interference of the other countries, as well as declining welfare of the population, ineffective governance, attempts by ethnic entities to solve their urgent problems separately;
 - Deep modernisation of armed forces by the neighbouring states, more active research and development of arms and military equipment of the new generation with principally new fire, destruction, command and control capabilities;
 - Further militarisation of the region, increased foreign military presence on the territories of the neighbouring countries;
 - Active destabilizing foreign and security policy of the Russian Federation towards its neighbours and international organisations, including NATO and the EU;
 - Refusal to fulfil or denial by the Russian Federation of its obligations taken according to the international agreements on arms control, confidence-building and security in the military sphere;

- Modernisation and upgrading of technical intelligence systems and complexes by special and intelligence services of foreign states, increase of their capabilities, attempts to get unauthorised access to the information infrastructure of Ukraine;
 - Hampering the process of legal regulation and delimitation of state borders, and division of exclusive (maritime) economic zones and continental shelf between the regional states;
 - Information war of Russian Federation against Ukraine.
8. External political situation is not conducive to the settlement of the armed conflict in the east of Ukraine. Under these circumstances, Ukraine may count primarily on its own capabilities and on the support mainly from the USA, the EU and NATO Member-states, which consider preservation of independence and territorial integrity of Ukraine to be one of the determining factors of the global and regional stability.
9. The current military threats to Ukraine are as follows:
- Armed aggression and violation of the territorial integrity of Ukraine (temporary occupation by Russia of the Autonomous Republic of Crimea, city of Sevastopol and armed aggression on some territories of Donetsk and Luhansk oblasts), military build-up by the Russian Federation in the immediate vicinity of Ukraine's state borders, including potential possibility of deploying tactical nuclear weapon in Crimea;
 - Militarisation by the Russian Federation of the temporarily occupied territories through the formation of new military units and formations, and supplying militants with military equipment and materiel;
 - Presence within the territory of Transnistria of the military contingent of the Russian Federation, which can be used for destabilisation of the situation in the south of Ukraine;
 - Build-up by the Russian Federation near the state border of Ukraine of the groupings of troops with significant offensive potential, creation of the new, expansion and modernisation of existing bases, military infrastructure;
 - Activation of the intelligence and sabotage operations of other Russian Special services aimed at the destabilisation of the internal social-political situation in Ukraine and also supporting of the illegal military formations in the east of Ukraine and creating preconditions for increasing the scale of aggression;
 - Activities of the illegal armed groups in Ukraine aimed at destabilizing the internal socio-political situation in Ukraine, intimidation of the population, depriving people of the will to resistance, disruption of public authorities, local governments, major industrial facilities and infrastructure;
 - Territorial claims to Ukraine by the Russian Federation and offences against its sovereignty and territorial integrity.
10. Military-political challenges, which potentially may turn into threat of using military force against Ukraine are:
- Direct interference into Ukraine's internal affairs by the Russian Federation aimed at disruption of the constitutional order, territorial integrity and sovereignty of Ukraine, internal social-political stability of Ukraine, law and order;
 - Prevention of realisation of the European choice of Ukrainian people, participation of Ukraine in the design of the collective security system;
 - Unresolved issue of the state border delimitation in the maritime zone of the Black and Azov Seas, not completed demarcation of the state border of Ukraine with the Russian Federation, the Republic of Belarus, and the Republic of Moldova;
 - Attempts by the Russian Federation to destabilise socio-political and economic situation in Ukraine and provoke separatist intentions on the territories densely populated by national minorities in Ukraine;
 - Targeted information (information-psychological) influence using modern information technologies aimed at fostering negative international image of Ukraine and at destabilisation of internal socio-political situation, ethnic and inter-confessional relations in Ukraine or some regions hereof and in areas densely populated by the national minorities;
 - Actions of the Russian Federation aimed at complication and deceleration of the economic development of Ukraine;
 - Proliferation of weapons of mass destruction, spread of terrorism, organised crime, illicit trafficking in arms and munitions, illegal migration.

- Given the trends of the military-political situation in the medium-term the most likely military conflicts will be those with the use of the enemy's own armed forces, as well as with the use of illegal armed groups supported by them, terrorist groups, mercenaries as a tool to achieve their own interests. The likelihood of such conflicts escalating into a war will increase.
11. Threats to Ukraine's military security may be realised according to the following scenarios:
- A full-scale armed aggression by the Russian Federation against Ukraine including land, air and space, and maritime operations with decisive military-political objectives;
 - A separate special operation of the Russian Federation against Ukraine with use of some military units and/or formations, fire strikes, information, information-psychological operations (actions) together with use of non-military means, including those under the cover of peacekeepers in the absence of the decision taken by the United Nations Security Council;
 - A blockade with the use of military force of the seaports, coastal or airspace of Ukraine, disruption of its communications by the Russian Federation;
 - An armed conflict inside the country, instigated by the Russian Federation in an attempt to separate from Ukraine specific administrative and territorial entities in the eastern and southern regions, including with participation of illegitimate paramilitary and/or armed formations, terrorist groups in co-operation with political, non-governmental, ethnic, religious and any other organisations;
 - armed conflict on the state border of Ukraine, including border incidents (provocations, clashes) with regular or irregular military formations of the Russian Federation, illegal paramilitary and/or armed formations, etc.;
 - terrorist attacks on the territory of Ukraine or against the citizens of Ukraine, offences against life of government leaders or social activists, representatives of foreign states (caused with the aim to provoke war or international complications), sabotage (including critical infrastructure) as well as explosions, deliberate arson of public offices, their seizure, kidnapping of citizens or taking hostages.
- The threats to the military security of Ukraine, in case of their realisation, may lead to change of the constitutional order in Ukraine, further occupation of Ukraine or some of its territories, setting up direct or indirect control over Ukraine and loss of its state sovereignty and territorial integrity.
12. Ukraine's ability to respond adequately to challenges and threats to military security is undermined by internal economic and social-political factors:
- Economic crisis, violation of the national economy integrity as a result of temporary occupation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation and the activity of the Russia-supported illegal armed formations in some areas of Donetsk and Luhansk oblasts, limited state financial capabilities caused by the above-mentioned factors;
 - Systemic security and defence reforms are imbalanced and incomplete; insufficient resource provision for Defence Forces, and inefficient use of available resources;
 - Inefficiency of state management of the national security agents of Ukraine in military sphere, ineffectiveness of strategic targeted program planning of their development;
 - Insufficient level of combat readiness of Ukrainian Armed Forces, State Service of Special Communications and Information Protection, State Special Transportation Service and other military formations set up in accordance with the laws as well as special law enforcement bodies, to wage a modern armed fight;
 - Low efficiency of state intelligence and counterintelligence bodies;
 - Low level of co-ordination between public authorities and local self-governments, low level of competence of their employees with regard to the security and defence;
 - Civil defence forces, their technical equipment do not correspond to the modern challenges;
 - Insufficient and unprofessional efforts of the state authorities of Ukraine in countering the propaganda and information-psychological operations of the Russian Federation.
13. Military-economic and military-technical support of the military security of the state depends on the efficiency of the defence sector of the economy, which faces the following major problems:

- Low efficiency of military-technical and military-industrial policy realisation, as well as inefficiency of military-technical co-operation policy, unresolved issues regarding defining the state customers for the development and implementation of state programs of reform and development;
- Lack of state regulation and support for research institutions and industrial enterprises of the military-industrial complex, which are of strategic importance for security, defence and economy of the state and forming the basis for the transition from an economy based on raw materials to its innovative development, meeting the needs of the Armed Forces of Ukraine, State Service of Special Communications and Information Protection, State Special Transportation Service and other military formations set up in accordance with the laws as well as special law enforcement bodies in weapons, military and special equipment;
- Absence of closed cycles of national production of the most of the weapons systems and military equipment, low speed of military goods and dual use goods procurement diversification, disruption of the traditional co-operation of research and production structures;
- Critical physical and "moral" degraded state of fixed assets, low efficiency of use of the research and industrial base, considerably energy inefficient production, technological gap with the leading countries of the world, bad financial and economic situation of most companies, low profitability of production, lack of working capital and lack of investment resources, and insufficient capacity of the internal market of defence products, which considerably hinders international sales;
- Critical situation with manning defence industries with highly-qualified workers, technical and engineering personnel.

III. THE OBJECTIVES AND KEY TASKS OF MILITARY POLICY

14. Ukraine seeks to maintain friendly relations with all countries of the world on the basis of treaties concluded on the basis of equality, non-interference in internal affairs, mutual respect for independence, sovereignty and territorial integrity.
15. The key objective of Ukraine's military policy is creating conditions for the restoration of the territorial integrity of Ukraine, its sovereignty and integrity within the state borders of Ukraine.
16. Ukraine sees the following major objectives of military policy:
 - Repelling armed aggression of the Russian Federation against Ukraine;
 - Ensuring Ukraine's defence capability at a level sufficient to prevent armed conflict, and, in the case of a military conflict sufficient for its localisation and neutralisation;
 - Participation of Ukraine in realisation of the EU Common Security and Defence Policy;
 - Upgrading a system of military security of the state that would guarantee the reliable protection of the state from external and domestic threats, proper perception of Ukraine at the international level, and would correspond to criteria needed for membership of Ukraine in the European Union and NATO.
17. Based on the principles of domestic and foreign policy, as well as the nature of existing and potential threats to national security, the priorities of the military policy of Ukraine in the near and medium terms are defined as follows:
 - localisation and neutralisation within the shortest possible time the military and political crisis in the eastern part of Ukraine, preventing its escalation into a large-scale armed aggression;
 - elimination of illegal armed groups and restoration of the full control over the state border of Ukraine;
 - Integration of volunteer military formations which were set up or self-organised for safeguarding the independence, sovereignty and territorial integrity of Ukraine, participated directly in the antiterrorist operation in Donetsk and Lugansk Oblasts. Their inclusion into the Armed Forces of Ukraine, Interior Ministry, National Guard, other legal military formations and law enforcement bodies;
 - reform of the Armed Forces of Ukraine aimed at reaching the operational and technical interoperability with the armed forces of the NATO Allies;
 - upgrading the system of mobilisation preparation and mobilisation including setting up a military reserve of a proper number of well-trained personnel;

- preservation of a mixed type of Armed Forces and other legally-created formations manning with gradual increase of the share of professional troops in combat military units. Manning of non-combat military units and positions which are not decisive for combat readiness of military units will be done mainly with conscripts and mobilised personnel (in case the decision on mobilisation is taken);
- adherence to the principle of not engaging conscripts in combat;
- creation of a unified system of imagery intelligence with relevant infrastructure of obtaining and processing information in close to real-time;
- creation of the holistic security and defence sector as the main element of the military security system and integration of its components' capabilities for the timely and effective response to existing and potential threats;
- ensuring upgrading of the Defence Forces' capabilities needed for the implementation of military policy objectives;
- upgrading capabilities of the national military-industrial complex through the introduction of advanced defence technologies, creation of the maximum possible closed cycles of development and production of major armaments, military and specialised equipment, making use of the opportunities of military and technical co-operation with the countries/strategic partners of Ukraine;
- upgrading public information policy in the military field;
- prevention and efficient countering information-psychological influence by foreign states aimed at undermining defence capability, violation of sovereignty and territorial integrity of Ukraine, destabilisation of internal socio-political situation, provoking ethnic and religious conflicts in Ukraine.
- ensuring the social security guarantees for military personnel, employees of law enforcement agencies, participants of the anti-terrorist operation in Donetsk and Lugansk Oblasts and their families;
- improvement of the system of democratic civilian control over the state's security and defence sector in line with European standards;
- better co-ordination and upgrading of mechanisms of the consolidated development of the security and defence sector components and strengthening of their operational capabilities to ensure military security.

The identified goals and objectives of military policy correspond to the current state as well as to the medium-term forecast of the development of the military-political situation and can be adjusted according to changes in the security environment, the conditions of social and economic development of Ukraine, and its Defence Forces' capabilities.

18. After the restoration of the territorial integrity of Ukraine, the main goal of its military policy will be to prevent the emergence of new armed conflicts, systematic strengthening of the defence capability of the state, upgrading its role and prestige in the international arena.

Ukraine will maintain such a level of defence capabilities, which along with full use of the peaceful means of settlement of international controversies, corresponds to the level of military threats and, at the same time, does not deprive Ukraine of military-strategic parity in relation to other countries of the regional environment.

19. Preparation of defence of Ukraine in its content, direction and scale is conducted in accordance with the Law of Ukraine "On Defence of Ukraine". Preparation of the Defence Forces of Ukraine is focused on defensive as well as the offensive and counter-offensive operations. All programs and plans of combat and operational training, combat statutes and guidelines of the Armed Forces of Ukraine shall be developed accordingly.

20. The main principle of engagement of Defence Forces in a military conflict is active defence aimed at defeating an enemy and coercing the enemy into the cessation of military (combat) actions. Particular attention shall be paid to the defence of the most important in operational and strategic terms frontiers and regions, areas, administrative, political and economic centres, assault-risky areas of the Black Sea and Azov Sea coastlines and communications.

21. Defence of Ukraine by Defence Forces operations shall be combined with territorial defence, resistance movement in the temporarily occupied territories shall be organised. The basis of formation of the Territorial Defence Forces is the units of the Armed Forces of Ukraine and other military formations established in accordance with the laws of Ukraine, as well as special law enforcement bodies.

22. During the implementation of defensive measures control bodies and forces of the single state system of civil protection respond to the consequences of the emergencies caused by the use of weapons, and protect population and territories from the effects of warfare.
23. Due to the existence in Ukraine and neighbouring states of environmentally hazardous facilities, and taking into account the possible use of weapons of mass destruction by the enemy in war, security and defence forces and the population of Ukraine prepare actions under the conditions of radioactive, chemical and bacteriological contamination, and in areas of large fires and floods.
24. Ukraine also does not exclude the option of resorting to military force for localisation and liquidation of internal armed conflict in case of its occurrence. To liquidate the armed conflict inside the country Ukraine will engage the Armed Forces of Ukraine, other military formations established in accordance with the laws of Ukraine as well as special law enforcement bodies, State Service of Special Communications and Information Protection, State Special Transportation Service in accordance with the Constitution of Ukraine and the laws of Ukraine.
25. The decision on the use (engagement) of the Armed Forces of Ukraine and other military formations established in accordance with the laws of Ukraine as well as special law enforcement bodies, State Service of Special Communications and Information Protection, State Special Transportation Service in case of external aggression, internal armed conflict or large-scale acts of terror shall be taken by the President of Ukraine in accordance with his powers.
26. The Armed Forces of Ukraine, other military formations established in accordance with the laws of Ukraine as well as special law enforcement bodies, State Service of Special Communications and Information Protection, State Special Transportation Service shall also be prepared in accordance with the resolutions of the UN Security Council and international agreements of Ukraine to participate in international operations supporting peace and security, humanitarian operations under the aegis of the authorised international organisations, counter-terrorism operations inside and outside the country, measures aimed at combating piracy, illegal proliferation of weapon of mass destruction, fulfilment of other tasks stipulated in Ukrainian legislation.
27. A special direction of work is preparation of national (special) contingents for participation on behalf of Ukraine in organisations and activities related to international collective security and international military co-operation.
28. Ukraine will regard any other state (coalition of states) whose acts are defined by Ukrainian legislation as an armed aggression or fall under the international definition of aggression as its military adversary. Currently and for the medium-term Ukraine deems the Russian Federation as a probable military adversary. Ukraine will recognise a state (a coalition of states) as a potential military adversary if its actions or intentions have signs of a threat of using military force against Ukraine.
29. Under the current circumstances created by the aggressive actions of the Russian Federation in the Autonomous Republic of Crimea and its support of the separatist movements in the east of Ukraine, preparation of the state for defence is being carried out simultaneously with the actual combat operations against illegal armed formations. While repelling aggression, Ukraine continues to strengthen its defence capabilities by transferring the economy and the military and civil system of governance from peace to war footing, as well as by mobilisation of additional resources.
30. The highest level of threat is a threat to state sovereignty and territorial integrity of Ukraine. The major threat is a probability of a full-scale armed aggression of the Russian Federation against Ukraine.
To liquidate (minimise) this threat, to repel armed aggression of the Russian Federation and to create conditions for the restoration of the territorial integrity, Ukraine requires full mobilisation of all political, economic, military and social capabilities of the state and society. It implies integrated planning, management and co-ordination of all components of the security and defence sector, governmental and non-governmental organisations united by common goals.
31. Ukraine reserves the right in order to repel the armed aggression to use all possible forms, techniques and available means of armed struggle, as well as to strike against an aggressor on its territory in compliance with the principles and norms of international law.
32. The following measures and actions will constitute the basis of Ukraine's crisis response for military threats and prevention of the escalation of the military conflicts:
 - Use of capabilities of the UN Security Council, OSCE, EU, NATO and other international security organisations responsible for maintaining international peace and security, involving a crisis consultation

mechanism under the Distinctive Partnership Charter between Ukraine and NATO which was signed on July 9, 1997;

- co-ordinated use of political and diplomatic, information and security instruments of the state to eliminate the destructive pressure of the aggressor on Ukraine and to force it to respect international law and its obligations;
- active intelligence operations in the interests of strategic communications of Ukraine, counter-propaganda measures and information-psychological operations;
- raising efficiency of information influence in the ATO area in Donetsk and Lugansk Oblasts and on the temporarily occupied territories as well as concentration of capabilities in order to effectively resist an enemy's information and psychological operations against Ukraine;
- timely introduction of martial law or a state of emergency in the country or in its certain areas, total or partial mobilisation, full or partial deployment of the Armed Forces and other military formations established in accordance with the laws of Ukraine as well as special law enforcement bodies, State Service of Special Communications and Information Protection, State Special Transportation Service and bringing them in readiness to implement their tasks;
- implementation of measures of territorial defence and civil protection;
- strengthening the protection of the state border of Ukraine;
- localisation and neutralisation of armed conflict in order to prevent escalation;
- co-ordination in line with the Law of actions of all public authorities, local governments and citizens in the interests of liquidation of military conflicts and repelling armed aggression;
- transfer of the national economy, its individual branches, enterprises and communications to operations under the conditions of the special period.

33. The main aims of the use of military force by Ukraine are:

- to repel armed aggression using all necessary capabilities, forms and methods of warfare, preventing escalation and spread of aggression to other regions of Ukraine, inflicting defeat (losses) upon the aggressor and forcing him to abandon any further attempts to use military force, including the full restoration of the sovereignty and territorial integrity of Ukraine, as well as to provide guarantees regarding compensation for inflicted damages;
- in case of an armed conflict on the State border of Ukraine – to ensure the protection of the border, liquidating (localizing, neutralising) armed conflict at an early stage and preventing it from escalating into a war;
- in case of an armed conflict within the State - to ensure liquidation (localisation, neutralisation) illegal armed formations, strengthening the protection of important public and critical infrastructure facilities along with demonstrating full readiness and determination to prevent another State (coalition of states) from intervention in the internal affairs of Ukraine.

The use of military force by Ukraine and implementation of the measures of civil protection will take place in accordance with international humanitarian law.

34. Ukraine strategically revises the concept of defence taking into consideration the lessons learned in managing the current crisis, introduction of new methods of defence management based on the Euro-Atlantic experience and which meet a single criterion of high efficiency at reasonable costs. It envisages the establishment of the effective mechanism of design and implementation of the state military security policy, military-political, administrative and direct command and control of the Defence Forces. The priority tasks include the establishment of efficient management of the security and defence sector of the state.

The material base of a single system of security and defence sector of Ukraine will consist of the Main Situation Centre of the country, a network of departmental situational centres, Anti-terrorist Centre of the Security Service of Ukraine, the main Command and Control Centre of the State Border Service of Ukraine, similar units of other components of the security and defence sector, which will be upgraded in order to achieve a higher level of interaction.

36. Based on the priority of peaceful means of conflict resolution, Ukraine will use all possible means to protect its territorial integrity, which do not contradict international law. Ukraine reserves the right to use military force for defence and to repel armed aggression of the Russian Federation, in order to restore its territorial

integrity within internationally recognised borders of Ukraine, and for liberation of temporarily occupied and temporarily uncontrolled territories.

37. The key objectives of creating conditions for the restoration of state sovereignty and territorial integrity are:
 - comprehensive reform of the national security system to the level acceptable for membership in the European Union and NATO;
 - establishment of an effective security and defence sector which will provide national defence capabilities sufficient for repelling an armed aggression;
 - development of the Armed Forces of Ukraine which will meet Western standards and will be interoperable with the armed forces of NATO Allies.
38. The total size of Defence Forces and the total number of conventional arms in peacetime can remain at the achieved level. The major efforts should be focused on raising the level of combat and operational preparation of troops (forces) combined with simultaneous radical upgrading of command and management systems and quality of weapons and military equipment, including fundamentally new items developed on the basis of modern technologies.
39. It is envisaged to extend the capabilities of the Main Situation Centre of Ukraine regarding co-ordination and control over the activities of executive authorities, law enforcement agencies and military formations in the national security and defence area in peacetime and during a special period including the martial law and state of emergency and crisis situations which threaten the national security of Ukraine.
40. The Joint Intelligence Committee under the President will co-ordinate all intelligence structures' activities in the areas of their concern.
41. In order to defeat the military enemy it is necessary to strengthen public information policy on the territories temporarily occupied by the enemy and the international arena.
The information component of military security will be ensured through implementation of an effective system of strategic communications measures into the security sector.

IV. SOCIO-POLITICAL, ECONOMIC AND OTHER ASPECTS OF DEFENCE POLICY.

Military-political and military-strategic restrictions

42. Ukraine today finds itself at the forefront of the world's fight against the aggressive policy of the Russian Federation. This demands the maximal accumulation of all political, military, diplomatic and economic tools and measures.
Compared to the Russian Federation, the economic, defence, human, information and other resources of Ukraine are small. In view of the fact that the Russian Federation has in its possession nuclear weapons and it abuses its status of the UN Security Council Permanent Member the international community's response to Russian aggression against Ukraine is also limited.
43. The armed conflict in the East of Ukraine revealed serious shortcomings of military-economic policy of our country, including chronic underfunding of the needs of Defence Forces and inefficient use of allocated resources, absence of the state financial support for reforming and development of the defence-industrial complex. In the defence-industrial complex of Ukraine the problems caused, in particular, by the disruption of co-operative links with the Russian Federation and the loss of important enterprises located on the occupied territories of the Autonomous Republic of Crimea and in the East of Ukraine, are exacerbating. In the military-technical policy the problems remain the same, i.e., the lack of modern means of warfare, unpreparedness of repair facilities, and malfunction of weapons and military equipment.
44. The security and defence sector of Ukraine will be supported economically through making and implementing a new common military and economic, military and technical and defence industry policy, the main priorities of which are:
 - Determining at the state level of long-term research and logistical needs of defence, ensuring creation, production, repair and modernisation of the weaponry, military and special equipment and munitions for meeting the defence and security needs according to the nature and scope of threats to the state, goals, priorities and tasks of defence policy of the state;

- Introduction of the strategic planning system for the development of the defence-industrial complex consistent with objectives, tasks and priorities of the state national security and defence policy, the country's economic and social, scientific and technological development;
 - Formation of the balanced structure of military-industrial complex, determining the priorities of its reform and development, conducting rational reorganisation and diversification, technological upgrading, ensuring maximum load capacity and improvement of research and production base of the defence sector of the economy;
 - Ensuring deep integration of research and production, maintenance and development of basic and critical technologies, creating a state development fund for basic and critical technologies development and supporting innovations in the defence industry;
 - Introducing of a set of organisational, technical, economic, legal and other measures to reduce Ukraine's dependence on critical imports (goods, technologies and services), improving the efficiency of international research and technological co-operation, first of all with the EU and NATO countries;
 - Providing financial rehabilitation of research institutions and industrial enterprises and their sustainable operations by implementing a set of measures and mechanisms for targeted state support and state protectionism for direct procurement from defence enterprises to meet the priority state needs under the framework of the state defence procurement;
 - Improving the system of setting up and keeping mobilisation stocks, system of development and maintaining of mobilisation production facilities, formation and maintaining in proper shape a state materiel reserve;
 - Creating a system of continuous support of scientific institutions and industrial enterprises of the defence sector of the economy, providing it with information, analytical and other materials on world achievements in science, engineering and technology, the development of weapons, military and special equipment;
 - Development and adoption of interrelated regulatory legal acts on the restoration of the strategic role of the defence-industrial complex in the national security and defence system;
 - Creation of the state order system for the training of the working, technical and engineering personnel for meeting the needs of the defence industry, creation of favourable conditions for efficient functioning and development of research institutions, technological and engineering bureaus, enterprises and organisations of the defence industry;
 - Invariability of the equipping with modern armaments, military and special equipment, in particular by their development and production within the domestic defence industrial system, including those commissioned by foreign licenses, development, commissioning and implementation of new technologies in co-operation with foreign partners, import of armaments and equipment, development and production of which in Ukraine is unreasonable or technologically impossible;
 - Upgrading the mechanisms of formation and control of spending on defence, optimizing budget expenditures and ensuring their rational distribution;
 - Combating corruption in all its forms.
45. Development of economic and military potential and defence capabilities will take time and will demand radical reforms as envisaged by Strategy for Sustainable Development "Ukraine 2020". To achieve her interests Ukraine develops its national economy, strengthens military power, participates in the maintenance of international security, and uses other non-military methods for conflict and crisis settlement, as well as military force if necessary.

V. WAYS TO ACHIEVE THE OBJECTIVES OF THE UKRAINE'S MILITARY POLICY

46. The decisive factor for strengthening military security is the reform of the Defence Forces. Reforming of the Armed Forces of Ukraine and other military formations established in accordance with the laws of Ukraine as well as special law enforcement bodies, State Service of Special Communications and Information Protection, State Special Transportation Service with further reforming is carried out in order to create efficient, mobile, equipped with modern weapons, military and special equipment Armed Forces of Ukraine and other military formations capable to ensure the defence of the state.

47. Formation of national defence capabilities will be implemented through:

- improving defence legislation of Ukraine, proper regulation of activities in the military sphere and adaptation of the basic defence legislative, conceptual and program documents to modern realities;
- improving interaction and co-ordination of governmental bodies and components of the security and defence sector both in peacetime and during the special period, in crisis situations, taking into account the characteristics of the modern armed struggle, in which not only traditional military operations (actions) but also a variety of non-military forces and means are widely used;
- creation and introduction of a unified communications strategy of the components of the security and defence sector, the designation of a single body to co-ordinate and control its implementation;
- improving the system of crisis planning and defence management, command and control system, implementation of standards adopted by NATO Allies with the introduction of permanent readiness of command and control bodies to perform tasks, their regular exercises and training, and decentralised style of management;
- improving analytical capabilities and links at the state level along with the modernisation of the system of military intelligence at the strategic and operational and tactical levels, approximation of the military intelligence and military counterintelligence system to NATO standards;
- specification of functions and tasks, revision of the structure and size of Defence Forces including the Armed Forces of Ukraine and their functional components, such as immediate reaction forces, augmentation forces, reserve forces and combat alert forces;
- improving the basics of engagement and training of Defence Forces in the conditions of contemporary war;
- restoring military infrastructure, revising places of permanent station of units and detachments of Ukrainian Armed Forces and other components of the Defence Forces in view of permanent military presence in the east and south of Ukraine;
- developing in the framework of prospective system of security and defence sector management the command and control system of the Armed Forces of Ukraine, other military formations established in accordance with the laws of Ukraine as well as special law enforcement bodies, which is to provide reliable command of troops (forces) during the special period without restructuring or large-scale organisational measures, while the level of readiness of the Armed Forces should always be higher than the level of readiness of subordinate troops (forces). Improving the command and control system of the Armed Forces of Ukraine, other military formations shall be carried out as part of a prospective unified Command and Control system of security and defence sector;
- ensuring the high level of combat readiness of personnel and combat co-ordination of military units, followed by the performance of real combat missions;
- priority development of the Special Operations Forces according to NATO standards;
- introduction of budget planning standards adopted by NATO in order to improve the efficiency of use of budget resources to ensure the full provision of the key capabilities of Defence Forces that determine their ability to win in an armed conflict;
- ensuring preparedness of the financial support system of the Defence Forces in the times of crisis, which shall include the formation and adjustment of financial procedures with consideration of the extra-budgetary funding sources, creation and effective management of reserves, effective anti-corruption measures;
- creating a single and efficient logistics and supply system for Defence Forces both in peacetime and wartime (special period) to maximize operational and qualitative support of Defence Forces through centralised procurement of materiel and equipment;
- creating the unified military personnel training system for Defence Forces with consideration for the experience of the Western military organisations, civil society and business;
- improvement of military education and training systems, raising prestige of military service, upgrading financial support and social protection of military personnel and their families;
- modernisation of the state system of mobilisation training and mobilisation based on the European approaches and taking into account the experience obtained in the formation of operational mobilisation

reserve of the first turn which will allow the rapid build-up of forces in crisis situation, with advanced envisaging the expenses for its creation;

- enhancing combat potential, recovery serviceability, life extension, modernisation, creation of the new systems and harmonisation of armament and military equipment of Land Forces and Air Force;
- restoration of the naval potential of the state, optimizing the Navy of Ukraine, which is to be prepared at the first stage to protect the coastline of the Black and Azov Seas, and exclusive (maritime) economic zone, as well as to participate in the international operations conducted by NATO and the EU;
- effective use of bilateral and multilateral co-operation with partners and allies in the military sphere, including by receiving military assistance from them;
- modernisation of military healthcare system towards concentration on operational activities of conflict resolution and post-conflict settlement, with transferring the maximum amount of supplies to the civilian sector of the healthcare system;
- improving the system of territorial defence, to ensure its effective functioning;
- improvement of a unified state system of civil defence, bringing it into compliance with EU standards and ensuring its effective functioning and equipping with modern types of equipment and means of civil defence forces.

Drafting a comprehensive regulatory document on special information operations, having agreed definitions, identified responsible structural elements of public bodies and their tasks and powers in peacetime and war.

48. The standards of ethics for military service personnel shall be introduced, including the concept of the value of human life and health, primarily for personnel of combat units.
49. The size and structure of the Defence Forces and their components are determined based on the principle of correspondence to the security environment and the needs of defence of Ukraine, the need to repel armed aggression of the Russian Federation and the prevention of the expected conflicts, taking into account the financial and economic capabilities of the state. Defence Forces of Ukraine will strive to maintain the major capabilities that will shape their ability to ensure the armed protection of Ukraine and repulse of the armed aggression in the east of the State.
50. The Armed Forces of Ukraine in co-operation with other components of the forces of the defence and security sector shall follow standards adopted in the EU and NATO Allies regarding their activities and distribution of key roles and major tasks. The leading role in ensuring the military security of Ukraine is performed by the Armed Forces of Ukraine.

Addressing the tasks of provision of the military security of Ukraine, its preparation for armed protection other components of the security and defence sector will play their own roles:

- Ministry of Foreign Affairs of Ukraine: providing diplomatic means of protecting and strengthening the independence, national sovereignty, security, territorial integrity and inviolability of borders of Ukraine, its national interests; diplomatic support for the process of implementation of tasks to ensure the military security of Ukraine, its preparation for armed protection of the national interests;
- National Guard of Ukraine: participation in the territorial defence, protection of state borders and combating terrorism and illegal military or armed formations; maintaining public order and ensuring public security in conflict area; protection and defence of important state objects defined by the Cabinet of Ministers;
- State Border Guard Service: participation in cessation of the armed conflict at the state border, the fight against terrorism, stopping armed and other provocations at the state border, protection of border and sovereign rights of Ukraine in its exclusive (maritime) economic zone;
- Security Service of Ukraine: the fight against terrorism, counterintelligence, countering subversive and insurgency activities of foreign special services, combating corruption and organised crime;
- Foreign Intelligence Service of Ukraine: obtaining intelligence information, taking special measures of influence and counter external threats to the national security of Ukraine in political, economic, military-technical, research-technological, information and ecological spheres, participation in combating terrorism, international organised crimes, illegal trade in arms and their manufacturing technology;

- Ministry of Interior: countering criminal unlawful encroachments, the maintenance of legal order and ensuring public security in conflict area; protection of important objects of national industry and infrastructure defined by the Cabinet of Ministers;
- State Emergency Service of Ukraine: direct management of the unified state civil defence system for emergencies for liquidation of consequences of emergencies caused by the use of weapons, and protection of population and territories from the effects of warfare;
- State Service of Special Communications and Information Protection of Ukraine: ensuring the functioning of government communications of the Supreme Commander-in-Chief of the Armed Forces of Ukraine with commanders of the Armed Forces of Ukraine and other military units, special law enforcement bodies during their stay in the command centres, ensuring cyber protection of critical infrastructure;
- State Special Transport Service: sustainable operation of transport;
- The State Protection Directorate: participation in territorial defence, the fight against terrorism, ensuring security of the officials and designated facilities.

The defence industry has the tasks of ensuring the creation, production, repair and modernisation of armaments, military and special equipment and ammunition to meet the needs of security and defence in accordance with the objectives, priorities and tasks of the state defence policy.

51. The Armed Forces of Ukraine will co-operate with other components of the Defence Forces regarding the implementation of their tasks and shall avoid the duplication of functions and tasks of their structural units with those of the units of the other components of the Security and Defence Forces. The Armed Forces of Ukraine shall be engaged in the measures of the legal regime of martial law and state of emergency, combating terrorism and piracy, strengthening Ukraine's border protection, protection of Ukraine's sovereign rights in its exclusive (maritime) economic zone and continental shelf of Ukraine and their legal formalisation, combating the smuggling of weapons and narcotic drugs, psychotropic substances, their analogues or precursors in the open sea, the elimination of natural and man-made disasters, providing military assistance to other countries and shall participate in international military co-operation, joint operations with NATO.
52. In order to implement the objective of military security of Ukraine Defence Forces and their components will interact and co-ordinate activities among themselves and with other components of the security and defence sector, government agencies, local authorities, non-governmental organisations and associations, including volunteering groups, institutions and enterprises including the defence industry companies, citizens, the relevant entities of other states.

The level of interaction with other components of the Defence Forces and public authorities will be raised through the establishment of permanent and temporary interagency management bodies.

53. Ukraine's refusal to retain one of the world's most powerful nuclear arsenals gives it the right to hope for assistance from the international community in the development of conventional defence capabilities that will ensure military security for Ukraine including by the way of obtaining up-to-date technologies and joint development of advanced armament, creation of military alliances and obtaining foreign military assistance, participation in developing of regional missile defence systems.

External security will be guaranteed by setting up a network of allied relations both with individual states, organisations and initiatives (by way of concluding agreements on joint defence or military assistance), as well as with international security organisations (through participation in collective security mechanisms).

At the same time, in the medium-term Ukraine will be founded primarily on its own means, and reserves a right to choose independently a way of guaranteeing state sovereignty and territorial integrity.

54. Ukraine believes that each state has the right to ensure its own security by integrating into such security structures that are fully consistent with its interests. Ukraine prioritises participation in the improvement and development of the Euro-Atlantic and European collective security systems.

Having refused non-bloc status, Ukraine is working out new approaches to the national security system by giving priority to participation in upgrading and development of Euro-Atlantic and European collective security systems. To that end, Ukraine will integrate into European political, economic and legal space with the purpose

of gaining membership in the European Union, as well as enhance co-operation with NATO in order to achieve the criteria required for membership in this organisation.

55. The priority of enhancing co-operation with NATO is to achieve by 2020 full interoperability of Ukraine's Defence Forces with relevant forces of NATO Allies. Enhancing co-operation with NATO means:

- the development of multilateral relations within NATO's existing mechanisms, in particular such as common with EU Security and Defence Policy, the Charter of Distinctive Partnership between Ukraine and NATO, Partnership for Peace Programme, Operational Capabilities Concept, PARP and Mediterranean Dialogue;
- further development of bilateral relations between Ukraine and NATO Allies;
- reliable fulfilment of partnership obligations, taking the proportionate share of responsibility in joint operations with NATO;
- impartial and transparent analysis of reforms in the Armed Forces of Ukraine aimed at approaching NATO standards and providing mobility of the Armed Forces of Ukraine and operational efficiency of their deployment;
- ensuring training of personnel, technical compatibility of weapons, military and special equipment and interoperability of the Armed Forces of Ukraine with forces of the NATO Allies in the framework of Evaluation and Feedback Programme of OCC.

56. Ukraine will adhere to accepted NATO countries' principles of warfare:

- morality, which involves compliance (not exceeding) with the level of armed violence with human values and international humanitarian law norms, and its correspondence to the goal of combat;
- readiness, which is an advance ensuring the readiness of forces and capabilities to perform assigned tasks, corresponding to the combat situation;
- purpose, choosing and supporting the achievement of certain objectives (goal-setting approach), which means unity and uniqueness of the aim of fighting, the existence of which is the cornerstone of its success;
- security, which means continued support of operational environment to ensure the necessary freedom of action to achieve the goals;
- surprise resulting from the unpredictable actions which ensure the confusion of the enemy, his loss of operational, tactical balance and unity of command;
- concentration of efforts, which envisages critical, synchronised application of combined forces and means to achieve the main goal of combat actions;
- efforts saving, which means smart use of existing capabilities with regard to the set goal aimed at avoiding their unnecessary excess;
- flexibility, which is the ability to quickly change the composition of forces and means, forms and methods of their combat employment according to changing circumstances of the security environment without losing combat capabilities;
- co-operation, which means joint co-ordinated efforts, forces and capabilities in order to maximize the full use of their capacity;
- constancy, which involves the creation and use of capabilities that shall provide a continuous influence on the enemy, depriving him of freedom of manoeuvre and opportunities to re-form his forces.

57. Ukraine shall adhere to the principles of administration and management adopted by the NATO Allies, such as:

- one hundred per cent readiness of organisational structures and clear division of powers between organisational structures and officials;
- a clear procedure of division and delegation of responsibilities in the shaping and implementation of decisions along the hierarchy of the management system, from decision-making by higher military-political leadership down to a single unit;
- correspondence of functions, tasks and powers of structural components to their operative and tactical capabilities;

- the effectiveness of leadership, its ability to address even non-standard tasks;
 - practical implementation of innovation management, elimination of bureaucracy and combating corruption.
58. Ukraine, in the short and medium-term, along with providing technical compatibility and interoperability of the Defence Forces with the Armed forces of NATO member countries, will carry out the transformation and adaptation to NATO standards of defence planning documents, operational and combat command and control system, regulations and military guidance, taking into account the experience of the antiterrorist operation in the Eastern part of Ukraine.
59. Enhancing co-operation with NATO and EU in the field of intelligence and countering aggressive policy of the Russian Federation, as well as of the international terrorist, religious-extremist and criminal organisations, combating cybercrimes, etc., requires assistance from the intelligence structures of NATO and the EU and their member states in reforming the intelligence structures of Ukraine, using resources of the trust funds to support reforms, opening access to information networks that contain intelligence information from various sources, including from the NATO Allies and EU member-states.
60. Enhancing co-operation with NATO, reliable fulfilment of partnership obligations, transformation and adaptation of defence planning operational and combat command and control documents, and achieving full interoperability of Ukraine Defence Forces with relevant forces of NATO Member-states shall ensure the implementation of the criteria needed for Ukraine's full membership in NATO.

VI. FUNDING THE DEFENCE NEEDS

61. The defence needs of Ukraine will be financed from the State Budget of Ukraine, other funds allocated according to the law On the State Budget of Ukraine for a respective year.
Total allocations for defence shall comprise not less than three percent of the expected GDP for the respective year.
62. The priorities for the guaranteed funding of defence expenditures are defined as follows:
- intensive combat training of military units and components of the Defence Forces;
 - fulfilment of the state defence procurement order taking into account the given priority of procurement and development of new armaments and military equipment;
 - implementation of state targeted programs of reform and development of the military-industrial complex, development and introduction of new technologies, creating, expanding the inventory and volume of high-tech competitive products in the defence sector of economy;
 - ensuring effective functioning of the intelligence agencies of Ukraine;
 - realisation of the social and legal guarantees for military service personnel and their families.
 - Funding strategic communications measures.

VII. RISK MANAGEMENT

63. In the interests of reducing risks in the military security of the state an integrated risk management system is established, as a part of defence planning system, functioning of which will be based on the systematic monitoring and evaluation of the implementation of plans (programs) of the development of the Defence Forces and their components.
64. The main means of risk management are:
- systematic analysis of the Defence Forces and their components development, its upgrading taking into consideration the resources available;
 - aiming efforts of the subjects of the defence planning at timely funding and monitoring of relevant programs within the state defence procurement order;
 - implementation of modern technologies of management in the interests of effective targeted use of defence resources, finding reliable sources of funding of the activities aimed at the development of relevant capabilities of troops (forces).

65. In the short-term, the major efforts will be aimed at introducing the comprehensive, systemic changes in the organisation and functioning of the Defence Forces of Ukraine, in particular:

- taking into consideration the experience of the conflict in eastern Ukraine, the introduction of new methods of defence management, founded on the Euro-Atlantic experience and based on the criterion of high efficiency at reasonable costs;
- upgrading the legal framework on military defence and security, development of effective crisis response mechanisms, development of the operative and combat command and control system, decentralisation of the decision-making process;
- clarifying the role and tasks of the Defence Forces components at the strategic, operational and tactical levels, gradual improvement of organisational structures of Ukraine's Defence Force, optimisation of personnel numbers and the number of weapons and military equipment;
- ensuring the interoperability of the components of the Defence Forces of Ukraine, planned transition to the NATO standards (STANAG) in the organisation, arming and training of troops (forces), as well as in the system of quick decision-making;
- organisation of joint training of defence forces to carry out their tasks, revising the approaches to training and education of personnel;
- restoring proper operation and life extension, modernisation, development of the new systems and standardisation of armaments, military and special equipment;
- revising the concept of budget planning and system of resources provision, radical improvement of military operations support.

Upon the resolution of the urgent issues – repelling the armed aggression and completing the anti-terrorist operation in Donetsk and Luhansk Oblasts – and under favourable developments of the international situation, the military-political situation, and the availability of appropriate resources, additional measures to ensure adequate defence capability of the state shall be introduced.

VIII. FINAL PROVISIONS

66. Military doctrine of Ukraine is the basis for the preparation and adoption of military-political military-strategic, military-economic and military-technical decisions, for the development of relevant concepts and programs.
67. Implementation of the Military Doctrine shall be provided by the President of Ukraine, the National Security and Defence Council of Ukraine, the Cabinet of Ministers of Ukraine, other governmental agencies according to the powers defined by the Constitution and laws of Ukraine.
68. The President of Ukraine in accordance with the Constitution and laws of Ukraine shall manage the activities of the national military security actors in terms of repelling the armed aggression against Ukraine, taking steps to prevent armed conflicts, in preparing the State for the defence and protection of its national interests.
69. The provisions of the Military Doctrine of Ukraine may be amended, as appropriate, taking into account changes in the military and political environment, the nature of the use of force against Ukraine, or the threat of force, and social and economic development of Ukraine.

Head of the Presidential Administration of Ukraine B. Lozhkin

Decree of the President of Ukraine “On the Decision by the National Security and Defence Council of Ukraine of March 4, 2016 ‘On the Concept of Development of Security and Defence Sector of Ukraine’”

Pursuant to Article 107 of the Constitution of Ukraine, Article 2 section two of the Law of Ukraine “On Fundamentals of National Security of Ukraine”, I hereby decree:

1. To enact the decision of the National Security and Defence Council of Ukraine of March 4, 2016 “On the Concept of Development of Security and Defence Sector of Ukraine” (attached).
2. Approve “The Concept of Development of Security and Defence Sector of Ukraine” (attached).
3. To recognise as such that no longer valid the Decree of the President of Ukraine of December 29, 2012 No 772 “On decision of the National Security and Defence Council of Ukraine of December 29, 2012 “On the Concept of Reform and Development of the Armed Forces of Ukraine on the period until 2017”.
4. The Secretary of the National Security and Defence Council of Ukraine shall supervise the enforcement of the National Security and Defence Council Resolution, which this Decree enacts.
5. This Decree shall take effect on its promulgation date.

President of Ukraine P. POROSHENKO
Kyiv, March 14, 2016 No 92/2016

CONCEPT OF DEVELOPMENT OF SECURITY AND DEFENCE SECTOR OF UKRAINE

I. GENERAL PROVISIONS

The Concept determines a system of views on the development of security and defence capacities of Ukraine in the mid-term built on the basis of assessment of the security situation, financial and economic capacities of the State with consideration of the comprehensive overview of the security and defence sector of Ukraine.

The legal framework of the Concept is the Constitution and laws of Ukraine, the Strategy of the National Security of Ukraine approved by the Decree No 287 of the President of Ukraine of May 26, 2015 and the Military Doctrine of Ukraine approved by the Decree No 555 of the President of Ukraine of September 24, 2015.

The goal of the Concept is to determine the ways to build the national security and defence capacity that would enable to restore the territorial integrity of Ukraine within the internationally recognised border of Ukraine, guarantee a peaceful future of Ukraine as a sovereign, independent, democratic and social State of law, and also to facilitate the establishment of a national system of response to crises to ensure timely detection, prevention and neutralisation of external and internal threats to the national security; guarantee personal safety, constitutional human and civil rights and freedoms; ensure cybersecurity, prompt joint response to crises and emergencies.

Steps to implement the above goal:

- Build an efficient system to manage the security and defence sector as an integrated functional system;
- Integrate the operational capacities of the components of the security and defence sector to ensure timely and adequate response to crises that pose threat to the national security;
- Continuously maintain the determined security and defence forces in readiness to carry out assigned tasks;
- Improve the planning system in the security and defence sector and use the available public resources efficiently.

The major efforts for the development of the security and defence sector shall focus on gradual and co-ordinated operational capacity building of the security and defence forces and increase of their readiness for immediate response to challenges and threats to the national security of Ukraine.

The security and defence sector components shall be:

- The President of Ukraine
- The National Security and Defence Council
- The Ministry of Defence
- The Armed Forces of Ukraine
- The Ministry of Internal Affairs
- The National Guard of Ukraine
- The National Police of Ukraine
- The State Border Guard Service of Ukraine
- The State Migration Service of Ukraine
- The State Emergency Service of Ukraine
- The Security Service of Ukraine
- Directorate of State Protection of Ukraine
- The State Service of Special Communication and Information Protection of Ukraine
- The State Service of Special Transport
- A co-ordination agency on intelligence activity under the President of Ukraine and intelligence agencies of Ukraine
- NSDC Staff
- The central executive agency that builds and implements the national military industry policy
- Other components determined by the laws of Ukraine.

It is expected to establish conditions for a wider engagement of non-governmental organisations to achievement of objectives in the interests of the national security and defence. The most promising areas of such activities can include: provision of services in the interests of peacekeeping tasks performed by the Armed Forces of Ukraine operation of a network of non-governmental research institutions that focus on security and defence issues.

II. PRINCIPLES OF DEVELOPMENT OF THE SECURITY AND DEFENCE SECTOR

1. Evaluation of the security environment

The following threats will remain the most important in the mid-term:

- aggressive actions of the Russian Federation taken to exhaust the Ukrainian economy and undermine the social and political stability to destroy of the State of Ukraine and capture its territory, use military force and hybrid warfare technologies;
- temporary occupation by the Russian Federation of the Autonomous Republic of the Crimea, the city of Sevastopol and further actions to destabilise the situation in the Baltic-Black Sea and Caspian region;
- intelligence, sabotage and subversive activities by the Russian Federation and other countries, the actions aimed at inciting ethnic, sectarian, social discord and hatred, separatism and terrorism, creation and comprehensive support to puppet quasi-state formations on the temporarily occupied territory of Donetsk and Lugansk oblasts;
- increase of the military groupings by the Russian Federation near the state border of Ukraine and on the temporary occupied territory of Ukraine including deployment of tactical nuclear weapons on the Crimean Peninsula;
- actions of extremist criminal armed groups on the territory of Ukraine to destabilize the internal social and political situation in Ukraine, disrupt the operations of the central and local government agencies and block important industrial and infrastructure facilities;
- potential use of the territory of Ukraine for military actions in case of a military conflict between NATO states and the Russian Federation.

The security challenges that in the future can increase the threat of the use of military force against Ukraine are the following:

- the destruction of the international security system as a result of the aggressive actions taken by the Russian Federation and poor efficiency of the global security structures;
- interference of the Russian Federation into Ukrainian internal affairs aimed to change the constitutional order, violate the territorial integrity and sovereignty of Ukraine, the social and political stability, law and order;
- the attempts of the Russian Federation to destabilise social stability and economic situation in Ukraine as well as ignite separatist sentiment in the areas of compact settlement of the national minorities in Ukraine;
- actions taken to prevent the Ukrainian people from exercising their European choice and building a collective defence systems with the participation of Ukraine;
- unsettled issues as to state border delimitation between Ukraine and the Russian Federation in the waters of the Black and Azov Seas, uncompleted legal process of demarcation of the border of Ukraine with the Russian Federation, the Republic of Belarus and the Republic of Moldova;
- blocking by the Russian Federation and its satellites of Ukraine's initiatives to engage the global community to settle the conflict in the east of our country, in particular in the area of engaging of peace and security support forces of the UN and the EU;
- complicating or discrediting the work of the OSCE Special Monitoring Mission in Ukraine, other international monitoring and intermediary entities accredited in Ukraine;
- targeted information (informational and psychological) influence to build a negative international image of Ukraine, destabilise the internal social and political situation, exacerbate ethnic and sectarian relations in Ukraine or its certain areas and places of compact settlement of the national minorities;
- cyber threats posed by foreign countries and international crime groups to the automated systems of state and military command and control and critical information infrastructure;
- increased level of terrorist threat in the Baltic-Black Sea and Caspian region;
- increase of cross-border organised crime;
- crisis developments in the national economy, inefficiency of the anti-crisis actions that lead to exhaustion of public financial resources, limit its ability to finance the implementation of the national security policy.

The main form of hybrid war against Ukraine is a combination of diverse and dynamic actions taken by the regular forces of the Russian Federation that interact with criminal armed groups and criminal elements. Their actions are co-ordinated and follow a single idea and plan with active use of propaganda, sabotage, intentional damage, subversion and terror.

2. Main objectives of the security and defence sector

Main objectives of the security and defence sector include:

- defence of Ukraine, protection of its national sovereignty, territorial integrity and inviolability;
- protection of the state border of Ukraine;
- protection of the constitutional order, economic, scientific, technology and defence capacity of Ukraine, legal interests of the country and rights of citizens from intelligence and sabotage activity of foreign special services, encroachment of certain organisations, groups and individuals as well as ensuring public security and protection of state secret and other restricted information;
- prevention, detection, ending and resolving crimes against the peace and security of humanity, other unlawful actions that directly threaten vital interests, the fight against terrorism, corruption and organised crime in the area of governance and the economy;
- ensuring information and cyber security;
- rendering assistance to executive authorities and local self-governments to prevent and liquidate consequences of natural, man-made and military emergencies and develop co-operation in this area;
- taking part in ensuring the international stability and security.

3. Evaluation of the security and defence sector components

The present state of the security and defence sector components cannot guarantee a response to the current threats to Ukraine's national security.

Unsolved problems of the security and defence sector are:

- An inefficient mechanism for prevention and neutralisation of current threats to Ukraine's national security;
- Financial and material support to the components of the security and defence sector was provided on the residual principle for a long time; a poor process of building of the co-ordination and interaction of the components of security and defence sector when pursuing joint national security tasks;
- Uncompleted process of building of an efficient system to manage resources during crises that pose a threat to the national security;
- A deficient system of planning and joint employment of troops (forces) and means, their training and support;
- A deficient and ineffective interaction between central and local governments, firstly in counter-terrorism issues;
- Low effectiveness of security and defence sector players in countering cyber threats of military, intelligence, criminal, terrorist and other natures;
- The single public system of civil protection, civil protection forces and their equipment does not meet the current challenges;
- It is expected to address these issues by means of a targeted reform and development of the security and defence sector, adoption of a unified system of resource planning and management based on the modern European and Euro-Atlantic approaches that would help to improve its institutional and structural balance and establish an effective comprehensive and multifunctional state toolbox to ensure national security.

4. Directions of the security and defence sector development

The guaranteed level of the national security of Ukraine depends firstly on the effective operations of the respective public authorities, a clear division of responsibilities and authorities in the designated operation areas and an established co-operation between them.

When defining the principles that form the basis of the development of the security and defence sector in terms of integration into the European and Euro-Atlantic security structures, Ukraine proceeds from the premise that the development and improvement of the EU and NATO deepen the general European and international security in every dimension and require appropriate democratic transformations of the national security institutions.

The efficient development of the security and defence sector under current conditions requires:

- to improve conceptual and doctrinal principles for the preparation and the use of troops (forces) and means of the security and defence sector;
- to centralise command of the security and defence forces sector in peacetime, in crises that pose threat to the national security, and in a special period as well as increase inter-agency co-ordination and interaction;
- to co-ordinate concepts, strategies and programs of reforming and development of the security and defence sector components and the defence industry;
- to ensure effective co-ordination and functioning of the public crisis response system;
- to upgrade the system of state forecasting and strategic planning, the system of planning and the use of troops (forces) and means of the security and defence planning on basis of the EU and NATO standards;
- to establish a single platform of protected e-communications of public authorities;
- to set up and introduce a system of strategic communications in the security and defence sector;
- to implement an integrated system of personnel education, combat and special training in the security and defence sector with participation of instructors and trainers from NATO and EU member-states;

develop a new security culture with preservation, where necessary, of the necessary specialisation and individualisation of the human resources training system;

- to set up and sustain co-operation with high-profile international organisations and countries to neutralise the negative effects of direct, non-conventional, hybrid and other acts of aggression against Ukraine;
- to upgrade the security and defence sector budget policy through efficient distribution of expenditure for the development, combat training and operational activities in line with the best NATO Allies practices;
- use of a management-by-objectives approach to identify amounts of financial and materiel resources needed for efficient functioning of the security and defence sector;
- to raise the professional level of security and defence sector personnel, ensure their high motivation for the proper fulfilment of assigned tasks;
- to optimise the number of support units at the components of the security and defence sector within a unified logistics support system;
- to improve the system of democratic civilian control over the security and defence sector components, strengthen the parliamentary control;
- to ensure the development of the system for military and patriotic education, implement military training and civil protection programmes in secondary and vocational schools.

III. MAIN OBJECTIVES OF THE SECURITY AND DEFENCE SECTOR DEVELOPMENT

1. Building a prospective model of the security and defence sector

The President of Ukraine ensures state independence, national security and legal succession of the State, is the Supreme Commander-in-Chief of the Armed Forces of Ukraine, appoints and dismisses the highest commanders of the Armed Forces of Ukraine and other military formations established according to the laws, manages the national security and defence of the State, heads the National Security and Defence Council, carries out other authorities set out in the Constitution of Ukraine to ensure the national security and defence. By managing national security and defence, the President of Ukraine determines strategic goals and major tasks of the public policy in the area of the national security and defence of Ukraine, the objectives of the components of the security and defence in peacetime and in crisis situations that pose threats to national security, and in the special period; the goals and priorities in the development of the components of the security and defence sector; the goals, objectives, timing, the procedure for the approval of documents for planning the development of the security and defence sector and its components.

The main purpose of the reform and development of the security and defence sector is to develop and maintain capabilities that guarantee provision and adequate and flexible response to the whole range of threats to the national security of Ukraine and efficient use of the capabilities and resources available in the country.

A set of tasks is expected to be realised to meet the goal:

- introduce management over security and defence sector on the basis of the principles and standards adopted in the EU Member States and NATO;
- respect the principles of the rule of law, patriotism, competence and de-partisation in the operations of the security and defence sector, ensure its reform and development with the principles of the democratic civilian control;
- enhance co-ordination and co-operation in the security and defence sector;
- adopt an effective unified system for resource planning and management following modern European and Euro-Atlantic approaches;
- the forces and means of the security and defence sector shall acquire the determined main operational (combat, special) capabilities needed to guarantee response to crises that pose threat to the national security;

- ensure the priority development of intelligence capabilities of Ukraine for the timely detection of current threats to the national security through co-ordinated operations of intelligence agencies;
- assign the co-ordination agency on intelligence activity under the President of Ukraine the authorities for the general management of the intelligence community; establish common standards for its actors, specify and distribute tasks, monitor the activities of intelligence agencies and prepare co-ordinated intelligence assessments for the leaders of the country;
- build a unified system of logistics support that can perform centralised management of resources to support troops (forces) and means of the security and defence sector during their operational employment;
- set up a national cyber security system;
- professionalise the defence forces and establish a required military reserve;
- ensure the most appropriate consolidation of law enforcement activities in the area of responsibility of the Interior Ministry of Ukraine, raise the level of public trust to the law enforcement agencies, develop the Ministry as a central executive authority that ensures formation and implements policies in the area of law enforcement protection of the state border, migration and civil protection;
- the National Police of Ukraine as central executive authority shall effectively perform its functions in the area of combating crime, particularly organised crime and ensuring public order;
- improve and ensure effective functioning of the single public system of civil protection, bring it into compliance with the EU standards;
- ensure effective implementation of the security policy in the area of protection and defence of the state border of Ukraine and protect sovereign rights of Ukraine in its exclusive (maritime) economic zone;
- ensure the rights and freedoms of citizens, provide quality administrative services, effectively control migration flows, effectively fight against illegal migration, promote the introduction of a visa-free regime with the European Union;
- strengthen co-operation with partner intelligence services of NATO states, in particular adopt concrete actions to ensure mutual trust.

Distribute responsibility of the components of the security and defence sector of Ukraine for the organisation of planning, response to threats and in the course of performance of assigned tasks in the appendix to this Concept.

2. The ways of reaching necessary capabilities

The major ways of reaching the necessary operational and other capabilities of the security and defence sector components are to:

- upgrade the legislative framework regarding their functions and development of the security and defence sector with due regard to the respective EU and NATO principles and standards;
- timely prepare and implement policy documents for the development of the components of the security and defence sector with regard to the gradual transition to EU and NATO standards;
- efficiently distribute tasks in the security and defence sector, build the system of command and control over the defence and security forces, depending on the type of the crisis situation and taking into account the diversity of risks to the national security;
- reach and maintain the required level of combat and mobilisation readiness of troops (forces) and law enforcement agencies to perform assigned tasks, approximate them in terms of personnel, level of training and armaments and equipment with military and special facilities to EU and NATO standards;
- increase the capabilities of the National Guard of Ukraine to perform tasks of maintaining public safety, physical protection of critical infrastructure, participation in the protection and defence of the state border of Ukraine, as well as support operations of the Armed Forces of Ukraine in crisis situations that threaten the national security and in the special period;
- upgrade the system of planning of the use, command and control and interaction of the security and defence forces during liquidation (neutralisation) of the current threats;

- set up a single system of situation centres of the public authorities in the security and defence sector as well as other public and local authorities;
- ensure their efficient co-ordination with use of the capabilities of the Main Situation Centre of Ukraine; establish conditions to ensure its interaction with NATO Situation Centre (SITCEN);
- upgrade the public administration and management of the security and defence sector including the systems of information and cyber security, information protection and security of information resources;
- review the strategic communications area in the security and defence sector and improve it taking into account the practices of the NATO states;
- ensure the development of the information and communication technologies used for the purposes of the security and defence sector, the widespread involvement of the private sector and volunteer movements for this goal;
- enhance integration and co-ordination of the activities of the intelligence community actors, manage them more effectively by the co-ordination agency on intelligence activity under the President of Ukraine;
- strengthen the capacity of intelligence and counterintelligence agencies, in particular through the creation of organisational, logistical and financial conditions to improve their operational capabilities in priority areas of operational activity;
- gain operational and technical compatibility of the designated forces and means of the security and defence sector with respective units of the EU and NATO states;
- raise the level of individual professional training of public and military governance personnel and their responsibility for making relevant decisions;
- improve the system of territorial defence to build an active reserve of the Armed Forces of Ukraine, introduce a practical model of co-operation between the units of the territorial defence with the armed formations of the country;
- create a system to monitor, analyse, forecast, simulate and support the decision making in the area of national security and defence according to uniform methodology developed with the capacities of the Main Situation Centre of Ukraine;
- reform the public governance system for the special period by optimizing the number of command and control posts, adapting their communications and automation systems, creating mobile control posts;
- enhance the efficiency of scientific, research and engineering activities to the benefit of Ukraine's security and defence, create conditions for the increase of the production capacity and capabilities of Ukraine's defence industry to roll out domestic production of weapons, military and special equipment;
- ensure the innovative development of the defence industry;
- create efficient means of protection for military facilities, weapons, military and special equipment, protect them from technical intelligence;
- improve the efficiency of the use and maintenance of weapons, military and special equipment;
- increase the capacity of security and defence sector players for the effective fight against military cyber threats, cyber spying, cyberterrorism and cybercrime; increase their institutional and technology capacities of such players; expand international co-operation in this area;
- develop a response network to computer-related emergencies (CERT);
- increase the capacity of the State Emergency Service of Ukraine in terms of the effective management over the single national system of civil protection, equip civil protection forces with modern equipment, means and facilities;
- establish and ensure effective functioning of the system of training of mobilisation resources;
- restore military, operational and strategic reserves of uniforms and accessories, medical supplies, food, POL based on the reviewed and optimised indicators;
- make training of scientists more effective and improve the staffing system of science, research and education aspects of the security and defence sector;

- improve the system for social protection of service personnel, employees and workers of the components of the security and defence sector as well as their families.

The domestic defence industry plays a key role in maintaining a high level of combat and mobilisation readiness of the forces and means of the security and defence sector, increase of their operational capabilities by upgrading existing and supplying new weapons, military and special equipment, modern communications and information protection means.

3. Main areas for the development of the security and defence sector components

3.1. The Ministry of Defence of Ukraine

The Ministry of Defence will remain the main agency in the system of central executive government that forms and implements the public national security policy in the military, defence and military capacity building areas as well as ensures functioning of the Armed Forces of Ukraine, their combat and mobilisation readiness and preparation to meet assigned tasks.

The Armed Forces of Ukraine are subordinated to the Ministry of Defence of Ukraine as a military command and control agency.

Further development of the Ministry of Defence of Ukraine will be in accordance with the laws of Ukraine in the field of defence, conceptual and conceptual and policy documents of defence planning that have been approved in line with an established procedure and developed with due regard to the principles applied in NATO.

3.2. The Armed Forces of Ukraine

It is planned to carry out reforms and development of the Armed Forces of Ukraine in the framework of uniform approaches to building of the defence capabilities of the country by ensuring their leading role in fulfilment of the defence tasks.

To meet this goal, it is expected to:

- Optimise the structure and personnel number of the Armed Forces of Ukraine;
- Restore technical preparedness of weapons, military and special equipment, modernise and update their structure;
- Upgrade the forces (troops) training system;
- Reform the system of operational (combat) and logistical support;
- Ensure interoperability with other components of the security and defence sector in joint operations in the framework of identified scenarios;
- Gradually approximate the Armed Forces of Ukraine to NATO standards in terms of training, technical equipment and comprehensive support.

Achievement of objectives for reforms and development of the Armed Forces entails:

At the first stage – by the end of 2017:

- optimise and build up combat capacities of the existing military units and creating new ones;
- reform the (troops) forces command and control system to ensure command and control of inter-service units of the Armed Forces of Ukraine;
- create special operations forces as a separate branch for the areas specified in the Concept for Establishment and Development of the Special Operations Forces;
- establish new functional structures of the Armed Forces of Ukraine (immediate reaction forces, augmentation forces, reserve forces);
- prepare immediate reaction forces to cover the state border, deter, localise, liquidate (neutralise) an armed conflict, ensure deployment of the Ukrainian Armed Forces in case of a threat of the armed aggression;
- prepare augmentation forces for strengthening (increase) of the groups of troops (forces) aimed at liquidation of the armed conflict and repelling of an armed aggression;
- prepare reserve forces to be used upon the decision of the Ukrainian Armed Forces Command in a special period and/or during an anti-terrorism operation and provide assistance in case of natural and man-made disasters;

- restore the military infrastructure, revise places of permanent station of the Ukrainian Armed Forces units and detachments in view of the current security environment;
- set up, on the basis of military camps, a system of autonomous military bases with the necessary infrastructure for military units, a service housing fund, social and auxiliary facilities for military service personnel and their family members;
- set up an efficient system for mobilisation and mobilisation training with a proper number of military commissariats and their personnel as well as a single state register of conscripts;
- create necessary conditions for a gradual manning of the Ukrainian Armed Forces with contracted service personnel;
- achieve the level of readiness of the troops (forces) for adequate response to the threat of a border armed conflict while maintaining an ability to increase operational capabilities in a special period for repelling an armed aggression against Ukraine;
- increase the combat potential, restore the proper functionality, extend the service life, modernise new systems, create new systems and unify weapons and military hardware of the Armed Forces of Ukraine;
- establish units for cyber security and defence of the Armed Forces of Ukraine; ensure inter-agency co-ordination on these issues in the interests of ensuring the defence capacity of the country.

At the second stage (by the end of 2020) it is envisaged to gradually build up the capacity of Ukraine's Armed Forces to prevent, deter and localise a military conflict at early stages by way of:

- maintaining and increasing the combat ability of permanent readiness military units according to NATO standards;
- adopting the J-structure in the military command and control bodies of the Armed Forces of Ukraine that is used as a basis in Staffs of NATO;
- separating the functions of building, training and development of forces in the command and control system from the functions of the use of such forces;
- correspondingly reforming the command and control bodies of other components of the defence forces;
- further equipping the Ukrainian Armed Forces with modernised and new weapons and military hardware taking into account the needs and identified priorities;
- upgrading the information security system of the Ministry of Defence and the Armed Forces of Ukraine;
- upgrading the system of troops (force) training, reaching the NATO standards of combat training;
- arranging the development of the modern weapons and military hardware, communication, informatisation and information protection means;
- increasing the capabilities and readiness level of special operations forces, immediate reaction forces, augmentation forces and reserve forces to performance of assigned tasks;
- implementing modern systems and technologies of comprehensive troops (forces) support.

Further development of the Ukrainian Armed Forces will be targeted at:

- reaching quality indicators of their new model, equipment with modern weapons and military hardware;
- intensified training and professionalisation
- improving operational interoperability with units of the armed forces of NATO;
- and EU states and readiness to perform joint tasks in peacekeeping and security operations;
- creating necessary materiel reserves for adequate response together with other components of the security and defence sector to all challenges and threats;
- ensuring the ability to counter information and cyber attacks, special operations of the enemy and actively participate in the international peacekeeping and security operations.

3.3. The Ministry of Internal Affairs (MIA)

The development aim of the MIA on the current stage is its development as the main agency in the system of central executive government that forms the public policy in the following areas:

- protection of human rights and freedoms, interests of the society and the State, combating crime, maintaining public security and order, and providing police services;

- protection of the state border of Ukraine and sovereign rights of Ukraine in its exclusive (maritime) economic zone;
- civil protection, protection of population and territories from emergency situations and prevention of their occurrence, emergency response, rescue, fire-fighting, fire and anthropogenic safety, emergency and hydrometeorological activities;
- migration (immigration and emigration) including countering illegal (unlawful) migration, citizenship, registration of individuals, refugees and other categories of migrants established by the legislation.

Steps to meet the goal:

At the first stage – by 2017:

- audit material and financial condition of the interior agencies to identify systematic issues for further budgeting of the Ministry of Interior and protection of personnel rights;
- establish and prescribe in laws the status and functions of a universal special unit;
- take additional actions to ensure rights of the detained and arrested individuals according to European norms;
- introduce the practice of video recording of the initial questioning of a detained person and uniform custody records;
- introduce new standards of physical and firearms training of personnel;
- reorganise the procedure of e-access of citizens to the regulatory framework documents of the interior agencies on basis of public interactive GIS resources;
- develop a policy for quality appraisal of the law enforcement services;
- approve new criteria for appraisal of efficiency in the work of the Ministry of Interior.

At the second stage – by 2020:

- introduce info-communications management technology and audit logistics of the interior agencies resources of the interior agencies of Ukraine;
- complete main redistribution and downsizing in line with European practices;
- test the model of the personnel secondary employment;
- ensure a stage-by-stage transformation of the education institutions of the Ministry of Interior.

3.4. National Guard of Ukraine

In accordance with best European practices the National Guard of Ukraine is part of the Ministry of Internal Affairs of Ukraine as a military formation with law enforcement functions.

Its main task is to guard and protect life, rights, freedoms and legal interests of citizens, society and the state from illegal encroachments, protection of public order and security, and participation with other agencies in the actions to ensure the national security and protection of the state borders, stop terrorism and terrorist activities of illegal paramilitary or armed groups, organised criminal groups and organisations.

The National Guard of Ukraine in co-operation with the Armed Forces of Ukraine will take part, in accordance with the law, in repelling of an armed aggression against Ukraine and liquidation of armed conflict by conducting military (combat) actions and performing territorial defence tasks.

During a martial law period, the National Guard shall be subordinated to the Ministry of Defence of Ukraine to perform tasks of the national defence.

Fulfilling the assigned tasks the National Guard of Ukraine interacts with law enforcement authorities, the Armed Forces of Ukraine, the Directorate of State Protection of Ukraine and other military formations, local authorities, prosecution agencies, public authorities, public associations and religious organisations established under the laws of Ukraine, and also with the administration and high-security agencies of the facilities that are being guarded as well as with the population.

The major objective of the development of the National Guard of Ukraine will be the creation of new units able to interact with other components of the security and defence sector and fulfil a broad scale of law enforcement tasks and efficiently respond to crisis situations that pose threats to the national security.

The National Guard will develop the following way:

At the first stage – by the end of 2017:

- Complete the development of legal principles for the activity of the National Guard of Ukraine;
- Deploy military units of operational level and special forces;
- Equip units and subunits of the National Guard of Ukraine with modern and modernised weapons and military hardware, special means and equipment to ensure protection of public order; upgrade the command and control and communication systems;
- Optimise the personnel number in accordance formations of the assigned tasks;
- Reform the logistics system and establish necessary military reserve of clothing and medical property, food and POL;
- Reform the combat and special training system; deploy and equip training centres for operational units;
- Raise the level of public social guarantees and other motivation for military service personnel;
- Ensure the co-ordinated development of the system of management, maintenance of materiel stock, reform the logistics system of the National Guard of Ukraine to ensure their interoperability with similar systems of the Armed Forces of Ukraine.

At the second stage – by the end of 2020:

- Increase the combat capability of the National Guard of Ukraine and the level of its readiness to perform assigned tasks;
- Develop the combat and logistics support system;
- Modernise the system of combat and special training of personnel by implementing comprehensive training for performance of assigned tasks;
- Set up operational stocks of materiel;
- Gradually approximate the National Guard of Ukraine to NATO standards in terms of combat and special training, technical equipment and comprehensive support.

3.5. The National Police of Ukraine

The National Police of Ukraine as a central executive agency serves the society by ensuring the protection of rights and freedoms, combating crime, maintaining public security and order.

Its major tasks include the provision of police services in the following areas: ensuring public security and order protection of the human rights and freedoms and the interests of the society and the State combat crime helping, within the limits set out in the law, the individuals who require support because of personal, economic, social reasons or as a result of emergencies.

The major objective for the development of the National Police of Ukraine is a gradual establishment of a law enforcement agency of the European level for further effective delivery on its objectives.

At the first stage – by the end of 2017 it is planned to:

- Complete the establishment of the structure of the National Police of Ukraine, staff it with the optimal number of employees;
- Move from military and social and service model of police ensure the organisational unity and effective governance of the system of the National Police agencies;
- De-politicise the activity of the National Police of Ukraine;
- Establish the main legislative framework for the delivery on the objectives and functions established by regulations;
- Provide of the National Police units with modern special means, vehicles, weapons, and establish appropriate reserves of them;
- Set up special purpose and rapid response units in every region of the country;
- Reform the system of recruitment and professional training of National Police employees;
- Introduce modern automated information, telecom and other systems;

- Establish due co-operation of police with other law enforcement agencies on the national and international levels including by means of joint performance of tasks and co-ordination of joint actions in case of emergencies.

The second stage – by the end of 2020 - will:

- Achieve the general standards of the National Police's work to the average European standards;
- Improve the mechanism of information exchange with domestic and international law enforcement agencies for effective performance of tasks;
- Extend participation of police representatives in peace keeping and security activities as part of peace-keeping units of the UN, OSCE, and others.

3.6. The State Border Guard Service of Ukraine

The main objectives of the development of the State Border Guard Service of Ukraine is to ensure effective implementation of the national policy in the area of state border security and protect sovereign rights of Ukraine in its exclusive (maritime) economic zone and, in the future, to ensure that following the membership in the European Union the country is ready to protect its external border in the east, north and south of Ukraine.

The State Border Guard Service of Ukraine as a special law enforcement agency directed and co-ordinated by the Ministry of Interior will be reinforced with the forces of the National Guard of Ukraine and the Armed Forces of Ukraine if needed in the areas and during periods of increased threats.

A gradual development of the State Border Guard Service of Ukraine suggests:

At the first stage – by the end of 2017:

- improve the guard system and increase the level of protection of the national border of Ukraine with the Russian Federation with due regard to the actual and potential military threats;
- complete delimitation and demarcation of the national border of Ukraine;
- introduce modern information technologies into the system of command and control and ensure protection of information resources;
- modernise a departmental system of covering the water surface situation and set up a comprehensive zone of monitoring at the maritime portion of the state border of Ukraine; develop an information exchange with the Navy of the Armed Forces of Ukraine;
- form border rapid reaction units;
- organise a joint operational state border protection with the EU member-states: Poland, Slovakia, Romania and Hungary as well as with Moldova by introducing joint control of individuals, vehicles and goods at the state border crossing points arranging joint state border patrolling implementing mechanisms of information exchange and joint risk analysis developing co-operation of operational units expanding the network and functions of border contact points at the common border with bordering states;
- intensifying co-operation with Belarus border guard service at the central, territorial and local levels;
- improve the mechanism of peacetime engagement of the Ukrainian Armed Forces, the National Guard of Ukraine and law enforcement units for support in the protection of the state border and Ukraine's sovereign rights in its exclusive (maritime) economic zone and putting an end to armed and any other provocations at the state border of Ukraine;
- enhance powers of operational bodies of the State Border Guard Service, developing effective mechanisms of operational co-operation and information exchange with other law enforcement authorities in the area of the state border security;
- improve the system of border control by way of setting up at the state border crossing points the subsystems with functions of computer processing of information on individuals crossing the state border and their passports with use of electronic data devices including the biometric control function;
- implement a procedure for advance informing of passengers at the state border crossing points (check-points) for the railway transportation service;
- modernise the automatic identification system for foreign citizens and stateless persons who have been refused a right to enter the territory of Ukraine at the national border crossing points;

raise combat ability of the State Border Guard Service of Ukraine in terms of its ability to protect the state border by means of:

- improving the manning system on the basis of combination of ex-territorial and territorial principles;
- unifying and carrying out technical retrofitting of the command and control agencies and the border protection bodies of the State Border Guard Service with modern weapons and equipment, communication and informatisation means;
- renovating and modernising the ship and cutter fleet belonging to the Coast Guard of the State Border Guard Service as well as the aircraft fleet;
- unifying the special training system for junior staff and personnel of the border service rapid response units;
- developing the modern logistics system and efficient material resource management.

At the second stage – by the end of 2020:

- equipping the state border of Ukraine with the Russian Federation with modern means of monitoring and surveillance; completing the establishment of border guard rapid response units;
- building a joint operational state border protection with the EU member-states: Poland, Slovakia, Romania and Hungary as well as with Moldova;
- implementing European norms and standards into the system of border control and personnel training;
- completing modernisation of the communications and information system, renovation and modernisation of the ships and cutters fleet of the Coast Guard of the State Border Guard Service of Ukraine as well as the aircraft fleet, introduction of UAVs and unmanned floating vehicles to protect the state border of Ukraine;
- integrating the departmental IT system for control over the surface water situation at the maritime portion of the state border into the national automated IT system of surface water and underwater situation along the sea coast of Ukraine;
- ensuring the readiness of the State Border Guard Service of Ukraine to guard temporarily;
- uncontrolled portions of the state border after the territorial integrity of Ukraine has been restored.

3.7. The State Migration Service of Ukraine

The State Migration Service (SMS) is planned to be developed by increasing the effectiveness of:

- performance of assigned tasks and implementation of modern transparent procedures to provide quality services, overcome internal negative phenomena, especially corruption, and restore public trust to SMS;
- implementation of the national migration (immigration and emigration) policy including countering illegal (unlawful) migration, citizenship, registration of individuals, refugees and other categories of migrants established by the legislation.

Steps to meet the goal:

At the first stage – by the end of 2017:

- implement the Concept for priority actions to reform the State Migration Service of Ukraine;
- bring the national legislative framework and procedure practices in line with the international standards; enforce obligations as part of liberalisation of the visa regime with the European Union;
- set up a single protected system of e-document management with unified databases;
- develop and introduce new models for the provision of administrative services in co-operation with the civil society, companies and organisations;
- introduce a modern tool for individual e-identification, a card-format passport of a Ukrainian national;
- introduce a system of quality, accessible and transparent services that are focused on reducing the terms of provision of administrative services and the number of documents;
- ensure that the State Migration Service has prompt access to the available public and unified registers, other databases owned by the government or companies, institutions and organisations for the sake of identification;

- provide access to the public agencies to the identification e-service of the State Migration Service;
- develop new services and integrate the card-format of the Ukrainian national passport with other e-management initiatives;
- ensure the development of access channels to new services and e-identification practices.

At the second stage – by the end of 2020:

- strengthen the institutional capacity of the State Migration Service, ensure compatibility and complementarity of the migration policy with other areas of public activities;
- develop a new model for individual identification and data checking and introduce a new reliable identification management process (from data selection to initial identification and issue of documents);
- set up a single information and analysis system to manage migration processes;
- ensure further development of infrastructure of the Unified State Demographic Register and create a national system for identification of citizens of Ukraine, foreigners and stateless persons;
- improve the mechanism of engaging civil institutions, academia, international organisations to oversee the actions taken to shape and implement the migration policy.

3.8. The State Emergency Service of Ukraine

The aim of the development of the State Emergency Service of Ukraine (SES) is to ensure effective implementation of the national policy in the area of civil protection by way of upgrading the single state system of civil protection, bringing it in line with the EU standards and ensuring its efficient functioning in peacetime and a special period as well as equipping civil protection forces with modern equipment and capabilities.

The development will be achieved mainly through the implementation of the nationally targeted program for protection of population and territories from natural and man-made emergency situations for 2013-2017 approved by the Law of Ukraine No 4909-VI of June 7, 2012.

The following actions are needed to reach the defined goal:

At the first stage – by the end of 2017:

- establish functional and territorial subsystems of the single state system for civil protection, clearly separate responsibility areas between them and monitor their efficient functioning in peacetime and a special period;
- ensure the implementation of requirements and norms of the Civil Protection Code of Ukraine taking into account the EU standards;
- set up at garrisons of the SES operational rescue service for civil protection a defined number of fire-fighting and rescue units, bring their structure and headcount in line with assigned tasks;
- develop SES pyrotechnic units to ensure humanitarian clearing of territories of Ukraine from explosive ordnance;
- improve the regulatory and legal framework to provide comprehensive security at critical infrastructure;
- upgrade the mechanism of mobilisation deployment during a special period and in case of targeted mobilisation of SES formations by way of setting up a civil protection service reserve stipulated in the legislation;
- upgrade SES management agencies and units with modern equipment, search and rescue facilities and gear;
- raise efficiency of operational and comprehensive response to emergencies by way of setting up and developing local and volunteer units of firefighters and volunteer civil protection formations;
- maintain a mobile hospital of the SES on standby to fulfil assigned tasks, equip it with necessary modern equipment and materiel, upgrade its deployment and operations procedures;
- improve the system of manning of SES agencies and units by way of revision of current professional requirements to civil protection professionals;
- expand international co-operation by integrating Ukraine's SES into European and world organisations of civil protection and humanitarian response to emergencies.

At the second stage – by the end of 2020:

- upgrade the mechanism for emergency monitoring and forecasting;
- take organisational, economic, engineering and technology measures to reduce emergency situations risks down to acceptable levels;

- realise the set of measures outlined in the laws to protect the population and territories from emergencies;
- participate to ensure that the critical infrastructure sustainably functions in times of emergencies and during a special period;
- further develop the SES aviation support system through commissioning of multi-purpose aircrafts with respect to international standards, keep (locate) them closer to the regions with high emergency risks;
- upgrade the mechanism for interaction with other structures of the national security by way of further development of the SES Emergency Control Centre, development of a network of relevant centres of lower level and their interaction with the Main Situation Centre of Ukraine and other situation centres of the security and defence sector components;
- modernise the communications and notification system of civil protection and ensure its reliable operation;
- implement a set of measures to introduce a system of emergency assistance to population with the single phone number 112;
- ensure the establishment and most efficient use of material reserves needed to prevent emergency situations and remedy their consequences.

3.9. The Security Service of Ukraine

Reform of the Security Service of Ukraine is aimed at strengthening its ability to counteract current external and internal threats to the national security. It will be implemented through revision of doctrinal and conceptual approaches to organisation of the activities of the Security Service of Ukraine, functional optimisation of its organisational structure and improvement of logistics support.

The reform of the Security Service of Ukraine aims to transform it into a special service able to effectively protect the state sovereignty, the constitutional order and territorial integrity of Ukraine. The Security Service will be focused on the following tasks:

- counterintelligence protection of the state sovereignty, constitutional order, territorial integrity, economic, research, technical and defence potential, information security of Ukraine, critical interests of the state, rights and freedoms of citizens from infringement by other states' special services, organisations, groups and individuals that pose threat to the national security of Ukraine;
- countering intelligence, sabotage and other illegal actions of special services of other countries, organisations, groups and individuals that pose threat to the national security of Ukraine
- counterintelligence protection of the public authorities, science, technology and defence capacity, defence and transport industry, the national telecommunications system and its facilities and critical infrastructure that has strategic importance
- prevention, detection, ending and solution of crimes against peace and security of humanity committed in the cyber space, counterintelligence and operative-investigative actions to fight cyber terrorism and cyber spying
- countering cyber crimes, the consequences of which directly threaten the vital interests of Ukraine, investigating cyber incidents and attacks connected with public e-information resources, information subject to protection according to the law, the critical information infrastructure and its individual facilities
- testing the readiness of the protection at critical infrastructure facilities for possible cyber threats and incidents ensuring response to computer incidents in the national security area
- implementing a range of administrative, legal, organisational, operative-investigative and operative-technical actions to counter terrorism in particular international terrorism and financing of terrorism
- countering crimes that pose threat to the national security of Ukraine (with further gradual optimisation of the authorities of the Security Service in this area in the manner stipulated in the legislation)
- exposing and countering transnational and inter-regional organised criminal groups, fighting the manifestations of organised crime in different areas (with further gradual optimisation of the authorities of the Security Service in this area in the manner stipulated in the legislation)

- countering special information operations and influence of foreign special services, organisations, groups and individuals
- countering illegal trafficking and use of special technology for covert acquisition of information
- information and analysis activities in the interests of the national security of Ukraine
- preventing crimes in the area of national security of Ukraine.

The expected result is to be reached by:

- establishing an efficient system to counter new threats to the national security of Ukraine in the area of public security and improving the mechanisms for timely detection and response to them as part of the further development of the security and defence sector
- changing the legal, organisational and other principles of operation of the Security Service of Ukraine with due regard to the current practices in the activities of the special services of EU and NATO states, democratic transformations in the society, the integration course of Ukraine to the European and Euro-Atlantic economic, political and security space
- drastically upgrading the substance and organisation of the information and analysis activities in the Security Service of Ukraine; introducing the latest IT for processing the acquired information; minimising law enforcement data in the information flows of the national security
- extending and acquiring necessary operative-technical capacity of the agencies and units of the Security Service of Ukraine for receipt of operative information
- extending co-operation of the Security Service of Ukraine with other components of the security and defence sector, public authorities, institutions and organisations on new principles
- upgrading the existing and creating new mechanisms for partnerships with the special services of other countries according to the national legislation and international treaties.

3.10. State Protection Directorate of Ukraine

The priorities for the State Protection Directorate development in the security and defence sector are:

- upgrading the state protection of the public authorities of Ukraine
- providing security to the officials identified by law if they are on the territory of Ukraine or abroad
- providing security to the family members of the officials identified by the law, who reside together with them or accompany them
- preventing unlawful attacks against officials and their family members, and facilities subjected to the state protection, their detection and termination
- protecting and defending facilities identified in law
- ensuring safe operation of transportation vehicles intended for the officials identified by law
- improving the infrastructure facilities at the places of deployment of the units of the State Protection Directorate of Ukraine
- modernising the units of the Directorate with modern weapons, special vehicles, communication means and cars
- keeping and accumulating reserves to be able to deliver on the objectives set to the Directorate
- taking part in the activities aimed at combating terrorism.

3.11. The State Service of Special Communication and Information Protection of Ukraine

The priorities for the State Special Communication and Information Protection Service are:

- Developing and improving the public policy in the area of the cryptographic protection of state e-information resources and information subject to protection according to the law; the critical information infrastructure and its individual facilities; exercising public control in this area
- Taking organisational and technical actions to prevent, detect and respond to cyber incidents and cyber attacks and rectify their consequences; informing about cyber threats and respective protection methods
- Developing and improving the cryptographic and technical protection of information in line with standards (requirements) applied by the leading European states

- Establishing a national telecom network, ensuring its continuous functioning and cyber protection
- Organising sustainable and safe functioning of special information-telecom systems operating in the interests of state governance in peacetime, crises that pose threat to the national security and the special period
- Providing, within the established competence, cyber protection of information, telecommunication systems and information-telecom systems and networks of critical information infrastructure of Ukraine, countering and responding to computer incidents
- Auditing the vulnerability of the protection of the critical infrastructure facilities
- Upgrading the legislation concerning telecommunications, special information-telecommunication systems, cryptographic and technical information protection taking into account the EU and NATO norms and standards.

The development of the State Special Communications and Information Protection will include:

At the first stage – by the end of 2017:

- Completing modernisation of the landline component of the state system of government communication, modernising the subsystem of government field communications including in the framework of conversion of radio frequencies in Ukraine
- Establishing the national centre of operational and technical control of Ukraine's telecommunications networks; ensuring proper functioning of the centre for cyber defence as a component of the national system for cyber security; ensuring security of public e-information resources
- Designing a unified set of modern domestically-produced means of special communications and information protection; setting up their production taking into account the actual needs of security and defence sector actors
- Establishing a national network of secure mobile communications of public authorities
- Developing and ensuring operation of a national system of confidential special-purpose communications, in particular to ensure functioning of the network of situation centres.

At the second stage – by the end of 2020:

- completing modernisation of the field component of the state system of government communications
- modernising available and ensuring production of developed means and systems of special communications
- developing international co-operation in the field of cyber security, supporting international initiatives in the field of cybersecurity that meet the national interests of Ukraine extending co-operation between Ukraine and the EU, NATO and Ukraine to strengthen Ukraine's capabilities in cyber security participating in the events focused on building trust in cyberspace organised under the auspices of the OSCE
- modernising the communications system of the command points of the central government authorities, local governments and military command.

3.12. The State Service of Special Transport

The State Special Transport Service will be reformed and developed to increase its mobility, equipment with modern vehicles and weapons to guarantee performance of tasks related to provision of the Armed Forces of Ukraine and other military formations with engineering and transportation support in the peacetime, during martial law and the state of emergency as well as technical coverage and repair of the transportation infrastructure owned by the Armed Forces of Ukraine and other military formations.

In the medium-term the State Service of Special Transport is expected to be integrated into the Armed Forces of Ukraine.

Priorities for the development of the State Special Transport Service are:

- Creation of a brand-new system of management of the State Special Transport Service on a modern technology basis
- Further optimisation of the staff structure and number of combined units, their reform and transfer of certain units to new peacetime and wartime staffing structure and bringing the personnel in line with the tasks assigned to the State Special Transport Service

- Improve the system for training of personnel and the mobilisation of resources
- Upgrade units of the State Special Transport Service with modern special vehicles and cars.
- Development of State Special Transport Service is achieved through the following actions:

At the first stage – by the end of 2017:

- improve facilities and equipment of the control points and improve the communications system
- introduce new technologies and forms of building and restoration works
- gradual transition to manning with contracted service personnel
- create conditions for the gradual transfer of units of the State Special Transport Service for completion with reservists

At the second stage – by the end of 2020:

- improve the management system in the State Special Transport Service and integrate it with the management system of the Armed Forces of Ukraine
- further capacity-building of the units of the State Special Transport Service to perform rescue operations and disaster relief on facilities of transport infrastructure owned by the Armed Forces of Ukraine and other military formations established in line with the laws of Ukraine
- modernise, unify and raise efficiency of the technical equipment system of the State Special Transport Service
- provide the State Special Transport Service with modern vehicles and other material resources
- improve the system of logistics in order to fulfil the tasks assigned to the State Special Transport Service
- preserve and accumulate an emergency and mobilisation reserve
- improve the personnel training system, ensure a gradual transition to manning the State Special Transport Service only with contracted military service personnel
- complete the integration of the State Special Transport Service with the Armed Forces of Ukraine.

3.13. A co-ordination agency on intelligence activity under the President of Ukraine and intelligence agencies of Ukraine

The main goal for the development of the intelligence agencies is to increase the intelligence capabilities of Ukraine on the basis of their co-ordinated operations, co-ordinate their activities and improve co-operation with partnership special services of NATO states.

The list of intelligence agencies of Ukraine is set out in the Law of Ukraine "On Intelligence Agencies of Ukraine". A Joint Committee for Intelligence under the President of Ukraine has been established to raise efficiency of intelligence agencies of Ukraine.

General areas for the development of the intelligence agencies of Ukraine are set out in the National Security Strategy of Ukraine approved by the Decree of the President of Ukraine No 287 of May 26, 2015.

Further development of the intelligence agencies of Ukraine will be organised through the implementation of measures envisaged in the National Intelligence Program and directed at:

- focusing the efforts of the intelligence agencies on priority areas of the national security
- eliminate decentralisation, overlapping of functions and tasks in the activities of the intelligence agencies of Ukraine
- increase co-operation of the intelligence agencies and their co-ordination, in particular by transforming the Joint Committee for Intelligence under the President of Ukraine into a co-ordination agency on intelligence activity under the President of Ukraine with a respective institutionalisation of the co-ordination agency
- use the capacities of the intelligence agencies in a comprehensive manner to address priority tasks
- combine certain advanced resources and technologies in the framework of the intelligence co-operation of Ukraine
- involve consumers of the intelligence information and other entities of the national security and defence sector into the area of intelligence activities
- improve the budget funding system of the intelligence agencies of Ukraine

- improve co-operation of intelligence agencies with partnering special services, firstly, of NATO states and build mutual trust
- introduce modern mechanisms of democratic civilian control over the activity of intelligence agencies of Ukraine.

3.14. NSDC Staff

Priorities for the development of the NSDC Staff are:

- informational, analytical and organisational support of the National Security and Defence Council of Ukraine as a co-ordinating entity for the national security and defence under the President of Ukraine
- ensuring co-ordination and control by the NSDC over the activities of executive government, other government agencies in the national security and defence area
- prepare proposals to improve legislation on national security and defence, clarify Ukraine National Security Strategy, Military Doctrine of Ukraine and other governing documents on national security and defence
- study and analyse the situation in the area of the national security and defence, the functioning of the security and defence sector of Ukraine and of its components, activities of other public agencies in this field; prepare and submit appropriate proposals to the President of Ukraine, the National Security and Defence of Ukraine and, upon their instruction, to the executive government and other public authorities
- support the activities of the Main Situation Centre of Ukraine; ensure efficient operation of the single system of situation centres of the public authorities that work in the security and defence sector by taking advantage of the opportunities of the Main Situation Centre of Ukraine
- organise functioning of working and advisory agencies of the National Security and Defence Council of Ukraine.

3.15. Central executive agency that builds and implements the national military industry policy

The main goal for the development of the defence industry is to establish conditions to take the defence industry of Ukraine to a brand new level of production of weapons and military hardware to meet the needs of the Armed Forces of Ukraine and other military formations and law enforcement agencies established in line with the law of Ukraine that would enable to set up an integrated system able to reproduce and function on the principle of balance.

On Stage 1 (by the end of 2017) – to restore the normal operation and extend the service life of the resources, modernise, establish new systems and unify types of weapons and military hardware of the Armed Forces of Ukraine and other military formations and law enforcement agencies established in line with the law of Ukraine as well as to build and restructure the defence industry on a system-based approach.

Stage 1 envisages the following actions:

- Repair and modernise the current weapons and military hardware
- Prepare for serial production of types of military hardware accepted for military use
- Improve the legislative and regulatory frameworks for the development and operation of the defence industry
- Build a new efficient system of public administration of the defence industry
- Restructure and incorporate companies in the defence industry
- Identify opportunities to establish closed-loop production cycle to meet the priority needs of the Armed Forces of Ukraine and other military formations and law enforcement agencies established in line with the laws of Ukraine with a set range of types of weapons and military hardware
- Introduce actions and mechanisms for import substitution
- Ensure diversification of the export potential
- Use widely the modern scientific methods for work management at production businesses
- Ensure governmental support of high-tech production businesses in Ukraine focused on the development of weapons and military hardware

- Introduce the latest technologies
- Improve standardisation, unification and quality control systems
- Introduce an effective mechanism of co-operation between public defence customers and defence industry businesses in the area of development and production of weapons and military hardware
- Establish a system that guarantees public financial support of defence orders for the entire period of the projects develop military-technology co-operation with partner states
- Provide the Armed Forces of Ukraine and other military formations and law enforcement agencies established in line with the law of Ukraine with weapons and military hardware produced to NATO standards.

Stage 2 (by the end of 2020) – to prepare and roll-out production of the latest weapons and military hardware according to orders of the National Target Defence Program for Development of Weapons and Military Hardware 2020; to continue and complete reforms of the defence industry.

Stage 2 envisages the following actions:

- Prepare and launch serial production the latest models of high-tech weapons and military hardware
- Continue and complete systemic restructuring in the defence industry, engineering and technology modernisation of the production
- Introduce new technologies, develop basic and critical technologies
- Raise domestic output of critical components and materials, be fully independent from the Russian Federation in the production of weapons and military hardware
- Actively promote to the external market the domestically-produced new and modernised weapons and military hardware

Changes in the security environment and actual economic and financial capacities of the country are main criteria for changes of the number of all components of the security and defence sector.

Such changes will be introduced to increase the necessary capacity of the components of the security and defence sector and improve their quality indicators.

The prospective model for the security and defence sector will be built by gradually increasing the operative capacity for performance of assigned tasks and by creating, on this basis, combat-capable, mobile, duly trained and comprehensively supported forces of security and defence able to protect the national interests of Ukraine and take an active part in international peacekeeping and security actions.

4. Ensuring the development of the security and defence sector systems

4.1. Developing the system of management, co-operation and control

The development of the management system in the security and defence sector seeks to ensure management of the sector as a holistic system built on the following principles: improve co-operation and effective strategic communications between the players of the security and defence sector; engage civil society to make the most important strategic decisions on the issues of national security; clearly regulate the activities in the security and defence sector that will guarantee a stable development of the country; use adaptive management strategies that suggest engagement of independent expert organisations, transparency and accountability to society.

It is expected that the President of Ukraine will execute general management over the security and defence sector, organise interaction of its components including:

- in peacetime and in crisis situations that pose threats to national security - directly or through the National Security and Defence Council of Ukraine
- in the special period – directly or through the National Security and Defence Council of Ukraine including through the use of the potential of the War Cabinet of the NSDC and the Headquarters of the Supreme Commander-in-Chief, if established, the working body of which is the General Staff of the Armed Forces of Ukraine.

The President of Ukraine exercises control over the activity of the security and defence components directly and through the National Security and Defence Council of Ukraine.

The National Security and Defence Council of Ukraine co-ordinates and controls activities of the security and defence sector components.

NSDC Staff will:

- carry out informational, analytical and organisational support actions taken by the National Security and Defence Council of Ukraine according to the law to control the security and defence sector
- study and analyse, within established authorities, the activities of the Armed Forces of Ukraine and other military formations established according to the laws of Ukraine, their readiness to performance of assigned tasks, actions taken by law enforcement agencies to prevent and fight crime
- as part of control over implementation of NSDC decisions, the NSDC Staff will:
- analyse implementation of conceptual and policy documents covering security, defence, defence industry and military-technical co-operation, economic, social and energy security, external and information security and also organisational and hardware-software set of monitoring actions necessary to prepare and make fast decisions in the area of national security and defence.

If the President of Ukraine decides to introduce martial law, the NSDC War Cabinet can transform into the Supreme Commander-in-Chief HQ.

The Secretary of the NSDC will organise the work of the Supreme Commander-in-Chief HQ, if established, within the authorities set out in the law.

To improve public governance in the security and defence sector and in order to detect threats to the national security of Ukraine in time, it is expected:

- To set up a Combined Operative HQ as a body to manage cross-service and cross-agency groups of troops (forces)
- To improve the single automated management system of the Armed Forces of Ukraine to operate in the framework of the single management system of the security and defence sector
- To raise the level of strategic management to ensure the national security by establishing a network of situation centres that will co-operate between themselves and with the Main Situation Centre of Ukraine
- To ensure cyber protection of the network of situation centres in the country, introduce effective actions and methods to protect information in situation centres during its reception, processing, transfer and storage
- To set up a national system for identification of Ukraine nationals, foreigners and stateless individuals
- To ensure ongoing monitoring and analysis of migration processes to make forecasts as to the development of the migration situation in Ukraine and foresee potential risks, particularly in the security area.

The network of situation centres of the security and defence sector will be formed as a single organisational and technical complex equipped with dedicated hardware and software and unique information and communication equipment to improve the quality of information and analytical support and minimise the time needed for making important management decisions.

In the future it is planned:

- to add the mentioned network with deployable communication systems to receive and transmit operational information directly from the ground
- to introduce a system of sustainable support of security and defence sector components, academic institutions and production enterprises of the defence industry with the information about world achievements in science, engineering and technologies, armament development, military and special equipment

4.2. Planning of the security and defence sector development

Planning of the security and defence sector shall seek to achieve the necessary capacity (capability) of the components of the security and defence sector, taking into account the forecasted threats to the national security of Ukraine. It shall be carried out through:

- integrating the planning system of the security and defence sector development with state forecasting and strategic planning

- co-ordinating the planning security and defence sector development with the public budget planning based on socio-economic development of the country
- introducing the planning system based on the capacities of all the components of the security and defence sector, by aligning this process with management-by-objectives and other modern methods for planning of financial and other logistics resources with further preparation of the concept of the development of joint capacities in the security and defence sector
- developing the principles and introduction of the public system of risk management during implementation of state programs for the development of the components of the security and defence sector
- providing efficient scientific and technical support of policy documents on the reform and development of the components of the security and defence sector of Ukraine, weapons and military equipment, government target defence programs and public defence orders aimed at the implementation of these programs
- co-ordinating, balancing and synchronising in time, in terms of the quality and resource parameters based on the country's financial and economic capabilities, the tasks of state target defence programs for armament and military hardware development and the programs for the development of the components of the security and defence sector with the National Program for Reforms and Development of the Defence Industry identifying major targets of these policy documents to ensure adaptation of the weapons systems to the changes in the nature of wars and armed conflicts, forms and methods of the armed combat defined in the Military Doctrine of Ukraine, ensuring at the same time the achievement of the expected level of technical equipment of the security and defence forces before the end of the programming period
- introducing a common approach to the preparation of state target programs for the development of the components of the security and defence sector of Ukraine
- enhancing co-ordination of public agencies – players of the state defence procurement (customers) for the effective use of budget funds, material resources and R&D capacities of the State that are involved if new weapons and military hardware systems are created.

4.3. Staffing and manning

Staffing and manning in the security and defence sector includes:

- Manning the components of the security and defence sector with professional mostly contracted personnel trained to EU and NATO standards
- Maintaining a mixed principle of manning the Armed Forces of Ukraine and other military formations established in line with laws of Ukraine
- Establishing an e-register of conscripts and take it as a basis to form territorial defence forces and an operative reserve of conscripts and reservists with military training on the principle of ex-territoriality
- Extending participation of Ukraine's representatives in international exercises, training missions, workshops, education programs, consultations, internships and other similar activities
- Creating conditions to provide military service personnel, law enforcement employees, and their family members with accommodation, first of all with employer-provided housing
- Improving the system of recruitment, appointment, professional training and education of personnel
- Increasing requirements to the candidates to positions of military service personnel, in law enforcement and special service agencies by adopting new selection criteria and give preference to those, who were educated in EU and NATO countries
- Improving the appraisal system and take it as a basis to conduct advanced performance appraisal of military personnel, law enforcement and special service employees
- Improving the mobilisation preparation and mobilisation
- Ensuring social guarantees to military service personnel and security and defence sector personnel with respect to their rights and freedoms
- Optimising the system of higher military schools and education units of the security and defence sector, organising training of specialists on related specialities for the needs of the security and defence sector

on the basis of public procurement contracts in respective dedicated schools regardless of the agency they belong to; ensuring that they receive the European-level education recognised in the European community

- Creating a government contract system to conduct continuous training of workers, technicians and engineers to meet the demands of the defence industry.

At the first stage – by the end of 2017, it is expected:

- To introduce European principles of personnel management
- To optimise the number and ratio of all categories of personnel, to overcome the trend of understaffing of entry-level positions
- Form properly-staffed and trained reserve of professionals in the most of hard-to-find specialities to meet the needs for them in the security and defence sector immediately when necessary
- Form gradually a professional NCO corps able to fulfil tasks with due quality
- Create necessary conditions for a gradual increase of the number of contracted personnel of forces (troops) and law enforcement bodies, ensure proper quality and speed of manning of the security and defence forces during a special period
- Upgrade the quality of candidate selection for contracted military and law enforcement services
- Introduce an efficient system of career development for military service personnel and law enforcement personnel
- Revise the terms of conscript military service and the conscription age
- Ensure further development of military reserve service
- Create necessary conditions for military-patriotic education of youth.

4.4. Developing comprehensive support systems of the security and defence sector

The logistics support system for the security and defence sector components in peacetime and in a special period will be a combination of technical support and rear services support systems and creation on this basis a united logistics system for the Armed Forces of Ukraine and other components of the security and defence sector by way of unifying the inventory and its provision standards (with an exception of the special inventory).

The logistics support will be based on joint logistics centres as agencies that support forces (troops) with materiel and technical means upon the territorial principle irrespective of their subordination.

The priorities of the logistics support are:

- Elaboration and implementation of modern technology of information safety and production of information products in the interests of the security and defence sector
- Implementation of a unified system of logistics support for military formations and law enforcement bodies; state procurement for the security and defence sector components
- Elaboration and implementation of unified requirements to military goods
- Provision of modern combat kits to personnel, which would include field battle dress at the level of the best international practices, individual protection gear, night vision goggles, navigation and communications equipment (with a proper level of distortion protection and security), among others
- Creation of a uniform range of modern special communication and information protection gear meant for field use and equipping with them the components of the security and defence sector

Equipment of units with small low-observable field modules for accommodation of personnel in the theatre.

The logistical support will be based on:

At the first stage – by the end of 2017:

- Establishment of a unified system of logistics support to forces (troops) that belong to the security and defence sector
- Maximum possible engagement of civilian structures to force (troops) support in peacetime and maintaining the capability for independent support of military units in wartime
- Taking active actions to receive logistics support from other countries including necessary weapons and ammunition

- Bringing the amounts of materiel emergency reserves in line with needs

At the second stage – by the end of 2020:

- Setting up a unified register of armaments, military equipment and property, automation of accounting, procurement and supply of materiel and technical resources
- Bringing the operational reserves up to the established norms
- Surplus military property which is not suitable for further military use will be handed over from military units for recycling according the procedure approved by the Cabinet of Ministers of Ukraine
- Equipping the security and defence forces with the latest and modernised weapons, military and special hardware and means
- Elaboration and implementation of modern technology of communications and information protection for the security and defence sector components.

The priorities for the development of the medical support system are:

- Development of field medicine and equipment of the security and defence sector components with modern means for evacuation from the battlefield, and creating mixed aviation units for the evacuation of the injured
- Setting up sufficient capabilities for psychological support of military service personnel in the theatre of combat operations, timely psychological assistance to the casualties
- Setting up a system of training and retraining of military medical personnel
- Building up capabilities for medical assistance to victims of combat activities, their rehabilitation, including psychological treatment
- Creation of the military-civilian co-ordination staff for military protection to ensure co-operation of all medical units of the security and defence sector with civil medical institutions
- Joint use of rehabilitation centres for ATO participants by the Ministry of Defence of Ukraine and the Ministry of Health Care of Ukraine.

At the first stage – by the end of 2017:

- Upgrading the management system of the military medical service, its functional and organisational structure
- Optimisation of the number and location of the military medical establishments
- Upgrading the rehabilitation facilities at the health-care institutions
- Summarising the lessons learned in the area of medical support
- Applied research based on the experience of medical in-theatre support to forces (troops)
- Setting up a psychiatric service in the Armed Forces and other military formations for rendering modern psychiatric assistance to service personnel-combatants
- Improving the system of medevac of the injured (sick), including the use of air medevac (airplanes, helicopters)
- Setting up special branches for training and retraining of medical personnel on the basis of medical hospitals
- Training middle-level and junior medical personnel for security and defence sector structures at military-medical and other educational establishments according to the military-medical specialisation
- Deeper international co-operation and collaboration with NGOs and volunteer organisations

At the second stage – by the end of 2020:

- Implementation of the cutting edge medical technologies and healthcare standards
- Upgrading of outpatient and inpatient treatment in line with the state standards
- Implementation of resource-saving mechanisms at the medical institutions.

The humanitarian and social support will be developed the following way:

- Strengthening the humanitarian support to the security and defence forces
- Ensuring proper moral and psychological condition of personnel
- Formation of the positive image of the security and defence sector components, their comprehensive support by the society

- Improving the mechanism for provision of social guarantees, benefits and compensation to military service personnel, law enforcement employees, their family members and individuals discharged from active military service
- Raising prestige of military service and the social status of military service personnel and law enforcement employees in the society by means of a well-balanced information policy, improving the system of interaction with civil society institutions
- Improving forms and methods of military-patriotic, cultural, educational and awareness-raising activities among military service personnel and law enforcement personnel, countering the destructive informational impact of the enemy.

At the first stage – by the end of 2017, it is expected:

- Improve the mechanism of guaranteed social protection of personnel
- Develop mechanisms of co-operation of security and defence forces to counter the negative information and psychological influence
- Identify legal and regulatory framework for interaction of the agencies dealing with personnel, social and humanitarian policy with religious organisations; protect personnel's right for freedom of religion and belief
- Draft and implement the Strategy of long-term social policy implementation
- Increase the number of military service personnel, law enforcement employees and their families provided with housing.

At the second stage – by the end of 2020, it is expected:

- To update the mechanism of control over the social aspect of the components of the security and defence forces by public and non-governmental institutions, reach the proper level of social protection of military service personnel
- To upgrade legislation regarding the priorities to be given to individuals discharged from the military service when being hired or admitted to higher schools
- To develop the principles for introduction of the institute of the Ombudsman for Military Servicemen to represent and protect the interests of military service personnel and their family members as well as individuals discharged from military service
- To improve the system of troops (forces) billeting and accommodation and maintenance support for military service personnel
- To provide military service personnel with service lodging
- To introduce a transparent mechanism of housing distribution by means of provision of relevant information on the official website of the public authorities in the sector of security and defence
- To procure (buy) and construct housing for military service personnel, in particular service lodging
- To develop a mechanism to raise funds of service personnel and law enforcement employees to construction (purchase) of accommodation
- To develop and introduce a transparent mechanism to provide land plots for individual home construction for service personnel and law enforcement employees.

The infrastructure of the security and defence sector will be developed in the following way:

- Restoration and development of the military infrastructure to meet the needs of the security and defence sector
- Deployment of autonomous military bases with proper infrastructure for military units established at new station places, in particular with the aim of permanent military presence in the east of the country
- Optimisation of the airfield network and bringing it in line with requirements for use by existing and prospective types of aircraft, dispersal of aircrafts for the sake of their viability and ability of the Air Force to fulfil assigned tasks and ensure flight safety
- Equipping the joint basing sites of the ships of the Navy and Coast Guard of the State Border Guard Service of Ukraine according to the maintenance requirements of new types of ships (cutters)

- Setting up a unified system for monitoring the land, surface, sub-surface and air situation
- Raising efficiency of use of the military training grounds in the interests of the security and defence forces according to the single schedule and depending on the permanent locations
- Dispersal and sheltering in protected depots of all the missiles and munitions stock of the Armed Forces of Ukraine and other military formations, development of the survivability system and explosion and fire safety of arsenals, bases and depots
- Joint use of the training infrastructure of the Armed Forces of Ukraine with other components of the security and defence sector.

The economic support of the security and defence sector will be provided through the formation and implementation of a fundamentally new unified military-economic, military-industrial and military-technical policy.

The main directions of economic support of the security and defence sector are:

- Determine on the governmental level the long-term needs of the security and defence sector for weapons, military and special hardware, other products for military use during the peacetime and a special period with indication of their range and volumes broken down by years
- create favourable conditions for the effective operation and development of scientific, R&D institutions, enterprises and organisations that ensure the implementation of military-economic, military-industrial and military-technical policy and define the scientific, production and technology stability of the defence industry
- ensure the development of the scientific, production and technology capabilities of the defence industry; create, produce and modernise weapons, military and special hardware, reduce the dependence of Ukraine on imports of military and dual-use products, focus necessary financial, material, technology and intellectual resources to deliver on the major objectives in priority areas of the defence industry development
- prevent military, technical and technology lagging of Ukraine in the development of main types of weapons, military and special hardware
- ensure timely repairs of available weapons, military and special hardware with due quality; maintain them in a combat-ready condition
- Create a government contract system to conduct continuous training of workers, technicians and engineers to meet the demands of the defence industry
- Meet the needs of the Armed Forces of Ukraine, other military formations and law enforcement agencies with military products in line with the nature and scope of the national threats, goals, priorities and military policy objectives (needs of the security and defence sector)
- Improve the principles of the public policy in the area of military and technology co-operation with other states; raise effectiveness of the international science and technology co-operation, firstly with the EU and NATO states
- develop, learn and introduce the latest technology
- as part of the national target program for reform and development of the defence industry, to ensure deep integration of the science and production, rational diversification, technology modernisation, maintenance and development and fundamental and critical solutions; build, expand the range and output of competitive military, civil and dual-use products to meet first-priority needs of the security and defence sector
- The components of the security and defence forces will be provided with weapons, military and special hardware, rockets, munitions, special supplies, material, medical and other facilities according to the national programs of their development.

One of the major areas for the legal support of the development of the security and defence sector is to regulate its activities and adapt fundamental legislative and other regulatory documents as well as conceptual and policy documents to modern realities and requirements, in particular:

- Develop and adopt a new version of the Law of Ukraine "On Fundamentals of the National Security of Ukraine"
- Develop and adopt the Law of Ukraine on planning in the security and defence sector and other regulatory documents
- Develop and adopt the Law of Ukraine "On Intelligence Activity", amend the laws of Ukraine "On the Security Service of Ukraine", "On Counter-Intelligence Activities", "On Investigative Operations", "On Fight Against Terrorism", "On Intelligence Agencies of Ukraine" among other relevant laws.
- Develop strategies for logistics support and counteraction in a communication environment
- Prepare a strategy for the development of the defence industry of Ukraine proceeding from the goals, objectives and priorities of the public policy in the area of national security and defence, military-economic, social-economic and science and technology development of the country
- Determine, on the legislative level, the mechanism for approval of disclosure of information on the national security and defence in media
- Develop and introduce regulations to restore the strategic role of the defence industry, ensure its reforms, sustainable and effective development.

Improved legislative framework in the area of security and defence will help to build and implement an updated security and defence policy in peacetime, in crisis situations that pose threat to the national security of Ukraine and a special period, the readiness of the components of the security and defence sector, economy and the society to repel an armed aggression against Ukraine.

The needs for the development of the components of the security and defence sector shall be financed with public budget funds. Their amounts shall be determined annually in the law on the public budget of Ukraine and other sources not prohibited by law.

Implementation of this Strategy will require to spend at least 5% of GDP annually to finance the security and defence sector, at least 3% of GDP - to cover defence expenditures annually and 0.5% of GDP to ensure the development of the defence industry.

A component of the democratic civilian control is parliamentary control to be duly financed and ensured in terms of organisation, personnel and institutions.

IV. ROLE AND PLACE OF THE SOCIETY IN SECURITY AND DEFENCE SECTOR DEVELOPMENT

The priority in this area must include:

- 1) Setting up legal, organisational, financial and material conditions for engagement of NGOs and citizens into the process of development and implementation of the public policy on the security and defence issues, in particular by means of:
 - Public consultations, public hearings and other forms of active participation of civic councils at the Ministries and other central executive authorities
 - Financial support and stimulation of NGOs and citizens to conduct researches in the area of security and defence of Ukraine with due regard to the laws
 - Public expert assessment of draft laws, government decisions, concepts, strategies and state programs in the area of security and defence
- 2) Setting up conditions for effective civic control over the security and defence sector components by means of:
 - Expanding the format and mechanism of informing the public about their activities and performance of assigned tasks
 - Raising responsibility of managers of relevant components of the security and defence sector for the timely response to the NGOs' and citizens' appeals, information in mass media on the facts of undue fulfilment of tasks and about facts of violation of military service personnel's, law enforcement officers' or their family members' rights;
- 3) Promotion of participation of NGOs in raising preparedness of the security and defence sector components to fulfil assigned tasks by way of:

- Consolidation of various civic initiatives and movements to support the global strategy of combating terrorism, creation of a multifunctional system of antiterrorism actions and minimisation of terrorist threats
- Development of active attitude of citizens to countering terrorism in any of its manifestations; introduce a system to engage society to counter terrorism to help to detect and prevent it
- Creation of conditions for NGOs engagement into military and patriotic education of youth, preparation of citizens to protection of their homeland
- Improvement of the legal framework for volunteer movement in Ukraine, raising the quality of volunteer assistance
- Engaging the public to the processes of the development of the security and defence sector components, in particular in terms of improving their social, medical, logistics support, and the efficient use of public resources.
- The components of the security and defence sector will ensure publication of White Books, other public information and reports, in particular on websites owned by departments and agencies, to ensure the democratic civil control of the society and to inform about the public policy and strategy of ensuring the national interests in the area of national security and defence and also to ensure dynamic achievement of the necessary capacity by the components of the security and defence sector through the actions taken in the reporting period to develop them and provide comprehensive support.

V. EXPECTED RESULTS

Practical implementation of the Concept will help to establish an integrated sector of national security and defence as the main element in the national security system and an effective governmental instrument for a timely and guaranteed response to crises that pose threat to the national security of Ukraine.

Realisation of the principles for the development of the security and defence sector envisaged in the Concept will enable the development of combat-effective, multi-functional, mobile, duly trained, comprehensively supported, professional security and defence forces capable of performing assigned tasks effectively.

The Concept will facilitate the establishment of the security and defence sector as a holistic functional integration managed from a single centre and developed on basis of a unified system of planning to achieve joint capabilities able to provide an adequate and flexible response to the comprehensive nature of the current threats to the national security of Ukraine with due regard to the concurrent danger factors that are different in substance and influence.

The Concept is a basis for the preparation of policies on the development of security and defence sector components.

Head of the Presidential Administration of Ukraine B. Lozhkin

Decree of the President of Ukraine “On the Decision by the National Security and Defence Council of Ukraine of May 20, 2016 ‘On the Strategic Defence Bulletin of Ukraine’”

Pursuant to Article 107 of the Constitution of Ukraine, Article 2 section two of the Law of Ukraine “On Fundamentals of National Security of Ukraine”, I hereby decree:

1. To enact the decision of the National Security and Defence Council of Ukraine of May 20, 2016 “On the Strategic Defence Bulletin of Ukraine” (attached).
2. Approve “the Strategic Defence Bulletin of Ukraine” (attached).
3. To recognise as such that no longer valid the Decree of the President of Ukraine of December 29, 2012 No 772 “On decision of the National Security and Defence Council of Ukraine of December 29, 2012 ‘On the Concept of Reform and Development of the Armed Forces of Ukraine on the period until 2017’”.
4. The Cabinet of Ministers of Ukraine shall provide for timely development and submission of the legal and normative documents required for implementation of the Strategic Defence Bulletin of Ukraine.
5. The Secretary of the National Security and Defence Council of Ukraine shall supervise the enforcement of the National Security and Defence Council Resolution, which this Decree enacts.
6. This Decree shall take effect on its promulgation date.

President of Ukraine P. POROSHENKO
Kyiv, June 6, 2016 No 240/2016

STRATEGIC DEFENCE BULLETIN OF UKRAINE (ROADMAP FOR DEFENCE REFORM IN UKRAINE)

INTRODUCTION

The defence reform in Ukraine is characterised by the complicated politico-military, operational, strategic and economic situation as a result of the armed Russian aggression against Ukraine, occupation by Russia of a part of the sovereign territory of Ukraine, the Autonomous Republic of Crimea and the city of Sevastopol. An armed conflict continues on in a part of the territory of the Donetsk and Luhansk regions that is inspired and supported by the Kremlin and poses a significant threat of escalation into an overt armed confrontation between Ukraine and the Russian Federation.

The assessment of the national military security as part of a comprehensive review of the security and defence sector and the lessons learned from the involvement of the Armed Forces of Ukraine in the anti-terrorist operation revealed a number of problems in functioning of the defence forces amid current and potential threats. These are:

- Lack of a clear division of responsibility for the establishment and use of defence forces, which affects the ability of the state leadership to effectively manage the defence area
- No unified direction of the defence forces in line with the principles and standards adopted by NATO states
- Outdated and redundant legal framework in the field of defence
- Corrupt practices in the troops (forces) support system that reduces the capabilities of the defence forces to perform assigned tasks
- Poor effectiveness of operational (combat) command and control, communication, intelligence, surveillance and reconnaissance system
- Inability to effectively respond to the growing number and magnitude of cyber attacks and counter cyber crime

- Deficient defence planning procedures and their insufficient consistency with the budgeting process; deficient mechanisms of defence resources programme management
- Inconsistency of the production capabilities with the requirements of the defence order, critical wear-out of fixed production assets
- Insufficient operational (combat, special) capabilities of the defence forces
- No efficient joint logistics system able to support all the components of defence forces
- Critically low level of operational stocks of materiel
- Lack of an automated control system for logistics
- Poor efficiency of the medical support system of the defence forces.

Inconsistency of the current military infrastructure with its operational requirements, the need to adopt of infrastructure projects in line with Euro-Atlantic principles and approaches

Problems encountered in the process of manning of the defence forces with personnel during the partial mobilisation; the need to raise the professional level of the defence forces personnel; the need to establish a sufficient military reserve

Unfinished transition to the contractual manning principle in line with the NATO personnel policy principles.

Given the above issues, the defence reform must comply with the current needs of the national defence, contribute to strengthen the capabilities of the defence forces, raise their readiness to perform assigned tasks and taken part in joint combat activities (operations) with NATO units.

The Strategic Defence Bulletin will serve as a roadmap for the defence reform and determine the ways to implement it consistent with NATO principles.

Implementation of the defence reform will help to:

- study and implement the best international and own military management practices and performance of crisis response tasks by the troops (forces)
- efficiently use the human resources potential that is based on the combat experience of the personnel gained in counterterrorism operations and professional training in NATO and EU military educational institutions
- effectively use international logistics assistance, particularly the support received from the United States, NATO and the EU states, and NATO Trust Funds established under the Charter on a Distinctive Partnership between Ukraine and the North Atlantic Treaty Organisation in support of sovereignty, independence and territorial integrity of Ukraine
- closely co-operate with NATO, adopt the Alliance's standards in every area of military performance and achieve the criteria needed for membership in NATO, in particular by receiving direct assistance from foreign experts (advisers) on defence
- advisory, information and financial support of the defence forces by the civil society and voluntary movements of Ukraine.

I. MAIN PROVISIONS

- 1.1. The "Strategic Defence Bulletin of Ukraine" (hereinafter – the Strategic Bulletin) is a defence planning document developed upon the results of the defence review to determine main directions for the implementation of the military policy of Ukraine and development of defence forces until 2020.
The direction for the development of the defence forces after 2020 will be identified following the next defence review.
- 1.2. The legal basis for the Strategic Bulletin is the Constitution of Ukraine and Laws of Ukraine, the National Security Strategy of Ukraine approved by the Decree of the President of Ukraine No 287 of May 26, 2015, the Military Doctrine of Ukraine approved by the Decree of the President of Ukraine No 555 of September 24, 2015, the Concept of the Development of the Security and Defence Sector of Ukraine approved by the Decree of the President of Ukraine No 92 of March 14, 2016, as well as international treaties of Ukraine ratified as binding by the Verkhovna Rada of Ukraine.

- 1.3. The Strategic Bulletin is designed to implement the provisions of the Military Doctrine of Ukraine and the Concept of the Development of the Security and Defence Sector of Ukraine. It sets strategic and operational goals of the defence reform and deliverables, taking into account the current politico-military threats and challenges.
- 1.4. The Strategic Bulletin identifies the ways to achieve the goals of the defence reform, in particular to raise the capabilities of the defence forces to the level needed to perform the national defence tasks, restore its territorial integrity, take an active part in implementation of EU Common Security and Defence Policy and actively co-operate with NATO achieving the criteria needed to gain full membership in NATO.
- 1.5. The Strategic Bulletin is used to develop and implement the following documents.
The State Program of Development of the Armed Forces of Ukraine and state programs for the development of other components of defence forces as pertains to their employment to fulfil national defence tasks; such programmes are the basis for the drafting of plans necessary to maintain and develop the defence forces components.
The State Target Defence Programs focused on the development of the new and modernisation of existing systems and types of weapons and military hardware, construction of key military facilities and addressing other defence issues.
- 1.6. The Strategic Bulletin is developed by the Reform Committee of the MOD and AFU with participation of central executive authorities, research institutions, NGOs, local and foreign defence experts (advisers) including high-level experts from the NATO-Ukraine Joint Working Group on Defence Reform and representatives of NATO Liaison Office in Ukraine.
- 1.7. Definitions of the terms used in the SDB are given in Appendix 2.

II. COMMAND AND CONTROL SYSTEM OF DEFENCE FORCES

- 2.1. The principle of unified command and control over the Defence Forces is based on the Constitution of Ukraine and the laws of Ukraine, corresponds to the national policy as related to the compliance with international law and national interests of Ukraine, and is determined by the National Security Strategy of Ukraine, the Military Doctrine of Ukraine, Concept for the development of the security and defence of Ukraine as well as other legal acts of Ukraine regulating the relations in the field of national security. It is expected that the national legislation in the field of national security shall be adapted to Euro-Atlantic norms and standards.
- 2.2. The current intensive democratic, social, and state-legal reforms in Ukraine significantly increase the political responsibility of government to the people for the provision of national defence capability.
The Verkhovna Rada of Ukraine plays an important role in the system of governmental authorities by taking timely decisions in support of national defence capability, while the President of Ukraine takes a special place and plays a crucial role in foreign policy, national security and defence, as well as ensuring national independence, territorial integrity of Ukraine, and compliance with the Constitution of Ukraine, rights and freedoms of persons and citizens.
- 2.3. The Verkhovna Rada of Ukraine has the constitutional authority to declare war upon recommendation of the President of Ukraine and conclude peace, approve the decision of the President of Ukraine on the employment of the Armed Forces and other components of the defence forces in the event of an armed aggression against Ukraine. The Verkhovna Rada of Ukraine has the authority to appoint and dismiss the Minister of Defence of Ukraine upon recommendation of the President of Ukraine. It has the authority to approve the general structure and manpower of the Armed Forces of Ukraine, the Security Service of Ukraine, and other military formations established in accordance with the laws of Ukraine and also clarify their functions; approve decisions on providing military assistance to other states, on sending military units of the Armed Forces of Ukraine to another country or on admitting units of the Armed Forces of other states on the territory of Ukraine. Ukraine will increase civil democratic control over the Armed Forces of Ukraine and other components of the defence forces in compliance with Euro-Atlantic standards by

increasing the transparency and integrity of defence planning and resource management that will allow the Verkhovna Rada of Ukraine to exercise its authorities more effectively.

- 2.4. The President of Ukraine is the Supreme Commander-in-Chief of the Armed Forces of Ukraine. He has the constitutional authority to exercise strategic direction over the defence forces of Ukraine through the National Security and Defence Council and the Minister of Defence Ukraine.
- 2.5. The National Security and Defence Council of Ukraine is responsible for co-ordination and control of the performance of the executive authorities in the field of national security and defence. Ukraine will enhance inter-agency co-operation in the area of national security and defence, co-ordination of intelligence activities, co-operation on monitoring and situational awareness, improve the command and control and communication system, ensure the development of the cyber security system and strategic communications consistent with Euro-Atlantic norms.
- 2.6. The Cabinet of Ministers of Ukraine ensures the state sovereignty and economic independence of Ukraine, carries out internal and foreign policy and enforces the Constitution of Ukraine, laws of Ukraine and decrees of the President of Ukraine. The Cabinet is responsible for the actions to ensure defence readiness and national security of Ukraine, and combat readiness and equipping of defence forces.

The Cabinet of Ministers of Ukraine shall determine a central executive government agency responsible for the development and enforcement of the military-industrial policy, and exercise general management during a defence review and reviews of the system of mobilisation training and mobilisation in Ukraine and the defence industry.

The public-private partnership mechanism must be introduced in the defence industry in line with the best international practices. Ukraine has to improve co-ordination and implementation of public and state target defence programs as well as annual national programmes for Ukraine-NATO co-operation in order to meet the Euro-Atlantic norms.

In compliance with the Euro-Atlantic norms and standards the Cabinet shall raise the effectiveness of management of the Ukrainian defence industry.

- 2.7 The Minister of Defence of Ukraine will be subordinated to the President of Ukraine -Supreme Commander-in-Chief of the Armed Forces of Ukraine and will be accountable to the Verkhovna Rada of Ukraine and the Prime Minister of Ukraine.

The Minister of Defence of Ukraine is a member of the National Security and Defence Council of Ukraine and heads the Ministry of Defence of Ukraine, which is the central executive authority, to which the Armed Forces of Ukraine are subordinated.

The Minister of Defence will ensure effective democratic civilian control over the Armed Forces of Ukraine.

He will take the highest civilian position in the Ministry of Defence of Ukraine and be responsible for national policy making in the defence area, defence planning, programme and resource management including oversight over efficient and due use of defence resources, comprehensive support, functioning, development and employment of the Armed Forces of Ukraine.

To meet the Euro-Atlantic norms and standards, Ukraine shall enhance the civilian control over the Armed Forces of Ukraine through the Minister of Defence and the Ministry of Defence of Ukraine, including through the appointment of civilian Minister of Defence of Ukraine, his deputies and State Secretary of the Ministry of Defence of Ukraine by the end of 2018.

- 2.8. It is planned to introduce separate positions of the "Commander-in-Chief of the Armed Forces of Ukraine" and the "Chief of the General Staff of the Armed Forces of Ukraine" instead of the currently combined position by 2020 or it can happen earlier if the level of military threat to the national security of Ukraine (end of the special period in Ukraine) goes down.

The Chief of General Staff - Commander-in-Chief of the Armed Forces of Ukraine is the highest military officer in the country subordinated to the President of Ukraine and the Minister of Defence of Ukraine. He exercises command over the Armed Forces of Ukraine, co-ordinate and control over implementation of defence

tasks by the executive government, local governments and defence forces within the limits determined in the laws of Ukraine, decrees of the President of Ukraine, the Verkhovna Rada and the Cabinet of Ministers.

He informs the President of Ukraine - Supreme Commander-in-Chief of the Armed Forces of Ukraine and the Minister of Defence of Ukraine on the issues of employment of the defence forces. The Chief of General Staff - Commander-in-Chief of the Armed Forces of Ukraine is the main military advisor to the President, the National Security and Defence Council and the Minister of Defence. He is accountable to the President and the Minister of Defence for achievement of military-strategic defence goals by the military forces and means and maintenance of the capabilities of these forces and means for employment.

2.9. The prospective management system of the defence forces will be based on the new division of tasks, functions, authorities, responsibility and accountability in the defence area and will be consistent with defence management principles of NATO states.

In accordance with Euro-Atlantic norms and standards, overlapping of the functions of the Ministry of Defence and the General Staff will be avoided and a clear distribution of authorities and responsibility between them will be established by 2018. It will ensure the separation of the functions of formation of the national security policy in the military area, the area of defence and military capacity building from the functions of its implementation. In addition, it will ensure more effective management by the MOD over the processes of shaping and planning of the national policy.

2.10. The new approaches concerning the more effective management and co-ordination of the fulfilment of tasks in the defence area will be introduced by increasing the functional compatibility of respective departments of the Ministry of Defence and directorates of the General Staff by 2018, implementation of a rotation-based cross-placement system, where military service personnel will represent the General Staff of the Armed Forces of Ukraine in the Ministry of Defence of Ukraine and civilian public servants will represent the Ministry of Defence of Ukraine in the General Staff by 2019.

By 2020 the functions of formation, training and development of troops (forces) to be assigned to the GS and Services (Branches) Commands of the Armed Forces will be separated from the functions of employment of the troops (forces) transferred to their subordination that will be exercised by the Joint Operations Centre of the Armed Forces of Ukraine.

It is also planned to integrate the General Staff of the Armed Forces of Ukraine into the Ministry of Defence of Ukraine in the future.

2.11. Commander-in-Chief of the Armed Forces of Ukraine shall be the highest military official, who is subordinated to the President of Ukraine and the Minister of Defence of Ukraine. He shall be vested with the full authority to command and control over the Armed Forces of Ukraine. He shall be responsible for the readiness to perform the assigned objectives, command over the employment of the Armed Forces of Ukraine and forces and means of other components of defence forces transferred to his subordination.

By 2020, or earlier, the Commander-in-Chief will report directly to the Minister of Defence on the routine activities of the Armed Forces and ongoing operations of the Armed Forces and the other forces and means of other defence forces components assigned to him. In case martial law or a state of emergency is declared, the Commander in Chief of the Armed Forces and the Minister of Defence will jointly report on these issues to the President of Ukraine.

2.12. The Chief of General Staff of the Armed Forces of Ukraine shall be subordinated to the Commander-in-Chief of the Armed Forces of Ukraine and shall be responsible for the performance of objectives and functions assigned to the General Staff of the Armed Forces of Ukraine, including the identification of requirements to capabilities of Defence Forces and resources required for the proper implementation of objectives by the Armed Forces of Ukraine and other components of Defence Forces, strategic planning of employment and development of the Armed Forces of Ukraine as well as their technical equipment, training and comprehensive support.

The General Staff of the Armed Forces of Ukraine will be the main military authority to exercise national defence planning, strategic planning of the employment of the Armed Forces of Ukraine and identified forces

and means of the other components of Defence Forces, and co-ordination and control over the implementation of objectives in the field of defence by the executive authorities, local government and Defence Forces to the extent provided by the Laws of Ukraine and regulatory legal acts of the President of Ukraine, the Verkhovna Rada of Ukraine, and the Cabinet of Ministers of Ukraine. During a special period the General Staff of the Armed Forces of Ukraine shall serve as a working body of the Supreme High Command General Headquarters and performs functions of strategic management of the Armed Forces of Ukraine and other components of the defence forces.

- 2.13. The Joint Forces Commander shall be subordinated to the Commander-in-Chief of the Armed Forces of Ukraine and, through the JOC, shall plan the employment and directly command the joint forces and means of the Armed Forces transferred to his subordination and other components of Defence Forces as well as national contingents of Ukraine and personnel engaged in international peacekeeping and security operations.
- 2.14. The Service (Branch) Commanders of the Armed Forces of Ukraine shall be subordinated to the Commander-in-Chief of the Armed Forces of Ukraine and shall be responsible for the development of subordinated troops (forces), their technical equipment and comprehensive support, training and readiness to perform the assigned objectives as well as command and control over the forces and assets of the corresponding mono-service operations (conducted with forces and means of the corresponding service or branch).
- 2.15. The heads of command and control bodies of other components of Defence Forces shall participate in the planning of national defence and identification of requirements to capabilities of Defence Forces, shall co-ordinate the programs and plans for the development of the corresponding components of Defence Forces, their technical equipment, training, comprehensive support and implementation of objectives in support of national defence with the General Staff of the Armed Forces of Ukraine and shall exercise command over the employment of subordinated forces and means. Inter-agency co-ordination and integration of capabilities of the defence forces will be enhanced according to the Euro-Atlantic norms to raise the effectiveness of their use and save resources.

III. IMPLEMENTATION MECHANISM FOR DEFENCE REFORM

- 3.1. The implementation of reforms has been a challenge for Ukraine for long because of many mistakes made in the past. Therefore, special attention is paid to the establishment of a special mechanism for implementation that comprises the following elements.

The framework mechanism to manage the defence reform is based on the evaluation of the achievement of specific indicators. Therefore, the SDB structures the expected outcomes of the reform in form of a hierarchy of goals. The common comprehensive purpose of the reform is divided into five strategic goals. Their implementation is a necessary and sufficient condition to achieve the purpose. Each strategic goal in turn has several operational objectives. Their implementation is a necessary and sufficient condition to achieve the strategic goal.

- 3.2. The common comprehensive purpose of the defence reform is the development of capabilities of the Ministry of Defence of Ukraine, the Armed Forces of Ukraine and other components of the defence forces in line with Euro-Atlantic standards and NATO membership criteria in order to adequately respond to national security threats in the military area, protect Ukraine and its sovereignty, territorial integrity and inviolability of borders, and support international peace and security.

- 3.3. Organisational mechanism for defence reform implementation

According to the Constitution, the National Security and Defence Council is a co-ordination agency under the President of Ukraine for national security and defence.

Therefore, the NSDC performs a general oversight and management of defence reform.

Being a special advisory agency under the President of Ukraine, the National Reform Council ensures co-ordination of the strategic planning actions, adoption of a unified national policy for reforms in Ukraine and their implementation.

The Reform Committee of MOD and AFU (hereinafter – the Reform Committee) headed by the Minister of Defence co-ordinates, monitors and evaluates defence reform. The Reform Committee includes representatives

of the Ministry of Defence of Ukraine and other central executive authorities, the Armed Forces of Ukraine and other components of the defence forces, NATO advisers, members of parliament, volunteers and representatives of civil society organisations. The Reform Committee is established specifically for the implementation of the Strategic Defence Bulletin and has a corresponding structure. It is composed of five subcommittees, each chaired by an official personally responsible and accountable for the successful and timely implementation of the relevant strategic goal. The Reform Committee reports directly to the Minister of Defence of Ukraine on all the achievements and problems in the implementation of the reform. Frequency and the list of issues to be reported on will be determined according to an established procedure. The Reform Committee provides the Minister of Defence with necessary data to inform the National Reform Council on the implementation of defence reforms and to determine necessary actions for joint inter-agency activity to implement the launched reform initiatives.

Each subcommittee of the Reform Committee will fully analyse possible options for the implementation of the set strategic goals through its working groups, taking into account limitations, restraints, assumptions and advice of the leadership. The working groups have open and transparent discussions following evaluation of defence reform activities and determine policy directives to draft proposals on necessary changes to: a) national regulatory framework; b) organisational structures, their responsibilities and accountability; c) management and command systems d) doctrinal documents, generation and employment of troops (forces); e) forces (troops) training; f) resources; g) personnel; h) infrastructure; i) interoperability; and, j) requirements to capabilities and their development.

Results of these evaluations are used to draft the State Program of Development of the Armed Forces of Ukraine until 2020 and other public and state target defence programs. The program-based management system shall be implemented in order to co-ordinate and align all programs of defence forces components.

The Reform Committee closely co-operates with the National Security and Defence Committee of the Verkhovna Rada of Ukraine, NSDC Staff, Governmental Committee on Defence, Defence Industry and Law Enforcement on the matters related with the monitoring of the reform process and evaluation of its progress as well as development of legislative and regulatory framework required for its implementation.

Each subcommittee will co-ordinate, monitor and evaluate the implementation of the set operational objectives through its working groups.

The Reform Committee will play a key role in co-ordination (and revision of needs) of international assistance for the support of the defence reform activities in accordance with goals and objectives set out in the Strategic Defence Bulletin. The international community of donor-states will be encouraged to approve assistance programs in accordance with the priorities of the Strategic Defence Bulletin and build close working relationship with the corresponding subcommittees and working groups.

3.4. Legal support to the reform process

The laws and regulations in the following areas shall be amended in support of the implementation of defence reform in Ukraine, sustainable increase of capabilities of the Armed Forces of Ukraine and other components of defence forces, implementation of NATO standards, and a more efficient use of defence resources:

- Legislative regulations related to the authorities and the manner of defence forces direction by the Supreme Commander-in-Chief of the Armed Forces of Ukraine and Commander-in-Chief of the Armed Forces of Ukraine and the establishment and operation of Supreme Commander HQ based on the principles of NATO member-states
- Revision of main functions and tasks of the Ministry of Defence of Ukraine and the General Staff of the Armed Forces of Ukraine and other components of the defence forces at the strategic, operational and tactical levels
- Review and amend provisions of the legislation of Ukraine in the field of defence to account for new forms and methods of operations (combat, special operations), development of organisation and realisation of the territorial defence of Ukraine as well as establishment and training of military reserve

- Regulate the changes to improve the organisational structure of defence forces and optimise the number of personnel, including changes in the overall structure of the Armed Forces of Ukraine, given the establishment of Special Operations Forces and Airborne Forces
- Legislative regulation of the defence forces governance system
- Introduction of changes into military terminology in accordance with NATO standards
- Legislative regulation of the standardisation procedures and bringing them into conformity with the requirements of NATO states
- development of legislation that will bring the courses and degrees received by Ukrainian service personnel in Western military institutions or in education institutions of NATO states in line with the courses and degrees of the Ukrainian military education system
- Legislative regulation of amendments in the public procurement procedures in the defence area
- Regulation of the defence logistics support system of defence forces taking into account the Euro-Atlantic practices
- Amending regulations governing the volume and storage procedure of operational stocks
- Regulation and establishment of a medical support system for troops (forces) based on Euro-Atlantic experience, including the introduction of effective and qualified medical care, medical rehabilitation and recovery of military personnel; improving the procedure for ordering and supply of medical items and equipment
- Improving the legislative framework to raise the democratic civilian control over the security and defence sector of Ukraine in line with NATO principles
- Improving the legislation on the functioning of the defence planning system as a component of planning in the security and defence sector that in turn is an integral part of the national system of public forecasting and planning system
- Reduction of the number of conceptual, policy and planning documents on the development of defence forces, improve the procedure of their approval by the national leadership and ensure flexibility for their amendments
- Development of regulations to improve the efficiency of implementation of the military-technical policy, further development of the defence industry and long term strategic documents for the development of weapons and military hardware for defence forces
- Improving the regulations on mobilisation training and mobilisation in the country with due regard to the experience gained during partial mobilisation
- Review of the criteria that are applied to recognise the information on procurement of defence products as state secret
- Development of new and amendments of the existing laws and other regulations in the field of telecommunications, use of the radio frequency resources of Ukraine, special info-telecom systems, cryptographic and technical information protection, security of public electronic information resources and countering of technical intelligence
- Development of legislation on combating corruption, increase of social protection of military personnel and their families, and maintaining the necessary level of social standards for active and reserve military service
- regulate in the legislation the issues related to pastor service in the Armed Forces and other military formations in Ukraine.

Other laws, regulations and conceptual documents shall be amended, if necessary, in the process of defence reform implementation.

3.5. Favourable factors and limitations

The following factors will contribute to implementation of the defence reform tasks:

- Study and implementation of the experience of military management bodies and performance of tasks by troops (forces) to respond to crises

- Use of the human resources capacity of the personnel with combat experience in ATO and professional training from military educational establishments of NATO and the EU
- Support for sovereignty, independence and territorial integrity of Ukraine on the part of the US, NATO states and the EU
- Enhanced co-operation with NATO and implementation of NATO standards into all areas of military activity as well as achievement of NATO membership criteria
- Advisory, informational and material support of the defence forces from foreign defence experts (advisers), the volunteer movement and civil society organisations.

The Defence Reform will have the following limitations:

- The defence reform is implemented amid an ongoing armed conflict in eastern Ukraine, temporary occupation of the part of Ukraine by the Russian Federation and a difficult socio-economic situation due to a partial loss of the industrial potential of Ukraine. The reform must be implemented to minimise the potential negative effect on combat readiness and capabilities of the defence forces;
- Redundant and outdated regulatory framework in the field of defence and ineffective conceptual approaches in the area of defence planning
- Introduction of necessary amendments to defence regulations is a complex process that requires a long time to complete
- Inability of the defence industry to fully meet the needs of the Armed Forces and other military formations for modern weapons and military hardware; a complicated and long process of procurement of raw materials, parts, components from the EU and US to produce weapons and military hardware
- Low management culture and a long period needed to train necessary experts
- A difficult process of combating corruption in the public defence procurement system.

The amount of funding for the development of defence forces and deadlines of the main objectives in support of strategic goals of the defence reform may be reviewed in case of escalation of the armed conflict or deterioration of the socio-economic situation in the country.

3.6. Resource support

Implementation of the reforms is complex and very expensive. However, achievement of the set goals of the reforms will help to ensure the most effective and efficient use of available resources for the protection of people and the territory of Ukraine. The financial support for the activities taken to achieve the goals of the defence reform shall be provided within the amounts allocated in the law of Ukraine On Public Budget for the corresponding year. Additional financial support may be provided through donations of individuals and legal entities as established by the Cabinet of Ministers and other sources not prohibited by law.

The National Security Strategy and Military Doctrine of Ukraine stipulate that annually at least 5% of the planned GDP shall be spent on the security and defence sector of Ukraine with no less than 3% of the predicted GDP to be spent on defence. The distribution of funding between the components of the defence forces is set out in the Law of Ukraine on the Public Budget for the corresponding year in accordance with their functions, tasks and responsibilities in security and defence.

IV. PURPOSE AND STRATEGIC GOALS OF THE DEFENCE REFORM

- 4.1. The main purpose of the defence reform in Ukraine is for the defence forces to gain and maintain the required level of combat readiness and capability to perform the national defence tasks (defence capabilities), effectively respond to emerging military threats and politico-military challenges for the national security, increase operational interoperability of the Armed Forces of Ukraine and other military formations with units of the armed forces of NATO and EU member-states to perform joint tasks in international operations in support of peace and security.
- 4.2. The purpose of the defence reform shall be achieved through the implementation of the following strategic goals outlined by their priority order taking into account the current and projected resource constraints:

- First – unified direction of the defence forces in line with the principles and standards adopted by NATO states
- Second – an effective policy, planning and resource management system in the defence sector based on modern Euro-Atlantic approaches
- Third – operational (combat, special) capabilities of the defence forces needed to guarantee repelling an armed aggression, defend the country and support peace and international security
- Fourth – an integrated logistics and medical support system capable of supporting all the components of defence forces
- Fifth – professionalisation of the defence forces and establishment of the necessary military reserve.

The management-by-objectives approach will be applied to manage the defence reform and oversee its practical actions taking into account the priority order of the goals hierarchy set out in the SDB.

4.3. The defence reform is expected to result in the establishment of effective, mobile defence forces 2020 based on the principles and standards of NATO member-states and equipped with modern weapons, military and special hardware, able to guarantee national defence and provide an adequate and flexible response to military threats to the national security Ukraine sustainably using the available potential (capabilities) and resources of the nation.

V. WAYS TO ACHIEVE STRATEGIC GOALS

The above-mentioned strategic goals will be implemented by achieving the following operational objectives on basis of the National Security Strategy, the Military Doctrine and the Concept of Ukraine security and defence sector development.

Strategic goal 1. Unified direction of the defence forces in line with the principles and standards adopted by NATO states

Expected result: A defence forces management system is established based on the new division of authorities, functions, tasks, duties and responsibilities in the area of defence in line with the principles of NATO member-states

Operational objective 1.1. Democratic civilian control of defence forces by increasing effectiveness of the Ministry of Defence of Ukraine and strengthening relations with the Verkhovna Rada of Ukraine and civil society

Expected result: Effective organisation of the Ministry of Defence of Ukraine and the General Staff structured in line with the best NATO practices that ensures the maximum effect from the use of resources and performance of defence tasks as set out in the national strategic defence plans. In addition, the updated hierarchical management structure must be consistent with the principles of democratic civilian control over the defence sector and the Armed Forces that will ensure a comprehensive process of effective co-operation and co-ordination between all the links and entities of the security and defence system.

An increased democratic civilian control over the defence forces will allow to develop a prospective command and control system, based on the new distribution of authorities, functions and tasks that will meet NATO principles.

Operational objective 1.2. Improvement of the defence forces governance system

Expected result: An effective governance system established in accordance with Euro-Atlantic standards that supports initiatives and give more independence to heads of the defence forces management bodies of all levels in taking management decisions; increased co-ordination of the components of defence forces and adopted mechanism for their consolidated development; necessary operational capabilities are achieved in support of the national defence.

Operational objective 1.3. Improvement of the command and control system of the defence forces through the separation of troops (force) formation and training from their employment

Expected result: The functions, tasks and authorities of the strategic and operational level officials are standardized; an organisational structure of the defence forces command and control adopted in the NATO member-states is introduced.

Operational objective 1.4. Establishment of an effective operational (combat) command and control, communication, intelligence, surveillance and reconnaissance (C4ISR) system

Expected result: Established the national telecommunication network; the systems of special communications, agency info-telecom networks and communication systems of the governmental command and control points are modernised and transferred to modern digital technologies; an automated C4ISR system of the components of defence forces established in accordance with NATO standards, doctrines and recommendations and integrated into the defence resources management system

Operational objective 1.5. Improvement of the cyber defence and information protection system

Expected result: Established units in the Ministry of Defence and other components of the defence sector responsible for cyber protection, countering technical intelligence, introducing actions to protect information based on the regulations of Ukraine, NATO standards and ISO/IEC.

Operational objective 1.6. Increase the effectiveness of the existing anti-corruption agencies and independent control institutions in order to reduce corruption risks in the activities of the defence forces.

Expected result: Introduced integrated processes and rules that foster the culture of anti-corruption and good governance that meets international standards; established a joint organisation in the MOD and AFU for integrity building.

Operational objective 1.7. Establishment and development of strategic communications capabilities of the defence forces as a part of the national and inter-agency strategic communications system focused on support the development and implementation of the security and defence policies of Ukraine and achievement of national defence goals.

Expected result: established communication capabilities on strategic, operational and tactical levels, which ensure that StratCom is integrated and supported at all levels of security and defence policy planning and implementation.

Strategic goal 2. An effective policy, planning and resource management in the defence sector based on modern Euro-Atlantic approaches.

The development of defence planning as part of the national defence and security planning system will provide for a clear division of responsibilities among public agencies with regards to planning activity within the delegated authorities as well as the introduction of modern methods used by the Alliance to improve their own defence capabilities, particularly the principle of "comprehensive approach to defence", capability-based planning, mission-oriented training and logistics support to meet national defence needs.

Implementation of effective planning models in the sector and defence and public reservation will promote a realistic approach to the achievement of reform goals through identification of clear priorities and objectives in co-ordination with the existing amount of resources thus minimising the risks associated with the corruption and losses.

Expected result: The processes of policy development, resource planning and management are co-ordinated with the Euro-Atlantic principles and lead to creation of adequately trained, equipped and supported defence forces capable of effectively performing the tasks that are set out in the strategic documents on the national security of Ukraine, defending Ukraine and participating in international peacekeeping and security operations through the development of necessary capabilities within the defined resources.

The strategic goal will be achieved by implementing the following operational objectives:

Operational objective 2.1. 2.1 Introduce the process of defence planning in the defence sector in line with Euro-Atlantic principles and approaches

Expected result: Experts of NATO and EU provide advice on defence and budget planning

The defence planning system aligned with the public forecasting and strategic planning system.

Guidelines on long-term defence planning considered and approved

Operational objective 2.2. Establishment of an integrated risk management system as part of the defence planning system

Expected result: An integrated risk management system established to avoid strategic mistakes that may result in significant future losses (e.g., excessive financial spending, inefficient use of national economic po-

tential), support the decision-making in the long, medium and short-term, increase the quality of defence planning in the components of the defence forces, prepare the corresponding documents on defence planning, support the establishment of necessary operational (combat, special) capabilities of the components of defence forces that will guarantee military security and national defence.

Operational objective 2.3. Establishment of the capabilities development planning for the defence forces

Expected result: Planning of the defence forces capabilities development will help to systematize the procedures and documents on defence planning, improve the quality of preparation of the defence budget of Ukraine, establish a mechanism, based on NATO states' practices, to oversee the achievement of the determined capabilities of the defence forces.

Operational objective 2.4. Introduction of Euro-Atlantic principles and approaches to budget planning into the budgetary policy in the defence area

Expected result: Budget planning of the defence sector is co-ordinated with the national planning of socio-economic development and national defence and security planning; efficient allocation of expenditures for maintenance of troops (forces), operational needs and combat training, development and procurement of weapons, military and special hardware is introduced in accordance with the best practices of NATO.

Operational objective 2.5. Establishment of an integrated procurement system in the Ministry of Defence of Ukraine

Expected result: A new procurement system is established in accordance with the principles and approaches of European and NATO member-states; the electronic procurement system is used for all types of public procurement, is open and transparent.

Following recommendations of RAND Corporation and NATO analysis of discrepancies, procurement of conventional weapons is gradually moved to the area of public procurement through the public defence contract. A single unit responsible for support of the Armed Forces of Ukraine (supporting the entire lifecycle of supplied items from procurement to disposal or sale as excessive property) was established.

An introduced system of delegation of authorities (to sign contracts with the breakdown by financial levels) and personalisation of responsibility for the support by establishing an institute of customer-authorised representatives as stipulated in the Law of Ukraine on public procurement.

An introduced system of integrated inter-agency project teams led by the authorised individuals that will be responsible for the purchase of different groups of supplies.

Central Procurement Organisations created on basis of four territorial operational commands in line with the law "On Public Procurement" that make purchases for military units of the corresponding commands.

The Ministry of Defence of Ukraine has joined all the services and partnerships of the NSPA.

Operational objective 2.6. Improving the mechanism for preparation and implementation of the public defence contract

Expected result: A public defence contract is developed for a period of three years and can be adjusted annually; latest technologies are introduced in the production of military equipment; closed cycles of development and production of major types of weapons, military and special equipment are established; full independence of the production cycles on supplies of equipment, parts and materials from the Russian Federation is achieved.

Operational objective 2.7. Introducing the system to manage and develop infrastructure

Expected result: An updated system of military infrastructure management and its development contributes to the establishment of self-sustaining military bases that meet the specific operational needs; small-size and obscure field modules are provided to the units of the defence forces.

Operational objective 2.8. Relieving the Ministry of Defence of inappropriate functions

Expected result: According to an established procedure, the Ministry of Defence of Ukraine is relieved of the inappropriate functions, including management of public companies except for those performing the most important functions in the defence sector.

Strategic goal 3. Operational (combat, special) capabilities of the defence forces needed to guarantee repelling an armed aggression, defend the country and support peace and international security

Expected result: Joint capabilities of defence forces ensure a firm repulse of an armed aggression and effectively respond to military threats to the national security; defend Ukraine, protect its sovereignty, territorial integrity and inviolability; comply with Euro-Atlantic standards and NATO membership criteria; ensure capabilities of the defence forces to participate in peace keeping and international security missions.

Defence forces have acquired the necessary operational (combat, special) capabilities through the achievement of the following operational objectives in the priority order.

Operational objective 3.1. Improve doctrinal documents for the training and employment of Armed Forces of Ukraine and other components of the defence forces implementation, their joint training and interoperability with the Armed Forces of NATO and EU member-states

Expected result: Doctrinal documents for the training and employment of Armed Forces of Ukraine and other components of the defence forces are brought in consistency with the modern standards on basis of ATO experience and in line with modern standards and principles of NATO and the EU. Training of the Armed Forces and other components of the defence forces is organised and exercised according to a unified concept and plan and under single leadership. The national system of checks (certifications) and evaluation of the readiness of troops (forces) to perform the assigned tasks is adapted to NATO standards. Further development of the educational and infrastructure framework taking into account the needs of the Armed Forces of Ukraine and other components of the defence forces.

Operational objective 3.2. Optimisation of organisational structure and composition of Defence Forces, classification of effective combat strength of the Armed Forces based on the level of readiness to perform the assigned objectives during the time of peace

Expected result: The general structure is defined in legislation with main functions of the Armed Forces of Ukraine and other components of the defence forces are specified based on the experience of their joint employment and establishment of services (Special Operations Forces and Airborne Forces). The organisational structure and the number of command bodies, military units, military schools, institutions and organisations of the Armed Forces of Ukraine and other components of the Defence Forces is optimised and standardized. The effective combat strength of the Armed Forces is classified by the levels of readiness to perform assigned tasks during the time of peace, taking into account operational requirements and national resource limitations for their support.

Operational objective 3.3. Unification of weapons and special hardware as well as repair, modernisation and procurement of new modifications for the Armed Forces of Ukraine and other components of the Defence Forces

Expected result: New national standards (technical guidance) of special hardware for all the components of defence forces are developed and introduced. Major types of weapons and special hardware are adapted to NATO standards. The weapons and special equipment are restored (repaired or their service or useful life is extended) and modernised; new modifications are developed and purchased in accordance with the requirements of defence forces and provided resources.

Operational objective 3.4. Create special operations forces as a separate branch in line with NATO standards

Expected result: Main tasks, principles of employment and functioning of the Special Operations Forces of the Armed Forces together with their command system are determined and regulated in the legislation in accordance with the objectives of Special Operations Forces of NATO member-states. Designated military units of the services of the Armed Forces are subordinated to the Special Operations Forces Command. SOF are formed, equipped and trained, a training centre is established for them, candidates and selected, the SOF units are manned. The organisational structure of Special Operations Forces is optimised to match the NATO criteria. The establishment of NATO interoperable structures for certain tasks is regulated in law.

Operational objective 3.5. Establishment of the effective system of military intelligence based on NATO principles and standards

Expected result: the structure and number of command and control bodies and intelligence units of the Armed Forces are optimised; their capabilities of gathering intelligence and holding special events in the in-

terests of the employment of AFU and other components of Defence Forces is increased. The intelligence units are interoperable with foreign partners and intelligence systems of the defence forces components in accordance with the principles and standards of NATO. The process of gathering and analysis of intelligence data is automated and an integrated intelligence management system is established at all the levels based on NATO principles and standards.

Operational objective 3.6. Restoration of the national naval potential

Expected result: Naval capabilities of Ukraine enhanced to the level sufficient to defend the coastline of the Black and Azov seas, protect inviolability of the state border and sovereign rights of Ukraine in its exclusive (maritime) economic zone and ensure participation of Ukraine in international (joint) operations led by NATO and the EU. The development of infrastructure for the Navy of the Armed Forces of Ukraine continues.

Operational objective 3.7. Reforming the military law enforcement service in the Armed Forces of Ukraine into the military police

Expected result: Reform of the military law enforcement service in the Armed Forces of Ukraine into the military police is defined in the legislation. The overall structure and its major functions including the right for pre-trial investigation of criminal offences committed by military personnel against the established procedures of military service and the right for operational investigations. Military police has augmented its capabilities and its organisational structure is optimised in accordance with the new structure of the Armed Forces of Ukraine.

Strategic goal 4. An integrated logistics and medical support system capable of supporting all the components of defence forces

Reform of the entire system of logistics support to AFU will be conducted in accordance with the requirements of other components of the defence forces.

Expected result: A single effective logistics system of defence forces is established in accordance with NATO guidelines, standards and instructions on logistics, the logistics management system is developed for defence forces, and available logistical stocks are stored in consistency with the standards that allow to perform assigned tasks in the time of war (special period) and peace.

The strategic goal will be achieved by implementing the achievement of operational objectives:

Operational objective 4.1. Improving logistics support of the defence forces

Expected result: A single effective logistics and supply system of defence forces for the time of peace and special period is established; modern systems and technologies for comprehensive support of troops (forces), automated management and accounting systems are established for weapons and military hardware, rockets, ammunition and supplies in line with Task 1.4.8.

A "J" structure of military command bodies is introduced in line with NATO standards that are responsible for logistics support of the Armed Forces of Ukraine. Strategic and operational functions of logistics support of military command bodies are separated. The NATO system of supply grades is adopted.

Operational objective 4.2. Building a medical support system to provide necessary medical assistance for all the tasks of the defence forces

Expected result: The medical support system is established capable of providing an appropriate level of medical support to all the tasks of defence forces of Ukraine that functions in accordance with NATO standards and contributes to interoperable medical capabilities during joint operations with NATO. Necessary capabilities are achieved to search for the injured, their medical evacuation and provision of necessary support and treatment. Military medical services have introduced modern technology of medical assistance and treatment of the injured in line with standards, clinical pathways and other healthcare standards. The use of capabilities of the national healthcare system for provision of medical assistance, treatment and rehabilitation to the injured within a common medical framework has been regulated. A system for medical rehabilitation is established for the recovery of physical, psychological and social functions to return to military service or for social or labour adaptation. A system of training and retraining of military-medical personnel for the defence forces has been improved. Military medical training is provided for effective studies of medical assistance provision in case of

a combat injury (pathology). A medical information system of the defence forces components covering all the stages of medical evacuation and management of patient flows is established in line with NATO standards, doctrines and recommendations. Partnership Goal G5404 on the reform of military medical system is accomplished.

Strategic goal 5. Professionalisation of the defence forces and establishing the necessary military reserve

Professionalisation of defence forces and development of the necessary military reserve is a precondition for the establishment of personnel capacity in the Armed Forces and other components of defence forces, their manning with trained and motivated personnel and establishment, maintenance and deployment of the strategic reserve of the Armed Forces of Ukraine.

Expected result: Necessary personnel capacity of the Armed Forces and other components of defence forces is created with the professionally trained military personnel with high moral stature capable of performing complex professional military tasks in times of peace and special period;

Defence forces are manned with trained and motivated personnel;

The strategic reserve of the Armed Forces of Ukraine is established, maintained and prepared for deployment, and capable of conducting offensive (counter-offensive) operations, strengthen groupings of troops (forces) on the most dangerous areas, ensure rotation of troops (forces), their replenishment and replacement in case of loss of combat capability.

The strategic goal will be achieved by implementing the achievement of operational objectives:

Operational objective 5.1. Development of social and humanitarian support of personnel

Expected result: The mentality (mindset) of personnel is based on European values; the level of financial and other support of military personnel is brought into conformity with military service conditions (limitations and rights and freedoms specified in the law, existing risks to their life and health, social conditions); the military chaplain corps in the defence forces is designed on a multi-confessional basis.

Operational objective 5.2. Improvement of personnel training system

Expected result: The military education system provides practical training; advanced training methods of NATO member states and distance learning process are introduced into the academic process; military schools are equipped with modern and advanced weapons and military hardware, simulators and training facilities.

Operational objective 5.3. Reformation of mobilisation system and establishment of military reserve

Expected result: The national system of mobilisation and training is based on fundamental European approaches. A military personnel reserve is established on basis of the experience gained in the course of establishing the first wave of the military operational reserve. A Unified State Register of conscripts is established to maintain military records of Ukrainian nationals; the system of training of reservists and conscripts functions effectively; territorial manning and social support centres are established on basis of military commissariats.

Operational objective 5.4. Establishment of modern personnel management system

Expected result: An efficient ratio of different categories of defence forces personnel is achieved together with an effective career management system of military personnel; a transparent and fair system of recruitment, arrangement and appointment of personnel is in place.

Matrix of achievement of strategic and operational goals and main tasks of the defence reform is attached (Appendix 1). The substance of the Matrix can be clarified following an analysis of its progress conducted by the Reform Committee, a decision of the Minister of Defence upon approval of the NSDC Secretary.

VI. CONCLUSIONS (FINAL PROVISIONS)

Ukraine continues to counter an armed aggression of the Russian Federation that started with an illegal annexation of Crimea, which was, is, and will always remain a sovereign territory of Ukraine.

Under these conditions the defence forces that are integrated and reformed in line with modern requirements are a key factor securing the independence of our country and a mandatory condition for its economic development and prosperity in the united family of European states.

The defence reforms set out in this document are directed to help implement the Ukraine Sustainable Development Strategy 2020 and achieve the defined goal and objectives to introduce European standards of living in Ukraine and bring the country to leading positions in the world.

These reforms seek to ensure that the defence sector gains full operational capabilities to guarantee military security of the country and create conditions for the sustainable development of the nation.

Following the implementation of Ukraine Sustainable Development Strategy 2020, Ukraine will review the progress in the defence reform and revise goals and objectives to continue it. They will be outlined in the new version of the SDB.

The Armed Forces of Ukraine should not be the only agency responding to challenges of defence reform that may certainly come up. It should be the responsibility of every official in the security and defence sector. We must do everything possible for the security of our people and expect that the implementation of these reforms will significantly enhance our capabilities to protect sovereignty of the Ukrainian nation. As we move forward, we should also remember the lessons from our history and avoid repeating mistakes of unsuccessful or incomplete reforms in the past, which have made our Defence Forces incapable of properly repel the Russian aggression in the Crimea and spark the armed conflict in the east of Ukraine. We call to continue to work with our foreign advisors and implement the defence reforms based on Euro-Atlantic principles that underpin democratic, responsible and independent states, and Ukraine will take its deserved place among them.

We have much to do and every one of us should work hard and well to accomplish our goals. We should not be looking for someone to do that for us. We are committed to results and must work to achieve them. Each and every one of us – ministers, generals and admirals, commanders and staff officers, NCOs and soldiers, master and major sergeants, and privates – must be responsible for the quality of our work to implement these reforms.

Head of the Presidential Administration of Ukraine B. Lozhkin

PART III

THE LEGISLATIVE FRAMEWORK FOR THE DEVELOPMENT AND REFORM OF THE ARMED FORCES OF UKRAINE

Law of Ukraine “On the Armed Forces of Ukraine”

(Bulletin of the Verkhovna Rada of Ukraine (BVR), 1992, No 9, p. 108); Enacted by the Resolution of the Verkhovna Rada No 1935-XII of 6.12.1991, BVR, 1992, No 9, p. 109.

With amendments introduced by the Law:

No 3548-XII of 21.10.93, BVR, 1993, No 44, p. 421;

In the wording of the Law No 2019-III of 05.10.2000, BVR, 2000, No 48, p. 410.

With amendments introduced by the Laws:

No 1003-IV of 19.06.2003, BVR, 2004, No 2, p. 8;

No 1740-IV of 03.06.2004, BVR, 2004, No 33-34, p. 405;

No 2341-IV of 13.01.2005, BVR, 2005, No 10, p. 188;

No 328-V of 03.11.2006, BVR, 2006, N 51, p.51;

No 107-VI of 28.12.2007, BVR, 2008, N 5-6, N 7-8, p.78—(changes valid until 31 December, 2008)(Additionally, see Constitutional Court Decision N 10-p/2008 of 22.05.2008).

With amendments introduced by the Laws:

No 309-VI of 03.06.2008, BVR, 2008, No 27-28, p. 253;

No 803-VI of 25.12.2008, BVR, 2009, No 19, p. 258;

No 1256-VI of 14.04.2009, BVR, 2009, No 36-37, p. 513;

No 2526-VI of 21.09.2010, BVR, 2011, No 4, p. 27;

No 2592-VI of 07.10.2010, BVR, 2011, No 10, p. 63;

No 4026-VI of 15.11.2011 BVR, 2012, No 25, p. 26;

No 5286-VI of 18.09.2012, BVR, 2013, No 38, p.499;

No 763-VII of 23.02.2014, BVR, 2014, No 12, p.189;

No 1127-VII of 17.03.2014, BVR, 2014, No 17, p.595;
No 1190-VII of 08.04.2014, BVR, 2014, No 23, p.871;
No 1313-VII of 05.06.2014, BVR, 2014, No 29, p.946;
No 716-VIII of 06.10.2015, BVR, 2015, No 47, p.436;
No 1420-VIII of 16.06.2016, BVR, 2016, No 31, p.546;
No 1437-VIII of 07.07.2016, BVR, 2016, No 33, p.564.

Taking into account the necessity of ensuring its own military security and defence; being aware of its responsibility for the maintenance of international stability, Ukraine, as a sovereign and independent, democratic, social, and legal state, maintains its Armed Forces at the required level for combat readiness and efficiency.

This Law defines the functions and structures of the Armed Forces, its legal and organisational principles, activity, deployment, leadership and management.

PART I. GENERAL PROVISIONS

Article 1. Functions of the Armed Forces of Ukraine

The Armed Forces of Ukraine is a military organisation responsible, in accordance with the Constitution of Ukraine, for the defence of Ukraine, her sovereignty, territorial indivisibility and inviolability.

The Armed Forces provide containment and defence from armed aggressions against Ukraine, protecting its airspace and underwater space within territorial maritime zones in cases envisioned by law, and participates in anti-terrorist measures.

In accordance with the Law, the joint military formations, military units and subunits of the Armed Forces can be deployed for the execution of tasks under martial law and a state of emergency, including: for organisation and support of the resistance movement, conduct of information-psychological operations, fighting terrorism and piracy; for protecting the life and health of its citizens and their state property outside Ukraine and their security and evacuation (return); for the strengthening and protection of the Ukrainian state border and exclusive maritime economic zones, including the Ukrainian continental shelf and the process of its legal verification; for providing security to Ukrainian maritime transportation in the open seas or in any place beyond the jurisdiction of any state, counteracting the spread of weapons of mass destruction, counteracting the illegal transportation of weapons and drugs, psychotropic substances, their analogues and precursors in the open seas, mitigating against the consequences of natural and technogenic disasters; providing military assistance to other states, as well as taking part in international military cooperation and international peacekeeping operations on the basis of the international treaties ratified by Ukraine in accordance with the procedures and terms pre-determined by Ukrainian law.

The military intelligence command and control bodies, military intelligence units and Special Operations Forces of the Armed Forces may be assigned a legal mission to collect intelligence data needed to ensure the readiness of the Armed Forces to defend the country from potential aggressors. The Special Operations Forces of the Armed Forces of Ukraine conduct special reconnaissance.

The military command and control bodies ensure the requirements of the Constitution of Ukraine are fulfilled, ensuring that the Armed Forces cannot be used to restrict citizens' rights and freedoms or used with the intent of overthrowing the Constitutional order, subverting the organs of state power or obstructing their activity.

In emergency circumstances, orders or instructions of commanders and superiors cannot serve as grounds for unlawful actions towards the civilian population, their property, or the environment.

Military personnel guilty of issuing or executing alleged criminal orders or instructions are criminally liable.

This law envisions the rights and duties of military servicemen for the execution of actions pre-determined by part Four of this Article.

Article 1-1. Authority to Use Weapons and Military Equipment in Peacetime

The joint military formations, military units and subunits of the Armed Forces, including alert duty forces, are entitled to use weapons and military equipment in peacetime with the purpose of:

- Repelling air strikes and underwater attacks against critical state infrastructure is the responsibility of the alert duty forces;
- Preventing unlawful penetrations into Ukrainian airspace by military aircraft of other states who do not obey command signals sent by authorised interceptors (helicopters), or who use weapons in Ukrainian airspace;
- Stopping the unlawful actions of any aircraft in Ukrainian airspace used with the aim of carrying out a terrorist attack;
- Forcing high-jacked (stolen) aircraft to land in Ukraine;
- Ensuring the Armed Forces execute assigned missions to repel possible armed aggression against Ukraine, while providing for the inviolability of airspace and underwater space within the limits of the maritime zone of Ukraine;
- Self-defence in case of armed attack or its threat, as well as any other actions resulting in significant material damage to objects under their protection, either on their base or in their area of deployment;
- Providing for the execution – by the joint military formations, military units and subunits of the Armed Forces – of assigned anti-terrorist operations in the event of terrorist attacks in the airspace or maritime zone of Ukraine; protecting the objects and property of the Armed Forces from terrorist attacks, weapons of mass destruction, rocket and small arms, ammunition, explosive and poisonous substances, located in military units or stored in established places;
- Ensuring the accomplishment of anti-terrorist operations aimed at terminating the illegal activity of militarised or armed formations (groups), terrorist organisations, organised groups and criminal organisations; and participation in apprehending individuals, as well as neutralising those whose actions directly threaten the life and health of hostages, participants of anti-terrorist operations or any other persons;
- Ensuring the Armed Forces execute assigned missions on the high seas concerning the prevention of illegal transportations of arms and narcotics, psychotropic substances, their analogues and precursors.
- When performing assigned missions to strengthen the protection of the state border and the sovereign rights of Ukraine with regard to its exclusive (maritime) economic zone, the joint military formations, military units and subunits of the Armed Forces have the right to:
 - Keep, use and deploy special equipment and weapons;
 - Use and deploy weapons, combat vehicles and special equipment in order with and in cases provided by Article 21 of the Law of Ukraine "On the State Border Service of Ukraine".

Usage and deployment of weapons and combat vehicles is permitted in cases where other measures proved to be ineffective or where the application of such measures was not possible.

Article 2. The Legal Basis for the Activity of the Armed Forces

The legal basis for the activities of the Armed Forces of Ukraine include the following: the Constitution of Ukraine, this Law, the Laws of Ukraine "On Defence of Ukraine", the regulations for the Armed Forces, other laws of Ukraine, Presidential Decrees, the Cabinet, and ratified international treaties. Together, the aforementioned regulate the defence activities and relations of Ukraine.

PART II. THE GENERAL STRUCTURE, NUMERICAL STRENGTH, AND DEPLOYMENT OF THE ARMED FORCES

Article 3. The Structure of the Armed Forces of Ukraine

The Ministry of Defence is the Central Body of Executive Power and military command and control, to which the Armed Forces are answerable.

The general structure of the Armed Forces is as follows:

- The General Staff of the Armed Forces as the main body of command and control;
- Joint Operational Headquarters of the Armed Forces of Ukraine as the body of command and control of inter-service and interagency troops (forces).

- The services of the Armed Forces: the Land Troops, the Air Forces, and the Naval Forces;
- Joint military formations, military units, military education establishments, institutions and organisations that do not belong to the Armed Forces' branches;
- The separate branch of troops—High Mobility Airborne Troops;
- The separate branch of forces—Special Operations Forces of the Armed Forces.

The Armed Forces consist of the bodies of military command and control, joint military formations, military units, military education establishments, institutions and organisations.

Article 4. Numerical Strength of the Armed Forces

The Verkhovna Rada, upon a submission by the President, approves the numerical strength of the Armed Forces.

The Cabinet approves the maximum number of personnel who make up the Central Staff of the Ministry of Defence.

Article 5. Manning for the Armed Forces

The personnel of the Armed Forces consist of military servicemen and civilians who are citizens of Ukraine.

Some positions in the Armed Forces can be manned by citizens carrying out alternative service in accordance with the procedure established by law.

Citizens of Ukraine carry out military service, service in the Military Reserve and perform their military duty in the reserve in accordance with the law.

Citizens who serve in the Armed Forces take an oath of allegiance to the Ukrainian people, wear a military uniform while on military duty, and are conferred life-long military ranks by the law. The law establishes procedures for awarding and stripping military ranks. Labour relations of Armed Forces employees are regulated by labour legislation.

Personnel data of the Special Operations Forces of the Armed Forces of Ukraine, as well as data on individuals who previously cooperated confidentially with the Special Operations Forces of the Armed Forces of Ukraine shall be considered a state secret; thus subject to protection under the Law of Ukraine "On State Secret".

Article 6. The Deployment of the Armed Forces

Military command and control bodies, joint military formations, military units, military education establishments, institutions and organisations of the Armed Forces are deployed on state territory or (temporarily) abroad in accordance with defence missions and the strategic plan on the deployment and tasks of the Armed Forces, taking into account the administrative and territorial divisions of Ukraine and the socio-economic conditions in the areas of deployment.

The plan on the deployment of the Armed Forces is developed by the General Staff of the Armed Forces. It is submitted by the Ministry of Defence to the Cabinet—when consensus is agreed it is passed to the president for final approval.

The redeployment of military units—as well as military education establishments, institutions and Armed Forces organisations—is carried out upon decision of the Ministry of Defence, with the consent of Cabinet required. Re-deployment of joint military formations is carried out upon decision of the President.

PART III. THE MANAGEMENT OF THE ARMED FORCES AND SUPPORT TO THEIR ACTIVITY

Article 7. The President of Ukraine as the Supreme Commander-in-Chief of the Armed Forces

The Armed Forces of Ukraine are headed by the President, who enjoys the title of the Supreme Commander-in-Chief and who is bound by limits prescribed within the Constitution of Ukraine.

During a special period, the President may directly manage the Armed Forces and other military formations through the Headquarters of the Supreme Commander-in-Chief, the working body of which is the General Staff of the Armed Forces.

Article 8. The Direct Management of the Armed Forces

The Minister of Defence of Ukraine shall exercise political-military and administrative control over the Armed Forces of Ukraine, as well as other authorities provided to him or her under law.

- Political-military control over the Armed Forces of Ukraine concerns activities aimed at realising state policy regarding the Armed Forces, political and strategic goals in the defence sector, as well as the principles and direction of Armed Forces development;
- Administrative control over the Armed Forces of Ukraine concerns activities aimed at ensuring the everyday needs of the Armed Forces are met, as well as ensuring that they function and develop within the limits of the execution of key tasks concerning the policy of the state with regards to the defence sector;

The Chief of General Staff and the Commander of the Armed Forces of Ukraine shall exercise direct military control over the Armed Forces.

Direct military control concerns activities directed at fulfilling measures regarding the development of the Armed Forces, their technical equipment, training and support; formulating the foundations for their application, as well as control over them.

Article 9. The Authority of the Cabinet Ministers regarding the Armed Forces

The Cabinet of Ministers of Ukraine:

- Organises the development and implementation of National Programmes for the Armed Forces, weapons and defence equipment, other National Programmes concerning the Armed Forces, the State defence procurement on the purchase and delivery of goods, the execution of works, the provision of services to the Armed Forces and the creation of mobilisation reserves;
- Ensures the Armed Forces are bestowed with the weapons, defence equipment, sustenance, material and other resources and property necessary for the effective execution of their assigned tasks and functions;
- Ensures the manning of the Armed Forces; mobilisation and operational deployment during a special period, as well as arrangements for the preparation and conscription of citizens;
- Establishes procedures for providing state property to the Armed Forces, including land, water and other natural resources, funds and property, the use of airspace and maritime zones, sea and river ports, airports, aerodromes, landing strips, communication facilities, radio-frequency resources, other state installations, navigational, topogeodesic, meteorological, hydrographic and other equipment for the execution of geodesic and cartographic works necessary for the proper execution of the assigned tasks and functions of the Armed Forces, both on a paid and free basis, as well as pecuniary and other forms of payment;
- Establishes procedures for the maintenance and modernisation of weapons and defence equipment of the Armed Forces;
- Establishes procedures for providing finances for the needs of the Armed Forces of Ukraine, at the expense of charitable endowments from physical and legal persons and their appropriation for combat and mobilisation readiness, maintaining the capability and effective functioning of the Armed Forces of Ukraine;
- Establishes procedures for the use of weapons and defence equipment by the joint military formations, military units and subunits of the Armed Forces, including the alert duty units, in peacetime and when executing the tasks pre-determined by part Four of Article 1-1 of this Law;
- Ensures that soldiers, ex-servicemen and members of their families enjoy the right to social and economic protection, as well as the members of the families of soldiers killed or missing in action, those who became invalids while on duty or who were taken prisoner in the course of combat operations or during their participation in international peacekeeping operations;
- Regulates the economic activity of the Armed Forces;
- Controls, in accordance with the Constitution and the Laws of Ukraine, the activity of the Armed Forces, and exercises other powers to ensure the combat readiness, mobilisation preparedness, battle efficiency and functioning of the Armed Forces.

Article 10. The Authority of the Ministry of Defence in Armed Forces Management

The Ministry of Defence (MOD) of Ukraine:

- Carries out military-political and administrative management of the Armed Forces;

- Implements state policy in the Armed Forces, develops the principles of development, determines the directions of development for the Armed Forces and their training in peace and wartime;
- Provides overall support to the Armed Forces, ensures their operation, combat readiness and mobilisation preparedness, preparation for their fulfilment of assigned tasks and their deployment, their manning and training, weapons provisions, maintenance and modernisation of defence equipment, material, financial and other resources and property in accordance with their needs—as defined by the General Staff of the Armed Forces—and the funds allocated by the State Budget, exercises control over the efficient use of resources and funding, organises the execution of works and the provision of services beneficial to the Armed Forces;
- Carries out intelligence and information-analytical activities to ensure the fulfilment of tasks assigned to the Armed Forces;
- Interacts with the State Executive and civic organisations, exercises control over the observance of laws in the Armed Forces;
- Considers petitions and personal complaints on issues that fall within the competence of the Ministry of Defence;
- Pursues, within the limits of its powers, international cooperation regarding military-political, military-technical and other issues, as well as on civil-military relations with the relevant bodies of other states and international organisations;
- Exercises other powers, as pre-determined by the Law.

MOD Enterprises can conduct certain activities reserved for the Armed Forces in accordance with established procedures.

The Laws of Ukraine and the regulations approved by the President define the organisation of the Ministry of Defence's activities.

The functions of the structural department of the Ministry of Defence—which conducts intelligence and information-analytical activities in the interests of state defence and security—are managed by the regulations approved by the President.

The functions, missions and specifics of the activities of the Special Operations Forces shall be stipulated by Ukrainian laws and regulations approved by the president of Ukraine.

PART IV. THE ACTIVITIES OF THE ARMED FORCES

Article 11. Principles of the Armed Forces Activities

The activities of the Armed Forces are based on the following principles:

- Allegiance to Constitutional duty and military oath;
- The rule of law, lawfulness, humanity, respect of others and their Constitutional rights and freedoms;
- Transparency and candidness towards democratic civil control;
- Undivided authority and collegiality in developing important decisions;
- Conscription and a contractual manning system;
- Continuous combat readiness and mobilisation preparedness;
- The preservation of state secrets;
- The education of military personnel in the patriotic and military traditions of Ukraine;
- The maintenance of military discipline;
- State funded social-economic and social-legal protection for citizens serving in the Armed Forces, as well as for members of their families;
- Impartiality towards all political parties.

Article 12. The Main Components of the Armed Forces Activities

The preparation of the Armed Forces for the fulfilment of pre-determined tasks by the Constitution of Ukraine—as well as organisation and support for the implementation of these tasks, the maintenance of adequate combat readiness, mobilisation preparedness and combat efficiency, education and training, the protec-

tion of life and health of all personnel, ensuring the rule of law and military discipline in the Armed Forces—is carried out by Military Management, Commanders and Chiefs of all ranks in accordance with the requirements of the Constitution of Ukraine and the laws of Ukraine, as well as other normative-legislative acts regulating relations in this sphere.

Article 13. Language of the Armed Forces

The official language for activities, proceedings and documentation in the Armed Forces is Ukrainian, the state language.

Article 14. Economic Activity in the Armed Forces

The Armed Forces are permitted to carry out economic activity in accordance with the Law.

Land, water and other natural resources, as well as property assigned to all the State Military Organisations of the Armed Forces, is considered state property, and as such belongs to the Armed Forces for operational management and is exempt from taxation.

Specifics of the legal regime of the Armed Forces property are regulated by the relevant law.

Article 15. Financing for the Armed Forces

The Armed Forces are financed from the State Budget. Financing of the Special Operations Forces of the Armed Forces of Ukraine is provided from the State Budget of Ukraine, appropriated to the Ministry of Defence by a separate line and other legal sources.

Supplementary financing for national defence can be provided by charitable endowments from physical and legal persons, according to procedure established by the Cabinet of Ministers of Ukraine.

The expenditure of the Ministry of Defence for the execution of tasks that can be performed by joint military organisations, military units and subunits of the Armed Forces determined in Part III of Article 1 of this Law, are financed by the Cabinet from funds allocated in accordance with the procedure established by the law for the execution of these tasks or from additional income. Control over the implementation of the State Budget on financing for the Armed Forces is exercised in accordance with the Law.

Article 16. Social Care and Legal Protection of Military Personnel, Reservists and Conscribed Personnel who have been called up for Training Duty; their Families, Civilian Employees of the Armed Forces of Ukraine

The state ensures social care and legal protection of military personnel, reservists performing their Military Reserve duty, and conscribed personnel called up for a training assembly (capability exercise) or for special duty; their family members, civil employees of the Ukrainian Armed Forces, as well as families of members of military personnel, reservists and members of conscribed personnel who have been killed, remain missing, or were disabled during the course of their duties, injured while in captivity at the time of hostilities (war), martial law or emergency rule, or while performing military service under a military cooperation programme in a foreign country, or service in international operations under the auspices of international peace support and security forces.

Social care and legal protection of military personnel, reservists performing their duty in the Military Reserve, conscribed personnel called up for a training assembly (capability exercise) or special duty, as well as their families, will be provided for in accordance with the Law of Ukraine "On Social Care and Legal Protection of Military Personnel and their Families", and other legal regulatory acts".

Social protection of Armed Forces employees is ensured through general conditions accorded in Labour legislation, civil service legislation and other normative-legal acts.

Article 17. The Restriction on Political Activity in the Armed Forces

Military personnel must withdraw from political parties and trade union membership for their period of service. Military personnel can be members of public organisations (except for organisations whose statutory provisions contradict the principles of Armed Forces activity), and may take part in the activities of these organisations when off-duty and considered to be free of service duties.

The organisation of strikes, and participation in them by military personnel shall not be permitted.

Military servicemen and Armed Forces, reservists performing their service duties in the Military Reserve, as well as other employees, can have their freedom of movement, free choice of place of residence, right to

freely leave Ukraine, as well as their right to collect and disseminate information restricted, in accordance with the Law.

The employees of the Ministry of Defence and reservists performing their service duties in the Military Reserve shall withdraw their membership from any political party for the duration of their work in the Armed Forces.

The function of trade union rights for employees, who have concluded work contracts with the Armed Forces, are determined in accordance with the Laws of Ukraine "On Trade Unions, their Rights and Guarantees of Their Activities".

The organisation of and participation in strikes by Armed Forces employees shall not be permitted.

Every military serviceman and reservist has the guaranteed right to practice any religion or to practice none.

Soldiers and reservists may perform individual or collective religious rites and ceremonial rituals, and conduct religious activities in accordance with their Constitutional rights.

Article 18. The Control and Liability for the Implementation of this Law

The State Executive, prescribed by the Laws of Ukraine, is responsible for control over the implementation of this Law.

Oversight over the observance of these laws, as well as civil democratic control over the activities of the Armed Forces, are exercised in accordance with the statute.

PART V. FINAL PROVISIONS

1. This Law enters into force from the date of publication, except for Article 16, which entered into law in 2001.
2. Within six months of the date in which this Law enters into force, the Cabinet of Ministers must:
 - Submit proposals to the Verkhovna Rada on introducing amendments to the laws following on from this Law;
 - Bring their normative-legislative acts into conformity with the present Law;
 - Ensure that normative-legislative acts of the Ministries and other Central Executive Organs conform to the present Law.

President of Ukraine
Kyiv, December 06, 1991, No 1934-XII

L. Kravchuk

Law of Ukraine “On Military Duty and Military Service”

Enacted by the Verkhovna Rada Decree No 2232-12, BVR, 1992, N 27, p. 386.

With amendments introduced by the Laws:

- No 2485-XII of 19.06.92, BVR, 1992, No 36, p. 527;
- No 3545-XII of 21.10.93, BVR, 1993, No 44, p. 418;
- No 3546-XII of 21.10.93, BVR, 1993, No 44, p. 419;
- No 3625-XII of 19.11.93, BVR, 1993, No 49, p. 457;
- No 200/94-BP of 13.10.94, BVR, 1994, No 45, p. 404;
- No 325/94-BP of 22.12.94, BVR, 1995, No 1, p. 4;
- No 387/95-BP of 17.10.95, BVR, 1995, No 38, p. 284;
- No 129/96-BP of 19.04.96, BVR, 1996, No 26, p. 108;
- No 309/97-BP of 04.06.97, BVR, 1997, No 29, p. 93;
- No 312-XIV of 11.12.98, BVR, 1999, No 4, p. 35;
- No 651-XIV of 13.05.99, BVR, 1999, No 28, p. 230;
- No 1325-XIV of 21.12.99, BVR, 2000, No 4, p. 27;
- No 1669-III of 20.04.2000, BVR, 2000, No 30, p. 235;
- No 2171-III of 21.12.2000, BVR, 2001, No 9, p. 38;
- No 312-IV of 28.11.2002, BVR, 2003, No 4, p. 34;
- No 313-IV of 28.11.2002, BVR, 2003, No 5, p. 37;
- No 487-IV of 06.02.2003, BVR, 2003, No 15, p. 108;
- No 662-IV of 03.04.2003, BVR, 2003, No 27, p. 209;
- No 744-IV of 15.05.2003, BVR, 2003, No 29, p. 234;
- No 1158-IV of 11.09.2003, BVR, 2004, No 8, p. 67;
- No 1179-IV of 18.09.2003, BVR, 2004, No 10, p. 94;
- No 1763-IV of 15.06.2004, BVR, 2004, No 36, p. 444;
- No 2454-IV of 03.03.2005, BVR, 2005, No 16, p. 259;
- No 2490-IV of 17.03.2005, BVR, 2005, No 20, p. 276;
- No 2636-IV of 02.06.2005, BVR, 2005, No 27, p. 361;
- No 3200-IV of 15.12.2005, BVR, 2006, No 14, p. 116;
- No 3597-IV of 04.04.2006, BVR, 2006, No 38, p. 324;
- No 328-V of 03.11.2006, BVR, 2006, No 51, p. 519;
- No 1014-V of 11.05.2007, BVR, 2007, No 33, p. 442;
- No 107-VI of 28.12.2007, BVR, 2008, No 5-6, N 7-8, p. 78;
- No 267-VI of 11.04.2008, BVR, 2008, No 24, p. 234;
- No 309-VI of 03.06.2008, BVR, 2008, No 27-28, p. 253;
- No 1073-VI of 05.03.2009, BVR, 2009, No 30, p. 418;
- No 1254-VI of 14.04.2009, BVR, 2009, No 36-37, p. 511;
- No 1255-VI of 14.04.2009, BVR, 2009, No 36-37, p. 512;
- No 1276-VI of 16.04.2009, BVR, 2009, No 38, p. 535;
- No 1834-VI of 21.01.2010, BVR, 2010, No 12, p. 117;
- No 1835-VI of 21.01.2010, BVR, 2010, No 12, p. 118;
- No 2926-VI of 13.01.2011, BVR, 2011, No 31, p. 303;
- No 3353-VI of 12.05.2011, BVR, 2011, No 45, p. 487;
- No 3409-VI of 19.05.2011, BVR, 2011, No 50, p. 539;
- No 3919-VI of 18.10.2011, BVR, 2012, No 39, p. 472;
- No 4296-VI of 10.01.2012, BVR, 2013, No 14, p. 89;

No 4352-VI of 07.02.2012, BVR, 2012, No 39, p.472;
No 4652-VI of 13.04.2012, BVR, 2013, No 21, p.208;
No 4711-VI of 17.05.2012, BVR, 2013, No 14, p.89;
No 5040-VI of 04.07.2012, BVR, 2013, No 25, p.246;
No 5088-VI of 05.07.2012, BVR, 2013, No 30, p.343;
No 5286-VI of 18.09.2012, BVR, 2013, No 38, p.499;
No 5288-VI of 18.09.2012, BVR, 2013, No 37, p.490;
No 5404-VI of 02.10.2012, BVR, 2013, No 41, p.550;
No 5460-VI of 16.10.2012, BVR, 2014, No 2-3, p.41;
No 224-VII of 14.05.2013, BVR, 2014, No 11, p.132;
No 406-VII of 04.07.2013, BVR, 2014, No 20-21, p.712;
No 589-VII of 19.09.2013, BVR, 2014, No 20-21, p.742;
No 1127-VII of 17.03.2014, BVR, 2014, No 17, p.595;
No 1169-VII of 27.03.2014, BVR, 2014, No 20-21, p.746;
No 1194-VII of 09.04.2014, BVR, 2014, No 25, p.890;
No 1242-VII of 06.05.2014, BVR, 2014, No 27, p.908;
No 1275-VII of 20.05.2014, BVR, 2014, No 29, p.942;
No 1589-VII of 04.07.2014, BVR, 2014, No 35, p.1179;
No 1604-VII of 22.07.2014, BVR, 2014, No 36, p.1191;
No 1614-VII of 25.07.2014, BVR, 2014, No 36, p.1194;
No 1634-VII of 12.08.2014, BVR, 2014, No 39, p.2010;
No 116-VIII of 15.01.2015, BVR, 2015, No 13, p.85;
No 259-VIII of 18.03.2015, BVR, 2015, No 22, p.148;
No 265-VIII of 19.03.2015, BVR, 2015, No 22, p.150;
No 267-VIII of 19.03.2015, BVR, 2015, No 22, p.151;
No 277-VIII of 07.04.2015, BVR, 2015, No 24, p.166;
No 433-VIII of 14.05.2015, BVR, 2015, No 30, p.273;
No 567-VIII of 01.07.2015, BVR, 2015, No 35, p.339;
No 580-VIII of 02.07.2015, BVR, 2015, No 40-41, p.379;
No 711-VIII of 06.10.2015, BVR, 2015, No 46, p.428;
No 716-VIII of 06.10.2015, BVR, 2015, No 47, p.436;
No 901-VIII of 23.12.2015, BVR, 2016, No 4, p.44;
No 1008-VIII of 18.02.2016, BVR, 2016, No 12, p.138.

This law regulates relationships between the state and citizens of Ukraine concerning citizens' Constitutional duty to defend the Motherland.

PART I. GENERAL PROVISIONS

Article 1. Military Duty

1. Defence of the Motherland and ensuring the independence and territorial integrity of Ukraine is the Constitutional duty of all citizens of Ukraine.
2. Military duty is introduced with the purpose of ensuring that the citizens of Ukraine are prepared for the defence of the Motherland, the manning of the Armed Forces; other military formations created in accordance with the Laws of Ukraine, special purpose law enforcement bodies and the State Special Transport Service (hereinafter—the Armed Forces and other military formations) manned by servicemen.
3. Military duty includes:
 - The preparation of citizens for military service;
 - The registration of citizens at enlistment offices;
 - The enlistment on a voluntary (contract) basis and conscription to the military service;

- The performance of military service;
 - The performance of military duty in the reserves;
 - Observation of the rules of military registration.
4. Citizens of Ukraine have the right to substitute the performance of military duty by alternative (non-military) service in accordance with the Constitution of Ukraine and the Law of Ukraine "On Alternative (Non-Military) Service".
 5. Citizens of Ukraine are exempt from the performance of military duty on the grounds defined by this Law.
 6. Military duty does not apply to foreigners or stateless persons who reside in Ukraine.
 - In certain cases, stipulated by law, the foreigners and apatrides legally residing in Ukraine may volunteer (or sign a contract) to serve in the Armed Forces of Ukraine.
 7. The performance of military duty by citizens of Ukraine is ensured by state authorities, local self-government bodies, military formations created in accordance with the Laws of Ukraine, enterprises, institutions and organisations, regardless of their subordination, competences and form of ownership defined by law, regional (united regional), city (united city) military commissariats (hereinafter—regional (city) military commissariats), military commissariats of the Autonomous Republic of Crimea, oblasts, cities of Kyiv and Sevastopol, as well as territorial centres (in the Autonomous Republic of Crimea, oblasts and the city of Kyiv) and centres (in regions and cities) for the enlistment of servicemen on a contractual basis.
 8. The procedure for creating and defining the competences of the territorial centres and centres for the enlistment of servicemen on a contractual basis are defined by the regulation approved by the Cabinet of Ministers of Ukraine.
 9. Military service carried out by the citizens of Ukraine is subdivided into the following categories:
 - Pre-conscripts—persons subject to registration with enlistment offices;
 - Conscripts—persons registered with enlistment offices;
 - Servicemen—persons carrying out military service;
 - Persons liable for military service—persons in reserve, manning the Armed Forces and other military formations during a special period, as well as in order to perform other tasks relating to the defence of Ukraine;
 - Reservists—persons liable for military service who carry out military service in the reserve of the Armed Forces and other military formations and who are designated for their resupply in peacetime and in times of war.
 10. Foreigners and apatrides who carry out military service are considered military servicemen who legally serve in the Armed Forces of Ukraine.
 11. Citizens of Ukraine, who are registered with enlistment offices or who are in the Reserve of the Armed Forces and other military formations, are obliged to:
 - When summoned by the regional (city) military commissariat, report to the commissariat for the drawing up of military registration documents, passing of a medical examination, professional military training, conscription for military service or for gatherings of persons liable for military service;
 - Pass a medical examination and treatment in medical establishments in accordance with the decision of the Registration Commission, Conscription Commission or Military-Medical Commission of the regional (city) military commissariat;
 - Pass training for the military service, carry out military service and perform military duty in the reserve;
 - Conform to the Regulations on military registration established by the legislation;
 - Arrive to the military unit in which they are required to complete their Military Reserve duties when summoned by the commanding officer of this military unit.
 12. Women with military-related specialities, the list of which is adopted by the Cabinet of Ministers of Ukraine, and who are fit for military service in terms of health, age and family status, are included in the list of registered persons liable for military service.
 13. In wartime, women registered with enlistment offices can be called up for military service or involved in

activities relating to the defence of Ukraine. In peacetime, women can undertake active military service or serve in the Military Reserve on a voluntary (contractual) basis only.

Article 2. Military Service and Military Duty in the Reserve

1. The military service is a special state service that involves the professional activity of citizens of Ukraine, foreigners and apatrides, who are fit in terms of health and age, to defend Ukraine, its independence and territorial integrity. Insurance is provided for citizens of Ukraine who spend time on duty, which contributes to a general and professional work record as well as a state service work record.
2. Military service is carried out by:
 - Citizens of Ukraine—on a voluntary basis (on a contractual basis) or as a conscript;
 - Foreigners and apatrides—on a voluntary basis (on a contractual basis) in the positions of private and non-commissioned officers of the Armed Forces of Ukraine.
3. Citizens of Ukraine, foreigners and apatrides who carry out military service are military servicemen.
4. The procedure for performing military service by citizens of Ukraine, as well as their rights and duties, are defined by this Law, by regulations relating to the performance of military service by citizens of Ukraine approved by the President of Ukraine, and by other normative-legislative acts.
5. Military service in Ukraine is carried out with the observance of the Constitutional requirement of the separation of church, religious organisations and the state.
6. There are the following types of military service:
 - Regular military service;
 - Military service on a contractual basis for soldiers, sergeants and sergeant-majors;
 - Military service under mobilisation in a special period;
 - Military service (training) for cadets (students) at higher military education establishments as well as at higher education establishments with military institutes, military training facilities and departments for military training (hereinafter—military establishments of higher education and departments for military training at higher education establishments);
 - Military service for officers on a contractual basis;
 - Military service for conscripted officers.
7. Citizens of Ukraine perform regular military service in the Armed Forces of Ukraine and other military formations in accordance with the laws of Ukraine and so as to obtain a military speciality and practical skills relating to the defence of the Motherland.
8. Military duty in the Military Reserve involves the observation by persons who are liable for military service of the procedures and regulations of military registration, as well as participation in periodic training with the purpose of preserving and improving the knowledge and skills which are necessary for the performance of military service during a special period.
9. Citizens of Ukraine can perform military service in the Reserve of the Armed Forces and other military formations on a voluntary basis. The selection procedures and the conditions of service are defined by this Law and by Regulations on military service in the Reserve for citizens of Ukraine, which are approved by the President of Ukraine, as well as by other normative-legislative acts.
10. The personnel structure of the Military Reserve is established by the Ministry of Defence of Ukraine and approved by the Cabinet of Ministers of Ukraine.
11. Citizens of Ukraine who are conscripted into the military or who join the military service on a voluntary basis take an oath of allegiance to the people of Ukraine. Upon initial enlistment into the military service of the Armed Forces of Ukraine, foreigners and apatrides shall make an official obligation of steadfast observance to the Constitution, the laws of Ukraine and to diligently perform all required duties of military service.
12. Citizens of Ukraine, who are registered with enlistment offices, carry out military training, are conscripted or enlisted for military service; carry out military service in the Reserve, or those with military specialities who fill relevant posts during mobilisation are obliged to complete a compulsory medical examination.

The procedures for medical examinations are approved by the Ministry of Defence and Central Executive Authorities, in accordance with military formations and in agreement with the Central Executive Body for Healthcare. The list of military specialities is approved by the Ministry of Defence.

13. Performance of military duty during a special period has certain specifics stipulated by this Law and other normative-legal acts.

Article 3. Legal Basis for Military Duty, Military Service and Service in Military Reserve

The legal basis for military duty and military service is established by the Constitution of Ukraine, this Law, the Law of Ukraine "On Defence of Ukraine"; "On the Armed Forces of Ukraine"; 'On Mobilisation Preparation and Mobilisation', other Laws of Ukraine, as well as decrees from the President of Ukraine and other normative-legislative acts adopted in accordance with these laws, which ensure the capability of Ukraine to defend itself, the performance of military duty, military service and the status of military men, as well as the international agreements ratified by the Verkhovna Rada of Ukraine.

Article 4. Manning for the Armed Forces of Ukraine and other Military Formations

1. The Armed Forces of Ukraine and other military formations are manned by means of:
 - Conscription of citizens of Ukraine for military service;
 - Enlistment of citizens of Ukraine into the military service on a contractual basis.
2. Positions of privates and non-commissioned officers of the Armed Forces of Ukraine may be occupied by foreigners and apatrides enlisted for military service on a contractual basis.
3. The procedure for manning the Armed Forces of Ukraine and other military formations is pre-determined by this Law and those normative-legislative acts which are adopted in accordance with this Law.
4. With the purpose of manning the Armed Forces of Ukraine and other military formations during a special period, regular military training is organised and an adequate number of military trained citizens are transferred to the Reserve.
5. The General Staff of the Armed Forces of Ukraine distributes conscripts proportionally among the armed forces and other military formations, depending on the health and education of the conscripts.

Article 5. The Military Ranks for Servicemen, Reservists and Persons Liable for Military Service

1. The servicemen, reservists and persons liable for military service are divided into the following ranks: private soldiers, sergeants, sergeant-majors and officers.
2. The following military ranks are established:

ARMY	NAVY
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The rank of privates

Soldier	Seaman
Senior soldier	Senior seaman

The rank of sergeants and sergeant-majors

Junior sergeant	Sergeant-major-second rank
Sergeant	Sergeant-major of first rank
Senior sergeant	Senior sergeant-major
Sergeant-major	Ensign
Warrant Officer	Senior ensign
Senior Warrant Officer	Petty officer

The rank of officers

The rank of junior officers

Junior lieutenant	Junior lieutenant
Lieutenant	Lieutenant
Senior lieutenant	Senior lieutenant
Captain	Captain-lieutenant

The rank of senior officers

Major	Captain of third rank
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Lieutenant-colonel	Captain of second rank
Colonel	Captain of first rank
<u>The rank of superior officers</u>	
<u>Major-general</u>	<u>Rear-admiral</u>
Lieutenant-general	Vice-admiral
Colonel-general	Admiral
<u>General of the Army of Ukraine</u>	

3. The words "of medical service" or "of justice" are added to the military ranks of officers from the medical and legal services of the Armed Forces of Ukraine and officers of the specialised bodies of the Military law enforcement Service of the Armed Forces of Ukraine with corresponding education and occupying corresponding posts.
4. The words "reserve" and "retired" are added to the military ranks of citizens of Ukraine who have retired or have been transferred into or serve in the Reserve.
5. Conferment or deprivation of military ranks, a reduction and restoration to the ranks of servicemen, persons liable for military service and reservists and re-certification of persons liable for military service with specialities for conferment of a military rank are carried out in accordance with procedures determined by the statutes of the Armed Forces of Ukraine; Regulations on the performance of citizens serving in the military and Military Reserve. Military ranks are conferred for life.

Article 6. Military Posts

1. Military posts (i.e. staff posts filled by servicemen) and corresponding military ranks are listed on the staff lists of military units, ships, Military Management bodies, institutions, organisations, higher military education establishments, and the military departments of higher education establishments.
2. A list of posts to be filled by superior officers is approved by the President of Ukraine, whereas the posts of other military personnel are approved by the Ministry of Defence of Ukraine.
3. A list of posts which cannot be filled by foreigners and apatrides is approved by the General Staff of the Armed Forces of Ukraine.
4. In peacetime, individual military posts can be filled by civilians (on the basis of fixed contracts) in accordance with the procedure determined by the Ministry of Defence of Ukraine, or by reserve personnel in accordance with the procedure determined by the General Staff of the Armed Forces of Ukraine.
5. During the transformation of the Armed Forces of Ukraine and related military formations to the organisational and personnel requirements of wartime, military posts shall be filled by reservists or other persons liable for military service in accordance with the procedure determined by the General Staff of the Armed Forces of Ukraine.
6. The numbers of persons with the military rank of officer, who can fill posts in the Armed Forces of Ukraine and other military formations, as well as their age limits, are determined by the Ministry of Defence of Ukraine and other Central Executive Authorities who legally control respective military formations.
7. Procedures for appointment to military posts is determined by the Constitution of Ukraine, the laws of Ukraine, and Regulations on the military service and service in the reserve by citizens of Ukraine.
8. Military posts in units of the Armed Forces of Ukraine sent abroad for participation in a peace support and security operations, as part of national contingents or national personnel and in accordance with respective international agreements ratified by the Verkhovna Rada of Ukraine, are filled by servicemen on a contractual basis.
9. The procedure for the performance of military service by servicemen who do not occupy any military posts is determined by the Regulations on the performance of military service by citizens of Ukraine.
10. Service members of the Armed Forces and other militarised services of Ukraine can be dispatched to government agencies, businesses, institutions and organisations, as well as state-run and municipal education institutions to perform national security and homeland defence tasks while continuing military service. The listing of positions in government agencies, businesses, institutions and organisations, as well as

state-run and municipal educational institutions that are eligible to be filled by service members is subject to approval by the President of Ukraine.

11. In accordance with international agreements signed by Ukraine, servicemen from the Armed Forces of Ukraine and other military formations can be sent to perform military service with multinational bodies of Military Management as well as in Ukraine's diplomatic missions to foreign countries and international organisations. These servicemen are financed by the Ministry of Defence of Ukraine, as well as from the budget of other military formations as established by the Law. The procedures for transferring servicemen and the duration of duty in the aforementioned posts are established by the Ministry of Defence of Ukraine and other military formations.
12. Military officials are servicemen, who occupy executive, managerial or administrative positions, or who are authorised to implement relevant powers in accordance with the Law.
13. In accordance with procedures established by relevant regulations on military service by citizens of Ukraine, servicemen can be transferred from one military formation to another with exclusion from the list of personnel in one formation and inclusion into the list of personnel in the other.

Article 7. Military Uniform and Insignia for Servicemen

1. Military uniform, insignia and decorations are provided for servicemen.
2. Persons liable for military service are provided with a military uniform during periodical training sessions. Reservists are provided with a military uniform in accordance with established norms. For these persons, insignia of military servicemen shall be provided to prove their status, particularly in the reserve.
3. The uniform for members of the military consists of a set of uniformly designed and regimented in terms of the appearance of the items of clothing, footwear and specific accessories prescribed for military servants of the Armed Forces of Ukraine and related military formations.
4. The insignia of military servants—signs (shoulder straps, sleeve insignia and lapel badges, back signs, signs on headgear, e.g., cap badges, emblems, ornaments, embroidery, piping and trouser stripes; and buttons with symbols) on the uniform, designed for the distinction of military rank, position, affiliation with the state, military formation, branch, arm and service of the military units of the Armed Forces of Ukraine.
5. Models of military uniform and insignia for servicemen and the rules of dress are established by the Ministry of Defence.
6. Models of special wear boots; individual equipment for servicemen, means of individual protection and related items of military uniform are developed by the Ministry of Infrastructure of Ukraine—for the State Special Transportation Service, by other Central Executive Authorities in control of military formations, by the Security Service of Ukraine, State Guard Administration of Ukraine, Foreign Intelligence Service of Ukraine, State Service for Special Communication and Information Protection of Ukraine and approved by the Ministry of defence of Ukraine.
7. Rules for the wearing of military uniform and insignia are developed and approved by the Ministry of Infrastructure of Ukraine—for the State Special Transportation Service, by other Central Executive Authorities in control of military formations, by the Security service of Ukraine, State Guard Administration of Ukraine, Foreign Intelligence Service of Ukraine, State Service for Special Communication and Information Protection of Ukraine.
8. The wearing of a military uniform and insignia by persons who are not entitled to do so is prohibited under law and warrants prosecution.

PART II. PREPARATION OF CITIZENS OF UKRAINE FOR MILITARY SERVICE

Article 8. Preparation for Military Service

1. The preparation of citizens of Ukraine for military service includes patriotic education, pre-conscription training, training of conscripts in military and technical specialities, training in military orchestras, military schools, schools with enhanced military and physical training, preparation for entering higher military education establishments and higher education establishments with military departments and military

training at higher education establishments following the training regime of officers in the reserve programme: physical training, health treatment, raising levels of education, and the study of the state language.

2. The Ministry of Defence of Ukraine—as well as other Central Executive Authorities, the Council of Ministers of the Autonomous Republic of Crimea, Local State Administrations, local self-government bodies and the Society on Assistance to Defence of Ukraine—are responsible for the organisation and completion of pre-conscription training of the citizens of Ukraine within their respective competences.
3. The procedure for the organisation and execution of pre-conscription training and the training of conscripts in military and technical specialities is determined by the Regulation on Pre-conscription Training and the Regulation on Training of Conscripts in Military and Technical Specialities, which are approved by the Cabinet of Ministers of Ukraine.
4. Control over the organisation and execution of pre-conscription training and conscript training in military and technical specialities, including programme and methodical support, is exercised by the Ministry of Defence of Ukraine and by other Central Executive Authorities with educational establishments under their jurisdiction, as well as by the Council of Ministers of the Autonomous Republic of Crimea, local state administrations and local self-government bodies.

Article 9. Pre-conscription Training

Pre-conscription training is part of the state's compulsory curriculum for full secondary education at vocational and general schools, as well as an education and qualification degree obtained on the basis of secondary education and carried out in accordance with programmes approved by the Ministry of Defence of Ukraine.

Article 10. Training of Conscripts in Military and Technical Specialities

1. The training of conscripts in military and technical specialities is carried out in the following way:
 - For conscripts who are students at vocational schools and trained in military-related specialities, training is carried out in these educational establishments;
 - For conscripts who work or who are temporarily unemployed, as well as students of vocational schools not trained in specialties related to the military, training is carried out in vocational schools of the Ministries, other Central Executive Authorities and in the educational establishments of the Society of Assistance to Defence of Ukraine.
2. Conscripts, who are 17 years of age, fit for military service and are liable for conscription after graduation from educational establishments, are engaged in training.
3. The number of conscripts predisposed for training in military and technical specialities, as well as the list of these specialities, are defined by the Ministry of Defence of Ukraine, together with related Central Executive Authorities, and are approved by the Cabinet of Ministers of Ukraine.

Article 11. Military Training for Citizens of Ukraine Following the Officers' in Reserve Programme of Training

1. The military training of citizens of Ukraine, following the programme of training for officers in the reserve, is conducted at higher military education establishments and higher education establishments with military departments.
2. The programme of training for officers in the reserve is followed on a voluntary basis by students enrolled in bachelor programmes at higher education establishments, who are fit for military service with respect to their health, moral and professional qualities.
3. The procedure for the organisation of military training for citizens, following the programme of training for officers in the reserve, is established by the Cabinet of Ministers of Ukraine upon submission from the Ministry of Defence of Ukraine in agreement with the Central Executive Body in the field of education and science.
4. The military training of students at higher education establishments, following the programme of training for officers in the reserve, is introduced as a separate subject in the curriculum. Military training programmes are developed in accordance with the required professional characteristics for officers in the reserve, as well as relevant military specialities. The procedures for the development and approval of the

required professional characteristics for officers and the programmes for military training of officers in the reserve are established by the Ministry of Defence of Ukraine.

5. Citizens of Ukraine, who have obtained a minimum of a bachelor's degree, have completed a full course of military training following the programme of training for officers in the reserve, have passed the established exam and have been certified as officers, are conferred the basic ranks of officers in the reserve. If necessary, they can be called up to perform military service for officers by order of the Minister of Defence of Ukraine.
6. Citizens of Ukraine, who have not been certified as officers after graduation from a higher education establishment and who have not carried out regular military service are liable for conscription to the regular military service taking into account, if possible, their speciality obtained during higher education and any other military related speciality.
7. A list of military specialties in which citizens of Ukraine, following the programme of training for officers in the reserve, are trained for is defined by the Ministry of Defence of Ukraine upon the submission of the General Staff of the Armed Forces of Ukraine in agreement with the Central Executive Body in the field of education and science.
8. A list of higher education establishments where students undergo training, following the programme of training for officers in the reserve, is defined by the Cabinet of Ministers of Ukraine upon the submission of the Ministry of Defence of Ukraine in agreement with the relevant Central Executive Bodies. Military education departments are departments within these higher education establishments. Decisions concerning the establishment, reorganisation and closure of military education departments are taken by the Cabinet of Ministers of Ukraine following a submission made by the Ministry of Defence of Ukraine and in agreement with those Central Executive Authorities who have higher education establishments under their jurisdiction.
9. Rules for appointment to vacant positions of commanding officers and pedagogical personnel to military education departments, who exercise control over the training of students, is determined by the Ministry of Defence of Ukraine, in agreement with the Central Executive Authority responsible for the development and implementation of state policy in the area of science and education.
10. During training sessions, citizens of Ukraine, following the programme of training for officers in the reserve, have rights and duties established by the legislation for persons who are liable for military service and called up for periodic training.
11. The Ministry of Defence of Ukraine exercises control over the organisation of military training for citizens of Ukraine, following the programme of training for officers in the reserve.

Article 12. Preparation for Entering Military establishments of Higher Education and Higher Education Establishments with Military Departments

1. Citizens of Ukraine, wishing to enter military establishments of higher education and higher education establishments with military departments, can undergo preliminary training in general education establishments, military lyceums, lyceums with intensive military and physical training, military orchestras, education establishments of civil organisations, higher education establishments with military departments or complete preparatory courses at higher military education establishments.
2. Physical training for pre-conscripts and conscripts is organised by the Central Executive Organs within the field of education, science, physical education and sports in higher, vocational, general and other non-school education establishments, as well as in sport societies and clubs that offer physical education programmes.
3. Health treatment for citizens entering military establishments of higher education and higher education establishments with military departments is carried out by relevant healthcare institutions in close proximity to the citizens' place of residence.
4. Medical examinations for citizens ranging from 15-17 years of age are conducted annually by medical specialists involved in the examination of conscripts. When necessary, citizens are prescribed medical treatment.

5. Management bodies working in education are responsible for organising the educational elements of training for pre-conscripts and conscripts, and where necessary, organising additional lessons to teach the state language to those citizens who have little or no command of it.

Article 13. Rights and Duties of Citizens Receiving Military Training

1. Citizens of Ukraine who receive training in military and technical specialities are guaranteed their place of employment, position and average salary in enterprises, institutions and organisations, regardless of their status or type of ownership during the period of training. This includes travel time to and from their place of training.
2. Housing expenditures during training periods, travel costs to and from training sites and salaries are covered by the budget of the Ministry of Defence of Ukraine and other military formations in accordance with the procedure established by the Cabinet of Ministers of Ukraine.
3. Participation of citizens of Ukraine, who are sent by regional (city) military commissariats for military training and other related training exercises, with respect to both pre-conscripts and conscripts, is compulsory.

PART III. REGISTRATION OF CITIZENS OF UKRAINE WITH ENLISTMENT OFFICES, CONSCRIPTION AND ENLISTMENT TO THE MILITARY SERVICE**Article 14. Registration of Citizens of Ukraine with Enlistment Offices**

1. Registration of male citizens of Ukraine with enlistment offices is carried out with the purpose of listing citizens in the military register, determining available conscription resources, assessing educational backgrounds, acquired specialities or professions, as well as levels of physical fitness and personal qualities.
2. In order to register citizens of Ukraine for enlistment offices, registration commissions are established in regions and cities throughout the country.
3. Pre-conscripts, who have turned 17 at the time of registration, are registered with enlistment offices from January to March each year. Registration is carried out by regional (city) commissariats close to conscripts' places of residence.
4. Citizens of Ukraine, who serve sentences in penitentiaries or receive compulsory medical treatment, are not subject to registration with enlistment offices.
5. Heads of enterprises managing the development of buildings, institutions and organisations, regardless of their subordination or form of ownership; independent bodies responsible for the primary registration of persons liable for military service and conscripts, as well as heads of other enterprises, institutions, organisations and educational establishments, regardless of their subordination or form of ownership, shall annually submit to the relevant regional or city military commissariats, within the deadlines established by the Cabinet of Ministers of Ukraine, a list of citizens of Ukraine subject to registration with enlistment offices.
6. In order to register with an enlistment office, citizens of Ukraine are obliged to report in person to a military regional (city) commissariat by a date specified in call-up papers and present necessary documentation, a list of which is established by the Ministry of Defence of Ukraine.
7. In order to register citizens of Ukraine with enlistment offices of military regional (city) commissariats, registration commissions with the following compositions are established:
 - The chairman of the Commission—regional (city) military commissar;
 - Members of the Commission:
 - A representative from the regional (city) management body working in the field of education;
 - A representative from the department of the regional (city) body of National Police dealing with young people;
 - A doctor managing medical staff and carrying out medical examinations of citizens of Ukraine subject to registration;
 - A psychologist from the social services department of the local state administration (an executive body of the municipal council);
 - A secretary from the Commission.

8. The personal composition of a regional (city) registration commission and procedures for registration are approved annually by the head of the local state administration (i.e. an executive body of the municipal council).
9. Regional (city) registration commissions are responsible for:
 - The organisation and performance of medical examinations for pre-conscripts who are summoned to the commission so as to establish if they are fit for military service;
 - The identification and preliminary selection of candidates for military establishments of higher education and higher education establishments with military education departments;
 - The assignment of conscripts for training in military and technical specialties;
 - Sending those conscripts found to be unfit for military service for health reasons or those who dispute the results of a medical examination to the Conscription Commission in the Autonomous Republic of Crimea, oblast or Kyiv city Conscription Commissions;
 - Sending citizens of Ukraine found to be temporarily unfit for military service during the registration process or those who require examination or treatment to medical care facilities in the vicinity of the citizens' residence. Attendance by pre-conscripts at these facilities as a consequence of the Registration Commission's decision is obligatory;
 - The enrolment of citizens of Ukraine with low standards of education and little or no command of the state language into corresponding education establishments;
 - Assessing the personalities of conscripts, their moral and professional qualities, as well as their family status;
 - Removing conscripts from the register and registering persons liable for military service who:
 - Are found to be unfit for military service for health reasons in peacetime and fit, to a limited degree, in wartime;
 - Were previously sentenced to a deprivation of liberty, a restriction of liberty, an arrest or correctional labour for committing a crime of minor or medium gravity, including liberation from serving the sentence;
 - Eliminating from the military registration list citizens who:
 - Are found to be unfit for military service for health reasons;
 - Were previously sentenced to a deprivation of liberty for committing a crime of high gravity.
10. After a medical examination of a citizen of Ukraine, taking into account his level of education, personal qualities, type of work and speciality, the Registration Commission can take one of the following decisions:
 - Fit for military service and preliminarily designated for service in the Armed Forces of Ukraine and other military formations;
 - Temporarily unfit for military service and requires medical care;
 - Requires an additional medical check-up and a further medical examination (with the date of examination specified);
 - Unfit for military service in peacetime and fit, to a limited degree, in wartime—needs to be included in the register of persons liable for military service;
 - Unfit for military service with consequent elimination from the registration list— needs to be eliminated from the registration list;
 - Needs to be included in the register of persons liable for military service as a person who has previously been sentenced to a deprivation of liberty, a restriction of liberty, an arrest or correctional labour for committing a crime of minor or medium gravity, including liberation from serving the sentence;
 - Needs to be eliminated from the military registration list as a person who has previously been sentenced to a deprivation of liberty for committing a crime of high gravity.
11. Citizens of Ukraine, registered with enlistment offices, are provided with registration certificates. Their rights and duties, the rules of military registration and the responsibility for violating these rules are explained to them.

Article 15. Conscription Age, Conscription of Citizens of Ukraine for Regular Military Service

1. Male citizens of Ukraine fit for military service in terms of health, who are 18 years of age by the time they are sent to a military unit and older persons, who are under 27 years of age and are not entitled to an exemption or postponement of military service, are called up for regular military service in peacetime (hereinafter—citizens liable for call-up).
2. Citizens liable for call-up can enlist for military service voluntarily on a contractual basis under conditions stated in the first part of Article 20 of this Law and in accordance with the procedure determined in the Regulations on the performance of military service by citizens of Ukraine.
3. The conscription of citizens of Ukraine for regular military service involves reporting to the Conscription Commission and being dispatched to military units.
4. The preparation and implementation of conscription for regular military service is conducted by city (regional) state administrations (i.e. executive bodies of municipal councils) in cooperation with city (regional) military commissariats.
5. The procedures involving the organisation and implementation of conscription for regular military service is determined by this Law and the normative-legal acts of the Cabinet of Ministers.
6. The deadline for conscripting citizens of Ukraine for regular military service for the following year is established in a decree of the President of Ukraine, which is published no later than a month prior to the end of the current year, excluding the decree for conscripting citizens of Ukraine for regular military service during a special period, which is published no later than a month prior to the start of conscription of citizens of Ukraine for regular military service.
7. The number of citizens of Ukraine liable for call-up for regular military service and the total expenditure required for the subsequent conscription are determined by the Cabinet of Ministers of Ukraine.
8. Once the decree of the President of Ukraine on the implementation of the subsequent conscription comes into force:
 - Conscripts, who have received a call-up paper from city (regional) military commissariats, are obliged to report to the enlistment office in order to attend the Conscription Commission by the deadline specified in the call-up paper;
 - If a call-up paper has not arrived, citizens liable for call-up are obliged to report to the enlistment office within 10 days from the date of the beginning of conscription as defined in the decree of the President of Ukraine;
 - Conscripts, who have changed their place of residence, are obliged to report to a city (regional) military commissariat in the new place of residence within a seven-day period for re-registration;
 - Heads of enterprises, institutions, organisations and educational establishments, regardless of their subordination or form of ownership, are obliged, at the request of military commissariats, to ensure that citizens liable for call-up to enlistment offices report in a timely manner.
9. During the period of regular military conscription, changes in the place of registration by citizens liable for call-up is not permitted, with the exception of cases supported by relevant documentation, concerning:
 - A transfer to work in other areas;
 - A move to a new place of residence;
 - Entry into an educational establishment and departure from another;
 - Graduation from an educational establishment and assignment to a place of work in another area.
10. A conscript is liable, in accordance with the Law, for the failure to report to an enlistment office without good reason when summoned by a city (regional) military commissariat.
11. Acceptable reasons for the failure of conscripts to report to an enlistment office by a designated deadline, evidenced by relevant documentation, include the following:
 - An obstacle of an unpremeditated character, illness of a conscript or other circumstances which made it impossible for the conscript to report personally in the assigned place by the designated deadline;
 - A death of a close relative of the conscript (i.e. parents, wife, child, siblings, grandfather or grandmother) or a close relative of his wife.

Article 16. The Conscription Commissions

1. In order to carry out the conscription of citizens for regular military service in regions (cities), Conscription Commissions with the following compositions are formed:
 - The Chairman—the deputy head of the local state administration (an executive body of the municipal council);
 - Commission members include:
 - The regional (city) military commissar;
 - The deputy head of the regional (city) management body in the field of education;
 - The deputy head of the regional (city) body of the National Police;
 - A doctor who is responsible for managing medical staff carrying out medical examination on conscripts;
 - A psychologist from the social service of the local state administration (i.e. an executive body of the municipal council) located on the territory of a district (city);
 - Representatives from the Armed Forces and other military formations, civil society organisations, enterprises, institutions and organisations in preliminary agreement with the Chairman;
 - A secretary.
2. The personal composition of a regional (city) Conscription Commission, the schedule of its sessions and the procedure for carrying out and ensuring the organisation of the conscription of citizens of Ukraine for regular military service is approved by the head of the local state administration (i.e. an executive body of the municipal council).
3. The regional (city) Conscription Commissions are responsible for:
 - The organisation of medical examinations for conscripts;
 - The conscription of citizens of Ukraine for regular military service and their assignment for service in the Armed Forces of Ukraine or other military formations;
 - The postponement of call-up for regular military service on the grounds stated in Article 17 of this Law;
 - An exemption from conscription for regular military service on the grounds stated in Article 18 of this Law;
 - The registration of conscripts in the register of persons liable for military service or the removal of conscripts from the register;
 - Sending conscripts, who have expressed a desire to enter military establishments of higher education or higher education establishments with military education departments, to undertake entrance examinations and tests or taking the decision to refuse these conscripts the opportunity to do so;
 - Sending citizens found temporarily unfit for military service to medical care establishments close to their place of residence;
 - The study of the personalities, moral and professional qualities, and family status of conscripts;
 - Providing information regarding conscripts who evade conscription to the relevant law enforcement bodies;
 - The submission of requests to the superior Conscription Commission on the postponement of conscription for regular military service for citizens of Ukraine in cases not foreseen by this Law.
4. In case of a loss (change) of grounds for the postponement of conscription for regular military service foreseen by this Law, the Conscription Commission can abolish (change) previous decisions.
5. A decision of the Conscription Commission can be appealed against by a citizen of Ukraine at a superior Conscription Commission or in a court in accordance with the procedure established by the Law.
6. To manage and control the activities of the regional (city) Conscription Commissions in the Autonomous Republic of Crimea, in the oblasts and the city of Kyiv, the Conscription Commissions for the Autonomous Republic of Crimea, oblasts and Kyiv city are formed. The personal composition of the Conscription Commissions for the Autonomous Republic of Crimea, oblasts and Kyiv city, the procedure for carrying out and ensuring the organisation of conscription are approved accordingly by the Head of the Council of Ministers of the Autonomous Republic of Crimea and by the heads of local and Kyiv city state administrations.

7. The Conscription Commissions in the Autonomous Republic of Crimea, the oblasts and Kyiv are responsible for:
 - The management of the activities of the regional (city) Conscription Commissions;
 - The organisation of medical examinations for citizens of Ukraine identified by the regional (city) Enlistment Commissions or by the regional (city) Conscription Commissions as unfit (or temporarily unfit) for military service for health reasons, and for citizens of Ukraine who lodge a disagreement with respect to the results of a previous medical examination or with the decisions of a regional (city) Enlistment Commission or a regional (city) Conscription Commission, as well as for citizens who are called up for regular military service immediately before being sent out to military units;
 - Verifying the grounds for the postponement of a call-up or exemption of citizens of Ukraine from call-up to the regular military service;
 - Control over the grounds for assigning conscripts for service in the Armed Forces of Ukraine or other military formations in view of their education, experience, skills, interests and personal abilities;
 - The consideration of citizens' complaints regarding the actions of regional (city) Conscription Commissions.
8. The Conscription Commissions for the Autonomous Republic of Crimea, oblasts and city of Kyiv have the right to reconsider and change the decisions of the relevant regional (city) Conscription Commissions and regional (city) Enlistment Commissions concerning citizens of Ukraine found to be unfit for military service for health reasons.
9. A decision made by the Conscription Commissions for the Autonomous Republic of Crimea, oblasts and city of Kyiv can be appealed against in a court according to the procedures established by the Law.

Article 17. The Postponement of a Call-Up for Regular Military Service

1. The postponement of a call-up for regular military service is granted to conscripts as stipulated by this Law for family, health reasons, education, or continuing professional activities.
2. The postponement of a call-up for family reasons, at the request of conscripts, is granted to conscripts who are:
 - Unable to work: invalid parents, single father (single mother), persons under whose care, guardianship or support is provided for by a conscript or persons whose care or guardianship is provided by a conscript where no other person is capable of providing such support – citizens of Ukraine – who are providers in accordance with the legislation. The invalidity of these persons is determined according to the procedure established by the legislation;
 - Underage (kin or otherwise) siblings or those who are unable to work, invalid (kin or otherwise) siblings irrespective of age, if no person, aside from a conscript, is able to provide for them in accordance with the legislation;
 - A single father or single mother responsible for providing for two or more minors, until the eldest reaches adulthood under condition the conscript is officially employed;
 - A child younger than three years of age or a child more than three years of age who is raised without a mother (deceased) or following a court decision;
 - Two or more children;
 - An invalid child;
 - An invalid wife;
 - A pregnant wife.
3. The postponement of a call-up for regular military service for family reasons, at the request of conscripts, can be granted to conscripts who are orphans or belong to the category of children without parental care.
4. (Excluded under the Law No 116-VIII of 15.01.2015).
5. In cases where several sons from the same family are called up simultaneously for military service, postponement can be granted to one son for the duration of brothers' service until the release of the one of them on request and taking into account his parent's considerations.
6. A regional (city) Conscription Commission has the authority to grant, due to family reasons, a postponement to a conscript who is liable for call-up, regardless of his wish not to ask for postponement, and in

- particular when a conscript's call-up is likely to substantially worsen the material situation of those for whom he is responsible.
7. Postponement of up to one year of a call-up for regular military service due to health reasons is granted to conscripts who are found to be temporarily unfit for military service following a medical examination.
 8. Postponement of a call-up for regular military service for those who wish to further their education is granted for the whole period of study to citizens of call-up age, who undertake:
 - Full-time study in general and vocational education establishments. If a conscript turns 21 years of age, the option to postpone military service is no longer granted.
 - Full-time study at higher education establishments, including for higher degrees;
 - Full-time study at secondary and higher religious education establishments;
 - Post-graduate or doctorate degrees, regardless of the person's employment status.
 9. The right to postpone a call-up for regular military service for educational reasons is granted to citizens of Ukraine who, in the framework of international agreements, are studying in educational establishments in other states.
 10. The postponement of a call-up for regular military service for educational reasons is granted once during the whole period of study, and for citizens liable for call-up who discontinue their studies on their own initiative, fail to complete a study programme, violate a contract or lose the right to postpone a call-up for regular military service regardless of new enrolment in a higher education establishment.
 11. Citizens of Ukraine of a call-up age, who take a break in their studies for health or family reasons or to take care of close relatives—as mentioned in paragraph three, part Eleven of Article 15 of this Law—do not lose the right to postpone a call-up for regular military service.
 12. In cases where a conscript, who studies at a higher education establishment during daytime hours, transfers to another higher education establishment with the equivalent level of accreditation and form of study, the right to postpone a call-up for regular military service is maintained.
 13. The postponement of a call-up for regular military service for professional reasons is granted to the following citizens liable for call-up:
 - Pedagogical workers who have completed higher education and whose main place of employment is in a secondary education establishment: for the duration of their full-time work;
 - Medical personnel: for the duration of their full-time work in rural areas;
 - Clergymen who graduated from higher or secondary religious education establishments and hold posts in one of the religious orders that act according to the statutes (regulations) registered in accordance with established procedures: for the duration of their work;
 - The heads of village and or city administrations and deputies of local councils: for the duration of their time in office;
 - Individuals in possession of a degree of candidate (doctor) of sciences and working in positions corresponding to the specialty in which the degree was awarded: for the whole period of their work, according to the specialty;
 - Reservists: for the whole period of service in the Military Reserve;
 - Policemen: for the duration of their service.
 14. The postponement of a call-up for regular military service is granted to conscripts who are involved in an inquest, prejudicial inquiry or those on trial for criminal charges in a court of law, up and until the relevant decision is taken.
 15. In cases not pre-determined by this Law, the postponement of a call-up for regular military service can be granted to conscripts according to the decisions of the Conscription Commissions for the Autonomous Republic of Crimea, oblast, and Kyiv city Conscription Commissions, upon submission of regional (city) Conscription Commissions.
 16. Conscripts, who are granted postponement from regular military service, are obliged to present documents confirming their right to a postponement to the regional (city) military commissariats annually, by October 1.

17. Conscripts, who no longer demonstrate suitable grounds for postponement of a call-up for regular military service, as well as persons who do not have the right to a postponement or the grounds for an exemption from conscription to regular military service as envisaged by Articles 17 and 18 of this Law and who have not been called up for different reasons for military service by the established deadlines, shall be called up during the next period of conscription.

Article 18. An Exemption from Conscription to Regular Military Service

In peacetime, the following citizens of Ukraine are exempt from conscription to regular military service:

- Those, who in peacetime, are recognised as unfit for military service due to health reasons;
- Those who turn 27 years old on the day of conscription to regular military service;
- Those who have served their required duty time in the Reserve Component during the term of the first contract;
- Those whose father, mother (kin or not) or siblings have died or became invalid during the performance of military service or during training. Conscripts, who have the right to an exemption from conscription on these grounds may also renounce this right;
- Those, who, before becoming citizens of Ukraine, carried out military service in other states;
- Those who were previously sentenced to a deprivation of liberty or a restriction of liberty—including liberation from serving the sentence—for committing a crime;
- Those, who, after graduation from higher education establishments, have been conferred the (special) military rank of an officer (commander).

Article 19. General Conditions for Concluding Contracts on the Performance of Military Service

1. Servicemen on military staff or regular military service, military service after enlistment during mobilisation, during a special period or as a serving officer, citizens of call-up age who have completed higher, vocational or high school education and who have not yet passed regular military service, persons liable for military service, as well as women who are not registered with enlistment offices, may conclude a contract—regarding the performance of military service—on a contractual basis, observing the conditions stipulated in Article 20 of this Law.
2. Servicemen who carry out military service on a contractual basis can conclude a new contract on the performance of military service in cases where the previous contract has expired.
3. If a service member switches to a different type of military service, his or her contract will be terminated and a new contract for the respective type of military service will be signed for a term specified in Article 23, section two, of this Law.
4. The form, procedures and rules for concluding a contract, the termination (abrogation) of a contract and the consequences of a termination (abrogation) are defined by the Regulations on carrying out military service by citizens of Ukraine, unless otherwise provided by the legislation.

Article 20. The Contractual Basis for Enlistment in Military Service

1. Citizens who pass professional and psychological selection and meet the requirements of military service can be enlisted in military service on a contractual basis:
 - Soldiers (with the rank of Private) on regular service duty or performing service under mobilisation during a special period; conscription-age individuals with higher, vocational, complete or basic secondary education; individuals liable for compulsory military service; reservists who are not NCOs or commissioned officers, and women with appropriate education, aged 18 to 40 years old: contractual military service in the rank of Private;
 - Service members on regular service duty or performing compulsory military service under mobilisation during a special period; contract soldiers; conscription age individuals with university degrees; draft-liable individuals; reservists who are not NCOs or commissioned officers, and women with appropriate education, skills and experience, aged 18 to 40 years old: contractual military service in NCO positions;
 - Persons who have completed secondary education and are between 17-21 years of age, including those who turn 17 in the year they begin their military service, servicemen in regular military

- service, servicemen in contractual military service, persons under 23 years of age who are liable for military service, who have completed their secondary education but who do not hold the rank of officer, in case of their enrolment in the first and consequent years of study, as well as persons under 25 years of age with a basic higher education, in case of their enrolment in the last year of study: military service (study) as cadets at military establishments of higher education or higher education establishments with military education departments, and servicemen under 30 years of age, or military service (study) as cadets at military establishments of higher education or higher education establishments with military education departments which provide training for sergeant and sergeant-major level positions;
- Servicemen who have graduated from military establishments of higher education or higher education establishments with military education departments and who were conferred the rank of officer: contractual military service in officer positions;
 - NCOs completing contractual military service or military service under mobilisation in a special period, who are holders of a minimum of a bachelor's degree in a related specialty and who have completed, as appropriate, a Service-specific training course; including the NCO reservists eligible for initial promotion to officer ranks: contractual military service in officer positions;
 - Reserve officers below the age limit required for military service: contractual military service in officer positions;
 - Officers who are cadres in the military service: contractual military service in officer positions;
 - Officers who have been conscripted into the military service, officers serving in Military Reserve and officers who have been conscripted during a special period of mobilisation: contractual military service in officer positions;
 - Citizens of Ukraine holding the ranks of middle, senior or superior officers or class ranks: military service on a contractual basis as officers with simultaneous re-attestation as stipulated by part Five of Article 5 of this Law.
2. For military service on a contractual basis, as officers in the Security Service of Ukraine, intelligence services of Ukraine, State Service of Special Communication and Information Protection of Ukraine and the Department of the State Protection of Ukraine are enlisted citizens of Ukraine who have completed a higher level of education—no lower than a bachelor's degree—and specialised in a field that corresponds to the type of service concerned and who have not reached the age limit required for officer service, servicemen in regular military service who have served for no less than six months, privates, sergeants and sergeant-majors in contractual military service, persons liable for service and women under 40 years of age.
 3. In case of a declaration of a special period, citizens of Ukraine, who have not reached the age limit for being registered into the Military Reserve, may be enlisted for military service on a contractual basis for the term of military service as established by part Three of Article 23 of this Law.
 4. Military officials are not permitted to be immediately subordinated to related persons, nor are their relations permitted to hold superior positions over them, including cases concerning the exercise of powers to decide (take part in making decisions) on enrolment, dismissal, motivation, punishment, guidance, issuing orders and exercising control over their implementation.
 5. Candidates for appointments to executive and (or) managerial and administrative-based economic positions are expected to provide written permission for the special vetting procedure, as established by the Law of Ukraine "On Prevention of Corruption".
 - In order for the Ukrainian Armed Forces and other militarised services to reach their full strength in regards to personnel numbers, all appointments to executive and (or) managerial and administrative-based economic positions will be made in the event of:
 - An emergency that threatens the national security of Ukraine—up until the publication of findings of the special vetting; declaration of mobilisation and (or) the introduction of martial law—without the need to conduct a special vetting procedure.

6. Military officials, except for those serving as conscripts, performing mandatory military service in officer positions or mandatory military service under mobilisation in a special period, shall annually, before the 1st of April, file, at the place of service, a declaration of property, income, expenditures and obligations of a financial nature for the previous year in accordance with the procedure provided by the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption".

Military servants shall be subject to other requirements and restrictions established by the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption".

Note. The term "related persons" is used in the meaning provided in the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption".

Article 20-1. Settlement of a Conflict of Interests

1. If a conflict of interest occurs during the performance of official duties, a military official shall immediately notify his or her immediate superior. The immediate superior of the military official shall take all requisite measures aimed at preventing the respective conflict of interests by assigning the relevant mission to another official, performing the mission him or herself or through other means provided by the Law.
 - Note. The term "conflict of interests" is used in the meaning provided in the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption".

Article 21. The Material Support for Citizens Called up or Enlisted in Military Service

1. Citizens of Ukraine called up for regular military service receive financial support amounting to two minimum salaries.
2. Citizens of Ukraine, who undergo military registration, conscription or enlistment for military service, as well as persons sent by regional (city) military commissariats for medical examination (in ambulatory settings or a hospital) or treatment, are excused from work for the period of time necessary for the execution of these duties and for the period of stay in a medical establishment. They retain their place of employment, job position and average salary.
3. Transportation for citizens of Ukraine to the place of service (following conscription) and the meals provided during the journey are financed by the funds allocated in the State Budget of Ukraine for the Ministry of Defence and other Central Executive Authorities, managed in accordance with the legislation on military formations to which servicemen are attached.
4. Transportation of citizens who carry out military service on a contractual basis to the place of service is financed by the funds allocated in the State Budget of Ukraine for the Ministry of Defence of Ukraine and other Central Executive Authorities, managed in accordance with the legislation on the military formations in which servicemen carry out their military service.

PART III-1. SPECIFICITY OF SELECTION AND MILITARY SERVICE IN THE ARMED FORCES OF UKRAINE FOR FOREIGNERS AND APATRIDES

Article 21-1. Selection for Military Service in the Armed Forces of Ukraine for Foreigners and Apatrides

1. Foreigners and apatrides are enrolled in military service in the Armed Forces of Ukraine under a contract for privates, non-commissioned officers.
2. Foreigners and apatrides, who, on legitimate grounds, remain in the territory of Ukraine and who have never been convicted are enrolled in military service on a contractual basis on condition that they are:
 - Of the required age, as stipulated by Article 22 of this Law;
 - Healthy;
 - Have passed professional-psychological selection;
 - Physically fit.
3. To be enrolled in military service, foreigners and apatrides shall report to the local military commissariat.
4. Procedures for enrolment, professional-psychological selection, form, procedure and rules of signing the contract, cancellation of contract and promotion to military rank for foreigners and apatrides are stipulated

by the Regulations on military service of Foreigners and Apatrides in the Armed Forces of Ukraine, unless specifically stipulated by the Law.

Article 21-2. Specificity of Military Service for Foreigners and Apatrides

1. For foreigners and apatrides enlisted in military service, a probation period of two months shall be established, which shall be specified in the contract of military service.
2. Foreigners and apatrides may receive access to state secrets in accordance with the procedure stipulated in the law of Ukraine "On State Secret".
3. Foreigners and apatrides may receive an officer commission in the Armed Forces of Ukraine only after legally receiving citizenship of Ukraine.

Article 21-3. Financial support to Foreigners and Apatrides during Military Service in the Armed Forces of Ukraine

1. The amount of financial support provided to foreigners and apatrides during their military service in the Armed Forces of Ukraine shall be established at a level corresponding to the financial support given to citizens of Ukraine on contract military service.

Article 21-4. A one-time financial allowance is provided in case of death, disability or partial disability (without formal disability) of foreigners and apatrides during their military service in the Armed Forces of Ukraine

1. A one-time financial allowance is provided in case of death, disability or partial disability (without formal disability) of foreigners and apatrides during their military service in the Armed Forces of Ukraine (hereinafter—*one-time financial allowance*). The guarantee of a state payment to individuals who have the right to receive it is assured by this Law.
2. One-time financial allowance is assigned and paid for the following cases:
 - 1) Death of a service member resulting from the performance of his or her military service duties or as a consequence of an illness brought about by his or her performance of military service duties;
 - 2) Death of a service member during the period of his or her performance of military service duties or as a consequence of an illness or accident sustained during the period of his or her performance of military service duties;
 - 3) Confirmation of a service member's disability resulting from a wound (e.g. contusion, trauma or mutilation) received during the performance of his or her military service duties, as a consequence of illness resulting from his or her performance of military service duties or in cases where the service member is confirmed to have a disability after discharge from military service and as a consequence of factors indicated in this sub-clause;
 - 4) Confirmation of a service member's disability during the period of his or her performance of military service duties or as a consequence of an illness during the period of his or her performance of military service duties, or confirmation of disability after discharge of the service member from military service no later than three months after discharge, or later, but only as a consequence of an illness or accident occurring during the period of military service;
 - 5) Wound (e.g. contusion, trauma or mutilation) received by a service member during the performance of his or her military service duties, which result in a partial disability, but in which the service member is not formally classed as an invalid.
3. Military servicemen shall perform military service duties under conditions stipulated by this Law.
4. Family members and parents of the deceased service member have the right to be allocated for and receive the one-time financial allowance. Family members and parents of the deceased service member are identified on the basis of the Family Code of Ukraine.
5. A one-time financial allowance is allocated and paid in the amount of:
 - 1) 500 times the minimum living standard established by the Law for persons capable of working—in the event of the death of a service member;
 - 2) 250 times the minimum living standard established by the Law for persons capable of working—in the event of a service member being classed as having a Group I disability;

- 3) 200 times the minimum living standard established by the Law for persons capable of working – in the event of a service member being classed as having a Group II disability;
- 4) 150 times the minimum living standard established by the Law for persons capable of working – in the event of a service member being classed as having a Group III disability.

PART IV. CARRYING OUT MILITARY SERVICE

Article 22. Age Limits for Military Service

1. The established age limits for military service are:
 - 1) For privates, sergeants and sergeant-majors who serve on a contractual basis – up to 45 years;
 - 2) For junior officers – up to 45 years;
 - 3) For senior officers: Majors (captains of 3rd rank), Lieutenant-colonels (captains of 2nd rank) – up to 50 years; Colonels (captains of 1st rank) – up to 55 years;
 - 4) For superior officers – up to 60 years;
 - 5) For draft-enlisted service members and active-duty reservists who have been called up for mandatory military service during a special period, and active-duty personnel doing military service in a special period – until they reach the upper age limit for inactive duty and active-duty reserves.
2. Servicemen of the Armed Forces of Ukraine and other military formations, who have a high level of professional training, practical experience relating to their military postings and who are recognised by a military-medical commission as fit for military service may, upon request, remain in military service upon reaching the age limit for military service indicated in the first part of this Article, for up to 5 years and in accordance with the procedure established by the Regulations on the performance of military service by citizens of Ukraine.

Article 23. The Duration of Military Service

1. The duration of regular military service in calendar terms is the following:
 - For soldiers, seamen, sergeants and sergeant-majors in regular military service in the Armed Forces of Ukraine and other military formations – up to 18 months;
 - For persons with a specialist or Master's degree – up to 12 months;
2. For Ukrainian citizens completing contractual military service in military positions, the length of active-duty service (in calendar count) will be as follows:
 - For soldiers holding the rank of private – 3 years;
 - For NCOs – 3 to 5 years;
 - For military college cadets and students studying in reserve officer training programs at civilian institutions of higher education (i.e. military department cadets) – the length of study at a military college or military training unit attached to a civilian institution of higher education;
 - For commissioned officers:
 - For individuals who were initially promoted to the rank of officer after having completed reserve officer training programmes or as a result of competency testing for initial promotion to reserve officer grades – 2 to 5 years;
 - For other individuals – 5 years;
 - For personnel enrolled in military service due to the proclamation of (limited) mobilisation and (or) the introduction of martial law – for the duration of a special period, but no less than one month.
3. For individuals enrolled in contractual military service during an emergency that threatens national security; during the proclamation of mobilisation and (or) the introduction of martial law, their assigned military positions and length of active-duty service will be determined prior to the end of a special period or the proclamation of mobilisation.
For conscripts and military servants called up for military service during mobilisation, who have served in a contingency for no less than 11 months, been dismissed from military service while in a contingency, enrolled in military service under a contract in the period from the announcement of mobilisation to the imposition of martial law (i.e. the beginning of war) or the announcement of a decision of demobilisation, the calendar term

of military service shall be set to six months. The term of military service for such military servants may be extended under new contracts by six months.

- When a contingency period ends or the announcement of a decision for demobilisation is made, the validity of such contracts shall be terminated ahead of time.
4. The duration of military service can be prolonged after the conclusion of a new contract, before the attainment of the age limit for military service:
 - For servicemen enlisted in the rank of private—3 years;
 - For servicemen enlisted in the rank of sergeant or sergeant-major—3 to 5 years;
 - For officers—5 to 10 years.
 - For officers who have the right to their pension on calendar terms and who wish to stay in military service, the duration of the term of service under the new contract can range from 2 to 10 years, but not exceeding the age limit for military service.
 5. For officers less than five years away from reaching the age limit for cadre military service and who wish to enlist in military service on a contractual basis, the duration of the first contract is determined by the period left before they reach the established age limit for military service.
 6. Servicemen in regular military service or citizens of call-up age who have not passed regular military service, who become enlisted in military service on a contractual basis, in case of the termination of their contract, are sent to perform regular military service if they have not served for the period established for regular military service, with the exception of cases stipulated in Items b), d), e) or i) of the sixth part of Article 26 of this Law.
 7. For Ukrainian citizens called up for military service, the length of active-duty service (in calendar count) will be as follows:
 - For commissioned officers completing mandatory military service in peacetime – 18 months;
 - For service members completing mandatory military service under mobilisation during a special period—up and until the end of the special period or the proclamation of demobilisation.
 8. The length of active-duty service (in calendar count) will not include the time military servicemen spent in a disciplinary battalion.
 9. When the special period is declared:
 - 1) For military servicemen who completed the length of military service under this Article, their military service will continue over established limits:
 - During the period since the declaration of mobilisation and prior to the introduction of martial law (i.e. the beginning of war) until the day indicated in the decision by the President of Ukraine, unless stipulated otherwise by part Eight of Article 26 of this Law;
 - Since the introduction of martial law (i.e. the beginning of war) until the declaration of demobilisation, unless stipulated otherwise by part Eight of Article 26 of this Law;
 - 2) For those military servicemen on contractual service, their contract is valid beyond the established term until the declaration of demobilisation, unless stipulated otherwise by paragraph two, part Three and part Eight of Article 26 of this Law.

Article 24. The Beginning and Termination of Military Service, Time and Place for Carrying out the Responsibilities of Military Service

1. The beginning of military service is considered as the following:
 - 1) The day of departure from a regional (city) military commissariat to a military unit—for citizens called up for regular military service;
 - 2) The day of enlistment as personnel of a military unit (e.g. a military education establishment, institution etc.)—for citizens enlisted in military service on a contractual basis;
 - 3) The day of appointment to the post of a cadet at a higher military education establishment or a military education department of a higher education establishment—for citizens who have not passed regular military service and for persons liable for military service;

- 4) The date of departure from a district (city) military registration and enlistment office—for citizens called up for military service under mobilisation during a special period, and for conscripted Military Reserve officers.
2. The termination of military service is considered to be the date when a serviceman is excluded from the list of the personnel of a military unit (e.g. a military education establishment, institution, etc.) in accordance with the procedure established by the Regulations on performing military service by citizens of Ukraine.
3. Servicemen considered to be carrying out military service duties are:
 - 1) On the territory of a military unit or in another place of work (study) during work (study) hours, including scheduled breaks (study timetable);
 - 2) On the way to or from the place of service, during missions or returns to the place of service;
 - 3) Outside the military unit, if it is required for the performance of military duties by a serviceman, or if he has been sent there by a commander's (superior's) order;
 - 4) During the performance of public duties, including in cases where these duties were not connected with military service;
 - 5) During the performance of a duty connected to the rescue of a human life, the protection of state property, the maintenance of military discipline and (or) the protection of law and order.

Article 25. Training of Citizens of Ukraine for Military Service in Private, Sergeant and Sergeant-major and Officer Positions

1. The training of citizens of Ukraine for military service in the posts of officers is carried out in military establishments of higher education and higher education establishments with military education departments. Cadets, students, graduate and doctoral students study in these establishments.
 - The training of citizens of Ukraine for military service in the posts of private, sergeant and sergeant-major can be carried out in military units, while training for sergeant and sergeant-major positions, in cases where they require basic higher education, can also be carried out in military establishments of higher education and higher education establishments with military education departments.
 - Procedure and conditions for the admission of citizens of Ukraine to training military units, as well as their service in these units, shall be regulated according to the procedure established by the Regulations on carrying out military service by citizens of Ukraine.
2. The training of Ukrainian citizens enlisted in contractual military service can be carried out at military colleges, training units (centres) and military units through the provision of relevant training programmes. The procedures and conditions for Ukrainian citizens' enlistment in training programmes, and their performance of service during the respective training periods are prescribed under the Regulations respecting Ukrainian citizens' performance of military service.
3. The enrolment of citizens of Ukraine in military establishments of higher education and higher education establishments with military education departments is carried out on a voluntary basis, after the submission of personal applications and the successful completion of entrance exams, as well as other relevant tests.
4. Citizens of Ukraine who, in accordance with the established procedure, have enrolled in military establishments of higher education or higher education establishments with military education departments to obtain a professional degree and who do not hold the rank of officer are called cadets; those who have such a rank are referred to as students.
5. A contract on the performance of military service (study) for the duration stipulated in paragraph four of the second part of Article 23 of this Law is established with citizens of Ukraine—cadets from military education establishments and higher education establishments with military education departments. A contract on the performance of military service in the posts of sergeant and sergeant-major and officers after graduation is established between the citizen and the State, the latter represented by the responsible command authority of the Armed Forces or other military formation which requested the training, for the duration as stipulated in paragraphs three and five of the second part of Article 23 of this Law.

6. The legal relationship between cadets younger than 18 years of age and the State is established on the basis of the Civil Code of Ukraine. The procedure for the performance of military service (study) by cadets is established by the Regulations on the carrying out of military service by citizens of Ukraine and other normative-legal acts of Ukraine.
7. Cadets, who are servicemen on contractual military service following their enrolment in military establishments of higher education and higher education establishments with military education departments, conclude a new contract on the performance of military service (study) for the duration stipulated in paragraph four of the second part of Article 23 of this Law.
8. Cadets, who do not have any military rank before enrolling in a higher military education establishment or a higher education establishment with the military education department, are automatically conferred the rank of private. Servicemen and persons liable for military service retain the military ranks conferred to them during the performance of military service.
9. Military ranks are conferred to the graduates of military establishments of higher education and higher education establishments with military education departments according to the procedure established by the Regulations on the carrying out of military service by citizens of Ukraine.
10. In cases of an early termination of a contract due to a refusal to continue studying, a lack of discipline or a refusal to continue military service in the posts of officers after graduation from a higher education establishment—as well as officers willing to retire from military service during the first five years following graduation from military establishments of higher education in cases stipulated in Items b), d), e) or i) of the sixth part of Article 26 of this Law—shall reimburse the costs related to their study at the higher military education establishment to the Ministry of Defence of Ukraine and other Central Executive Authorities which have these education establishments under their jurisdiction, according to the procedure and norms established by the Cabinet of Ministers of Ukraine. When officers, cadets or students refuse to voluntarily reimburse these expenditures, compensation is claimed through a court procedure.
11. Male cadets who are expelled from military establishments of higher education or higher education establishments with military education departments—with the exception of cases stipulated in Items b), d), e) or i) of the sixth part of Article 26 of this Law—are sent to military units for the continuation of military service if they have not completed the full period of regular military service. Concurrently, the following is counted towards the duration of military service:
 - The duration of regular military service before enrolment in military establishments of higher education or higher education establishments with military education departments;
 - The duration of military service on a contractual basis and of enrolment in military establishments of higher education or higher education establishments with military education departments;
 - The duration of military service during studies in military establishments of higher education or higher education establishments with military education departments, with two months of service (study) on a contractual basis equal to one month of regular military service.
12. Male cadets expelled from military establishments of higher education or higher education establishments with military education departments in accordance with Items b), d), e) or i) of the sixth part of Article 26 of this Law are sent to regional (city) military commissariats near to their place of residence to be registered with an enlistment office.
13. Female cadets expelled from military establishments of higher education or higher education establishments with military education departments are discharged from military service if they:
 - Have no military-related speciality—registration with an enlistment office is not required;
 - Have a military-related speciality—required to attend a regional (city) military commissariats close to their place of residence to be registered with an enlistment office.

Article 26. Discharge from Military Service

1. A discharge of servicemen from military service is carried out in the following ways:
 - a) Relocation to the Military Reserve—if servicemen have not reached the service age limit for the reserve and are fit, in terms of health, for military service;

- b) Retirement—if servicemen have reached the age limit for the reserve or are found by military-medical commissions to be unfit, due to health reasons, for military service and are consequently removed from military registration.
- 2. Discharge from military service is carried out:
 - a) By servicemen in regular military service, who have completed the required term of service—on the basis of a Decree of the President of Ukraine and on the grounds specified in section eight of this Article;
 - b) By servicemen in contractual military service—on the grounds established in part Six of this Article, taking into account cases stipulated in section eight of this Article;
 - c) By officers in cadre military service—on the grounds established in part Seven of this Article, taking into account cases stipulated in section eight of this Article;
 - d) By officers called up for regular military service—after the completion of the established term of service and on the grounds specified in section eight of this Article;
 - e) By servicemen called up for military service during a special period—on the grounds specified in section eight of this Article.
- 3. Servicemen called up for regular military service can be discharged from service before the established end of their term in the following cases:
 - 1) Servicemen in regular military service:
 - a) For health reasons—on the basis of the conclusion (decision) of a military-medical commission;
 - b) For family reasons—where they acquire the right to a postponement owing to changes in family circumstances, as well as in cases of the emergence of circumstances envisaged by paragraph five of art one of Article 18 of this Law;
 - c) When sentenced to a deprivation or restriction of liberty, including with consequent liberation from serving the sentence.
 - 2) Officers:
 - a) For health reasons—on the basis of the conclusion (decision) of a military-medical commission on incapacity or limited incapacity for military service;
 - b) When sentenced to a deprivation or restriction of liberty, including with consequent liberation from serving the sentence or with a deprivation of military rank.
 - c) For family reasons or other grounds listed by the Cabinet of Ministers of Ukraine;
 - d) When deprived of military rank due to a disciplinary procedure;
 - e) When a special period begins and a female service member, supporting a child (children) under 18 years of age, is unwilling to continue military service.
- 4. If required, servicemen in regular military service who have completed the established term of service can remain in service for a period of up to six months upon a decision from the President of Ukraine.
- 5. Servicemen who are transferred from regular military service to the reserve or are discharged for military service altogether are provided with regimentals in accordance with the list established by the Ministry of Defence of Ukraine, as well as travel documents to the place of their residence, meals during that journey, and an allowance, the amount of which is established by the Cabinet of Ministers of Ukraine. Servicemen in regular military service, at their request, can be transferred to the reserve in their civilian clothes.
- 6. The contract expires (i.e. is terminated) and servicemen in contractual military service are discharged from military service:
 - a) After the expiration of the contract's established duration;
 - b) For health reasons—on the basis of the conclusion (decision) of a military-medical commission concerning poor condition or limited fitness for military service;
 - c) For age reasons—on reaching the service age limit;
 - d) In connection with staff reductions or organisational measures—if it is deemed impossible to retain them on service;

- e) For family circumstances or other important reasons, the list of which is determined by the Cabinet of Ministers of Ukraine;
 - f) If deemed professionally unfit;
 - g) In connection with a court conviction which has entered into force and foresees a sentence in the form of a deprivation or restriction of liberty, the withholding of a military rank or the right to occupy certain posts;
 - h) In connection with the deprivation of a military rank resulting from a disciplinary measure;
 - i) In connection with a systematic failure of military superiors to carry out contract provisions (at the serviceman's request);
 - j) In connection with a systematic failure of serviceman to carry out contract provisions;
 - k) In connection with a valid court punishment on the commitment of an act of administrative corruption associated with the violations of restrictions provided by the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption";
 - l) In connection with the impossibility of moving to another position in case of direct subordination to a relative;
 - m) If a special data screening procedure reveals the presence of inconsistencies with legally established military service position assignment (military enlistment) criteria, when bringing the Ukrainian Armed Forces and other militarised services to full strength in the event of an emergency that threatens Ukraine's national security;
 - n) When a special period begins or when a female service member, supporting a child (or children) under 16 years of age, is unwilling to continue military service;
 - o) In connection with the application of restrictions stipulated by parts Three and Four of Article 1 on the Law of Ukraine "On the Cleaning of Power";
 - p) In connection with the termination of a special period and the refusal to continue military service by military servicemen on contractual service, the contract is concluded under conditions stipulated by paragraph two, part Three of Article 23 of this Law.
7. Officers in the cadre military service are discharged from military service:
- a) At their own request;
 - b) For health reasons—on the basis of the conclusion (decision) of a military-medical commission on incapacity or limited fitness for military service;
 - c) For age reasons—on reaching the service age limit;
 - q) In connection with staff reductions or organisational measures—if it is deemed impossible to retain them on service;
 - d) For family circumstances or other important reasons, the list of which is determined by the Cabinet of Ministers of Ukraine;
 - e) If deemed professionally unfit;
 - f) In connection with a court conviction which has entered into force and foresees a sentence in the form of a deprivation or restriction of liberty, the withholding of a military rank or the right to occupy certain posts;
 - g) In connection with the deprivation of a military rank resulting from a disciplinary measure;
 - h) In connection with a valid court punishment on the commitment of an act of administrative corruption associated with the violations of restrictions provided by the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption";
 - r) In connection with the impossibility of moving to another position in case of direct subordination to a relative;
 - s) When a special period begins or when a female service member, supporting a child (or children) under 16 years of age, is unwilling to continue military service;
 - i) In connection with application of restrictions stipulated by parts Three and Four of Article 1 on the law of Ukraine "On the Cleaning of Power".

8. In a special period, the following categories of military personnel will be eligible to be discharged from military service:
 - 1) During a period of mobilisation until the period stipulated by clauses 2 and 3 of this part:
 - a) Women supporting a child (or children) under 16 years of age, unless they have expressed a desire to continue military service;
 - b) Service members who are discharged before the end of their established service due to health reasons—based on a military-medical commission's report declaring a service member unfit for military service in peacetime, or physically limited for service in wartime, unless the service member expressed a desire to continue military service;
 - c) Service members whose military rank has been withheld due to a disciplinary procedure;
 - d) Service members who have been convicted by a court ruling that has taken effect and calls for imprisonment, custodial restraint or the withholding of a military rank;
 - e) When service members meet the following conditions:
 - Is an unmarried single parent, male or female, supporting a child (or children) under 18 years of age who live(s) with him or her, without their biological father and (or) mother;
 - Is an unmarried single parent, male or female, supporting an adult or child with first or second-degree disabilities, aged up to 23 years old;
 - Is providing full-time care to a sick spouse or a child, and the need for such care is substantiated in a relevant medical report issued by an authorised medical-social expert commission or medical advisory commission for individuals above 18 years of age and under 18 years of age, respectively;
 - Is supporting three or more children.
 - f) Due to institutional measures prescribed by the General Staff of the Ukrainian Armed Forces, provided all the mandated missions have been successfully completed;
 - g) Privates or non-commissioned officers (except warrant officers, senior warrant officers, midshipmen and senior midshipmen) who have been found to be incompetent in the performance of their service duties;
 - h) Service members called up for military service during mobilisation for a special period, who have finished their established terms of regular military service; enlisted military service by officers under the terms indicated in decision of the President of Ukraine;
 - i) Service members who have completed their term of military service under contract, in accordance with conditions stipulated by paragraph two, part Three of Article 23 of this Law;
 - j) Service members who have reached the age limit for reservists, unless they expressed a desire to continue military service during a special period.
 - Military personnel may also be eligible for discharge from military service on the grounds stipulated by clauses "c", "d", "e", "f", "g" and clauses "c", "d", "e", "f" of part Seven of this Article;
 - Students, aspirants or doctoral candidates studying during the day at educational establishments, and who have been called up for military service during mobilisation or a special period, may also be eligible for discharge from military service, unless such persons wish to continue military service.
- 2) Under martial law:
 - a) Service members who have reached the retired reserve age limit, unless they have expressed a desire to continue in military service during a special period;
 - b) Service members who have been declared medically unfit for military service and who are eligible for removal from military registration;
 - c) Service members who have been convicted by a court ruling that has taken effect and calls for a term in prison or a restriction of liberty;
 - d) Service members called up for military service during mobilisation for a special period, who have finished their established terms of regular military service; enlisted military service by officers under the terms indicated in decision of the President of Ukraine; service members who have been

called up for mandatory military service under mobilisation in a special period, as well as those who have served a full term of conscription duty (reserve military officer conscription duty)—within the deadlines prescribed by the President of Ukraine;

- e) Service members whose contract, signed during a special period, has expired—unless he or she expresses the desire to continue active military service under a new contract.
- 9. The procedure for the discharge of servicemen from military service is stipulated by the Regulations on military service by the citizens of Ukraine.
- 10. Servicemen who have the right to retire for age reasons, as well those who are war veterans or participants in the liquidation of the consequences of the Chernobyl disaster, who have less than five years before reaching the service age limit, at their request, can be discharged from military service on the grounds stipulated in Item "c" of parts Six and Seven of this Article.
- 11. Service members discharged from military service are obliged to arrive at a regional (city) military commissariat for registration (for service members of the Security Service of Ukraine, to the Central Headquarters of the regional bodies of the Security Service of Ukraine) within five days from the date of discharge.

PART V. MILITARY DUTY IN THE RESERVE. MILITARY SERVICE IN THE RESERVE

Article 21-1. Service in Military Reserve

- 1. Persons liable for military service (except for those who are not liable for call-up during mobilisation) can be transferred to the Military Reserve of the Armed Forces and other military formations on a voluntary basis. For that purpose, they must pass professional-psychological selection, be deemed physically fit and meet the established requirements for service in the Military Reserve.
- 2. Person who meets requirements stipulated by part One of this Article may sign a contract on service in the Military Reserve of the Armed Forces of Ukraine or other military formations.
- 3. When person's serving in the Military Reserve desire to prolong their term of service, they may sign a new contract on service in the Military Reserve.
- 4. This Law and the relevant regulations on service in Military Reserve by the citizens of Ukraine stipulate the duties and responsibilities required of service in the Military Reserve, including the implementation of the duties of service by reservists in Military Reserve.
- 5. Citizens serving in the Military Reserve shall not be considered as employed in Ukraine and have the right, in accordance with respective labour legislation, to be registered as unemployed who, seeking a job, are ready and able to start working in the appropriate occupation.
- 6. The purpose of serving in the Military Reserve is to prepare citizens of Ukraine for staffing the Armed Forces of Ukraine and other military formations during a special period, by ensuring they acquire or improve military related specialities and practical skills.
- 7. The programmes for training reservists in the Armed Forces of Ukraine and other military formations, the extent of training required in military related specialities, as well as the time and duration of training, are determined by the General Staff of the Armed Forces of Ukraine. For other military formations, these are determined by their heads in agreement with the General Staff of the Armed Forces of Ukraine.
- 8. Financial and material support for service in the Military Reserve is provided by the funds allocated in the State Budget for the Ministry of Defence of Ukraine and other Central Executive Authorities in accordance with the legislation on military formations. The specific procedure and amount of financial and material support for persons liable for military service, as well as for reservists, shall be determined by the Cabinet of Ministers, Ministry of Defence and other Central Executive Authorities, in accordance with the legislation on military formations.

Article 26-2. Service in the Military Reserve in a Contingency

- 1. In a contingency, military service members dismissed from conscript service and military call-up service during mobilisation in a contingency, but who are deemed fit for service in the Military Reserve due to their professional and psychological qualities and good health and who meet the set requirements for service in the Military Reserve, are mandatorily inducted into the Active Military Operational Reserve.

- Enrolment in the Active Military Operational Reserve is performed by commanders (heads) of military units (institutions) during the dismissal of military service members from conscript service or military call-up service during mobilisation or in a contingency, in which such military service members shall be notified in writing on the day of dismissal by the military unit commander (head), with his or her personal signature present.
- 2. A contract of service of a citizen of Ukraine in the Military Reserve of the Armed Forces of Ukraine or other military formations cannot be discontinued (i.e. terminated) in a contingency, and citizens who made it and are enrolled in the Active Military Operational Reserve shall continue service in the Military Reserve of the Armed Forces of Ukraine or other military formations till the end of the contingency period, in accordance with the conditions provided by the Law.
- 3. After the end of the contingency period, citizens who served in the Active Military Operational Reserve may voluntarily sign a contract of service in the Military Reserve, in accordance with the conditions provided by this Law.

Article 27. Transfer to the Reserve; Categories of Servicemen in the Reserve; Military Service in the Reserve

1. Citizens of Ukraine fit for military service in peace and wartime due to good health, and who have not reached the service age limit, are transferred to the Military Reserve of the Armed Forces of Ukraine and other military formations. These persons are registered with enlistment offices in regional (city) military commissariats and the relevant bodies of other military formations.
2. Persons liable for military service in the Military Reserve are divided into 'first' and 'second' categories.
3. Persons liable for military service, who have already carried out military service and have acquired a military speciality in doing so, belong to the first category of the Military Reserve.
4. Persons who are liable for military service but who have not acquired a military speciality during military service, and persons who have not carried out military service, as well as women liable for military service, belong to the second category of the Military Reserve.
5. Persons liable for military service who belong to the second category of the Military Reserve and who acquire a military speciality while on the list of reserves or by serving in the Military Reserve, are transferred to the first category of the Military Reserve (with the exception of women liable for military service).

Article 28. Reserve Classes and Service Age Limit for Persons Liable for Military Service in the Reserve

1. Persons liable for military service in the Military Reserve are divided into two classes, which are established in accordance to their age.
 2. Reserve privates and non-commissioned officers will be divided into the following two age categories:
 - 1) Category One—up to 35 years of age;
 - 2) Category Two—up to 50 years of age.
 3. Reserve officers will be divided into the following age categories:
 - 1) Category One:
 - Junior officers—up to 45 years of age;
 - Senior officers:
 - Major/Captain 3rd rank and Lieutenant Colonel/Captain 2nd rank—up to 50 years of age;
 - Colonel/Captain 1st rank—up to 55 years of age;
 - Higher officers—up to 60 years of age;
 - 2) Category Two:
 - Junior officers—up to 55 years of age;
 - Senior officers:
 - Major/Captain 3rd rank and Lieutenant Colonel/Captain 2nd rank—up to 55 years of age;
 - Colonel/Captain 1st rank—up to 60 years of age;
 - Higher officers—up to 65 years of age.
4. The age limit for the second category of the Military reserve is equivalent to the age limit for the Military Reserve.

5. Women service members, no matter what military rank, will be assigned to the second category. The age limit for women serving in the Military Reserve is 50 years of age.

Article 29. Periodical Training for Persons Liable for Military Service and Servicemen in the Reserve

1. Persons liable for military service are called up for study (control) training or special training. Servicemen in the Military Reserve carry out training according to the programme for training of servicemen in the reserve of the Armed Forces of Ukraine and according to the procedure established in the Regulations on the carrying out of service by citizens of Ukraine in the Military Reserve. The commanding officer of the military unit issues an order stipulating the duration of reserve training period. The Ministry of Defence, taking into account the budget for defence expenditures, shall establish the total number of reserve trainees for each year.
 2. The rights and duties of persons liable for military service, as well as the servicemen of the Military Reserve called up for training, are established by this Law and other normative-legal acts. The activity of persons liable for military service, as well as service members of the Military Reserve, falls under the Statutes of the Armed Forces.
 3. Officers on the list of the Military Reserve (except for those already serving in the reserve) who have not carried out military service as officers, officers in the Military Reserve who have been discharged from military service before acquiring the right to retire for age reasons, as well as privates, sergeants and sergeant-majors, can be called up by regional (city) military commissariats for study training up to five times for a period of up to two months each.
 4. The dates and the duration of training for persons liable for military service are defined by the General Staff of the Armed Forces of Ukraine and by the headquarters of the other military formations in accordance with this Law.
 5. Between training periods, persons liable for military service can be called up according to the plan of the General Staff of the Armed Forces of Ukraine and the headquarters of the other military formations for control training for a period of up to 15 days, regardless of whether or not their current employment is disrupted.
 6. The overall training time for servicemen of the Military Reserve (except for those already serving in the Military Reserve) cannot exceed 10 months. The time spent in control training counts towards the overall period of study training.
 7. The overall time of training carried out by reservists cannot exceed three months, unless otherwise stipulated by law.
 8. In case of the introduction of a state of emergency in all or some of Ukraine by a decision of the President of Ukraine and approved by the Verkhovna Rada, as well as the designation of some regions of Ukraine as ecological emergency zones, persons liable for military service can be called up for special training for a period of no more than two months.
 9. Persons liable for military service, who, after receiving a request to attend training from a regional (city) military commissariat (Security Service organ), shall arrive to the indicated place in a timely manner. The managers of enterprises, organisations and educational establishments, regardless of their subordination and ownership, shall, upon request from military commissariats, provide for the timely arrival of the persons liable for military service to the indicated collection points.
- Grounds for the failure of liable persons to arrive (or the late arrival) in the time and place indicated by military commissariat are accepted only when relevant documentation is provided and only in cases of natural disasters and family emergencies—as well as a similar list of reasons approved by the Cabinet of Ministers.
10. Persons liable for military service and reservists who are called up for periodical training are provided with financial and material support in accordance with the procedure and amount established by the Cabinet of Ministers of Ukraine.
 11. Persons liable for military service and reservists who are called up for periodical training retain their place of employment, position and average salary for the whole period of training, including for the time of travel to and from the place of training.

12. During the implementation of duties by members of the Military Reserve, a monetary allowance accrual to two minimum monthly payments is provided (per member) at the expense of the budgets of the Ministry of defence and other Central Executive Bodies who legally control military formations.
Financial allowance amounts, incentives for reservists and payment procedures are determined by the Cabinet of Ministers of Ukraine.
13. The payment of an average salary to persons liable for military service, as well as reservists, for the whole period of training is provided for by funds from the State Budget, in accordance with the procedure established by the Cabinet of Ministers of Ukraine.
14. If a person liable for military service falls ill during training and does not regain good health after its termination, he or she retains their place of employment and position. Following the termination of training, in case of temporary unfitness, the person receives an allowance in place of a salary in accordance with the Law.
15. If a reservist falls ill during service in the Military Reserve and does not regain good health after its termination, he or she retains their place of employment and position. Following the termination of service, in case of temporary unfitness, the person receives an allowance in place of a salary in accordance with the legislation.
16. Persons liable for military service, and reservists who are not employed at the time of a call-up for training, receive an allowance equal to the minimum salary for the whole period of training or service in the Military Reserve, covering the travel time to and from the place of training, which is taken from funds allocated in the State Budget for the Ministry of Defence and other Central Executive Authorities in accordance with the legislation on military formations.

Article 30. Exemption from Training

1. The following persons (except for those serving in the Military Reserve) are exempt from training:
 - 1) Employees in the Armed Forces of Ukraine and other military formations;
 - 2) Employees in civil aviation enterprises, institutions and organisations involved in the transportation, maintenance and repair of aircraft and aerodrome equipment;
 - 3) The staff of sea, river and fishing industry vessels during the period of navigation;
 - 4) Persons employed in agriculture and enterprises responsible for repairing agricultural machinery—during sowing and harvest works, except for control training;
 - 5) Teaching staff at higher education establishments, vocational and secondary schools—during the period of studies;
 - 6) Full-time and part-time (evening) students at higher education establishments—for the whole period of studies. Students at higher education establishments engaged in long-distance learning programmes, students permitted to take examinations without attending classes, as well as postgraduate and doctoral students—during the period of exams;
 - 7) Women liable for military service, except for control training;
 - 8) Persons discharged from military service—within a year of the transfer to the Military Reserve, except for control training;
 - 9) Persons liable for military service who have children younger than three years of age or three or more children younger than 16 years of age;
 - 10) Persons liable for military service who are deputies;
 - 11) Persons liable for military service reserved for state authorities, local self-government bodies, enterprises, institutions and organisations, for the period of mobilisation and wartime;
 - 11-1) Persons liable for military service who signed a contract to serve in the Civil Protection Service Reserve – to get prepared for the service in the Civil Protection Service Reserve;
 - 12) Students who study at higher and secondary religious education establishments;
 - 13) Clergymen, who hold a post in one of the religious orders that act according to the statutes (regulations) registered in accordance with the established procedure;

- 14) Candidates running for office in the People's Deputies of Ukraine, registered in accordance with the established procedure and at their request—up until the publication of election results.
2. If persons liable for military service provide other important reasons and documents to substantiate these, in some cases, exemption from training can be authorised by the regional (city) military commissariat where they are registered.
3. Reservists are exempt from regular training and control training in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

Article 31. Conferment of Military Ranks in the Reserve

1. Persons liable for military service and reservists who have completed their training and passed examinations in accordance with their programme of study, or who have acquired the relevant education or experience in managerial posts, can be conferred a superior military rank in the Military Reserve in accordance with the procedure established by the Regulations on carrying out military service by citizens of Ukraine, as well as to normative-legal acts concerning the military registration of persons liable for military service. Citizens of Ukraine and the Regulations on carrying out military service by citizens of Ukraine in the Military Reserve allow for the conferment of a superior military rank to reservists in accordance with the procedure established by the Regulations on carrying out military service.

Article 32. Discharge of Persons Liable for Military Service

1. Persons liable for military service, but who have reached the age limit for the Military Reserve and who are found by a military-medical commission to be unfit for military service in wartime, are removed from the military register and discharged.

PART VI. MILITARY REGISTRATION OF CITIZENS OF UKRAINE**Article 33. General Rules of Military Registration**

1. Military registration is divided into the registration of conscripts and the registration of persons liable for military service.
2. The management of the organisation and execution of the military registration of conscripts and persons liable for military service, control over the process of registration by local self-government bodies, enterprises, institutions and organisations, irrespective of their subordination and form of ownership, is carried out by the General Staff of the Armed Forces of Ukraine. The functioning of the military registration system is ensured by the organs of the Ministry of Defence of Ukraine, the Ministry of Internal Affairs of Ukraine, the Security Service of Ukraine, the National Police, Central Executive Authorities responsible for control over subordinated military formations, law enforcement bodies of special designation, local state administration and local self-government bodies.
3. The military registration of all conscripts and persons liable for military service is carried out near to the conscript's/person's place of residence. Depending on the size and degree of detail, military registration is divided into the following types: qualitative-personal, primary-personal and personal.
4. Depending on its purpose, military registration is divided into general and special.
5. The military registration of conscripts and persons liable for military service is carried out in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

Article 34. Qualitative-personal, Primary-personal and Personal Types of Registration of Conscripts and Persons Liable for Military Service

1. The qualitative-personal registration of conscripts and persons liable for military service involves the recording of information (e.g. biographical data, state of health, results of interviews, etc.) of conscripts and persons liable for military service, which is stored in the personal files of conscripts or record cards of persons liable for military service. The qualitative-personal registration is carried out by regional (city) military commissariats.
2. The qualitative-personal registration of persons liable for service in the Security Service of Ukraine is carried out by the relevant registration organs of the Security Service of Ukraine.

3. The qualitative-personal registration of persons liable for service in the Foreign Intelligence Service of Ukraine is carried out by the relevant registration organs of the Foreign Intelligence Service of Ukraine.
4. The primary-personal registration of conscripts and persons liable for military service involves the recording of information about conscripts and persons liable for military service, near to the conscript's/person's place of their residence. In rural areas, as well as in towns and villages where no military commissariat exists, registration is carried out by local self-government bodies.
5. The personal registration of conscripts and persons liable for military service involves the recording of information about conscripts and persons liable for military service at their place of work or study and is carried out by the heads of enterprises, institutions, organisations and educational establishments, regardless of their subordination or form of ownership.

Article 35. General and Special Registration of Persons Liable for Military Service and Registration of Reservists

1. Persons liable for military service and who are not reserved for state authorities, local self-government bodies, enterprises, institutions and organisations for the period of mobilisation and wartime, are subject to general military registration.
2. Persons liable for military service who are reserved for state authorities, local self-government bodies, enterprises, institutions and organisations for the period of mobilisation and wartime, are subject to special military registration.
3. Specifics of military registration for reservists at bodies of command and control, city (regional) military commissariats and in military units, is regulated in accordance with the procedure defined by the General Staff of the Armed Forces of Ukraine.

Article 36. Military Registration of Citizens of Ukraine who Reside Abroad

1. The military registration of citizens of Ukraine who temporarily reside abroad is carried out by the diplomatic and consular representations of Ukraine. The diplomatic and consular representations of Ukraine are obliged to ensure the arrival of citizens of Ukraine who have attained their majority and who do not have the right to a postponement or an exemption from regular military service, to their place of permanent residence for enlistment with the Conscription Commission, as well as to ensure the return of persons liable for military service in Ukraine during a period of mobilisation or in wartime.
2. The specifics of military registration for citizens temporarily residing abroad are determined by the Cabinet of Ministers of Ukraine.
3. The military registration of citizens of Ukraine who permanently reside abroad is not carried out.

Article 37. Military Registration, Deregistration and Elimination from the Military Register

1. The following citizens of Ukraine are subject to military registration for conscription and for military service at regional (city) military commissariats:
 - 1) Military registration of conscripts:
 - Who are registered with enlistment offices;
 - Who have arrived from other regions (i.e. territorial-administrative entities) in Ukraine or from abroad to a new place of residence in Ukraine;
 - Who have acquired Ukrainian citizenship and in accordance with this Law are subject to registration with enlistment offices;
 - 2) Military registration of persons liable for military service:
 - Who are transferred from military service to the Military Reserve;
 - Who are discharged from alternative (non-military) service at the end of term, or earlier, as stipulated by the Law of Ukraine "On Alternative (non-military) Service";
 - Who are persons liable for military service and who have arrived from other regions (i.e. administrative-territorial entities) in Ukraine or from abroad to a new place of residence in Ukraine;
 - Who are discharged from service in the police, in commanding and enlisted posts in the Ministry of

- Internal Affairs of Ukraine, Operational-Rescue Service of Civil Protection (except for persons enlisted to Service of Civil Protection prior to regular military service, as stipulated by the Civil Protection Code of Ukraine), the Central Executive Body on Civil Protection, the State Penitentiary Service of Ukraine and the State Tax Administration of Ukraine;
- Who have acquired Ukrainian citizenship and in accordance with this Law are subject to the registration as persons liable for military service;
 - Who are removed from the military register by the Security Service of Ukraine and (or) the Foreign Intelligence Service of Ukraine;
 - Who, in accordance with Article 18 of this Law, are exempt from call-up to regular military service;
 - Who reached the age limit (27 years) while on the registration list of persons liable for military service.
2. Women who belong to the categories mentioned in part Eleven of Article 1 of this Law are subject to military registration as persons liable for military service;
3. After their arrival at a new place of residence, conscripts and persons liable for military service are obliged to register within a seven-day period and—not until three days prior to the departure from the place of residence—to ensure removal from the registration record referred to herein.
4. In wartime, the departure of conscripts and persons liable for military service from their place of residence without permission from the regional (city) military commissariat is forbidden.
5. The following citizens of Ukraine are removed from the register of conscripts and persons liable for military service at military commissariats (servicemen of Security Service of Ukraine—in Central body or regional bodies of Security Service).
- 1) Deregistration of conscripts:
 - Who move to another region (i.e. administrative-territorial entity) and a new place of residence in Ukraine;
 - Who are abroad for a period of more than three months;
 - Who are included on the register of persons liable for military service in accordance with the decision of the registration or Conscription Commission;
 - Who have received military ranks of officers after military service following completion of the programme for training of officers in the Military Reserve;
 - Who are discharged from alternative (non-military) service at the end of term, or earlier, as stipulated by the Law of Ukraine "On Alternative (non-military) Service".
 - 2) Deregistration of persons liable for military service:
 - Who move to another region (i.e. administrative-territorial entity) and a new place of residence in Ukraine;
 - Who, after regular military service, are enlisted into military service in other military formations or in the National Police, the Tax Police, in the organs or units of Civil defence, in the State Service of Special Communication and Information Protection of Ukraine or the State Penitentiary Service of Ukraine;
 - Who are abroad for a period of more than three months;
 - In other cases determined by the Minister of Defence of Ukraine.
6. The following citizens of Ukraine are exempt from military registration by regional (city) military commissariats (servicemen of the Security Service of Ukraine—in Central body or regional bodies of the Security Service; servicemen of the Foreign Intelligence Service of Ukraine—in Central body or regional bodies of the Foreign Intelligence Service):
- 1) Those who are called up or enlisted into military service;
 - 2) Those who carry out military service (study) at military establishments of higher education or higher education establishments with military education departments;
 - 3) Those who are found by military-medical commissions to be unfit for military service, with subsequent removal from military registration;
 - 4) Those who have reached the age limit for persons in the Military Reserve;

- 5) Those who have relinquished Ukrainian citizenship;
 - 6) Those who have been sentenced to imprisonment for committing a crime of high gravity;
 - 7) Those who serve their sentence—for committing a crime—in penitentiary establishments or who undergo compulsory medical treatment;
 - 8) Those who have not acquired a military speciality or a military-related speciality before turning 40 years of age;
 - 9) Those who have died.
7. The registration of servicemen in the Security Service of Ukraine and the Foreign Intelligence Service of Ukraine is done so taking into account the specifics stipulated by the Laws of Ukraine "On the Security Service of Ukraine" and "On the Foreign Intelligence Service of Ukraine".

Article 38. The Responsibility of the Executive Authorities, Local Self-Government Bodies, Enterprises, Institutions, Organisations, Officials, Conscripts and Persons Liable for Military Service to Observe the Rules of Military Registration

1. In administrative and territorial entities, where there are no military commissariats or relevant local self-government bodies, the heads of enterprises, institutions and organisations—including educational establishments, regardless of their subordination or form of ownership—are obliged, upon the request of military commissariats, to inform conscripts and persons liable for military service of their call-up to military commissariats, to ensure their arrival is done so in accordance with the respective call-up documents and to inform regional (city) military commissariats within seven days regarding employment (enrolment for studies) and dismissal from work (studies) of conscripts and persons liable for military service.
2. Executive Authorities conducting registration in the places of residence of citizens, as well as executive bodies of village and city councils, are obliged to:
 - Register citizens in their places of residence, or deregister conscripts and persons liable for military service provided that the necessary notes are included by the military commissariats in the registration documents concerning deregistration and (or) registration in places of residence;
 - Provide assistance to regional (city) military commissariats during the military registration of pre-conscripts, in regards to conscripting citizens into military service (training), controlling the observance of military registration rules and identifying those conscripts and persons liable for military service who violate these rules;
 - To inform—within a two-week period—military commissariats and local self-government bodies processing registration information on persons who received citizenship of Ukraine and have to pass military registration.
3. National Police organs are obliged, in accordance with the procedure established by the Law, to search for, detain and bring to military commissariats citizens who evade military duty and to send to military commissariats or local self-government bodies responsible for the process of military registration, within a two-week period, information about citizens who are not registered, as well as about persons who have acquired Ukrainian citizenship but still require military registration.
4. Organs responsible for civil status registration are obliged to inform regional (city) military commissariats, within a seven-day period, about any changes by conscripts and persons liable for military service of their surnames, names and patronymics, their marriage status (divorce), and any cases of death, as well as about the requested military registration documents, certificates concerning privileges and other related data.
5. Investigation and pre-court investigation organs are obliged to inform regional (city) military commissariats, within a seven-day period, about conscripts under investigation or pre-court investigation; the courts are obliged to inform regional (city) military commissariats about criminal cases against conscripts currently on trial, as well any sentences against conscripts and persons liable for military service which have entered into force.
6. Registration certificates of conscripts and military identity cards of persons liable for military service sentenced to imprisonment, deprivation, restriction of liberty or arrest are sent by the courts to the relevant regional (city) military commissariats.

7. Commissions of medical-social experts are obliged to inform the relevant regional (city) military commissariats, within a seven-day period, about conscripts and persons liable for military service who are classed as invalid.
8. During the conscription period, the heads of medical establishments are obliged to inform the relevant regional (city) military commissariats, within a three-day period, about citizens of call-up age who receive permanent medical treatment.
9. Housing organisations, other organisations, enterprises and establishments providing accommodation to citizens, as well as house owners shall send, in due time, the necessary information about conscripts and persons liable for military service to the relevant regional (city) military commissariats and the executive organs of village and city councils which are responsible for registering conscripts and persons liable for military service, ensuring that conscripts and persons liable for military service observe the rules of military registration, as well as informing them about a call-up to military commissariats.
10. If any changes related to one's marital status, state of health, place of residence, education, place of employment or position occur, conscripts and persons liable for military service are obliged to inform the organ with which they registered about these changes within a seven-day period.

PART VII. CALL-UP DURING MOBILISATION/ DEMOBILISATION

Article 39. Call-up to Military Service during Mobilisation/Demobilisation

1. The call-up of draft-liable individuals and active-duty reservists for military service under mobilisation will be held pursuant to procedures prescribed under this Law and the "Law of Ukraine on Mobilisation Preparation and Mobilisation".

The release from military service of military servicemen who have been called up for service under mobilisation in a special period, in the event of the proclamation of demobilisation, will be made pursuant to Article 26 clause "n" of this Law.

PART VIII. THE LEGAL AND SOCIAL PROTECTION OF CITIZENS OF UKRAINE CARRYING OUT THEIR CONSTITUTIONAL DUTY CONCERNING THE DEFENCE OF THE MOTHERLAND

Article 40. The Guarantees of Legal and Social Protection of Citizens of Ukraine Carrying out Their Constitutional Duty Concerning the Defence of the Motherland

The guarantees of legal and social protection of citizens of Ukraine carrying out their Constitutional duty concerning the defence of the Motherland are provided in accordance with the Laws of Ukraine "On the Armed Forces of Ukraine", "On Social and Legal Protection of Servicemen and Members of their Families", "On Pensions of Servicemen, Persons of Commanding and Private Ranks of the Organs for International Affairs and Other Persons", "On the State Guarantees of Social Protection of Servicemen and Members of their Families Discharged from Service as a Result of Armed Forces' Reform", and other Laws.

Article 41. The Payments in Case of Death, Invalidity, Injury or Disease without Disability of Servicemen of the Armed Forces of Ukraine and Other Military Formations, Persons Liable for Military Service Called Up for Regular (Control, Special) Training and Reservists at Times of Their Service in Reserve.

Servicemen in regular military service, persons liable for military service and reservists called up for training who are not classed as disabled, but who suffer invalidity, injury, disease or death, receive a one-time allowance in accordance with the procedure determined in the Law of Ukraine "On Social and Legal Protection of Servicemen and Members of their Families".

PART IX. RESPONSIBILITY FOR AN INFRINGEMENT OF THE LEGISLATION ON MILITARY DUTY AND MILITARY SERVICE

Article 42. Responsibility of Officials and Citizens of Ukraine

1. Heads, officials and Executive Authorities from local self-government bodies, enterprises, institutions and organisations, regardless of their subordination or form of ownership, and citizens of Ukraine guilty of an

infringement of the rules of military registration, pre-conscription training, registration with enlistment offices, call-up to regular military service, training, mobilisation preparation and mobilisation preparedness, arrival upon a call-up to the military commissariat, as well as other infringements of the legislation on military duty and military service, are legally liable.

2. During registration with enlistment offices or call-up to regular military service and training, regional (city) military commissariats are obliged to familiarise citizens of Ukraine with their rights and duties in accordance with the requirements of this Law.

PART X. FINANCIAL AND MATERIAL SUPPORT

Article 43. Financial and Material Support of Activities relating to Military Service and Military Duty

1. Financial support for activities relating to military service and military duty is provided by the State Budget (within its limits). Additional financing for these activities can be sort from other legal sources of financing.
2. To ensure medical examination of citizens, their call-up to military service, sending of called up persons to military units and enlistment on a contractual basis, the Central Executive Authorities, the Council of Ministers of the Autonomous Republic of Crimea, local state administrations and local self-government bodies are obliged to provide regional (city) military commissariats with the sufficient number of technical and administrative personnel, equipped conscription premises, medicines, instruments, medical and household property and transport, as well as ensuring public order is upheld on conscription premises.
3. To ensure the full and effective implementation of mobilisation plans during a special period, the local Executive Authorities and local self-government bodies, together with enterprises, institutions and organisations, regardless of their subordination or form of ownership, as well as regional (city) military commissariats (during peacetime), set up stations for the notification and assembly of persons liable for military service, staff the stations with persons liable for military service (without releasing them from the performance of their basic duties at their place of employment), promote the acquisition of professional skills and perform other measures related to the implementation of mobilisation plans.
4. The local state administration and local self-government bodies provide regional (city) military commissariats with buildings, subsidiary premises and conscription premises (stations), perform every day and capital repairs of these buildings and premises in accordance with legislation.
5. Members of registration, conscription and medical commissions of regional (city) military commissariats, doctors and junior medical personnel, technical workers and service personnel who are assigned to work at enlistment offices and assembly stations during the registration of pre-conscripts, the call-up of citizens to military service, training, medical examination or repeated examination of citizens, as well as those charged with transferring conscripts to assembly places, keep their posts and average salaries at their main place of employment for the whole period of the performance of these duties.
6. During the performance of these duties in other regions, persons mentioned in part Six of this Article are reimbursed for the cost of travel to and from other regions—as well as for accommodation rent (sub rent) and other travel expenditures—from funds allocated in the State Budget of Ukraine for the Ministry of Defence of Ukraine.

PART XI. CONTROL AND OVERSIGHT OVER THE OBSERVANCE OF THE LEGISLATION ON MILITARY DUTY AND MILITARY SERVICE

Article 44. Control over the Observance of the Legislation on Military Duty and Military Service

Control over the observance of legislation on military duty and military service by the state authorities, local self-government bodies, Military Management bodies, enterprises, institutions and organisations and their officials is carried out in accordance with the procedure determined in the Constitution of Ukraine, the Laws of Ukraine "On Democratic Civilian Control of State Military and Law Enforcement Organisations", "On the High Commissioner of the Verkhovna Rada of Ukraine for Human Rights" and other Laws.

Article 45. Oversight over the Observance of the Legislation on Military Duty and Military Service

Oversight over the observance of legislation on military duty and military service by state authorities, local self-government bodies and Military Management bodies is carried out in accordance with the procedure determined in the Constitution of Ukraine and other Laws of Ukraine.

PART XII. FINAL PROVISIONS

1. This Law enters into force from the date of publication; except for part One of Article 21, which enters into force on January 1, 2007.
2. The time and procedure for the transition of the Armed Forces of Ukraine and other military formations—created in accordance with the Laws of Ukraine—towards employing staff on a contractual basis are determined by the relevant programmes on the development of the Armed Forces of Ukraine and the reform of other military formations.
3. The competences of the Ministry of Defence of Ukraine in regards to ensuring the observance of the performance of military duty envisaged by this Law are also granted to other Central Executive Authorities managing military formations, in accordance with the Law.
4. Citizens of Ukraine who are exempt from call-up to regular military service, or who are granted a postponement of call-up to regular military service according to the Law of Ukraine "On Universal Military Duty and Military Service", enjoy the right to an exemption from or a postponement of a call-up until it expires or until the grounds for these rights are lost.
5. Citizens of Ukraine, who on the day this Law enters into force carry out regular military service in the Armed Forces of Ukraine and in other military formations created in accordance with the Laws of Ukraine, are discharged from military service after the end of the established period of regular military service, as determined in the Law of Ukraine "On Universal Military Duty and Military Service".
6. Contracts concerning the performance of military service concluded before this Law entered into force remain in force for the period for which they were concluded.
7. Servicemen and persons liable for military service retain the rank of privates as conferred before this Law entered into force.
8. Within six months after this Law enters into force, the Cabinet of Ministers is obliged to:
 - Submit proposals to the Verkhovna Rada of Ukraine on introducing amendments to other laws of Ukraine following on from this Law;
 - Develop normative-legal acts following on from this Law;
 - Bring its decisions into conformity with the present Law;
 - Ensure the revision and abolition by Ministries and other Central Executive Authorities of normative-legal acts contradicting this Law.
9. Propose to the President of Ukraine to develop and bring his or her normative-legal acts into conformity with the present Law.
10. Before the legislation of Ukraine is brought into conformity with this Law, only the clauses of the laws and other normative-legal acts adopted before this Law came into force and which do not contradict this Law are applied.

President of Ukraine L. Kravchuk
Kyiv, March 25, 1992, No 2232-XII

Law of Ukraine “On Alternative (Non-Military) Service”

(*Bulletin of the Verkhovna Rada of Ukraine (BVR), 1992, No 15, p. 188; Enacted by the Resolution of the Verkhovna Rada No 1976-XII of 2.12.1991, (Bulletin of the Verkhovna Rada (BVR), 1992, No 15, p. 189). In the wording of the Law 437-XIV of 18.02.99, BVR, 1999, No 15, p. 86.*

Including amendments introduced by the Laws:

No 1630-III of 06.04.2000, BVR, 2000, No 25, p. 200;
No 1720-IV of 18.05.2004, BVR, 2004, No 35, p. 420;
No 3108-IV of 17.11.2005, BVR, 2006, No 1, p. 18;
No 1014-V of 11.05.2007, BVR, 2007, No 33, p. 442;
No 107-VI of 28.12.2007, BVR, 2008, No 5-6, No 7-8, p.78;
No 5462-VI of 16.10.2012, BVR, 2014, No 6-7, p.80.

This Law determines the organisational and legal basis for alternative (i.e. non-military) service (hereinafter – alternative service) that, according to the Constitution of Ukraine, substitutes military duty if the latter contradicts any religious beliefs of a citizen.

PART I. GENERAL PROVISIONS

Article 1. An alternative service is a service that is introduced in place of regular military service in order for a citizen to fulfil his or her duty before society. Under martial law or a state of emergency, restrictions on the right of citizens to carry out alternative service may be introduced with an indication of the period of duration for such restrictions.

Article 2. The right to an alternative service is granted to citizens of Ukraine if the performance of military duty contradicts their religious beliefs, and if these citizens belong to a religious organisation operating in accordance with the laws of Ukraine and whose belief system forbids the use of weapons.

Article 3. A citizen of Ukraine who performs alternative service retains all social, economic, political and personal rights and freedoms, with the exception of those defined by this and other Laws of Ukraine, according to the Constitution of Ukraine, and citizen duties.

A citizen who performs alternative service has the right to the accommodation he or she occupied before the call-up to alternative service, the right to housing and employment in the place of work and post he or she held before a call-up to service, and in case of its absence – other equivalent employment with the consent of the concerned enterprise, institution, or organisation. He or she has the priority right to retain a place of employment in case of staff reduction for a period of two years from the date of completion of alternative service.

Article 4. Citizens eligible for conscription into regular military service, who have personally declared that the performance of military service would be impossible as it contradicts their religious beliefs and have documented or otherwise confirmed the validity of their beliefs, and concerning whom relevant decisions have been taken, are sent to alternative service.

The following citizens are not subject to a call-up for alternative service:

- Those who, according to legislation, are exempt from regular military service;
- Those who, according to the legislation, are granted a postponement of a call-up for regular military service (for a fixed period of postponement validity).
- Citizens who leave their jobs to carry out alternative service have the right to receive an allowance equal to two minimal salaries.

Article 5. Citizens may perform alternative service at enterprises, institutions and organisations, as well as enterprises that are state or municipally owned or those that have a majority share of state or municipal ownership, and whose activity is connected primarily with the social, environmental and health-related protection of the population; construction, housing and communal services and agriculture, as well as the nursing services of the Red Cross Society of Ukraine.

The types of alternative service activities are determined by the Cabinet.

Article 6. An alternative service term is one and a half times longer than that of regular military service, established for soldiers and sergeants in the Armed Forces and other military formations created in accordance with the Laws of Ukraine. Any person with higher education (e.g. a specialist and or master's degree), a term of alternative service is one and a half time longer than that of military service established for persons with a similar level of education.

The time taken to perform alternative service is included in the general work record of a citizen. This time can also count towards a continuous and professional work record, provided that a citizen starts work no later than three calendar months after the completion of alternative service.

Article 7. The resolution of issues concerning alternative service is carried out by the Cabinet Ministers and local state administrations, which for that purpose may establish the relevant supportive bodies on alternative service issues.

Article 8. A citizen carrying out alternative service has no right to:

- To evade a draft into alternative service;
- To take part in strikes;
- To conduct business activities;
- To study in educational establishments, except for secondary or higher education establishments on evening or distance learning courses;
- To refuse to serve in a place defined by the local state administration.
- The following actions shall be considered as a breach of the proper performance of alternative service:
- The non-arrival at the place of alternative service specified in an alternative service assignment without a valid reason, or an arrival with a delay of more than three calendar days;
- An unauthorised termination of duties.
- The untimely (i.e. more than five calendar days) notification to the local state administration regarding vacation granted by an employer or an authorised body, as well as the untimely notification by an employer or an authorised body on behalf of a citizen, relating to dismissal in connection with insolvency, reorganisation, or a change of profile of an enterprise, institution, or organisation.

In cases where alternative service is breached, or where the proper completion of other actions predetermined by part One of this Article are not met, the local state administration can cancel a decision on the assignment of alternative service. The local state administration shall notify the offending citizen and the military commissariat in writing regarding the decision to cancel within five calendar days, where, as a result, the offending citizen will be subject to conscription to regular military service in accordance with general practice.

PART II. THE PROCEDURE FOR ASSIGNMENT TO ALTERNATIVE SERVICE

Article 9. To be assigned to alternative service, citizens cited in Article 2 of this Law, after passing military registration, but no later than two calendar months prior to the beginning of a period of conscription for regular military service, shall, as established by the respective legislation, personally submit a request in writing to the Commission closest to their place of residence.

In case of a call-up of citizens to periodical military training who, after carrying out regular military service, have adopted religious beliefs and now belong to a religious organisation operating in accordance with the legislation of Ukraine and whose belief system forbids the use of weapons, these citizens are obliged, within seven calendar days from the date of receipt of a call-up for periodical military training, to personally submit a request to the local state administration for exemption.

Article 10. The relevant body of the local State Administration is obliged to accept a request for an assignment to alternative service or an exemption from a call-up to periodical military training and are required to inform a citizen of such in writing, setting a date to appear before a hearing at the Commission.

Article 11. The request for an assignment to alternative service is to be considered by the relevant body of the local State Administration within one calendar month after receipt; and a request for exemption from a call-up to periodical military training is to be considered within fourteen calendar days.

A citizen is released from their studies and (or) work when called before a relevant body of the local state administration panel, but maintain their average monthly wages.

The following may serve as a basis for refusing a citizen's request for alternative service or for an exemption from a call-up to periodical military training:

- A late submission of a request for assignment to alternative service or for an exemption from a call-up to periodical military training;
- An absence of confirmation verifying their professed religious beliefs;
- The failure of a citizen to attend, without a valid reason, an appearance scheduled at a session of the relevant body of the local state administration.

The refusal to assign a citizen to alternative service or grant an exemption from a call-up to periodical military training on grounds other than those established by part Three of this Article is forbidden.

The relevant body of the local state administration notifies a citizen in writing on the refusal to assign him to alternative service or exempt him from a call-up to periodical military training.

Article 12. The decision to assign a citizen to alternative service or to exempt him from a call-up to periodical military training is accepted by the local state administration only after establishing the verity of a citizen's professed religious beliefs.

Assignment papers for alternative service are provided to a citizen after satisfying Commission requirements.

PART III. PERFORMING ALTERNATIVE SERVICE

Article 13. Citizens carry out alternative service according to the Law on "The Regulations on Alternative Service", as approved by the Cabinet Ministers and other normative-legal acts of Ukraine.

Citizens usually carry out alternative service near their area of residence or in an area which provides the possibility of a daily commute. In cases where the performance of alternative service is not in an area of close proximity to a place of residence of a citizen, but in an area where he or she does not have the possibility of a daily commute, the owner of an enterprise, establishment, organisation or authorised body are obliged to provide a citizen with a place in a dormitory or other temporary housing from the outset.

The relevant body of the local state administration determines the location for alternative service.

The relevant body of the local state administration may change the place of alternative service for a citizen in view of public needs.

Article 14. The owner of an enterprise, establishment, organisation or authorised body is obliged to provide a citizen with work specified in assignment papers for an alternative service and to report back to the relevant body of the local state administration within five calendar days.

Article 15. Labour relations between a citizen performing alternative service and an enterprise, establishment or organisation, are formed on the basis of a written work contract and are regulated by Labour Legislation, with exceptions as pre-determined by this Law.

A citizen performing alternative service cannot be appointed to a post of Executive power or in any local self-government body with organisational or administrative duties.

Article 16. The term of alternative service begins on the day a citizen commences work at an enterprise, establishment, or organisation.

In cases where a citizen carries out alternative service in an area far from their place of residence, and where a citizen does not have the possibility of a daily commute to this location, the term of alternative service is determined taking into account the time necessary for travel to and from the place of service.

A period of alternative service shall not include: holidays granted on the initiative of the employer or an authorised body, leave granted to allow for evening or distance studies in educational establishments, time spent under administrative arrest, absences from work or a reduction in working hours. A period of alternative service is extended for the duration of hours not worked.

The regime of work and rest as defined in a work contract shall take into account, if possible, the peculiarities of participation in church services during rest-days, without any reduction to the quantity of established working days.

While on alternative service, a citizen is granted annual paid leave for fifteen calendar days. During the first year of alternative service, leave is granted after eleven calendar months of service. At the request of a citizen, leave, which is included in the overall time for alternative service, but without the maintenance of wages, can be granted to him in case of the death of his wife, father, mother (including step-parents), children (including step-children), brother or sister, for up to seven calendar days, not including the time necessary for travel to and from the place of the funeral. In a case where the aforementioned persons become terminally ill, the duration of leave is defined by a medical conclusion, but can extend beyond a period of thirty calendar days.

Article 17. Vocational training and the retraining of citizens is conducted individually at an enterprise, establishment or organisation where the alternative service is performed.

Article 18. During the performance of alternative service, a citizen has the right to submit a request for a change of the place of service to the relevant body of the local State Administration, as well as to ask for a pre-term conclusion of service, on basis' pre-determined by this Law.

In case of an unauthorised termination or a systemic failure to perform official duties, and when a valid reason is not provided by the concerned citizen, the owner of an enterprise, establishment, organisation or an authorised body has the right to submit a request to the relevant body of the local state administration for a pre-term cancellation of the work contract of the respective citizen.

The owner of an enterprise, establishment, organisation or an authorised body has no right to unilaterally cancel a citizen's alternative service work contract prior to its termination.

Article 19. In case of insolvency, reorganisation or a change of profile of an enterprise, institution or organisation where a citizen carries out alternative service, the owner of the respective enterprise, establishment, organisation or authorised body is obliged to inform the relevant body of the local state administration no later than two calendar months in advance on the pre-term cancellation of a work contract, and where necessary, grant a holiday on the initiative of the administration or in certain cases, a reduction of working hours – within five calendar days.

PART IV. THE TERMINATION OF ALTERNATIVE SERVICE

Article 20. Alternative service is terminated when its term expires or if prior to its expiration, when a decision is expressly made by the local State Administration. A decision by the local State Administration for a pre-term termination of alternative service is compulsory for both the owner and authorised persons of an enterprise, establishment, and organisation, as well as for a citizen.

Article 21. The pre-term termination of alternative service occurs in the following cases:

- A conscription of a citizen to regular military service on his own initiative;
- A recognition that for health reasons, a citizen is unfit for military service on the basis of a conclusion (resolution) made by a military-medical commission;
- The right of postponement of a call-up due to changes in family circumstances, as envisaged by the legislation on "Military Duty and Military Service";
- The sentencing of a citizen to a term of imprisonment.

Infringement of these requirements is stipulated in Article 8 of this Law.

Article 22. In case of the conscription of a citizen to regular military service due to a prevarication from carrying out alternative service, any time spent in alternative service is not included in the period of regular military service. In cases where a citizen volunteers for regular military service, any time served in alternative service is included in the period of military service, at the rate of one and a half months of alternative service for one month of regular military service.

Article 23. A citizen must be registered at the military commissariat nearest to his place of residence within five calendar days from the termination of an alternative service. Registration is necessary in case of a change of address.

Article 24. Citizens who have terminated alternative service are not subject to a call-up to periodical military training. If required however, these citizens, and those exempt by the local State Administration from a call-up to periodical military training due to their religious beliefs, can assist in situations of national emergency by mitigating against the consequences of catastrophes and (or) natural disasters, but for no more than three times, within the age limit established for those who perform military service in the Military Reserve (each time for a period of up to six calendar months). Legislation on "Military Duty and Military Service" regulates labour relations at the place of work for these cases.

Article 25. Decisions by local State Administrations can be appealed against in a higher-level Commission or in a Court of Law.

PART V. THE CONTROL OVER THE PERFORMANCE OF ALTERNATIVE SERVICE BY CITIZENS

Article 26. Local State Administrations control the organisation of alternative service.

Article 27. Control over the observance of a citizen performing alternative service by the owners of enterprises, institutions and organisations, or by other authorised labour organs, is regulated by a specially authorised Executive organ for the State control of Labour Legislation observances.

President of Ukraine L. Kravchuk

Kyiv, December 12, 1991, No1976-XII

Law of Ukraine “On the Legal Regime of Property in the Armed Forces of Ukraine”

(Bulletin of the Verkhovna Rada of Ukraine (BVR), 1999, No 48, p. 407)

Including changes made by the Laws:

- No 3046-III of 07.02.2002, BVR, 2002, No 29, p.193;
- No 860-IV of 22.05.2003, BVR, 2003, No 37, p. 300;
- No 3475-IV of 23.02.2006, BVR, 2006, No 30, p. 258;
- No 3132-VI of 15.03.2011, BVR, 2011, No 39, p. 388;
- No 4226-VI of 22.12.2011, BVR, 2012, No 37, p.444;
- No 4318-VI of 12.01.2012, BVR, 2012, No 39, p.464;
- No 5463-VI of 16.10.2012, BVR, 2014, No 4, p.61;
- No 255-VII of 16.05.2013, BVR, 2014, No 12, p.179.

In the text of the Law, the phrase “the Ministry of Economics of Ukraine” is replaced by “the central organ of executive power on economic policy”, according to Law No 860-IV of 22.05.2003.

This Law determines the legal regime of property assigned to military units, institutions, establishments and organisations of the Armed Forces, as well as the powers of the Military Management Organisations and their officials over the management of this property.

Article 1. Military Property

Military property is state property assigned to military units, institutions, establishments and organisations of the Armed Forces of Ukraine (hereinafter—military units). Military property comprises of: buildings, constructions, transmitting devices, all forms of arms, military and other equipment, ammunition, combustible and oil-based materials, provisions, naval stores, clothing, technical equipment, aerodromes, cultural-educational facilities, medical, veterinary, household, chemical, engineering and communication facilities.

Article 2. Military Management Organisations In Charge of Military Property

The Cabinet of Ministers provides military provisions for the Armed Forces, and establishes the procedures for their appropriation and placement under the management of the Central or Local Executive, as well as other organs authorised to administer state property, including self-governing establishments and organisations. The transfer of municipal property of the territorial communities of villages and cities or their common property may be made (with the consent of the concerned local self-government bodies and with the observance of the requirements of the Law of Ukraine “On Assignment of State and Municipal Property”), taking into account that arms and combat equipment can only be assigned to military formations created in accordance with the Law, and that military weapons and ammunition provided to them can only be transferred by the state Special Transportation Service.

The Ministry of Defence, as the central management organ of the Armed Forces, administers military property according to the Law, assigns military property to military units, and takes decisions on the redistribution of this property among the military units of the Armed Forces, including in cases of disbandment.

Article 3. Particularities Relating to the Status of Military Property

Military property is assigned to the military units of the Armed Forces by rights to the operational management (taking into account the particularities envisaged by part II of this Article).

From the moment property is transferred to the Armed Forces, it gains the status of military property. Military units ensure the end and functional use of military property assigned to them. Registration, an inventory, storage, invalidation, as well as the use and transfer of military property, are performed in accordance with the special procedures determined by the Cabinet.

Article 4. Registration and the Invalidation of Military Property

Military units take stock of property assigned to them quantitatively and qualitatively, assigning a registration number to each and evaluating the cost, as well as classifying the property into type-specific categories, i.e., food, clothing, housing, combustible and petroleum materials.

In accordance with the procedure pre-determined by part One of this Article, the stocktaking of property assigned to subordinate military units is conducted by logistics services for the provision of Military Management organs and housing services for the Armed Forces responsible for the provision of military units according to the established norms for its effective use.

Commanders of military units and officials of Military Management organs, according to their competencies and procedures as established by the Ministry of Defence, conduct the invalidation of military property in accordance with its technical condition and inspection certificate.

Article 5. Inventory for Military Property

To ensure constant state control over the availability, condition and efficient use of military property assigned to the military units of the Armed Forces, an inventory, devised in accordance with the "Regulations on Inventory of Military Property", shall be produced, with annual approval from the Cabinet.

The Ministry of Defence submits to the Cabinet the results of the inventory for the preceding year during the first quarter of the current year.

The form and procedure for reporting inventory results is established by the Central Body of Executive Power on statistical policy, with consent from the Ministry of Defence and the central organ of executive power on economic policy.

Article 6. Disposal of Military Property

The disposal of military property is conducted by the Ministry of Defence through Cabinet authorised enterprises and organisations, chosen from the results of a tender to dispose of invalidated property—except for property stipulated in part Two of this Article.

The decision to dispose of military property that is fit for further use, but not for the day-to-day activities of troops, as well as surplus property and integral property complexes, including real estate, is taken by the Cabinet upon submissions by the Ministry of Defence.

The disposal of pieces of land with objects of military property on them subject to realisation, and pieces of unusable land left in the process of the Armed Forces of Ukraine and the State Special Transportation Service reforms is carried out in accordance with procedure established by the Cabinet.

The methodology used for the assessment of costs for military property, as well as the procedures for property realisation, are developed by the Ministry of Defence, in coordination with the concerned Ministries and related Central Executive Organs, and approved by the Cabinet. The Cabinet determines the procedures for the disposal of military property.

The proceeds received from the realisation of military property are transferred to the State Budget.

The proceeds received from the realisation of the products resulting from disposal weapons, military equipment and ammunition, are transferred to the State Budget.

Article 6.1. Disassembling of Military Property

The disassembling of military property includes organisational, research, technical, economic, ecological, sanitary, counter-epidemic and other related techniques which allow for reprocessing of military property.

Products attained through the disassembling of military property, principally aggregated components, separate systems and elements, after undergoing the required repairs or modernisation, can, in accordance with the Law, be used for their initial purposes.

State control over disassembling military property is provided by the Ministry of Defence of Ukraine and other Executive bodies, in accordance with the Law, and in particular by way of:

- Inspection, auditing, observation and examination of the factory conducting the dismantling;
- Visual examination of the territory or structure used for dismantling and examination of the relevant documentation;
- The Cabinet of Ministers of Ukraine developing and approving the state programme for the disposal of armaments, military hardware, ammunition and other military property;
- The disassembling of military property with the use of State Budget funds, foreign financial support and other legal sources.

Article 7. Responsibility for an Infringement of the Requirements of this Law

Person guilty of an infringement of the requirements of this Law are legally liable.

Article 8. The Procedures for the Implementation of this Law

This Law enters into force from the date of publication.

This Law applies to other state Military Organisations created in accordance with the Laws of Ukraine, as well as to the State Service for Special Communication and Information Protection of Ukraine.

Within three months from this law entering into force, Cabinet Ministers must:

- Submit proposals to the Verkhovna Rada for amendments to the Laws proceeding this Law;
- Bring normative-legal acts into conformity with the present Law;
- Ensure the adoption of this Law by Ministries and other Central Executive Organs, according to their competences regarding normative-legal acts following from this Law.

President of Ukraine L. Kuchma

Kyiv, September 21, 1999, № 1075-XIV;

Law of Ukraine "On Economic Activity in the Armed Forces of Ukraine"

(*Bulletin of the Verkhovna Rada of Ukraine (BVR), 1999, No 48, p.408*)

Including changes made by the Laws:

No 860-IV of 22.05.2003, BVR, 2003, No 37, p. 300;

No 879-VI of 15.01.2009, BVR, 2009, No 24, p. 296;

No 310-VIII of 09.04.2015, BVR, 2015, No 24, p.185.

(*In the text of the Law, the phrase "the Ministry of Economics of Ukraine" is replaced by "the central organ of executive power on economic policy" according to Law No 860-IV of 22.05.2003.*)

This Law determines the legal basis for economic activity in the Armed Forces, and establishes the terms and guarantees of the organisation and provisions of state support.

Article 1. Economic Activity in the Armed Forces

Economic activity in the Armed Forces relates to the military units, institutions, establishments and organisations of the Armed Forces (hereinafter—military units) connected to everyday activities including farming, manufacture, the service industry and rents—payable by the military for mobile property and real estate (except for arms, ammunition, military and special equipment)—within the limits of and in accordance with the procedure pre-determined by this Law.

Economic activity in the Armed Forces aims to facilitate the financing of the activities of troops, as well as the maintenance of combat readiness and mobilisation readiness. Economic activity in the Armed Forces should not affect combat readiness and fighting efficiency. The recruitment of military personnel for production works and for the service industry that is not pre-determined by this Law is forbidden.

The Cabinet, upon submissions by the Ministry of Defence, and in agreement with the Central Executive for Economic Policy, approves the types of military property not subject to privatisation.

Article 2. Legislation on Economic Activity in the Armed Forces

This Law and other normative-legal acts regulate economic activity in the Armed Forces.

Article 3. Subjects and Types of Economic Activity in the Armed Forces

The subjects of economic activity in the Armed Forces are military units, institutions, establishments and organisations of the Armed Forces, which are maintained by the State Budget. In order to conduct independent economic activity, an estimated income and expenditure, bank accounts, and an official seal with an imprint of the State Emblem of Ukraine and the names of the participating parties must be produced.

The Cabinet determines a list of permitted economic activities for the military. Military units may perform economic activity, which, according to Law, is subject to licensing after obtaining licences free of charge in accordance with the established procedure.

Article 4. The Registration of Military Units as Subjects of Economic Activity

The Cabinet determines the procedures for the registration of military units as subjects of economic activity in the Armed Forces of Ukraine.

Article 5. The Responsibility of a Military Unit as a Subject of Economic Activity

A military unit, as the subject of economic activity, is legally liable, according to the laws of contract, for a failure to fulfil or to inadequately perform contractual obligations, as well as for damages caused to the environment, and to the rights and interests of people, companies and the state.

As a subject of economic activity, a military unit is responsible for its liabilities and accounting—namely where it derives its funding from (except for protected means). In case of insufficient funds, liability incurred by a military unit is absorbed by the Ministry of Defence.

The liabilities of a military unit cannot be compensated by property assigned to it.

Article 6. The Restriction and Termination of Economic Activity of a Military Unit

The economic activity of a military unit can be limited or terminated by a decision from the Ministry of Defence in accordance with the procedure established by the Cabinet.

Article 7. Particularities of Rent and Loan Agreements for Mobile Military Property and Real Estate of the Armed Forces

Military units can rent movable property and real estate assigned to them—either by individuals or companies—if it does not adversely affect combat readiness and mobilisation preparedness.

The procedure for authorising military units to rent movable property and real estate assigned to them is established by the Cabinet.

The leasing of arms, ammunition, military and special equipment is forbidden.

The leasing of military property to either individuals or companies is carried out on a competitive basis, taking into account the necessity of maintaining proper combat and mobilisation readiness. Conditions and procedures for tenders are determined by the State Property Fund of Ukraine, with consent from the Ministry of Defence.

Valuations of rental property are conducted by commissions composed of authorised experts from the Ministry of Defence, other Military Management organs and the State Property Fund of Ukraine (or its regional branch), using a methodology approved by the Cabinet.

A valuation of property is subject to an agreed rent with the State Property Fund of Ukraine (or its regional branch) and is approved by the Ministry of Defence.

Movable and immovable property necessary for the organisation of messing the personnel of the Armed Forces of Ukraine in fixed locations and in the field shall be transferred by military units (free of charge) to the winners of the procurement tender for the services of the organisation of messing the personnel of the Armed Forces of Ukraine, determined in accordance with the Law of Ukraine "On State Procurement" (1197-18). Transfer of such movable and immovable property shall be performed solely under an agreement (agreements) of lease.

The list of movable and immovable property necessary for the organisation of messing of the personnel of the Armed Forces of Ukraine, planned to be assigned under an agreement (agreements) of lease to the winner of the procurement tender for the services of the organisation of messing of the personnel of the Armed Forces of Ukraine, shall be specified in a notice concerning the procurement procedure.

An agreement (agreements) of lease of movable and immovable property necessary for the organisation of messing of the personnel of the Armed Forces of Ukraine is (are) executed for the same term as the relevant agreement (agreements) of procurement of services for the organisation of messing of the personnel of the Armed Forces of Ukraine.

A standard agreement of lease for movable and immovable property, necessary for the organisation of messing of the personnel of the Armed Forces of Ukraine, shall be approved by the Ministry of Defence of Ukraine.

Movable and immovable property transferred free of charge on lease conditions pursuant to parts Seven through Nine of this Article shall be used by the user solely for organisation of messing of the personnel of the Armed Forces of Ukraine in fixed locations and in the field. Use of that property for other purposes shall be prohibited.

Article 8. The Procedure of Registration and the Use of Proceeds Received from Economic Activity in the Armed Forces

The proceeds received from military unit economic activity are reimbursed into the State Budget of Ukraine and are used exclusively for national defence, in accordance with the guidelines of the Ministry of Defence.

The Ministry of Finance and the Ministry of Defence determine the procedures for the registration of proceeds received from economic activity in the Armed Forces.

Article 9. Liability for an Infringement of Requirements of this Law

Persons guilty of an infringement of the requirements of this Law are legally liable.

Article 10. The Procedures for Implementation of this Law

1. This Law enters into force from the date of publication.
2. This Law applies to all other State Military Organisations created in accordance with the Laws of Ukraine, and to the State Service for Special Communication and Information Protection of Ukraine.
3. Within three months after this law enters into force, the Cabinet must:
 - Submit proposals to the Verkhovna Rada for amendments to Laws following on from this Law;
 - Bring all normative-legislative acts into conformity with the present Law;
 - Ensure the adoption of this Law by Ministries and other Central Executive Organs, according to their competences regarding normative-legal acts following from this Law.

President of Ukraine L.Kuchma

Kyiv, September 21, 1999, № 1076-XIV

Law of Ukraine “On the Particularities of Privatisation of Enterprises under the Management of the Ministry of Defence”

(*Bulletin of the Verkhovna Rada of Ukraine (BVR), 2000, No 35, p. 279*)

Including changes made by Laws:

- No 860-IV of 22.05.2003, BVR, 2003, No 37, p. 300;
- No 3610-VI of 07.07.2011, BVR, 2012, No 7, p.53.

In the text of the Law, the phrase “the Ministry of Economics of Ukraine” is replaced by “the central organ of executive power on economic policy” according to Law No 860-IV of 22.05.2003.

This Law determines the particularities of legal, economic and organisational regulation for the privatisation of enterprise property under Ministry of Defence management, the procedure for the use of proceeds obtained from privatisation, and the particularities of the activity of privatised enterprises that have a state share in their statutory fund.

Article 1. The Law

This Law applies to enterprises under Ministry of Defence management (hereinafter—MOD Enterprises), except for state enterprises and enterprises included in a list of state property objects that are not subject to privatisation, as approved by the Verkhovna Rada.

The privatisation of MOD Enterprises is carried in accordance with the Laws and other normative-legal acts on privatisation, taking into account the particularities pre-determined by this Law.

Article 2. Purposes of Privatisation

The privatisation of MOD Enterprises is carried out in exceptional cases, with the purpose of improving financial and economic performance, attracting investors and obtaining additional funding for technical re-equipment and financing of Armed Forces activity so as to increase its combat potential.

Changes to the profile of MOD Enterprises are carried out exclusively by the decision of the Cabinet.

Article 3. Principles of Privatisation

The privatisation of MOD Enterprises is conducted on the basis of the following principles, with state interests and legality paramount:

- Upon submission of Cabinet Ministers, the Verkhovna Rada devises a list of MOD Enterprises that can be privatised;
- State regulation and control;
- The orientation of the production of privatised enterprises towards the satisfaction of defence needs and the exclusive end-use of their property;
- The granting of priority rights to citizens to purchase shares, and the granting of privileges to purchase shares by staff members of enterprises that are privatised, as well as to military personnel, retired ex-employees of these enterprises and to others, as envisaged by the related Laws on privatisation;
- Compensation for state property appropriation;
- The compulsory safeguarding of at least 51 per cent of a total share value in state ownership;
- The non-admission of the transfer of state property under operational management by privately owned enterprises;
- The observance of competition (i.e. anti-trust) law;
- The preservation of the mobilisation reserve determined by the Cabinet and an improvement to the production capacities of privatised enterprises;
- The transparency and application of competitive methods of privatisation;
- The creation of favourable conditions for the attraction of investments;
- The provision of full, timely and reliable information for citizens on the procedures of privatisation and related financial and property status issues.

Article 4. The Objects of Privatisation

The objects of privatisation are the shares that belong to the state in public corporation statutory funds, created in the process of privatising an MOD enterprise.

Article 5. Subjects of Privatisation

Subjects of privatisation are:

- The State Property Fund of Ukraine, its regional branches and representative offices;
- The Ministry of Defence of Ukraine;
- Buyers (and their representatives).

Article 6. The Powers of the Ministry of Defence of Ukraine in the Privatisation Process

During the process of privatising an MOD Enterprise, the Ministry of Defence, within the limits of its powers:

- Executes the powers as the founder of public corporations created during the process of privatising an MOD Enterprise, as well as managing the shares that belong to the state in public corporation statutory funds;
- Changes the organisational form of enterprises during a process of privatisation;
- Jointly creates Privatisation Commissions with the State Property Fund of Ukraine.

Article 7. The Determination of the Enterprises Subject to Privatisation

On the basis of a State Programme on Privatisation, the Ministry of Defence, with consent from the State Property Fund of Ukraine and the central organ of executive power on economic policy, devises a list of MOD Enterprises that are subject to privatisation and submits a schedule to the Cabinet. The Cabinet then submits this list to the Verkhovna Rada for approval.

Article 8. The Privatisation of Enterprises

The privatisation of MOD Enterprises is achieved through their transformation into public corporations.

The founder of public corporations, created according to this Law, and on behalf of the state, is the Ministry of Defence.

Article 9. Privatisation Commissions

Upon the submission of an enterprise executive, the Ministry of Defence approves the personal composition of a Commission for (the) Privatisation of an MOD Enterprise.

The composition of a Commission includes equal representation from the State Property Fund of Ukraine (its regional branch or representative office), the Ministry of Defence of Ukraine, an established bank, and a Trade-Union Committee or an alternative employee organisation representative. The powers and procedures for the creation and the activities of a Commission for Privatisation are jointly determined by the Ministry of Defence and the State Property Fund of Ukraine. During periods of work by the Commission, its members have their usual places of employment and monthly average salaries protected.

Within two months from its inception, a Privatisation Commission shall submit an assessment for the integral property complex subject to privatisation, a draft plan on stock floatation and a draft statute of a public corporation developed according to the Law of Ukraine "On Economical Societies" to the Ministry of Defence for approval.

The draft plan for a stock floatation should provide for the compulsory safeguarding of at least 51 per cent of shares in state ownership which remain under the management of the Ministry of Defence, for a preferential sale on the terms determined by the Ministry of Defence of 15 per cent of shares to the staff members of the MOD Enterprise in question, to retired staff members and to others according to the legislation on privatisation, as well as to military personnel (except for those in regular service) of the Armed Forces, and to officers honourably discharged from military service on grounds of age and health or in connection with a reduction in staffing levels.

Article 10. Adoption of a Decision to Create a Public Corporation

Within seven day, the Ministry of Defence and the State Property Fund of Ukraine jointly approve the act of assessment of the cost for the integral property complex of the MOD enterprise subject to privatisation. Within a month, the Ministry of Defence takes the decision to create a public corporation and approves it statutorily.

On behalf of the founder, the Executive of an enterprise under privatisation, within a week after the approval of the statute and public corporation incorporation, registers the subjects of entrepreneurial activity with the documents necessary for state registration. This is a gratis registration.

Article 11. The Succession of Liabilities of Enterprises Subject to Privatisation

From the moment of state registration of a public corporation, the assets and liabilities of a MOD Enterprise subject to privatisation are transferred to the public corporation. The public corporation becomes the legal successor to the rights and duties of the privatised enterprise.

Article 12. Procedures for Privatisation

Within a month from the privatisation of an MOD Enterprise and the adoption of a decision on privatisation, the Ministry of Defence shall transfer shares to the State Property Fund of Ukraine, which is subject to sale according to the plan on stock floatation.

The State Property Fund of Ukraine sells the respective shares in accordance with the legislation on privatisation, this Law and the plan on stock floatation.

The sale of shares on a competitive basis is regulated by a Commission created by the State Property Fund of Ukraine. This Commission is composed of representatives from the State Property Fund, the Ministry of Defence; the central organ of executive power on economic policy, the Ministry of Finance, the Antimonopoly Committee, and a collective of employees (i.e. work-collective) from the enterprise which is to be privatised.

The sale of shares on a competitive basis is conducted in accordance with regulations approved by the State Property Fund, the Antimonopoly Committee, and the State Commission on Securities and Stock Market.

Shares that have not been sold in line with the requirements of part Six of Article 9 of this Law shall be sold to buyers on a competitive basis. The terms of competition shall include the requirement that buyers are obliged to ensure the technical re-equipment and improvement of the financial and economic performance of the MOD Enterprise in question.

Article 13. The Distribution of the Proceeds Received from a Sale of Shares

The proceeds received from the sale of shares of a public corporation are distributed as follows:

- 98 per cent goes to the State Budget, and is used for defence needs according to estimates provided by Ministry of Defence, from which no less than 30 per cent is to be allocated for technical re-equipment for privatised enterprises;
- 2 per cent goes towards the reimbursement of expenditure incurred during the process of privatisation.

Article 14. The Supervisory Board for Public Corporations created during the Process of Privatisation

With the purpose of protecting the interests of the state and ensuring the control of shareholders over the activity of the administration boards of Public Corporations created during the process of privatisation for MOD Enterprises, a supervisory board composed of representatives from the Ministry of Defence, the State Property Fund, the central organ of executive power on economic policy, the Ministry of Finance, established banks serving the relevant corporations, and from the enterprise which is to be privatised, is created.

Following the approval of the statute of the corporation, the Ministry of Defence and the central organ of executive power on economic policy approve the personal composition of the supervisory board of the public corporation.

The powers of the supervisory board are determined by regulations approved by the Ministry of Defence, the State Property Fund and the central organ of executive power on economic policy.

The State Property Fund and the Ministry of Defence present an annual report to the Verkhovna Rada on issues relating to the operational efficiency of privatised MOD Enterprises.

Article 15. The Administration of State Shares in Statutory Funds in Public Corporations

The administration of shares that belong to the state in statutory funds of public corporations created during the process of privatising MOD Enterprises are carried out by authorised persons appointed on a com-

petitive basis according to the respective legislation, by the Ministry of Defence with consent of the State Property Fund.

Article 16. The Procedures for the Use of Public Corporation Profits

The profits made by public corporations during the process of privatising MOD Enterprises—excluding dividends on shares that belong to the state in statutory funds of public corporations—are used according to the legislation and statutes of corporations. Some of the profits (dividends) on shares that belong to the state, and which are held in statutory funds of public corporations, are transferred to the State Budget within seven days from the date of the adoption of the decision on the distribution of profit. The aforementioned profits are exclusively used for the needs of defence; in conformity with the estimates provided by the Ministry of Defence. The Ministry of Finance and the Ministry of Defence determine the procedures for the paying of dividends, and are responsible for control over the accuracy of its calculation and timeliness of cash transfers to the State Budget.

Article 17. Final provisions

This Law enters into force from the date of publication.

Cabinet Ministers are obliged to:

- Within three months after this Law enters into force, develop and submit proposals to the Verkhovna Rada regarding amendments to the legislation following on from this Law;
- Ensure the development and adoption of normative-legislative acts necessary for the implementation of this Law;
- Bring decisions into conformity with the current Law, and ensure the Ministries and other Central Organs of Executive Power revise any normative-legislative acts contradicting this Law.

Within one month after this Law enters into force, submit to the Verkhovna Rada proposals on introducing amendments to the list of MOD Enterprises in state ownership which are not to be privatised.

President of Ukraine L.Kuchma

Kyiv, May18, 2000, No 10741-III

Law of Ukraine “On Use of Defence Lands”

(*Bulletin of the Verkhovna Rada of Ukraine (BVR), 2004, No 14, p.209*)

Including changes introduced by the Laws:

No 800-VI of 25.12.2008, BVR, 2009, No 19, p.257;

No 2674-VI of 04.11.2010, BVR, 2011, No 12, p.79;

No 4226-VI of 22.12.2011, BVR, 2012, No 37, p.444.

This Law shall specify the legal framework and procedure for the use of defence lands.

Article 1. Defence lands

Land considered as ‘Defence Lands’ consists of those lands allocated for the stationing and permanent activity of military units, institutions, military education establishments, enterprises and organisations of the Armed Forces of Ukraine, as well as other military formations set up in accordance with the Laws of Ukraine (hereinafter –military units).

Article 2. Legal Status of Defence Lands

Parcels of land (hereinafter –land parcels) shall be permanently allocated to military units for the performance of functions and tasks vested in them in accordance with the requirements of the “Land Code of Ukraine”.

Particularities concerning the allocation of land parcels to military units for the establishment of military and other defence facilities shall be determined by the Cabinet of Ministers of Ukraine.

The size of land parcels necessary for stationing military units and allowing them to conduct permanent military activity shall be determined in accordance with their needs as defined in the project design documentation approved in accordance with the established procedure.

Military units shall use land parcels allocated to them in accordance with the requirements of the land and in respect of legislation concerning nature conservation, as well as observing the requirements of population safety in the course of their permanent activities.

In cases where power transmission and communication lines and other utilities pass through defence lands, the conditions of their use shall be specified in an agreement between the military unit and the concerned enterprise, institution or organisation.

Owners or users of lands bordering on land parcels allocated to military units may demand land easements in accordance with the Law.

Article 3. Areas Subject to Special Procedures of Land Use

Along the state border of Ukraine, a border strip subject to special procedures of land use shall be allocated in accordance with the Law.

Lands within the border strip and other lands necessary for the arrangement and maintenance of engineering structures and fences, border signs, border clearances, communications and other facilities, shall be allocated to military units of the State Border Service of Ukraine for permanent use.

Areas subject to special procedures of land use may be set up around military units and defence facilities in order to support the operation of those military units and facilities, as well as ensure the preservation of weapons, military equipment, military property; the guarding of the state border of Ukraine and the protection of the population, utilities and environment from the effects of accidents, natural disasters and fires that may occur at those facilities.

The size and legal status of areas subject to special procedures of land use shall be determined in accordance with the Law.

Article 4. Use of Defence Lands for Business Purposes

Military units may, upon agreement with local self-government bodies or local Executive Authorities and in accordance with the procedure established by the Cabinet of Ministers of Ukraine, authorise individuals and legal entities to cultivate crops, tend to cattle and produce hay on lands allocated to them for permanent use.

Defence lands may be used for the construction of social and cultural facilities and the housing of military servants and their families, as well as for social and affordable housing, without changing their target use.

Alienation of land parcels hosting immovable military property subject to disposal and land parcels vacated in the course of the reformation of the Armed Forces of Ukraine and the State Special Transport Service shall be performed in accordance with the procedure established by the Cabinet of Ministers of Ukraine and in accordance with this Law.

Alienation of land parcels hosting immovable military property subject to disposal and land parcels vacated in course of the reformation of the Armed Forces of Ukraine and the State Special Transport Service, in favour of foreign states, foreign legal entities and foreign individuals shall be prohibited.

Article 5. Environmental Protection and Environmental Safety on Defence Lands

Placement, design, construction, overhaul, commissioning, operation, mothballing and liquidation of buildings, structures and other defence facilities that exert direct or indirect effects on land resources shall be performed in accordance with the procedure established by the Law.

Defence lands shall be subject to legislation regarding nature conservation, as well as to other restrictions of land use in accordance with the Law.

Article 6. Responsibility for Violation of the Legislation on Use of Defence Lands

Persons guilty of violating legislation on the use of defence lands shall bear responsibility in accordance with the Law.

Article 7. Final Provisions

1. This Law shall enter into effect from the day of its publication.
2. Within six months from the effective date of this Law, the Cabinet of Ministers of Ukraine shall:
 - Approve the procedure for the allocation of land parcels to military units for military and other defence-related facilities;
 - Draft and submit proposals for consideration by the Verkhovna Rada regarding amendments to the laws of Ukraine ensuing from this Law;
 - Bring its bylaws into compliance with this Law.

President of Ukraine L.Kuchma

Kyiv, November 27, 2003, No 1345-IV

Decree of the President of Ukraine “Regulation on Ukrainian Citizens’ Performance of Service in the Military Reserve of the Armed Forces of Ukraine”

Including changes under the President of Ukraine decrees:

No 502/2014 of 06.06.2014;

No 274/2015 of 18.05.2015.

Pursuant to the Law of Ukraine “On Military Duty and Military Service”, I hereby decree:

1. To enact the Regulation of Ukrainian Citizens’ Performance of Service in the Military Reserve of the Armed Forces of Ukraine (attached below).
2. To ensure that contracts on service in the Military Reserve signed before enacting the “Regulation of Ukrainian Citizens”; “Performance of Service in the Military Reserve of the Armed Forces of Ukraine” remains valid until the end of the contract’s term.
3. The following acts shall be deemed void:
 - Decree of the President of Ukraine No.66 of February 1, 2007, “On Regulation of Ukrainian Citizens’ Service in the Military Reserve of the Armed Forces of Ukraine”;
 - Decree of the President of Ukraine No.353 of April 25, 2007, “On Amending the Regulation of Ukrainian Citizens’ Service in the Military Reserve of the Armed Forces of Ukraine”;
 - Decree of the President of Ukraine No.1226 of December 31, 2008, “On Amending the Regulation of Ukrainian Citizens’ Service in the Military Reserve of the Armed Forces of Ukraine”;
 - Article 4 of the Decree of the President of Ukraine No.1226 of December 31, 2008, “On Amending certain Decrees of the President of Ukraine”.
4. This Decree shall take effect on the date of its promulgation.

President of Ukraine V.Yanukovych

Kyiv, October 29, 2012, No. 618/2012

**Approved by Decree of the President of Ukraine
of October 29, 2012, No. 618/2012**

REGULATION ON UKRAINIAN CITIZENS’ SERVICE IN MILITARY RESERVE OF THE ARMED FORCES OF UKRAINE

GENERAL PROVISIONS

1. This Regulation sets out procedures for the selection of Ukrainian citizens (hereinafter—citizens) for enlistment into the Military Reserve of the Armed Forces of Ukraine (hereinafter—Military Reserve) and their performance of service in the Military Reserve.
2. Service in the Military Reserve will be performed by individuals who are physically fit for military service.
3. Citizens serve in the Military Reserve on a voluntary basis, while during a special period military, servicemen already released from conscript military service or military service during mobilisation will serve on a mandatory basis.
4. Citizens who perform their military duty in the Military Reserve will hold the status of reservists.
5. Service in the Military Reserve consists of conducting service duties pursuant to the missions assigned to the command-and-control authority, formations, military units and educational institutions (hereinafter—military units) in which they perform Reserve duty in appropriate positions and pursuant to employment laws and the terms of the enlistment contract.

6. The age limit of the Military Reserve is the same as that of the upper age limit for draft-liable individuals who are assigned to Category Two of the Retired Military Reserve.
7. Citizens enlisted in the Military Reserve shall take an Oath of Allegiance to the Ukrainian people during their first period of reserve duty training, in accordance with the procedures stipulated by the Internal Service Regulations of the Armed Forces of Ukraine, unless the concerned citizens have already done so.
8. Service in the Military Reserve will commence on the date in which the commander (chief officer) of the concerned military unit issues an order to enlist a citizen into the Military Reserve and assigns him to a position designated for reservists.
Service in the Military Reserve will end on the date in which the enlistment contract expires, or any other date specified under clause 30, second paragraph of clause 120-1 of this Regulation, but not until the date when the military unit commander (chief officer) issues an order to release a reservist from the Military Reserve.
9. Reservists are considered to be performing their Military Reserve service while:
 - Preparing for reserve training assemblies in a military unit; in other locations for training events in on-duty (training) hours, including training drills for reservists and breaks scheduled in the day's programme (i.e. drill schedule);
 - Travelling to and from the locations of training assemblies and drills, and during service duty trips;
 - Outside of a military unit or other locations for training, when required for the performance of a reservist's duties or when prescribed under a directive from the concerned military unit commander (chief officer).
10. The performance of reservists serving in the Military Reserve will be recorded in their military registration documents—the forms of which, as well as the appropriate record keeping procedures are prescribed by the General Staff of the Ukrainian Armed Forces.
11. Reservists and employers will be informed of the following year's dates for the training of reservists before December 1 of each current year.

ENLISTMENT INTO THE MILITARY RESERVE. ENLISTMENT CONTRACT

12. Candidates for enlistment into the Military Reserve will be selected from the pool of citizens who passed the professional-psychological selection and physical fitness test, and who as such are certified on medical grounds as fit for service in the Military Reserve. They are enlisted as:
 - Citizens having no military rank, but with relevant education; and who are 18-57 years old—for service in the Military Reserve in the rank of private;
 - Draft-liable individuals, who are 18-57 years old and who do not have the rank of commissioned officer, but who require education and specialised training—for service in the Military Reserve in the rank of private or non-commissioned officer;
 - Reserve officers who have not reached the upper age limit for draft-liable individuals for Category Two of the Retired Military Reserve—for service in the Military Reserve in the rank of commissioned officer.

During a special period, enlistment into Category One of the Military Operational Reserve is compulsory for military servicemen released after completing conscript military service, military service during mobilisation or a special period, and who possess corresponding professional-psychological traits and the required level of health to enable them to meet the requirements for service in the Military Reserve in positions corresponding to their military ranks.

13. Candidates for enlistment into components of the Military Reserve shall be selected by military unit commanders (chief officers) from among citizens who are:
 - Active-duty personnel released into the Retired Military Reserve from active-duty service;
 - Citizens who reside (stay) in areas in or near the location of military units.

14. Eligible candidates for enlistment into the Military Reserve are required to undergo a compulsory medical examination pursuant to procedures prescribed by the Law.
15. Procedures for the appointment of reservists in selected military positions in times of peace, as well as the appointment of reservists to military positions under wartime personnel charters (during the General Schedule for the transition from peace to war), the specifics of record keeping for reservists, the time and terms of drills and assembly training inspections, as well as programmes for reserve training; procedures and volumes for specialised reserve training, and the time and terms of all other forms of preparation, are determined by the General Staff of the Armed Forces of Ukraine.
 - 15-1. The procedure for reservist record keeping is established by the General Staff of the Armed Forces of Ukraine.
16. If approved for enlistment into the Military Reserve, a citizen shall sign an enlistment contract on citizen service in the Military Reserve of the Armed Forces of Ukraine (hereinafter—contract), a form of which is attached herein.

The contract is a written agreement concluded between a citizen and the state, represented by the Ministry of Defence of Ukraine, an authorised headquarter, military unit or military education institution, so as to establish legal relations during the citizen's performance of service in the Military Reserve.

The contract shall not be signed by the servicemen accepted for service in the Military Reserve under cases stipulated in clause 120-1 of this Regulation.
17. Two copies of the concluded contract will be provided, each signed by the enlisted citizen and an authorised representative of the Ministry of Defence, other military headquarters, military unit or military education institution of the Armed Forces of Ukraine whose remit includes assigning the relevant positions. The representative's signature will be appended with a seal of the Coat of Arms of Ukraine.
18. One copy of the contract will be attached to the personnel record of the concerned reservist, while the other will be kept by the reservist.
19. Reservists may conclude a new contract in cases where the previous contract has expired.
20. First-time contracts will be signed with:
 - Reservists appointed to the position of soldier—for 3 years;
 - Reservists appointed to the position of non-commissioned officer—for 5 years;
 - Reservists appointed to the position of commissioned officer—for 5 years.
21. New contracts will be signed with:
 - Reservists appointed to the position of soldier—for 3 years;
 - Reservists appointed to the position of non-commissioned officer—for 5 years;
 - Reservists appointed to the position of commissioned officer—for 5 years.

Any reenlistment contract requires endorsement from an authorised official, as specified in clause 17 of this Regulation.
22. The length of the contract cannot exceed the Military Reserve age limit for the reservist in question.
23. The duration of service in the Military Reserve will be calculated in full years, except where contracts are signed for the period up and until reservists reach the age limit for the Military Reserve.
24. The duration of the contract is calculated from the date on which it takes effect.
25. The contract will take effect on the date in which the commanding officer of the military unit in question (chief officer) issues an order for the enlistment of a citizen into the Military Reserve and assigns him to a position.
26. The reenlistment contract will be concluded at least one month prior to the expiration date of the current contract, and will take effect after the expiration of the previous contract.
27. The duration of the contract concluded with a reservist who found him or herself under circumstances, which, for objective reasons, made it impossible to conclude a reenlistment contract—for

example, when being held hostage, interned in a neutral state; when the verification of the location of the reservist is not possible, or under any such similar circumstances—is extended until the direct impact of these circumstances ends and he or she arrives to the military unit in question. If required, the contract can be extended until testing of the reservist's physical fitness for further service in the Military Reserve is complete, and upon the commander's authorisation to conclude a new contract.

28. The contract will be terminated and the reservist released from the Military Reserve due to:
 - 1) Contract expiration;
 - 2) Health concerns—based on a report by a military-medical commission which declares a service member unfit or physically limited for service in the Military Reserve;
 - 3) Age concerns—when a service member reaches the age limit for service in the Military Reserve;
 - 4) Personnel reduction or institutional measures that render the continuation of service in the Military Reserve impossible;
 - 5) Family concerns or other admissible reasons which are included in the list approved by the Cabinet of Ministers of Ukraine with respect to active-duty service members;
 - 6) Incompetency or inaptitude;
 - 7) A conviction by a court ruling that has taken effect and calls for imprisonment, custodial restraint, the withholding of a military rank or the withholding of the right to hold specific positions;
 - 8) The withholding of a military rank due to disciplinary measures;
 - 9) Persistent breaches of contract by the command (should the reservist be willing to retire);
 - 10) Persistent breaches of contract by the reservist;
 - 11) Enlistment into professional military service;
 - 12) Reserving draft-liable personnel for a mobilisation period or wartime or in the event of circumstances specified by Law that render draft-liable personnel ineligible for a call-up to military service under mobilisation.
 - 13) The punishment of the service member in connection with a court ruling (which has entered into force) allocating responsibility to him or her for administrative violations of anti-corruption norms;
 - 14) Impossibility of being reassigned to another position due to the likelihood of direct subordination to a close relative.
 - 15) Impossibility to ascertain the whereabouts of a reservist for at least two months, unless in connection to performing other service duties in the Military Reserve;
 - 16) The termination of citizenship of Ukraine;
 - 17) Moving abroad for the term for over three months;
 - 18) A call up for military service during mobilisation, or for a special period;
 - 19) A bilateral agreement.
29. Early contract termination will be initiated by:
 - 1) The commander (chief officer) of a military unit, on grounds specified under sub-clauses 2–4, 6–8 and 10–19 of this Regulation;
 - 2) A reservist, on grounds specified under clause 28, sub-clauses 2, 3, 5, 9, 11, 16 and 19 of this Regulation.
30. The date of contract termination (e.g. early termination) will be:
 - 1) The date on which the contract expires;
 - 2) The date following the date when a reservist died or was killed, or the date when a reservist was declared missing or deceased by a court;
 - 3) The issue date of an order discharging a reservist from the Military Reserve due to the early contract termination.

31. In the event of contract termination (e.g. early termination), the grounds for and the date of contract termination (e.g. early termination) will be recorded in the copy of the enlistment contract attached to the reservists' personnel file; the record will be attested by signature of the military unit commander concerned, and appended with a seal of the Coat of Arms of Ukraine.

The reservist may request the personnel section at the military unit in which he or she serves to record the grounds for and the date of termination (e.g. early termination) of contract in his or her copy of the contract. The failure of the reservist to submit his or her copy of the contract for the purpose herein stated will be recorded in the copy of the contract attached to his or her personnel record.

RESERVISTS' CALL-UP FOR DRILLS AND TRAINING ASSEMBLIES

32. Reservists shall be called up for drills or training assemblies by commanders (chief officers) of military units as stipulated by the:

- Decision of the President of Ukraine, made on the basis of the Constitution of Ukraine;
- Annual drill plan for the relevant year.

Reservists will be called up for military service under mobilisation by commanders (chief officers) of the military units in which they perform their reserve duty, pursuant to the Law of Ukraine "On Mobilisation Preparation and Mobilisation".

33. Reservists will be summoned by commanders (chief officers) of the concerned military units to arrive at the military units (in which they are to serve their reserve duty) to perform drills or reserve training assemblies. Military unit commanders (chief officers) will notify employers, district state administrations and institutions of local governance regarding the purpose and expected timeline for reservist drills or training assemblies, or for their call-up to military service. Time limits for notifying and informing the aforementioned entities are determined by the General Staff of the Armed Forces of Ukraine.

33-1. Reservists will personally notify the commander of the military unit in which they serve about any emerging circumstances which make it impossible for the reservist to arrive to the unit for the execution of his or her Military Reserve duties, as well as in cases of changes to marital status, conditions of health, home address, education, place of employment and status, in:

- Times of peace—no later than seven days;
- A special period—no later than 24 hours.

34. Commanders (chief officers) of military units will, within three days from calling up reservists for drills, training assemblies and boot camps, notify the military registration and enlistment authorities with which the reservists are registered about the number of reservists called up, their military occupation specialities and the positions to which they have been assigned.

35. Reservists may be exempt from reservist training assemblies or capability exercises on the basis of:

- The death of a close family member (i.e. a parent, spouse, child, birth sibling, grandfather or grandmother) or a close family member of a spouse, which occurred fewer than seven days prior to the first day of training assembly;
- Illness or a need to provide care to an unwell spouse, a child or his or her own or spouse's parents who live with him, unless such care can be provided by other family members;
- Coming under criminal investigation, or the application of a criminal or administrative penalty against a reservist that renders his or her attendance impossible;
- The occurrence of an emergency situation at the time of call-up for a reservist training assembly that subsequently prevented his or her timely arrival;
- A requirement to sit state exams at an institution of higher education;
- Other reasons—according to the decision of the commander (chief officer) of the concerned military unit (institution).

Exemption from attending training assemblies or capability exercises can be granted to a reservist by the respective military unit commander (chief officer) provided that a written request is submitted, with the relevant documents attached, either from a reservist or his or her family members.

While conducting a training assembly, a reservist may, for family reasons, be entitled to a leave of absence pursuant to the Law.

MILITARY RANKS

36. Citizens enlisted to serve in the Military Reserve maintain the ranks they currently hold.
37. Promotion to the next highest rank will be performed in the manner prescribed under this Regulation.

The word "Reserve" will be added to the title of the reservist's rank.

The words "Reserve Medical Service" or "Reserve Legal Service" will be added to the titles of reserve officers, as well as to reservists serving in the Armed Forces Reserve Medical Service or Reserve Legal Service who have university degrees in Law or Medicine and work in corresponding positions.

38. Within three days, the commander (chief officer) of the military unit concerned will notify the military enlistment and recruitment authority with which the reservist is registered about his or her promotion to (or the withholding of) a rank by mailing (posting) a summary of the relevant order to the military enlistment and recruitment authority concerned.

39. Reservists will be eligible for promotion to the following ranks:

- 1) Non-commissioned officer, ranks up to and including Senior Sergeant – commanders of regiments (battle ship 1st rank) and brigades or officials of equal or higher authority;
- 2) Non-commissioned officer, ranks up to and including Senior Warrant Officer (Petty Officer) – Army Corps Commanders or officials of equal or higher authority;
- 3) Officer ranks up to and including Major (Captain Navy 3rd rank) – Armed Forces Services Commanders, Commanders of Operational Commands or First Deputy Chief of the General Staff of the Armed Forces of Ukraine;
- 4) Officer ranks up to and including Lieutenant Colonel (Captain Navy 2nd rank) – First Deputy Minister of Defence of Ukraine, Chief of the General Staff of the Armed Forces of Ukraine or Commander of military unit A0515;
- 5) Officer ranks up to and including Colonel (Captain Navy 1st rank) – Minister of Defence of Ukraine;

The officials referred to in this clause are only authorised to award promotion to the next highest rank to the reservists over whom they have direct authority.

40. The rank of Private First Class may be awarded as an incentive by commanders of regiments (battle ship 1st rank) and brigades, or by officials of equal or higher authority.
41. The following Time-in-Grade requirements apply to the promotion of reservists who are enlisted or who hold the rank of non-commissioned officer:

- Reserve Private (Seaman) – two years;
- Reserve Private First Class (Seaman First Class) – one year;
- Reserve Junior Sergeant (Sergeant Major Second Class) – two years;
- Reserve Sergeant (Sergeant Major First Class) – two years;
- Reserve Senior Sergeant (Senior Sergeant Major) – two years;
- Reserve Sergeant Major (Ensign) – two years;
- Reserve Warrant Officer (Senior Ensign) – five years.

42. The following Time-in-Grade requirements apply to the promotion of junior and senior reserve officers (except Reserve Aircrew officers and submarine crew members):
 - Reserve Junior Lieutenant, Reserve Lieutenant – two years;
 - Reserve First Lieutenant, Reserve Captain (Captain-Lieutenant) – three years;

- Reserve Major (Captain Navy 3rd rank) – four years;
 - Reserve Lieutenant Colonel (Captain Navy 2nd rank) – five years.
43. The following Time-in-Grade requirements apply to the promotion of Reserve Aircrew officers and submarine crewmembers:
- Reserve Junior Lieutenant – one year;
 - Reserve Lieutenant, Reserve First Lieutenant – two years;
 - Reserve Captain (Captain-Lieutenant), Reserve Major (Captain Navy 3rd rank) – three years;
 - Reserve Lieutenant Colonel (Captain Navy 2nd rank) – four years.
44. No set Time-in-Grade requirements apply to the promotion of Reserve Senior Warrant Officers (Senior Ensign) and Reserve Colonels (Captain Navy 1st rank).
45. Time-in-Grade will be calculated from the date on which the reservist was promoted to his or her current rank.
- Calculations for Time-in-Grade will include:
- The length of service in the grade of active-duty, reserve duty and in the in-active reserve;
 - A gap in the period of Military Reserve service due to unlawful criminal prosecution or unlawful discharge from the Military Reserve.
 - Time-in-Grade will be calculated excluding any period of service in a lower grade as the result of a disciplinary sanction.
46. The promotion of reservists to the next highest grade will be made in succession, taking to account taken their permanent appointments and other factors specified under this Regulation.
47. Eligibility requirements for the promotion of reservists to the (initial) officer rank of Reserve Junior Lieutenant include:
- 1) Reservists holding the rank of Reserve Warrant Officer (Ensign) or Reserve Senior Warrant Officer (Senior Ensign) – a university degree appropriate to their permanent appointment in a field relative to their military occupation speciality; selection for promotion to the (initial) officer rank according to the number of vacancies in the reservist's job; and a minimum of three years of service in the active Military Reserve.
 - 2) Reservists who have obtained a university degree while on active-duty in the Military Reserve in a field related to their military occupation specialty – selection for promotion to the (initial) officer rank according to the number of vacancies in the reservist's job; and a minimum of three years of service in the active Military Reserve.
48. Reservists who are eligible for promotion to the next highest grade must have served the required time in grade and hold permanent appointments that require higher ranks than the reservist's current rank; and must meet eligibility requirements in terms of professional competences, organisational abilities, leadership (professional) development, training results and experience.
49. Those reservists who hold the rank of Reserve Private (Seaman) may be promoted, as an incentive or "reward" pursuant to the Ukrainian Armed Forces Disciplinary Regulations, to the rank of Reserve Private First Class (Seaman First Class).
50. The promotion of reservists to the next highest grade will be ceremoniously announced by military unit commanders, with the award of shoulder straps displaying the appropriate rank; and in period's in-between reserve training assemblies – by chiefs of the military registration and enlistment authorities with whom the reservists are registered.
51. Reservists who hold army (shipboard) ranks will be awarded appropriate military ranks at the same time as they are awarded permanent appointments.
52. Reservists will not be eligible for promotion to the next highest rank if they have been:
- 1) Discharged from duty while on drills or a tour of reserve assembly training;
 - 2) Imposed with a disciplinary sanction, such as a "service incompetence note", while on drills or a tour of reserve assembly training;

- 3) Sentenced by court to a non-custodial sanction, or discharged from serving the punishment and placed on probation for the full term of the sentence.
53. Reservists (except for those who have been awarded an initial rank) while on drills or a tour of reserve assembly training may be demoted by one rank due to disciplinary procedures.
54. Further demotion to a lower rank is forbidden until the reservist's previous rank is reinstated.
55. Reservists may be stripped of their rank due to a criminal conviction, or, in a disciplinary procedure, while on drills or a tour of reserve assembly training.
56. An order which deprives a reservist of his or her rank will be issued by an officer who is entitled to do so according to Ukrainian Armed Forces Disciplinary Regulations.
57. Reservists who have been stripped of their ranks:
 - By a court decision – will be dishonourably discharged from the Military Reserve once the relevant court decision comes into force; from the starting date of sentence set out in the court decision;
 - In a disciplinary procedure—will be dishonourably discharged from the Military Reserve no later than three days after the military unit's receipt of a directive document regarding the withholding of a rank, or three days from the issue date of the said directive document.
58. When a reservist is stripped of his or her rank, he or she will be registered for service and concurrently awarded the rank of inactive Reserve Private (Seaman) by the chief enlistment officer concerned.
59. Reservists who, while on drills or a tour of reserve assembly training, are stripped of their rank due disciplinary measures may have this rank reinstated as a "reward" or "incentive", pursuant to the Ukrainian Armed Forces Disciplinary Regulations.
60. Citizens who are stripped of their military rank will have this rank reinstated from the date of the military rank, except in the event of:
 - 1) A cancellation or change of the court sentence as pertains to the withholding of a military rank;
 - 2) The withholding of a reservist's rank in a disciplinary action that has been declared unlawful, pursuant to the prescribed procedure.
61. A citizen who has been stripped of a military rank may have his or her rank reinstated by an officer entitled to award ranks of the relevant grade, in the event that the individual has been discharged from serving the respective punishment, involving the withholding of a military rank under amnesty Law or as an act of clemency.
62. A citizen whose rank has been reinstated will be entitled to the legally established rights and benefits appropriate to the reinstated rank.

PERMANENT AND INTERIM DUTY ASSIGNMENTS, ROTATIONAL DUTY ASSIGNMENTS FOR RESERVISTS

63. Duty assignments for reservists will be made by military unit commanders (chief officers). Reserve officers may be assigned to positions contained within the military units' General Schedules, as long as they are no more than two grades higher or one grade lower than their current grades.
64. The reservist will be assigned to:
 - 1) A higher-grade position—as a developmental assignment;
 - 2) An equivalent-grade position—as a rotational duty assignment;
 - 3) A lower grade position:
 - Due to personnel downsizing or institutional actions that render the reservist's agreement for the assignment to an equivalent grade position impossible;
 - Due to health reasons—based on a military-medical commission's conclusion (report);
 - Due to family reasons—at the reservist's request;

- As a disciplinary sanction imposed on the reservist pursuant to the procedure prescribed under the Ukrainian Armed Forces Disciplinary Regulations while on drills or a tour of reserve assembly training.
- Within three days, the military unit commander (chief officer) will notify the military enlistment and recruitment authority with which the reservist is registered regarding his or her assignment to a position by mailing (i.e. posting) a summary of the relevant directive.
65. A higher-grade position will be deemed as such only if a relevant General Schedule requires a higher military rank for assignment to this position than the rank the reservist currently holds in his or her position; or, in cases where the reservist's current rank or grade is higher paid. If a General Schedule allows a choice from two military ranks or a graded pay structure, the higher rank or higher salary will be taken into account.
 66. Reservists will be appointed to specific positions and rotated during their service with regard to their primary and secondary specialisation pursuant to the breadth of the practical experience gained. If needed, appointment of a reservist to a new specialty-related position shall be preceded by the relevant training (retraining) course.
 67. Reservists who have not reached the age limit for the Military Reserve, but who for health reasons were recognised as unfit for airborne missions, underwater and surface-water service or for service in specialised bunkers, but who had been recognised as generally fit or fit with limitations for service in the Military Reserve—will be appointed to positions without the requirement for airborne missions, underwater and-surface water service or for service in specialised bunkers. In case of the absence of such options, reservists will be released from the Military Reserve in accordance with established procedures.
 68. Reservists who were transferred from higher to lower positions will be appointed to higher positions in accordance with the regular procedures specified under this Regulation. Reservists, who, in the process of training or conducting reserve assemblies, were downgraded as a disciplinary measure, can be appointed to higher positions only after this disciplinary measure is cancelled.
 69. In peacetime, reservists may be appointed to specific military positions in accordance with procedures specified by the General Staff of the Armed Forces of Ukraine.
 70. Granting State Secret clearance to a reservist, or renewing or cancelling State Secret clearance held by a reservist will be made pursuant to procedures prescribed by the Law.
 71. A reservist who has failed to obtain higher level State Secret clearance, or who has been stripped of State Secret clearance entirely, will be assigned to positions appropriate to the level of State Secret clearance that he or she holds, or to positions that do not involve access to information classified as State Secrets. In the event of the impossibility of assignment to the positions thereof, the reservist's enlistment contract will be terminated early, and the reservist released from service in the Military Reserve.
 72. Reservists will be assigned to positions of chief or vice chief of a security and secret clearance authority with the advice and consent of the relevant department at the Security Service of Ukraine, and pursuant to procedures prescribed by the Law.
 73. Assignment of reservists to the position of chief of the Special Communication Unit (encrypted and secure communication), as well as release from this position, will be done with the consent of the relevant section of the General Staff of the Armed Forces of Ukraine.
 74. Appointments in the ranks of Reserve Junior Sergeant (Sergeant Major of Second Class), Reserve Sergeant Major (Ensign), and Reserve Senior Warrant Officer (Petty Officer) will be made to reservists who have appropriate professional qualifications and skills.
 75. Appointments in the rank of Reserve Warrant Officer (Senior Ensign) may be made, as needed, to appropriately qualified, disciplined reservists who hold the ranks of Reserve Sergeant Major (Ensign), Reserve Senior Sergeant (Senior Sergeant Major) or Reserve Sergeant (Sergeant Major

of First Class); have served at least three years in positions appropriate to their current rank; and who have been recommended by military unit commanders (chief officers) for assignment to said positions, provided they would not be placed in a position of authority over higher grade personnel.

If there is need to assign a reservist in the rank of Reserve Warrant Officer to the position referred to in the first paragraph of this clause, the reservist who holds the rank of Reserve Sergeant Major (Ensign), Reserve Senior Sergeant (Senior Sergeant Major) or Reserve Sergeant (Sergeant Major of First Class), and holds the said position, will be assigned to an equivalent-grade position or, in the absence thereof, to any other position to which he or she would agree.

76. Reservists who hold the ranks of Reserve Warrant Officer (Senior Ensign) or Reserve Senior Warrant Officer (Petty Officer) are not eligible to be assigned to positions reserved for commissioned officers.
77. Reservists will not be placed, in connection with the discharge of their duties, in direct authority over or under their friends or family members, as specified in clause three, Part 1, Article 1 of the Law of Ukraine "On the Foundations for Prevention and Combating of Corruption".
78. Reservists may be transferred, subject to their consent, to equivalent-grade positions in the same military unit or another due or in order to:
 - Personnel downsizing or institutional actions;
 - Gain practical management experience with command-and-control authorities of different levels of command—by decision of the relevant military unit commander (chief officer), particularly if the reservist requests so, if a new position will be more appropriate to his or her professional qualifications;
 - Health reasons—based on a military-medical commission's conclusion (report);
 - Family reasons—at the reservist's own request, provided he or she has documentary confirmation.
79. Transfers of reservists to equivalent-grade positions within their respective military units will be made under directive documents issued by the military unit commander (chief officer) concerned.
80. Transfers of reservists to equivalent-grade positions within the Operational Command and the Army Corps—under directive documents issued by the Commander of Operational Command or the Army Corps; within the Services—under directive documents issued by the Service Commander; between the Services—under directive documents issued by the First Deputy Chief of the General Staff of the Armed Forces of Ukraine; and between military units subordinate to the Ministry of Defence of Ukraine—under directive documents issued by the First Deputy Minister of Defence of Ukraine.
81. A reservist is entitled to receive pay for the various kinds of allowances he or she is eligible for no later than the date following the separation date and receipt by mail or telecommunications, of an abstract of a directive document ordering the transfer of the reservist to a position in another military unit; and, in the case of the reservist being temporarily absent due to an assignment or medical treatment—no later than the date following the date of his or her arrival at the military unit in which he or she served prior to being transferred to serve in another military unit.
82. In the event of personnel downsizing or institutional activities involving a reduction in the number of reservist positions, a list of the names of reservists to be released, as well as proposals on their future duty assignments, will be submitted to the Services headquarters and the General Staff of the Armed Forces of Ukraine no later than two months prior to the scheduled starting date of said activities.
83. In the event of the impossibility of assigning a released reservist to an equivalent-grade position, or his or her failure to agree to be transferred to a lower grade position, the reservist will be released from Military Reserve service pursuant to clause 28 sub-clause 4 of this Regulation.

84. In the event of personnel downsizing or institutional activities resulting in a reduction in the number of military positions, vacancies will be prioritised for reservists who most qualify for the positions in terms of professional competence and personal qualities.
85. A reservist who holds a permanent appointment while conducting drills or a tour of active-duty training may be assigned, as needed, to another equal or higher-grade appointment in the cases where the service member holding this appointment is temporarily absent or discharged from the appointment.
86. Reservists will be assigned to interim appointments for any period not exceeding 30 days.
87. Reservists will be assigned to interim appointments by the military unit commanders (chief officers) concerned.
88. Reservists holding the subsequent ranks will be assigned to the following interim appointments:
 - 1) Reserve Private (Reserve Seaman), Reserve Sergeant and Reserve Sergeant Major—appointments reserved in General Schedules for respective NCO ranks;
 - 2) Reserve Warrant Officer (Ensign) and Reserve Senior Warrant Officer—appointments reserved in General Schedules for the ranks of Warrant Officer (Ensign) and Senior Warrant Officer;
 - 3) Junior Officer—appointments reserved in General Schedules for Junior or Senior Officer Ranks, provided they would not be placed in a position of authority over higher-grade personnel;
 - 4) Senior Officer—appointments reserved in General Schedules for rank of Senior Officer.

ASSIGNMENTS

89. Reservist, while on drills or reserve assemblies training, will be dispatched on assignments, alone or as members of a military unit (team), in order to:
 - Assist in actions related to combat training for the Armed Forces;
 - Provide security, escort protection and deliver military materiel, arms, military equipment and other types of materiel;
 - Provide escort protection to couriers carrying secret documents or classified materials; or conduct courier assignments by him or herself;
 - Escort (as needed) individuals or groups of individuals—particularly those who are sick—who have been called up for a reservist training assembly, or who are draft-liable personnel;
 - Receive an award or promotion;
 - Attend court hearings or court proceedings, upon a summons from an agency of the inquiry or pre-trial investigation;
 - Attend scheduled events, e.g., conferences, seminars, meetings and conventions, etc.;
 - Assist in emergency response operations;
 - Case-based assignments for other purposes will be made under a directive document issued by a higher-level commander (chief officer).
90. Reservists will be dispatched on assignments by the military unit commander (chief officer) concerned, whereof a directive document will be issued.
91. Reservists dispatched on assignments will be issued a standard form for travel authorisation.
92. Upon arrival at the place of assignment the reservist will, in a timely manner, appear before the officer at whose disposal he or she was placed; notify the commander (chief officer) of the military unit in which he or she serves his or her reserve duty of his or her arrival; duly register with an appropriate authority and proceed to perform his or her assignment.
93. While traveling to and from the place of assignment the reservist is not permitted to deviate from the route set out in his or her travel authorisation document or to make unauthorised stopovers.
94. In cases where, for permissible reasons, the reservist is unable to depart on time from the place of assignment, he or she will be required to notify the commander (chief officer) of the military unit in which he or

she serves his or her reserve duty, including of the reasons for the delay, via the chief command-and-control officer of the Ukrainian Military Law Enforcement Service or the military enlistment and recruitment officer concerned, or in the absence thereof—via officials at local state administrations or institutions of local governance.

95. In case of the loss of service documents, personal papers, firearms or other military items while travelling to and from the place of assignment, the reservist will be required to immediately contact the traffic officer at the place of the alleged loss, or the chief command-and-control officer of the Ukrainian Military Law Enforcement Service, or the military enlistment and recruitment officer concerned, or in the absence thereof – the nearest law enforcement agency, railway or road traffic officer, or officials at local state administrations or institutions of local governance, in addition to commander (chief officer) of the military unit in which he or she serves his or her reserve duty.
96. In the event of any delays while traveling at the time of an assignment, and which occur for reasons beyond the reservist's control, he or she will be required to ensure that a confirmation of the delay is recorded in his or her travel authorisation document, or to request a document verifying the reasons for the delay from a traffic officer, or the chief command-and-control officer of the Ukrainian Military Law Enforcement Service, or the military enlistment and recruitment officer concerned, or in the absence thereof – from railway or road traffic authorities, or officials at local state administrations or institutions of local governance; and, will in addition, have to contact the commander (chief officer) of the military unit in which he or she serves his or her reserve duty.
97. Admissible reasons for the late return of a reservist from an assignment – that is, past the time set out in the travel authorisation document – will include an illness that prevented his or her timely return, a natural disaster or other emergencies. The cause or reason for the delay will have to be verified by appropriate documents.
98. The officer at whose disposal the reservist was placed, or the chief command-and-control officer of the Ukrainian Military Law Enforcement Service, or the military enlistment and recruitment officer concerned will be required to report the reservist's failure to return from assignment on the date set out in his or her travel authorisation document, and the causes and reasons for the delay, to the commander (chief officer) of the military unit in which he or she serves his or her reserve duty.
99. In the event of a reservist not returning from assignment on the date set out in his or her travel authorisation document, and in which no report regarding the causes or reasons for the delay are submitted to the appropriate authorities, the commander (chief officer) of the military unit in which the reservist serves his or her reserve duty will be required to immediately contact the official at whose disposal the reservist was placed, or the chief command-and-control officer of the Ukrainian Military Law Enforcement Service, or the military enlistment and recruitment officer concerned, for information concerning whether or not the reservist had arrived at the assigned place, or departed as scheduled, for his or her military unit. If the answer is found to be 'no' in the former and 'yes' in the latter, the military unit commander (chief officer) will order a search operation for the missing person pursuant to the prescribed procedures.

BASIC TRAINING, CONVERSION TRAINING AND ADVANCED TRAINING FOR RESERVISTS

100. Individuals who have been enlisted into the active Military Reserve, but who do not have prior military service experience, will be required to receive initial training at military units. When time and resources permit, the following categories will be trained:
 - NCO—at training centres;
 - Reserve officers—at higher military education establishments.
101. Draft-liable individuals (women included) with prior military service, but who have been enlisted to serve in the active Military Reserve in positions which do not compliment their primary military occupational

- speciality, will receive conversion training at training centres, and reserve officers—at higher military education establishments.
- 102.Reservists with at least one year in the active reserve service will be eligible for advanced training, as and when required by the needs of the service.
- 103.Selection of eligible candidates for enrolment into advanced training, particularly at the reservists' own request, will be made by the military unit commanders (chief officers) concerned.
- 104.The procedures for the enrolment of reservists into basic training, conversion training and advanced training at higher military education establishments and training centres, as well as the list of military occupation specialties they are to be trained in will be prescribed by the General Staff of the Armed Forces of Ukraine.
- 105.Upon the completion of basic training, conversion training or advanced training, reservists will sit examinations prescribed by the appropriate academic programmes.
- Reservists who have received training under NCO training programmes and successfully passed exams will be awarded appropriate military ranks pursuant to procedures set out in this Regulation.
- 106.Reservists will be dismissed from training at higher military education establishments and training centres on health grounds in the event that they develop an illness while on training, verified by a medical assessment report of the chief medical officer at the higher military education establishment or training centre concerned.
- A decision to dismiss a reservist from training will be made by the chief officer in charge of the higher military education establishment or training centre concerned.
- 107.Further and in-service training will be given to reservists during reserve training assemblies and capability exercises conducted by regular military units in which they serve their reserve duty, pursuant to training programmes approved and procedures prescribed by the General Staff of the Armed Forces of Ukraine.

RELEASE FROM MILITARY RESERVE SERVICE

- 108.Reservists will be released from Military Reserve service on grounds prescribed in clause 28, second paragraph of clause 120-1 of this Regulation, under a directive document issued by the military unit commander (chief officer) concerned.
- Within three days after the issue date of an order releasing a reservist from service in the Military Reserve, the military unit commander (chief officer) concerned will send an abstract of the order and the reservist's personnel records to the military enlistment and recruitment authority with which the reservist is registered.
- The date of retirement from service in the Military Reserve is the day when the relevant order concerning release from serving in the Military Reserve is issued by the commander (chief officer) of the military unit (institution) concerned.
- 109.A reservist who is willing to be released from service in the Military Reserve will be required to submit a release request, endorsed by the concerned commander; with attached documents verifying the grounds for release. The release request will specify the grounds for release from service in the Military Reserve and the title or number of the military enlistment and recruitment authority with which the reservist is registered.
- 110.Release processing procedures will include collecting details about the reservist's service in an Reserve Component, as well as documents verifying the periods of service in the Military Reserve.
- 111.Three months prior to reaching the age limit for the Military Reserve, a reservist will undergo a medical examination by a military-medical commission, whose assessment will be taken into account when determining the grounds for release from service in the Military Reserve.
- 112.The date of release for a reservist serving in the Military Reserve will be the date prescribed under clause 30 of this Regulation, whereof a record will be made in a directive document upon release from service in

the Military Reserve. The directive document will be issued on the grounds of a duly approved statement concerning the transfer of the position the reservist held, and (or) an endorsement report from his or her immediate leader.

113. An order to impose disciplinary sanctions—such as a discharge for service incompetence or the withholding of a military rank—on a reservist will be deemed valid grounds for the issuance of an order for his or her release from service in the Military Reserve.
114. A reservist who is allocated for release from Military Reserve service due to personnel downsizing or institutional actions will be given a notice of dismissal by the military unit commander concerned at least two months prior to the starting date of the personnel downsizing or institutional actions concerned. In such cases, the State Employment Service is not informed.
115. A decision on additional service in the Military Reserve with respect to a reservist who has been declared physically fit for limited reserve service in peacetime by a military-medical commission will be made by the military unit commander (chief officer) concerned.
116. In the event of the existence of several valid grounds for release from service in the Military Reserve—as prescribed under clause 28 sub-clauses 2-5, 9 and 18 of this Regulation—a reservist will be allowed to choose one at will.
Reservists released from service in the Military Reserve (except those on grounds prescribed under clause 28 sub-clauses 6-8, 10, 13, 15, 16 and clause 57 of this Regulation) may, upon endorsement from a unit commander, be offered awards prescribed in the Ukrainian Armed Forces Disciplinary Regulation.
117. A retirement ceremony may be held for a reservist who has been honourably discharged from Military Reserve service.
118. A reservist, with whom a decision on the early termination of a contract for service in the Military Reserve has been made, will be eligible to appeal, pursuant to legally prescribed procedures. The lodging of the appeal thereof will not suspend enforcement of the respective order. If a reservist has been released unlawfully from service in the Military Reserve, he or she will be eligible for reinstatement into the Military Reserve in the position he or she previously held or, subject to his or her consent, to another position of equivalent or higher grade. Any gap in the period of service in the Military Reserve completed due to unlawful discharge will be included when calculating the time in grade and time in service required for promotion to the next highest grade.
119. A reservist who has been released unlawfully from service in the Military Reserve will be reinstated into his or her previous position or assigned to another equivalent or higher position upon a directive document issued by the military unit commander who ordered his or her release from the Military Reserve.
120. Reservists declared missing or dead by a court will be discharged from service in the Military Reserve on the grounds of the court decision on the declaration of the missing or dead:
 - Reserve Officers – by Service Commanders, Commanders of Operational Commands, the Chief of the General Staff, Commander-in Chief of the Armed Forces of Ukraine or the Minister of Defence of Ukraine, within their remits;
 - Reserve Privates and NCOs – by Service Commanders, Commanders of Operational Commands or officials with equal or higher authority.

SPECIFICITY OF SERVICE IN THE MILITARY RESERVE IN A CONTINGENCY

- 120-1. In a contingency, for military servants who were dismissed from conscript military service, military service after call-up during mobilisation in a contingency shall be assigned to the Active Military Operational Reserve.
A contract of service of a citizen of Ukraine in the Military Reserve cannot be cancelled (terminated) in a contingency, and a citizen who made it and was enrolled in the Active Military Operational Reserve

shall continue service in the Military Reserve till the end of the contingency, on the basis of the conditions provided by this legislation. After the end of the contingency, citizens who served in the Active Military Operational Reserve may voluntarily make a contract of service in the Military Reserve on conditions provided by the Law.

120-2. Reservists in the Active Military Operational Reserve shall be called into service in case of the declaration of general mobilisation or by the relevant decision of the President of Ukraine in cases and in accordance with procedures established by the Law.

120-3. The procedure for the organisation of call-ups for reservists of the Active Military Operational Reserve into military service shall be determined by the General Staff of the Armed Forces of Ukraine. The call-up must be completed within 48 hours.

120-4. Military servants shall be assigned to the Active Military Operational Reserve when dismissed as military servants from conscript service or from military service after call-up during mobilisation in a contingency by orders of the commanders (heads) of the military units (institutions) in question. The order shall specify: the post to which the reservist is to be appointed; the military registration and enlistment office where he or she will be registered; the residential address and procedure of notification of the reservist. Such an order shall be made known to the reservist against countersignature on the day of dismissal.

Data regarding the assignment of a military servant to the Active Military Operational Reserve shall be entered into his or her military registration documents.

The specificity of military registration of reservists assigned to the Active Military Operational Reserve shall be determined by the General Staff of the Armed Forces of Ukraine.

120-5. A reservist in the Active Military Operational Reserve shall be obliged:

- To read and familiarise him or herself with the order of the commander (head) of a military unit (institution) of assignment to the Active Military Operational Reserve against countersignature;
- To arrive at the district (city) military registration and enlistment office at the place of residence (stay) for military registration within five days after his or her transfer to the Military Reserve; during the departure from the military unit (institution) and military registration at the military registration and enlistment office, to check the course of his or her actions in case of a call-up during mobilisation or in a contingency;
- To keep, after dismissal and till the end of a contingency, the military uniform issued to him or her by the Ministry of Defence of Ukraine, and in case of a call-up during mobilisation or in a contingency, to ensure it is with them at the time of arrival to the military unit (institution);
- In case of a change of the place of residence (stay) or notification procedure, to notify the concerned commander (head) of the military unit (institution) and military commissar within seven days;
- Once notified by the commander (head) of a military unit (institution) or military commissar about his or her call-up during mobilisation or in a contingency, to arrive at the military unit (institution) in which he or she serves in the Military Reserve, within 24 hours and to follow orders from the commander (head) of the military unit (institution).

SALARIES AND OTHER PROVISIONS

121. Salaries and monetary incentives payable to reservists, and procedures for their payment are prescribed by the Cabinet of Ministers of Ukraine.

122. Regulations for the provision of medical care to reservists during drills, reserve training assemblies or boot camps are prescribed by the Ministry of Defence of Ukraine.

123. Reservists performing active-duty service in a Reserve Component will be provided with uniformed clothing in accordance with set standards. Reservists will wear Internal Forces' insignia and other insignia to indicate that they are reservists. Reservists are bound by the general rules and regulations on uniform wear.

124. While on drills, reserve training assemblies or boot camps, reservists will be provided with meals in accordance with set standards and pursuant to procedures prescribed by the Cabinet of Ministers of Ukraine.
125. Financial and logistical support for activities related to the performance of service in Military Reserve components will be funded by State Budgetary expenditures allocated for the operational expenses of the Ministry of Defence of Ukraine.

RESERVISTS' RESPONSIBILITY

126. While on drills, reservist training assemblies and boot camps, reservists will bear responsibility pursuant to the Law.

Head of the Presidential Administration of Ukraine S. Liovochkin

Decree of the President of Ukraine “Regulation on Military Service of Foreigners and Apatriades in the Armed Forces of Ukraine”

Pursuant to part Four, Article 21¹ of the Law of Ukraine “On Military Duty and Military Service”, I hereby decree:

1. To approve the Regulation on Military Service of Foreigners and Apatriades in the Armed Forces of Ukraine (attached).
2. This Decree shall enter into effect from the date of its publication.

President of Ukraine P. Poroshenko
Kyiv, June 10, 2016, No 248/2016

Approved by the President of Ukraine Decree as of 10 June 2016, No. 248/2016

REGULATION ON MILITARY SERVICE OF FOREIGNERS AND APATRIDES IN THE ARMED FORCES OF UKRAINE¹

I. GENERAL

1. These Regulation specify the procedure for military service in the Armed Forces of Ukraine for foreigners and apatriades (hereinafter—foreigners).
2. Foreigners who legally reside on the territory of Ukraine may voluntarily enlist for military service in the Armed Forces of Ukraine (hereinafter—military service) on a contractual basis.
On a voluntary basis, foreigners:
 - Perform military service under a contract for privates;
 - Perform military service under a contract for non-commissioned officers.
 - For foreigners who voluntarily join the military service, a contract for the relevant type of military service in the Armed Forces of Ukraine shall be made as per the Annex (hereinafter—a contract of military service).
 - A contract of military service is a written agreement made between a foreigner and the state, in the person of the Ministry of Defence of Ukraine, for the establishment of legal relations between the parties during military service.
3. The list of positions that cannot be filled by foreigners shall be specified by an order of the General Staff of the Armed Forces of Ukraine.
4. Foreigners who express a desire to perform military service in the positions of privates or non-commissioned officers are subject to a data-check on the legality of their stay on the territory of Ukraine, as well as the availability of identification documents, the absence of convictions, and the trustworthiness of other data provided by them.

The organisation of data-checking shall be vested in those chief enlistment officers sending inquiries to the Ministry of Internal Affairs of Ukraine, the State Migration Service of Ukraine, the Administration of the State Border Service of Ukraine and the Security Service of Ukraine, who perform such checks within the limits of their powers.

If results from the process of data-checking reveal inconsistencies with the established requirements for enlistment into the military service, a foreigner shall not be enlisted in military service.

¹ Extraction of selected articles related exclusively to foreigners and apatriades without the articles replicating the relevant norms for Ukrainian citizens.

5. Foreigners who voluntarily join the military service shall give their consent for the processing of their personal data; shall undergo obligatory medical examinations with the military-medical commission of the military registration and enlistment office, professional psychological selection and meet the standards of physical fitness set by the Ministry of Defence of Ukraine.
6. Foreigners enlisted into military service in the Armed Forces of Ukraine for the first time shall take an official obligation of steadfast observance to the Constitution of Ukraine, its Laws and to the diligent performance of their duties of military service.
7. Foreigners who perform military service in accordance with the Law shall be military servants of the Armed Forces of Ukraine (hereinafter – military servants). The affiliation of foreigners as military servants shall be certified with military IDs for privates and non-commissioned officers, the form and procedure of which are established by the Ministry of Defence of Ukraine.
8. For foreigners enlisted in military service, a probation period of two months shall be established, which shall be specified in a contract of military service.

II. SPECIFICITY OF ENLISTMENT INTO THE MILITARY SERVICE

14. Foreigners are enrolled in military service under a contract for privates, non-commissioned officers (hereinafter – military service under a contract) in accordance with Articles 19 and 20 of the Law of Ukraine "On Military Duty and Military Service".
15. Female foreigners may be enlisted into military service under a contract when military posts that may be filled by servicewomen are vacant.
16. The list of positions that may be filled by servicewomen shall be specified by the Ministry of Defence of Ukraine.
17. The main conditions for the enlistment of a foreigner into the military service under a contract include:
 - The recognition and observance of the Constitution of Ukraine and Laws of Ukraine; and the legitimate presence of a foreigner on the territory of Ukraine;
 - The absence of prior convictions of a foreigner; and the availability of a valid foreign passport or an identification document of an apatrie.
 - Procedure of selection and enlistment of foreigners in military service under a contract
18. The selection of foreigners for military service shall be conducted by military registration and enlistment offices and military units.

During the selection of foreigners for positions, their previous military service experience, speciality and education shall be taken into account.

In cases where a foreigner does not have such experience, after enlistment into the military service they are sent to training units (centres) and military units for special training courses in order to acquire the relevant military occupational speciality.

19. Regional (city, district) military registration and enlistment offices shall take the following actions during the selection process of foreigners for military service under a contract:
 - Conduct a preliminary study of the personal qualities of foreigners before enlistment into military service;
 - Dispatch the foreigners to military unit commanders to obtain written consent (if applicable);
 - Ensure a medical examination of foreigners is completed;
 - Professional-occupational selection of foreigners;
 - Inspect the validity of data submitted by foreigners in accordance with the procedure established by these Regulations;
 - Processing of personal files of foreigners;
 - Dispatch the foreigners to military units for subsequent enlistment into military service.

Foreigners who expressed a desire to perform military service under a contract shall submit an application for their enlistment into military service under a contract to the military registration and enlistment offices at

their place of residence, as well as the written consent for the processing of their personal data, and if necessary, written consent to check the validity of data submitted by them in the approved form.

The preliminary study of personal qualities of foreigners who expressed a desire to be enlisted into military service includes an examination of:

- The documents submitted by foreigners;
- The results of interviews with foreigners.

The results of the study of personal qualities of foreigners shall be recorded in the Card of study of personal qualities of a candidate in the form approved by the Ministry of Defence of Ukraine.

Medical examination of foreigners shall be conducted by military-medical commissions of the concerned military registration and enlistment offices.

If foreigners are deemed physically fit for enlistment into military service, professional and psychological selection activities shall be organised and held in accordance with the procedure established by the Ministry of Defence of Ukraine.

Applications of foreigners, who, after professional and psychological selection and the process of data-checking fail to meet the requirements for military service, shall be returned to them by representatives of military registration and enlistment offices with notification of the reasons for refusal. For foreigners who successfully pass selection for military service, a personal file shall be created.

A personal file of a candidate shall be supplemented with:

- A certificate from a military-medical commission of fitness for military service;
- A card of professional selection of a foreigner in the form approved by the Ministry of Defence of Ukraine;
- A certificate on the results of data-checking on the documents submitted by the foreigner;
- A copy of a valid foreign passport or an identification document of an apatride;
- Information about family members or relatives of a foreigner.

After selection activities, foreigners, together with their personal files and orders of the military registration and enlistment offices, shall be dispatched to military units in accordance with the written consent provided. In military units (training centres), foreigners shall be subject to the following activities:

- A check of physical fitness;
- The execution of a contract by foreigners for the relevant type of military service in the Armed Forces of Ukraine.

If foreigners meet the requirements for military service, the commander of the military unit (training centre) shall devise a contract, in collaboration with the foreigner, for the relevant type of military service and appoint them to the relevant military posts, for which purpose a personnel order shall be issued.

The military unit (training centre) shall notify the military registration and enlistment office and the higher military authority by way of subordination about enlistment into the military service under a contract and the appointment of foreigners to relevant military posts.

Rights of Officials to Make Contracts

21. The right to make a contract of military service on behalf of the Ministry of Defence of Ukraine shall be granted to:

- 1) An official empowered to issue personnel orders; whose powers encompass the right to appoint personnel to the relevant posts—with foreigners appointed to posts, for which the staff (manning schedule) assigns the military rank of privates or non-commissioned officers;
- 2) An official empowered to dismiss personnel from military service—with foreigners, whose military service was extended past the age limit for military service.

The right to make a new contract of military service shall be granted to officials mentioned in sub-item 1 of this Item.

25. In the following cases, a foreigner cannot be enlisted in military service under a contract:

- When he or she has a prior conviction;

- When he or she fails to give consent for data-checking, including of relevant identification documents, during enlistment into military service, or when information provided by the foreigner is found to be untrue or when related documentation is found to be forged—upon the results of data-checking on the documents submitted by the foreigner;
- When the time remaining until the foreigner reaches the age limit for military service is less than the term of the first contract of military service, except in cases specified in part Three, Article 23 of the Law of Ukraine “On Military Duty and Military Service”;
- When he or she is found to be illegally residing on the territory of Ukraine.

Rights of Officials to Confer Military Ranks

43. The initial military rank of a private is conferred to a foreigner enlisted into military service by an order of the official authorised to issue personnel orders, whose powers encompass the right to appoint personnel to relevant posts.

Specificity of Conferment of Military Ranks During Enlistment in Military Service

54. Foreigners enlisted into military service under a contract for the first time (irrespective of any military (special) rank previously obtained in another country) shall be conferred the military rank of a soldier (seaman).
75. The movement of a military servant for health reasons or due to the condition of health of his or her family members, who themselves legally reside on the territory of Ukraine, shall be done so following a report of the military servant and in the presence of the relevant medical conclusion.

For movement to another area, a military servant shall attach relevant documents confirming the need to change his or her place of residence to the respective report:

- Wife (husband)—who legally resides on the territory of Ukraine;
 - His (her) minor children; children of the majority age—day pupils (students) of educational establishments maintained by the military servant, and disabled children of categories I or II—who legally reside on the territory of Ukraine;
 - Disabled parents of a military servant and his (her) wife (husband)—who legally reside on the territory of Ukraine;
 - Brothers or sisters of a military servant and his (her) wife (husband) maintained by him (her)—who legally reside on the territory of Ukraine;
 - Movement of the military servant to a new place of military service, triggered by the need to care for disabled or sick parent(s), wife (husband) or persons who brought him (her) up since childhood instead of his (her) biological parents, and who were recognised as carers and lived separately from the family of the military servant and who had (have) the right to legally reside in Ukraine, shall be done so by commanders of large units, equal and higher grade officials, on the basis of a report from the military servant and relevant documents confirming the need for permanent off-site nursing (i.e. assistance and care).
76. If the movement of a military servant to a new place of military service requires the relocation of the place of residence of his or her family that, on legitimate grounds, reside on the territory of Ukraine, and where the wife (husband) of the military servant is also performing military service, simultaneously with the decision on the movement of the military servant to a new place of military service, except movement on the basis of an evaluation report or due to disciplinary action imposed in accordance with the Disciplinary Manual of the Armed Forces of Ukraine, the issue of the movement of his (her) wife (husband) to the same place shall be solved simultaneously (with their consent).
 81. In the case of restructuring measures resulting in cuts to military posts, the preferential right to appointment shall be granted to military servants with higher qualifications and higher assessments with respect to their previous military service.

When the results of service and qualification assessments are equal, preference for appointment shall be given to military servants:

- Who are married and have two or more dependents who legally reside on the territory of Ukraine;
- Who do not have any other family members who are working and legally reside on the territory of Ukraine.

VI. TRAINING, RETRAINING AND PROFESSIONAL DEVELOPMENT

94. Training (retraining) of foreigners enlisted into military service under contract in the positions of privates and non-commissioned officers shall be performed in training units (centres) and military units by means of training at special training courses.

In case of the announcement of a decision of mobilisation and (or) the imposition of martial law, basic training of foreigners for appointment to positions of non-commissioned officers shall be performed at special courses in military units with wartime manning schedules.

PART IV

THE LEGISLATIVE FRAMEWORK FOR DEFENCE INDUSTRY ACTIVITIES

Law of Ukraine "On the State Defence Procurement Order" (*Bulletin of the Verkhovna Rada, 1999, No 17, p. 111*)

With amendments under the Laws:

- No 670-IV of 03.04.2003, BVR, 2003, No 26, p. 200;
- No 762-IV of 15.05.2003, BVR, 2003, No 30, p. 247;
- No 2248-IV of 16.12.2004, BVR, 2005, No 5, p. 115;
- No 2340-IV of 13.01.2005, BVR, 2005, No 9, p. 183;
- No 424-V of 01.12.2006, BVR, 2007, No 9, p. 67;
- No 2289-VI of 01.06.2010, BVR, 2010, No 33, p. 471;
- No 2560-VI of 23.09.2010, BVR, 2011, No 6, p. 45;
- No 1356-VIII of 12.05.2016, BVR, 2016, No 24, p.488;
- No 1416-VIII of 14.06.2016.

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

1. 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, other Government agencies and military formations created in accordance with Ukrainian law.
- 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 Authorisation 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;
 - Mobilisation 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;
 - The term "military property" is used in the meaning stipulated by the Law of Ukraine "On the Legal Regime of Property in the Armed Forces".

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 Particulars of Procurement of Goods and Services to Guarantee the Needs of Defence and other acts of legislation of Ukraine.

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

1. Activity co-ordination related to the implementation of defence procurement orders shall be carried out by the authorised Central Executive (hereinafter, Authorised Executive) appointed by the Cabinet of Ministers of Ukraine.
2. The Authorised 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;
 - Co-ordinate 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 organisation 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;
 - Provides clarification on the application of laws in the sphere of defence order;
 - 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 Authorised 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, fulfilment 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 law on the State Budget of Ukraine for the respective fiscal period;
 - The next two following fiscal periods, and calculated in terms of estimated indices of the State Budget of Ukraine for the respective fiscal period;
 - In the process of planning for defence order, the State customers understand that procurement of the armament and military hardware, military equipment and ammunition, as well as their modernisation through repairing under circumstance of their technical condition may be conducted exclusively by defence order.

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 the 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 the Defence-Industrial Complex of Ukraine are used to their full capacity.

4. Draft Main Indices of the Defence Procurement Order for the following fiscal period will be calculated by the Authorised Central Executive with due consideration of proposals from Procurement Authorities and pursuant to legally prescribed procedures.
5. Draft Main Indices of defence procurement orders for the following and two next budgetary periods will be calculated by responsible body based on submitted proposals.

Draft Main Indices of defence procurement orders shall take into account 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 organisations and the Defence-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;
 - During the special period, introduction of the state of emergency and during the conduct of an anti-terrorist operation, the main indicators of the State defence order may include the other military property, which is essential for the functioning of the Armed Forces of Ukraine, other military formations created in accordance with the law of Ukraine and special law enforcement bodies, in case the fact of procurement of this property is a State secret.
6. The Cabinet of Ministers of Ukraine will approve Main Indices of the State Defence Procurement Order not later than one month after the State Budget of Ukraine for the respective fiscal period is authorised 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 Laws of Ukraine on Government Procurement, on Particulars of Procurement of Goods and Services to Guarantee the Needs of Defence and by this Law.
2. Procurement Authorities will select contractors for the supply (procurement) of goods, works and services:
 - a. Where procurement of goods, works or services under defence procurement orders comprises State secrets - according to procedures prescribed by this Law;
 - b. Otherwise - according to procedures prescribed by the Laws of Ukraine on Government Procurement and on Particulars of Procurement of Goods and Services to Guarantee the Needs of Defence.
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 that 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 authorised by the Cabinet of Ministers of Ukraine.
5. Procedure for establishing the price of the goods, works and services for defence, in case selection of suppliers of the goods, works and services is conducted without competition, shall be defined 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 compensation 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 authorised 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.
4. During the special period, introduction of the state of emergency and during the conduct of anti-terrorist operation, the offset agreements may not be signed, if permitted by the Cabinet of Ministers of Ukraine.

Procurement of goods, works and services for defence from import may be conducted from foreign legal entities by the way of signing a state contract between the state customer and domestic commercial entity, which has the legal authority for exporting and importing the military goods and products containing confidential information.

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 organisations 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 Secrets

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

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 2, 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 L. Kuchma
Kyiv, March 3, 1999 No 464-XIV

Law of Ukraine “On Space Activity”

(*Bulletin of the Verkhovna Rada of Ukraine (BVR), 1997, No 1, p. 2*),

including changes made by Laws:

- No 1559-III of 16.03.2000, BVR, 2000, No 22, p. 172;
- No 3370-IV of 19.01.2006, BVR, 2006, No 22, p.184;
- No 2186-VI of 13.05.2010, BVR, 2010, No 30, p. 393;
- No 4102-VI of 09.12.2011, BVR, 2012, No 28, p. 308;
- No 5461-VI of 16.10.2012, BVR, 2014, No 5, p. 62;
- No 901-VIII of 23.12.2015, BVR, 2016, No 4, p. 44.

(In the text of the Law the words “Nation-wide (National) Space Programme of Ukraine” are substituted with the words “State Targeted Research-Technical Space Programme of Ukraine” in accordance with the Law No 2186-VI of 13.05.2010)

(In the text of the Law the words “National Space Agency of Ukraine” are substituted with the words “Central Executive Body on Space Activity Issues” in accordance with the Law No 4102-VI of 09.12.2011)

This Law defines the general legal principles of carrying out space activity in Ukraine and under the jurisdiction of Ukraine, abroad. Provisions of this Law apply to all kinds of activity connected with research and use of outer space.

PART I. GENERAL PROVISIONS

Article 1. Definition of Terms and concepts

1. The terms and concepts used in this law shall have the following meaning:
 - 1) Space activity is scientific space research, creation and application of space technology, use of space;
 - 2) Objects of space activity (space equipment) are material subjects of artificial origin which are designed, produced and maintained both in space (a space segment, a space infrastructure), and on the surface of the Earth (a ground segment, a ground infrastructure) with the purpose of research and use of space;
 - 3) Subjects of space activity are enterprises, institutions and organisations, including international and foreign ones, carrying out space activity;
 - 4) Spacecraft is a flying vehicle designated to perform flights in space with the purpose of its exploration and use;
 - 5) Space technologies and services are results of scientific development, methods, facilities and services necessary for the carrying out of space activity, for reception and use of results of this activity;
 - 6) Incident is the incident connected with space activity which has caused a threat to life and health of people, as well as damage or destruction of property of citizens, enterprises, institutions and organisations or causing damage to the environment;
 - 7) Emergency is the incident connected with space activity which has caused a threat to life and health of people, as well as destruction of property of citizens, enterprises, institutions and organisations or causing significant damage to the environment;
 - 8) Rules of space activity are special rules, technical norms, standards regulating space activity and its security;
 - 9) The personnel of objects of space activity are workers of enterprises, institutions and organisations, taking part in manufacturing, testing, operation of objects of space activity and liquidation of consequences of incidents and emergencies, as well as experts of enterprises, institutions, organisations and staff of the military units, involved in the fulfilment of this work;
 - 10) The certificate of compliance is the document certifying compliance of an object of space activity to the requirements of serviceability of space equipment, regulated by the normative documents in force in Ukraine;

- 11) Unique objects of space activity are high-tech scientific and technical complexes and systems, test and special equipment, with unique parameters, used for the implementation of the State Targeted Research-Technical Space Programme of Ukraine, and possessing operational characteristics having no analogues in the world or corresponding to the global level of similar military equipment (spacecraft management and control facilities; systems of reception and processing of the service and scientific information; experimental and scientifically-technological bases for the manufacture and testing of space equipment which model space factors; ground facilities of control over space objects of artificial and supernatural origin; a ground segment of facilities monitoring the terrestrial surface, systems of the prevention of technogenic and natural accidents; ground facilities of space telecommunications).

Article 2. Legislation on space activity in Ukraine

Relationships in the sphere of space activity are regulated by this Law and other legislative acts of Ukraine, adopted in accordance with it.

Article 3. The objective of space activity

Space activity has for its objective:

- Assistance to the social, economic and scientific progress of the State, to improve the standard of living of citizens;
- Participation in the settlement of common problems of mankind;
- Development of space science and military equipment, space services and technologies ensuring sustainable development of the national economy;
- Creation of powerful export potential of the space sector;
- Provision of access to space, implementation of scientific research of the Earth and space;
- Creation and support by space means to modern mass media of the state;
- Maintenance of long-term interests of the state in the sphere of national security and defence capability;
- Assistance to the development of education;
- Participation in control of the fulfilment of agreements binding on Ukraine on issues of international security.

Article 4. Principles of space activity

The main principles of space activity in Ukraine are the following:

- State regulation;
- State support to the commercialisation of space activity and the provision of investments into the space sector of Ukraine;
- Development and sequential reform of State policy in the field of research and use of space;
- Effective use of scientific and technical potential of Ukraine, possibilities provided by space activity in the interests of national economy, science, security of the State and for commercial purposes;
- Assistance to the international co-operation, preservation and development of existing international contacts in the space sector taking into account national interests.

PART II. THE ORGANISATION OF SPACE ACTIVITY

Article 5. State regulation and management of space activity

State regulation and management of space activity in Ukraine are carried out by:

- Establishment of legislation on main principles, norms and rules of space activity;
- Development of conceptual bases of state policy in the field of research and use of space for peaceful purposes and in the interests of national security;
- Development of the State Targeted Research-Technical Space Programme of Ukraine;
- Planning and financing of space activity from the State Budget of Ukraine, as well as assistance to engage other sources of financing not forbidden by the current legislation of Ukraine;

- Target professional training financed by the State Budget of Ukraine;
- Introduction of the license (allowing) procedure on such activity;
- Control over the foreign economic activity by the subjects of space activity.

Article 6. The Competence of the Central Executive Body on Space Activity Issues

The Central Executive Body on Space Activity Issues within the limits of its competence:

- Develops conceptual bases state policy in the field of research and use of space for peaceful purposes and in the interests of national security;
- Provides the organisation for space activity in Ukraine and under jurisdiction of Ukraine outside its limits;
- Develops together with the ministries, other Central Executives and the National Academy of Sciences of Ukraine the State Targeted Research-Technical Space Programme of Ukraine;
- Carries out management in the sphere of management and co-ordination of activity of enterprises, institutions and organisations of space and related industries;
- Acts as the state customer of research works on research and use of space, research and development projects on design, manufacture and testing of space equipment, including international space projects;
- Ensures creation and running of the land- and space based segments of the satellite systems for communication, broadcasting and imaging of the Earth's surface, monitoring and analysis of the space environment, ground positioning and navigation support;
- Provides, together with the ministries and other Central Executives of Ukraine, the operation, support and updating of objects of space activity;
- Carries out licensing of space activity in Ukraine and licensing of this activity under jurisdiction of Ukraine outside its limits;
- Organises the development and operation of the System of Certification of Space Equipment of Ukraine (UkrSCSE);
- Provides subjects of space activity in Ukraine with the necessary normative documentation;
- Carries out registration of space equipment;
- Conducts the State register of unique objects of space activity, carries out the state supervision of their state and use, takes measures to support them;
- Co-ordinates and controls foreign trade activities over the air space of Ukraine in compliance with the legislation and the international agreements of Ukraine;
- Lends support in the development and implementation of international projects in the sphere of research and use of space;
- Organises Ukraine's co-operation with other states and international organisations in the space sector, as well as maintaining and developing existing international contacts in the sphere of space activity;
- Takes measures directed at the development of the external economic relationships of Ukraine with other states in the field of space activity;
- Opens its representative offices to carry out foreign economic activities on the territory of other states in compliance with the legislation of these states;
- Takes part in the drafting of international agreements of Ukraine;
- Carries out other functions in the sphere of space activity according to the current legislation.

Article 7. The State Targeted Research-Technical Space Programme of Ukraine

1. Space activity in Ukraine is carried out on the basis of the State Targeted Research-Technical Space Programme of Ukraine of Ukraine that is developed for five years and approved by the Verkhovna Rada of Ukraine upon submission of the Cabinet of Ministers of Ukraine.
2. Development of the State Targeted Research-Technical Space Programme of Ukraine is carried out by the Central Executive Body on Space Activity Issues together with the relevant Central Executives and the Na-

tional Academy of Sciences of Ukraine proceeding from the purpose and main principles of space activity in Ukraine.

3. The following is carried out on the basis of the State Targeted Research-Technical Space Programme of Ukraine:
 - Definition of the needs for civilian, defence and dual-use space equipment, as well as the conclusion of contracts according to the current legislation on carrying out research works (hereinafter, space equipment order) and manufacture of space equipment for the current year, which is approved by the Cabinet of Ministers of Ukraine;
 - Allocation of funds from the State Budget of Ukraine to finance space activity under the state orders;
 - Professional training financed by the State Budget of Ukraine and carrying out measures for the social protection of personnel of objects of space activity;
 - Ensuring support of and updating objects of space activity consisting of ground infrastructure, as well as the necessary level of safety of space activity;
 - Maintaining international co-operation in the space sector, including the participation of Ukraine in international space projects.

Article 8. Rules of space activity in Ukraine

1. The rules of space activity in Ukraine include the norms of serviceability of objects of space activity, standards and normative documents regulating the procedure of the following:
 - Licensing of space activity;
 - Certification and registration of objects of space activity;
 - Organisation, fulfilment and maintenance of space starts and flights;
 - Supervision and control of security of space starts and flights and operation of space equipment;
 - Environmental protection during space activity;
 - Carrying out search and rescue operations in the space sector;
 - Carrying out service investigations of incidents and emergencies;
 - Building, operating, maintaining and repairing ground infrastructure installations and equipment;
 - Training the personnel of objects of space activity;
 - Implementing measures on the protection of space activity against illegal interventions.
2. Other statutory acts regulating activities in the space sector and its security, as well as observance of requirements concerning the protection of intellectual property rights; state, military and trade secrets also belong to the rules of space activity.
3. Rules of space activity are established by the relevant state organs of Ukraine according to their competence and are obligatory for all subjects of space activity.

Article 9. Prohibition and restriction of space activity

1. The following space activities are forbidden in Ukraine:
 - Putting into orbit or stationing in space nuclear weapons or other kinds of weapons of mass destruction or testing such weapons;
 - Use of space equipment as a means of influencing the environment for military or other purposes dangerous to mankind;
 - Use of the Moon and other celestial bodies for military purposes;
 - Creation of direct threat to life and health of people, causing damage to the environment;
 - Infringement of international norms and standards on pollution of space;
 - Other activities connected with space activity not allowed by international law.
2. Space activity under the framework of a separate project that entails casualties, significant loss of property or significant damage to the environment can be limited or forbidden according to the current legislation of Ukraine.

Article 10. Licensing of space activity

Any subjects of space activity carrying out or having intentions to carry out this activity in Ukraine or under jurisdiction of Ukraine outside its limits should receive the license for this activity in the Central Executive Body on Space Activity Issues.

The list of kinds of space activities that are subject to licensing is established by the legislation of Ukraine. The procedure of licensing of space activity in Ukraine is established by the Cabinet of Ministers of Ukraine.

Article 11. Financing of space activity

When the customer of works is the state, the financing of space activity for scientific and economic purposes is carried out on the basis of the State Targeted Research-Technical Space Programme of Ukraine and is financed by a separate budget line of the State Budget of Ukraine.

Financing of space activity for the defence and security of Ukraine is provided from the State Budget of Ukraine on the basis of the state defence procurement order.

Financing is provided by the state customers of works for the creation and use of space equipment, and is distributed among executors according to the state contract. Expenditures on the implementation of international space activity (including financing of participation of Ukraine in international space forums, representation in international organisations, etc.) and expenditures on the financing of activities for the maintenance and preservation of unique objects of space activity included in the State register of unique objects of space activity, are provided for from the State Budget of Ukraine as separate budget lines.

Foreign credits and investments into space activity connected with fulfilment of the State Targeted Research-Technical Space Programme of Ukraine are guaranteed by the state according to the current legislation of Ukraine.

Article 11-1. Control over conduct of foreign economic activity

The Central Executive Body on Space Activity Issues in accordance with the procedure approved by the Cabinet of Ministers of Ukraine shall:

- Issue warrants to subjects of space activity of Ukraine on conduct of negotiations with foreign subjects of commercial activity on the issues of exploration and use of space, production and exploitation of space equipment, export, import and re-export of space equipment and technologies, their temporary transfer outside the territory of Ukraine, or temporary transfer inside its territory and transit through the territory of Ukraine;
- Register the signed agreements (contracts) of the subjects of space activity of Ukraine with foreign subjects of space activity on the issues of exploration and use of space, production and exploitation, purchasing/trading of space equipment and technologies.

The Central Executive Body on Space Activity conducts issuing of warrants and registering of the signed agreements (contracts) free of charge.

Possession of warrants by the subjects of space activity of Ukraine on conduct of foreign economic activity is obligatory.

The Central Executive Body on Space Activity is making decisions on:

- Issuing warrants on conduct of negotiations, or denial of warrants on their conduct during the period of five working days since receiving relevant application;
- Registration of the agreement (contract), or denial of its registration during the period of 10 working days since receiving the agreement (contract).
- Warrants on conduct of negotiations may be denied, registration of the agreement (contract) may be cancelled, or warrant and registration may be annulled, if not all required documents are submitted, or submitted documents do not correspond with legal requirements.
- Subject of space activity of Ukraine has the right of appeal in accordance with legally established procedure the decision on denial in issuing warrant on conduct of negotiations on the issues of exploration and use of space, production and exploitation of space equipment, and on denial

of registration of the agreements (contracts) on space activity issues, as well as agreements on purchasing/trading of space equipment and technologies.

PART III. GENERAL REQUIREMENTS TO OBJECTS OF SPACE ACTIVITY

Article 12. Certification of objects of space activity

Any object of space activity in Ukraine is subject to certification on compliance with the requirements of serviceability established by normative documents in force in Ukraine, with subsequent registration of the certificate of compliance.

The procedure of certification of space equipment in Ukraine is determined by the System of Certification of Space Equipment of Ukraine operating under the framework of the State System of Certification (UkrCEPRO).

The procedure for testing and certification of an imported object of space activity or an object of space activity exported from Ukraine, as well as registration of the relevant certified documents is established by the Rules of certification of space equipment in Ukraine, approved by the Cabinet of Ministers of Ukraine.

Article 13. Registration of spacecraft and unique objects of space activity

Objects of space activity are subject to compulsory state registration in the State register of objects of space activity of Ukraine according to the Rules of registration of objects of space activity in Ukraine, approved by the Cabinet of Ministers of Ukraine. If the object of space activity is created in co-operation with legal persons of other states or international organisations, the question of its registration is determined according to the concluded international agreements (contracts).

The registration certificate is issued on the object of space activity brought in the State register of objects of space activity of Ukraine.

After registration of an object of space activity with the State register of objects of space activity of Ukraine, all the deeds to this object made before in the State register of objects of space activity of other states are not acknowledged by Ukraine. If an object of space activity is not stricken off the State register of objects of space activity of Ukraine, the registration of this object with the State register of objects of space activity of another state is not acknowledged by Ukraine.

With the purpose of maintenance of operation, preservation and the further development of unique objects of space activity, the State register of unique objects of space activity is created, as well as state oversight of their condition and use, and relevant measures of support of target financing of these objects, according to the procedure established by the Cabinet of Ministers of Ukraine.

Article 14. Exemption of spacecraft from the State register

A spacecraft is exempted from the State register of objects of space activity of Ukraine by the Central Executive Body on Space Activity Issues in case of:

- Physical destruction (wreck);
- Transfer in accordance with the established procedure to another state, international or foreign enterprise, establishment or organisation.
- In case of exemption of a spacecraft from the State register of objects of space activity of Ukraine the registration certificate becomes invalid.

Article 15. Admission, restriction and prohibition of operation of objects of space activity

The object of space activity is admitted to operation if it has the certificate of compliance.

The Central Executive Body on Space Activity Issues can limit or forbid the operation of objects of space activity in case of:

- Delay or absence of the certificate of compliance;
- Operation of object of space activity infringes on the current legislation of Ukraine;
- Operation of object of space activity infringes on the requirements established by the operation-engineering specifications on this object.

Article 16. Objects of space activity leasing

The procedure and rules of objects of space activity leasing to international or foreign subjects of space activity are regulated by the current legislation if another is not envisaged by the international agreements of Ukraine concluded in the form of a law.

PART IV. PARTICIPATION OF UKRAINE IN INTERNATIONAL CO-OPERATION IN THE SPACE SECTOR**Article 17. Ukraine as the subject of international space right**

Ukraine, as a subject of international space right, carries out space activities on the principles of equal rights with other states and taking into account its national interests.

Ukraine provides fulfilment of international obligations taken on in the field of space activity and bears the responsibility according to conventional norms of international law and provisions of international agreements of Ukraine.

Article 18. Principles of international space activity

The main principles of international space activity in Ukraine are:

- Strengthening of national sovereignty;
- Observance of generally recognised principles and norms of international law;
- Preservation and further development of existing international contacts;
- Assistance to integrate economies into the world economy;
- Freedom of foreign economic entrepreneurial activity;
- Legal equality of subjects of space activity;
- Protection of interests of subjects of space activity in the territory of Ukraine and outside its limits.

Article 19. Resolution of disputes

Disputes arising during international co-operation in space are subject to consideration in the courts of Ukraine, if another is not defined by the international agreements agreed by Ukraine.

PART V. SECURITY CONTROL OF SPACE ACTIVITY**Article 20. The State supervision of security in space activity**

The state supervision of observance of space activity security requirements, as well as training and certification of the persons controlling observance of space rules and the level of security of space activity, as well as the persons investigating incidents and emergencies, is assigned to the Central Executive Body on Space Activity Issues, the Ministry of Defence of Ukraine and other executive organs according to their competence.

Article 21. Security of the population and environmental protection

During space activity, subjects of space activity should observe security requirements on issues of life and health of the population, property of citizens, enterprises, institutions, organisations and the environment.

Following the current legislation of Ukraine, subjects of space activity carry out necessary measures to prevent space activity from causing ecological damage.

Article 22. Security of space equipment and property of subjects of space activity

Security of space equipment during the production, testing, transportation and exploitation on the Earth's surface and of the property of subjects of space activity is provided according to the law.

Special guarded transport should be used for the transportation of space equipment that poses a threat to life and health of the population or the environment.

The procedure of organisation of guards and transportation of space equipment is established by special rules approved by the Central Executive Body on Space Activity Issues subject to agreement of the Central Command of National police.

The enterprises belonging to the Central Executive Body on Space Activity Issues subject to the agreement of the Central Command of National police may create the units of internal militarised security. Personnel of these units during their service hours have the right to use the firearms and special equipment as provided by the procedure and requirements established by the law.

The Central Executive Body on Space Activity Issues subject to the agreement of the Central Command of National police approves the Regulation on its internal militarised security and ensures control over activity of its units.

Article 23. Notice on incidents and emergencies

Subjects of space activity, without exception, should provide full information to the executive organs about any incidents and emergencies.

The Central Executive Body on Space Activity Issues, the Ministries and other Central Executives should duly provide trustworthy information about the dangers arising from space activity, as well as about measures on the creation of necessary conditions to protect the population, property and the environment to the authorised state organ, enterprises, institutions and organisations, as well as to citizens as they are required.

In case of threat to the population and environment of Ukraine or foreign states during space activity, the Central Executive Body on Space Activity Issues shall immediately inform the relevant state organ of Ukraine according to current legislation, as well as taking the necessary measures to ensure security of the population, property of citizens, enterprises, institutions, organisations and the environment.

Article 24. Obligatory insurance of space activity in Ukraine

The list of kinds of obligatory insurance of space activity is established by the current legislation of Ukraine.

The procedure of obligatory insurance is established by the Cabinet of Ministers of Ukraine.

Article 25. Responsibility for damage caused by space activity, and compensation for damage

The responsibility for damage caused by space activity, as well as the procedure to define the scope of this damage which is subject to compensation, are established according to the current legislation of Ukraine.

PART VI. SPACE ACTIVITY IN THE SPHERE OF DEFENCE AND SECURITY OF UKRAINE

Article 26. Carrying out space activity in the sphere of defence and national security

Space activity in the sphere of defence and national security is carried out by the Ministry of Defence of Ukraine. This Ministry, together with other relevant ministries and Central Executives, is responsible for the fulfilment of the State Targeted Research-Technical Space Programme of Ukraine concerning the issue of the creation and use of military and dual-use space equipment.

Article 27. Interaction of the Ministry of Defence of Ukraine with the Central Executive Body on Space Activity Issues of Ukraine in the sphere of space activity

Co-operation between the Ministry of Defence of Ukraine and the Central Executive Body on Space Activity Issues to carry out space activities is determined by the Regulations approved by the Cabinet of the Ministers of Ukraine.

Article 28. The Competence of the Ministry of Defence of Ukraine in the sphere of space activity

The Ministry of Defence of Ukraine within the limits of its competence:

- Develops the conceptual bases of the state space policy and the State Targeted Research-Technical Space Programme of Ukraine on issues of the creation and use of military space equipment, as well as together with the Central Executive Body on Space Activity Issues on the issue of dual-use space equipment;
- Forms and organises the fulfilment of orders for the works connected with the creation and use of military space equipment, as well as together with the Central Executive Body on Space Activity Issues

concerning dual-use space equipment on the basis of the State Targeted Research-Technical Space Programme of Ukraine;

- Carries out the use of space equipment in the sphere of defence of Ukraine;
- Provides, together with the Central Executive Body on Space Activity Issues, the operation and development of objects of ground and space infrastructure;
- Participates in the certification of military space equipment.

PART VII. FINAL PROVISIONS

Article 29. Responsibility for infringement on Ukrainian space activity legislation

Infringement on Ukrainian space activity legislation brings about disciplinary, civil or criminal liability according to the current legislation of Ukraine.

President of Ukraine L. Kuchma

Kyiv, November 15, 1996 No 502/96-BP

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

With the aims of improving the efficiency of Government management of the 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 Optimisation 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 co-operation 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 the 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 co-operation 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 that can be transferred to Ukroboronprom;

Ensure, by July 1, 2011, 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

PART V

THE LEGISLATIVE FRAMEWORK FOR ENSURING STATE SECURITY

Law of Ukraine “On the Security Service of Ukraine”

(*Bulletin of the Verkhovna Rada of Ukraine (BVR), 1992, No 27, p. 382*),

Enacted by the Resolution of the Verkhovna Rada No 2230-XII of 25.03.1992, (*Bulletin of the Verkhovna Rada of Ukraine (BVR), 1992, No 27, p. 383*),

With changes under the Laws:

- No 1381-XIV of 13.01.2000, BVR, 2000, No 10, p. 79;
- No 2171-III of 21.12.2000, BVR, 2001, No 9, p. 38;
- No 2922-III of 10.01.2002, BVR, 2002, No 17, p. 117;
- No 3111-III of 07.03.2002, BVR, 2002, No 33, p. 236;
- No 488-IV of 06.02.2003, BVR, 2003, No 15, p. 109;
- No 662-IV of 03.04.2003, BVR, 2003, No 27, p. 209;
- No 747-IV of 15.05.2003, BVR, 2003, No 29, p. 236;
- No 965-IV of 19.06.2003, BVR, 2003, No 45, p. 357;
- No 1703-IV of 11.05.2004, BVR, 2004, No 32, p. 394;
- No 3200-IV of 15.12.2005, BVR, 2006, No 14, p. 116;
- No 3475-IV of 23.02.2006, BVR, 2006, No 30, p. 258;
- No 328-V of 03.11.2006, BVR, 2006, No 51, p. 519;
- No 489-V of 19.12.2006, BVR, 2007, No 7-8, p. 66;
- No 1014-V of 11.05.2007, BVR, 2007, No 33, p. 442;
- No 2592-VI of 07.10.2010, BVR, 2011, No 10, p.63;
- No 3266-VI of 21.04.2011, BVR, 2011, No 43, p. 449;
- No 4157-VI of 09.12.2011, BVR, 2012, No 29, p. 333;
- No 4652-VI of 13.04.2012, BVR, 2013, No 21, p. 208;
- No 4711-VI of 17.05.2012, BVR, 2013, No 14, p. 89;
- No 5040-VI of 04.07.2012, BVR, 2013, No 25, p. 246;

No 5178-VI of 06.07.2012, BVR, 2013, No 39, p. 517;
No 5453-VI of 16.10.2012, BVR, 2013, No 47, p. 657;
No 224-VII of 14.05.2013, BVR, 2014, No 11, p. 132;
No 406-VII of 04.07.2013, BVR, 2014, No 20-21, p.712;
No 1170-VII of 27.03.2014, BVR, 2014, No 22, p. 816;
No 1697-VII of 14.10.2014, BVR, 2015, No 2-3, p. 12;
No 567-VIII of 01.07.2015, BVR, 2015, No 35, p. 339;
No 580-VIII of 02.07.2015, BVR, 2015, No 40-41, p.379;
No 901-VIII of 23.12.2015, BVR, 2016, No 4, p. 44.

PART I. GENERAL PROVISIONS

Article 1. Security Service of Ukraine

The Security Service of Ukraine is a state law enforcement organ of special purpose that provides the state security of Ukraine.

The Security Service of Ukraine is subordinated to the President of Ukraine.

Article 2. Tasks of the Security Service of Ukraine

The Security Service of Ukraine, within the competences determined by the legislation, is responsible for protection of the state sovereignty, constitutional order, territorial integrity, economic, scientific, technical and defence potential of Ukraine, legitimate interests of the state and the rights of citizens against intelligence-subversive activities of foreign special services, and encroachments by individual organisations, groups and persons, as well as is responsible for protection of state secrets.

The tasks of the Security Service of Ukraine also include prevention, identification, suppression and disclosure of the crimes against peace and security of mankind, terrorism, corruption and organised crime in the sphere of management and economy, and other unlawful acts that pose a threat to the vital interests of Ukraine.

Article 3. Principles of the activity of the Security Service of Ukraine

Activity of the Security Service of Ukraine, its organs and employees is based on the principles of legality, respect for the rights and dignity of the person, non-membership in political parties and civil responsibility.

In operational activities, the Security Service of Ukraine combines the principles of undivided authority and collective approach, publicity and conspiracy.

Article 4. The Legal basis for the activity of the Security Service of Ukraine

The legal basis for the activity of the Security Service of Ukraine is the Constitution of Ukraine, this Law and other legislative acts of Ukraine, relevant international legal acts recognised by Ukraine.

Article 5. Activity of the Security Service of Ukraine and human rights

Activity of the Security Service of Ukraine is carried out on the basis of observance of human rights and freedoms. Organs and employees of the Security Service of Ukraine should respect dignity of the person and give him/her humane treatment, and avoid disclosure of privacy data. In exceptional cases, with the purpose of suppression and detection of treason, individual rights and freedoms of the person can be temporarily restricted in accordance with the procedure and limits determined by the Constitution and laws of Ukraine. Unlawful restriction of legitimate rights and freedoms of the person is inadmissible and entails legal liability.

The Security Service of Ukraine in case of violation by its employees while on duty of human rights and freedoms should take measures to restore these rights and freedoms, compensate for the moral and material damage and bring the infringer to account.

The Security Service of Ukraine at the request of the citizens of Ukraine is obliged to give them an explanation in writing within a month regarding the restriction of their rights or freedom. Such persons have the right to appeal against the wrongful actions of officials and organs of the Security Service of Ukraine.

Article 6. Non-membership in political parties of the Security Service of Ukraine employees

The use of the Security Service of Ukraine in the interests of a party, group or person is prohibited.

Activities of the parties, movements and other public associations pursuing political aims in the Security Service of Ukraine are forbidden.

For the period of service or work under the work contract, membership of employees of the Security Service of Ukraine in such associations is discontinued.

As an exception, membership in unions of the workers who have concluded a work contract with the Security Service of Ukraine is allowed.

Article 7. The Right of the public to be informed about the activities of the Security Service of Ukraine

The people of Ukraine, through the mass media, by responding enquiries based on the right to access to public information and in other forms and according to the procedure determined by the legislation, are informed about the activity of the Security Service of Ukraine.

It is forbidden to put restrictions on information regarding the general budget of the Security Service of Ukraine, its competences and basic areas of activity, as well as regarding the cases of unlawful actions by the organs and employees of the Security Service of Ukraine.

Confidential information cannot be disclosed, except for the cases envisaged by the legislation.

Article 8. Relations of the Security Service of Ukraine with state organs, enterprises, institutions, organisations, officials, citizens and their associations

The Security Service of Ukraine co-operates with state organs, enterprises, institutions, organisations and officials, which assist in the fulfilment of its tasks.

Citizens of Ukraine and their associations, and other persons can assist in lawful activities of the Security Service of Ukraine on a voluntary basis.

PART II. SYSTEM AND ORGANISATION OF THE ACTIVITY OF THE SECURITY SERVICE OF UKRAINE

Article 9. System of the Security Service of Ukraine

The system of the Security Service of Ukraine is composed of the Central administration of the Security Service of Ukraine and regional organs subordinated to it, organs of military counterintelligence, military formations, as well as educational, research and other establishments of the Security Service of Ukraine.

The organisational structure of the Security Service of Ukraine is determined by the President of Ukraine.

The Central administration of the Security Service of Ukraine and other organs and establishments that belong to the system of the Security Service of Ukraine are legal persons, and have a seal with an imprint of the State Emblem of Ukraine and its name, other seals and stamps, and bank accounts, including currency accounts.

To organise and carry out antiterrorist operations and to co-ordinate the activities of the bodies that combat terrorism or are involved in antiterrorist operations, the Antiterrorist Centre attached to the Security Service of Ukraine is created. The regulations on the Antiterrorist Centre of the Security Service of Ukraine are approved by the President of Ukraine upon the submission of the Cabinet of Ministers of Ukraine.

Article 10. The Central administration of the Security Service of Ukraine

The central administration of the Security Service of Ukraine is responsible for state security; it co-ordinates and manages the activities of other organs of the Security Service of Ukraine. It is composed of the Staff of the Head of the Security Service of Ukraine and of the following functional departments: counterintelligence, military counterintelligence, counterintelligence protection of the state interests in the sphere of information security, protection of state sovereignty, struggle against corruption and organised crime, information-analytical, operational-technical, documentation, investigatory, communications, human resources, administrative, financial, military medical and other according to the organisational structure of the Security Service of Ukraine.

The Central administration of the Security Service of Ukraine issues regulations, orders, decrees, instructions and gives instructions, obligatory for performance in the system of the Security Service of Ukraine. The abovementioned acts shall not be executed if they establish additional authorities for the organs and employees of the Security Service of Ukraine not envisaged by the legislation, or impose unconstitutional restrictions on the rights and freedoms of citizens.

Within the limits of its competences, the Central administration of the Security Service of Ukraine submits proposals to the President of Ukraine on the acts concerning state secrets, obligatory for performance by the state organs, enterprises, institutions, organisations and citizens.

Article 11. Regional organs of the Security Service of Ukraine

With the purpose of effective accomplishment of its tasks, the Security Service of Ukraine creates its regional organs: regional administrations of the Security Service of Ukraine and their inter-regional, regional and city departments, the location and territorial competence of which may not coincide with the administrative-territorial division of Ukraine.

In the interests of state security, the organs and departments of the Security Service of Ukraine can be created at various state strategic installations and territories, and in military formations.

In their operational activities, the regional organs of the Security Service of Ukraine are independent of the organs of local state administration and local self-government, officials, parties and movements.

Article 12. Organs of military counterintelligence

Military counterintelligence services are created for counterintelligence support of the Armed Forces of Ukraine, the State Border Service of Ukraine and other military formations deployed on the territory of Ukraine.

Article 13. The Head of the Security Service of Ukraine

All activities of the Security Service of Ukraine and its Central administration are managed by the Head of the Security Service of Ukraine. He/she bears personal responsibility for the accomplishment of the tasks assigned to the Security Service of Ukraine.

The Head of the Security Service of Ukraine is appointed to office and relieved by the President of Ukraine.

The Head of the Security Service of Ukraine has deputies appointed upon his submission and relieved by the President of Ukraine.

Article 14. Collegiums of the Security Service of Ukraine

A collective advisory organ – the collegiums – is created in the Security Service of Ukraine. It determines ways of accomplishment of the Security Service of Ukraine tasks, makes decisions concerning the basic directions and problems of operational activity and concerning human resources management.

Decisions of the college are taken by the majority of votes and are promulgated by the orders of the Head of the Security Service of Ukraine.

The structure of the college includes the Head of the Security Service of Ukraine, his/her deputies, and other persons, except for the People's Deputies of Ukraine, appointed by the President of Ukraine. Membership in parties, movements, other public associations pursuing political goals by the members of the collegiums is suspended in accordance with Article 6 of this Law.

The regulations on the collegiums of the Security Service of Ukraine are approved by the President of Ukraine.

Article 15. The Procedure of appointment of the heads of organs and departments of the Security Service of Ukraine

The heads of the following departments of the central administration of the Security Service of Ukraine: counterintelligence, military counterintelligence, counterintelligence protection of the state interests in the sphere of information security, protection of state sovereignty, struggle against corruption and organised crime, information-analytical, operational-technical, documentation, investigatory, communications, human resources and other departments approved by the President, as well as the heads of regional organs - regional administrations of the Security Service of Ukraine - are appointed upon the submission of the Head of the Security Service of Ukraine and relieved by the President of Ukraine.

The procedure of appointment of other officials of the Security Service of Ukraine is determined by the Head of the Security Service of Ukraine. Heads of regional organs of the Security Service of Ukraine are appointed with consent of the head of the local state administration.

Article 16. Interaction between the Security Service of Ukraine and security organs of foreign states

For the accomplishment of the assigned tasks, the Security Service of Ukraine can come into contact with the security service organs of foreign states and co-operate with them on the basis of the norms of international law, agreements and treaties.

Article 17. Interaction between the Security Service of Ukraine and law enforcement and other state organs of Ukraine

The Security Service of Ukraine co-operates with the State Administration on protection of higher officials of Ukraine, law enforcement and customs organs of Ukraine in accordance with the procedure and on the bases determined by the laws, decrees of the President of Ukraine, the acts of the Security Service of Ukraine and correspondent institution.

Article 18. Financing and logistical support of the Security Service of Ukraine

Financing and logistical support of the Security Service of Ukraine is carried out by the Cabinet of Ministers of Ukraine in accordance with the procedure defined by the Verkhovna Rada of Ukraine from the State Budget of Ukraine.

Organs of local state administration and local self-government help the Security Service of Ukraine, its organs and departments solve housing and other problems, help with provision of transport and communication facilities.

The Security Service of Ukraine has administrative premises and other buildings, health, educational, research, economic and cultural resources and a housing fund.

PART III. SECURITY SERVICE PERSONNEL**Article 19. Composition of the personnel of the Security Service of Ukraine**

The personnel of the Security Service of Ukraine include: employees-military personnel, employees who have concluded work contracts with the Security Service of Ukraine and military personnel on conscript military service. The procedure for managing the personnel list of the Security Service of Ukraine shall be approved by the Head of the Service.

The Security Service of Ukraine employs on a competitive, voluntary and contractual basis the citizens of Ukraine, whose professional and moral qualities, level of education and the state of health will allow to effectively execute official duties. Professional requirements, in particular knowledge in the sphere of law, are determined by the qualification-normative documents approved by the Head of the Security Service of Ukraine.

The staffing level of the Security Service of Ukraine service personnel is determined by the President of Ukraine upon the submission of the Head of the Security Service of Ukraine, proceeding from the need of effective protection of the state security of Ukraine, within the limits of the budget.

Persons seeking employment with the bodies of the Security Service of Ukraine upon their written consent shall be subjected to a special check in accordance with the procedure provided by the Law of Ukraine "On Fundamentals of Prevention and Counteracting Corruption".

Persons seeking employment with the bodies of the Security Service of Ukraine shall before their appointment to the relevant position submit at their would-be place of service a declaration of property, income, expenditures and obligations of a financial nature in the form and in accordance with the procedure provided by the Law of Ukraine "On Fundamentals of Prevention and Counteracting Corruption", and shall notify the leadership of the body where they seek employment about their connected persons working in that body.

A person who has an unsuspended conviction for the commitment of a crime, except exonerated persons, or who was subject to an administrative penalty for commitment of a corrupt offence in the past year cannot be employed with the bodies of the Security Service of Ukraine.

Officers of the Security Service of Ukraine shall annually, before April 1, file at their place of service a declaration of property, income, expenditures and obligations of a financial nature for the previous year in the form and in accordance with the procedure provided by the Law of Ukraine "On Fundamentals of Prevention and Counteracting Corruption".

Officers of the Security Service of Ukraine shall be subject to other requirements and restrictions established by the Law of Ukraine "On Fundamentals of Prevention and Counteracting Corruption". Employees of the Security Service of Ukraine (except military personnel) responsible for committing a corrupt administrative offence associated with violations of restrictions provided by the Law of Ukraine "On Fundamentals

of Prevention and Countering Corruption" or of a criminal offence shall be dismissed from service within a three-day term from the date when the relevant body of the Security Service of Ukraine gets a copy of the relevant court ruling. Military personnel of the Security Service of Ukraine who have responsible for committing a corrupt administrative offence associated with violations of restrictions provided by the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption" or of a criminal offence shall be dismissed from service.

An officer of the Security Service of Ukraine who reported violation of requirements of the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption" by another officer shall not be dismissed from service or compelled to leave, of brought to disciplinary responsibility in connection with such a report. A decision of dismissal or disciplinary responsibility of such a person shall be appealed against in accordance with the procedure provided by the law.

Article 19-1. Settlement of a Conflict of Interests

In case of emergence of a conflict of interests during performance of official duties an officer of the Security Service of Ukraine shall immediately notify his or her immediate superior. The immediate superior of the officer of the Security Service of Ukraine shall take all requisite measures aimed at prevention of a conflict of interests by assigning performance of the relevant mission to another official, personal performance of the mission or by other means provided by the law.

Note. The term "conflict of interests" is used in the meaning provided in the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption".

Article 19-2. Restrictions on Employment of Related Persons

Officers of the Security Service of Ukraine cannot have in immediate subordination or be immediately subordinated in connection with the exercise of powers to their related persons.

In case of emergence of circumstances violating the requirements of Part 1 of this Article, the responsible persons or their related persons shall take measures to remove such circumstances within fifteen days. If the circumstances are not voluntarily removed by them within the said term, the responsible persons or their related persons within a month term from the date of emergence of such circumstances shall be moved to another position in accordance with the established procedure, ruling out immediate subordination.

In case of impracticability of such transfer the subordinated person shall be dismissed from the occupied position or from service.

An officer of the Security Service of Ukraine shall be banned from taking part in the work of collegial bodies during consideration of issues of appointment of his or her related persons and influencing the decision in any other way.

Note. The terms "immediate subordination" and "related person" are used in the meaning provided in the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption".

Article 20. Security Service of Ukraine service personnel

Conditions and the procedure of performance of the duties by the Security Service of Ukraine service personnel are determined in the concluded agreement (contract). They and military personnel on regular military service follow the same procedure for performing military service in the Armed Forces of Ukraine, defined by legislation. The Security Service of Ukraine service personnel administer the military oath of allegiance to the people of Ukraine.

The Security Service of Ukraine service personnel are granted the right to wear the uniform approved in accordance with the law "On Military Duty and Military Service." They are given service identity cards approved by the Head of the Security Service of Ukraine.

The use of military ranks, insignia, uniform, service identity cards of the Security Service of Ukraine service personnel by other persons entails legal liability.

Article 21. Legal regulation of labour relations of the Security Service of Ukraine employees

Labour relations of the employees who have concluded work contracts with the Security Service of Ukraine are regulated by the legislation on labour of Ukraine.

Article 22. Training of specialists for the Security Service of Ukraine

Training, re-training, raising the level of professional skills of specialists of the Security Service of Ukraine is carried out according to the Law of Ukraine "On education" and other legislative acts.

To ensure the vocational training of its personnel, the Security Service of Ukraine creates relevant educational establishments.

Article 23. The Reserve of the Security Service of Ukraine

The reserve of the Security Service of Ukraine is made up of military personnel who have completed the term of service and retired from the Security Service of Ukraine, physically fit for military service in peacetime and wartime, who have not reached the age limit for serving in the reserve.

These persons are registered with the Central administration and the regional organs of the Security Service of Ukraine and train according to the procedure determined by the legislation.

PART IV. THE POWERS OF THE SECURITY SERVICE OF UKRAINE**Article 24. Duties of the Security Service of Ukraine**

The Security Service of Ukraine, according to its tasks, is obliged to:

- 1) Carry out information-analytical work to ensure effective internal and external activity of the state power and government organs of Ukraine, and to solve defence, social and economic development, scientific and technical progress, ecology and other questions connected with the national security of Ukraine;
- 2) Provide counterintelligence support to diplomatic representatives, consular and other official organs, as well as take measures connected with the protection of state interests in the sphere foreign policy and foreign trade activities, security of citizens of Ukraine abroad;
- 3) Search persons who abscond in connection with commitment of the specified crimes;
- 4) Carry out counterintelligence operations with the purpose of prevention, identification, suppression and disclosure of any forms of intelligence subversive activities against Ukraine;
- 5) Provide protection of the state sovereignty, constitutional order and territorial integrity of Ukraine from illegal encroachments from individual persons and their associations;
- 6) Provide counterintelligence support to the defence complex, the Armed Forces of Ukraine, other military formations deployed on the territory of Ukraine, power systems, transport, communication facilities, as well as important installations of other branches of the economy;
- 7) Take part in the development and implementation of the measures on protection of state secret and confidential information belonging to the state according to the Law of Ukraine "On State Secrets" and other acts of the legislation, control of the order of the storage and use of documents and other carriers of service information collected during detective investigative and counterintelligence operations in defence sphere; assist, according to the procedure established by the legislation, enterprises, institutions, organisations and businessmen in keeping the trade secret, disclosure of which can damage vital interests of Ukraine;
- 8) Prevent offences in the sphere of state security according to legislation;
- 9) Within the limits of its competences, determined by legislation, provide protection of personal security of citizens and persons participating in criminal legal proceedings, or in case of receiving a declaration from them, members of their families or close relatives, or a declaration from the head of the relevant state organ or operational and other information about a threat to their life, health, house or property; take part in rehabilitation and restoration of the rights of the illegally prosecuted persons;
- 10) Assist the State Border Service of Ukraine in the protection of the border of Ukraine;
- 11) Assist in the observance of the legal regime during martial law or state of emergency, as well as in liquidation of the consequences of natural disasters, serious accidents, catastrophes, epidemics, epizootic diseases and other emergencies;
- 12) Render help by available forces and means, including technical, to organs of the national police, other law enforcement organs in their fight against crime;

- 13) Take part in measures concerning arrival in, and departure from, Ukraine, the stay on its territory of foreigners and persons without citizenship, border regime and customs rules;
(Paragraph 14 of the first part of Article 24 is excluded as provided by the Law No 3475-IV of 23.02.2006)
- 15) Carry out scientific research activities and implement their results into the work of the Security Service of Ukraine;
- 16) Carry out other tasks as instructed by the President of Ukraine concerning the provision of internal and external security of the state;
- 17) Take part in the development and implementation of measures on physical protection of nuclear installations, nuclear materials, radioactive waste, other sources of ionizing radiation, as well as take part in special checks concerning the admission to special works.

Article 25. The Rights of the Security Service of Ukraine

For performance of the assigned duties, the Security Service of Ukraine, its organs and employees are given the following rights:

- 1) To demand from the citizens and officials to stop the offences and activities that prevent the Security Service of Ukraine from execution of its powers;
- 2) To check in this connection the documents proving their identity, as well as to examine the persons, their belongings and vehicles if there is a threat of escape of a suspect, or of destruction or concealment of evidence of criminal activity; to submit to organs of state power, local self-government organs, enterprises, institutions, organisations of all forms of ownership obligatory for consideration proposals concerning national security, including protection of state secrets;
- 3) To receive at the request of the head of the relevant organ of the Security Service of Ukraine from the Ministries, state committees, other departments, enterprises, institutions, organisations, military units, citizens and their associations the data necessary for ensuring the state security of Ukraine, as well as to use for this purpose service documentation and reports. The procedure of receiving information from banks that contain bank secrets is carried out in accordance with the procedure established by the law of Ukraine "On banks and banking";
- 4) To enter on the territory and in offices of enterprises, institutions and organisations and command of military units in accordance with the procedure agreed by their administrations;
- 4.1) To draw up reports on administrative offences that belong in accordance with the law to the competence of the Security Service of Ukraine, to carry out inspection of persons and belongings, seizure of property and documents, and to take other measures envisaged by the law on administrative offences;
- 5) *(Paragraph 5 of Article 25 is excluded as provided by the Law No 488-IV of 06.02.2003)*
- 6) [Sic] to use with subsequent reimbursement of expenses and losses the vehicles belonging to enterprises, institutions and organisations, military units and citizens (except for vehicles of diplomatic, consular and other representative offices of foreign states and organisations, special purpose vehicles) for travel to a place of event, cessation of crimes, prosecution and detention of the persons suspected in commitment of crimes, transportation to medical establishments of the persons requiring urgent medical care;
- 7) Exclusively during cessation of crimes, investigation of which belongs to the competence of the Security Service of Ukraine in accordance with the legislation, prosecution of the persons suspected of committing crimes, to enter into houses, offices, industrial and other premises, territories and land areas and to examine them with the subsequent notification of the public prosecutor within 24 hours;
- 8) To conduct publicly and privately operational activities in accordance with the procedure determined by the Law of Ukraine "On detective investigation activity";
- 9) To carry out co-operation with the citizens of Ukraine and other persons, including on a contractual basis, observing the conditions of voluntariness and confidentiality in these relationships;
- 10) To use the offices of enterprises, establishments, organisations, military units, as well as living quarters and other premises of citizens on a contractual basis;
- 11) To send the Security Service of Ukraine service personnel to work in other establishments, enterprises and organisations during fulfilment of tasks in the interests of intelligence, counterintelligence, the fight

- against corruption and organised crime; in some cases, in accordance with the procedure determined by the college of the Security Service of Ukraine, such service personnel can be sent to institutions, enterprises and organisations at the request of their heads;
- 12) In the interests of investigation, counterintelligence and operational investigation activity, to create information systems and to conduct operational registration in volumes and according to the tasks assigned to the Security Service of Ukraine by this Law;
 - 13) To reward morally and financially the employees of the Security Service of Ukraine and other persons according to their merits in ensuring the state security; to recommend them, in accordance with the established procedure, for state awards;
 - 14) To get tickets for all means of transport out of turn, irrespective of availability of seats, and to stay in hotels upon presentation of a certificate of business trip;
 - 15) To travel free-of-charge by all means of public transport (except taxi), local railway and water transport and buses, as well as by incidental transport;
 - 16) To provide weapons, special means of individual protection and means of notification about danger in case of danger to the life and health of the persons under their protection, according to the current legislation.
- During anti-terrorist operations and operations concerning fight against financing of terrorist activity, the Security Service of Ukraine, its organs and employees have the right:
- 1) To receive, according to the procedure established by the law, at the request of the head of an organ or operational subdivision of the Security Service of Ukraine from customs, financial and other establishments, enterprises, organisations (irrespective of the form of ownership) information and documents on operations, the state of accounts and movement of means during a concrete time interval (with indication of the sums, dates, purpose and counteragent of payment), deposits, internal and external economic transactions, as well as the certified copies of the documents on the basis of which an account for a legal or physical person was opened. The procedure of receiving information from banks that contain bank secret is carried out in accordance with the procedure established by the law of Ukraine "On Banks and Banking". Documents and information should be presented immediately, and if it is impossible - not later than within 10 days;
 - 2) To involve, according to the procedure established by legislation, qualified experts of control and financial organisations and organs in checks, audits and examinations;
 - 3) To receive, according to the procedure established by the legislation, at the request of the head of an organ or operational subdivision of the Security Service of Ukraine information from automated information and reference systems and databanks created by the Supreme Court of Ukraine, the State Office of Public Prosecutor of Ukraine, the National bank of Ukraine, the Antimonopoly committee of Ukraine, the State Property Fund of Ukraine, Ministries, other central organs of executive power and local self-government organs of Ukraine;
 - 4) To bring an action on the basis of the materials of operational-investigation activity concerning cancellation of registration and termination of activity of entrepreneurial bodies, as well as, to file an action concerning invalidation of agreements in accordance with the procedure established by the legislation of Ukraine;
 - 5) To enter upon a written instruction from the head of an organ or operational subdivision of the Security Service of Ukraine and upon presentation of official documents on the territory, in premises, warehouses and storehouses of enterprises, institutions and organisations (except for foreign diplomatic representatives) irrespective of form of ownership, border and customs checkpoints, and in production premises of the citizens engaged in entrepreneurial activity;
 - 6) Upon the decision of the investigator and sanction of the public prosecutor on supervision over the observance of the laws during operational-investigation activity, and in urgent cases - with the subsequent notification of the public prosecutor within a day, in case of a threat of destruction, concealment or loss of items or documents that can be used in the investigation of criminal activity, for the period of up to 10 days to seal archives, cash registers, premises (except those inhabited) or other storehouses, to place them

under protection, to sequester financial resources and other valuables of physical and legal persons, to seize things and documents with issuance of an act to this end. Copies of the act are handed over to the citizen or the representative of the enterprise, establishment, or organisation.

- 7) To initiate according to law the arrest on indefinite term of the assets associated with financing terrorism and connected with financial operations suspended by decision based on the resolutions of the UN Security Council; termination of the hold of these assets and granting access to them after application of the person, who can prove with documents the need to cover basic and emergency needs.

Article 26. Bases and procedure of the use of weapons and special means

The Security Service of Ukraine service personnel have the right to keep, carry, use and apply weapons and special means on the bases and according to the procedure established by the Law of Ukraine "On the National Police", military statutes of the Armed Forces of Ukraine and other acts of legislation.

PART V. SOCIAL AND LEGAL PROTECTION OF MILITARY PERSONNEL AND EMPLOYEES OF THE SECURITY SERVICE OF UKRAINE

Article 27. Social and legal protection of military personnel and employees of the Security Services of Ukraine

The state provides for social and legal protection of military personnel and employees of the Security Service of Ukraine.

The Security Service of Ukraine service personnel have political, social, economic and personal rights and freedoms, as well as privileges according to the Law of Ukraine "On social and legal protection of military personnel and members of their families", this Law, and other acts of legislation.

The right to privileges is guaranteed to the Security Service of Ukraine service personnel who are dismissed from service for the reasons of age, illnesses or who have qualified for a pension.

Social protection of the employees who have concluded work contracts with the Security Service of Ukraine is ensured in accordance with general practice according to the labour legislation.

Article 28. Legal guarantees of protection of the Security Service of Ukraine Servicemen and the citizens participating in the provision of the state security

The Security Service of Ukraine service personnel during performance of the assigned duties are representatives of the state power, operate on behalf of the state and are under its protection. Inviolability of their person, their honour and dignity are guaranteed by the legislation.

Close relatives of the Security Service of Ukraine service personnel are also under state protection. Offences against close relatives of the Security Service of Ukraine service personnel committed in connection with performance of the duties assigned to these service personnel entail legal liability.

The persons rendering assistance to the Security Service of Ukraine are also under state protection, as well as pensioners of the Security Service of Ukraine.

The persons rendering assistance to the Security Service of Ukraine are guaranteed the confidentiality of relations. Disclosure of data about such relations and other offences against these citizens and members of their families committed in connection with their activity concerning ensuring of the state security entails legal liability. The employees of the Security Service of Ukraine, in case of their involvement in activities on ensuring the state security not connected directly with their functional duties, have the rights provided to the Security Service of Ukraine employees by items 1, 4, 6 and 7 of Articles 25 of this Law. In these cases they are guaranteed legal protection established for the Security Service of Ukraine service personnel.

Disclosure of the fact about belonging of Security Service of Ukraine employees to operational departments is not allowed.

Article 29. Indemnifications in case of death or mutilation of the Security Services of Ukraine employees and the citizens involved in the activities on ensuring the state security, and in case of damage to their property

In case of death of a Security Service of Ukraine serviceman in connection with performance of official duties, his/her family or parents and dependants are paid a lump sum at the rate of a ten-year monetary allowance at the last post in accordance with procedure established by the Cabinet of Ministers of Ukraine.

In case of disability caused to a Security Service of Ukraine serviceman in connection with performance of official duties, as well as in case of physical disability that happened during service or after it not later than in three months after retirement but owing to the disease or accident during the service, he/she is paid a lump sum at the rate of five-year money allowance (depending on the degree of disability) in accordance with procedure established by the Cabinet of Ministers of Ukraine. Determining of the level of disability of a Security Service of Ukraine serviceman in connection with performance of official duties in each case shall be done individually in accordance with legally-defined procedures.

The damages caused to the property of a Security Service of Ukraine serviceman or members of his/her family in connection with performance of official duties are indemnified, and in case of his/her death, the damages are indemnified to the members of family in full from the State Budget.

Provisions of this Article apply to the Security Service of Ukraine employees and the persons involved in the activities on ensuring the state security, as well as to pensioners of the Security Service of Ukraine.

Article 30. Money allowance of the service personnel and salary of the employees of the Security Service of Ukraine

The forms and amounts of monetary allowances for the Security Service of Ukraine service personnel are established by law and should provide sufficient material conditions for staffing the Security Service of Ukraine with qualified military personnel, should take into account the nature, work environment, and stimulate the achievement of high results in the service activity.

Conditions and amounts for paying salaries to the employees of the Security Service of Ukraine shall be determined by the Cabinet of Ministers of Ukraine.

PART VI. CONTROL AND OVERSIGHT OF THE SECURITY SERVICE OF UKRAINE ACTIVITY

Article 31. Control of the Verkhovna Rada of Ukraine over the activity of the Security Service of Ukraine

Constant control over the activity of the Security Service of Ukraine and over observance of the legislation by it is carried out by the Verkhovna Rada of Ukraine.

The Head of the Security Service of Ukraine presents annually to the Verkhovna Rada of Ukraine the report on the activity of the Security Service of Ukraine.

Article 32. Control of the President of Ukraine over the activity of the Security Service of Ukraine

Control over the activity of the Security Service of Ukraine is carried out by the President of Ukraine and by the authorised state organs.

Constant control over the observance of constitutional rights of citizens and legislation in operational-investigative activity and in activity in the sphere of protecting state secrets by the organs and departments of the Security Service of Ukraine, as well as control over the conformity with regulations, orders, decrees, instructions with the Constitution and laws of Ukraine is carried out by the officials specially appointed by the President of Ukraine. The powers of these officials and legal guarantees of their activity are determined by the regulations approved by the President of Ukraine.

The Security Service of Ukraine, on a regular basis, in accordance with the procedure determined by the President of Ukraine, informs the President of Ukraine, members of the National Security and Defence Council of Ukraine and the officials specially appointed by the President of Ukraine about the main questions of its activity, about cases of infringement of the legislation, as well as submits other necessary data at the request.

The Head of the Security Service of Ukraine presents annually to the President of Ukraine a written report on the activity of the Security Service of Ukraine.

The Head of the Security Service of Ukraine bears personal responsibility for timeliness, objectivity and completeness of the presented information.

Article 33. Control over administrative and financial activity of the Security Service of Ukraine

Control over administrative and financial activity of the Security Service of Ukraine is carried out in accordance with the procedure determined by the President of Ukraine.

Article 34. Oversight over observance of the laws

Oversight over observance and application of the laws by the units of the Security Service of Ukraine performing detective investigative activity, conducting interviews and pre-trial investigations, as well as during implementation of the decision of the court and in the course of other instances of force application is carried out by the prosecutor.

PART VII. RESPONSIBILITY FOR INFRINGEMENTS IN THE ACTIVITIES OF THE SECURITY SERVICE OF UKRAINE**Article 35. Responsibility of the employees of the Security Service of Ukraine**

The employees of the Security Service of Ukraine take decisions independently within the limits of their authority. They should refuse to execute any orders, decrees or instructions contradicting the current legislation. They bear disciplinary, administrative and criminal responsibility for unlawful acts and inactivity.

The employees of the Security Service of Ukraine, who perform their duties according to the powers given to them by the legislation and in the framework of the Law, do not bear responsibility for damages caused to property.

Such damages are indemnified according to the legislation from the State Budget by the Security Service of Ukraine.

Article 36. Responsibility for the unlawful acts that prevent the Security Service of Ukraine from execution of its powers

Provision for lawful requirements of the employees of the Security Service of Ukraine during the performance of their official duties is obligatory for citizens and officials.

Disobedience or resistance to lawful requirements of the employees of the Security Service of Ukraine or unlawful interference with their lawful activity entail legal liability.

President of Ukraine L. Kravchuk

Kyiv, March 22, 1992 No 2229-XII

Law of Ukraine “On Intelligence Services”

(*Bulletin of the Verkhovna Rada of Ukraine (BVR), 2001, No 19, p. 94*)

Including changes, made by the Laws:

- No 2505-IV of 25.03.2005, BVR, 2005, No 17, N 18-19, p. 267;
- No 3200-IV of 15.12.2005, BVR, 2006, No 14, p. 116;
- No 328-V of 03.11.2006, BVR, 2006, No 51, p. 519;
- No 2526-VI of 21.09.2010, BVR, 2011, No 4, p. 27;
- No 5040-VI of 04.07.2012, BVR, 2013, No 25, p. 246;
- No 267-VIII of 19.03.2015, BVR, 2015, No 22, p. 151;
- No 901-VIII of 23.12.2015, BVR, 2016, No 4, p. 44;
- No 1437-VIII of 7.07.2016.

This Law determines the legal bases for the organisation and activity of the organs of state power that carry out intelligence activity with the purpose of protection of the national interests of Ukraine from external threats. The Law also defines the procedure of control and oversight of their activity and the legal status of employees of these organs and their social guarantees.

PART I. GENERAL PROVISIONS

Article 1. Main terms

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

Intelligence activity is the activity carried out with special means and methods with the purpose of providing the specified by law organs of state power with intelligence data and directed at implementation and protection of national interests of Ukraine, counteraction against the external threats to Ukraine's national security outside the borders of Ukraine;

Intelligence information is verbal and recorded and fixed (including in the form of products and substances) data, which is impossible to obtain through official channels, on real or potential capabilities, plans, intentions and activities of foreign states, organisations and persons posing a threat to the national interests of Ukraine, as well as the data on events and circumstances that concern national security and defence;

Intelligence services of Ukraine are specially authorised by law the organs carrying out intelligence activity. Intelligence service of Ukraine may function as independent state organ, as well as a department of the central organs of executive power;

Special intelligence is a set of measures and activities for the collection, processing and communication of intelligence information in the interests of preparation and conduct of (support for) operations, combat and special activities using specified methods of data collection, including establishment of confidential co-operation with persons upon their voluntary consent.

Article 2. Legal basis for the activity of intelligence services of Ukraine

The legal basis for the activity of intelligence services of Ukraine is provided by the Constitution of Ukraine, this and other laws of Ukraine, as well as other normative legal acts adopted in accordance to them.

Article 3. Principles of the activity of intelligence services of Ukraine

Activity of intelligence services of Ukraine is carried out on the basis of:

- Legality;
- Respect and observance of human and citizens' rights and freedoms;
- Continuity;
- Combination, within the limits determined by the law, of public and secret methods and means;
- Differentiations of fields of activity of intelligence organs, interaction and co-ordination of their activity;
- Independence and effectiveness in presentation of intelligence information;
- Non-membership in political parties;

Responsibility and accountability to the relevant organs of state power within the limits envisaged by the law.

Activity of intelligence services cannot be used for the accomplishment of the tasks not envisaged by this Law.

Article 4. Main tasks of intelligence services of Ukraine

Intelligence services of Ukraine have to:

- Obtain, analytically process and provide intelligence information to the determined by the law state organs of power;
- By taking special measures aimed at the protection of national interests and the state policy of Ukraine in the economic, political, military, military-technical, ecological and information spheres, strengthening of defence capability, economic, scientific and technical development, and protection of the state border;
- Ensure safe operation of establishments of Ukraine located abroad, security of employees of these establishments and members of their families in the host country, as well as security of the citizens of Ukraine who travel abroad and have knowledge of state secrets;
- Participate in the fight against terrorism, international organised crime, illegal drugs, arms and arms technologies trafficking and illegal migration in accordance with the procedure defined by the law;
- Take measures countering external threats to the national security of Ukraine, to the life and health of its citizens, as well as to the state property outside Ukraine.

Article 5. Methods and means of the activity of intelligence services of Ukraine

To accomplish the assigned to them tasks on getting intelligence information and to ensure security of intelligence action, protection of own forces, means and information systems and stores, as well as sources of intelligence information, intelligence services of Ukraine apply methods and means of operational search activity in accordance with the procedure determined in the Law of Ukraine "On operational search activity", taking into account the particularities envisaged by this Law.

The methods and means of activity of intelligence services should not cause damage to life, health, honour and dignity of people.

Information concerning the private life, honour and dignity of citizens, which becomes known to intelligence services during their work cannot be divulged except for the cases envisaged by the law.

The procedure of storage of information obtained during intelligence activity is determined by the relevant normative-legal acts.

PART II. INTELLIGENCE SERVICES OF UKRAINE, ORGANISATION OF THEIR ACTIVITY, FINANCIAL AND LOGISTICAL SUPPORT

Article 6. The Intelligence Services of Ukraine and the spheres of their activity

The Intelligence Services of Ukraine carry out intelligence activity in the following spheres:

The Security Services of Ukraine - in the political, economic, military-technical, scientific-technological, information and ecological spheres;

The Ministry of Defence of Ukraine - military, military-political, military-technical, military-economic, information and ecological;

The Intelligence Service of the specially-authorised central executive body on the issues of protection of the state border – in the spheres of border and immigration policy, as well as in other spheres relating to the protection of the state border of Ukraine and Ukraine's sovereign rights in an exclusive (sea) economic zone.

Creation, reorganisation and liquidation of intelligence services are carried out by the President of Ukraine according to his/her constitutional powers.

The intelligence body of the Ministry of Defence of Ukraine may in accordance with the procedure established by the President of Ukraine employ military intelligence command and control bodies and intelligence

military units of the Armed Forces of Ukraine for collection of intelligence information with the purpose of preparation and employment of the Armed Forces of Ukraine for defence of the state and fighting terrorism. During collection of intelligence information, military intelligence command and control bodies and intelligence military units of the Armed Forces of Ukraine shall use technical intelligence means, and in a contingency and during employment for fighting terrorism, special technical means. In such cases military personnel and employees of said bodies and military units shall not be subject to provisions of this Law and the Law of Ukraine "On Operational Investigative Activities" regimenting issues of specification of the legal status, delegation of powers and guarantees of social protection.

Intelligence services of Ukraine are legal persons. They have real and agreed names, emblems, seals and stamps, seals with the image of the State Emblem of Ukraine and their name on them, accounts, including foreign currency accounts, in banks and other financial institutions.

The Intelligence organ of the Ministry of Defence of Ukraine may engage the command and control organs as well as military units of military intelligence of the Armed Forces according to the procedure established by the President of Ukraine to perform the collection of intelligence data with the purpose of preparation of national defence and providing for the readiness of the Armed Forces of Ukraine. In these cases personnel of the mentioned organs and military units is covered by the Laws of Ukraine "On Intelligence Services" and "On Operational-Investigative Activity", which regulate the issues of legal status, authority and social protection guarantees.

Article 7. Management of intelligence services of Ukraine and co-ordination of their activity

General management of intelligence services of Ukraine according to the Constitution of Ukraine and this Law is carried out by the President of Ukraine.

Heads of the central organs of executive power which include intelligence departments manage them within the limits of their authority determined by the law and regulations about the relevant intelligence services approved by the President of Ukraine and create the necessary conditions for their operation.

Direct management of intelligence services of Ukraine is carried out by their heads appointed to office and dismissed from office by the President of Ukraine upon the submission of the heads of the relevant central organs of executive power. The Head of the Foreign Intelligence Service of Ukraine is appointed by the President of Ukraine. Within the limits of their competencies, the heads of the intelligence services of Ukraine can issue orders and directives, and in cases envisaged in the law or at the demand of the President of Ukraine, bring to the President's attention information about external threats to Ukraine in accordance with the procedure established by him.

Co-ordination of the activity of intelligence services of Ukraine is carried out by the President of Ukraine through the National Security and Defence Council of Ukraine that operates according to the Law of Ukraine "On the National Security and Defence Council of Ukraine".

The procedure of co-ordination of the activity of intelligence services of Ukraine during the special period is determined by the President of Ukraine.

Article 8. Non-membership in political parties of intelligence services of Ukraine

The use of intelligence services of Ukraine in party interests is not allowed. Activity of intelligence services of Ukraine cannot be used to restrict the rights and freedom of citizens, to overthrow the constitutional order, subvert the bodies of state power or obstruct their activity.

Creation and activity of political parties and other political associations of citizens in intelligence services of Ukraine are forbidden. Membership and participation of employees of intelligence services of Ukraine in political parties and other political associations of citizens are not permitted.

As an exception, membership of the employees who have concluded work contracts with intelligence services of Ukraine in trade unions is allowed.

Article 9. Rights of intelligence services of Ukraine

For accomplishment of the tasks determined by this Law, the intelligence services of Ukraine have the following rights:

To establish co-operation with adult persons on a confidential basis who have voluntarily given their consent;

To receive information necessary for intelligence purposes from all state organs of power, enterprises, institutions and organisations, including banks, irrespective of forms of ownership, including information from electronic information and reference systems, databases, in accordance with the procedure determined by the law;

To use the services, including paid, of experts and advisers of other organs of state power, enterprises, institutions and organisations of all forms of ownership;

To use on a contractual basis offices, vehicles and other property of enterprises, institutions and organisations irrespective of form of ownership, as well as living and uninhabited quarters, vehicles and other property belonging to individuals with their consent;

To open national and foreign currency accounts in banks and other financial institutions in accordance with the procedure determined by law;

To use documents which cover affiliation of employees, departments, organisations, premises and vehicles to the intelligence services of Ukraine;

To create the organisational structures (departments, enterprises, establishments and organisations) necessary for fulfilment of the tasks of intelligence services of Ukraine and for cover of their employees use the funds and property acquired as a result of their activity in accordance with the procedure established by the Cabinet of Ministers of Ukraine;

To commission research and other works for development and production of special means necessary for fulfilment of intelligence activity, to create, purchase and apply technical means of intelligence according to the law;

To create in accordance with the procedure established by the law the relevant educational and research establishments, archives and to carry out publishing activity;

To organise and provide within the limits of their competences the protection of the state secret in the institutions of Ukraine abroad, including measures on prevention of outflow through technical channels of the data constituting the state secret;

To carry out technical protection of premises and installations of intelligence services;

To provide the security of intelligence services of Ukraine and protect their facilities, means and information from unlawful acts and threats;

To create, in accordance with the established procedure, territorial subdivisions within the limits of the numbers of cadre employees;

To ensure, in accordance with the procedure established in the legislation of Ukraine, the controlled (under operational control) movement of persons and property across the state border of Ukraine;

To penetrate international terrorist, criminal groups and organisations and organisations conducting sabotage activities against Ukraine, with the purpose of preventing or halting their illegal activity and identifying collaborating individuals.

Article 10. Provision of intelligence information

Information obtained and processed by the Intelligence Services of Ukraine is provided to the President of Ukraine, the Chairman of the Verkhovna Rada of Ukraine, the Prime Minister of Ukraine and others determined by the President in accordance with the procedure determined by him, observing the stipulations of the Laws of Ukraine "On State Secrets", "On Information", "On Protection of Information in Computer Systems" and others.

Article 11. Interaction of intelligence services of Ukraine with each other, with law enforcement organs of Ukraine, as well as with special services of foreign states

The procedure of co-operation of intelligence services of Ukraine with each other, and with law enforcement organs of Ukraine is determined by the laws and other normative-legal acts adopted according to them.

The intelligence services of Ukraine, with permission of the President of Ukraine and on terms determined by him/her, can establish and maintain contacts with special services of foreign states, including on the basis of bilateral or multilateral international agreements of Ukraine, with observance of the requirements of the legislation of Ukraine.

In cases of long-term co-operation on terms determined by the international treaties agreed to be binding by the Verkhovna Rada of Ukraine, official foreign representative offices of intelligence services of Ukraine can be created.

Article 12. Relations of intelligence services of Ukraine with organs of state power, enterprises, establishments and organisations of Ukraine

Intelligence services of Ukraine co-operate with organs of state power of Ukraine according to the laws and other normative-legal acts.

Organs of state power, enterprises, institutions and organisations of Ukraine in accordance with the procedure established by law render assistance to intelligence services of Ukraine to help them accomplish the tasks assigned to them by this Law.

The list of organs of executive power which can be involved in the fulfilment of the programmes of intelligence activity or in the activities carried out by intelligence services is determined by the President of Ukraine.

Article 13. Informing the public on the activity of the intelligence services of Ukraine

Intelligence services of Ukraine inform the people of Ukraine about their activity in accordance with the established procedure, maintain relations with associations of citizens, the mass media and citizens through the relevant structural departments and their officials.

Materials about the activity of intelligence services of Ukraine provided to the mass media cannot contain the data constituting the state secret.

Data on intelligence services of Ukraine and their activity is published with observance of the requirements of the Law of Ukraine "On State Secrets".

Article 14. Protection of data on intelligence services of Ukraine

Data on the staff carrying out intelligence activity, means, contents, plans, organisation, financing, logistical support, forms, methods and results of intelligence activity, as well as on the persons who co-operate or co-operated in the past on a confidential basis with intelligence services, constitutes the state secret and is subject to protection in accordance with the procedure determined by the law of Ukraine "On State Secrets".

Article 15. Financing and logistical support of intelligence services of Ukraine

Financing and logistical support of intelligence services of Ukraine are carried out by the means allocated from the State Budget of Ukraine for each intelligence service and from other sources envisaged by the law. Intelligence services of Ukraine are financed through the National Bank of Ukraine.

The funds received from the realisation, in accordance with the established procedure, of property acquired for the budgetary funds outside Ukraine are added to the State Budget of Ukraine. These funds are used exclusively for the needs of intelligence activity in accordance with the budgets for the relevant Intelligence Services of Ukraine.

The head of an intelligence service is the manager of budgetary funds, including foreign currency, used for maintenance and support of the activity of this intelligence service of Ukraine.

The Intelligence Services of Ukraine have the right to alienate property acquired for budgetary funds outside Ukraine in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

The Intelligence Services of Ukraine have the right, in accordance with the law, to acquire and import into the territory of Ukraine armaments, material-technical, special technical and other means, firearms and ammunition, including those produced abroad, to satisfy their own needs, as well as in case of need to transfer and export them out of Ukraine in accordance with the procedure determined by the Cabinet of Ministers of Ukraine.

Intelligence services of Ukraine are exempt from import customs duty and excise duty on equipment, property and materials intended for their own use.

Intelligence services of Ukraine have a housing fund and can order the construction of dwellings.

**PART III. LEGAL STATUS OF EMPLOYEES OF INTELLIGENCE SERVICES OF UKRAINE,
PERSONS CO-OPERATING WITH THESE SERVICES ON A CONFIDENTIAL BASIS
AND THEIR SOCIAL PROTECTION****Article 16. Employees of intelligence services of Ukraine**

Employees of intelligence services of Ukraine are military personnel and permanent personnel of the intelligence organs of Ukraine, as well as military personnel and employees who do not belong to the permanent personnel of these organs.

The legislation of Ukraine on military service is applicable to military personnel who serve in intelligence services, including those not belonging to the permanent personnel of intelligence services, taking into account the peculiarities of their tasks. The details of the performance of military service in the Intelligence Services of Ukraine are determined by the President of Ukraine.

The procedure for the performance of military service and the conferment of military ranks to persons with special ranks (class ranks) and who are assigned (enlisted) for further performance of military service to the Intelligence Services of Ukraine is determined by the President of Ukraine.

Persons enlisted for military service in the Intelligence Services of Ukraine have the right to return, provided there are vacant posts, in accordance with the established procedure, to the organs that assigned (enlisted) them for further performance of military or state service in accordance with the posts, military (special) ranks, class ranks and ranks of state officials acquired during the service in the Intelligence Services of Ukraine and with consideration of the work (service) period in the Intelligence Services of Ukraine as part of the interrupted work record.

Labour legislation of Ukraine is applicable to employees of intelligence services.

Article 17. Permanent personnel of intelligence services of Ukraine

The permanent personnel of intelligence services of Ukraine are military personnel and employees who fulfil the functional duties directly connected with intelligence activity in intelligence services and educational and research establishments subordinated to them. The list of permanent personnel posts of an intelligence service is determined by the regulations on the relevant intelligence service.

Cadre employees of the Intelligence Services of Ukraine are state employees.

Their posts are attributed to the corresponding categories of state employees by the Cabinet of Ministers of Ukraine in agreement with the relevant state organ. The procedure for employment in an intelligence service is determined in accordance with the law and the regulations on the relevant intelligence service.

To perform their functional duties, the permanent personnel of intelligence services can hold, with observance of the requirements of this Law, a post in organs of state power, enterprises, institutions and organisations of any form of ownership without disclosing their belonging to intelligence organs. Officials of these organs of state power, enterprises, institutions and organisations are legally liable for disclosing the fact of belonging of these employees to intelligence services, if this became known to them during work.

Intelligence services of Ukraine can have the personnel reserve from among experts in relevant specialties.

Members of permanent personnel of intelligence services of Ukraine receive special service identity documents.

Article 18. Legal status of employees of intelligence services of Ukraine

During performance of official duties, permanent personnel of intelligence services of Ukraine are under special protection of the state. Nobody, except for organs of state power and officials determined by this Law, has the right to interfere with their activity.

For protection of the life, health, dwelling and property of employees of intelligence services of Ukraine and of their close relatives (spouse, parents, children, and siblings) from illegal encroachments and threats in connection with the service activity of these employees, intelligence services of Ukraine take special measures to ensure their security according to the procedure established by the Law of Ukraine "On the state protection of employees of court and law enforcement organs" and other legislative act of Ukraine. Decisions on implementation of these measures in each concrete case are taken by the head of the relevant intelligence service.

The status of the employee of the intelligence service of Ukraine cannot be used for the achievement of goals not connected with performance of his/her functional duties.

Article 19. The use by employees of intelligence services of Ukraine of force, special means and firearms

Only to exercise the rights determined in paragraphs 11 and 13 of Part 1 of Article 9 of this Law as well as in case of their involvement in an anti-terrorist operation, employees of intelligence services of Ukraine can use force, keep, carry, use and apply special means of active defence according to the procedure established by the legislation of Ukraine; intelligence services military personnel besides that can keep, carry, use and apply firearms according to the procedure established by the Law of Ukraine "On National police".

Abuse by an employee of an intelligence organ of Ukraine of his/her right to use force, special means and firearms entail legal liability.

Article 20. Liability of employees of intelligence services of Ukraine for offences

Employees of intelligence services of Ukraine are accountable for administrative offences in accordance with the procedure established by the Code of Ukraine on administrative offences for persons to whom apply special disciplinary regulations.

In case of detention of a member of permanent personnel of an intelligence organ of Ukraine on suspicion of a crime or his/her placement under guard as a preventive measure, he/she is kept separately from other persons. Detention, arrest and connected with this search of an employee of permanent personnel of an intelligence organ and his/her belongings while on duty can be carried out only in the presence of official representatives of this organ. Vehicles of intelligence services and their employees are not subject to examination and detention if they are used for service purposes.

Employees of intelligence services of Ukraine do not bear responsibility for unforeseen financial and property losses caused to physical or legal persons during the fulfilment of the assigned tasks if they operated within the limits of power given to them by the law. Such losses are indemnified in accordance with the procedure determined by the law by relevant intelligence services from the State Budget of Ukraine from the funds allocated for financing of intelligence services or special programmes.

Article 21. Social protection of employees of intelligence services of Ukraine and members of their families

Social protection of employees of intelligence services of Ukraine and members of their families, as well as of civilian employees who have concluded work contracts with intelligence services of Ukraine, is guaranteed by the law.

Social protection and financial support (work remuneration) are unified for all employees of all intelligence services of Ukraine.

Permanent personnel of intelligence services are paid bonuses for the fulfilment of special tasks. The amount of bonuses is determined by the relevant normative-legal acts.

In case of detention, arrest or conviction outside Ukraine of a member of permanent personnel of intelligence services of Ukraine in connection with accomplishment by him/her of the tasks assigned by intelligence services of Ukraine, the state helps release them and members of their families.

In case of full or partial loss of professional fitness by an employee of permanent personnel of an intelligence service of Ukraine as a result of his/her disclosure or due to other not dependent on him/her reasons, the intelligence organ is obliged to provide a job to this employee or to create conditions for his/her professional retraining.

Property losses, caused to the employee of permanent personnel of an intelligence service of Ukraine and members of his/her family in connection with fulfilment of intelligence activity, are compensated by the intelligence service and departments responsible for the performance of intelligence activity before this Law comes into force, and from the State Budget of Ukraine in accordance with the procedure defined by the civil legislation of Ukraine.

The provisions envisaged by this Article are applied also to former employees of intelligence services of Ukraine who require such protection in connection with their previous activity.

Cadre employees of the Intelligence Services of Ukraine have the right to a pension on the grounds and conditions envisaged in the Law of Ukraine "On State Service".

Military personnel who are employees of intelligence services of Ukraine and who, according to the law, have the right to retire, but are left on service, are paid monthly bonuses, the amount of which is determined by the Cabinet of Ministers of Ukraine.

Pension allowance of military personnel who are discharged from the intelligence services of Ukraine is calculated on the basis of procedure and the amount of money allowance as provided by the Law "On Pensions of Retired Military Personnel and Other Persons".

In case of death of a cadre employee in the Intelligence Services of Ukraine during the performance of service duties, the family of the deceased retains the right to receive permanent housing.

In case of the death, mutilation or partial disability without establishment of invalidity received by a cadre employee of the Intelligence Services of Ukraine the payment of one-time allowance is performed according to the law "On Social and Legal Protection of Military Servicemen and Members of Their Families".

The Intelligence Services of Ukraine reimburse cadre employees for the travel expenses incurred while in the service on all types of public transportation, except for taxis, as well as expenses relating to the use of their own means of transportation for the same purpose in accordance with the procedure determined by the Head of the relevant Intelligence Service of Ukraine.

Article 22. Rights and duties of the persons co-operating with intelligence services of Ukraine on a confidential basis

Confidential co-operation of intelligence services of Ukraine with the purpose of accomplishment of the tasks determined by this Law can be established with persons on a free-of-charge or paid basis. The procedure of maintenance of relations with such persons is determined by normative acts of the relevant intelligence services.

To ensure security of the persons who co-operate or have co-operated in the past on a confidential basis with intelligence services of Ukraine and members of their families, security measures that apply to the employees of intelligence services according to the procedure established by this Law can be taken.

Article 23. Social protection of the persons co-operating with intelligence services of Ukraine on a confidential basis

The persons co-operating with intelligence services of Ukraine on a confidential basis are guaranteed the nondisclosure of these relations and social protection.

PART IV. CONTROL AND OVERSIGHT OVER THE ACTIVITY OF INTELLIGENCE SERVICES OF UKRAINE

Article 24. Control of the President of Ukraine over the activity of intelligence services of Ukraine

Control over the activity of intelligence services of Ukraine is carried out by the President of Ukraine within the limits of his/her constitutional powers, including through the headed by him/her National Security and Defence Council of Ukraine.

Intelligence services of Ukraine report to the President of Ukraine and are accountable to him on the issues and in accordance with the procedure determined by the President of Ukraine.

Article 25. Control of the Verkhovna Rada of Ukraine over the activity of intelligence services of Ukraine

Control over the activity of intelligence services of Ukraine is carried out by the Verkhovna Rada of Ukraine in accordance with the procedure established by the Constitution of Ukraine.

Article 26. The Procedure of carrying out of control functions by the Accounting Chamber of Ukraine

To control the use of means from the State Budget of Ukraine on support of intelligence services of Ukraine and financing of their activity, a special group is created from the members of the Accounting Chamber of Ukraine.

The special group of the Accounting Chamber of Ukraine has the right to receive according to the procedure established by the law documents on the use of means from the State Budget of Ukraine from intelligence services of Ukraine, as well as to hear heads of the relevant intelligence services on these questions in private sessions.

Members of the special group of the Accounting Chamber of Ukraine exercise powers envisaged by this Article only if they are given a special access to the data constituting the state secret, in accordance with the procedure established by the law of Ukraine "On State Secrets". It is forbidden for them to disclose methods and means of activity of intelligence organs, the identity of their employees and the received information.

Article 27. Public prosecutor's oversight

Oversight over observance by intelligence services of Ukraine of laws of Ukraine is carried out by the General Prosecutor of Ukraine and public prosecutors authorised by him/her according to the Constitution and laws of Ukraine.

The data on the persons who co-operate or have co-operated in the past on a confidential basis with intelligence services of Ukraine, on belonging of concrete persons to permanent personnel of intelligence organs, as well as on organisational and staff structure of intelligence services cannot be subject to public prosecutor's oversight.

PART V. FINAL PROVISIONS

This Law enters into force from the date of its publication.

Before the laws of Ukraine and other normative-legal acts are not brought into conformity with this Law, they are applied in the parts not contradicting this Law.

The Cabinet of Ministers within six months after this law enters into force is obliged to:

Submit proposals to the Verkhovna Rada of Ukraine on introducing amendments to the laws apparent from this Law;

Bring their normative-legislative acts into conformity with the current Law;

Ensure bringing by Ministries, other central organs of executive power of Ukraine of their normative-legal acts into conformity with this Law.

President of Ukraine L. Kuchma

Kyiv, March 22, 2001 No 2331-III

Law of Ukraine “On Counterintelligence Activity”

(*Bulletin of the Verkhovna Rada of Ukraine (BVR), 2003, No 12, p. 89;*)

With changes under the Laws:

- No 662-IV of 03.04.2003, BVR, 2003, No 27, p. 209;
- No 3200-IV of 15.12.2005, BVR, 2006, No 14, p.116;
- No 2939-VI of 13.01.2011, BVR, 2011, No 32, p. 314;
- No 4652-VI of 13.04.2012, BVR, 2013, No 21, p. 208;
- No 245-VII of 16.05.2013, BVR, 2014, No 12, p. 178;
- No 1052-VIII of 29.03.2016, BVR, 2016, No 19, p. 214.

This Law determines the concept and legal bases for the organisation and fulfilment of counterintelligence activity.

Article 1. The concept of counterintelligence activity

Counterintelligence activity is a special kind of activity to ensure state security which is carried out with the use of a system of counterintelligence, search, security and administrative-legal measures and is directed at the prevention, timely identification and repulsion of external and internal threats to security of Ukraine, of intelligence, terrorist and other illegal actions of special services of foreign states, organisations, groups and persons against the interests of Ukraine.

Article 2. The goal and tasks of counterintelligence activity

The goal of counterintelligence activity is the prevention, timely identification and repulsion of external and internal threats to the security of Ukraine, suppression of intelligence, terrorist and other illegal actions of special services of foreign states, organisations, groups and persons against the state security of Ukraine, and elimination of favourable conditions that help the activity of the above groups and persons and the reasons for their emergence.

The tasks of counterintelligence activity are the following:

- Obtain, analytically process, and use information containing threats or facts about intelligence, terrorist and other activity of special services of foreign states, organisations, groups and persons threatening the state security of Ukraine;
- Counteract intelligence, terrorist and other activity of special services of foreign states, organisations, groups and persons threatening the state security of Ukraine;
- Develop and implement measures on prevention, elimination and neutralisation of threats to the interests of the state, society and rights of citizens.

Article 3. The Legal basis for counterintelligence activity

The legal basis for counterintelligence activity is the Constitution of Ukraine, international treaties of Ukraine agreed to be binding by the Verkhovna Rada of Ukraine, this and other laws of Ukraine and the normative-legal acts adopted according to them.

Article 4. Principles of counterintelligence activity

The main principles of counterintelligence activity are the following:

- Legality;
- Respect and observance of human and citizens' rights and freedoms;
- Non-membership in political parties;
- Continuity;
- Conspiracy, combination of public and secret methods and means of work;
- Framework for Ensuring State Security;
- Use of legal, preventive and organisational measures;
- Correspondence between the measures to protect state security and real and potential threats;
- Interaction with organs of state power of Ukraine, local self-government organs, associations of citizens, legal and physical persons;
- Accountability to the relevant organs of state power within the limits envisaged by the law.

Article 5. The right to carry out counterintelligence activity

The Security Service of Ukraine is a special representative organ of state power in the sphere of counterintelligence activity.

Some counterintelligence measures exclusively in the interests of protection of the state border of Ukraine and of officials under state protection, as well as provision of security of their facilities, means, information systems and records can be carried out by the intelligence services of Ukraine, internal security of the State Border Service of Ukraine and the Department of State Protection of Ukraine, given the right to carry out operational search or intelligence activity by the laws of Ukraine "On detective investigation activity" and "On Intelligence Services of Ukraine".

Law enforcement and other organs of state power, local self-government organs, enterprises, institutions and organisations of Ukraine irrespective of form of ownership within the limits determined by the laws of Ukraine and other normative legal acts assist organs and departments of the Security Service of Ukraine in carrying out counterintelligence activity in the interests of state security.

Carrying out of counterintelligence measures by other than determined by this Law subjects is forbidden.

Article 6. The Bases for carrying out of counterintelligence activity

The bases for carrying out of counterintelligence activity are the following:

- 1) Availability of sufficient information that needs to be verified using special forms, methods and means, about:
 - Intelligence activity against Ukraine by special services of foreign states, organisations, groups and persons;
 - Encroachment on the state sovereignty, constitutional order and territorial integrity of Ukraine;
 - Terrorist attempts or terrorist activity, crimes against peace, security of mankind, international law and order;
- 2) Accomplishment of the tasks determined by the law on:
 - Counterintelligence support to the economic, information, scientific and technical potential, defence-industrial and transport complexes and their installations, national communication system, the Armed Forces of Ukraine and other military formations created in accordance with the laws of Ukraine, military-technical co-operation, observance of international non-proliferation norms, as well as diplomatic establishments of Ukraine and security of the citizens of Ukraine abroad;
 - Counterintelligence protection of the organs of state power, law enforcement, intelligence organs and of state secrets;
 - Protection of embassies and representative offices of foreign states in Ukraine and their employees from terrorist activities;
 - Checking and clearing persons who have access to state secrets, work with nuclear materials and on nuclear installations or are involved in confidential co-operation;
 - Provision of own security, including of employees of organs and departments carrying out counterintelligence activity, members of their families and persons assisting in implementation of counterintelligence activity;
 - Information-analytical support to organs of state power (on threats to state security of Ukraine);
- 3) Need to reveal by using technical means and to stop the operation of electronic and other devices that pose a threat to the state security of Ukraine, prevent leakage of limited access information, as well as radio emissions of electronic means used with illegal aims.

The basis for carrying out counterintelligence activity by the intelligence services of Ukraine, internal security units of the State Service for the Border Protection of Ukraine and the Department of State Protection of Ukraine are the accomplishment of the tasks determined by the law on the protection of the state border of Ukraine, of officials under state protection, as well as provision of security of their facilities, means, information systems and records.

The following sources can contain information on the basis specified in this Article: declarations and statements from citizens, persons involved in confidential co-operation, officials, service personnel, public

organisations, mass media; materials of the organs of investigation, pre-judicial inquiry and court; inquiries, information and materials of special services and law enforcement organs of foreign states, international establishments and organisations; materials of law enforcement organs and other organs of state power of Ukraine about threats to the state security of Ukraine, materials of the Security Service of Ukraine about the organisation, implementation, forms and methods of terrorist, intelligence and other activity threatening state security of Ukraine; and inquiries by the authorised by the Cabinet of Ministers of Ukraine state organs, establishments and organisations about granting access to persons to state secrets, work with nuclear materials and on nuclear installations.

Article 7. Functions and powers of organs, departments and employees of the Security Service of Ukraine carrying out counterintelligence activity

Functions of organs, departments and employees of the Security Service of Ukraine carrying out counterintelligence activity are determined by the Law of Ukraine "On the Security Service of Ukraine".

For accomplishment of the tasks determined by the law and in the presence of the bases envisaged by Article 6 of this Law, while carrying out counterintelligence activity the organs and employees of the Security Service of Ukraine have the right:

- 1) To carry out counterintelligence search, operational search measures with the use of operational and technical facilities and means, to interrogate persons with their consent and to use their voluntary help;
- 2) To identify, record and document publicly and secretly intelligence, terrorist and other acts against state security of Ukraine and carry out their operational registration; to carry out observation activities in public places with the use of photo and video recording, optical and radio devices and other means;
- 3) To carry out counterintelligence operations and relevant operational and technical measures with the purpose of prevention, timely identification and suppression of intelligence-subversive, terrorist and other illegal activity threatening the state security of Ukraine;
- 4) To have public and secret regular and non-staff employees; to create with the purpose of conspiracy enterprises, establishments and organisations; to use documents encoding the identity of persons or affiliation of employees, premises and vehicles of organs and departments carrying out counterintelligence activity;
- 5) To request, collect and study, in the presence of the bases determined by the law, the documents and data about the activity of enterprises, institutions, organisations, as well as about the way of life of individual persons, sources and amount of their income for the prevention and suppression of intelligence, terrorist and other illegal acts against state security of Ukraine;
- 6) Exclusively with the purpose of prevention, timely identification and suppression of intelligence, terrorist and other acts against state security of Ukraine, to take measures to receive information in the interests of counterintelligence in cases determined by Part 2 of Article 8 of the Law of Ukraine "On Operational Investigative Activity" - only pursuant to a court decision, without divulging the information to a third party, in cases envisaged by Part 3 of Article 8 of the specified law - in accordance with the procedure defined in agreement with the General Prosecutor of Ukraine and the Chairman of the Supreme Court of Ukraine;
- 7) To detain and keep in specially designated for this places:
 - Persons suspected of preparation or carrying out of intelligence, subversive, terrorist activity and of other crimes, investigation of which is carried out by organs of the Security Service of Ukraine, - for periods and according to the procedure established by the laws of Ukraine;
 - Persons who have penetrated the installations and places protected by the organs and departments of the Security Service of Ukraine - for a period of up to three hours; in case of a necessity to prevent a crime or suppress it and to identify the person - up to 72 hours, notifying the court about the fact of detention within 24 hours from the moment of detention;
 - To conduct personal search of the specified persons and examine their belongings and vehicles, withdraw documents and things, which can serve as exhibits or are dangerous to the life and health of people.
- 8) Only for suppression of intelligence, terrorist and other illegal acts against state security of Ukraine or while in pursuit of the persons suspected of carrying out such activity, to enter and stay at any time in the

- territory and premises of organs of state power and their structural departments, local self-government organs, enterprises, institutions and organisations irrespective of form of ownership and in protected military installations, in accordance with established procedure;
- 9) To stay, in accordance with the procedure determined in agreement with the heads of organs of the State Border Service of Ukraine, in the border zone, controlled border region, in checkpoints through the border and in the territorial sea of Ukraine for carrying out counterintelligence measures;
 - 10) In emergency cases during fulfilment of counterintelligence measures, to use without restraint communication facilities belonging to enterprises, institutions and organisations, and communication facilities belonging to citizens, with their consent, with subsequent reimbursement at their request;
 - 11) In order to ensure state security and fulfilment of the tasks of counterintelligence activity, to organise, co-ordinate and carry out scientific and technical research, to create in accordance with the procedure defined by the legislation of Ukraine relevant scientific establishments and interdepartmental co-ordination and advisory organs;
 - 12) To keep, carry, apply, use weapons and special means, to use force according to the laws of Ukraine and other legislative act of Ukraine; to transport weapons and special means in all types of transport;
 - 13) To use the rights determined by the laws of Ukraine "On the Security Service of Ukraine", "On State Secrets" and other laws of Ukraine. Employees of organs and departments carrying out counterintelligence activity for illegal purposes cannot use the provided rights. In case of failure to meet these requirements, they are legally liable.

Article 8. Main principles of organisation of counterintelligence activity

The organisation and co-ordination of counterintelligence activity are assigned to the Central administration of the Security Service of Ukraine.

The procedure of the organisation and implementation of counterintelligence activity is determined by the laws of Ukraine, the normative-legal acts of the Security Service of Ukraine adopted according to them and in cases envisaged by the law – by interdepartmental normative-legal acts.

Counterintelligence activity is carried out publicly and secretly.

Public counterintelligence measures involve the use of open (official) forms and methods of work to ensure state security.

Secret counterintelligence measures are carried out with the engagement of persons who co-operate on a confidential basis with counterintelligence services and departments, as well as with the use of operational, technical and special facilities and means. The procedure of the use of secret methods and means during the fulfilment of counterintelligence activity is determined by normative-legal acts of the Security Service of Ukraine on the basis for this Law.

For organisation and implementation of counterintelligence activity, systematisation and documentary recording of the received results, their analysis, operational and legal assessment, and taking of the relevant administrative decisions, the organs and departments of the Security Service of Ukraine carrying out counterintelligence activity open counterintelligence cases.

A counterintelligence case is opened in the presence of the basis determined by this Law for carrying out of counterintelligence activity.

The decision about opening such a case is subject to approval of the heads of the relevant departments of the Central Administration of the Security Service of Ukraine carrying out counterintelligence activity, heads of regional organs, organs of military counterintelligence of the Security Service of Ukraine or their deputies, by the Head of the Intelligence Service of Ukraine or his deputy, by the head of the internal security body of the central executive body responsible for border protection or his deputy within the competences defined by this Law.

Exclusively, with the purpose of carrying out of counterintelligence activities, systematisation and documentary recording of the received results, their analysis and operational assessment according to the rights and tasks determined by the law concerning protection of the state border of Ukraine, counterintelligence cases

can be led by departments of the border intelligence service with permission of the head of the intelligence organ of the specially authorised central executive organ on protection of the state border of Ukraine or his/her deputies and by the unit of internal security unit tasked by the head of the internal security body of the central executive body responsible for border protection or his deputy with consent of the Security Service of Ukraine and in interaction with it and in cases relating to ensuring the security of its own forces and means, information systems and operational records, counterintelligence activities can be carried out by the Intelligence Services of Ukraine with the permission of their heads or deputy heads.

A counterintelligence case should be closed at:

- 1) Completion of counterintelligence activities or exhaustion of possibilities for their fulfilment;
- 2) Disproving information which served as the bases for the fulfilment of counterintelligence activity;
- 3) Suppression of intelligence, terrorist or other illegal activity threatening the state security of Ukraine; departure of the person for a permanent place of residence outside Ukraine, and impossibility to carry out counterintelligence activity against him/her; opening of an operational search case based on the materials of counterintelligence activity;
- 4) Bringing the person to criminal account, including abroad, for activities which served as the bases for opening of a counterintelligence case;
- 5) Death of the person against whom a counterintelligence case has been opened.

With the purpose of prevention, timely identification and suppression of intelligence, terrorist and other illegal acts against the state security of Ukraine, the organs and departments of the Security Service of Ukraine carrying out counterintelligence activity based on the results of the counterintelligence activity in case of necessity carry out preventive measures against offences in the sphere of state security; if during this work they identify persons requiring preventive measures, they issue an official warning about inadmissibility of illegal behaviour to them.

The Security Service of Ukraine reports to the President of Ukraine and informs the Verkhovna Rada of Ukraine on the results of counterintelligence activity. Coverage of the results of counterintelligence activity is carried out with observance of the requirements of the legislation of Ukraine.

Article 9. Protection of data about counterintelligence activity

The data about the organisation, plans, contents, forms, methods, facilities, financing, logistical support, results of counterintelligence activity, scientific and technical research on state security, as well as about persons who co-operate or have co-operated on a confidential basis with organs and departments of the Security Service of Ukraine carrying out counterintelligence activity, and general data about the staff of these organs and departments constitutes the state secret and is subject to protection in accordance with the procedure determined by the law of Ukraine "On State Secrets". Access to this data can be given in cases and in accordance with the procedure defined by the Security Service of Ukraine, according to requirements of the law. It is forbidden to make public and distribute (open) the collected data, as well as information concerning conducting or not conducting counterintelligence activity and measures in case of specific individuals until the decision on the results of such an activity is made.

Article 10. Social and legal guarantees of employees of organs and departments of the Security Service of Ukraine carrying out counterintelligence activity

Employees of organs and departments of the Security Service of Ukraine carrying out counterintelligence activity are entitled to social and legal guarantees established by laws of Ukraine "On the Security Service of Ukraine", "On Social and Legal Status of Military personnel and Members of Their Families" and other laws of Ukraine.

During performance by the employees of counterintelligence services and departments of the Security Service of Ukraine of their official duties, their administrative detention, as well as personal examination or examination of their belongings and vehicles, is conducted in case of necessity, except for cases if they have committed a crime, in the presence of the authorised representative of the relevant organ or division of the Security Service of Ukraine.

Nobody, except for their immediate heads, has the right to interfere with the service activity of employees of organs and departments of the Security Service of Ukraine carrying out counterintelligence activity. Interference with or obstruction of their official duties, resistance, insult of their honour and dignity, and use of threats or violence entail legal liability.

Article 11. Guarantees of the observance of legality during implementation of counterintelligence activity

The state guarantees the observance of constitutional rights and freedoms of the person and the citizen during the implementation of counterintelligence activity. Restriction of human and citizens' rights and freedoms, except for the cases envisaged by the law, is not allowed.

Organs and departments of the Security Service of Ukraine carrying out counterintelligence activity cannot be used for accomplishment of the tasks not envisaged by this Law.

Officials and employees of organs and departments of the Security Service of Ukraine carrying out counterintelligence activity bear disciplinary, administrative, material or criminal responsibility according to the law.

The information on the private life, honour and dignity of a person, which became known during counterintelligence activity, cannot be disclosed.

Citizens have the right to receive according to the procedure established by law written explanations in case of restriction of their rights and freedoms during the implementation of counterintelligence activity and appeal against these activities.

Article 12. Control over counterintelligence activity, oversight over the observance of legality by the organs and departments carrying counterintelligence activity

Control over counterintelligence activity of organs and departments of the Security Service of Ukraine and oversight over the observance of the laws of Ukraine by them are carried out according to the Constitution and the laws of Ukraine.

Article 13. Final provisions

This Law enters into force from the date of its publication.

Before the laws of Ukraine and other normative-legal acts are not brought into conformity with this Law, they are applied in the part not contradicting this Law.

The Cabinet of Ministers of Ukraine within six months after this law has entered into force is obliged to: bring their normative-legislative acts into conformity with the current Law; ensure bringing by Ministries, other central organs of executive power of Ukraine of their normative-legal acts into conformity with this Law;

The Security Service of Ukraine is obliged to elaborate draft laws on introducing amendments to the laws of Ukraine apparent from this Law and submit them in accordance with the established procedure for the consideration of the Verkhovna Rada of Ukraine.

President of Ukraine L. Kuchma
Kyiv, December 26, 2002 No 374-IV

Law of Ukraine “On the Fight Against Terrorism”

(*Bulletin of the Verkhovna Rada of Ukraine (BVR), 2003, No 25, p. 180*)

Including the changes, made by the Laws:

No 2600-IV of 31.05.2005, BVR, 2005, No 25, p. 335;
No 3200-IV of 15.12.2005, BVR, 2006, No 14, p. 116;
No 1254-VI of 14.04.2009, BVR, 2009, No 36-37, p. 511;
No 1900-VI of 16.02.2010, BVR, 2010, No 19, p. 151;
No 2258-VI of 18.05.2010, BVR, 2010, No 29, p. 392;
No 2592-VI of 07.10.2010, BVR, 2011, No 10, p. 63;
No 3266-VI of 21.04.2011, BVR, 2011, No 43, p. 449;
No 5461-VI of 16.10.2012, BVR, 2014, No 5, p. 62;
No 5502-VI of 20.11.2012, BVR, 2014, No 8, p. 88;
No 406-VII of 04.07.2013, BVR, 2014, No 20-21, p. 712;
No 763-VII of 23.02.2014, BVR, 2014, No 12, p. 189;
No 877-VII of 13.03.2014, BVR, 2014, No 15, p. 326;
No 1313-VII of 05.06.2014, BVR, 2014, No 29, p. 946;
No 1630-VII of 12.08.2014, BVR, 2014, No 39, p. 2007;
No 1702-VII of 14.10.2014, BVR, 2014, No 50-51, p. 2057;
No 141-VIII of 03.02.2015, BVR, 2015, No 13, p. 87;
No 378-VIII of 12.05.2015, BVR, 2015, No 28, p. 246;
No 649-VIII of 17.07.2015, BVR, 2015, No 37-38, p. 369;
No 901-VIII of 23.12.2015, BVR, 2016, No 4, p. 44;
No 965-VIII of 02.02.2016, BVR, 2016, No 10, p. 104;
No 1437-VIII of 07.07.2016.

This Law, with the aims of protecting persons, the state and society from terrorism, seeking to reveal and eliminate the causes and conditions generating it, determines the legal and organisational bases of the fight against this dangerous phenomenon, the powers and duties of executive organs, associations of citizens and organisations, officials and individual citizens in this field, the procedure to co-ordinate their activities, guarantees of legal and social protection of citizens participating in the fight against terrorism.

Provisions of this Law cannot be applied as the basis for the prosecution of citizens who, operating within the limits of the law, have their constitutional rights and freedom protected.

PART I. GENERAL PROVISIONS

Article 1. Definition of Terms

In this Law the terms given below shall have the following meaning:

Terrorism is an act dangerous to the public, which consists of the conscious, purposeful use of violence by reprisal, arson, murder, torture, and intimidation of the population and government organs or encroachment on the life or health of innocent people or threat to commit criminal acts with the purpose of the achievement of criminal purposes;

Act of terrorism is a criminal action in the form of the use of weapons, explosion, arson or other activities for which Article 258 of the Criminal Code of Ukraine envisages liability. In case the terrorist activity is accompanied by the commitment of crimes envisaged by Articles 112, 147, 258-260, 443, 444, as well as by other Articles of the Criminal Code of Ukraine, the liability for their commitment arises in accordance with the Criminal code of Ukraine;

Assets, related to financing terrorism and linked to financial operations, frozen in accordance with decision, adopted on the basis of the UN Security Council Resolution – funds, economic resources, property and

non-property rights, owned or controlled, directly or indirectly, by terrorists or by persons acting on their behalf or at their direction and falling under international sanctions, as well as incomes derived from exploitation of funds, economic resources, property and non-property rights, and other assets of these persons;

Technological terrorism is terrorist acts committed with the use of nuclear, chemical, bacteriological (biological) and other weapons of mass destruction or its components, other substances harmful to the health of people, means of electromagnetic action, computer systems and communication networks, including the capture, lay-up and destruction of potentially dangerous installation that directly or indirectly pose a threat or threaten the occurrence of threat to then emergency owing to these activities and pose a threat to personnel, public and the environment, and create conditions for accidents and technogenic catastrophes;

Terrorist activities cover the:

- Planning, organisation, preparation and implementation of acts of terrorism;
- Instigation to commit acts of terrorism, violence towards persons or organisations, destruction of material installations with terrorist purpose;
- Organisation of unlawful armed formations, criminal groups (criminal organisations), organised criminal groups for the commitment of acts of terrorism, as well as participation in such acts;
- Recruiting, arming, training and use of terrorists;
- Propagation and distribution of terrorist ideology;
- Financing and other assistance to terrorism.
- Financing terrorism is the provision or collection of any assets in the knowledge that they are to be used, in full or in part, in order to organise, prepare and carry out by an individual terrorist or by a terrorist organisation an identified by the Criminal Code of Ukraine terrorist act, public appeal to committing a terrorist act, creation of a terrorist group or terrorist organisation, support to committing the terrorist act, any other terrorist activity, as well as an attempt at committing such actions;
- International terrorism is carried out globally or regionally by terrorist organisations, groups, including with the support of state organs of individual states, with the purpose of the achievement of publicly dangerous violent acts connected with the abduction, capture, and murder of innocent people or threat to their life and health, destruction or threat of destruction of important economic installations, life-support systems, communications systems, application or threat to the application of nuclear, chemical, biological and other weapon of mass destruction;
- Terrorist is a person participating in a terrorist activity;
- Terrorist group is two and more persons who have united with the purpose of committing acts of terrorism;
- Terrorist organisation is a stable association of three and more persons created with the purpose of the fulfilment of terrorist activity in which the distribution of functions has been set out, the rules of behaviour are obligatory for these persons during training and when the acts of terrorism are carried out. The organisation is recognised as a terrorist organisation if even one of its departments carries out terrorist activity with the knowledge of even one of the chiefs (governing body) of the entire organisation;
- Fight against terrorism is the activity to prevent, reveal, suppress, and minimise the consequences of terrorist activity;
- Antiterrorist operation is the complex of the co-ordinated special measures directed toward the prevention, aversion and suppression of terrorist activities, liberation of hostages, protection of the civilian population, neutralisation of terrorists, and minimisation of consequences of terrorist activities;
- The area where the antiterrorist operation is carried out is defined by the governing body of the antiterrorist operation as the land or water, vehicles, buildings, organisations, premises and territories or the water adjacent to them and within the limits of which the specified operation is conducted;
- A special regime can be introduced in the region where the antiterrorist operation is carried out for the duration of the operation and provides, to the subjects conducting the fight against terrorism, special powers determined by this Law necessary for the liberation of hostages, security and health of citizens

who are in the region where the antiterrorist operation is carried out, normal operation of State Executive bodies, local self-government organs, enterprises, establishments, organisations;

- The hostage is the physical person taken and held with the purpose of forcing a state organ, enterprise, establishment, organisation or individual person to take certain action or to refrain from certain action as the condition for the liberation of the hostage.

Article 2. Legal Bases for the Fight Against Terrorism

The legal basis for the fight against terrorism is the Constitution of Ukraine, the Criminal code of Ukraine, this Law, other laws of Ukraine, European Convention on Fight against Terrorism (1977), the International Convention on Fight against Bombing Terrorism (1997), the International Convention on Fight against Terrorist Financing (1999), other international treaties of Ukraine agreed to be binding by the Verkhovna Rada of Ukraine, decrees of the President of Ukraine, decisions and orders of the Cabinet of Ministers of Ukraine, as well as other normative-legal acts adopted in pursuance of the laws of Ukraine.

Article 3. Main Principles of the Fight Against Terrorism

The fight against terrorism is based on the principles of:

- Legality and steady observance of human and civil rights and freedoms;
- Complex use of legal, political, social and economic information and propaganda and other opportunities; priority of anticipatory measures toward that end;
- Inevitability of punishment for participation in terrorist activity;
- Priority to protect the life and rights of the persons endangered by the terrorist activity;
- Combination of overt and covert methods to fight against terrorism;
- Nondisclosure of data on the techniques and tactics of carrying out antiterrorist operations, as well as on the number of participants;
- Unity of command of the forces and means involved in carrying out antiterrorist operations;
- Co-operation in the fight against terrorism with foreign states, their law enforcement organs and special services, as well as with the international organisations fighting terrorism.

PART II. ORGANISATIONAL BASES OF THE FIGHT AGAINST TERRORISM

Article 4. Subjects of the Fight Against Terrorism

The Cabinet of Ministers of Ukraine within the limits of its competence brings about the organisation of the fight against terrorism in Ukraine and its provision with necessary forces, means and resources.

The Central Executives take part in the fight against terrorism within the limits of their competence determined by laws and on the basis of other normative-legal acts.

The subjects directly carrying out the fight against terrorism within the limits of their competence are:

- The Security Service of Ukraine being the principal organ in the national system of the fight against terrorist activity;
- The Ministry of Internal Affairs of Ukraine;
- National Police;
- The Ministry of Defence of Ukraine;
- Central Executive bodies responsible for the formation and execution of the state policy in the area of civil protection;
- Central Executive body responsible for the execution of the state policy in the area of state border protection;
- Central Executive body responsible for the execution of the state policy in the criminal sentencing area;
- State Guard Administration of Ukraine;
- Central Executive body responsible for the execution of the state taxation policy, the state policy in the area of customs.

The following are also involved in the implementation of activities connected with the prevention, disclosure and suppression of terrorist activity:

- Central Executive body responsible for the execution of state policy in the area of prevention and combating the legalisation (laundering) of illegal revenue or financing terrorism;
- Foreign Intelligence Service of Ukraine;
- Ministry of Foreign Affairs of Ukraine;
- State Service for Special Communication and Information Protection;
- Central Executive bodies responsible for the formation and execution of state policy in the area of health protection;
- Central Executive bodies responsible for the formation and execution of state policy in the areas of power generation, coal mining, oil and gas complexes;
- Central Executive body responsible for the execution of the state policy in the area of state property management;
- Central Executive bodies responsible for the formation and execution of state policy in the area of transportation;
- Central Executive bodies responsible for the formation and execution of state financial policy;
- Central Executive bodies responsible for the formation and execution of state policy in the area of environmental protection;
- Central Executive bodies responsible for the formation and execution of state agrarian policy;
- In case of the reorganisation or renaming of the Central Executives listed in this Article, their function in the fight against terrorism can be passed to their successors if it is envisaged by the relevant acts of the President of Ukraine.

Other central and local executive organs, local self-government organs, enterprises, institutions, organisations irrespective of subordination and forms of ownership, their officials, and citizens by approbation can also be involved in antiterrorist operations upon the decision of the governing body of the antiterrorist operation with observance of the requirements of this Law.

Co-ordination of the activity of the subjects involved in fight against terrorism is carried out by the Antiterrorist Centre attached to the Security Service of Ukraine.

Article 5. The Authority of the subjects directly carrying out the fight against terrorism

The Security Service of Ukraine fights against terrorism by carrying out investigative and counterintelligence activities directed toward the prevention, disclosure and suppression of terrorist activity, including international activity; collects information on the activity of foreign and international terrorist organisations; conducts, within the limits of its authority determined by acting legislation, exclusively with the purpose of receiving anticipated information in case of the threat of commitment of the acts of terrorism or at carrying out antiterrorist operations, conducting the investigative-technical search activities on systems and channels of telecommunications that can be used by terrorists; provides, through the Antiterrorist Centre attached to the Security Service of Ukraine, the organisation and carrying out of antiterrorist activities, co-ordination of the activity of subjects engaged in the fight against terrorism according to their competence defined by the legislation of Ukraine; carries out pre-judicial investigation of cases of the crimes connected with terrorist activity; initiates according to the law the seizure on indefinite term the assets associated with financing terrorism and connected to financial operations suspended by decision based on the resolutions of the UN Security Council; termination of arrest of these assets and granting access to them after application of the person, who can prove with documents the need to cover basic and emergency needs; ensures in co-operation with the intelligence services the security against terrorist attacks on Ukrainian establishments, their employees and members of their families abroad.

The Ministry of Internal Affairs of Ukraine with National police carries out the fight against terrorism by preventing, revealing and suppressing crimes committed with a terrorist purpose, the investigation that is conducted according to the legislation of Ukraine by the competent National police; provides the Antiterrorist Centre attached to the Security Service of Ukraine with necessary forces and means; ensures their effective use at carrying out antiterrorist operations.

The Ministry of Defence of Ukraine, military command and control organs, joint formations of troops, and military units of the Armed Forces of Ukraine provide protection against terrorist attacks on installations and property of the Armed Forces of Ukraine, weapons of mass destruction, missiles and small arms, ammunition, explosive and poisonous substances that are in military units or are stored in certain places; organise training and deployment of forces and means of the Land Forces, Air Forces, the Navy of the Armed Forces of Ukraine in case of the commitment of acts of terrorism in the airspace and territorial waters of Ukraine; take part in antiterrorist operations on military installations and in case of terrorist threats to security of the state from outside the borders of Ukraine; in case of participation in the antiterrorist operation, utilise all available forces and equipment for executing the tasks aimed at ending activity of illegally militarised and armed formations (groups), terrorist organisations, organised groups and criminal organisations; take part in apprehending individuals, and, in cases, when their actions are threatening to the life and health of hostages, participants of the antiterrorist operations or other persons, exterminate them.

Central Executive bodies responsible for the formation and execution of the state policy in the area of civil protection, the management organs subordinated to it on the issues of civil defence and specialised formations, and troops of civil defence take measures to protect the population and territories in case of threat and occurrence of emergencies connected with technological terrorist acts and other kinds of terrorist activity; take part in activities to minimise and alleviate the consequences of such situations by carrying out antiterrorist operations, as well as carrying out educational and practical-educational activities with the purpose of training the population how to respond in the case an act of terrorism is committed.

Central Executive body responsible for the execution of the state policy in the area of state border protection and bodies of border protection carry out the fight against terrorism by the prevention, disclosure and suppression of attempts of terrorists to cross the border of Ukraine, unlawful transfer across the border of Ukraine of weapons, explosives, poisoning, radioactive substances and other subjects that can be used to commit terrorist acts; ensure the security of sea navigation within the limits of territorial waters and the exclusive (sea) economic area of Ukraine at carrying out antiterrorist operations; give to the Antiterrorist Centre attached to the Security Service of Ukraine the necessary forces and means, provide for their effective utilising in antiterrorist operations.

Central Executive body responsible for the execution of the state policy in the area if criminal sentencing carries out measures on the prevention and suppression of terrorist acts against installations of the State Penitentiary Service of Ukraine.

State Guard Administration of Ukraine participates in operations on the suppression of terrorist acts directed against officials and installations that are protected by its subordinate units; provides the Antiterrorist Centre attached to the Security Service of Ukraine with necessary forces and means; ensures their effective use at carrying out antiterrorist operations.

Intelligence services of Ukraine collect, analytically process and submit in accordance with established procedures the intelligence information on activity of foreign and international terrorist organisations outside the borders of Ukraine, as well conduct operations to counter the threats to the life and health of its citizens, as well as to the state property outside Ukraine in case of involvement of intelligence services of Ukraine in antiterrorist operations outside the borders of Ukraine.

Central Executive body responsible for the execution of the state taxation policy, the state policy in the area of customs, conducts verification-licencing procedures on commercial products (loads) in the area of anti-terrorist operation, takes measures to detect, analyse and verify financial transactions possibly related to financing terrorism, implements other measures to prevent and stop the crimes in the area of taxation, in customs and budgetary spheres, as well as crimes related to laundering, legalising, theft and other illegal financial operations.

Article 6. Powers of Other Subjects Involved in the Fight Against Terrorism

The subjects involved in the fight against terrorism, within the limits of their competence, carry out measures to prevent, reveal and suppress acts of terrorism and terrorist crimes; develop and carry out precaution-

ary, regime, organisational, educational and other measures; provide the conditions to carry out antiterrorist operations on installations belonging to the sphere of their management; give to the relevant departments carrying out such operations material and financial resources, automobiles and contacts, medical equipment and medicines, other means, as well as the information necessary for the fight against terrorism.

Article 7. The Antiterrorist Centre Attached to the Security Service of Ukraine

The Antiterrorist Centre attached to the Security Service of Ukraine is entrusted with the tasks of:

- Development of conceptual bases and programmes of the fight against terrorism, recommendations directed toward increasing the efficiency of the measures to reveal and eliminate the causes and conditions contributing to the commitment of acts of terrorism and other crimes committed with a terrorist intent;
- Collection - in accordance with the established procedure - generalisation, analysis and estimation of information on the condition and tendencies of the spread of terrorism in Ukraine and abroad;
- Organisation and carrying out antiterrorist operations and co-ordination of the activity of subjects combating terrorism or involved in concrete antiterrorist operations;
- Organisation and carrying out command-staff and special tactics periodic training;
- Participation in the drafting of international treaties, development and presentation in accordance with the established procedure of the proposals on updating the legislation of Ukraine in the field of the fight against terrorism, financing antiterrorist operations, implementation of measures on the prevention, disclosure and suppression of terrorist activity;
- Interaction with special services, law enforcement organs of foreign states and international organisations on issues of the fight against terrorism.

The Antiterrorist Centre attached to the Security Service of Ukraine consists of the Interdepartmental co-ordination commission and operational staff, as well as co-ordination groups and their operational staff attached to regional organs of the Security Service of Ukraine. It may also contain military-civilian administrations – temporary state power bodies established for ensuring the implementation of the Constitution and the laws of Ukraine and aimed at precluding humanitarian catastrophe around the area of the anti-terrorist operation, providing for the safety control and normalisation of activity of the population, the law and order, participation in counteraction to subversive activities and acts of terrorism. The structure, authority and activity regulations of the military-civilian administrations are stipulated by the law.

The composition of the Interdepartmental co-ordination commission of the Antiterrorist Centre attached to the Security Service of Ukraine includes the Chief of the Antiterrorist Centre and his deputies; deputies of the Minister of Internal Affairs of Ukraine, deputies of the Head of National police, heads of the Central Executive bodies responsible for the formation and execution of the state policy in the area of civil protection; the Deputy Chief of the General Staff of the Armed Forces of Ukraine; deputies of the heads of the Central Executive body responsible for the execution of the state policy in the area of state border protection, the State Guard Administration of Ukraine, Foreign Intelligence Service of Ukraine, State Service for Special Communication and Information Protection, Central Executive body responsible for the execution of the state policy in the criminal sentencing area; Commander of the National Guard of Ukraine; Head of the Security Service of Ukraine Directorate in Kyiv City, Deputy Head of the Kyiv City State Administration, deputies of the heads of the other Central Executives, as well as the other officials appointed by the President of Ukraine.

The regulation on the Antiterrorist Centre attached to the Security Service of Ukraine and the composition of the Interdepartmental co-ordination commission are approved by the President of Ukraine. The Chief of the Antiterrorist Centre attached to the Security Service of Ukraine is appointed by the President of Ukraine.

Current work on the accomplishment of the tasks assigned to the Antiterrorist Centre attached to the Security Service of Ukraine is organised by its operational staff.

The composition of the co-ordination groups attached to the regional organs of the Security Service of Ukraine includes the chiefs of regional organs of the Security Service of Ukraine, the Central administrative board of the Ministry of Internal Affairs of Ukraine in the Autonomous Republic of Crimea, central adminis-

trative boards (boards) of the Ministry of Internal Affairs of Ukraine in regions (oblasts), territorial units of the National Police, the cities of Kyiv and Sevastopol, regional organs and territorial units of the State Service for Special Communication and Information Protection of Ukraine, the relevant organs on emergencies and civil defence of the population of the Autonomous Republic of Crimea, regional, Kyiv, Sevastopol city state administrations, and in the regions where departments of border protection organs of Ukraine are deployed, the State Guard Administration - their chiefs, as well as representatives of other local executive organs, enterprises, institutions, organisations.

Co-ordination groups attached to the regional organs of the Security Service of Ukraine are headed accordingly by the Chief of the Central administrative board of the Security Service of Ukraine in the Autonomous Republic of Crimea, the department chief of the Security Service of Ukraine in the region (oblast), the cities of Kyiv and Sevastopol.

The composition of co-ordination groups attached to the regional organs of the Security Service of Ukraine is approved accordingly by the Council of Ministers of the Autonomous Republic of Crimea, the head of the regional state administration, the head of the executive organ of the Kyiv or Sevastopol city council.

The organisation of the work of the co-ordination groups is carried out by the regional organs of the Security Service of Ukraine.

The Antiterrorist Centre attached to the Security Service of Ukraine is supported by means envisaged by a separate budget line in the State Budget of Ukraine.

Article 8. Interaction of the Subjects Directly Carrying Out the Fight Against Terrorism

Subjects who, according to this Law, directly carry out the fight against terrorism are obliged:

- 1) To co-operate with the purpose of the suppression of criminal activity of the persons involved in terrorism, including international terrorism, and the financing, support or commitment of acts of terrorism and terrorist crimes;
- 2) To carry out information exchange on issues of:
 - Capture or threat of capture by terrorist groups (terrorist organisations) of weapons, explosives, other means of mass destruction;
 - Crossing of the Ukrainian border by its citizens, foreigners and persons without citizenship seeking to commit acts of terrorism;
 - Long-distance and international travel documents revealed by passengers, which appear invalid;
 - Use or threat of use by terrorists, terrorist groups or terrorist organisations of communication facilities and communication technologies.
- 3) To promote the maintenance of effective border control, control over the issuance of identification and travel documents with the purpose of the prevention of their falsification or unlawful use;
- 4) To prevent activities or movement of terrorists, terrorist groups or terrorist organisations, as well as persons suspected of committing acts of terrorism or participation in international terrorist groups or organisations;
- 5) To stop attempts by foreigners, of which there is data that they participate in international terrorist groups or organisations, to transit across the territory of Ukraine.

Article 9. Assistance to the Organs Carrying out the Fight Against terrorism

State bodies of Ukraine, local self-government organs, associations of citizens, organisations, and their officials are obliged to assist the organs carrying out the fight against terrorism, to report data that becomes known to them on terrorist activity or any other circumstances that can assist the prevention, disclosure and suppression of terrorist activity, as well as the minimisation of its consequences.

PART III. CARRYING OUT AN ANTITERRORIST OPERATION

Article 10. Conditions for Carrying Out an Antiterrorist Operation

An antiterrorist operation is conducted only in the presence of a real threat to the life and security of citizens, interests of society or the state and only when elimination of this threat by other ways is impossible.

Article 11. Decision on Carrying Out an Antiterrorist Operation

The decision to carry out an antiterrorist operation is contingent on the degree of public danger of the terrorist act as assessed by the chief of the Antiterrorist Centre attached to the Security Service of Ukraine upon the written approval of the Head of the Security Service of Ukraine or by the chief of the co-ordination group of the relevant regional organ of the Security Service of Ukraine under the written approval of the chief of the Antiterrorist Centre attached to the Security Service of Ukraine, and co-ordinated with the Head of the Security Service of Ukraine. The President is immediately informed of the decision to carry out an antiterrorist operation in Ukraine. An antiterrorist operation is conducted by the Antiterrorist Centre attached to the Security Service of Ukraine when:

- The act of terrorism threatens the death of many people or results in other serious consequences or if it is committed simultaneously in the territory of several regions, districts or cities;
- The situation connected with the commitment or the threat to commit the act of terrorism is uncertain of the reasons and circumstances of its occurrence and further development;
- Commitment of the acts of terrorism infringes on the international interests of Ukraine and its relationships with foreign states;
- Reaction to the commitment of acts bearing signs of terrorism belongs to the competence of different law enforcement and other executive organs;
- It is obvious that law enforcement forces and local executive organs of an individual region are unable to prevent or suppress the act of terrorism.
- In cases where the antiterrorist operation is conducted with the consent of the chief of the Antiterrorist Centre attached to the Security Service of Ukraine independent of the co-ordination group of the relevant regional organ of the Security Service of Ukraine or the executive authority according to their competence.

Article 11-1. Blocking Operations with Assets Related to Financing Terrorism and Linked to Financial Operations, Frozen in Accordance with the Decision Adopted on the Basis of UN Security Council Resolution

Financial transactions, where the participant or beneficiary is a person included in the list of individuals related to the terrorist activity or under international sanctions, shall be blocked in accordance with the Law of Ukraine "On Prevention and Counteracting Legalising (Laundering) Illegal Incomes or Financing Terrorism".

In case of the discovery by the subjects of directly fighting terrorism and/or involved in fighting terrorism any financial operations or any assets by persons, included in the list of individuals related to the terrorist activity or under international sanctions, these subjects shall immediately submit information on discovered financial operations or terrorist assets to Security Service of Ukraine.

Seizure of the asset related to financing terrorism and linked to financial operations, frozen in accordance with the decision, adopted on the basis of a UN Security Council Resolution, as well as lifting the seizure of these assets, shall be done by court decision.

Article 11-2. Procedure for Access to Assets Related to Financing Terrorism and Linked to Financial Operations, Frozen in Accordance with the Decision Adopted on the Basis of UN Security Council Resolution

Access to assets related to financing terrorism and linked to financial operations, frozen in accordance with a decision adopted on the basis of UN Security Council Resolution shall be provided by decision of the court to cover the basic and emergency payments for food, housing, rent, mortgage, utility, medication and medical support, paying taxes, insurance or exclusively on regular price coverage of services by experts and compensation for spending on judicial services, fees or payments for current accounts and deposit accounts subject to blocking financial operations, other financial assets and economic resources.

In case of the need to cover the basic and emergency payments from assets related to financing terrorism and linked to financial operations, frozen in accordance with a decision adopted on the basis of UN Security Council Resolution, the Head of Security Service of Ukraine or his deputy shall apply to the Ministry of Foreign Affairs of Ukraine with an application on the need to have access to such assets.

The Ministry of Foreign Affairs of Ukraine over the course of three days from the date of receiving such an application shall address the Committee of the UN Security Council to get permission to access assets related

to financing terrorism and linked to financial operations, frozen in accordance with a decision adopted on the basis of the UN Security Council Resolution, in order to cover basic and emergency payments.

After the Ministry of Foreign Affairs of Ukraine receives the decision of the Committee of the UN Security Council this ministry shall immediately inform in writing the Head of the Security Service of Ukraine or his or her deputy about granting permission or declining the application.

Information submitted in written form by the Ministry of Foreign Affairs of Ukraine on granting permission to access assets related to financing terrorism and linked to financial operations frozen in accordance with the decision, adopted on the basis of the UN Security Council Resolution, in order to cover basic and emergency payments shall serve as a basis for the Head of the Security Service of Ukraine or his deputy to appeal the court to get and access such assets.

Article 12. Management of an Antiterrorist Operation

For the direct management of a concrete antiterrorist operation and management of forces and means involved in the implementation of antiterrorist measures, the operative staff headed by the chief of the Anti-terrorist Centre attached to the Security Service of Ukraine (co-ordination group of the relevant regional organ of the Security Service of Ukraine) or by the person replacing him or her is formed. The procedure of activity of the operative staff on the management of an antiterrorist operation is determined on the basis of the relevant Regulations that are approved by the Cabinet of Ministers of Ukraine.

The chief of the operational staff determines the scope of the antiterrorist operation, takes the decision on the use of forces and means involved in carrying it out, and in case of the need for bases envisaged by the law, submits for the consideration of the National Security and Defence Council of Ukraine proposals on the introduction of a state of emergency in Ukraine or in particular areas.

Interference with the operative management of an antiterrorist operation by any persons irrespective of their post is forbidden.

The legal requirements of participants of an antiterrorist operation are obligatory for citizens and officials.

Article 13. Forces and Means Involved in Carrying Out an Antiterrorist Operation

While carrying out an antiterrorist operation the forces and means (staff, experts, weapons, special means and vehicles, communication facilities, other material means) for the fight against terrorism, as well as the enterprises, institutions, and organisations involved in the participation in the antiterrorist operation in accordance with the procedure determined according to the Regulations specified in Article 12 of this Law are used. Reimbursement of costs and damage in connection with the antiterrorist operation is brought about according to the legislation.

By decision of the Chief of the Antiterrorist Centre attached to the Security Service of Ukraine, co-ordinated with the leadership of the pertinent subjects of fighting terrorism, large scale, complex antiterrorist operations in the designated area may involve forces and means (personnel and experts of separate divisions, military units, arms, combat hardware, special and transportation equipment, communication gear, other material and technical equipment) from the Security Service of Ukraine, Minister of Internal Affairs of Ukraine, National Guard of Ukraine, National police, Armed Forces of Ukraine, Central Executive body responsible for the execution of the state policy in the area of state border protection and bodies of border protection, State Service for Special Communication and Information Protection, Central Executive body responsible for the formation and execution of state policy in the area of civil protection, State Guard Administration of Ukraine.

Employees of law enforcement organs, military personnel and other persons involved in the antiterrorist operation, for the period of the operation, are subordinate to the chief of the operational staff.

Article 14. Regime in the Region of the Antiterrorist Operation

In the region where the antiterrorist operation is carried out, for the duration of the operation, a special procedure can be established, in particular a patrol security group can be organised and a surrounding cordon established.

In the region where the antiterrorist operation is carried out the rights and freedoms of citizens may be temporarily limited.

In order to protect citizens, the state, and society from terrorist threats in the region where the long-term antiterrorist operation is carried out preventive detention of persons suspected in terrorist activity for the term exceeding 72 hours, but no longer than 30 days, may be conducted taking into account specific requirements of this Law.

Persons who are not involved in the antiterrorist operation can stay in the region where the antiterrorist operation is carried out if it is allowed by the chief of the operational staff.

At the request of the leadership of the antiterrorist operation functioning of the enterprises, institutions and organisations located in the region where the antiterrorist operation is carried out can be stopped partially or completely during the duration of the antiterrorist operation. The relevant experts of these enterprises, institutions and organisations, during the antiterrorist operation, can, in accordance with established procedure, by their consent, be involved in the fulfilment of separate tasks.

Article 14-1. Procedure for Transfer of Goods into the Area or from the Area of the Antiterrorist operation

Transfer of goods into the area or from the area of antiterrorist operation is conducted in accordance with the procedure established by the Cabinet of Ministers of Ukraine and following an application from the Security Service of Ukraine.

Individuals guilty in violation of the procedure for transfer of goods into the area or from the area of the antiterrorist operation will be held responsible as stipulated by the law.

Article 15. Rights of Persons in the Region Where an Antiterrorist Operation is Carried Out

In the region where an antiterrorist operation is carried out, the officials involved in the operation have the right:

- 1) To use according to the legislation of Ukraine weapons and special means;
- 2) To detain and deliver to the National police persons who committed offences or other activities that interfere with the fulfilment of the legitimate requirements of the persons involved in the antiterrorist operation, or activities connected with the unauthorised attempt to penetrate into the region where the antiterrorist operation is carried out and obstruction to it;
- 3) Examine the personal identification documents of citizens and officials, and in case of their absence – detain them and verify their personality;
- 4) In the region where the antiterrorist operation is carried out, to examine citizens, their belongings and their vehicles and items they are transporting;
- 5) To limit or forbid temporarily the movement of vehicles and pedestrians on streets and roads, to not permit the passing of vehicles, including vehicles of diplomatic representatives and consular establishments, and citizens on separate sites of the district and installations, to remove citizens from separate sites of the district and installations, and to tow vehicles;
- 6) To enter (force entry) into living and other quarters and property belonging to citizens during the suppression of the act of terrorism and to capture persons suspected of committing such acts on the territory and premises of enterprises, institutions and organisations, to check vehicles if delay can create the real threat of the life or health of people;
- 7) To use the communication facilities and vehicles, including special-purpose facilities and vehicles, belonging to citizens (by their consent), enterprises, institutions and organisations, except for vehicles of diplomatic, consular and other representative offices of foreign states and international organisations, for the prevention of acts of terrorism, prosecution and detention of the persons suspected of the commitment of these acts, or for taking persons requiring urgent medical aid to medical establishments, as well as for travelling to the crime scene.

In the situations related to committing or to the threat of committing the terrorist act, special divisions and special designation units directly involved in fighting terrorism, pursuing their assigned missions can do the following:

- 1) Forcibly enter the premises captured by the terrorists;
- 2) Physically apprehend the terrorists, and, in cases where their activity is clearly threatening the life and health of hostages, operation participants and other persons, exterminate the terrorists;

- 3) Forestall the actions of terrorists, which may lead to fatal consequences;
- 4) Free hostages;
- 5) Provide for safe storage of material evidence, documents, belongings and valuables;
- 6) Disarm and guard persons apprehended during the antiterrorist operation.

In the area where the antiterrorist operation is carried out, contacts with representatives of the media are carried out by the chief of the operational staff or by the persons determined by him. The measures envisaged by this Article are brought about with observance of the current legislation and stop immediately after the end of the antiterrorist operation.

Article 15-1. Specifics of Preventive Detention for Persons Associated with Terrorist Activity in the Region

Where the Antiterrorist Operation is Carried Out

In order to avert the terrorist threats in the region where the antiterrorist operation is carried out preventive detention of persons suspected in terrorist activity for the term exceeding 72 hours may be conducted taking into account specific requirements of this Law.

The term of preventive detention shall not be in excess of 30 days.

The rationale for preventive detention shall be based on the justified suspicion of the person in terrorist activity.

Preventive detention is carried out on the basis of a substantiated decision of the Head of the Main Directorate (Division) of the Security Service of Ukraine or the Head of the territorial body of national police, with consent of Procurator and without ruling of investigative judge or the court.

Copy of the decision for preventive detention of person suspected in terrorist activity for the term exceeding 72 hours shall be immediately handed over to the detained person and sent without delay to an investigative judge or the court of the relevant jurisdiction together with the request for appropriate preventive measure in relation to this person.

Preventive detention of the person shall not continue after consideration of the request for appropriate preventive measure in relation to this person by investigative judge or the court.

Article 16. Conditions for Negotiating with Terrorists

During the antiterrorist operation, in order to save people's lives, health and material assets, dissuading terrorists from committing unlawful acts, restraining them, finding ways to suppress the act of terrorism, and negotiating with them is permitted.

Negotiating is entrusted to persons empowered to do so by the chief of the operational staff.

In case the negotiations with terrorists fail to dissuade them from the act of terrorism and a real threat to the life and health of people remains, the chief of the antiterrorist operation has the right to take the decision on the neutralisation of the terrorist (terrorists).

In case of an obvious threat posed by an imminent act of terrorism and the impossibility of the elimination of this threat by other lawful ways, the terrorist (terrorists) can be neutralised by instructions of the chief of the operational staff without warning.

During negotiations, the granting to terrorists of persons, subjects and substances that can be directly used to commit technological terrorism cannot be considered as a condition for the termination of the act of terrorism.

Article 17. Informing the Public of an Act of Terrorism

Informing the public about an act of terrorism is carried out by the chief of the operational staff or by the persons authorised by him or her to maintain public relations.

It is forbidden to give, through the media or through other channels, information that:

- Discloses special techniques and tactics of carrying out an antiterrorist operation;
- Can complicate the carrying out of the antiterrorist operation and (or) threaten the life and health of hostages and other people who remain in the area where the specified operation is carried out or those outside of the area;
- Has for its objective the propagation or justification of terrorism contains pronouncements of persons who resist or call for the resistance of the antiterrorist operation;

- Contains data about subjects and substances that can be directly used for the commitment of the act of technological terrorism;
- Discloses data about the personnel composition of employees of special departments and members of the operational staff who are participating in the antiterrorist operation, as well as about the persons assisting in the specified operation (without their consent).

Article 18. End of an Antiterrorist Operation

An antiterrorist operation is considered completed if the act of terrorism is suppressed and the threat to the life and health of hostages and other people in the region has ended.

The chief of the operational staff managing the operation makes the decision on the termination of the antiterrorist operation.

In carrying out the antiterrorist operation, the chief of the operational staff, together with the relevant executive organs and local self-government organs, organises the provision of assistance to victims, determines measures on the elimination and minimisation of consequences of the act of terrorism, and organises their implementation.

**PART IV. REPARATION FROM DAMAGES CAUSED BY THE ACT OF TERRORISM.
REHABILITATION OF THE PERSONS WHO HAVE SUFFERED FROM THE ACT OF TERRORISM****Article 19. Reparation of the Damages Caused by the Act of Terrorism**

Reparation of the damages caused to citizens by the act of terrorism is provided by the State Budget of Ukraine according to the law, and the sum of this reparation is collected from the persons who caused the damage in accordance with the procedure, established by law.

Reparation of the damages caused to organisations, enterprises or establishments by the act of terrorism is conducted in accordance with the procedure determined by law.

Article 20. Social Rehabilitation of the Persons who Have Suffered from the Terrorist Act

Social rehabilitation of the persons who have suffered from the act of terrorism is conducted with the purpose of returning them to normal life. Psychological, medical, professional rehabilitation, legal aid, housing is given to the specified persons, if necessary, as well as employment assistance.

Social rehabilitation of the persons who have suffered from the act of terrorism, as well as the persons specified in Article 21 of this Law, are financed by the State Budget of Ukraine.

The procedure for carrying out the social rehabilitation of the persons who have suffered from the act of terrorism is determined by the Cabinet of Ministers of Ukraine.

**PART V. LEGAL AND SOCIAL PROTECTION OF THE PERSONS PARTICIPATING
IN THE FIGHT AGAINST TERRORISM****Article 21. Persons Subject to Legal and Social Protection**

Persons participating in the fight against terrorism are under protection of the state. The following are subject to legal and social protection:

- 1) Military personnel, employees and officials of central and local executive organs directly participating (having participated) in antiterrorist operations;
- 2) Persons who assist on a continuing or temporary basis organs carrying out the fight against terrorism through the prevention, detection, and suppression of terrorist activity and minimisation of its consequences;
- 3) Family members of the persons specified in items 1 and 2 of this section if a need to ensure their protection is caused by the participation of the specified persons in the fight against terrorism.

Social protection of the persons involved in the fight against terrorism is carried out in accordance with the procedure determined by law.

If a person who participated in the fight against terrorism is killed during the antiterrorist operation, the members of his or her family and the persons dependent on him or her for support are paid an extraordinary

grant amounting to 20 living wages at the expense of the State Budget of Ukraine; they are refunded the burial costs for the victim, the bread-winner's pension is granted, and privileges that the victim had on reception of housing, payment of housing and municipal services, among others, are kept.

In case the person who participated in the fight against terrorism became physically disabled owing to an injury inflicted during the antiterrorist operation, an extraordinary grant amounting to ten living wages is paid to this person at the expense of the State Budget of Ukraine and the pension according to the legislation of Ukraine is granted.

In case the person who participated in the fight against terrorism during the antiterrorist operation received a wound that does not result in permanent disability, an extraordinary grant amounting to five living wages is paid.

Article 22. Damage Liability Reprieve

If, during the antiterrorist operation, involuntary damage is caused to the life, health and property of terrorists, the military personnel and other persons who participated in the antiterrorist operation are exempted from damage liability according to laws of Ukraine.

PART VI. LIABILITY FOR PARTICIPATION IN TERRORIST ACTIVITY

Article 23. Liability of persons guilty of terrorist activity

Criminal proceedings in accordance with the procedure envisaged with the law shall be instituted against the persons guilty of terrorist activity.

Disobedience or resistance to the regulatory requirements made by the military personnel, officials taking part in the antiterrorist operation, unlawful intervention in their lawful activity entails liability envisaged by the law.

Article 24. Liability of the Organisation for Committing the Terrorist Activity

The organisation responsible for the commitment of the acts of terrorism and declared terrorist by a court decision is subject to liquidation and its property subject to confiscation.

In case a court of Ukraine, including according to its international legal obligations, finds the activities of an organisation (its division, branch, representation) registered outside Ukraine to consist of terrorist activities, the terrorist activity of this organisation in the territory of Ukraine is forbidden, its Ukrainian division (branch, representation) on the basis of the court decision is liquidated, and its property in the territory of Ukraine is confiscated.

Prosecution against the organisation for committing terrorist activity is brought about by the General Prosecutor of Ukraine, public prosecutors of the Autonomous Republic of Crimea, regions (oblasts), and cities of Kyiv and Sevastopol according to the procedure established by the law.

Article 25. Liability for Assistance to Terrorist Activity

Heads and officials of enterprises, institutions and organisations, as well as citizens who assisted terrorist activity, in particular:

- 1) Financed terrorists, terrorist groups (terrorist organisations);
- 2) Gave or collected means, directly or indirectly, with the intention of their use for the commitment of terrorist acts or terrorist crimes;
- 3) Conducted operations with means and other funds of:
 - a) Physical persons who committed or tried to commit acts of terrorism or terrorist crimes or took part in their commitment or assisted their commitment;
 - b) Legal persons whose property directly or indirectly belongs to or is under control of terrorists or persons assisting terrorism;
 - c) Legal and physical persons who act on behalf of or on the instructions of terrorists or persons assisting terrorism, including the means received with the use of property directly or indirectly pertaining to or under the control of persons assisting terrorism or the legal physical persons connected with them;
- 4) Provided with funds, other financial or economic resources, relevant services directly or indirectly for the use in the interests of physical persons committing terrorist acts, assisting them or taking part in their

- commitment, or else in the interests of legal persons whose property pertains to or is under control of terrorists or persons assisting terrorism, as well as the legal and physical persons acting on behalf of or on the instructions of the specified persons;
- 5) Assisted persons who took part in the commitment of the acts of terrorism;
 - 6) Recruited physical persons for terrorist activity, assisted the establishment of channels of delivery of weapons to terrorists and taking terrorists across the border of Ukraine;
 - 7) Harboured persons who financed, planned, supported or committed acts of terrorism or terrorist crimes;
 - 8) Used the territory of Ukraine with the purpose of the preparation or commitment of the act of terrorism or terrorist crimes against other states or foreigners, are brought to account according to the law.

PART VII. INTERNATIONAL CO-OPERATION OF UKRAINE IN THE FIGHT AGAINST TERRORISM

Article 26. Bases for International Co-operation in the Fight Against Terrorism

Ukraine, according to the international treaties concluded by it, co-operates in the fight against terrorism with foreign states, their law enforcement organs and special services, as well as with international organisations engaged in the fight against international terrorism.

Guided by the interests of ensuring the security of the person, society and state, Ukraine prosecutes in its territory persons involved in terrorist activity, including in cases when the acts of terrorism or terrorist crimes were planned or committed outside Ukraine but caused damage to Ukraine, and in other cases envisaged by the international treaties of Ukraine, agreed to be binding by the Verkhovna Rada of Ukraine.

Article 27. Granting Information

Ukraine gives information on issues pertaining to the fight against international terrorism to foreign state if the inquiry observes the requirements of the legislation of Ukraine and its international legal obligations. Such information can be given without preliminary inquiry of the foreign state if this does not harm the pre-judicial inquiry or court examination and can help the competent organs of the foreign state with the suppression of terrorist acts.

Article 28. Participation in Joint Activities with Foreign States in the Fight Against Terrorism

Ukraine, according to international treaties agreed to be binding by the Verkhovna Rada of Ukraine, can take part in joint antiterrorist activities by assisting the foreign state or intergovernmental organisations in the redeployment of troops (forces), special antiterrorist formations, transportation of weapons or by granting its forces and means with the observance of the requirements of the laws of Ukraine "On the procedure of sending the detachments of the Armed Forces of Ukraine to other states" and "On the procedure of admittance and conditions of stay of the detachments of the Armed Forces of other states to the territory of Ukraine".

Article 29. Extradition of Persons who Participated in Terrorist Activity

The participation of foreigners or persons without citizenship, who do not reside permanently in Ukraine, in terrorist activity can form the basis for the extradition of such persons to another state for prosecution against them.

Extradition of the persons specified in Part 1 of this Article with the purpose of instituting criminal liability against them and execution of compulsory acts of a foreign state is carried out according to the legislation and obligations assumed by Ukraine in connection with the ratification of the European Convention on Extradition of Offenders (1957), the European Convention on the Suppression of Terrorism (1977) and other international treaties agreed to be binding by the Verkhovna Rada of Ukraine, as well as on the basis of reciprocity.

PART VIII. THE CONTROL AND LEGAL SUPERVISION OF THE FIGHT AGAINST TERRORISM

Article 30. Control over Fight Against Terrorism

Control over observance of legislation to carry out the fight against terrorism is carried out by the Verkhovna Rada of Ukraine in accordance with the procedure defined by the Constitution of Ukraine.

Control over the activity of subjects of the fight against terrorism is carried out by the President of Ukraine and the Cabinet of Ministers of Ukraine in accordance with the procedure defined by the Constitution and the laws of Ukraine.

Article 31. Legal Supervision of Antiterrorist Activities

Supervision of observance of the requirements of the legislation by the organs participating in antiterrorist activities is carried out by the General Prosecutor of Ukraine and the public prosecutors authorised by him or her in accordance with the procedure defined by the laws of Ukraine.

PART IX. FINAL PROVISIONS

1. This Law enters into force from the date of its official publication.
2. The Cabinet of Ministers within three months from the date of this law coming into force is obliged to:
 - Adopt normative-legislative acts envisaged by this Law;
 - Bring their normative-legislative acts into conformity with this Law;
 - Ensure revision and cancelling by the ministries and other Central Executives of their normative-legal acts contradicting this Law.

President of Ukraine L. Kuchma

Kyiv, March 20, 2003 № 638-IV

Law of Ukraine "On State Protection of Organs of State Power and Their Officials"

(*Bulletin of the Verkhovna Rada of Ukraine (BVR), 1998, No 35, p.236.*)

Includes changes made by the Laws:

- No 662-IV of 03.04.2003, BVR, 2003, No 27, p. 209;
- No 2249-IV of 16.12.2004, BVR, 2005, No 5, p. 116;
- No 328-V of 03.11.2006, BVR, 2006, No 51, p. 519;
- No 586-VI of 24.09.2008, BVR, 2009, No 10-11, p. 137;
- No 4711-VI of 17.05.2012, BVR, 2013, No 14, p. 89
- No 5040-VI of 04.07.2012, BVR, 2013, No 25, p. 246
- No 224-VII of 14.05.2013, BVR, 2014, No 11, p. 132
- No 1184-VII of 08.04.2014, BVR, 2014, No 18-19, p. 696
- No 1313-VII of 05.06.2014, BVR, 2014, No 29, p. 946
- No 567-VIII of 01.07.2015, BVR, 2015, No 35, p. 339
- No 901-VIII of 23.12.2015, BVR, 2016, No 4, p. 44.

PART I. GENERAL PRINCIPLES

Article 1. The concept of state protection of organs of state power of Ukraine and their officials

State protection of the organs of state power of Ukraine and officials (hereinafter, the state protection) is a system of organisational, legal, security, search, technical engineering and other measures which are taken by specially authorised state organs to provide for normal operation of the organs of state power of Ukraine, security of officials and installations determined by this Law.

Security measures taken by state organs to ensure security of the participants of criminal legal proceedings, of persons and installations other than those defined by this Law are not considered to belong to the state protection regulated by this Law.

Article 2. Legal basis for the state protection

The legal basis for the state protection is provided by the Constitution of Ukraine, international treaties of Ukraine, this and other laws of Ukraine, Decrees of the President of Ukraine and the Cabinet of Ministers of Ukraine, as well as departmental and interdepartmental normative-legal acts regulating the relations in the sphere of the state protection.

Article 3. Main principles of the state protection

The state protection is carried out according to the principles of legality, continuity, respect for human and citizens' rights, freedoms, dignity and undivided authority.

PART II. ORGANS OF STATE POWER OF UKRAINE, OFFICIALS AND INSTALLATIONS SUBJECT TO THE STATE PROTECTION

Article 4. The state protection of organs of state power of Ukraine

State protection is provided for:

- The Verkhovna Rada of Ukraine;
- The Cabinet of Ministers of Ukraine;
- The Constitutional Court of Ukraine;
- The Supreme Court of Ukraine.

Article 5. Ensuring the security of the President of Ukraine

Security of the President of Ukraine is provided in places of his/her permanent and temporary location by means of state protection.

During the term of the President of Ukraine, security is also provided for the members of his/her family living together with him/her or accompanying him/her.

After the termination of the term of the President of Ukraine, he/she is provided with the state protection for life except for if he/she has been displaced from the post as a result of an impeachment.

Article 6. Ensuring security of other officials

In places of permanent or temporary location, security is provided for:

- The Chairman of the Verkhovna Rada of Ukraine;
- The Prime Minister of Ukraine;
- The Chairman of the Constitutional Court of Ukraine;
- The Chairman of the Supreme Court of Ukraine;
- The First Deputy Chairman of the Verkhovna Rada of Ukraine;
- The First Vice-Prime Minister of Ukraine;
- The Minister of Foreign Affairs of Ukraine;
- The General Prosecutor of Ukraine.

During the term in office of the officials specified in this Article, security is also provided for the members of their families living together with them or accompanying them.

After the termination of their term in office, the specified officials are provided with the state protection for a year, except for cases when a verdict of guilty comes into force against them.

Article 7. Ensuring security of other persons

(Part I of Article 7 is excluded as provided by the Law No 1184-VII of 08.04.2014)

The state protection is provided also for the heads of foreign states, parliaments and governments and members of their families, heads of international organisations who arrive in Ukraine or stay in its territory. The list of heads of international organisations subject to the state protection is determined by the President of Ukraine upon the submission of the Cabinet of Ministers of Ukraine.

The state protection, in case of a threat to the life or health, can be provided for the People's Deputies of Ukraine, members of the Cabinet of Ministers of Ukraine, heads of the central organs of executive power who are not members of the Cabinet of Ministers of Ukraine, judges of the Constitutional Court of Ukraine and the Supreme Court of Ukraine, the Chairman of the National Bank of Ukraine, the Chairman of the Verkhovna Rada of Ukraine of the Autonomous Republic of Crimea, and the Chairman of the Council of Ministers of the Autonomous Republic of Crimea.

The decision on expediency of the state protection for the persons specified in Part 3 of this Article is taken by the President of Ukraine upon the submission of the officials authorised to act on behalf of the relevant organs of state power or upon the submission of the Head of the Administration of State Protection of Ukraine.

Article 8. Duties and rights of persons subject to the state protection

Persons subject to the state protection are obliged to have a responsible attitude toward their own security and to assist the organs of the state protection in accomplishment of the designed tasks.

Persons subject to the state protection have the right to:

- 1) Receive information on measures to ensure their security;
- 2) Give their consent to the candidates who will serve as their bodyguards;
- 3) Refuse temporarily in written form bodyguards, assuming full responsibility for possible negative consequences of this action.

Article 9. Installations subject to the state protection

The state protection is provided for the buildings where sit the Verkhovna Rada of Ukraine, the President of Ukraine, the Cabinet of Ministers of Ukraine, the Constitutional Court of Ukraine and the Supreme Court of Ukraine, for installations and special vehicles used by them, for other places of permanent and temporary lo-

cation of the persons protected according to this Law, important state installations, territories and water areas adjacent to them, determined by the President of Ukraine.

PART III. EXECUTION OF THE STATE PROTECTION

Article 10. Organs carrying out the state protection

The state protection is carried out by the Administration of State Protection of Ukraine.

The National Police, a special authorised central organ of executive power on protection of the state border of Ukraine, other central organs of executive power of Ukraine and the Security Service of Ukraine within the limits of their competences and in interaction with the Administration of State Protection of Ukraine take part in provision of the state protection.

Article 11. The Administration of State Protection of Ukraine

The Administration of State Protection of Ukraine is a state law enforcement organ of special purpose, subordinated to the President of Ukraine and under control of the Verkhovna Rada of Ukraine.

The general structure and numeric strength of the Administration of State Protection of Ukraine is approved by the Verkhovna Rada of Ukraine upon submission of the President of Ukraine.

The Administration of State Protection of Ukraine within the limits of its authority on the basis of the laws and other normative-legal acts and to ensure their implementation issues orders, organises and manages their execution.

The management of the activity of the Administration of State Protection of Ukraine is carried out by the Head of the Administration of State Protection of Ukraine who is appointed to office and dismissed from office by the President of Ukraine.

The Head of the Administration of State Protection of Ukraine has deputies who are appointed to office and dismissed from office at his/her proposal by the President of Ukraine. Other officials of the Administration of State Protection of Ukraine are appointed to office and dismissed from office by the Head of the Administration of State Protection of Ukraine.

Article 12. Tasks of the Administration of State Protection of Ukraine

The tasks assigned to the Administration of State Protection of Ukraine are the following:

- Execution of the state protection of organs of state power of Ukraine;
- Ensuring security of the officials determined by this Law in the places of their location both in the territory of Ukraine and abroad;
- Ensuring security of the members of families of the officials determined by this Law living together with them or accompanying them;
- Prevention of illegal actions against officials, members of their families and installations subject to the state protection; identification and suppression of these illegal actions;
- Protection of the installations determined by this Law;
- Maintenance of safe operation of the vehicles intended for the use by the officials determined by this Law;
- Participation in the fight against terrorism.

Article 13. The powers of the Administration of State Protection of Ukraine

For accomplishment of the designed tasks, the Administration of State Protection of Ukraine is authorised:

- To give its consent to the admission of citizens on installations subject to State protection;
- To receive in accordance with the established procedure at the written request of the Head of the Administration or his/her deputies the data necessary for the execution of the state protection from the heads of organs of state power of Ukraine, local self-government organs, enterprises, institutions, organisations irrespective of the form of ownership;
- To use clothing and documents that hide the identity of a person or his/her departmental affiliation to military personnel and vehicles of the Administration of state protection of Ukraine;
- To conduct in accordance with the procedure determined by the law of Ukraine "On Operational Investigative Activity" public and secret operational activities to prevent illegal actions against officials,

members of their families and installations subject to the state protection, identify and suppress such illegal actions;

- To carry out film-, photo-, audio- and video recording of installations subject to State protection;
- To involve with the consent of the heads of law enforcement and other State organs their military personnel, employees, technical and other means;
- To carry out on the installations subject to State protection fire, sanitary hygienic, ecological, radiation and anti-epidemic control and control over the condition of technical protection of information, to take measures to eliminate the revealed violations and to find out the reasons that caused them;
- To involve in accordance with the established procedure the service personnel of the Administration of State Protection of Ukraine in the execution of State protection of organs of State power, enterprises, institutions and organisations, the list of which is determined by the President of Ukraine;
- To carry out training, retraining and improvement of the professional skills of the military personnel and employees of the Administration of State Protection of Ukraine according to the Law of Ukraine "On Education";
- To form according to the legislation self-financing administrative departments.

Article 14. Interaction of the Administration of State Protection of Ukraine with other organs of state power of Ukraine, citizens and their associations, and security services of foreign states

The Administration of State Protection of Ukraine co-operates with other organs of state power of Ukraine, enterprises, institutions, organisations and officials who assist it in the accomplishment of the tasks assigned to it.

Citizens and their associations assist the Administration of State Protection of Ukraine on a voluntary basis.

The Administration of State Protection of Ukraine to accomplish the tasks assigned to it can co-operate with security services of foreign states according to the international treaties of Ukraine.

Article 15. Methods of execution of the state protection

The state protection is carried out by:

- 1) Search and recording of data about illegal activity of individuals or groups which threatens normal operation of organs of state power of Ukraine, life or health, honour and dignity of officials and members of their families to take measures to suppress such illegal activity;
- 2) Providing bodyguard services to persons;
- 3) Protection of installations and introduction of the relevant entry-departure regime at installations for individuals, vehicles and things (hereinafter, the regime);
- 4) Equipment of installations with technical protection facilities at the expense of the legal persons who use these installations;
- 5) Carrying out of preventive activities with the purpose of prevention of illegal actions.

Article 16. The Staff of the Administration of State Protection of Ukraine

The staffs of the Administration of State Protection of Ukraine consists of the military personnel who carry our military service at the Administration of State Protection of Ukraine on a contractual basis, military personnel in regular military service and employees who have concluded work contracts with the Administration of State Protection of Ukraine.

The Administration of State Protection of Ukraine employs on a contractual basis the citizens of Ukraine fit for their professional and moral qualities, the level of education and the state of health to effectively execute the official duties. The criteria of professional fitness are determined by the normative documents approved by the Head of the Administration of State Protection of Ukraine.

The citizen, who has been convicted for commitment of a deliberate crime, if this conviction was not overturned and cancelled according to the procedure established by the law, except for rehabilitated individuals, and who according to the requirements of the current legislation cannot be granted access to the state secret or who committed administrative violation of anticorruption legislature, cannot be employed in the Administration of State Protection of Ukraine.

Persons seeking employment with the bodies of the Administration of State Protection of Ukraine upon their written consent shall be subjected to a special check in accordance with the procedure provided by the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption".

Persons seeking employment with the bodies of the Administration of State Protection of Ukraine shall before their appointment to the relevant position submit at their would-be place of service a declaration of property, incomes, expenditures and obligations of a financial nature in the form and in accordance with the procedure provided by the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption", and shall notify the leadership of the body where they seek employment about their connected persons working in that body.

Officers of the Administration of State Protection of Ukraine shall annually, before the 1st of April, file at the place of service a declaration of property, incomes, expenditures and obligations of a financial nature for the previous year in the form and in accordance with the procedure provided by the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption".

Officers of the Administration of State Protection of Ukraine shall be subject to other requirements and restrictions established by the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption".

Officers of the Administration of State Protection of Ukraine who have been brought to responsibility for commitment of a corrupt administrative offence associated with violations of restrictions provided by the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption" or of a criminal offence shall be dismissed from service within a three-day term from the date when the relevant body of the Administration of State Protection of Ukraine gets a copy of the relevant court ruling. Military service personnel of the Administration of State Protection of Ukraine who have been brought to responsibility for commitment of a corrupt administrative offence associated with violations of restrictions provided by the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption" or of a criminal offence shall be dismissed from service.

The legislation of Ukraine on the general procedure and conditions of military service is applicable to the service personnel who serve in the Administration of state protection of Ukraine.

The service personnel who serve in the Administration of State Protection of Ukraine do not have the right to be members of political parties.

The service personnel who serve in the Administration of State Protection of Ukraine are granted the right to wear the uniform with insignia approved as stipulated by the Law of Ukraine "On Military Duty and Military Service". The service personnel who serve in the Administration of State Protection of Ukraine receive service identity cards approved by the President of Ukraine.

The use of the military ranks, uniforms or service identity cards of a serviceman who serves in the Administration of State Protection of Ukraine by other persons entails liability according to the laws of Ukraine.

Officers discharged from service in the Administration of State Protection of Ukraine (except for those dismissed from service for the reasons of service unfitness or in connection with a verdict of guilty which has entered into force against them) are enlisted to the reserve of the Security Service of Ukraine; soldiers, seamen, sergeants, sergeants-major, ensigns and warrant officers - to the reserve according to the general procedure.

The terms of work of the employees of the Administration of State Protection of Ukraine are determined by the labour legislation of Ukraine and by the concluded work agreement (contract).

Article 16-1. Settlement of a Conflict of Interests

In case of emergence of a conflict of interest during performance of official duties an officer of the Administration of State Protection of Ukraine shall immediately notify his or her immediate superior. The immediate superior of the officer of the Administration of State Protection of Ukraine shall take all requisite measures aimed at prevention of a conflict of interests by assigning performance of the relevant mission to another official, personal performance of the mission or by other means provided by the law.

Note. The term "conflict of interests" is used in the meaning provided in the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption".

Article 16-2. Restrictions on Employment of Related Persons

Officers of the Administration of State Protection of Ukraine cannot have in immediate subordination or be immediately subordinated in connection with the exercise of powers to their relations.

In case of emergence of circumstances violating the requirements of Part 1 of this Article, the responsible persons or their related persons shall take measures to remove such circumstances within fifteen days. If the circumstances are not voluntarily removed by them within the said term, the responsible persons or their related persons within a month term from the date of emergence of such circumstances shall be moved to another position in accordance with the established procedure, ruling out immediate subordination.

In case of impracticability of such transfer the subordinated person shall be dismissed from the occupied position or from service.

An officer of the Administration of State Protection of Ukraine shall be banned from taking part in the work of collegial bodies during consideration of issues of appointment of his or her related persons and influencing the decision in any other way.

Note. The terms "immediate subordination" and "related person" are used in the meaning provided in the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption".

Article 17. The Duties of the military personnel who serve in the Administration of State Protection of Ukraine

The service personnel who serve in the Administration of State Protection of Ukraine are obliged:

- 1) To implement persistently and consistently the state policy in the sphere of defence and provision of national security of Ukraine;
- 2) To observe strictly the requirements of the legislation and army statutes, to execute professionally and honestly the official duties assigned to them;
- 3) To maintain the appropriate level of professional and legal knowledge, special, combat and physical fitness;
- 4) To defend and respect the constitutional rights and freedoms of the person and the citizen, to be cultured, modest and enduring.

For commitment of offences the service personnel who serve in the Administration of state protection of Ukraine are brought to disciplinary, administrative, material or criminal responsibility according to the law.

Article 18. The Rights of military personnel who serve in the Administration of State

Protection of Ukraine

The service personnel who serve in the Administration of State Protection of Ukraine have the following rights:

- 1) To demand from citizens to observe the regime established at installations subject to the state protection;
- 2) To detain persons who have illegally penetrated or try to penetrate the installations subject to the state protection, to check their identity documents, to carry out according to the procedure established by law the personal check of detained persons and examination of their belongings and vehicles and to transfer them to other law enforcement organs;
- 3) In co-operation with relevant National Police units during implementation of security activities to limit temporarily or forbid the movement of vehicles and pedestrians on the streets and roads at times of passage of the automobile transport with the President of Ukraine, Chairman of the Verkhovna Rada of Ukraine, Prime Minister of Ukraine, as well as the heads of the foreign states, parliaments, governments and the heads of international intergovernmental organisations and foreign delegations visiting Ukraine with an official visit, to refuse citizens entry to places and installations and to demand them to remain in a concrete place or to leave it;
- 4) To use the vehicles belonging to the organs of state power of Ukraine, enterprises, institutions, organisations and citizens (except for the vehicles belonging to diplomatic representatives of foreign states and international organisations, as well as special purpose vehicles) for prevention of crimes, for pursuit and detention of the persons suspected of commitment of a crime, for transportation of the persons requiring urgent medical aid to medical institutions, as well as for travel to a place of incident with the subsequent

compensation in accordance with the established procedure of the losses caused to the owners of these vehicles;

- 5) In emergency cases connected with rescue of the life of people and property or with pursuit of persons suspected of having committed crimes, to enter into the inhabited and other premises belonging to individuals, on the territory and in the premises of state organs, enterprises, institutions and organisations of all forms of ownership with the subsequent notification about this of the public prosecutor within 24 hours;
- 6) During carrying out of security activities, to use communication facilities that belong to the state organs, enterprises, institutions and organisations irrespective of the form of ownership with the subsequent compensation of damages in accordance with the established procedure;
- 7) To keep, carry and apply firearms and special means on the basis of and according to the procedure established by the Law of Ukraine "On National Police", army statutes and normative acts adopted according to them, to transport weapons and special means in all types of transport;
- 8) To buy tickets for all types of transport out of turn irrespective of the availability of places and to stay in hotels upon presentation of a mission certificate.

Article 19. Appeals against wrongful acts of the Administration of state protection of Ukraine

The acts of the service personnel who serve in the Administration of State Protection of Ukraine can be appealed according to the procedure established by the law.

PART IV. SOCIAL AND LEGAL PROTECTION OF THE SERVICEMEN WHO SERVE IN THE ADMINISTRATION OF STATE PROTECTION OF UKRAINE AND OF THE CITIZENS PARTICIPATING IN THE EXECUTION OF THE STATE PROTECTION

Article 20. Guarantees of personal security, social and legal protection of the service personnel who serve in the Administration of State Protection of Ukraine and of the citizens participating in the execution of the state protection

The social guarantees envisaged by the legislation of Ukraine for the military personnel of the Armed Forces of Ukraine are applicable to the service personnel who serve in the Administration of State Protection of Ukraine.

The service personnel who serve in the Administration of State Protection of Ukraine are not accountable for moral, material and physical damage caused by him/her as a result of the lawful use of force, special means and firearms.

Nobody, except for their immediate chiefs, has the right to interfere with the service activity of the service personnel who serve in the Administration of State Protection of Ukraine. Preventing them from the performance of the official duties, insulting their honour and dignity, rendering resistance, using threats or violence against the service personnel who serve in the Administration of State Protection of Ukraine and members of their families, illegal acts against their life, health and property in connection with performance of their official duties entail liability according to the laws of Ukraine.

During performance by the service personnel who serve in the Administration of State Protection of Ukraine of their official duties, their administrative detention, as well as personal check or examination of their belongings and vehicles without an authorised representative of the Administration of State Protection of Ukraine, except for cases if a serviceman has committed a crime, is not allowed.

The employees of the Administration of State Protection of Ukraine whose functional duties are not directly connected with the execution of the state protection of the organs of state power of Ukraine, ensuring of security of officials and installations determined by this Law, in case of their engagement in the execution of the state protection enjoy the rights given to the service personnel who serve in the Administration of State Protection of Ukraine according to items 1, 2, 4, 5 of Article 18 of this Law. In these cases the rights and guarantees envisaged for the service personnel who serve in the Administration of State Protection of Ukraine are applied to them.

The service personnel who serve in the Administration of State Protection of Ukraine, except for military personnel on regular military service, have the right to an out-of-turn installation of a home phone.

Pensions for service personnel who serve in the Administration of State Protection of Ukraine are granted according to the Law of Ukraine "On Pensions of Persons, Retired from Military Service, and some other Persons".

Article 21. Indemnities in case of mutilation or death of the service personnel who serve in the Administration of State Protection of Ukraine and of the citizens involved in the state protection, and in case of damages caused to their property

In case of death or wound (contusion, trauma or mutilation) of a serviceman who serves in the Administration of State Protection of Ukraine indemnity is paid as provided by the Law of Ukraine "On Social and Legal protection of military Servicemen and Members of their Families"

The damages caused to the property of a serviceman who serves in the Administration of State Protection of Ukraine or members of his/her family in connection with the performance of official duties by him/her, is indemnified to him/her, and in case of his/her death - to the members of the family, in full from the State Budget of Ukraine.

This Article applies to the employees of the Administration of state protection of Ukraine and other persons involved in activities on execution of the state protection.

Article 22. Medical aid to the service personnel and employees of the Administration of State Protection of Ukraine

Medical aid to the service personnel and employees of the Administration of state protection of Ukraine is rendered in accordance with the procedure defined by the Cabinet of Ministers of Ukraine.

PART V. FINANCIAL AND LOGISTICAL SUPPORT OF THE ADMINISTRATION OF STATE PROTECTION OF UKRAINE

Article 23. Financing of the activity of the Administration of State Protection of Ukraine

Financing of the activity of the Administration of State Protection of Ukraine is carried out from the State Budget of Ukraine.

Article 24. Logistical support of the Administration of State Protection of Ukraine

Logistical support of the Administration of State Protection of Ukraine is carried out through state procurement orders in accordance with the procedure defined by the Cabinet of Ministers of Ukraine, as well as by conclusion of direct contracts with enterprises, institutions, and organisations, including foreign ones, according to the current legislation.

PART VI. THE CONTROL AND OVERSIGHT OVER THE ACTIVITY OF THE ADMINISTRATION OF STATE PROTECTION OF UKRAINE

Article 25. Control of the Verkhovna Rada of Ukraine over the observance of the current legislation by the Administration of State Protection of Ukraine

The control over the observance of the current legislation by the Administration of state protection of Ukraine in the sphere of state protection and protection of human rights and freedoms is carried out by the Verkhovna Rada of Ukraine.

The Head of the Administration of State Protection of Ukraine regularly informs the Verkhovna Rada of Ukraine on the condition of the state protection, protection of human rights and freedoms and observance of the current legislation.

The Administration of State Protection of Ukraine in accordance with the procedure established by the legislation of Ukraine is obliged to answer inquiries of the committees, temporary commissions of the Verkhovna Rada of Ukraine and of the People's Deputies of Ukraine.

The Head of the Administration of State Protection of Ukraine annually by the 1st of February of the year following the reported year presents to the Verkhovna Rada of Ukraine a written report on the activity of the Administration of State Protection of Ukraine.

Article 26. Control of the President of Ukraine over the activity of the Administration of State Protection of Ukraine

The President of Ukraine carries out control over the activity of the Administration of State Protection of Ukraine.

The Head of the Administration of State Protection of Ukraine regularly informs the President of Ukraine on the main issues of the activity of the Administration. The procedure of submission of information is established by the President of Ukraine.

The Head of the Administration of State Protection of Ukraine annually presents to the President of Ukraine a written report on the activity of the Administration of State Protection of Ukraine.

Article 27. Control over the use by the Administration of State Protection of Ukraine of the means of the State

Budget of Ukraine and over its financial and administrative activity

Control over the use of the means of the State Budget of Ukraine by the Administration of State Protection of Ukraine is carried out by the Accounting Chamber within the limits of its authority established by the legislation of Ukraine.

Control over financial and administrative activity of the Administration of state protection of Ukraine is carried out in accordance with the procedure determined by the President of Ukraine.

Article 28. Oversight over the observance and application of laws by the Administration of State Protection of Ukraine

Oversight over the observance and application of laws by the Administration of state protection of Ukraine is carried out in accordance with the procedure defined by the Constitution and the laws of Ukraine.

President of Ukraine L. Kuchma

Kyiv, March 4, 1998 No160/98-BP;

Law of Ukraine "On State Secrets"

(*Bulletin of the Verkhovna Rada of Ukraine (BVR), 1994, No 16, p. 93*),

Enacted by the Resolution of the Verkhovna Rada of Ukraine No 3856-XII of 21.01.1994,
(*Bulletin of the Verkhovna Rada of Ukraine (BVR), 1994, No 16, p. 94*).

In the wording of the Law No 1079-XIV of 21.09.99, BVR, 1999, No 49, p. 428;

Includes changes made by the Laws:

No 971-IV of 19.06.2003, BVR, 2003, No 45, p. 361;
No 1519-IV of 19.02.2004, BVR, 2004, No 23, p. 320;
No 293-VI of 21.05.2008, BVR, 2008, No 27-28, p. 252;
No 2432-VI of 06.07.2010, BVR, 2010, No 46, p. 537;
No 2592-VI of 07.10.2010, BVR, 2011, No 10, p. 63;
No 2978-VI of 03.02.2011, BVR, 2011, No 33, p. 329;
No 4212-VI of 22.12.2011, BVR, 2012, No 32-33, p. 413;
No 4652-VI of 13.04.2012, BVR, 2013, No 21, p. 208;
No 5463-VI of 16.10.2012, BVR, 2014, No 4, p. 61;
No 1169-VII of 27.03.2014, BVR, 2014, No 20-21, p. 746;
No 1170-VII of 27.03.2014, BVR, 2014, No 22, p. 816;
No 374-VIII of 12.05.2015, BVR, 2015, No 28, p. 245;
No 576-VIII of 02.07.2015, BVR, 2015, No 36, p. 360.

This Law regulates relations of society connected with classifying information as a state secret, classification, declassification and the state secret protection with the purpose of protection of the national security of Ukraine.

PART I. GENERAL PROVISIONS

Article 1. Definition of Terms

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

- The state secret (further, also classified information) is a kind of classified information covering data in the sphere of defence, economy, science and military equipment, external relations, state security and legal order protection, which when disseminated can cause damage to the national security of Ukraine and which is recognised in accordance with the procedure established by this Law as a state secret and subject to state protection;
- Classifying information as a state secret is the procedure of acceptance (by the state expert on issues of secrets) of the decisions on classifying a category of data or individual data as a state secret with the establishment of the level of their secret classification by substantiation and definition of the possible damage to the national security of Ukraine in case of dissemination of this data, inclusion of this information into the corpus of data constituting a state secret, and with publication of this corpus and changes to it;
- A secrecy stamp is a prerequisite for the material object containing classified information, certifying the degree of secrecy of the given information;
- The state expert on issues of secrets is the official authorised according to the requirements of this Law to ascribe information as state secret in the sphere of defence, economy, science and military equipment, external relations, state security and legal order protection and to change the degree of secrecy of this information and its declassification;
- Admission to the state secret is the registration of the right of the citizen to access the classified information;
- Access to the state secret is access (having insight into) to concrete classified information and carrying out the activity connected with the state secret, or insight into the concrete classified information and

implementation of the activity connected with the state secret by a citizen who has been granted access by an authorised official according to his/her service powers;

- Classification of material objects is the introduction, according to the procedure established by the legislation, of restrictions on the distribution and access to the concrete classified information by granting the relevant secrecy stamp to documents, products or other material objects of this information;
- The corpus of the data constituting the state secret is the act containing the lists of data which, according to the decisions of state experts on issues of secrets, constitute the state secret in the spheres determined by this Law;
- Category of secrecy regime is the category which characterizes the importance and volume of the data constituting the state secret which are concentrated in state organs, local self-government organs, enterprises, institutions and organisations;
- Cryptographic protection of classified information is protection, which is realised by the transformation of information with the use of special data (key data) with the purpose of concealment (or restoration) of the contents of information, confirmation of its authenticity, integrity, authorship, among others;
- Material objects of classified information are material objects, including physical fields, which contain the data constituting the state secret, in the form of texts, signs, symbols, images, signals, engineering solutions, processes, etc.;
- State secret protection - the complex of organisational-legal, technical engineer, cryptographic and detective-investigation measures directed on the prevention of dissemination of classified information and their loss;
- Secrecy regime is established according to the requirements of this Law and other normative-legal acts published in accordance with it for a uniform procedure of state secret protection;
- Declassification of material objects of classified information is the removal, according to the procedure established by the legislation, of restrictions on the distribution and access to the concrete classified information by cancelling the previously granted secrecy stamp of documents, products or other material objects of this information;
- Specialised expert examination to determine the conditions for the implementation of the activity connected with the state secret is the examination which is conducted with the purpose of definition in state organs, local self-government organs, enterprises, institutions and organisations whether the conditions envisaged by this Law for implementation of the activity connected with the state secret are present;
- Degree of secrecy ("special importance", "top secret", "strictly confidential") is the category describing the importance of classified information, the degree of restriction of access to it and the level of its protection by the state;
- Technical protection of classified information is the kind of protection directed on the maintenance by technical-engineer means of confidentiality, integrity and impossibility of blocking of information.

Article 2. Legislation of Ukraine on state secret

Relations in the sphere of state secret protection are regulated by the Constitution of Ukraine, the Law of Ukraine "On the Information", the Law of Ukraine "On Access to Public Information", this Law, the international treaties agreed to be binding by the Verkhovna Rada of Ukraine and other normative-legal acts.

Article 3. Applicability of the Law

This Law is applied to organs of legislative, executive and judicial authority, Procurer of Ukraine, other state organs, the Verkhovna Rada of Ukraine of the Autonomous Republic of Crimea, the Council of Ministers of the Autonomous Republic of Crimea, local self-government organs, enterprises, institutions and organisations of all forms of ownership, associations of citizens (hereinafter, state organs, local self-government organs, enterprises, institutions and organisations) which carry out the activity connected with state secret,

citizens of Ukraine, foreigners and persons without citizenship granted access to the state secret in accordance with the established procedure.

The data handed over to Ukraine and constituting the secret of a foreign state or international organisation are protected according to the procedure established by this Law. In case the international treaty agreed to be binding by the Verkhovna Rada of Ukraine establishes rules of protection of the secret of a foreign state or international organisation other than envisaged by this Law, the rules of the international contract of Ukraine are applied.

Article 4. State policy on issues of state secret

The state policy on issues of state secret as a component of the fundamentals of internal and external policy is determined by the Verkhovna Rada of Ukraine.

Article 5. The competence of state organs, organs local self-government and their officials in the sphere of state secret protection

The President of Ukraine, ensuring national security, publishes the decrees and resolutions on issues of state secret protection classified by this Law and other laws to his/her powers.

The National Security and Defence Council of Ukraine co-ordinates and manages the activity of executive organs in the sphere of state secret protection.

The Cabinet of Ministers of Ukraine directs and co-ordinates the activity of ministries, other executive organs on maintenance of implementation of the state policy in the sphere of state secret protection.

The central and local executive organs, the Council of Ministers of the Autonomous Republic of Crimea and local self-government organs implement the state policy in the sphere of state secret protection within the limits of their authority envisaged by the law.

The state power organ specially authorised to maintain state secret protection is the Security Service of Ukraine.

Maintenance of state secret protection according to the requirements of the secrecy regime in state organs, local self-government organs, enterprises, institutions and organisations whose activity is connected with the state secret, is assigned to the heads of the specified organs, enterprises, institutions and organisations.

Article 6. The exercise of property rights to classified information and its material objects

The owner of classified information or its material objects enjoys property rights, taking into account the restrictions established in the interests of national security of Ukraine according to this Law.

If restriction of the property rights on classified information or its material objects damage their owner, compensation is carried out at the expense of the state in accordance with the procedure and in amount determined in the contract between the owner of such information or its material objects and an organ (organs) of state power, which is granted the right to take the decision on issues of the subjects who will have access to this information and its material objects by the state expert on issues of secrets. The specified contract also determines the procedure and conditions of state secret protection, including the secrecy regime and disposal of classified information and its material objects, the consent of the owner of this information and its material objects to the exercise of the property rights taking into account the restrictions established according to this Law, undertaking by the owner of obligations on preservation of the state secret and its acquaintance with the liability for infringement of the legislation on state secret.

If the owner of classified information or its material objects refuses to conclude a treaty or violates it, this information or its material objects can be withdrawn and transferred to the property of the state upon a court decision and provided the preliminary and full indemnification to the owner of its cost.

Article 7. Financing of charges on implementation of activity connected with the state secret

Financing of charges on implementation of the activity connected with the state secret in budgetary establishments and organisations is carried out at the expense of the State Budget of Ukraine, the budget of the Autonomous Republic of Crimea and local budgets. Means for the specified charges are allocated in

the relevant budgets by individual budget lines. The specified charges of other establishments and organisations, as well as enterprises, belong to gross diversions of the manufacturer of the products connected with the state secret.

Charges on implementation of measures on classifying information as a state secret, secrecy stamp, declassification and protection of material objects of such information, its cryptographic and technical protection, other charges connected with the state secret, at non-governmental (private) enterprises, institutions, organisations are financed on the basis for the contract with the customer of the works connected with the state secret.

The enterprises, institutions and organisations carrying out activity, connected with the state secret, can be granted tax and other privileges in accordance with the procedure established by the law.

PART II. CLASSIFYING OF INFORMATION TO THE STATE SECRET

Article 8. The Information that can be classified to state secret

The following information can be classified as state secret in accordance with the procedure established by this Law:

- 1) In the sphere of defence:
 - On the content of strategic and operational plans and other documents of battle management, training and carrying out of military operations, strategic and mobilisation deployment of troops, as well as about other major parameters describing the organisation, numeric strength, location, combat readiness and mobilisation preparedness, military and other training, arms and logistical support of the Armed Forces of Ukraine and other military formations;
 - On the directions of development of individual kinds of arms, military and special military equipment, their quantity, tactics and technical characteristics, organisation and technology of production, scientific, research and development projects connected with development of new samples of arms, military and special military equipment or their modernisation, as well as about other works which are planned or carried out in the interests of national defence;
 - On the forces and means of the civil defence of Ukraine, opportunity to use settlements, regions and individual installations for protection, evacuation and dispersals of the population, maintenance of its vital activity and production operation of the national economy in wartime or during emergencies;
 - About geodesic, gravimetric, cartographic and hydrometeorological data and characteristics important for national defence;
- 2) In the sphere of economy, science and military equipment:
 - On the content of state organs' and local self-governance organs' mobilisation plans, mobilisation capacities, measures of mobilisation preparation and mobilisation, reserves and volumes of deliveries of strategic kinds of raw materials and materials, as well as summary data about the nomenclature and levels of accumulation, about total amounts of delivery, distribution, refreshment, accommodation and actual reserves of the state material reserve;
 - On the use of transport, communication, capacities of other branches and infrastructure installations of the state in the interests of maintenance of its security;
 - On the plans, nature, volume, financing and fulfilment of the state procurement order;
 - About plans, volumes and other major characteristics of extraction, manufacture and disposal of certain strategic kinds of raw material and production;
 - About the state reserves of precious metals of monetary group, jewels, currencies and other values, operations connected with manufacturing of bank notes and securities, their storage, guard and protection against falsification, circulation, exchange or demonetisation, as well as about other special measures of financial activity of the state;
 - About scientific, research, developmental and design works on the basis of which the progressive technologies, new kinds of manufacture, production and technological processes having an important

defence and economic value or essentially influencing foreign trade activities and national security of Ukraine can be created;

3) In the sphere of external relations:

- About directives, plans, instructions to delegations and officials on issues of foreign policy and foreign trade activities of Ukraine directed on maintenance of its national interests and security;
- About military, scientific and technical, other co-operation of Ukraine with foreign states if dissemination of these data causes damage to the national security of Ukraine;
- About export and import of arms, military and special military equipment, individual strategic kinds of raw materials and production;

4) In the sphere of state security and legal order protection:

- About the staff of the organs carrying out detective-investigative activity or intelligence and counter-intelligence;
- About means, nature, plans, organisation, financing and logistical support, forms, methods and results of detective-investigation activity, intelligence and counterintelligence activity; about the persons co-operating or co-operated before on a confidential basis with organs carrying out such activity; about staff and concrete persons who are secret permanent members of the staff of the organs carrying out detective-investigation and intelligence and counterintelligence activity;
- About the organisation and procedure of the protection of office buildings and other state installations, officials and other persons whose protection is carried out according to the Law of Ukraine "On the State Protection of the Organs of State Power and Their Officials";
- About the system of governmental and special communication facilities;
- About the organisation, nature, condition and plans for the development of cryptographic protection of classified information, maintenance and results of scientific research in the sphere of cryptography;
- About systems and means of cryptographic protection of classified information, their development, manufacture, manufacturing techniques and use;
- About the state codes, their development, manufacture, manufacturing techniques and use;
- About the organisation of the secrecy regime in state organs, local self-government organs, enterprises, institutions and organisations, the state programmes, plans and other measures in the sphere of state secret protection;
- About the organisation, nature, condition and plans for the development of technical protection of classified information;
- About the results of the checks carried out according to law by the public prosecutor in accordance with the relevant supervision of the observance of the laws, and about contents of materials of investigation, pre-judicial inquiries and legal proceedings in the spheres specified in this Article;
- About other means, form and methods of state secret protection;
- Concrete data can be classified as a state secret upon the degree of secrecy of "special importance", "top secret" and "strictly confidential" only provided that they refer to the categories specified in Part 1 of this Article, and their dissemination will damage the national security of Ukraine and abiding to the requirements of Article 6 of the Law of Ukraine "On Access to Public Information".

It is forbidden to classify data as a state secret if this narrows the nature and volume of constitutional rights and freedoms of the person and the citizen, damage the health and security of the population.

The information not pertaining to state secret:

- About the condition of the environment, quality of food and households and about the impact of the goods (works and services) on the life and health of individual;
- About accidents, catastrophes, dangerous natural phenomena and other emergencies which have occurred or can occur and endanger the security of citizens;

- About the state of health of the population, their standard of life, including food, clothes, habitation, health services and social security, as well as about socially-demographic parameters, the condition of the legal order protection, education and culture of the population;
- Facts concerning violations of the rights and freedom of the person and the citizen;
- About unlawful actions of state organs, local self-government organs and their officials and staffers;
- Other information, access to which according to the laws and the international treaties agreed to be binding by the Verkhovna Rada of Ukraine, cannot be limited.

Article 9. The state experts on issues of secrets

- The state expert on issues of secrets ascribes, according to the requirements of this Law, the information in the sphere of defence, economy, science and military equipment, external relations, state security and legal order protection to the state secret, changes the degree of secrecy of this information and declassifies it;

The fulfilment of functions of the state expert on issues of secrets is assigned to concrete officials:

- In the Verkhovna Rada of Ukraine – the Chairman of the Verkhovna Rada of Ukraine;
- In other state organs, the National academy of sciences of Ukraine, enterprises, institutions and organisations - by the President of Ukraine upon submission of the Security Service of Ukraine on the basis of the proposals of the heads of the relevant state organs, the National academy of sciences of Ukraine, enterprises, institutions and organisations.

It is not allowed to interfere with the activity of the state expert on issues of secrets of the person this expert ex officio subordinates to.

The state expert on issues of secrets according to the tasks assigned to him/her:

- 1) Determines:
 - The grounds for classifying information as a state secret;
 - The grounds and expediency of classifying as a state secret information on inventions (useful models), intended for the use in the spheres specified in Part 1 of Article 8 of this Law;
 - Expediency of classifying as a state secret information on inventions (useful models), having a dual-use on the basis of the comparative analysis of efficiency of target use and by the consent of the author (the owner of the patent);
 - Degree of the secrecy of information classified as a state secret;
 - Organ (organs) of the state power entrusted with the right to take the decision on the list of subjects which are given access to classified information;
- 2) Draws the conclusion on the damage to the national security of Ukraine in case of disclosure of classified information or loss of material objects of such information;
- 3) Establishes and renews the term of the decision on classifying of information as a state secret with the indication of the date of its declassification;
- 4) Gives the Security Service of Ukraine the conclusions on the change of the degree of secrecy of information and cancelling of the decision on its classifying as a state secret in case the grounds for classifying this information as a state secret no longer exist;
- 5) Approves, upon agreement with the Security Service of Ukraine, the detailed lists of the data constituting the state secret, changes to them, controls the conformity of these lists to the corpus of the data constituting the state secret;
- 6) Considers proposals of state organs, local self-government organs, enterprises, institutions, organisations, associations of citizens and individual citizens on classifying information as a state secret and its declassification;
- 7) Approves the conclusions about the awareness on the state secret of citizens which have or had the admission to the state secret;
- 8) Manages the validity and correctness of granting to documents, products and other material objects containing data included in the corpus of data or the detailed lists of the data constituting the state secret the

relevant secrecy stamp, timeliness of change of such stamp and declassification of these material objects by granting them the stamp "declassified".

- 9) Participates in the development of criteria of assessing the damage which can be caused to the national security of Ukraine in case of disclosure of classified information or loss of material objects of such information;

The state expert on issues of secrets at fulfilment of the designed functions is obliged:

- 1) To co-ordinate through the mediation of the Security Service of Ukraine the conclusions about cancelling of decisions on classifying information as intergovernmental secrets with the relevant officials of the states-participants of the international treaties of Ukraine on mutual maintenance of the security of intergovernmental secrets and to inform them on the accepted decisions on classifying of information as state secret these contracts are applicable to;
- 2) To present to the Security Service of Ukraine not later than ten days from the moment of signing of the decision on classifying data to the state secret or the conclusion about cancelling this decision; for the detailed lists of the data constituting the state secret - within the same term from the moment of their adoption;
- 3) To consider the proposals of the Security Service of Ukraine on classifying information as a state secret, its declassification or extension of the earlier decision on classifying information as a state secret;
- 4) To grant the relevant secrecy stamp to the decisions on classifying of information to the state secret and about cancelling of these decisions depending on the importance of their contents;
- 5) To take part in sessions of state experts on issues of secrets;
- 6) To initiate the issue of accountability for officials who violate Ukrainian legislation on the state secret.

The state expert on issues of secrets has the right:

- 1) To freely inspect the fulfilment by state organs, local self-government organs, enterprises, institutions and organisations in sphere of his/her activity, the decisions on classifying of information as a state secret, the cancelling of these decisions, observance of the procedure for classification of information and, upon the revelation of infringements, to give instructions obligatory for their elimination;
- 2) To create commissions of experts from among the experts and scientists having access to the state secret for development of drafts decisions on classifying information as a state secret, downgrading the level of its secrecy and cancellation of the specified decisions; conclusions about the awareness on the state secret of citizens which have or had the access to the state secret, as well as for preparing the relevant conclusions in case of discloser of classified information or loss of material objects of such information;
- 3) To cancel groundless decisions on granting a material object a secrecy stamp, changing or cancelling this stamp;
- 4) To petition for bringing to account the officials' breaking the legislation of Ukraine on state secret;
- 5) To receive, in accordance with the established procedure from state power organs, local self-government organs, enterprises, institutions and organisations, the data necessary for the fulfilment of the functions.

The state experts on issues of secrets, as well as the experts involved in the development of decisions and conclusions of the state experts on issues of secrets, are granted additional payments in accordance with the procedure and in the amount determined by the Cabinet of Ministers.

The state expert on issues of secrets bears personal responsibility for legality and validity of the decision on classifying information as a state secret or the conclusion about decreasing the degree of secrecy of such information or cancelling of the decision on its classifying as a state secret, as well as for the deliberate non-acceptance of the decision on classifying as a state secret information which can damage the national security of Ukraine if disclosed.

Article 10. The Procedure of classifying information as a state secret

Classifying information as a state secret is carried out by the informed decision of the state expert on issues of secrets upon his/her own initiative, upon the address of the heads of the relevant state organs, local self-government organs, enterprises, institutions, organisations or citizens.

The state expert on issues of secrets ascribes the information as a state secret on issues within the limits of his/her ex officio competence. In case the adoption of the decision on classifying information as a state secret belongs to the competence of several state experts on issues of secrets, it is taken on a collective basis and approved by simple majority upon the initiative of the state experts or upon the offer of the Security Service of Ukraine. At that each expert has the right to set up his/her opinion.

The information is considered to be state secret from the date of publication of the corpus of the data constituting the state secret this information is included into, or else the amendment to it in accordance with the procedure established by this Law.

Article 11. The Decision of the state expert on issues of secrets

The decision of the state expert on issues of secrets on classifying information as state secret specifies:

- The information which can constitute the state secret, and its conformity to the categories and requirements envisaged by Article 8 of this Law and by Article 6 of the Law of Ukraine "On Access to Public Information";
- The bases for classifying information as a state secret and substantiation of damage to the national security of Ukraine in case of its divulgation;
- Degree of secrecy of the specified information;
- Amount of financing of the activities necessary for protection of such information;
- The organ of the state power, institution of local self-government, enterprise, establishment, organisation or citizen who put forward the proposal on classifying of this information as a state secret, and the organ (organs) of the state power granted the right to determine the list of subjects who will have access to this information;
- The term during which the decision on classifying of information to the state secret in force.

The decision to classify information as a state secret, prolongation of the validity of earlier decisions, changing the level of secrecy of such information or cancelling of the decision on its classifying as a state secret is accepted by the state expert on issues of secrets not later than within one month from the date of reception of the address of the relevant organ of the state power, institution of local self-government, enterprise, establishment, organisation or citizen. These decisions are subject to registration with the Security Service of Ukraine and validate the content of the corpus of the data constituting the state secret and modification of the corpus content, as well as sectorial and institutional lists of information constituting the state secret. The procedure for registration of decisions by the state expert on issues of secrets shall be established by the Cabinet of Ministers.

Article 12. The Corpus of the data constituting state secret

The corpus of the data constituting state secret is formed by the Security Service of Ukraine on the basis of the decisions of the state experts on issues of secrets. This corpus and its modifications become valid from the moment of its publication in official publications of Ukraine.

Amendments to the corpus of the data constituting state secret are made no later than within three months from the date of reception of the relevant decision by the Security Service of Ukraine or the relevant conclusion by the state expert on issues of secrets.

Samples of forms of decisions (conclusions) of the state experts on issues of secrets, the procedure and mechanism of formation of the corpus of the data constituting the state secret and its publication are determined by the Cabinet of Ministers of Ukraine.

On the basis for and within the limits of the corpus of the data constituting state secret with the purpose of concretisation and sorting of the data about classified information, the state organs create the branch or departmental detailed lists of the data constituting state secret, as well as creating the inter-branch or inter-

departmental detailed lists of the data constituting state secret. Enterprises, institutions and organisations irrespective of the forms of ownership carrying out the activity connected with the state secret, upon the initiative and with the knowledge of the customer of the works connected with the state secret can create their own detailed lists of the data constituting a state secret. Such lists are co-ordinated with the Security Service of Ukraine, affirmed by the state experts on issues of secrets and registered with the Security Service of Ukraine. The detailed lists of the data constituting state secret cannot contradict the corpus of the data constituting state secrets.

Upon inclusion into the corpus of the data constituting state secret or in the detailed lists of these data, which do not suit the categories and requirements envisaged by Article 8 of this Law, or infringe upon the established procedure of classifying information as a state secret, the interested citizens and legal persons have the right to appeal against the relevant decisions in court. With the purpose to avoid the dissemination of state secrets, the judicial consideration of these appeals can be conducted in closed sessions according to the law.

Article 13. Validity of the decision on classifying information as a state secret

The period during which the decision on classifying information as a state secret is valid is established by the state expert on issues of secrets taking into account the degree of secrecy of information, the criteria of definition of which are established by the Security Service of Ukraine and other circumstances. For the information with a level of secret classification of "special importance" it cannot exceed 30 years, for the information of "top secret" – 10 years, for the information of "strictly confidential" – 5 years.

After expiration of the term of validity of the decision on classifying information as a state secret as envisaged by Part 1 of this Article, the state expert on issues of secrets draws the conclusion about the cancelling of the decision to classify it as a state secret or prolongs the validity of the specified decision within the limits of the terms established by Part 1 of this Article.

The President of Ukraine upon his/her own initiative or on the basis of the proposals of state experts on issues of secrets or address of state organs, local self-government organs, enterprises, institutions, organisations or citizens, can establish the term of validity for decisions to classify information as a state secret longer than the terms envisaged by Part 1 of this Article.

Establishment of the term of validity of the decision on classifying information as a state secret and its extension shall be made in accordance with requirements envisaged by Article 6 of the Law of Ukraine "On Access to Public Information".

Article 14. Change of the degree of secrecy of information and cancelling of the decision on its classification as a state secret

Increase or decrease of the level of secrecy of information and cancelling of the decision to classify it as a state secret are brought about on the basis of the conclusion of the state expert on issues of secrets or on the basis of a court decision in cases envisaged by Article 12 of this Law, and are officially registered by the Security Service of Ukraine by introducing the relevant amendments into the corpus of the data constituting the state secret.

The information is considered to be the state secret with a higher or lower degree of secrecy or not constituting the state secret from the time of publication of relevant amendments in the corpus of the data constituting the state secret.

PART III. SECRECY STAMP AND DECLASSIFICATION OF MATERIAL OBJECTS OF INFORMATION

Article 15. The Secrecy stamp and declassification of material objects of information

The classification of material objects of information is carried out by granting on the basis of the corpus of the data constituting the state secret (expanded list of the data constituting the state secret) the relevant document, product or other material object of information by official who prepared and created the document, product or other material object of information. The classification of documents is carried out only in the part containing the state secret. In case of request for the document containing the state secret, access to this document is granted in the part without secret data.

Each material object of classified information shall contain a secrecy stamp which corresponds to the level of secrecy of information contained to the corpus of the data constituting the state secret - "special importance", "top secret", "strictly confidential". Prerequisites of each material object of classified information shall consist of:

- Secrecy stamp;
- Number of the copy;
- Relevant item (article) of the corpus of the data constituting the state secret;
- Position and signature of the person who has given the specified stamp.
- If the requisites specified in Part 2 of this Article are impossible to put directly on the material object of classified information, they should be specified in accompanying documents.
- It is forbidden to give the secrecy stamps envisaged by this Law to material objects of other classified information not constituting state secret, or to confidential information.

The list of posts which entitle officials to give to material objects of classified information the secrecy stamps, is approved by the head of the state organ, local self-governance organ, enterprise, institution and organisation carrying out activity related to the state secret.

Levels of security classification of research, developmental and design works carried out in the interests of national security and defence of the state are established by the state expert on issues of secrets who fulfil his/her functions in the field of activity of the customer, together with the contractor.

After the expiration of the established term of classification of material objects of information and in case of increase or decrease of the degree of secrecy of such information or cancelling of the decision to classify it as a state secret determined by the state expert on issues of secrets, the heads of state organs, local self-government organs, enterprises, institutions and organisations where the material objects of information classified, or the heads of state organs, local self-government organs, enterprises, institutions and organisations being their assignees, or the heads of the highest level are obliged to provide within six months the change of the secrecy stamp or declassification of these material objects of classified information and in written form to inform the heads of state organs, local self-government organs, enterprises, institutions and organisations these material objects of classified information have been transferred to.

Article 16. Term of classification of material objects of information

Term of classification of material objects of information should correspond to the validity of the decision on classifying the information as a state secret established by the decision of the state expert on issues of secrets.

The term of classification of material objects of information starts at the time it is granted the secrecy stamp.

Article 17. Appeal against the decision on classification of material objects information

Citizens and legal persons have the right to submit to the officials who have given the secrecy stamp to the material object of classified information a proposal for consideration about the declassification of this material object of information. The specified officials should give, within one month, to the citizen or the legal person a written answer.

The decision on classification of a material object of information can be appealed against by the citizen or legal person in accordance with the procedure of subordination to the supreme organ or the official or in court. In case of dissatisfaction of the complaint submitted in accordance with the procedure of subordination, the citizen or legal person has the right to appeal against the decision of the supreme organ or the official in court.

PART IV. STATE SECRET PROTECTION

Article 18. The basic organisational-legal measures on state secret protection

With the purpose of state secret protection the following are introduced:

- Uniform requirements to manufacture, use, preservation, transfer, transportation and registration of material objects of classified information;

- The procedure of licensing state organs, local self-government organs, enterprises, institutions and organisations to carry out the activity connected with the state secret;
- Restrictions on the distribution, transfer to other states or other distribution of classified information;
- Restrictions on the stay and activity in Ukraine of foreigners, persons without citizenship and foreign legal persons, their access to state secrets, as well as accommodation and transportation of objects and technical means belonging to them;
- Features of implementation by state organs of their functions towards state organs, local self-government organs, enterprises, institutions and organisations whose activity is connected with the state secret;
- Secrecy regime of state organs, local self-government organs, enterprises, institutions and organisations carrying out activity connected with state secrets;
- Special procedure for admittance and access of citizens to the state secret;
- Technical and cryptographic protection of classified information.

Article 19. Uniform requirements to material objects of confidential information

Uniform requirements to manufacturing, registration, using, storage, safety, transfer and transportation of material objects of classified information are established by the Cabinet of Ministers of Ukraine.

Article 20. Licensing procedure of carrying out of the activity connected with the state secret and secrecy regime

State organs, local self-government organs, enterprises, institutions and organisations have the right to carry out the activity connected with the state secret after receiving from the Security Service of Ukraine the authority to carry out the activity connected with the state secret.

Granting of the authority is carried out on the basis of applications of state power organs, local self-government organs, enterprises, institutions and organisations and results of specialise expert examination as for the presence of conditions for implementation of the activity connected with the state secret.

With the purpose of definition of the presence of conditions for carrying out the activity connected with the state secret, the Security Service of Ukraine can create special commissions of experts including experts of state organs, local self-government organs, enterprises, institutions and organisations with consent of their heads. Results of specialised expert examination to determine the presence of conditions for carrying out of the activity connected with the state secret are legalised by the relevant act.

The authority to implementation of the activity connected with the state secret is given to state organs, local self-government organs, enterprises, institutions and organisations by results of a specialise expert examination provided that they:

- According to the competence, state tasks, programmes, procedures and contracts take part in the activity connected with the state secret;
- Have a premise for the work connected with the state secret, warehouses for storage of classified documents and other material objects of classified information that meet the requirements on maintenance of secrecy of the specified works, exclude the opportunity of access to them of unauthorised persons, guarantee preservation of material objects of classified information;
- Observe the requirements of secrecy regime of works envisaged by the legislation and other measures connected with the use of classified information, procedure for granting access of persons to the state secret, reception of foreign citizens, use of technical and cryptographic means for information protection;
- Have regime-confidential organ if another is not envisaged by this Law. Heads of state organs, local self-government organs, enterprises, institutions and organisations who carry out the activity

connected with the state secret should be acquainted with the current legislation about the state secret. Validity of the authorisation to conduct activity connected with the state secret is established by the Security Service of Ukraine and cannot exceed five years. Its duration depends on the amount of work (activity) carried out by the state organ, local self-governance organ, enterprise, institution and organisation, levels of secrecy classification and volume of the data connected with this work (activity) constituting the state secret.

Authorisation to continue activity connected with the state secret is not granted, if conditions for such activity, as mentioned in this Article are absent, and if the head of the enterprise, institution or organisation is not a Ukrainian citizen or has no authorisation for access to the state secret.

The authority to engage in activity connected with the state secret can be cancelled or halted by the Security Service of Ukraine on the basis of its inventory act, which concluded that non-observance by the organ of the state power, institution of local self-government, enterprise, establishment or organisation of the conditions envisaged by this Article has taken place.

State organs, local self-government organs, enterprises, institutions and organisations carrying out activity connected with the state secret, are authorised to engage in activities connected with the state secret by the results of specialised expert examination of the relevant categories of secrecy regime (first, second or third) which are specified by the Security Service of Ukraine in authorisations to continue activities connected with the state secret.

State organs, local self-government organs, enterprises, institutions and organisations given the authority specified in this Article to acquire the right to access the concrete classified information according to the decision of the state organs authorised to take such decisions by the state expert on issues of secrets. With consent of these organs, the transfer of classified information or its material objects to state organs, local self-government organs, enterprises, institutions and organisations having the authority to engage in activity connected with the state secret is carried out.

The procedure of granting, renewal, suspension of action or cancelling of the authorisation to engage in activity connected with the state secret, the form of the act of the specialised expert examination about the availability of conditions for carrying out of the activity connected with the state secret, the form of the authorisation to engage in activity connected with the state secret, and categories of secrecy regime are established by the Cabinet of Ministers of Ukraine.

In the event of a crisis that threatens the national security of Ukraine, or the proclamation of mobilisation and/or the introduction of martial law, there shall be a ten-day deadline for the issue of state secret clearance to command and control organisations, military units, agencies and institutions of the Ukrainian Armed Forces and other militarised services, special task law enforcement agencies, the State Service for Special Transport, the State Service for Special Communications and Information Security that are being mobilised, brought up to full strength or set up anew.

Article 21. Regime-confidential organs

In state organs, local self-government organs, at enterprises, institutions and organisations carrying out activity connected with the state secret, with the purpose of development and implementation of measures on maintenance of a secrecy regime, and constant control over their observance, the regime-confidential organs (hereinafter, RCO) are created as individual structural departments subordinated directly to the head of the state organ, local self-government organ, enterprise, institution and organisation.

Creation, reorganisation or liquidation RCOs are brought about as agreed with the Security Service of Ukraine. In its work, an RCO co-operates with organs of the Security Service of Ukraine.

Security/secrecy agencies shall have subunits to deal with security, cryptography, information security technologies and secret files management, in addition to other subunits that are directly responsible for securing a state secret – depending on specific activity types of a state agency, institution of local governance, business entity, agency or organisation.

In state organs, local self-government organs, enterprises, institutions and organisations with significant amount of works connected with the state secret the post of deputy head on issues of regime entrusted with duties and the rights of the head of RCO is introduced.

In state organs, local self-government organs, enterprises, institutions and organisations with an insignificant amount of works connected with the state secret and where the list of staff does not stipulate the creation of RCO, the registration and storage of classified documents, as well as measures on maintenance of secrecy regime are brought about personally by their heads or specially authorised by the order of the head official after the creation of the necessary conditions maintaining the secrecy regime.

The duties and rights of RCO officials are applied to them.

Appointment of persons for the posts of assistants to heads on issues of a regime, chiefs of RCO and their assistants, as well as issuing of the order on entrusting the individual official with the duties on maintenance of secrecy regime is carried out with consent of organs of the Security Service of Ukraine and RCO of higher state organs, local self-government organs, enterprises, institutions and organisations. RCO are staffed with experts who are granted admission to the state secret with the level of secrecy "top secret" if the nature of the works carried out by them does not demand admission to the state secret with the degree of secrecy of "special importance". In case the state organ, local self-governance organ, an enterprise, institution and organisation don't work with secret information with the level of secrecy "top secret" and "special importance", the RCO of this organ is staffed with experts who are granted admission to the state secret with the level of secrecy "strictly confidential".

The major tasks of RCO are the following:

- a) Non-admission of unreasonable admission and access of persons to classified information;
- b) Duly development and implementation, together with other structural departments of state organs, local self-government organs, enterprises, institutions and organisations, of the measures providing state secret protection;
- c) The prevention of dissemination of classified information, cases of loss of material objects of this information, abstraction of classified information by foreign states, foreign legal persons, foreigners, persons without citizenship and citizens of Ukraine not granted admission and access to it;
- d) Revealing and closing of channels of leakage of classified information during the activity of state organs, local self-government organs, enterprises, institutions and organisations;
- e) Maintenance of introduction of measures of a secrecy regime at the fulfilment of all kinds of works connected with the state secret, and at implementation of external relations;
- f) The organisation and carrying out of confidential office work;
- g) Control over the condition of the secrecy regime in state organs, local self-government organs, enterprises, institutions and organisations and installations subordinated to it.

RCO have the right:

- a) To demand from all employees of the organ of the state power, institution of local self-government, enterprise, establishment and organisation, as well as visitors on business, to adhere to the legislation on state secret protection;
- b) To take part in consideration of drafts of the lists of the staff of the organ of the state power, institution of local self-government, enterprise, establishment and organisation and establishments, enterprises subordinated to them, regarding the part concerning RCO, to submit proposals on the structure and number of employees of these organs;
- c) To take part in the carrying out of personnel certification, performing of works connected with the state secret, as well as in consideration of proposals on payments according to the procedure of indemnification established by statutory acts for work under conditions of regime restrictions;

- d) To involve experts of the organ of the state power, institution of local self-government, enterprise, establishment and organisation in implementation of measures on state secret protection;
- e) To carry out checks of the condition and organisation of work on issues of protection of the state secret and maintenance of a secrecy regime in departments of the organ of the state power, local self-government, enterprise, establishment and organisation, as well as in institutions and enterprises subordinated to them, to give the relevant recommendations;
- f) To carry out checks of observance of the secrecy regime of workplaces where the employees have admission to the state secret, content of the special storage places (premises, safes, metal cases, special cases, special folders, among others), presence of documents, products and other material objects of classified information;
- g) To bring up to the head of the organ of the state power, institution of local self-government, enterprise, establishment and organisation the questions on instituting service investigations on the facts of infringements of secrecy regime and confidential office-work, about bringing the persons to account according to the law, as well as to give the recommendation on instructions to the heads of departments of the organ of the state power, institution of local self-government, enterprise, establishment and organisation and establishments and enterprises subordinated to them, on issues of maintenance of the secrecy regime;
- h) To take part in the service investigations in accordance with the established procedure, to demand from the employees of the organ of the state power, institution of local self-government, enterprise, establishment and organisation written explanations on the facts of dissemination by them of classified information, loss of material objects of the classified information, and other infringements of the secrecy regime;
- i) To submit proposals to the head of the organ of the state power, institution of local self-government, enterprise, establishment and organisation about the termination of works connected with the state secret in structural departments if conditions for their fulfilment do not meet the requirements of secrecy regime; to seal up premises where such works are conducted or material objects of classified information are stored;
- j) To receive biographical particulars from citizens whose papers on the admission to the state secret are to be legalised;
- k) To use communication facilities and to conduct in accordance with the established procedure of post-cable correspondence with other state power organs, local self-government organs, enterprises, institutions and organisations and their RCO on issues of maintenance of the secrecy regime;
- l) To seal with the name of RCO, as well as other seals and stamps of the established form.

Transfer of the functions of RCO to any other department of the organ of the state power, local self-government, enterprise, establishment and organisation is not allowed.

Article 22. Admission of citizens to the state secret

Depending on the level of secret classification of the information, the following forms of admission to the state secret are established:

Form 1 – for work with classified information which has the degrees of secrecy of “special importance”, “top secret” and “strictly confidential”;

Form 2 – for work with classified information which has the degrees of secrecy “top secret” and “strictly confidential”;

Form 3 – for work with classified information which has the degree of secrecy “strictly confidential”,

As well as the following terms of validity of admissions:

For form 1 – 5 years;

For form 2 – 7 years;

For form 3 – 10 years.

The admission for access to state secrets with the levels of secrecy of "special importance", "top secret" and "strictly confidential" is provided for qualified citizens of Ukraine over 18 years of age who require it on the grounds of the conditions of their service, industrial, scientific or research activity or training, by the Security Service of Ukraine after they are checked. The procedure for granting authorisation for access to state secrets shall be established by the Cabinet of Ministers.

Sometimes, determined by the ministries, other Central Executives, as agreed with the Security Service of Ukraine, the citizens of Ukraine in the age from 16 years of age can be granted admission to the state secret with degrees of secrecy "top secret" and "strictly confidential", and from 17 years of age - to the state secret with the degree of secrecy "special importance".

To receive the admission to state secret for any citizen the state organ, local self-government, enterprise, establishment or organisation, where employed, serve or study the citizens, shall prepare the documentation, which they send to Security Service offices. The list and forms of such documents, as well as procedure for their submission, shall be established by the Cabinet of Ministers.

If the need of the citizen for the data constituting the state secret is not connected with the place of employment, service or training, the admission can be given in the place of the activity connected with the state secret.

Granting of admission envisages for:

- Definition of the necessity of the work of the citizen with classified information;
- Vetting of the citizen in connection with the admission to the state secret;
- Assuming by the citizen of the written obligation on preservation of the state secret which will be entrusted to him/her;
- Reception in written form of the consent of the citizen to the restrictions of the rights envisaged by the law in connection with his/her admission to the state secret;
- Acquaintance of the citizen with the liability for infringement of the legislation on state secret.

Article 23. Refusal to grant admission to state secret

The admission to state secret is not granted in case:

- The citizen has not proved the necessity to work with classified information;
- Assistance by the citizen to activity of a foreign state, foreign organisation or their representatives, as well as individual foreigners or persons without citizenship that damages the national security of Ukraine, or participation of the citizen in the activity of political parties and public organisations whose activity is forbidden in accordance with the procedure established by the law;
- Refusal of the citizen to take the written obligation on preservation of the state secret that will be entrusted to him/her, as well as refusal to give written consent to the restrictions of the rights envisaged by the law in connection with the admission to the state secret;
- Previous conviction of the person for serious crimes, not overturned or cancelled in accordance with the established procedure;
- Mental illness of the citizen that can damage the state secret protection;
- According to the list approved by the Ministry of Health of Ukraine and the Security Service of Ukraine.

The admission to the state secret can also be refused in case:

- The citizen provided inadequate information at registration of the admission;
- Permanent residence of the citizen abroad or official registration of documents by him/her on departure for permanent residence abroad;
- Defaults by the citizen on the duties on preservation of the state secret that was entrusted to him/her earlier.
- A citizen, whose request for admission to the state secret was declined, but still needs access to the state secret due to the nature of work or service duties, while transfer to another position is not possible, may be offered another job or service without relation to the state secret, or released.

Article 24. Vetting of citizens in connection with their admission to state secret

The vetting of citizens in connection with their admission to the state secret is carried out by the organs of the Security Service of Ukraine within one month in accordance with the procedure established by this Law and the Law of Ukraine "On Detective Investigative Activity".

During the vetting process by the organs of the Security Service of Ukraine the availability or absence of the circumstances envisaged by items 2 and 4 units of Part 1 and Part 2 of Article 23 of this Law ought to be established. On the bases of the vetting process results the organs of the Security Service of Ukraine in the course of five days after its conclusion send to the state organ, local self-government, enterprise, institution or the organisation, which applied for admission to the state secret, the statement on either granting or declining the authorisation.

Availability or absence of the circumstances envisaged by items 1, 3 and 5 units of Part 1 of Article 23 of this Law ought to be established by the state organ, local self-government, enterprise, institution or the organisation that is issuing the authorisation.

Motivated conclusion of the organ of the Security Service of Ukraine, which carried out the vetting, about the impossibility of granting the citizen admission to the state secret shall have the references as required by Article 23 of this Law. Declining of authorisation does not exclude a repeated application by the state organ, local self-government, enterprise, institution or the organisation in case of changed circumstances, which gave the reason for declining.

In the event of a crisis that threatens the national security of Ukraine, or the proclamation of mobilisation and/or the introduction of martial law, there shall be a ten-day deadline for the issue of State Secret clearance to the Ukrainian citizens conscripted to military service, as well as to military personnel and civilian employees of the Ukrainian Armed Forces and other militarised services, special-task law enforcement agencies, the State Service for Special Transport, the State Service for Special Communications and Information Security, who are transferring into positions requiring security clearance for State Secret. The rules for background investigations on individuals applying for State Secret clearance are prescribed by the Cabinet of Ministers of Ukraine.

Article 25. Appeal against declining to grant admission to the state secret

The organ of the state power, institution of local self-government, enterprise, establishment and organisation are obliged to inform the citizen in writing no later than in five days since receiving the information from the organ of the Security Service of Ukraine about declining the access to the state secret.

The citizen has the right to appeal against this refusal in accordance with the procedure established by the law.

Article 26. Renewal of admission to the state secret; its upgrading or downgrading and cancellation

Renewal of the admission to the state secret is carried out:

In case of expiry of the term of action of the admission to the state secret if further work with classified information is necessary;

In case of the need to upgrade or downgrade the form of authorisation to the state secret for a work with classified information of a higher or lower level of secret classification;

In case of the need to carry out an additional check connected with the possible occurrence of circumstances envisaged by items 2 and 4 units of Part 1 and Part of Article 23 of this Law.

The cancellation of the previously-given admission to the state secret is carried out by the Security Service of Ukraine in case of occurrence or revealing of the circumstances envisaged by Article 23 of this Law, as well as after the termination by the citizen of activity in connection with which the admission was given to him/her, loss of citizenship of Ukraine or his/her recognition as legally incapable on the basis of information received by the Security Service of Ukraine or collected from the state organs, local self-government organs, enterprises, institutions and organisations.

At the request of the citizen, his/her admission to the state secret is cancelled within three days from the date of the reference in occasion of cancelling of the admission.

The Security Service of Ukraine sends the statement on the cancelling of any citizen admission to the state secret with reference to the relevant stipulations of Article 23 of this Law to the state organ, local self-government organ, enterprise, institution and organisation where the citizen works and has an access to the state secret. This decision can be appealed against according to the procedure established by the Law.

The citizen, who has his admission to the state secret cancelled should the performance of labour or official duties demand access to the state secret, and it is impossible to transfer to another workplace or post, can be, according to the procedure envisaged by the legislation, transferred to other work or service not connected with the state secret, or be dismissed.

The procedure of granting, renewal and cancelling of the admission to the state secret is established by the Cabinet of Ministers of Ukraine.

Article 27. Access of citizens to the state secret

Access to the state secret is given to capable citizens of Ukraine who are given the admission to the state secret and who require it on conditions of the service, industrial, scientific or research activity or training.

Decisions on granting access to specific classified information (category of classified information) and its material objects are adopted by the heads of the state organs, local self-government organs, enterprises, institutions and organisations where the works connected with the state secret are performed or material objects of classified information are stored.

The heads of the state organs, except for those mentioned in the sixth part of this Article, local self-government organs, enterprises, institutions and organisations access to the state secrets in the area connected with the activities of the state organs, local self-government organs, enterprises, institutions and organisations, receive ex officio after they are granted admission to the state secret in the established form.

Procedure for granting admission to the state secret for the individuals involved in confidential co-operation with operational units of law enforcement and other organs with special powers, which carry out operational-investigative, intelligence or counterintelligence activity shall be developed by the heads of the mentioned organs with consent of the Security Service of Ukraine. In the Security Service of Ukraine such procedure for granting admission to the state secret shall be developed by the Head of the Security Service of Ukraine.

Refusal to give to the citizen of Ukraine access to the concrete classified information and its material objects is possible only in case of absence of the bases envisaged by Part 1 of this Article, and can be appealed against in accordance with the procedure established by Part 2 of Article 25 of this Law.

Access to the state secret of all degrees of secrecy is given ex officio to the President of Ukraine, the Chairman of the Verkhovna Rada of Ukraine, the Prime Minister of Ukraine and other members of the Cabinet, the Chairman of the Supreme Court of Ukraine, the Chairman of the Constitutional Court of Ukraine, the General Prosecutor of Ukraine, the Head of the Security Service of Ukraine, the Head and members of the Accounting Chamber, People's Deputies of Ukraine after they have given a written obligation to preserve the state secret.

Foreigners and persons without citizenship are given access to the state secret in exceptional cases on the basis of the international treaties of Ukraine agreed to be binding by the Verkhovna Rada of Ukraine or the written directive of the President of Ukraine taking into account the necessity to maintain the national security of Ukraine on the basis of the proposals of the Council of National Security and Defence of Ukraine.

Article 28. Duties of the citizen on preservation of the state secret

The citizen granted admission to the state secret is obliged:

- Not to allow the dissemination in any way of the state secret which is entrusted to him/her or became known in connection with the performance official duties;
- Not to participate in the activity of political parties and public organisations forbidden in accordance with the procedure, established by law;
- Not to assist foreign states, foreign organisations or their representatives, as well as individual foreigners and persons without citizenship in carrying out activities damaging the national security of Ukraine;

- To fulfil the requirements of the secrecy regime;
- To inform the officials who gave him/her admission to the state secret and the relevant regime-confidential organs on occurrence of the circumstances envisaged by Article 23 of this Law, or any other circumstances interfering with the preservation of the state secret entrusted to him/her, as well as to inform in writing about the departure from Ukraine;
- To observe other requirements of the legislation on the state secret.

Article 29. Restriction of the rights in connection with admission and access to the state secret

The citizen granted admission and access to the state secret in accordance with the procedure established by the legislation and who has really been acquainted with it can be limited in his right to leave Ukraine for permanent residence in a foreign state for the period until the relevant information is declassified, but no more than for five years from the time of the termination of the activity connected with the state secret.

The departure to the states with which Ukraine has international treaties providing such departure and agreed to be binding by the Verkhovna Rada of Ukraine, are not limited.

The citizen is also subject to restrictions on freedom of information activity, apparent from this Law.

Article 30. Indemnification to citizens in connection with the fulfilment of works requiring access to the state secret

In case the conditions of the professional work of the citizen presuppose work with the data constituting the state secret, the relevant indemnification for undergoing conditions of regime restrictions, the kinds, amounts and procedure of granting which are established by the Cabinet of Ministers of Ukraine.

Article 31. Restrictions on publication of classified information

During the preparation of materials for publication, distribution to the press and other mass media or their taking across the border, state organs, local self-government organs, enterprises, institutions, organisations and citizens in order to protect classified information are obliged to apply the Law of Ukraine "On Information", Law of Ukraine "On Access to Public Information", this Law and other normative-legal acts on the state secret.

Control over the observance of legislation on the state secret with the purpose of prevention of its distribution to the press and other mass media is carried out by the central executive organ on issues of information policy.

Article 32. Restrictions on transfer of the state secret to foreign states or international organisation

The classified information, up to their declassification, can be transferred to a foreign state or international organisation only on the basis of the international treaties agreed to be binding by the Verkhovna Rada of Ukraine, or a written motivated direction of the President of Ukraine taking into account the necessity to maintain the national security of Ukraine on the basis of proposals of the Council of National Security and Defence of Ukraine.

Article 33. Restrictions connected with the state secret on issues of the stay and activity in Ukraine of foreigners, persons without citizenship and foreign legal persons, as well as accommodation and transportation of objects and means belonging to them

The restrictions connected with the state secret, on issues of stay and activity in Ukraine of foreigners, persons without citizenship and foreign legal persons, as well as accommodation and transportation of objects and means belonging to them are determined by the relevant legislation.

Article 34. Features of implementation by state organs of their functions towards state organs, organs of local self-government, enterprises, institutions and organisations carrying out the activity connected with the state secret

State organs, including law enforcement, supervisory-auditing and courts, with the purpose of state secret protection should establish, as agreed with the Security Service of Ukraine, the procedure of the implementation of their functions towards state organs, local self-government organs, enterprises, institutions and organisations carrying out activity connected with the state secret.

State organs, local self-government organs, enterprises, institutions and organisations carrying out activity connected with the state secret have the right to refuse to satisfy the inquiry about granting classified information or other similar requirements to the state organs specified in Part 1 of this Article if the latter have not established such a procedure or do not observe it.

The Security Service of Ukraine is simultaneously informed on the motives of such refusal and is obliged to take the decision on its validity.

Article 35. Technical and cryptographic protection of classified information

Technical and cryptographic protection of classified information is brought about in accordance with the procedure established by the President of Ukraine.

Article 36. Detective-investigative measures on state secret protection

Detective-investigation measures on state secret protection are brought about according to the Law of Ukraine "On Detective-Investigative Activity".

PART V. CONTROL OVER THE MAINTENANCE OF STATE SECRET PROTECTION AND SUPERVISION OF OBSERVANCE OF THE LEGISLATION ABOUT THE STATE SECRET

Article 37. The control over the maintenance of state secret protection

Heads of state organs, local self-government organs, enterprises, institutions and organisations are obliged to carry out constant control over the maintenance of state secret protection.

State organs, local self-government organs, enterprises, institutions and organisations employing contractors are obliged to control the condition of state secret protection, which has been transferred to the contractors in connection with the execution of an order.

State organs, which by the decision of the state expert on issues of secrets, have been given the right to solve questions on access of state organs, local self-government organs, enterprises, institutions, organisations to classified information are obliged to control the condition of state secret protection in all state power organs, local self-government organs, enterprises, institutions and organisations that perform the works connected with the relevant state secret, or store material objects of the specified classified information.

The control over observance of the legislation on the state secret in the system of the Security Service of Ukraine is carried out according to the Law of Ukraine "On Security Service of Ukraine".

The Security Service of Ukraine has the right to control the condition of state secret protection in all state organs, local self-government organs, enterprises, institutions and organisations, as well as in connection with the implementation of these powers to receive from them, free of charge, information on issues of maintenance of state secret protection. The conclusions of the Security Service of Ukraine regarding the control of the condition of state secret protection are obligatory for performance by officials of enterprises, institutions and organisations, irrespective of their forms of ownership.

Article 38. Supervision of observance of the legislation on state secret

Supervision of observance of legislation on the state secret is carried out in accordance with the procedure determined by law.

The admission and access of the officials carrying out supervision to the data constituting the state secret are conducted according to this Law.

PART VI. LIABILITY FOR INFRINGEMENT OF THE LEGISLATION ABOUT THE STATE SECRET

Article 39. Liability for infringement of the legislation about state secret

Officials and citizens guilty of:

Dissemination of the state secret;

Loss of documents and other material objects of classified information;

Non-observance of the procedure of transfer of the state secret established by the legislation to other states or international organisations;

Classification of information specified in Part 3 and 4 of Article 8 of this Law;

Deliberate non-classifying as a state secret of information of which can damage the national security of Ukraine if disseminated, as well as unreasonable lowering of the degree of secrecy or unreasonable declassification of classified information;

Unreasonable classification of information in violation of the norms stipulated by the Law of Ukraine "On Access to Public Information";

Granting the secrecy stamp to material objects of confidential or other classified information not constituting the state secret or an inconsistency between the secrecy stamp and the material objects of information constituting the state secret, as well as unreasonable cancelling or decrease of classification of material objects of classified information;

Infringement of the procedure of granting admission established by the legislation and access to the state secret;

Infringement of the secrecy regime established by the legislation and default on duties on preservation of the state secret;

Default on taking measures on maintenance of state secret protection and on control over state secret protection;

Implementation of the activity connected with the state secret without reception in accordance with the established procedure of the special sanction to such activity, as well as placement of state procurement orders for fulfilment of work, accomplishment of mobilisation tasks connected with the state secret with state organs, local self-government organs, enterprises, institutions, organisations not granted special sanction to the activity connected with the state secret;

Non-observance of the requirements of legislation on the maintenance of state secret protection during international co-operation, reception of foreign delegations, groups, individual foreigners and persons without citizenship and carrying out of work with them;

Default on the norms and requirements of technical protection of classified information which caused the real threat of infringement of integrity of this information or its leakage through technical channels, are subject to disciplinary, administrative and criminal liability according to the law.

President of Ukraine L. Kravchuk

Kyiv, January 21, 1994 No 3855-XII;

Law of Ukraine “On the National System of Confidential Communication”

(*Bulletin of the Verkhovna Rada of Ukraine (BVR), 2002, No 15, p. 103*),

Includes changes made by the Law,
No 1280-IV of 18.11.2003, BVR, 2004, No 12, p. 155;
No 2599-IV of 31.05.2005, BVR, 2005, No 26, p. 349;
No 879-VI of 15.01.2009, BVR, 2009, No 24, p. 296;
No 1170-VII of 27.03.2014, BVR, 2014, No 22, p. 816.

This Law regulates the relations connected with the creation, operation, development and use of the national system of confidential communication.

Article 1. Definition of Terms

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

- Special telecommunication system (network) of communication is a system (network) of telecommunication intended for exchange of limited access information;
- Special telecommunication system (network) of communication of double purpose is a special system (network) of telecommunication for ensuring communication in the interests of state organs and local self-government organs with a partial use of its resource for rendering services to other consumers;
- National system of confidential communication is a set of special systems (networks) of telecommunication of double purpose, which, with the help of cryptographic and/or technical means, provide an exchange of confidential information, except for the state secret information, in the interests of organs of state power and local self-government organs, create appropriate conditions for their interaction in peacetime and in case of the introduction of state of emergency and martial law.
- Subjects of the national system of confidential communication are organs of state power and local self-government organs, legal and physical persons participating in the creation, operation, development and use of this system;
- Resources of the special system (network) of communication are the characteristics of the technical capacity of a communication network to provide communication services.
- The terms “operator” and “communication network” are used in this Law in the meaning of the terms “the enterprise (operator) of communication” and “communication network” determined in the Law of Ukraine “On Telecommunication”.

Article 2. Applicability of the Law

This Law is applicable to the relations between the subjects of the national system of confidential communication in the process of its creation, operation, development and use.

Article 3. Legislation in the sphere of confidential communication

The contacts and relations related to the creation, operation, development and use of the National system of confidential communication are regulated by the Constitution of Ukraine, Laws of Ukraine “On Information”, “On State Secrets”, “On protection of Information in Electronic Systems”, “On Communication”, “On Entrepreneurial Activity”, “On Licensing of Certain Kinds of Economic Activity”, this Law, other laws and normative-legal acts.

If an international treaty agreed to be binding by the Verkhovna Rada of Ukraine establishes rules other than envisaged by this Law, the rules of the international contract treaty shall be applied.

Article 4. State support for the National system of confidential communication

The state support for the National system of confidential communication is carried out by the Cabinet of Ministers of Ukraine by creation of favourable legal, economic and other conditions for stimulation of the process of creation, operation, development and use of this system.

Article 5. Structure of the National system of confidential communication

The National system of confidential communication consists of special systems (networks) of communication, their stationary and mobile components, centralised systems of protection of information and operational-technical management.

The structure of the organisation of the National system of confidential communication should provide for separation of confidential information, except for state secret information, of organs of state power, local self-government organs, other legal and physical persons with the help of cryptographic and/or technical means.

Article 6. Management of the National system of confidential communication

Management of the National system of confidential communication, its operation, development, use and protection of information are provided by a specially-authorised representative of the central executive in the sphere of confidential communication according to legislation.

The centralised systems of information protection and of operational-technical management are in the state ownership and are not subject to privatisation.

The subjects of economic activity irrespective of the form of ownership can be the owners of other components of the national system of confidential communication.

Article 7. Provision of confidential communication services

Confidential communication services are rendered to the organs of state power, local self-government organs, state enterprises, establishments, organisations, other legal and physical persons on a paid basis.

The procedure of rendering of confidential communication services to the organs of state power, local self-government organs, state enterprises, institutions and organisations is established by the Cabinet of Ministers of Ukraine.

Rendering of confidential communication services to other legal and physical persons is carried out according to the legislation on the basis of a contract between the consumer and the operator.

Confidential communication services are rendered to operators who are legal persons and have permissions to render telecommunication and/or radio communication services, as well as to render services in the field of cryptographic and/or technical protection of information according to the legislation.

Article 8. Liability for violation of the legislation in the sphere of confidential communication

The persons guilty of violation of the legislation in the sphere of confidential communication are subject to disciplinary, administrative, material, civil or criminal liability according to the law.

Article 9. Financial support of the National system of confidential communication

Financing of the charges connected with the creation, operation and development of the National system of confidential communication is carried out from the State Budget of Ukraine and is budgeted during the formation of the budget for the current year as a separate expenditure. Financing can also come from local budgets and other sources not forbidden by the law.

Article 10. International co-operation

The specially authorised organ of the central executive in the sphere of confidential communication within the limits of his/her authority can take part in scientific, technical, external economic and other forms of co-operation on the issues of confidential communication according to the state programmes and the legislation of Ukraine.

The international co-operation in the sphere of confidential communication is carried out on the basis of the legislation and the relevant international treaties of Ukraine.

Article 11. Final provisions

This Law enters into force from the date of its publication.

The Cabinet of Ministers of Ukraine within six months from the date of this Law comes into force is obliged to:

- Bring its normative-legal acts in conformity with this Law;
- Within its competence, ensure the adoption of the normative-legal acts envisaged by this Law;
- To ensure revision and cancellation of the normative-legal acts of the Ministries and other central organs of executive power that contradict this Law.

President of Ukraine L. Kuchma
Kyiv, January 10, 2002 No 2919-III

Law of Ukraine “On Foreign Intelligence Service of Ukraine”

(*Bulletin of the Verkhovna Rada of Ukraine (BVR), 2006, No 8, p. 94*)

Including changes made by laws:

No 107-of 28.12.2007, BVR, 2008, No 5-6, No 7-8, p. 78;

No 267-VIII of 19.03.2015, BVR, 2015, No 22, p. 151.

This law defines the legal foundations of the organisation and operation of the Foreign Intelligence Service of Ukraine.

Article 1. Status of the Foreign Intelligence Service of Ukraine

The Foreign Intelligence Service of Ukraine is a state authority that carries out intelligence activities in political, economic, military, scientific, information and ecological spheres.

The Foreign Intelligence Service of Ukraine shall report to the President of Ukraine and be controlled by the President of Ukraine and Verkhovna Rada of Ukraine.

Military service personnel, officers and staff members of the Foreign Intelligence Service of Ukraine shall be the employees of the Foreign Intelligence Service of Ukraine as a military formation.

Regulations on military services of personnel of the Foreign Intelligence Service of Ukraine shall be approved by the President of Ukraine.

Article 2. Legal basis of activities of the Foreign Intelligence Service of Ukraine

The legal basis of the operation of the Foreign Intelligence Service of Ukraine shall be the Constitution of Ukraine, Law “On Intelligence Agencies of Ukraine”, this Law and other laws of Ukraine, acts of the President of Ukraine, other legal acts issued in the pursuance thereof, as well as the current international treaties accepted as binding by the Verkhovna Rada of Ukraine.

Article 3. The tasks of the Foreign Intelligence Service of Ukraine

At the Foreign Intelligence Service of Ukraine:

- Collecting, analysing and providing intelligence to the President of Ukraine, Verkhovna Rada of Ukraine, Prime Minister of Ukraine and the other consumers designated by the President of Ukraine;
- Carrying out of special measures to support national interests and state policy of Ukraine in the economic, political, military, ecological and information spheres, strengthening defence, economic, scientific and technological development;
- Taking part in safeguarding the institutions of Ukraine abroad, security of their staff and their families in the host country, travelling to foreign countries citizens of Ukraine who are aware of information that constitutes state secrets;
- Taking part in the fight against terrorism, international organised crime, drug trafficking, illegal arms and technology trafficking and illegal migration;
- Taking measures to counter external threats to the national security of Ukraine, life and health of its citizens and the objects of state property outside of Ukraine.

Article 4. The total strength of Foreign Intelligence Service of Ukraine

Approve the total number of Foreign Intelligence Service of Ukraine to 4350 people, including up to 4010 military service personnel.

Article 5. The overall structure of the Foreign Intelligence Service of Ukraine

Foreign Intelligence Service of Ukraine has the general structure:

- Administration of the Foreign Intelligence Service of Ukraine;
- Human and technical intelligence services, operational and technical, informational and analytical and internal security subdivisions;
- Support subdivisions;
- Education and research institutions.

To perform its tasks, the Foreign Intelligence Service of Ukraine may create territorial divisions within the overall population.

Organisational Structure of the Foreign Intelligence Service of Ukraine is determined by the President of Ukraine.

Article 6. Control over the Foreign Intelligence Service of Ukraine

General supervision over the Foreign Intelligence Service of Ukraine is performed by the President of Ukraine.

Direct management of the Foreign Intelligence Service of Ukraine is carried out by the Chairman who is appointed and dismissed by the President of Ukraine.

First Deputy Chairman and Deputy Chairman of the Foreign Intelligence Service of Ukraine shall be appointed and dismissed by the President of Ukraine on the basis of the presentation of the Chairman of the Foreign Intelligence Service of Ukraine.

For collective discussion of the critical areas of the organisation and activities of the Foreign Intelligence Service of Ukraine the Board is formed – an advisory body to the Chairman of the Foreign Intelligence Service of Ukraine.

Article 7. Financing of the Foreign Intelligence Service of Ukraine

Financing the Foreign Intelligence Service of Ukraine is conducted under the Law of Ukraine "On Intelligence Agencies of Ukraine" by the State Budget of Ukraine and other sources provided by law.

Article 7-1. Enlistment in the reserve of the Foreign Intelligence Service of Ukraine or the Armed Forces of Ukraine

Military service personnel of the Foreign Intelligence Service of Ukraine who finished serving the established terms of military service and released from military service in the Foreign Intelligence Service of Ukraine are transferred to the reserve of the Foreign Intelligence Service of Ukraine or the Armed Forces of Ukraine according to procedure stipulated by the law of Ukraine "On Military Duty and Military Service".

Article 8. Social protection of employees of the Foreign Intelligence Service of Ukraine and their families

Social protection of employees of the Foreign Intelligence Service of Ukraine and their families earned in accordance with the laws of Ukraine "On Intelligence Agencies of Ukraine" and "On Social and Legal Protection of Servicemen and Their Families".

Article 9. Control and supervision of the Foreign Intelligence Service of Ukraine

The control and supervision of the Foreign Intelligence Service of Ukraine shall be exercised in accordance with the Constitution of Ukraine, laws of Ukraine "On Intelligence Agencies of Ukraine" and "On the Democratic Civilian Control over the Military Organisation and Law Enforcement Agencies".

Article 10. Final provisions

1. This Law shall come into force after its publication.
2. The Foreign Intelligence Service of Ukraine concerning the tasks, rights and obligations is the successor intelligence agency of the Security Service of Ukraine, which is eliminated.
3. The Cabinet of Ministers of Ukraine within three months after enactment of this Law: shall bring its regulations into conformity with this Law;
provide for revision and cancellation by ministries and other central executive bodies of the legal acts that contradict this Law.

President of Ukraine V. Yushchenko

Kyiv, December 1, 2005 No 3160-IV

Law of Ukraine "On Military Civil Administrations"

(*Bulletin of the Verkhovna Rada, 2015, No 13, art. 87*)

With changes introduced under the Law of Ukraine:

- No 650-VIII of 17.07.2015, BVR, 2015, No 40-41, p. 382;
- No 650-VIII of 17.07.2015, BVR, 2015, No 40-41, p. 382;
- No 766-VIII of 10.11.2015, BVR, 2015, No 52, p. 482;
- No 995-VIII of 04.02.2016, BVR, 2016, No 10, p. 108;
- No 1437-VIII of 7.07.2016.

This Law determines the organisation, powers and the procedure for activities of military civil administrations which will be formed as the temporary compulsory measure with elements of military organisation of management for the safety control and normalisation of activity of the population around the area of an anti-terrorist operation, and have no intention of change and/or cancellation of the constitutionally consolidated right of territorial communities on local self-government.

Article 1. Status and purpose of military civil administrations

1. For exercising powers of local executive bodies, local self-government bodies in the cases established by this Law, around the area of an anti-terrorist operation military civil administrations can be formed.

Military civil administrations are temporary state power bodies in villages, settlements, the cities, districts and regions which operate as a part of the Anti-terrorist Centre under Security Service of Ukraine. They are established for ensuring the implementation of the Constitution and the laws of Ukraine and aimed at precluding humanitarian catastrophe around the area of an anti-terrorist operation, providing for the safety control and normalisation of activity of the population, the law and order, participation in counteracting subversive activities and acts of terrorism.

Military civil administrations of the district and the region are the temporary state power bodies, exercising in the corresponding territory powers of the district and regional councils and/or public administrations and other power bodies, determined by this Law.

Military civil administrations of settlements are the temporary state power bodies, exercising in the corresponding territory power of village, settlement, city councils and/or executive bodies of the relevant councils and other power bodies, determined by this Law.

2. Military civil administrations are legal entities under the public law, which receive from this and other laws certain limited powers to act independently and bear responsibility according to the law. Military civil administrations of settlements acquire the rights and obligations from the date of introduction of record about their state registration as legal entities in the Consolidated State Register of legal entities and physical persons entrepreneurs.

Regional and district state administrations that have the status of military-civil administrations do not require introduction of amendments to the legal entity data contained in the Single State Register of Legal Entities, Individual Entrepreneurs and Public Organisations. In addition to the title as per the Single State Register of Legal Entities, Individual Entrepreneurs and Public Organisations, the official title of those bodies may refer to the additional title – "military-civil administration", pointing to their temporary status with additional powers. Samples of seals, forms and plates (signs) of military civil administrations adopted in accordance with the procedure, established by the Cabinet of Ministers of Ukraine.

Article 2. Legal basis for activities of military civil administrations

Military civil administrations in their activities are guided by the Constitution of Ukraine, the Law of Ukraine "On Fighting Terrorism", this Law and other regulatory legal acts published according to them.

Article 3. Organisation of military civil administrations

1. Military civil administrations will be formed in case of the need according to the decision of the President of Ukraine.

On the effective date of the President of Ukraine Act on establishment of a military-civil administration, powers shall be terminated in accordance with this Law:

- of a regional council, its executive branch, officials and officers of local self-government bodies working in those bodies – in case of establishment of a military-civil administration of the region;
 - of a district council, its executive branch, officials and officers of local self-government bodies working in those bodies – in case of establishment of a military-civil administration of the district;
 - of a village, settlement, city, city district (if available) councils, their executive bodies, village, settlement, city mayors, other officials and officers of local self-government bodies working in those local self-government bodies - in case of establishment of a military-civil administration of the relevant populated locality (populated localities).
2. Military civil administrations of settlements will be formed in one or several settlements (villages, settlements, the cities) in which village, settlement, city councils and/or their executive bodies do not perform duties assigned to them by the Constitution and the laws of Ukraine, including as a result of the self-dissolution or self-withdrawal from execution of their powers, or their actual failure to act.
 3. In the district and region military civil administrations will be formed in the case where there is not a convening of session of the respective district or regional council established by the Law of Ukraine "On Local Self-government in Ukraine" terms or for organising the management in the sphere of providing the public order and safety. In case of a decision of establishment of district or regional military-civil administrations their status shall be granted to the concerned district, regional state administrations, while the heads of the district or regional state administrations shall get the status of heads of the concerned military-civil administrations.
 4. Military civil administrations of settlements are created by military personnel of the military formations organised according to the laws of Ukraine and personnel of law enforcement agencies, who serve in accordance with the procedure established by the legislation for accomplishment of tasks in the interests of defence of the state and its security while remaining in military service, service in law enforcement agencies without exclusion from muster-rolls, and also civilian workers who have concluded the employment contract with the Anti-terrorist Centre under the Security Service of Ukraine.
 5. In case of district or regional administration assuming the status of respective district or regional military civil administrations, the military personnel of the military formations organised according to the law may be appointed to positions of government employees in such administrations and personnel of law enforcement agencies who serve in accordance with the procedure established by the legislation for accomplishment of tasks in the interests of defence of the state and its security while remaining on the military service, service in law enforcement agencies without exclusion from muster-rolls. According to the decision of the head of military civil administration, other persons having special knowledge and experience may be appointed without competitive selection.
 6. The list of positions in military civil administrations of settlements to which military personnel of the military formations organised according to the law and personnel of law enforcement agencies are appointed, and also the list of positions in district and regional military civil administrations to which the military personnel of the military formations organised according to the law and personnel of law enforcement agencies are appointed, shall be approved by the President of Ukraine on the basis of proposals of the Head of the Anti-terrorist Centre under Security Service of Ukraine.
 7. Financing of activities of military civil administrations of settlements on exercising powers of local government bodies is provided at the expense of the corresponding local budgets, while exercising of functions district or regional military civil administrations is financed at the expense of the State Budget of Ukraine.
 8. The structure and the staff positions of military civil administrations of settlements are approved by the Head of the Anti-terrorist Centre under the Security Service of Ukraine on the basis of proposals of the heads of the corresponding military civil administrations.

9. The general oversight of activities of military civil administrations of settlements and district military civil administrations is performed by the heads of the corresponding regional military civil administrations, and in case of the regional military civil administrations are not created – by the Head of the Anti-terrorist Centre under the Security Service of Ukraine. The oversight of activities of regional military civil administrations in the sphere of providing for the public order and safety is performed by the Head of the Anti-terrorist Centre under the Security Service of Ukraine.
10. The direct management of military civil administrations is performed by their heads.
11. Powers of district, regional military-civil administrations shall commence on the effective date of the President of Ukraine Act on their establishment and terminate on the date of the opening sitting of the first session of the concerned newly-elected council.

Powers of military-civil administrations of populated localities shall commence on the date of entry of a record of their state registration as legal entities in the Single State Register of Legal Entities, Individual Entrepreneurs and Public Organisations and terminate on the date of the opening of the first session of the concerned newly-elected council.

On the date of the opening sitting of the first session of the concerned newly-elected council the President of Ukraine Act on establishment of the military-civil administration shall lose legal effect insofar as it deals with the relevant administrative-territorial unit.

The President of Ukraine shall immediately take a decision on liquidation of military-civil administrations;

12. Powers of military civil administrations shall be exercised in accordance with the procedure, determined by the laws of Ukraine for exercising powers of relevant organs of local self-government, taking into account the norms established by this Law.
13. Appointment of deputy heads of military civil administrations and division managers, approval of structure and the staff positions of military civil administrations is performed by the Head of the Anti-terrorist Centre under the Security Service of Ukraine on the basis of proposals of the heads of the corresponding military civil administrations without competitive selection.

(Part 14 of Article 3 is excluded as provided by the Law No 995-VIII of 04.02.2016)

15. Parliamentary oversight in the sphere of military civil relations is performed by the Verkhovna Rada of Ukraine.

Article 4. Powers of military civil administrations

1. Military civil administrations of settlements in the corresponding territory shall perform the following functions:
 - 1) Preparation and approval of programs of social and economic and cultural development of the corresponding administrative and territorial units, target programs on other questions of local self-government;
 - 2) Ensuring the balanced economic and social development of the corresponding territory, effective use of natural, labour and financial resources;
 - 3) Attracting on a contract basis the companies and organisations irrespective of the form of ownership to participate in complex social and economic development of villages, settlements, cities, and co-ordination of this work in the corresponding territory;
 - 4) Placement on a contract basis orders for production, performance of works (services) necessary for the territorial community at the companies and organisations;
 - 5) Preparation and approval of the local budget, modification of it; ensuring of implementation of the relevant budget;
 - 6) Establishment of rates of the local taxes and charges according to the Tax Code of Ukraine if there is no decision of the relevant council on these questions;
 - 7) Making decisions on provision according to the legislation of privileges on payment of the local taxes and charges if there is no decision of the relevant council on these questions;

- 8) Establishment according to the procedure and the limits determined by the legislation, rates on household, municipal (except rates for heating fuel, centralised water supply and the drainage system, conversion and dumping of household waste, service in centralised heating, service in centralised supply of cold water, service in centralised supply of hot water, service in water removal (with use of intra-house systems) which are established by the national commission performing state regulation in the sphere of utilities), transport and other services;
- 9) Attraction on a contract basis investments from the companies and the organisations irrespective of the form of ownership, located in the corresponding territory, funds of the population, and also budgetary funds for construction, development, repair and sharing of objects of the social and production infrastructure and on actions for preservation of environment;
- 10) Management of objects of housing and utility services, consumer, trade services, transport and communication, the corresponding territorial infrastructure in municipal property, ensuring their proper maintenance and effective operation, necessary level and quality service to the population;
- 11) Establishment for the companies and the organisations of the municipal property of the corresponding territorial communities, the size of the share of profit which is subject to transfer in the local budget;
- 12) Management of the municipal property of the corresponding territorial community (except for the solution of questions of alienation, including by privatisation of municipal property and provision of municipal property in lease for the term of over one year);
- 13) Assistance to the expansion of housing construction, provision to the citizens needing housing, the help in housing construction; assistance to owners of apartments (houses) in their recovery in case of damage resulting from acts of terrorism, acts of sabotage; the organisations at the expense of own means and on the equity beginnings of construction, reconstruction and repair of objects of municipal services and welfare support, apartment houses, and also country roads; accomplishment or delegating on the competitive basis of the general construction organisation (contract organisation) of functions of the customer on construction, reconstruction and repair of housing, other objects of the social and production infrastructure of the municipal property;
- 14) Provision according to the law of town-planning conditions and restrictions on building on certain parcels of land;
- 15) Management of education, healthcare, culture, physical culture and sports by improving institutions which belong to territorial communities or are transferred to it, youth organisations in residence; organisation of their material and financial support;
- 16) Support to municipal welfare institutions of the corresponding territorial communities, as well as the population with fuel, electricity, gas and other energy supplies; providing water supply and sewage; verification of compliance of drinking water with quality standards;
- 17) Provision at the expense of local budgets of funeral services in connection with burial of single citizens, veterans of war and labour, and also other categories of needy citizens; provision of burial support for citizens in other cases, stipulated by legislation;
- 18) Assistance to the organisation of the call-up of citizens for serving as officers, for draft military and alternative (non-military) service, and also for their mobilisation, preparation of youth for service in the Armed Forces of Ukraine, organisation of educational and special military duties; ensuring the companies and the organisations irrespective of the form of ownership, and also the population in fulfilling the orders of the military commissariat after the declaration of mobilisation;
- 19) Reserving workplaces for persons liable for call-up at the companies and the organisations according to legislation;
- 20) Organisation and participation in implementation of the actions connected with mobilisation preparation and civil protection;

- 21) Provision according to the legislation to military units, organisations, educational institutions of the Armed Forces of Ukraine of service premises and living space, other objects, and also household services; the verification of compliance of their use and provision of quality services;
- 22) Assistance to the companies and the organisations being in the municipal property in production and deliveries for troops of the ordered products, services, and energy resources;
- 23) Implementation of requests for creation of proper conditions for operation of checkpoints along the border of Ukraine;
- 24) Assistance to the State Border Service of Ukraine in administration of the corresponding border perimeter;
- 25) Establishment of security regime at important objects of national economy of Ukraine, which provide services for the population;
- 26) Implementation of programs for the military patriotic education of the population;
- 27) Regulation according to the law of land relations (except for the alienation from the municipal property of the parcels of land and provision of such parcels of land in lease for the term of over one year);
- 28) Provision according to the law of permits for special use of natural resources of local value for the term of no more than one year, and cancellation of such permissions;
- 29) Designation of the territories and objects of natural and reserved fund of local value and other territories, subjects to special protection; submitting applications to the relevant state bodies on the announcement of the natural and other objects having ecological, historical, cultural or scientific value, nature sanctuaries, histories or cultures which are protected by the law;
- 30) Creation according to the law at the expense of means of the local budget of organisations on provision of the free primary legal assistance, appointment and dismissal of the heads of these organisations, attraction of physical persons or legal entities of private legal services established by the law to provision of the free primary legal assistance;
- 31) Assistance to activities of bodies of court, prosecutor's office, justice, security service, National Police, legal profession, National Anticorruption Bureau and Public Marshal Service of Ukraine;
- 32) Hearing information from prosecutors and heads of national police bodies about the condition of legality, the fight against crime, guardians of the public order and results of activities in the corresponding territory;
- 33) Cancellation of acts of executive bodies of the relevant council that do not comply with the Constitution, the laws of Ukraine, other legislative acts, the decisions of the relevant council accepted within its powers;
- 34) Organisation according to the legislation of elections of public authorities, local self-government and the agricultural, settlement, and city chairman within the corresponding administrative and territorial unit;
- 35) Establishment according to the legislation of rules concerning the administration of the territory of the settlement, monitoring the environment, trade in the markets, observance of silence in public places and imposing of administrative punishment for corresponding violations;
- 36) Making decisions in the limits determined by the law concerning disaster management, epidemics, epizootics and imposing of administrative punishment for corresponding violations;
- 37) Limitation of the territories on which potentially dangerous events can be held in the conditions of the presence of the civilian population with participation of personnel of the Armed Forces of Ukraine, other military formations and law enforcement agencies that use arms and military technology;
- 38) Making decisions on early termination of powers of bodies of territorial self-governance of the population in the cases provided by this Law;

- 39) Giving consent on transfer of objects from state to municipal property, and on acquisition of objects of state-owned property;
 - 40) Creation according to the legislation of a municipal rescue service; deciding on the number of employees in such service and its budget; providing logistics activities of municipal rescue services;
 - 41) Ensuring centralised temporary storage of the archive documents which have been saved in the course of documentation of office, labour or other legal relationship of legal entities and physical persons on the corresponding territory, and other archive documents not related to National Archive Fund;
 - 42) Collection, transportation, utilisation and neutralisation of household waste, neutralisation and dumping of animal corpses;
 - 43) Administration of settlements; organisation for gardening, protection of green areas and reservoirs, creation of places for citizens' vacation;
 - 44) Organisation of local markets, fairs, assistance in development of all forms of trade;
 - 45) Establishment of a convenient for the population regime of public services, trade and public catering and the consumer services objects in the municipal property;
 - 46) Approval of routes and traffic schedules of local passenger transportation irrespective of the form of ownership, co-ordination of the transit of passenger transport in cases, stipulated by the legislation;
 - 47) Ensuring proper maintenance of cemeteries, other places of burial and their protection;
 - 48) Attraction on a contract basis of the companies and the organisations not related to the municipal property of the corresponding territorial communities, to participation in servicing of the population by automobiles and communication;
 - 49) providing support within limits of its powers to special operations (actions) conducted by the Special Operations Forces of the Armed Forces of Ukraine.
2. Military civil administrations of settlements exercise the delegated powers of executive bodies assigned to local government bodies by the laws of Ukraine.
 3. District and regional military civil administrations along with implementation of powers of local public administrations in the corresponding territory also have powers on:
 - 1) Implementation according to the law of powers on the organisation within the corresponding administrative and territorial unit of all-Ukrainian referenda and elections of public authorities and local self-government, provision of information at the request of the Central Electoral Commission about the possibility of the organisation and preparation according to the law of the corresponding elections in the separate territories;
 - 2) Preparation and approval of programs of social, economic and cultural development of the respective region and area, target programs on other questions, hearing of reports on their accomplishment;
 - 3) Preparation and approval of district and regional budgets, their modification, approval of reports on their implementation; distribution of the means transferred from the government budget in the form of grants, subventions respectively between district budgets, local budgets of the cities of regional level, villages, settlements, the cities of district level;
 - 4) Decision on the instructions for relevant councils (the corresponding military civil administrations of settlements) on the issues of lease, concession or on the security of objects of the municipal property which provide for needs of territorial communities and administered by regional councils, and acquisition of such objects in the procedure established by the law;
 - 5) Management of objects of common property in villages, settlements, the cities, regions within the cities administered by regional councils (except for alienation, including by privatisation, such objects); appointment and release of their heads;
 - 6) Decision according to the law on regulation of land relations (except for alienation from the municipal property of the parcels of land);

- 7) Provision according to the law of permission for special use of natural resources of respectively district and regional level, and cancellation of such permission;
 - 8) Approval of instructions for use of sources of water supply intended for satisfaction of drinking, household and other requirements of the population, sanitary protection zones around sources of water supply, restriction or prohibition of drinking water use by companies for industrial purposes;
 - 9) Making decision on designation of the territories and objects of natural and reserved fund of local level and other territories, subject to special protection; submitting proposals to the relevant state bodies on the announcement of the natural and other objects having ecological, historical, cultural or scientific value, monuments of history or culture as protected by the law;
 - 10) Making decisions in the limits determined by the law concerning disaster management, epidemics, epizootics and on the administrative responsibility for their violation;
 - 11) Protection of important objects for the national economy of Ukraine, which provide services for the population;
 - 12) Making appeals to the court about recognition as unlawful the acts of local executive bodies, the companies and the organisations which limit the rights of territorial communities in the sphere of their common interests, as well as powers of regional councils and their bodies;
 - 13) Consent on transfer of objects from state-owned property to common property of territorial communities of villages, settlements, the cities and making decisions on acquisition of objects of state-owned property;
 - 14) Hearing of information from prosecutors and heads of law enforcement bodies about the law-and-order situation, fighting crime, protection of the public order and other results of their activity on the corresponding territory;
 - 15) Establishment according to the procedure and the limits determined by legislation, rates for housing and municipal services;
 - 16) Submitting proposals on change of the administrative-territorial structure according to procedure, determined by law;
 - 17) Approval of the prospective plan for the formation of the territories of communities as provided by the Law of Ukraine "On voluntary unification of territorial communities".
4. District and regional military civil administrations promote collection and transportation through the corresponding territory of humanitarian shipments for the needs of the non-combatant population living in the territory, not under Ukrainian control.

Article 5. Rights of military civil administrations

1. Military civil administrations in the corresponding territory in co-ordination with the Anti-terrorist Centre under Security Service of Ukraine have the right to:
 - 1) Set restrictions on presence during a specified period on streets and in other public places without identification documents;
 - 2) Temporarily limit or ban movement of vehicles and pedestrians on streets, roads and sites of the district;
 - 3) Organise verification of the identification documents of physical persons, and, when needed, examination of belongings, vehicles, luggage and shipments, service premises and housing of citizens, except for restrictions established by the Constitution of Ukraine;
 - 4) Prohibit according to the procedure determined by the Constitution and the laws of Ukraine, the activities of political parties and public associations;
 - 5) Monitor activity of telecommunication companies and use local radio stations, the television centres and typographies for explanatory measures among the population, personnel of military formations and law enforcement agencies;
 - 6) Set restrictions on arms trade and trade of strong chemical and poisonous substances, alcoholic beverages and substances based on spirits;

- 7) Collect from citizens for centralised storage their firearms and ammunition, other individual arms, as well as educational and military equipment from companies and organisations, explosive, radioactive substances and materials, strong chemical and poisonous substances;
- 8) Establish procedure for use of storage, construction and other objects for protection of the population, and their compliance with safety requirements;
- 9) Organise evacuation of the population from dangerous places and regions and evacuation of the companies, organisations and material objects having important state, economic and cultural value;
- 10) Provide the population in case of need with drinking water, food, necessities, and pharmaceuticals.

Article 6. Head of military civil administrations

(Part 1 of Article 6 is excluded as provided by the Law No 995-VIII of 04.02.2016)

2. Military civil administrations of settlement(s) are presided by the head appointed to the post and dismissed by the head of the corresponding regional military civil administration in co-ordination with the Head of the Anti-terrorist Centre under the Security Service of Ukraine, and in case the regional military civil administration is not created co-ordination – by the Head of the Anti-terrorist Centre under the Security Service of Ukraine.
3. Head of military civil administration:
 - 1) Provides in the corresponding territory observance of the Constitution and the laws of Ukraine, implementation of the acts of the President of Ukraine and relevant executive bodies;
 - 2) Will organise functioning of the corresponding military civil administration and co-ordinates their activities, bears personal responsibility for exercising military civil administration powers;
 - 3) Appoints to positions and exempts from positions officials and workers of the corresponding military civil administrations;
 - 4) Manages budgetary funds;
 - 5) Represents the corresponding military civil administration and the territorial community in the relations with state bodies, local government bodies, associations of citizens, the companies and the organisations irrespective of the form of ownership, citizens;
 - 6) Takes legal action concerning recognition of unlawful acts by local government bodies, local executive bodies, the companies and the organisations that limit the rights and interests of the territorial community;
 - 7) Concludes according to the legislation on behalf of the territorial community corresponding agreements;
 - 8) Issues orders within the limits of powers that have the same legal force as the decision of the relevant council (councils). Drafts of orders of the head of military civil administrations which are regulatory legal acts are subject to promulgation according to the procedure provided by the Law of Ukraine "On Access to Public Information", except for cases of emergency situations and other urgent cases provided by the law when such drafts are published immediately after their preparation. Orders of the head of military civil administration can be appealed in court;
 - 9) Carries out personally reception of citizens and provides in the corresponding territory for compliance with law on responses to appeals of citizens and their associations;
 - 10) Makes decision to temporary increase no more than twice the salary of military civil administration personnel for the period till the end of the antiterrorist operation.

Article 7. Final and transitional provisions

1. This Law becomes effective from the next day after the date of its publication.
2. This Law is valid for the duration of the antiterrorist operation and a half year from the date of its end, but no longer than three years since the day of the validation of this Law.

3. Introduce in Article 7 of the Law of Ukraine "On Fighting Terrorism (Bulletin of the Verkhovna Rada of Ukraine, 2003, No 25, p. 180) the following changes:

- 1) the second Part shall be supplemented with two sentences of the following content: "As a part of the Anti-terrorist Centre under the Security Service of Ukraine military civil administrations - temporary state bodies created for implementation of the Constitution and the laws of Ukraine, the safety control and normalisation of activity of the population, law and order, participation in counteraction to subversive manifestations and acts of terrorism, precluding humanitarian catastrophe around the area of the anti-terrorist operation. The organisation, powers and the procedure for activities of military civil administrations are determined by the law";
- 2) the tenth part shall stipulate the following:

"The Anti-terrorist Centre under the Security Service of Ukraine is maintained at the expense of the means provided in the separate line of the State Budget of Ukraine, and also other sources provided by the laws of Ukraine.

President of Ukraine P. Poroshenko
Kyiv, February 3, 2015 No 141-VIII

Law of Ukraine “On Ratification of the Council of Europe Convention on the Prevention of Terrorism”

(*Bulletin of the Verkhovna Rada of Ukraine (BVR), 2006, No 39, p. 340*)

The Verkhovna Rada of Ukraine hereby decrees:

1. To ratify the Council of Europe Convention on the Prevention of Terrorism signed on behalf of Ukraine on the 16th of May, 2005, in Warsaw (attached*) with the following declarations and reservations:
 - 1) to Item 2, Article 18 of the Convention: “Ukraine shall not extradite citizens of Ukraine to another country. For the purpose of this Convention, any person who is a citizen of Ukraine pursuant to the laws of Ukraine at the time of the decision of extradition shall be deemed a citizen of Ukraine”;
 - 2) to Item 2, Article 19 of the Convention: “In case of receipt of a request of extradition of an offender from a Party to this Convention, with which it has no treaty of extradition of offenders, Ukraine shall consider this Convention as the legal basis for extradition of offenders with respect to the crimes specified in Articles 5-7 and 9 of this Convention”;
 - 3) to Article 22 of the Convention: “Pursuant to Item 4, Article 22 of the Convention, Ukraine reserves the right not to be bound by the conditions established pursuant to Item 2 of this Article by the Party that provides information, unless it is notified in advance about the nature of the information to be provided and gives consent to transfer of such information”.
2. This Law becomes valid from the day of validation of the Law of Ukraine on introduction of changes to the Criminal Code of Ukraine in connection with ratification of Council of Europe Convention on the Prevention of Terrorism.

President of Ukraine V. Yushchenko
Kyiv, July 31, 2006 No 54-V

Council of Europe Convention on the Prevention of Terrorism¹ Warsaw, 16.05.2005

- The member States of the Council of Europe and the other Signatories hereto,
- Considering that the aim of the Council of Europe is to achieve greater unity between its members;
- Recognising the value of reinforcing co-operation with the other Parties to this Convention;
- Wishing to take effective measures to prevent terrorism and to counter, in particular, public provocation to commit terrorist offences and recruitment and training for terrorism;
- Aware of the grave concern caused by the increase in terrorist offences and the growing terrorist threat;
- Aware of the precarious situation faced by those who suffer from terrorism, and in this connection reaffirming their profound solidarity with the victims of terrorism and their families;
- Recognising that terrorist offences and the offences set forth in this Convention, by whoever perpetrated, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature, and recalling the obligation of all Parties to prevent such offences and, if not prevented, to prosecute and ensure that they are punishable by penalties which take into account their grave nature;
- Recalling the need to strengthen the fight against terrorism and reaffirming that all measures taken to prevent or suppress terrorist offences have to respect the rule of law and democratic values, human

1 The Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community entered into force on December 1, 2009. As a consequence, as from that date, any reference to the European Economic Community shall be read as the European Union.

rights and fundamental freedoms as well as other provisions of international law, including, where applicable, international humanitarian law;

- Recognising that this Convention is not intended to affect established principles relating to freedom of expression and freedom of association;
- Recalling that acts of terrorism have the purpose by their nature or context to seriously intimidate a population or unduly compel a government or an international organisation to perform or abstain from performing any act or seriously destabilise or destroy the fundamental political, constitutional, economic or social structures of a country or an international organisation;

Have agreed as follows:

Article 1. Terminology

1. For the purposes of this Convention, "terrorist offence" means any of the offences within the scope of and as defined in one of the treaties listed in the Appendix.
2. On depositing its instrument of ratification, acceptance, approval or accession, a State or the European Community which is not a party to a treaty listed in the Appendix may declare that, in the application of this Convention to the Party concerned, that treaty shall be deemed not to be included in the Appendix. This declaration shall cease to have effect as soon as the treaty enters into force for the Party having made such a declaration, which shall notify the Secretary General of the Council of Europe of this entry into force.

Article 2. Purpose

The purpose of the present Convention is to enhance the efforts of Parties in preventing terrorism and its negative effects on the full enjoyment of human rights, in particular the right to life, both by measures to be taken at national level and through international co-operation, with due regard to the existing applicable multilateral or bilateral treaties or agreements between the Parties.

Article 3. National prevention policies

1. Each Party shall take appropriate measures, particularly in the field of training of law enforcement authorities and other bodies, and in the fields of education, culture, information, media and public awareness raising, with a view to preventing terrorist offences and their negative effects while respecting human rights obligations as set forth in, where applicable to that Party, the Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, and other obligations under international law.
2. Each Party shall take such measures as may be necessary to improve and develop co-operation among national authorities with a view to preventing terrorist offences and their negative effects by, inter alia:
 - by improving the physical protection of persons and facilities;
 - enhancing training and co-ordination plans for civil emergencies.
3. Each Party shall promote tolerance by encouraging inter-religious and cross-cultural dialogue involving, where appropriate, non-governmental organisations and other elements of civil society with a view to preventing tensions that might contribute to the commission of terrorist offences.
4. Each Party shall endeavour to promote public awareness regarding the existence, causes and gravity of and the threat posed by terrorist offences and the offences set forth in this Convention and consider encouraging the public to provide factual, specific help to its competent authorities that may contribute to preventing terrorist offences and offences set forth in this Convention.

Article 4. International co-operation on prevention

Parties shall, as appropriate and with due regard to their capabilities, assist and support each other with a view to enhancing their capacity to prevent the commission of terrorist offences, including through exchange of information and best practices, as well as through training and other joint efforts of a preventive character.

Article 5. Public provocation to commit a terrorist offence

1. For the purposes of this Convention, "public provocation to commit a terrorist offence" means the distribution, or otherwise making available, of a message to the public, with the intent to incite the commission

of a terrorist offence, where such conduct, whether or not directly advocating terrorist offences, causes a danger that one or more such offences may be committed.

2. Each Party shall adopt such measures as may be necessary to establish public provocation to commit a terrorist offence, as defined in paragraph 1, when committed unlawfully and intentionally, as a criminal offence under its domestic law.

Article 6. Recruitment for terrorism

1. For the purposes of this Convention, "recruitment for terrorism" means to solicit another person to commit or participate in the commission of a terrorist offence, or to join an association or group, for the purpose of contributing to the commission of one or more terrorist offences by the association or the group.
2. Each Party shall adopt such measures as may be necessary to establish recruitment for terrorism, as defined in paragraph 1, when committed unlawfully and intentionally, as a criminal offence under its domestic law.

Article 7. Training for terrorism

1. For the purposes of this Convention, "training for terrorism" means to provide instruction in the making or use of explosives, firearms or other weapons or noxious or hazardous substances, or in other specific methods or techniques, for the purpose of carrying out or contributing to the commission of a terrorist offence, knowing that the skills provided are intended to be used for this purpose.
2. Each Party shall adopt such measures as may be necessary to establish training for terrorism, as defined in paragraph 1, when committed unlawfully and intentionally, as a criminal offence under its domestic law.

Article 8. Irrelevance of the commission of a terrorist offence

For an act to constitute an offence as set forth in Articles 5 to 7 of this Convention, it shall not be necessary that a terrorist offence be actually committed.

Article 9. Ancillary offences

1. Each Party shall adopt such measures as may be necessary to establish as a criminal offence under its domestic law:
 - a. Participating as an accomplice in an offence as set forth in Articles 5 to 7 of this Convention;
 - b. Organising or directing others to commit an offence as set forth in Articles 5 to 7 of this Convention;
 - c. Contributing to the commission of one or more offences as set forth in Articles 5 to 7 of this Convention by a group of persons acting with a common purpose. Such contribution shall be intentional and shall either:
 - i. be made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of an offence as set forth in Articles 5 to 7 of this Convention; or
 - ii. be made in the knowledge of the intention of the group to commit an offence as set forth in Articles 5 to 7 of this Convention.
2. Each Party shall also adopt such measures as may be necessary to establish as a criminal offence under, and in accordance with, its domestic law the attempt to commit an offence as set forth in Articles 6 and 7 of this Convention.

Article 10. Liability of legal entities

1. Each Party shall adopt such measures as may be necessary, in accordance with its legal principles, to establish the liability of legal entities for participation in the offences set forth in Articles 5 to 7 and 9 of this Convention.
2. Subject to the legal principles of the Party, the liability of legal entities may be criminal, civil or administrative.
3. Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offences.

Article 11. Sanctions and measures

1. Each Party shall adopt such measures as may be necessary to make the offences set forth in Articles 5 to 7 and 9 of this Convention punishable by effective, proportionate and dissuasive penalties.

2. Previous final convictions pronounced in foreign States for offences set forth in the present Convention may, to the extent permitted by domestic law, be taken into account for the purpose of determining the sentence in accordance with domestic law.
3. Each Party shall ensure that legal entities held liable in accordance with Article 10 are subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions.

Article 12. Conditions and safeguards

1. Each Party shall ensure that the establishment, implementation and application of the criminalisation under Articles 5 to 7 and 9 of this Convention are carried out while respecting human rights obligations, in particular the right to freedom of expression, freedom of association and freedom of religion, as set forth in, where applicable to that Party, the Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, and other obligations under international law.
2. The establishment, implementation and application of the criminalisation under Articles 5 to 7 and 9 of this Convention should furthermore be subject to the principle of proportionality, with respect to the legitimate aims pursued and to their necessity in a democratic society, and should exclude any form of arbitrariness or discriminatory or racist treatment.

Article 13. Protection, compensation and support for victims of terrorism

Each Party shall adopt such measures as may be necessary to protect and support the victims of terrorism that has been committed within its own territory. These measures may include, through the appropriate national schemes and subject to domestic legislation, *inter alia*, financial assistance and compensation for victims of terrorism and their close family members.

Article 14. Jurisdiction

1. Each Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in this Convention:
 - a. when the offence is committed in the territory of that Party;
 - b. when the offence is committed on board a ship flying the flag of that Party, or on board an aircraft registered under the laws of that Party;
 - c. when the offence is committed by a national of that Party.
2. Each Party may also establish its jurisdiction over the offences set forth in this Convention:
 - a. when the offence was directed towards or resulted in the carrying out of an offence referred to in Article 1 of this Convention, in the territory of or against a national of that Party;
 - b. when the offence was directed towards or resulted in the carrying out of an offence referred to in Article 1 of this Convention, against a State or government facility of that Party abroad, including diplomatic or consular premises of that Party;
 - c. when the offence was directed towards or resulted in an offence referred to in Article 1 of this Convention, committed in an attempt to compel that Party to do or abstain from doing any act;
 - d. when the offence is committed by a stateless person who has his or her habitual residence in the territory of that Party;
 - e. when the offence is committed on board an aircraft which is operated by the Government of that Party.
3. Each Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in this Convention in the case where the alleged offender is present in its territory and it does not extradite him or her to a Party whose jurisdiction is based on a rule of jurisdiction existing equally in the law of the requested Party.
4. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.
5. When more than one Party claims jurisdiction over an alleged offence set forth in this Convention, the Parties involved shall, where appropriate, consult with a view to determining the most appropriate jurisdiction for prosecution.

Article 15. Duty to investigate

1. Upon receiving information that a person who has committed or who is alleged to have committed an offence set forth in this Convention may be present in its territory, the Party concerned shall take such measures as may be necessary under its domestic law to investigate the facts contained in the information.
2. Upon being satisfied that the circumstances so warrant, the Party in whose territory the offender or alleged offender is present shall take the appropriate measures under its domestic law so as to ensure that person's presence for the purpose of prosecution or extradition.
3. Any person in respect of whom the measures referred to in paragraph 2 are being taken shall be entitled to:
 - a. communicate without delay with the nearest appropriate representative of the State of which that person is a national or which is otherwise entitled to protect that person's rights or, if that person is a stateless person, the State in the territory of which that person habitually resides;
 - b. be visited by a representative of that State;
 - c. be informed of that person's rights under subparagraphs a. and b.
4. The rights referred to in paragraph 3 shall be exercised in conformity with the laws and regulations of the Party in the territory of which the offender or alleged offender is present, subject to the provision that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 3 are intended.
5. The provisions of paragraphs 3 and 4 shall be without prejudice to the right of any Party having a claim of jurisdiction in accordance with Article 14, paragraphs 1.c and 2.d to invite the International Committee of the Red Cross to communicate with and visit the alleged offender.

Article 16. Non-application of the Convention

This Convention shall not apply where any of the offences established in accordance with Articles 5 to 7 and 9 is committed within a single State, the alleged offender is a national of that State and is present in the territory of that State, and no other State has a basis under Article 14, paragraph 1 or 2 of this Convention, to exercise jurisdiction, it being understood that the provisions of Articles 17 and 20 to 22 of this Convention shall, as appropriate, apply in those cases.

Article 17. International co-operation in criminal matters

1. Parties shall afford one another the greatest measure of assistance in connection with criminal investigations or criminal or extradition proceedings in respect of the offences set forth in Articles 5 to 7 and 9 of this Convention, including assistance in obtaining evidence in their possession necessary for the proceedings.
2. Parties shall carry out their obligations under paragraph 1 in conformity with any treaties or other agreements on mutual legal assistance that may exist between them. In the absence of such treaties or agreements, Parties shall afford one another assistance in accordance with their domestic law.
3. Parties shall co-operate with each other to the fullest extent possible under relevant law, treaties, agreements and arrangements of the requested Party with respect to criminal investigations or proceedings in relation to the offences for which a legal entity may be held liable in accordance with Article 10 of this Convention in the requesting Party.
4. Each Party may give consideration to establishing additional mechanisms to share with other Parties information or evidence needed to establish criminal, civil or administrative liability pursuant to Article 10.

Article 18. Extradite or prosecute

1. The Party in the territory of which the alleged offender is present shall, when it has jurisdiction in accordance with Article 14, if it does not extradite that person, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case without undue delay to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that Party. Those authorities shall take their decision in the same manner as in the case of any other offence of a serious nature under the law of that Party.

2. Whenever a Party is permitted under its domestic law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that Party to serve the sentence imposed as a result of the trial or proceeding for which the extradition or surrender of the person was sought, and this Party and the Party seeking the extradition of the person agree with this option and other terms they may deem appropriate, such a conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 1.

Article 19. Extradition

1. The offences set forth in Articles 5 to 7 and 9 of this Convention shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the Parties before the entry into force of this Convention. Parties undertake to include such offences as extraditable offences in every extradition treaty to be subsequently concluded between them.
2. When a Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it has no extradition treaty, the requested Party may, if it so decides, consider this Convention as a legal basis for extradition in respect of the offences set forth in Articles 5 to 7 and 9 of this Convention. Extradition shall be subject to the other conditions provided by the law of the requested Party.
3. Parties that do not make extradition conditional on the existence of a treaty shall recognise the offences set forth in Articles 5 to 7 and 9 of this Convention as extraditable offences between themselves, subject to the conditions provided by the law of the requested Party.
4. Where necessary, the offences set forth in Articles 5 to 7 and 9 of this Convention shall be treated, for the purposes of extradition between Parties, as if they had been committed not only in the place in which they occurred but also in the territory of the Parties that have established jurisdiction in accordance with Article 14.
5. The provisions of all extradition treaties and agreements concluded between Parties in respect of offences set forth in Articles 5 to 7 and 9 of this Convention shall be deemed to be modified as between Parties to the extent that they are incompatible with this Convention.

Article 20. Exclusion of the political exception clause

1. None of the offences referred to in Articles 5 to 7 and 9 of this Convention, shall be regarded, for the purposes of extradition or mutual legal assistance, as a political offence, an offence connected with a political offence, or as an offence inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance based on such an offence may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.
2. Without prejudice to the application of Articles 19 to 23 of the Vienna Convention on the Law of Treaties of May 23, 1969 to the other Articles of this Convention, any State or the European Community may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession of the Convention, declare that it reserves the right to not apply paragraph 1 of this Article as far as extradition in respect of an offence set forth in this Convention is concerned. The Party undertakes to apply this reservation on a case-by-case basis, through a duly reasoned decision.
3. Any Party may wholly or partly withdraw a reservation it has made in accordance with paragraph 2 by means of a declaration addressed to the Secretary General of the Council of Europe which shall become effective as from the date of its receipt.
4. A Party that has made a reservation in accordance with paragraph 2 of this Article may not claim the application of paragraph 1 of this Article by any other Party; it may, however, if its reservation is partial or conditional, claim the application of this article in so far as it has itself accepted it.
5. The reservation shall be valid for a period of three years from the day of the entry into force of this Convention in respect of the Party concerned. However, such reservation may be renewed for periods of the same duration.
6. Twelve months before the date of expiration of the reservation, the Secretary General of the Council of Europe shall give notice of that expiration to the Party concerned. No later than three months before expi-

ration, the Party shall notify the Secretary General of the Council of Europe that it is upholding, amending or withdrawing its reservation. Where a Party notifies the Secretary General of the Council of Europe that it is upholding its reservation, it shall provide an explanation of the grounds justifying its continuance. In the absence of notification by the Party concerned, the Secretary General of the Council of Europe shall inform that Party that its reservation is considered to have been extended automatically for a period of six months. Failure by the Party concerned to notify its intention to uphold or modify its reservation before the expiry of that period shall cause the reservation to lapse.

7. Where a Party does not extradite a person in application of this reservation, after receiving an extradition request from another Party, it shall submit the case, without exception whatsoever and without undue delay, to its competent authorities for the purpose of prosecution, unless the requesting Party and the requested Party agree otherwise. The competent authorities, for the purpose of prosecution in the requested Party, shall take their decision in the same manner as in the case of any offence of a grave nature under the law of that Party. The requested Party shall communicate, without undue delay, the final outcome of the proceedings to the requesting Party and to the Secretary General of the Council of Europe, who shall forward it to the Consultation of the Parties provided for in Article 30.
8. The decision to refuse the extradition request on the basis of this reservation shall be forwarded promptly to the requesting Party. If within a reasonable time no judicial decision on the merits has been taken in the requested Party according to paragraph 7, the requesting Party may communicate this fact to the Secretary General of the Council of Europe, who shall submit the matter to the Consultation of the Parties provided for in Article 30. This Consultation shall consider the matter and issue an opinion on the conformity of the refusal with the Convention and shall submit it to the Committee of Ministers for the purpose of issuing a declaration thereon. When performing its functions under this paragraph, the Committee of Ministers shall meet in its composition restricted to the States Parties.

Article 21. Discrimination clause

1. Nothing in this Convention shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance, if the requested Party has substantial grounds for believing that the request for extradition for offences set forth in Articles 5 to 7 and 9 or for mutual legal assistance with respect to such offences has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons.
2. Nothing in this Convention shall be interpreted as imposing an obligation to extradite if the person who is the subject of the extradition request risks being exposed to torture or to inhumane or degrading treatment or punishment.
3. Nothing in this Convention shall be interpreted either as imposing an obligation to extradite if the person who is the subject of the extradition request risks being exposed to the death penalty or, where the law of the requested Party does not allow for life imprisonment, to life imprisonment without the possibility of parole, unless under applicable extradition treaties the requested Party is under the obligation to extradite if the requesting Party gives such assurance as the requested Party considers sufficient that the death penalty will not be imposed or, where imposed, will not be carried out, or that the person concerned will not be subject to life imprisonment without the possibility of parole.

Article 22. Spontaneous information

1. Without prejudice to their own investigations or proceedings, the competent authorities of a Party may, without prior request, forward to the competent authorities of another Party information obtained within the framework of their own investigations, when they consider that the disclosure of such information might assist the Party receiving the information in initiating or carrying out investigations or proceedings, or might lead to a request by that Party under this Convention.
2. The Party providing the information may, pursuant to its national law, impose conditions on the use of such information by the Party receiving the information.

3. The Party receiving the information shall be bound by those conditions.
4. However, any Party may, at any time, by means of a declaration addressed to the Secretary General of the Council of Europe, declare that it reserves the right not to be bound by the conditions imposed by the Party providing the information under paragraph 2 above, unless it receives prior notice of the nature of the information to be provided and agrees to its transmission.

Article 23. Signature and entry into force

1. This Convention shall be open for signature by the member States of the Council of Europe, the European Community and by non-member States which have participated in its elaboration.
2. This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.
3. This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which six Signatories, including at least four member States of the Council of Europe, have expressed their consent to be bound by the Convention in accordance with the provisions of paragraph 2.
4. In respect of any Signatory which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the expression of its consent to be bound by the Convention in accordance with the provisions of paragraph 2.

Article 24. Accession to the Convention

1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe, after consulting with and obtaining the unanimous consent of the Parties to the Convention, may invite any State which is not a member of the Council of Europe and which has not participated in its elaboration to accede to this convention. The decision shall be taken by the majority provided for in Article 20.d of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Parties entitled to sit on the Committee of Ministers.
2. In respect of any State acceding to the convention under paragraph 1 above, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 25. Territorial application

1. Any State or the European Community may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.
2. Any Party may, at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration. In respect of such territory the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of the declaration by the Secretary General.
3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.

Article 26 – Effects of the Convention

1. The present Convention supplements applicable multilateral or bilateral treaties or agreements between the Parties, including the provisions of the following Council of Europe treaties:
 - European Convention on Extradition, opened for signature, in Paris, on December 13, 1957 (ETS No 24);
 - European Convention on Mutual Assistance in Criminal Matters, opened for signature, in Strasbourg, on April 20, 1959 (ETS No 30);
 - European Convention on the Suppression of Terrorism, opened for signature, in Strasbourg, on January 27, 1977 (ETS No 90);

- Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, opened for signature in Strasbourg on March 17, 1978 (ETS No 99);
 - Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, opened for signature in Strasbourg on November 8, 2001 (ETS No 182);
 - Protocol amending the European Convention on the Suppression of Terrorism, opened for signature in Strasbourg on May 15, 2003 (ETS No 190).
2. If two or more Parties have already concluded an agreement or treaty on the matters dealt with in this Convention or have otherwise established their relations on such matters, or should they in future do so, they shall also be entitled to apply that agreement or treaty or to regulate those relations accordingly. However, where Parties establish their relations in respect of the matters dealt with in the present Convention other than as regulated therein, they shall do so in a manner that is not inconsistent with the Convention's objectives and principles.
 3. Parties which are members of the European Union shall, in their mutual relations, apply Community and European Union rules in so far as there are Community or European Union rules governing the particular subject concerned and applicable to the specific case, without prejudice to the object and purpose of the present Convention and without prejudice to its full application with other Parties.²
 4. Nothing in this Convention shall affect other rights, obligations and responsibilities of a Party and individuals under international law, including international humanitarian law.
 5. The activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law, are not governed by this Convention, and the activities undertaken by military forces of a Party in the exercise of their official duties, inasmuch as they are governed by other rules of international law, are not governed by this Convention.

Article 27. Amendments to the Convention

Amendments to this Convention may be proposed by any Party, the Committee of Ministers of the Council of Europe or the Consultation of the Parties.

Any proposal for amendment shall be communicated by the Secretary General of the Council of Europe to the Parties.

Moreover, any amendment proposed by a Party or the Committee of Ministers shall be communicated to the Consultation of the Parties, which shall submit to the Committee of Ministers its opinion on the proposed amendment.

The Committee of Ministers shall consider the proposed amendment and any opinion submitted by the Consultation of the Parties and may approve the amendment.

The text of any amendment approved by the Committee of Ministers in accordance with paragraph 4 shall be forwarded to the Parties for acceptance.

² Note by the Secretariat: See the Declaration formulated by the European Community and the Member States of the European Union upon the adoption of the Convention by the Committee of Ministers of the Council of Europe, on May 3, 2005:

"The European Community/European Union and its Member States reaffirm that their objective in requesting the inclusion of a "disconnection clause" is to take account of the institutional structure of the Union when acceding to international conventions, in particular in case of transfer of sovereign powers from the Member States to the Community.

This clause is not aimed at reducing the rights or increasing the obligations of a non-European Union Party vis-à-vis the European Community/European Union and its Member States, inasmuch as the latter are also parties to this Convention.

The disconnection clause is necessary for those parts of the Convention which fall within the competence of the Community/Union, in order to indicate that European Union Member States cannot invoke and apply the rights and obligations deriving from the Convention directly among themselves (or between themselves and the European Community/Union). This does not detract from the fact that the Convention applies fully between the European Community/European Union and its Member States on the one hand, and the other Parties to the Convention, on the other; the Community and the European Union Members States will be bound by the Convention and will apply it like any Party to the Convention, if necessary, through Community/Union legislation. They will thus guarantee the full respect of the Convention's provisions vis-à-vis non-European Union Parties".

Any amendment approved in accordance with paragraph 4 shall come into force on the thirtieth day after all Parties have informed the Secretary General of their acceptance thereof.

Article 28. Revision of the Appendix

1. In order to update the list of treaties in the Appendix, amendments may be proposed by any Party or by the Committee of Ministers. These proposals for amendment shall only concern universal treaties concluded within the United Nations system dealing specifically with international terrorism and having entered into force. They shall be communicated by the Secretary General of the Council of Europe to the Parties.
2. After having consulted the non-member Parties, the Committee of Ministers may adopt a proposed amendment by the majority provided for in Article 20.d of the Statute of the Council of Europe. The amendment shall enter into force following the expiration of a period of one year after the date on which it has been forwarded to the Parties. During this period, any Party may notify the Secretary General of the Council of Europe of any objection to the entry into force of the amendment in respect of that Party.
3. If one third of the Parties notifies the Secretary General of the Council of Europe of an objection to the entry into force of the amendment, the amendment shall not enter into force.
4. If less than one third of the Parties notifies an objection, the amendment shall enter into force for those Parties which have not notified an objection.
5. Once an amendment has entered into force in accordance with paragraph 2 and a Party has notified an objection to it, this amendment shall come into force in respect of the Party concerned on the first day of the month following the date on which it notifies the Secretary General of the Council of Europe of its acceptance.

Article 29. Settlement of disputes

In the event of a dispute between Parties as to the interpretation or application of this Convention, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their choice, including submission of the dispute to an arbitral tribunal whose decisions shall be binding upon the Parties to the dispute, or to the International Court of Justice, as agreed upon by the Parties concerned.

Article 30. Consultation of the Parties

1. The Parties shall consult periodically with a view to:
 - making proposals to facilitate or improve the effective use and implementation of this Convention, including the identification of any problems and the effects of any declaration made under this Convention;
 - formulating its opinion on the conformity of a refusal to extradite which is referred to them in accordance with Article 20, paragraph 8;
 - making proposals for the amendment of this Convention in accordance with Article 27;
 - formulating their opinion on any proposal for the amendment of this Convention which is referred to them in accordance with Article 27, paragraph 3;
 - expressing an opinion on any question concerning the application of this Convention and facilitating the exchange of information on significant legal, policy or technological developments.
2. The Consultation of the Parties shall be convened by the Secretary General of the Council of Europe whenever he finds it necessary and in any case when a majority of the Parties or the Committee of Ministers request its convocation.
3. The Parties shall be assisted by the Secretariat of the Council of Europe in carrying out their functions pursuant to this article.

Article 31. Denunciation

1. Any Party may, at any time, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.

2. Such denunciation shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of the notification by the Secretary General.

Article 32. Notification

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, the European Community, the non-member States which have participated in the elaboration of this Convention as well as any State which has acceded to, or has been invited to accede to, this Convention of:

- a. any signature;
- b. the deposit of any instrument of ratification, acceptance, approval or accession;
- c. any date of entry into force of this Convention in accordance with Article 23;
- d. any declaration made under Article 1, paragraph 2, 22, paragraph 4, and 25;
- e. any other act, notification or communication relating to this Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Warsaw, this 16th day of May 2005, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the European Community, to the non-member States which have participated in the elaboration of this Convention, and to any State invited to accede to it.

PART VI

DEVELOPMENT OF THE STATE MILITARY ORGANISATION

Law of Ukraine “On the State Border Service of Ukraine” (*Bulletin of the Verkhovna Rada of Ukraine (BVR), 2003, No 27, p. 208*)

Includes changes made by the Laws:

- No. 965-IV of 19.06.2003, BVR, 2003, No. 45, p. 357;
- No 2505-IV of 25.03.2005, BVR, 2005, No 17, No 18-19, p. 267;
- No 3200-IV of 15.12.2005, BVR, 2006, No 14, p. 116;
- No 328-V of 03.11.2006, BVR, 2006, No 51, p. 519;
- No 489-V of 19.12.2006, BVR, 2007, No 7-8, p. 66;
- No 1014-V of 11.05.2007, BVR, 2007, No 33, p. 442;
- No 107-VI of 28.12.2007, BVR, 2008, No 5-6, No 7-8, p. 78;
- No 289-VI of 20.05.2008, BVR, 2008, No 26, p. 243;
- No 586-VI of 24.09.2008, BVR, 2009, No 10-11, p. 137;
- No 884-VI of 15.01.2009, BVR, 2009, No 24, p. 298;
- No 1710-VI of 05.11.2009, BVR, 2010, No 6, p. 46;
- No 2947-VI of 13.01.2011, BVR, 2011, No 32, p. 316;
- No 3460-VI of 02.06.2011, BVR, 2011, No 51, p.577;
- No 4652-VI of 13.04.2012, BVR, 2013, No 21, p.208;
- No 4711-VI of 17.05.2012, BVR, 2013, No 14, p.89;
- No 5040-VI of 04.07.2012, BVR, 2013, No 25, p.246;
- No 5290-VI of 18.09.2012, BVR, 2013, No 41, p.549;
- No 5453-VI of 16.10.2012, BVR, 2013, No 47, p.657;
- No 5459-VI of 16.10.2012, BVR, 2013, No 48, p.682;
- No 224-VII of 14.05.2013, BVR, 2014, No 11, p.132;
- No 245-VII of 16.05.2013, BVR, 2014, No 12, p.178;
- No 406-VII of 04.07.2013, BVR, 2014, No 20-21, p.712;
- No 1207-VII of 15.04.2014, BVR, 2014, No 26, p.892;

No 1313-VII of 05.06.2014, BVR, 2014, No 29, p.946;
No 306-VIII of 09.04.2015, BVR, 2015, No 24, p.183;
No 567-VIII of 01.07.2015, BVR, 2015, No 35, p.339;
No 580-VIII of 02.07.2015, BVR, 2015, No 40-41, p.379;
No 901-VIII of 23.12.2015, BVR, 2016, No 4, p.44.

According to the Constitution of Ukraine, this Law determines the legal basis for the organisation and activity of the State Border Service of Ukraine, its general structure, numerical strength, functions and powers.

PART I. GENERAL PROVISIONS

Article 1. Tasks of the State Border Service of Ukraine

The State Border Service of Ukraine is entrusted with the tasks of maintaining the inviolability of Ukraine's borders and protecting the sovereign rights of Ukraine in its exclusive (sea) economic zone.

Article 2. The Basic Functions of the State Border Service of Ukraine

The basic functions of the State Border Service of Ukraine are the following:

- Protection of land, sea, river, lake and other water-borders of Ukraine with the purpose of the preclusion of unlawful crossings, observance of the border regime and the border zone regime;
- Performing, in accordance with the established procedure of border control and admission across the border of Ukraine of persons, vehicles, cargo and other property, as well as identifying and suppressing unlawful attempts at crossing the state border;
- Protection of the sovereign rights of Ukraine in its exclusive (sea) economic zone and control over the exercise of the rights and the fulfilment of obligations in this zone by other states, national and foreign legal and physical persons and international organisations;
- Conducting intelligence, information-search and investigative activities in the interests of protecting the border of Ukraine, in accordance with the Laws of Ukraine "On Intelligence Organs of Ukraine" and "On the Investigation Activity";
- Participation in the fight against organised crime and countering unlawful migration across the border of Ukraine and within the limits of controlled border regions;
- Participation in anti-terrorist measures, as well as the termination of activities of militant and armed formations (groups), organised groups and criminal organisations violating the procedure for crossing the State border of Ukraine;
- Participation in the provision of state protection for the places of permanent and temporary stay of the President of Ukraine and officials, as determined in the Law of Ukraine "On the State Protection of the State Organs of Power of Ukraine and Officials";
- Protection of foreign diplomatic establishments of Ukraine;
- Coordination of the activity of military formations and the relevant law enforcement organs concerned with the protection of the border of Ukraine and with managing the passage to temporarily occupied territory and back, as well as the activity of state organs carrying out various types of control over border crossings or participating in the provision of the border regime, the border zone regime and regime in border checkpoints.

Fulfilment of the functions specified in part One of this Article constitutes the operational activity of the State Border Service of Ukraine.

Article 3. Main Principles of the Activity of the State Border Service of Ukraine

Main principles of the activity of the State Border Service of Ukraine are the following:

- Legality;
- Respect and observance of human and citizen's rights and freedoms;
- Non-membership of political parties;
- Continuity;

- Combination of public, private and secret forms and methods of activity;
- Undivided authority;
- Collective approach to the development of important decisions;
- Interaction with state organs of power, local self-government bodies and public organisations during the implementation of the tasks assigned to the State Border Service of Ukraine;
- Openness to democratic civil control.

Article 4. Legal Basis for Activity of the State Border Service of Ukraine

The legal basis for the activity of the State Border Service of Ukraine is the Constitution of Ukraine, the Law of Ukraine "On the State Border of Ukraine", this Law, other laws of Ukraine, Decrees of the President of Ukraine and the Cabinet of Ministers of Ukraine issued in accordance with the laws, as well as international treaties of Ukraine agreed as binding by the Verkhovna Rada of Ukraine.

Article 5. Activity of the State Border Service of Ukraine and protection of human rights

Activity of the State Border Service of Ukraine is conducted on the basis of the observance of human and citizens' rights and freedoms. Organs, servicemen and employees of the State Border Service of Ukraine are obliged to respect the dignity of and ensure a humane attitude towards all persons.

Unlawful restriction of human rights and freedoms is inadmissible and entails liability according to the Law.

PART II. THE GENERAL STRUCTURE, NUMERICAL STRENGTH AND ORGANISATION OF THE ACTIVITY OF THE STATE BORDER SERVICE OF UKRAINE**Article 6. General Structure and Numerical Strength of the State Border Service of Ukraine**

The State Border Service of Ukraine is a law enforcement organ of special purpose and has the following general structure:

- Specially authorised central organ of executive power on the protection of the state border;
- Territorial organs of the specially authorised central organ of executive power on the protection of the state border;
- Sea Guard, consisting of detachments of Sea Guards;
- Organs of protection of the state border—the border detachments, individual checkpoints and aviation units;
- Intelligence organ of the specially authorised central organ of executive power on the protection of the state border.
- The total numerical strength of the State Border Service of Ukraine is 53,000 persons, including 45,000 servicemen.
- The specially authorised central organ of executive power on the protection of the state border, territorial organs of the specially authorised central organ of executive power on the protection of the state border, organs of protection of the border and other organs specified in part 1 of this Article are legal persons who have a seal with the image of the State Emblem of Ukraine and their names engraved, other seals and stamps and bank accounts in established banks, including in foreign currency.
- The system of the State Border Service of Ukraine also includes educational and research establishments, special purpose units and administrative organs.

Article 7. The Specially Authorised Central Organ of Executive Power on the Protection of the State Border

The specially authorised central organ of executive power on the protection of the state border implements state policy with regards to the protection of the state border of Ukraine, manages the State Border Service of Ukraine, participates in the development and implementation of general principles of legalisation, and ensures the inviolability of the state border of Ukraine, as well as the protection of the sovereign rights of Ukraine in its exclusive (sea) economic zone.

The specially authorised central organ of executive power on the protection of the state border generalises the practice of legislative application pertaining to the competences of the State Border Service of Ukraine; develops proposals on updating respective legislation, and, in accordance with the established procedure, submits them for the consideration of the President of Ukraine or the Cabinet of Ministers of Ukraine.

With the purpose of the effective fulfilment of the tasks assigned to the State Border Service of Ukraine, the specially authorised central organ of executive power on the protection of the state border forms territorial organs—referred to as regional administrations.

The regulations on regional administrations are approved by the Head of the State Border Service of Ukraine.

Heads of regional administrations are appointed by the Head of the State Border Service of Ukraine.

Article 8. Head of the State Border Service of Ukraine

Management of the State Border Service of Ukraine and of the activity of the specially authorised central organ of executive power on the protection of the state border is performed by the Head of the State Border Service of Ukraine. The Head of the State Border Service of Ukraine bears personal responsibility for the fulfilment of all tasks assigned to the State Border Service of Ukraine.

The Head of the State Border Service of Ukraine is appointed to and dismissed from office by the President of Ukraine upon submission of the Prime Minister of Ukraine. The Head of the State Border Service of Ukraine has deputies who are appointed by the President of Ukraine upon submission of the Head of the State Border Service of Ukraine.

Article 9. The Sea Guard

The Sea Guard of the State Border Service of Ukraine perform the following functions:

- Protection of the state border of Ukraine in sea, rivers, lakes and other bodies of water; control over the navigation and stay of national and foreign non-military and military ships in the territorial sea and internal waters of Ukraine, over the entry of foreign non-military and military ships in the internal waters and ports of Ukraine, as well as stay in them; protection of the sovereign rights of Ukraine in its exclusive (sea) economic zone and control over the exercise of the rights and fulfilment of the obligations in this zone by other states, national and foreign legal and physical persons and international organisations.

The structure of Sea Guard detachments includes ships, motorboats and supporting vessels.

Article 10. Organs of Protection of the State Border of the State Border Service of Ukraine

Organs of protection of the state border perform tasks assigned to the State Border Service of Ukraine with regards to ensuring the inviolability of the state borders of Ukraine.

A border detachment is the basic operational part of the State Border Service of Ukraine, responsible for the protection of a section of the border independently, or together with other organs of protection of the state border and the Sea guard, for ensuring the observance of the border regime and the border zone regime, as well performing, in accordance with the established procedure of border control, admissions across the state border and to the temporarily occupied territory of Ukraine of persons, vehicles and cargo.

The structure of a border detachment can include border commandant's offices, sections of border service, border posts, checkpoints and departments of border control.

An individual checkpoint is an operational element of the State Border Service of Ukraine responsible for facilitating, in accordance with the established procedure of border control, admissions across the border of Ukraine of persons, vehicles and cargo.

The structure of an individual checkpoint can include other checkpoints subordinate to it, departments of border control, as well as control posts.

An aviation unit is an operational part of the State Border Service of Ukraine responsible for protecting the state border together with other organs of protection of the border and the Sea guard; ensuring the observance

of the border regime and the border zone regime, as well as protecting the sovereign rights of Ukraine in its exclusive (sea) economic zone.

The structure of an aviation unit includes groups of planes and helicopters.

Article 11. Intelligence Organ of the Specially Authorised Central Organ of Executive Power on Protection of the State Border

The intelligence organ of the specially authorised central organ of executive power on the protection of the state border performs its activity in accordance with the Law of Ukraine "On Intelligence Organs of Ukraine".

The structure of the intelligence organ of the specially authorised central organ of executive power on the protection of the state border is approved by the President of Ukraine.

Article 12. Special Purpose Units

The structures of the specially authorised central organ of executive power on protection of the state border, territorial organs of the specially authorised central organ of executive power on the protection of the state border and organs of protection of the border include the following special purpose units with a focus on: operational documentation, technical elements and internal security.

The activity of special purpose units of the State Border Service of Ukraine is regulated by this Law and other normative-legal acts.

Article 13. Organs of Support

Organs of support for the State Border Service of Ukraine include enterprises and establishments, as well as departments specialising in technical, material, medical and other forms of support, which may function both independently or within the structure of the specially authorised central organ of executive power on the protection of the state border, its territorial organs, Sea Guard, other organs of protection of the border and educational establishments of the State Border Service of Ukraine.

PART III. PERSONNEL OF THE STATE SERVICE BORDER OF UKRAINE

Article 14. Personnel of the State Border Service of Ukraine

The personnel of the State Border Service of Ukraine consist of the servicemen and employees of the State Border Service of Ukraine.

Persons seeking employment within the bodies of the State Border Service of Ukraine shall, upon the provision of their written consent, be subjected to special vetting in accordance with the procedure provided by the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption".

Persons seeking employment within the bodies of the State Border Service of Ukraine, shall, before their appointment to the relevant position, submit a declaration of property, incomes, expenditures and obligations of a financial nature to their prospective place of service, in the form of and in accordance with the procedure provided by the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption", and shall notify the leadership of the body where they seek employment about any connected persons working in that body.

A person who has an unexpired or unspent conviction due to the commitment of a crime, except exonerated persons, or who was subjected to an administrative penalty in the past year for the commitment of a corrupt offence cannot be employed within the bodies of the State Border Service of Ukraine.

The staffing of the State Border Service of Ukraine with servicemen, as well as the specifics of their military service, are defined by and carried out in accordance with the Law of Ukraine "On Military Duty and Military Service". Authorised officials of the State Border Service of Ukraine examine conscripts in advance and select them in military commissariats.

Labour relations between employees of the State Border Service of Ukraine are regulated by legislation on labour, state service and the concluded work contracts. The list of posts of employees of the State Border Service of Ukraine who can be ex officio involved in operational activity is determined by the Head of the State Border Service of Ukraine.

Officers of the State Border Service of Ukraine shall be subject to additional requirements and restrictions, as established by the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption".

Officers of the State Border Service of Ukraine shall, before the 1st of April, annually file a declaration of property, incomes, expenditures and obligations of a financial nature for the previous year to their place of service, in the form of and in accordance with the procedure provided by the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption".

Employees of the State Border Service of Ukraine (except military servants) who have been held responsible for the commitment of a corrupt administrative offence associated with the violation of restrictions provided by the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption" or of a criminal offence, shall be dismissed from service within three-days from the date of which the concerned body of the State Border Service of Ukraine receives a copy of the relevant court ruling. Military servants of the State Border Service of Ukraine, who have been held responsible for the commitment of a corrupt administrative offence associated with violations of restrictions provided by the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption" or of a criminal offence, shall be dismissed from service.

Article 14.1. Settlement of a Conflict of Interests

In case of an emergence of a conflict of interest during the performance of official duties, an officer of the State Border Service of Ukraine shall immediately notify his or her immediate superior. The immediate superior of the officer of the Security Service of Ukraine shall take all requisite measures aimed at preventing the conflict of interest by assigning the relevant mission to another official, performing the mission him or herself, or through other means provided by the law.

Note. The term "conflict of interests" is used in the meaning provided in the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption".

Article 15. Restriction of Political Activity in the State Border Service of Ukraine

Servicemen and employees of the State Border Service of Ukraine must suspend membership in any and all political parties for the duration of their military service and related duties. Servicemen and employees of the State Border Service of Ukraine can be members of public organisations whose statutes do not contradict the principles of activity of the State Border Service of Ukraine and can participate in their work when free from the requirement to perform official duties.

Organisation by servicemen and employees of the State Border Service of Ukraine of strikes, as well as participation in them, is forbidden.

Article 16. Monetary Allowance of Servicemen and Remuneration of Labour of Employees of the State Border Service of Ukraine

The terms of monetary allowance for servicemen and remuneration for the labour of employees of the State Border Service of Ukraine are determined by respective legislation.

Article 17. Professional Training for the State Border Service of Ukraine

Training, retraining and improvement of professional skills of the personnel of the State Border Service of Ukraine are conducted in educational establishments of the State Border Service of Ukraine and in other educational establishments.

Article 18. Transfer of Servicemen of the State Border Service of Ukraine to the Military Reserve

Servicemen of the State Border Service of Ukraine discharged from military service are enlisted into the reserve of the Armed Forces of Ukraine.

PART IV. THE POWERS OF THE STATE BORDER SERVICE OF UKRAINE

Article 19. The duties of the State Border Service of Ukraine

1. According to the tasks determined by Law, the State Border Service of Ukraine is responsible for:
 - 1) Suppression of any attempts of unlawful crossing of the state border of Ukraine;

- 2) Suppression, together with the relevant law enforcement organs, of armed conflicts and other provocations on the state border of Ukraine;
- 3) Participation, together with the Armed Forces of Ukraine and other military formations, in the repulsion of an invasion or attack on the territory of Ukraine by the armed forces of a state or a group of states;
- 4) Participation in territorial defence efforts, as well as in efforts aimed to ensure observance of the legal regimes of martial law and state of emergency;
- 5) Prevention of crimes and administrative offences, counteraction to which by legislation belongs to the competence of the State Border Service of Ukraine, including their identification, suppression and investigation, as well as adherence to the correct legal procedure on administrative offences, as established by Law;
- 6) Implementation of border control and admission in accordance with the established procedure of persons, vehicles and cargo in cases where the documents for admission are in order after customs and, if necessary, other types of control, as well as the registration of foreigners and persons without citizenship, who, in accordance with the established procedure arrive in Ukraine, and the registration of their passports in border checkpoints, as well as the fixation of biometrical data of foreigners and persons without citizenship during the process of the state border control and in border checkpoints;
- 7) Participation in the conclusion of international treaties of Ukraine on border issues and on reciprocal trips of citizens, as well as provision for their implementation;
- 8) Prevention and preclusion of entry into Ukraine or departure from Ukraine of persons, who, according to legislation, are refused entry to Ukraine or who are temporarily prohibited from leaving Ukraine, including due to related orders from law enforcement organs; search for persons absconding from the organs of investigation and the court in border checkpoints and those evading criminal punishment; as well as the fulfilment, in accordance with the established procedure, of other orders of law enforcement organs;
- 9) Identification of reasons and conditions that lead to violations of the legislation on the state border of Ukraine and the implementation of measures that, within the limits of their competence, aim for their elimination;
- 10) Performance of intelligence, information-search, investigative activities and counterintelligence measures aimed at ensuring the protection of the state border of Ukraine;
- 11) Control over observance of the border regime;
- 12) Acceptance, according to the legislation, of applications from persons requesting the status of refugee in accordance with procedure stipulated by the Law of Ukraine "On Refugees and Persons in Need for Additional or Temporary Protection";
- 13) Establishment, in agreement with the customs organs and the heads of the relevant enterprises hosting the checkpoints, of the regime of crossing through border checkpoints and control over its observance;
 - 13-1) Establishment of regime procedures at entrance-exit checkpoints;
- 14) Control over the observance of the established procedure of navigation and stay in the territorial sea and internal waters of Ukraine by non-military and military ships;
- 15) Adoption, together with law enforcement organs and organs of the Security Service of Ukraine, of decisions on the expulsion of foreigners and persons without citizenship from Ukraine, who have been detained in controlled border regions while attempting to cross or after illegally crossing the state border of Ukraine;
- 15-1) Passage, in accordance with the established procedure, of decisions on the accommodation of foreigners and apatrides detained within controlled border areas while attempting to cross or after illegally crossing the state border of Ukraine, in centres of temporary accommodation for foreigners and

- apatriades illegally residing in the territory of Ukraine, with further notice to the prosecutor necessary within 24 hours;
- 15-2) Execution of decisions of the administrative court concerning the forced deportation of foreigners and apatriades detained within controlled border areas while attempting to cross or after illegally crossing the state border of Ukraine;
 - 16) Carry out, independently or together with the National Police and organs of the Security Service of Ukraine, control in the controlled border regions over the observance by foreigners, persons without citizenship, refugees and persons who were provided refuge in Ukraine, of the established rules of stay in its territory;
 - 17) Guard, escort and detain persons and watercraft before transferring them to the border guards, or other authorised organs of a neighbouring state, law enforcement organs of Ukraine or the court;
 - 18) Protection, in accordance with legislation on special measures on the protection of servicemen and employees of the State Border Service of Ukraine, from illegal acts against their life, health, honour, property owned or used in connection with their service activity, as well their close relatives;
 - 19) Countermeasures against and prevention from corruption and crimes in the service activity of the personnel of the State Border Service of Ukraine;
 - 20) Participation, within the limits of their competence and in cooperation with the organs of the Security Service of Ukraine, the National Police and other law enforcement agencies, in the fight against terrorism and in the accomplishment of other tasks assigned to them;
 - 21) Representative work and participation of the representative's border services in the work of joint international commissions on border disputes, incidents and conflicts;
 - 22) Ensure, independently or in cooperation with specially authorised executive organs and officials, control in the regions in which they serve in terms of preserving natural resources and underwater sites of cultural and archaeological heritage, as well as implementing norms regarding industrial and other activity and environmental protection;
 - 23) Informing citizens and the relevant state organs of accidents, fires, catastrophes, natural disasters and other emergencies on the state border of Ukraine, border zone and controlled border regions;
 - 23-1) Provide, upon request from the Fund for Compulsory State Social Insurance of Ukraine in Case of Unemployment or the Central Executive Organ in the sphere of labour and social policy, and in accordance with procedure approved by the Cabinet of Ministers, information kept in information systems, including at data banks, on persons, who, during the period of receiving unemployment subsidies, crossed the state border or left the sovereign territory of Ukraine;
 - 24) Protection of the foreign diplomatic establishments of Ukraine;
 - 24-1) Protection of underwater sites of cultural and archaeological heritage;
 - 25) Participation, within the limits of their competence, in the provision of state protection in places used by the President of Ukraine and other officials as permanent or temporary residences, as stipulated in the Law of Ukraine "On the State Protection of the State Organs of Power of Ukraine and Officials";
 - 26) Interaction, for the purposes of the protection of the border of Ukraine, with the relevant organs of foreign states in accordance with the procedure established by those international treaties agreed as binding by the Verkhovna Rada;
 - 27) Providing for the safe storage of documents concerning the demarcation of the state border of Ukraine, in accordance with procedure specified in the legislation of Ukraine;
 - 28) Guarantee, upon their detention, the right of detainees to defend themselves personally or use the assistance of a legal counsel;
 - 29) Provide notification to the Centre of Free Secondary Legal Assistance, in accordance with the procedure established by the Cabinet of Ministers of Ukraine, about all cases of detention of persons on a

commission of Ukrainian law enforcement bodies and administrative detention of persons, except in cases where the person defends him or herself personally or employs a counsel to do so.

Article 20. The Rights of the State Border Service of Ukraine

Organs, departments, servicemen and employees of the State Border Service of Ukraine, who can be ex officio involved in operational activity to fulfil the tasks assigned to the State Border Service of Ukraine, have the following rights:

- 1) To dislocate border units, to move to any place in the area while on duty, to enter land areas, or with the consent of the concerned persons, inhabited areas and other premises that belong to individuals, or without due consent in cases of emergencies connected to the rescue of people and property or to the apprehension of persons suspected of committing a crime, with a mandatory notification sent to the public prosecutor within twenty four hours, as well as to enter the territory and premises of enterprises, institutions and organisations, irrespective of their form of ownership, with notification of such acts provided to the administrative body of the aforementioned entity;
- 2) In accordance with respective laws and normative-legal acts, and in the interest of supporting legal criminal proceedings and international cooperation in the fight against organised crime, as well as to safeguard the national security of Ukraine, ensure the controlled (under operational control) admission across the state border of Ukraine of persons in checkpoints or outside them. Decisions on such admissions are taken by the Head of the State Border Service of Ukraine;
- 3) To certify the documents of any persons who cross the state border of Ukraine and who claim to enjoy the right to enter or depart Ukraine; and to make notes in the respective documents, and in cases envisaged by legislation, to temporarily confiscate or withdraw them;
- 4) The interrogation of persons to ascertain the reasons for their entry into or departure from Ukraine, as well as their entry into and exit from temporarily occupied territory; to refuse the crossing of the state border of Ukraine or entry into and exit from temporarily occupied territory to persons without valid documents confirming their right to cross it, persons who deliberately provided false data during receipt of their documents, to persons who have been refused the right to enter Ukraine or who are temporarily forbidden to depart Ukraine by the State Border Service of Ukraine for the violation of legislation on border issues and on the legal status of foreigners, or by a written decision of the court or law enforcement organs; and to make special notes in the documents of these persons;
- 5) According to the legislation, to take decisions on granting the right of a simplified crossing of the state border of Ukraine;
- 6) To conduct, independently or together with customs organs and according to respective legislation, an examination of and, if necessary, escort vehicles, goods and other materials that cross the state border of Ukraine;
- 7) To perform, according to the orders of law enforcement organs of Ukraine, the detention of persons who cross the border of Ukraine at checkpoints, or who use entrance-exit checkpoints and are searched on suspicion of committing a crime, absconding from the organs of state investigation, the court or evading criminal punishment, as well as in other cases envisaged by the legislation of Ukraine;
- 8) To grant, with the consent of the customs organs of Ukraine and the competent organs of neighbouring states, permission to persons to enter or depart from Ukraine; for vehicles and cargo to cross the state border of Ukraine outside checkpoints in emergency circumstances connected to mitigating against the consequences of natural and technogenic emergencies, threats to human life, as well as to ensure the absence of threats to the national security of Ukraine;
- 9) To allow, with the consent of the central organ of executive power responsible for the implementation of state customs policy, the central organ of executive power responsible for the implementation of state policy in the sphere of aviation transport and the Ministry of Defence of Ukraine, the take-off and landing of aircraft at airports (airdromes) which do not have border checkpoints;

- 10) To create and use in the interests of investigation, counterintelligence protection of the state border of Ukraine, investigation activity, the fight against organised crime and prevention of unlawful migration, information systems, including databases, on persons who have crossed the border of Ukraine, persons who have committed offences, to which countermeasures fall under the jurisdiction of the State Border Service of Ukraine, persons, who, according to respective legislation, have been refused entry to Ukraine or who are temporarily forbidden to depart from Ukraine, on invalid, stolen or lost travel documents, as well as in other cases envisaged by the laws of Ukraine;
- 11) To determine, together with interested enterprises, institutions and organisations of all forms of ownership, the place and duration for the stopping of vehicles carrying out the international transportation of passengers and cargo in checkpoints across the border of Ukraine and at entry-exit checkpoints;
- 12) To demand that physical persons stop any actions or offences that may prevent the implementation of the powers of the State Border Service of Ukraine;
- 13) To consider, according to the procedure established by the laws of Ukraine, cases concerning possible offences, to impose penalties or transfer materials related to possible offences to other authorised executive organs or courts;
- 14) To perform the administrative detention of persons on the basis and duration determined by the laws, including for foreigners and persons without citizenship who have illegally crossed the state border of Ukraine for the period of time necessary for the transfer of these persons to the border organs of the neighbouring state, according to the decision in this effect taken in accordance with the established procedure;
- 15) To carry out, on the basis of and in accordance with the procedure established by the laws, the personal examination of detained persons, as well examine, and, if necessary, confiscate items which can serve as exhibits or which could present dangers to the health of the people;
- 16) To keep the persons, who have been detained for administrative offences, in premises specially equipped for these purposes;
- 17) To conduct, according to the law, judicial scrutiny of passports, which, according to the legislation, are used to cross the border of Ukraine;
- 18) In conformity with their respective competence, to limit or temporarily forbid in cases connected to the protection of the border of Ukraine and the conducting of training and battle-firing exercises, as well as to the fulfilment of various works and the dislocation of vehicles and water-craft, access of persons to individual sites or installations in the border zone and in controlled border regions, except for works performed on construction sites according to international treaties, or on construction sites of state importance or to works connected with the alleviation of the consequences of natural disasters, in particular, of dangerous infectious diseases;
- 19) To maintain automatic data exchange on transportation vehicles with territorial organs of the Ministry of Internal Affairs of Ukraine. To independently stop and examine in the border zone and in controlled border regions, or beyond border zones together with the organs of the National Police—vehicles, as well as to check the identification documents of the driver and passengers and ensure that they are in possession of the correct transportation insurance policy (i.e. insurance certificate "Green card"), as well as to enforce the payments of compulsory administrative fines. Cargo transported by vehicles through customs control is subject to examination only together with the organs of the state customs service of Ukraine;
- 20) To use, in accordance with the procedure established by legislation, the water and air space of Ukraine, as well as the sea and river ports, airports and airdromes (airfields) in the territory of Ukraine, irrespective of their departmental affiliation and purpose, to receive navigational, meteorological, hydrographic and other information necessary to support flights and navigation;

- 21) To fly the aircraft of the State Border Service of Ukraine on air routes and outside air routes, as well as on established routes in the border zone, controlled border regions and exclusive (sea) economic zones of Ukraine in accordance with the procedure established by legislation;
- 22) To navigate ships, boats and support vessels in internal waters, the territorial sea and exclusive (sea) economic zones of Ukraine, and to approach the coast and quays and disembark personnel of the State Border Service of Ukraine;
- 23) To allow foreign military ships to enter in the internal waters, roads and ports of Ukraine, including with respect to decisions taken in accordance with the established procedure on the admission of units of the armed forces of other states onto the territory of Ukraine, as approved by the Verkhovna Rada of Ukraine;
- 24) To conduct, in accordance with the established procedure, the examination of national and foreign non-military vessels that have committed legislative violations during their navigation and stay in the territorial sea and internal waters of Ukraine, as well as during the anchorage of vessels in its ports, and to escort them with the ships and boats of the State Border Service of Ukraine to ports, or failing this, to waters outside of the territorial waters of Ukraine;
- 25) To stop and examine in accordance with the established procedure, vessels and water-craft fishing or extracting other sea resources; to conduct search, research and others operations connected with this activity, as well as to perform other works in the exclusive (sea) economic zone of Ukraine and its territorial sea; and to inspect the documents of persons engaged in fishing or other works;
- 26) To suspend or stop fishing, scientific sea research or other works in the territorial sea, exclusive (sea) economic zone or internal waters of Ukraine in case of the absence of the relevant permission or in case of the violation of the rules established by legislation;
- 26-1) To stop and examine in accordance with the established procedure, vessels and watercraft present in the protection zone for underwater cultural and archaeological heritage, and to inspect documents (permis-sions) proving the right to be present in the protection zone and (or) to carry out scientific archaeological studies;
- 27) To visit, examine and artificial islands, installations and constructions located in the exclusive (sea) eco-nomic zone, territorial sea and internal waters of Ukraine, as well as to inspect documents confirming the right to work and (or) to construct artificial islands, installations, constructions and establish security zones around them;
- 28) To detain vessels that violate the legislation on the exclusive (sea) economic zone of Ukraine or other norms of international law and escort them into a port open for the entry of foreign non-military vessels into Ukraine;
- 29) To temporarily limit navigation and forbid national non-military vessels and water-craft which violated the established procedure of navigation and stay in the territorial sea and internal waters of Ukraine, irre-spective of the form of ownership, to be at sea;
- 30) To forbid the disembarkation and stay on the coast of crews members of foreign non-military vessels and other persons on these vessels who have committed offences during navigation and stay in the territorial sea and internal waters of Ukraine, as well as during anchorage in the ports of Ukraine;
- 31) To carry out intelligence, counterintelligence and investigative measures according to laws of Ukraine;
- 32) To, in foreign airports and in agreement with air operators, carry out the preliminary check of the legal grounds for the entry of foreigners and persons without citizenship into Ukraine;
- 33) Together with customs and other state organs, to carry out measures on the preclusion of unlawful crossing of the state border of Ukraine of cargo subject to interdictions and restrictions according to the legislation; to withdraw such cargo during any attempts to move it across the state border of Ukraine, or to withdraw it independently in the course of investigative measures and to transfer it to the place of destination in accordance with the established procedure;

- 34) To invite persons to the departments of the State Border Service of Ukraine to ascertain the circumstances of an unlawful crossing of the state border of Ukraine; a violation of the border regime, the border zone regime or the border checkpoints regime; or violations at entry-exit checkpoints, or of the procedure for entry into temporarily occupied territory and exit from it, as well as other offences within the limits of the competence of the State Border Service of Ukraine. If necessary, the clarification of the circumstances of these violations can be carried out in other places as well;
- 35) On the bases envisaged by the laws, to reduce the term of stay in Ukraine of foreigners and persons without citizenship detained in the controlled border regions;
- 36) To use, on a contractual basis, the offices of enterprises, institutions and organisations of all forms of ownership; the military units of military formations, as well as inhabited premises and other premises belonging to individuals;
- 37) To use, in accordance with the established procedure, vehicles and water-craft belonging to individuals, enterprises, institutions and organisations of all forms of ownership (except for vehicles and water-craft owned by diplomatic and other representative offices of foreign states and organisations) for travel to the place in which the unlawful crossing of the state border of Ukraine occurred; to suppress the crime and deliver persons requiring urgent medical aid to medical establishments, with subsequent reimbursement to these individuals, enterprises, institutions and organisations according to the legislation;
- 38) To use the electric communications of central and local executive organs, local self-government bodies, enterprises, institutions and organisations of all forms of ownership during the suppression of armed conflicts and other provocations on the state border of Ukraine; as well as to repulse an invasion on the territory of Ukraine by armed formations; and alleviate the actions of subversive-intelligence groups, as well as in other cases on terms determined in accordance with the established procedure, and with subsequent reimbursement according to the legislation;
- 39) To submit for consideration proposals about the prevention of legislative violations on issues concerning the protection of the state border of Ukraine and elimination of the preconditions of their commitment to executive organs and local self-government bodies;
- 40) To receive, according to the procedure established by the law, upon the written request of the heads of investigation departments or intelligence organs, data from the electronic information, reference systems and databases created by the Supreme Court of Ukraine, the Prosecutor's Office of Ukraine, the National bank of Ukraine, the Antimonopoly Committee of Ukraine, the State Property Fund of Ukraine, the Ministries, other Central Organs of Executive Power and local self-government bodies of Ukraine;
- 41) To encourage persons rendering help to the State Border Service of Ukraine in the accomplishment of assigned tasks through financial and moral assistance;
- 42) To co-operate, according to the legislation, with foreign diplomatic and consular establishments on issues within the limits of the competence of the State Border Service of Ukraine and on issues concerning the restriction or restoration of the rights of foreigners and persons without citizenship;
- 43) To co-operate on issues concerning the protection of the state border of Ukraine, the counteraction of unlawful migration, illegal trafficking of drugs and psychotropic substances, trans-boundary criminality and smuggling with the competent organs and military formations of foreign states and international organisations in accordance with the procedure and on the basis established by the legislation;
- 44) To use, during the fulfilment of tasks concerning the protection of the state border in the structure of border detachments, or during the implementation of investigative activity, all kinds of city public transport (except for taxis), local railway, water transport and incidental transport free of charge;
- 45) To receive and use, according to the procedure established by the legislation, land areas for the placement of stationary means and engineering installations on the state border of Ukraine; and for stationing or

gans, departments, educational establishments, enterprises, institutions and organisations of the State Border Service of Ukraine; as well as the places of temporary detainment of persons, anchorage of ships and boats, aviation departments, shooting ranges and training fields, etc.

- 46) To carry out, according to the procedure established by the international agreements of Ukraine, joint border control and other state border protection measures on the territory of neighbouring countries.

In cases envisaged by the law, the officials and service persons of the State Border Service of Ukraine exercise other powers as well.

Article 21. The Use of Force During Protection of the Border and the Sovereign Rights of Ukraine in its Exclusive (sea) Economic Zone

Servicemen, as well as employees of the State Border Service of Ukraine, who, according to their service powers, can be involved in operational activity for the fulfilment of tasks related to the protection of the state border and the sovereign rights of Ukraine in its exclusive (sea) economic zone—within the limits of their authority as determined by this Law, the laws of Ukraine “On the State Border of Ukraine” and “On an Exclusive (Sea) Economic Zone of Ukraine”—have the right to, in accordance with the procedure and in cases envisaged by the Law of Ukraine “On National Police”, the military statutes of the Armed Forces of Ukraine and other normative-legal acts, use force and service dogs, as well as to keep and carry special means and weapons; and to use and apply them independently or in the structure of units.

The use of weapons in the direction of the territory of a neighbouring state, except in cases concerning the repulsion of an armed attack and invasion on the territory of Ukraine by armed military detachments or criminal groups, the suppression of armed provocations, as well as the repulsion of an attack or the suppression of armed resistance of persons who are illegally crossing or attempting to cross the state border of Ukraine, is forbidden.

Article 22. Assistance of Executive Organs, Organs of Local Self-Government, Public Organisations and Citizens to the Fulfilment of the Tasks of the State Border Service of Ukraine

Within the limits of their authority, executive and local self-government bodies, their employees and officials may assist the State Border Service of Ukraine in the protection of the state border and the sovereign rights of Ukraine in its exclusive (sea) economic zone.

To accomplish the tasks assigned to it, the State Border Service of Ukraine has the right to use persons, both on a paid and free-of-charge basis, providing their consent is given, as well as civil formations on the protection of public order and the state border in accordance with the procedure established by the laws regulating investigation activity and participation of citizens in the protection of the state border of Ukraine.

PART V. LEGAL AND SOCIAL PROTECTION OF THE PERSONNEL OF THE STATE BORDER SERVICE OF UKRAINE

Article 23. Legal Status of the Personnel of the State Border Service of Ukraine

Servicemen (except for servicemen on regular military service) and employees of the State Border Service of Ukraine, who, according to their service powers, can be involved in operational activity, are provided with service and special identity documents, as well as appropriate badges.

Legitimate requirements and orders of servicemen and employees of the State Border Service of Ukraine, who, according to their service powers, are involved in operational activity, must be followed by citizens of Ukraine, foreigners, persons without citizenship and officials.

During the fulfilment of duties assigned to them, the servicemen and employees of the State Border Service of Ukraine are guided exclusively by the respective laws, and act on their basis, within the limits of their authority and by the means envisaged by the Constitution and the laws of Ukraine. Nobody, except for the authorised officials of state organs in cases envisaged by the Constitution and laws of Ukraine, has the right to interfere with the lawful activity of servicemen and employees of the State Border Service of Ukraine.

Nobody has the right to assign tasks and duties not envisaged by the laws of Ukraine to the personnel of the State Border Service of Ukraine.

Interference with the activity of the State Border Service of Ukraine entails liability, as envisaged by the law.

In order to prevent corruption, it is forbidden, while carrying out duties of border control, for military servicemen and employees of the State Border Service of Ukraine to:

- 1) Accept any items (i.e. belongings) from anybody and to pass any items (i.e. belongings) to anybody, unless Ukrainian legislation stipulates so;
- 2) Provide information to anybody about the persons, transportation vehicles, cargo that crosses the state border or entry-exit checkpoints, unless the law stipulates so;
- 3) Grant preferences in crossing the border or entering temporarily occupied territory to persons, transportation vehicles or cargo;
- 4) Carry any personal communication means which do not belong to the State Border Service of Ukraine and do not represent an item from the standard equipment of the border team;
- 5) Carry any currency above the volume established by the specially authorised executive organ on the issues of state border protection of Ukraine.

The aforementioned personnel shall allow, upon the demand of their direct superiors or officials or service personnel of interior security units, the examination of their abidance to the mentioned limitations.

Interference in the activity of the State Border Service of Ukraine will entail responsibility in accordance with the law.

Servicemen of the State Border Service of Ukraine have the right to wear uniform with insignia, samples of which are developed according to the Law of Ukraine "On the Military Duty and Military Service".

The use of military ranks, distinctions, uniform, service or special identity documents and badges by a person that does not belong to the personnel of the State Border Service of Ukraine entails liability as envisaged by the law.

Article 24. Legal Protection of the Personnel of the State Border Service of Ukraine

During the performance of assigned duties, servicemen and employees of the State Border Service of Ukraine are representatives of state authority; and as such, their personal immunity, honour and dignity are protected by the law.

The personal immunity, honour and dignity of the servicemen and employees of the State Border Service of Ukraine, who, according to their service powers, are involved in operational activity, are protected by the law.

Detention, confinement and arrest, with related checks, personal searches and inspection of personal items of military servicemen and employees of the State Border Service of Ukraine while on border control duty, shall be performed only after they finish their duty, or if not possible, by other military servicemen and employees of the State Border Service of Ukraine, and in urgent cases—only with presence of the responsible representative of the state border protection organ.

The commitment of crimes and administrative offences against family members of servicemen and employees of the State Border Service of Ukraine in connection with the performance of official duties entails liability, as envisaged by the law.

The commitment of crimes and administrative offences against servicemen or employees of the State Border Service of Ukraine retired from service or from work, as well as members of their families in connection with their previous service activity or against the person, who, according to the law, participates in the protection of the state border of Ukraine and members of his or her family entails liability, as envisaged by the law.

Servicemen and employees of the State Border Service of Ukraine remain under the protection of Ukraine when carrying out tasks abroad.

Article 25. Social Protection of the Personnel of the State Border Service of Ukraine

The state provides social protection for the personnel of the State Border Service of Ukraine according to the Constitution of Ukraine, this Law and other legislative acts. Pensions for servicemen of the State Border Service of Ukraine are granted in accordance with the procedure, the amount of which is established by the

Law of Ukraine "On Pensions of Military Men, Command Officers and Privates of law enforcement Organs and Other Persons".

Servicemen of the State Border Service of Ukraine enjoy legal and social guarantees according to the Law of Ukraine "On Social and Legal Protection of Servicemen and Members of Their Families", this Law and other legislative acts.

Social protection of employees of the State Border Service of Ukraine is provided in accordance with general practice or according to the legislation on labour if the other is not envisaged in the work contract.

The personnel of the State Border Service of Ukraine are guaranteed medical care free-of-charge, carried out in medical and prophylactic institutions of the State Border Service of Ukraine.

Children of servicemen who were lost on duty, as well as employees of the State Border Service of Ukraine, who, according to their service powers, have been involved in operational activity, have the right enter into educational establishments of the State Border Service of Ukraine without having to pass entry examinations.

Article 26. Entitlement Payment in case of Loss (death), Invalidity or Mutilation without Invalidity of Servicemen of the State Border Service of Ukraine and Compensation in case Damage to the Property of Servicemen and Employees of the State Border Service of Ukraine or their close relatives

An one-time payment is provided in case of loss (death), invalidity or mutilation without invalidity of a serviceman of the State Border Service of Ukraine, in accordance with procedure stipulated by the Law of Ukraine "On Social and Legal Protection of Servicemen and Members of Their Families".

In case of loss (death), invalidity or mutilation without invalidity of a serviceman of the State Border Service of Ukraine during the performance of service duties, the right to receive housing is preserved for the family of the victim.

Damages to the property of a serviceman or employee of the State Border Service of Ukraine or his or her close relatives, caused in connection with the performance of official duties concerning the direct protection of the state border of Ukraine, are compensated for according to the procedure established by the law from the State Budget.

PART VI. FINANCING AND SUPPORT OF ACTIVITY OF THE STATE BORDER SERVICE OF UKRAINE

Article 27. Financing of the Activity of the State Border Service of Ukraine

The financing of the activities of the State Border Service of Ukraine is provided for from the State Budget of Ukraine and other sources envisaged by respective legislation.

Article 28. Support of the Activity of the State Border Service of Ukraine

Support for the activities of the organs of the State Border Service of Ukraine is provided by the specially authorised central organ of executive power on the protection of the state border by means of state defence procurement orders and the acquisition of goods and services from state funds.

Local executive and self-government bodies assist the State Border Service of Ukraine and its organs in the resolution of housing and other social problems, as well as in the provision of vehicles and communication facilities. The State Border Service of Ukraine is exempt from the requirement to transfer housing constructed by targeted state capital investments, or through other means, to local state administrations or local self-government bodies.

Housing provided by the state housing fund, but which is vacated by servicemen of the State Border Service of Ukraine, is transferred to the relevant organs for new occupation in accordance with the established procedure.

The State Border Service of Ukraine has offices and other installations, public health services, educational, research, economic and social-cultural purpose buildings, as well as a housing fund.

The property allocated for the specially authorised central organ of executive power on the protection of the state border, the organs of the State Border Service of Ukraine, its educational institutions, establishments and organisations, remain under state ownership and belong to aforementioned, in accordance with the right of operative management.

PART VII. CONTROL AND OVERSIGHT OVER THE ACTIVITY OF THE STATE BORDER SERVICE OF UKRAINE

Article 29. Control of the Verkhovna Rada of Ukraine over the Activity of the State Border Service of Ukraine

The Head of the State Border Service of Ukraine regularly informs the Verkhovna Rada of Ukraine on the accomplishment of those tasks assigned to him or her by the State Border Service of Ukraine, as well as the observance of respective legislation, the protection of human rights and freedoms and other issues.

The Head of the State Border Service of Ukraine submits an annual written report on the activity of the State Border Service of Ukraine to the Verkhovna Rada of Ukraine.

Article 30. Control of the President of Ukraine over the Activity of the State Border Service of Ukraine

Control over the activity of the State Border Service of Ukraine is performed by the President of Ukraine, according to the powers determined by the Constitution of Ukraine.

The Head of the State Border Service of Ukraine regularly informs the President of Ukraine and the National Security and Defence Council of Ukraine on major issues relating to the activity of the State Border Service of Ukraine, and submits an annual written report on the activity of the State Border Service of Ukraine to the President of Ukraine.

Article 31. Control over Economic and Financial Activity of the State Border Service of Ukraine

Control over the economic and financial activity of the State Border Service of Ukraine is carried out in accordance with the procedure determined by the laws of Ukraine.

Article 32. Oversight over the Observance of Legality in the Activity of the State Border Service of Ukraine

Oversight over the observance of legality in the activity of the State Border Service of Ukraine is carried out in accordance with the procedure determined by the Constitution and the laws of Ukraine.

PART VIII. LIABILITY FOR OFFENCES IN THE FIELD OF ACTIVITY OF THE STATE BORDER SERVICE OF UKRAINE

Article 33. Liability of the Personnel of the State Border Service of Ukraine

Servicemen and employees of the State Border Service of Ukraine take independent decisions within the limits of their authority, guided by the Constitution, the laws of Ukraine, other normative-legal acts and orders of immediate superiors. Orders of an explicit criminal nature shall not be performed. Officials who gave such an order remain accountable, and, according to the law, are responsible for providing compensation for damages caused as a result of its performance.

Servicemen and employees of the State Border Service of Ukraine are accountable for unlawful acts or for failures to act according to the law. When performing duties according to the powers given by this Law, servicemen and employees of the State Border Service of Ukraine cannot be held responsible for damages caused to the property of other persons, if they were not responsible for causing this damage. In cases where the fault of these persons cannot be proved, such damages are indemnified according to the laws from the State Budget of Ukraine.

Article 34. Liability for Unlawful Interfering with the Implementation of the Powers of the State Border Service of Ukraine

Disobedience or resistance to the legitimate requirements of servicemen and employees of the State Border Service of Ukraine, as well as unlawful interference with their lawful activity, entails liability as envisaged by the law.

PART IX. FINAL PROVISIONS

1. This Law enters into force as of August 1, 2003, except for Part 2 of Article 6 of this Law, which enters into force as of January 1, 2005. Before the law enters into force, the total numerical strength of the State Border Service of Ukraine shall be:

- a. Before January 1, 2004—45,000 persons, including 42,000 servicemen;
 - b. As of January 1, 2004—48,000 persons, including 42,000 servicemen.
2. When this Law enters into force, the following laws will become invalid:
 - a. The Law of Ukraine "On the Border Troops of Ukraine" (Bulletin of the Verkhovna Rada of Ukraine, 1992, No. 2, p. 7; 1996, No. 37, p. 167; 1999, No. 48, p. 419; 2002, No. 16, p. 113, No. 33, p. 236);
 - b. The Law of Ukraine "On the General Structure and Numeric Strength of the Border Troops of Ukraine" (Bulletin of the Verkhovna Rada of Ukraine, 1999, No. 18, p. 158; 2002, No. 48, p. 360);
 - c. The Resolution of the Verkhovna Rada of Ukraine of 4 November, 1991, "On the Procedure of Staffing, Military, Material and Financial Provision of the Border Troops of Ukraine" (Bulletin of the Verkhovna Rada of Ukraine, 1992, No. 2, p. 9, No. 29, p. 400; 1996, No. 37, p. 167);
 - d. The Resolution of the Verkhovna Rada of Ukraine of 4 November, 1991, "On the Procedure of Enacting the Law of Ukraine "On the Border Troops of Ukraine" (Bulletin of the Verkhovna Rada of Ukraine, 1992, No. 2, p. 8).
 3. The State Border Service of Ukraine is the legal successor to the Border Troops of Ukraine; and is created on their basis, including their material and technical basis, regular personnel and financing as of January 1, 2003.
 4. Before being brought into conformity with the Law of Ukraine "On the State Border Service of Ukraine", only the parts of laws and other normative-legal acts not contradicting this Law will be applied.
 5. Within six months after this Law comes into force, the Cabinet of Ministers of Ukraine is obliged to bring its normative-legal acts into conformity with this Law.

President of Ukraine L.Kuchma

Kyiv, April 3, 2003, No 661-IV

Law of Ukraine “On the State Border”

(*Bulletin of the Verkhovna Rada of Ukraine (BVR), 1992, No 2, p. 5.*) Enacted by the Resolution of the Verkhovna Rada of Ukraine No. 1778-XII of 04.11.1991, (*Bulletin of the Verkhovna Rada of Ukraine (BVR), 1992, No. 2, p. 6.*)

Including changes made under the Laws:

No 245/96-VR of 18.06.96, BVR, 1996, No 37, p.167;
No 662-IV of 03.04.2003, BVR, 2003, No 27, p. 209;
No 289-VI of 20.05.2008, BVR, 2008, No 26, p.243;
No 1276-VI of 16.04.2009, BVR, 2009, No 38, p.535;
No 1710-VI of 05.11.2009, BVR, 2010, No 6, p.46;
No 4652-VI of 13.04.2012, BVR, 2013, No 21, p.208;
No 5290-VI of 18.09.2012, BVR, 2013, No 41, p.549;
No 406-VII of 04.07.2013, BVR, 2014, No 20-21, p.712.

Guided by the Constitution of Ukraine, the Declaration of the State Sovereignty of Ukraine and the Act of Declaration of Independence of Ukraine, Ukraine pursues a peaceful policy and supports the strengthening of the security of Ukrainian citizens, itself proceeding from the principle of the inviolability of state borders, reflected in the territorial integrity, political and economic independence, sovereignty and unity of Ukraine. The state border of Ukraine is inviolable. Any violations of the state border shall be resolutely stopped.

I. GENERAL PROVISIONS

Article 1. The State Border of Ukraine

The state border of Ukraine is a line that, as well as the vertical surface bounded by this line, determines the limits of Ukrainian territory—the land, water; as well as the interior of the Earth and airspace.

Article 2. Definition of the State Border, its Protection and Guarding

The state border of Ukraine is determined by the Constitution and laws of Ukraine, as well as those international treaties agreed as binding by the Verkhovna Rada of Ukraine.

The protection of the state border of Ukraine is a vital component of the nationwide system for the provision of national security, involving coordinated activity between military formations and law enforcement organs of the state, the organisation and activity of which is determined by the law. This activity – including political, legal, diplomatic, economic, military, border, immigration, intelligence, counterintelligence, investigative, environmental, sanitary-quarantine, ecological, technical and other measures – is conducted within the limits of their respective authority.

The State Border Service of Ukraine is responsible for the coordination of activity between military formations and law enforcement organs with regards to the protection of the state border of Ukraine.

The protection of the state border of Ukraine is a vital component of the nationwide system for ensuring the inviolability of the state border of Ukraine. It involves the implementation of measures by the State Border Service of Ukraine to ensure the inviolability of the state borders of Ukraine on land, sea, rivers, lakes and other bodies of water, as well as by the Armed Forces of Ukraine in the air and underwater, in accordance with the powers granted to them.

Within the limits of its authority, the Cabinet of Ministers of Ukraine takes measures to guard and ensure the protection of the borders and territory of Ukraine.

Article 3. The Delimitation of the State Border of Ukraine

The state border of Ukraine, if not otherwise envisaged in the international treaties of Ukraine, is established:

- 1) On the land—on the characteristic points and lines of relief, or clearly visible orienting points;
- 2) On the sea—on the external limit of the territorial sea of Ukraine;

- 3) On the navigable rivers—in the middle of the main fairway or thalweg of the river; on non-navigable rivers (streams)—in their middle or in the middle of the main branch of the river; on lakes and other bodies of water—on the straight lines connecting the limits of the state border of Ukraine with the shores or banks of the lake or another body of water. The state border of Ukraine on the river (stream), lake or other body of water does not change as a result of any movement in the line of their coasts, banks or water level, nor as a result of a deviation of the river (stream)-bed;
- 4) On reservoirs and other artificial bodies of water—according to the line of the state border of Ukraine delimited before the creation of the reservoir or artificial body of water;
- 5) On railway and road bridges, dams and other installations crossing the border zones of navigable or non-navigable rivers (streams)—in the middle of these installations or on their technological axis, irrespective of the line of the state border of Ukraine on water.

Article 4. The Demarcation of the State Border of Ukraine

The state border of Ukraine is demarcated by clearly visible border signs, with the form, size and method of establishment determined by the legislation of Ukraine and the international treaties of Ukraine.

The cabinet of Ministers of Ukraine approves documents on the demarcation of the state border of Ukraine, unless international treaties of Ukraine agreed by the Verkhovna Rada as binding stipulate otherwise.

The safeguarding of documents on the demarcation of the state border of Ukraine is provided by the State Border Service of Ukraine in accordance with procedure established by the law.

Article 5. The Territorial Sea of Ukraine

The territorial sea of Ukraine consists of coastal seawaters twelve sea miles in width—calculated from the line of the greatest ebb of water both on the continent and on islands belonging to Ukraine, or from straight base lines connecting the relevant points. The geographical coordinates of these points are approved in accordance with the procedure established by the Cabinet of Ministers of Ukraine. In certain cases, a different width of the territorial sea of Ukraine can be established by the international treaties of Ukraine. In the absence of such treaties, the width of the territorial sea is established according to generally recognised principles and norms of international law.

Article 6. Territorial Waters of Ukraine

The following belong to the territorial waters of Ukraine:

- Sea waters located on the side of the coast from straight base lines, accepted for the calculation of the width of the territorial sea of Ukraine;
- Water ports of Ukraine, demarcated by the line going through permanent port installations located furthest out to sea;
- Waters, including gulfs, bays, inlets, estuaries, harbours and roads, the coasts of which belong to Ukraine up to the straight line going from coast to coast in the place on the sea where one or several passes are formed for the first time, if the width of each of these does not exceed twenty-four sea miles;
- Waters, including gulfs, bays, inlets, estuaries and seas, which historically belong to Ukraine;
- Limited by the line of the state border, rivers, lakes and other bodies of water whose coasts belong to Ukraine.

Article 7. Mutual Relations with Neighbouring States on Border Issues

Border issues with neighbouring states are resolved by Ukraine on the basis of principles of mutuality and good neighbourliness according to this Law, other legislative acts of Ukraine and the international treaties of Ukraine.

PART II. THE STATE BORDER OF UKRAINE REGIME

Article 8. Definition of the Border Regime of Ukraine

The regime of the state border of Ukraine refers to the procedure for crossing the state border of Ukraine, for the navigation and stay of national and foreign non-military and military ships in the territorial sea and

territorial waters of Ukraine, the entry and stay of foreign non-military and military ships in the territorial waters and ports of Ukraine, maintenance of the state border of Ukraine, various works, trade and other activity on the state border of Ukraine, determined by this Law, other legislative acts of Ukraine and the international treaties of Ukraine.

Article 9. Crossing of the state border of Ukraine

Crossing the state border of Ukraine is performed by means of communication across the border, in accordance with the established procedure.

The crossing of the state border of Ukraine by railway, automobile, sea, river, ferry, and airborne transport or on foot is performed at checkpoints established by the Cabinet of Ministers of Ukraine, in accordance with respective legislation and international treaties of Ukraine, and outside of checkpoints, in cases stipulated by the law.

A checkpoint on the state border of Ukraine is a specially allocated territory at railway and automobile stations, sea and river ports or airports (aerodromes) with a complex of buildings and installations where border, customs and other forms of control and admissions of persons, vehicles, cargo and other property crossing the border take place.

Sea and river military and non-military ships cross the state border of Ukraine according to this Law, other acts of legislation, as well as the rules issued by the specially authorised state organs of Ukraine in accordance with the established procedure.

Foreign military and non-military ships which violate the established rules of entry when crossing or entering the territorial sea or territorial waters of Ukraine are considered trespassers of the border regime (i.e. trespassers of the state border of Ukraine). Foreign submarines and other underwater craft are considered trespassers of the state border of Ukraine if they cross the state border of Ukraine underwater or are underwater during navigation and stay in the territorial sea and territorial waters of Ukraine.

Aircraft cross the state border of Ukraine in specially allocated air corridors according to this Law, other acts of legislation, as well as the rules issued by the specially authorised state organs of Ukraine in accordance with the established procedure. Permission for flights that cross the state border of Ukraine outside of designated air corridors can only be given by the specially authorised state organs of Ukraine.

Trespassers of the procedure for crossing the state border of Ukraine in airspace (i.e. trespassers of the state border of Ukraine) include planes and other aircraft that have crossed the state border of Ukraine without relevant permission from the competent organs of Ukraine, or who have violated other rules concerning flights across the state border of Ukraine.

A violation of the state border of Ukraine also includes its crossing by technical or any other means without holding the relevant permission or with the violation of established procedures.

The forced crossing of the border by persons, land vehicles, foreign non-military and military ships in the territorial sea and territorial waters of Ukraine, forced flying of an airplane and other aircraft under emergency circumstances, as well as other forced circumstances are not considered as violations of the rules concerning the crossing of the state border of Ukraine.

During emergency situations resulting from large-scale accidents, catastrophes or natural disasters, rescue formations cross the state border of Ukraine for the localisation and alleviation of such situations in line with the procedure determined by the Cabinet of Ministers of Ukraine according to the international treaties of Ukraine.

Article 10. Take-off and Landing of an Aircraft

Take-off of national and foreign aircraft from the territory of Ukraine, as well as their landing on the territory of Ukraine are conducted at airports (airdromes) open for international flights, with checkpoints of the organs of the State Border Service of Ukraine and customs services present. Other procedures regarding the take-off and landing of an aircraft can be permitted only by the competent organs of Ukraine.

Article 11. Control over Crossing of the State border of Ukraine

Persons, vehicles, cargo and other property crossing the state border of Ukraine are subject to border and customs control. In some cases, the sanitary-quarantine, veterinary, and phytosanitary control, as well as control over the export of items of Ukrainian cultural significance, are also carried out. Controls are organised and conducted according to the procedure established by the legislative acts of Ukraine.

Article 12. The Admission of Persons, Vehicles, Cargo and other Property Across the State Border of Ukraine

The admission of persons crossing the state border of Ukraine is carried out by the organs of the State Border Service of Ukraine after valid documents, which confirm the right of entry or departure from the territory of Ukraine are presented. The admission of vehicles, cargo and other property across the state border of Ukraine is carried out according to the legislation of Ukraine and the international treaties of Ukraine. According to the international treaties of Ukraine, the Cabinet of Ministers of Ukraine can establish a simplified procedure for the admission of persons, vehicles and cargo across the state border of Ukraine.

The passage of persons who unlawfully cross the state border of Ukraine with the intent to be recognised as refugees or persons in need of additional or temporary protection and who have no identification documents, or if such documents are false, is performed without such documents.

Article 13. Peaceful Passage of the Territorial Sea of Ukraine

Peaceful passage through the territorial sea of Ukraine is carried out with the purpose of ensuring it is crossed without violating the territorial waters of Ukraine, or with the purpose of entry into the territorial waters and ports of Ukraine, or from them to the high sea. A passage is considered peaceful if the peace, law, order and security of Ukraine are not violated.

Foreign non-military and military ships have the right to pass peacefully through the territorial sea of Ukraine according to the legislation of Ukraine and the international treaties of Ukraine.

Foreign non-military vessels passing peacefully through the territorial sea of Ukraine should follow a usual route of navigation or one recommended by the competent organs of Ukraine, as well as through sea corridors or in conformity with the maps of movement. Sea corridors and maps of movement are marked on sea maps issued in accordance with the established procedure. The captain of a foreign non-military vessel that violated the rules of peaceful passage is to be held accountable in accordance with the legislation of Ukraine.

Foreign military ships, as well as underwater craft, perform peaceful passage through the territorial sea of Ukraine in accordance with the procedure established by the Cabinet of Ministers of Ukraine; with submarines and other underwater craft required to be located on the surface of the water with their flags visible. In case of the non-observance of the legislation of Ukraine during the passage by a foreign non-military or military ship (submarine) through the territorial sea of Ukraine or the failure to observe the requirements of the legislation, the competent organs of Ukraine have the right to demand that the vessel or submarine immediately leave the territorial sea of Ukraine.

Article 14. The Procedure of Entry of Foreign Non-Military and Military Ships at the Territorial Waters and ports of Ukraine

Foreign non-military ships are permitted to use the roads and ports of Ukraine open for the entry of such vessels. The list of roads and ports open for the entry of foreign non-military vessels into Ukraine, the procedure for entry and stay, cargo and passenger operations, communication of vessels with the coast, the embarkation of the members of the crew of the vessel, visits to vessels by persons other than the crew and other rules connected with entry of foreign non-military vessels into the territorial waters and ports of Ukraine, in waters of border rivers, lakes and other bodies of water belonging Ukraine, as well as stay in these waters, are established by the legislation of Ukraine and the rules issued in accordance with the established procedure. During their entry into the territorial waters, roads and ports of Ukraine, foreign submarines and other underwater craft should be located on the surface of the water and ensure that their flags are visible.

Foreign military ships, if not envisaged in other procedures, enter into the territorial waters and ports of Ukraine in accordance with the rules issued in respect of the established procedure.

Article 15. The Duty of Foreign Non-Military and Military Ships to Observe Navigating and Other Rules in the Waters of Ukraine

During navigation and stay in the territorial sea and territorial waters of Ukraine, foreign non-military and military ships are obliged to observe the rules of radio communication, navigation, port, customs, sanitary, as well as other guidelines. In case of the forced entry of foreign non-military or military ships into the territorial sea or waters of Ukraine, or the deliberate failure to observe the rules of navigation and stay in these waters, the concerned vessels are obliged to immediately inform the administration of the nearest port of Ukraine.

Article 16. Prohibition of Trade, Research and Intelligence Activity of Foreign Non-Military and Military Ships in the Waters of Ukraine

Any trade, research or intelligence activity of foreign non-military and military ships in the territorial sea and waters of Ukraine is forbidden, except for the cases when such activity is carried out by the competent organs of Ukraine or on the basis of the international treaties of Ukraine.

Article 17. Prohibition of Navigation and Stay of Non-Military and Military Ships in Certain Areas of the Waters of Ukraine

1. The competent organs of Ukraine can establish the areas in which the navigation and stay of national and foreign non-military and military ships in the territorial sea and waters of Ukraine is temporarily forbidden.
2. The establishment of such areas is promulgated in accordance with the established procedure.

Article 18. The Procedure of Carrying Out of Economic Activity on the State Border of Ukraine

Navigation, using water installations for the needs of timber rafting, as well as other methods of using water, the construction of hydro installations, other works in the territorial waters of Ukraine, as well as the use of land, forests, fauna, the process of mining, geological research and other economic activity on the state border of Ukraine are conducted in accordance with the legislation of Ukraine and the international treaties of Ukraine. The aforementioned activities must be performed with the preservation of order on the state border of Ukraine in mind. Competent organs of Ukraine, with consent from the organs of the State Border Service of Ukraine and taking into account local conditions, establish the procedure for all types of economic activity on the state border of Ukraine.

Article 19. Temporary Termination of Communication Across the Border of Ukraine in Case of a Threat of Spread of Infectious Diseases. Quarantine

In case of the threat of the spread of especially dangerous infectious diseases on the territory of Ukraine or foreign states, communication across the state border of Ukraine in the regions deemed as particularly dangerous can be temporarily limited or stopped by a decision from the Cabinet of Ministers of Ukraine, or a quarantine regime for people, animal, cargo, seeds and plants crossing the state border of Ukraine can be introduced.

Article 20. Excluded under the Law No 662-IV of 03.04.2003**Article 21. Border Representatives of Ukraine**

In order to resolve problems related to the maintenance of the border regime of Ukraine, the fulfilment of related international treaties, the creation of conditions for the peaceful resolution of frontier conflicts and incidents in certain areas of the state border of Ukraine, border representatives of Ukraine and their deputies are appointed by the Cabinet of Ministers of Ukraine from among the personnel of the State Border Service of Ukraine in accordance with the established procedure.

The Constitution and laws of Ukraine and the international treaties of Ukraine agreed as binding by the Verkhovna Rada of Ukraine, as well as other legislative acts, guide the activity of the border representatives of Ukraine and their deputies.

To perform their duties, border representatives of Ukraine or their deputies can cross the state border of Ukraine in any place and at any time on the basis of special powers granted to them by the Head of the State Border Service of Ukraine for a determined period of time.

Crossing of the state border of Ukraine by border representatives of Ukraine or their deputies is performed in accordance with legislation and the international treaties of Ukraine.

Questions that cannot be resolved by the border representatives of Ukraine or their deputies are solved in accordance with diplomatic procedures.

PART III. THE BORDER REGIME

Article 22. The Border Zone and Controlled Border Regions

In order to maintain the established procedure for the state border of Ukraine, the Cabinet of Ministers of Ukraine establishes the border zone and controlled border regions.

The border zone is established along the state land border of Ukraine or along the banks of border rivers, lakes or other bodies of water, taking into account the features of the area and the conditions determined by the Cabinet of Ministers of Ukraine. Settlements and areas for the recreation activity of the population are not included in the border zone.

Controlled border regions are established, as a rule, on the territory of a region, city, settlement, village, or community adjacent to the border of Ukraine, or to the coast of the sea, protected by the organs of the State Border Service of Ukraine. The controlled border region also includes the territorial sea of Ukraine, territorial waters of Ukraine and waters of border rivers, lakes and other bodies of water in Ukraine, as well as islands located in these waters.

Article 23. The Border Regime

In the border zone and controlled border region, in accordance with the procedure determined by the Cabinet of Ministers of Ukraine, the border zone regime regulates, according to this Law and other legislative acts of Ukraine, the rules of entry, temporary stay, residence, movement of citizens of Ukraine and other persons, the conducting of works, registration and the keeping of self-propelled and non-self-propelled vessels in quays, moorings and bases, as well as their navigation and movement in the territorial waters of Ukraine.

Envisaged by part One of this Article, the procedure for the registration and keeping of self-propelled and non-self-propelled vessels in quays, moorings and bases, as well as their navigation and movement in the territorial sea and territorial waters of Ukraine, is applied to the territory of a region, city, settlement, village or community adjacent to the state border of Ukraine or protected by the organs of the State Border Service of Ukraine where the border zone and controlled border region are not established.

It is forbidden to keep self-propelled and non-self-propelled vessels outside of established quays, moorings and bases, or inside them, but with the violation of the rules of keeping, nor is it permitted to depart from the coast or to moor to the coast outside designated quays, moorings and bases.

Article 24. Entry into the Border Zone. Carrying out of works

Permission for entry, temporary stay, and residence, as well as for conducting works in and admission to the border zone is given by the State Border Service of Ukraine. If necessary, the State Border Service of Ukraine can introduce additional temporary regime restrictions on entry and performing works in the border zone.

Article 25. Particularities of the Border Regime in the Territorial Waters of Ukraine

A part of the territorial waters of Ukraine, the islands located in it are under the control of organs of the State Border Service of Ukraine.

Movement on border rivers, lakes and other bodies of water outside the roads and tracks established for this or with violation of the rules of movement is forbidden.

Article 26. The Regime in Checkpoints Across the State Border of Ukraine

The regime in checkpoints of the state border of Ukraine refers to the procedure of stay and movement of all persons and vehicles passing through the territory of border railways and automobile stations, sea and river ports, airports and airdromes open for international communication, as well as other activity connected with admission across the state border of Ukraine of persons, vehicles and cargo, is determined by the State

Border Service of Ukraine and other competent organs, according to the legislation of Ukraine. In the premises and places where border controls are carried out, the State Border Service of Ukraine establishes additional regime rules regulating the procedure of admittance for persons passing through border controls and for the provision of services to passengers and vehicles leaving Ukraine, regulating the departure of vehicles entering and leaving Ukraine at the checkpoints, as well as other restrictions for the prevention of unlawful crossing of the state border of Ukraine.

PART IV. PROTECTION OF THE STATE BORDER OF UKRAINE

Article 27. Protection of the State Border of Ukraine by the Border Service of Ukraine and the Armed Forces of Ukraine

The protection of the state border of Ukraine on land, sea, river, lakes and other bodies of water is assigned to the State Border Service of Ukraine; in the air and underwater, within the limits of the territorial sea—to the Armed Forces of Ukraine. During the fulfilment of tasks related to the protection of the state border of Ukraine, the State Border Service of Ukraine and the Armed Forces of Ukraine are guided by this Law, the laws of Ukraine "On the State Border Service of Ukraine", "On defence of Ukraine", "On the Armed Forces of Ukraine", as well as other normative-legal acts and international treaties agreed as binding by the Verkhovna Rada of Ukraine.

Article 27.1. Interaction during Protection of the State Border

Within the limits of its authority established by respective legislation, the State Border Service of Ukraine coordinates the activity of the state organs carrying out different forms of control over the crossing of the state border of Ukraine or those participating in the maintenance of the border, border zone and checkpoints regime.

Orders from the specially authorised central organ of executive power on the protection of the state border of Ukraine concerning issues related to the observance of regimes on the state border, and which are issued within the limits of its competences, are obligatory for the state organs specified in part One this Article.

Article 28. The Rights of Organs of the State Border Service of Ukraine towards Foreign and National Non-Military Ships

During the accomplishment of tasks assigned to them, in the territorial sea and territorial waters of Ukraine, the organs of the State Border Service of Ukraine have the following rights concerning foreign and national non-military ships:

- 1) To request a vessel to fly a national flag if it is not flown, to conduct interrogation regarding the purpose of the entry of a vessel into the waters of Ukraine;
- 2) To request a vessel to change its course if it heads for an area closed for navigation;
- 3) To stop and examine a vessel if it does not respond to a signal of interrogation, is in a region closed for navigation, contravenes other rules of entry into the waters of Ukraine, navigation and stay in them, as well as conducts trade or other activity violating the legislation of Ukraine or the international treaties of Ukraine. Inspection of a vessel includes a check of the ship and navigation documents, documents of crew members and passengers, documents concerning cargo, and if required—the ship's premises. After inspection of a vessel, it can be authorised to continue navigation in the waters of Ukraine with the observance of the established rules, to leave the waters of Ukraine, or it can be detained according to current legislation;
- 4) To place a member of the border patrol on a vessel in case of the need to escort it into a port or from a port to the state border of Ukraine;
- 5) To remove from and detain persons who have committed a crime and are subject to criminal liability according to the legislation of Ukraine, to transfer these persons to the organs of investigation, if otherwise not envisaged by the international treaties of Ukraine;
- 6) To pursue and detain a vessel in the high seas which has entered the territorial sea or territorial waters and ports of Ukraine in violation of established rules, or a vessel that has violated the laws or rules of navigation

and stay in the waters of Ukraine before its entry into the territorial sea of its native country or a third state, in cases where the pursuit began in the territorial sea or territorial waters of Ukraine and was carried out continuously.

Article 29. Basis for Detention by Organs of the State Border Service of Ukraine of Foreign and National Non-Military Ships

Foreign non-military ships staying in the territorial sea and territorial waters of Ukraine can be detained by the organs of the State Border Service of Ukraine and escorted to the nearest port or other relevant places in cases where:

- 1) The vessel collects information or commits other hostile acts against Ukraine and its security;
- 2) The vessel is in the area declared by the competent organs of Ukraine, and in accordance with the established procedure, as temporarily closed for navigation;
- 3) The vessel is illegally engaged in trade, research or intelligence activity, the dumping of substances, waste and materials hazardous to people or water fauna;
- 4) The vessel allows for the embarkation or disembarkation of people or the unloading or loading of cargo in places not established for this or in established places but without the permission of the competent organs of Ukraine;
- 5) The vessel allows aircraft to take off or land on it without permission of the competent organs of Ukraine;
- 6) Members of crew or other persons on a vessel damage border signs, navigation protection equipment, cables for communication, or other underwater or surface installations belonging to Ukraine;
- 7) The captain of a vessel has not presented the necessary ship and shipping documents;
- 8) The vessel does not obey the orders of representatives of the organs of the State Border Service of Ukraine or other competent organs of Ukraine;
- 9) The vessel is in the territorial sea of Ukraine or territorial waters of Ukraine, and violates the rules established by this Law, the international treaties of Ukraine or generally recognised principles and norms of international law.

A decision on the detention of a foreign non-military ship is made by the State Border Service of Ukraine after its examination. The vessel which has committed violations stipulated in Items 2-9 of part One of this Article shall be detained by the organs of the State Border Service of Ukraine if proof of deliberate violation is established or if the vessel threatens the security or interests of Ukraine. Organs of the State Border Service of Ukraine have the right to detain national non-military ships that have committed violations envisaged by Items 2-9 of part One of this Article and to escort them to the nearest port or other relevant place.

Article 30. Report on Inspection or Detention of a Non-Military Ship

The inspection or detention of a non-military ship is officially documented in the form of a report signed by the representative of the organs of the State Border Service of Ukraine and the captain of the examined or detained vessel. The report is drafted in both the Ukrainian and English languages. In case of the detention of a vessel, ship and cargo documents are confiscated from the captain and attached to the report. If the captain of an examined or detained vessel considers the actions of organs of the State Border Service of Ukraine unlawful or does not agree with the content of the report, he or she can express reservations in any language in the report, or in a separate document attached to the report. The refusal of the captain to sign the report will be officially recorded in the report.

Article 31. Consequences of Detention of a Foreign Non-Military Ship

In accordance with the established procedure, detained foreign non-military ships are transferred to the authorised representatives of the relevant foreign states or moved outside of the limits of the territorial sea and territorial waters of Ukraine, or in the cases envisaged by the legislation of Ukraine, are confiscated upon the decision of a court.

Article 32. The Rules Applied to the Foreign Military Ships Violating the Procedure of Navigation and Stay in the Waters of Ukraine

Foreign military ships violating the laws of Ukraine or the rules of navigation and stay in the territorial sea and territorial waters of Ukraine are subject to special rules.

PART V. PARTICIPATION OF THE STATE ORGANS, PUBLIC ORGANISATIONS AND THE CITIZENS IN PROTECTION OF THE BORDER OF UKRAINE

Article 33. Participation of the State Organs, Public Organisations and the Citizens of Ukraine in Protection of the State Border of Ukraine

State organs, public organisations and officials are obliged to provide comprehensive support to the organs of the State Border Service of Ukraine in the protection of the state border of Ukraine. The protection of the state border of Ukraine is facilitated through the active participation of the citizens of Ukraine. State organs and public organisations assist the organs of the State Border Service of Ukraine in engaging citizens of Ukraine on a voluntary basis to assist in the protection of the state border of Ukraine.

Citizens of Ukraine participating in the protection of the state border of Ukraine are guaranteed protection from criminal actions that threaten their life or health.

The procedure for the participation of the citizens of Ukraine in the protection of the border and their social protection are determined by the relevant legislative acts.

Article 34. Duties of State Organs, Public Organisations, Officials and Citizens on the Guard of the State Border of Ukraine

State organs, public organisations, officials and citizens are obliged to observe the border regime of Ukraine and to fulfil the requirements of the border zone regime and the checkpoints regime.

PART VI. LIABILITY FOR VIOLATION OF THE LEGISLATION ON THE STATE BORDER OF UKRAINE

Article 35. Liability for Violation of the Legislation on the State Border of Ukraine

Persons guilty of the violation or the attempted violation of the border regime of Ukraine, border zone regime or regime in checkpoints on the state border of Ukraine, of the unlawful transfer or attempted unlawful transfer of cargo, materials, documents and other things across the state border of Ukraine, as well as other violations of the legislation on the state border of Ukraine, bear criminal, administrative or other liability according to the legislation of Ukraine.

President of Ukraine L.Kravchuk
Kyiv, November 11, 1991, No 1777-XII

Law of Ukraine "On an Exclusive (Sea) Economic Zone of Ukraine"

(*Bulletin of the Verkhovna Rada of Ukraine (BVR), 1995, No. 21, p.152*), Enacted by the Resolution of the Verkhovna Rada 163/95-VR of 16.05.1995, (*Bulletin of the Verkhovna Rada of Ukraine (BVR), 1995, No. 21, p. 153*).

Includes changes made under the Laws:

- No 81/96-VR of 06.03.96, BVR, 1996, No 15, p. 70;
- No 607/96-VR of 17.12.96, BVR, 1997, No 6, p. 49;
- No 662-IV of 03.04.2003, BVR, 2003, No 27, p. 209;
- No 2947-VI of 13.01.2011, BVR, 2011, No 32, p. 316;
- No 5462-VI of 16.10.2012, BVR, 2014, No 6-7, p.80.

Considering the corresponding provisions of the United Nations Convention on the Law of the Sea of 1982, Ukraine adopts this Law, which determines the legal regime of an exclusive (sea) economic zone of Ukraine.

Article 1. Legislation on an Exclusive (sea) Economic Zone of Ukraine

The legislation on an exclusive (sea) economic zone of Ukraine consists of this Law and other legislative acts of Ukraine that regulate issues concerning the legal regime of an exclusive (sea) economic zone of Ukraine.

Article 2. Definition of an Exclusive (sea) Economic Zone of Ukraine

Sea regions externally adjacent to the territorial sea of Ukraine, including regions around islands belonging to it, constitute an exclusive (sea) economic zone of Ukraine.

The width of an exclusive (sea) economic zone extends up to two hundred sea miles, counted from the same initial lines as the territorial sea of Ukraine.

Article 3. Delimitation an Exclusive (sea) Economic Zone of Ukraine

Delimitation of an exclusive (sea) economic zone between Ukraine and states with coasts opposite or adjacent to the coast of Ukraine is made taking into account the legislation of Ukraine, by means of the conclusion of agreements made on the basis of principles and criteria in conventional international law, with the purpose achieving an equitable solution regarding delimitation.

Article 4. The Sovereign rights and Jurisdiction of Ukraine in the Exclusive (sea) Economic Zone of Ukraine

In its exclusive (sea) economic zone, Ukraine has:

- Sovereign rights on issues concerning the investigation, development and preservation of natural resources in both waters with life and without covering the seabed, on the seabed and in its bowels, as well as with the purpose of managing these resources and implementing other kinds of activity regarding economic intelligence and the development of the specified zone, including power generation by use of water, currents and wind;
- The jurisdiction envisaged by the corresponding provisions of this Law and by the norms of international law on issues concerning the creation and use of artificial islands, installations and constructions, scientific sea research, protection and preservation of the sea environment;
- Other rights envisaged by this Law, other acts of Ukraine and the conventional norms of international law.

On issues related to the seabed of an exclusive (sea) economic zone of Ukraine and its bowels, the sovereign rights and jurisdiction of Ukraine are realised according to the legislation of Ukraine on the continental shelf and the Code of Ukraine on bowels.

Article 5. Cooperation of Ukraine with other States

To coordinate the management of live resources in the exclusive (sea) economic zone, and their preservation, investigation and optimum use, as well conducting scientific research and ensuring the protection and preservation of the sea environment, Ukraine cooperates with other states on the basis of international treaties.

Article 6. Rights and Duties of other States in Exclusive (sea) Economic Zone of Ukraine

In exercising its rights and fulfilling its obligations in an exclusive (sea) economic zone, Ukraine considers the rights and obligations of other states.

In an exclusive (sea) economic zone of Ukraine, all states, both coastal and land-locked, enjoy, provided the observance of the provisions of this Law, other legislative acts of Ukraine and the conventional norms of international law, the freedom of navigation and flights, of the laying of underwater cables and pipelines, as well as other internationally lawful uses of the sea in accordance with the norms of international law.

Article 7. Preservation and Use of Fish and other Live Resources

Ukraine provides for the optimum use of fish and other live resources in the exclusive (sea) economic zone, accepting relevant measures for their preservation and management.

Fishing and trade in other live resources, as well as research, investigation and other operations connected with such trade in an exclusive (sea) economic zone of Ukraine are brought about by foreign legal and physical persons only on the basis of international agreements.

According to this Article, the foreign legal and physical persons fishing in an exclusive (sea) economic zone of Ukraine should observe requirements on the preservation of fish and other live resources, as well as other provisions and conditions established by this Law and other legislative act of Ukraine.

Article 8. Anadromous Fish Stocks

With anadromous fish stocks in the rivers of Ukraine, Ukraine exercises the rights proceeding from its prime interest in such reserves and bears the main responsibility for them. Specially authorised organs of Ukraine provide for the preservation of anadromous fish stocks by implementing relevant measures and establishing regulations on fishing in an exclusive (sea) economic zone—in particular by definition of the total amount admissible for catching—and cooperating toward this end with the relevant organs of other interested states if these types of fish migrate outside the limits of an exclusive (sea) economic zone of Ukraine.

Article 9. Enforcement of the Observance of the Legislation of Ukraine on an Exclusive (sea) Economic Zone

With the purpose of the maintenance of the sovereign rights of investigation, operation and preservation of live resources and their management in the exclusive (sea) economic zone of Ukraine, Ukraine takes measures (e.g. examination, inspection, arrest and legal proceedings) to ensure the enforcement of the legislation of Ukraine.

The procedure and conditions for the use of fish and other live resources of an exclusive (sea) economic zone are established by the Cabinet of Ministers of Ukraine.

The functions of the authorised body in charge of interaction with the European Union and authorities of foreign states (i.e. their competent bodies and organisations) with respect to ensuring the requirements of the system for the warning and liquidation of unlawful, unaccounted and unregulated fishing are met, shall be discharged by the Central Executive Body implementing state policy in the field of fishery.

Article 10. Artificial Islands, Installations and Constructions

In its exclusive (sea) economic zone, Ukraine has the exclusive right to create, as well as to allow and regulate, the organisation, operation and use of artificial islands, installations and constructions for scientific sea research, investigation and for the development of natural resources, as well as other economic targets according to the current legislation of Ukraine.

Article 11. Jurisdiction of Ukraine on Issues of Artificial Islands, Installations and Constructions

In its exclusive (sea) economic zone, Ukraine has exclusive jurisdiction over artificial islands, installations and constructions, including customs, tax, sanitary and immigration laws and rules, as well as laws and rules regarding their security.

Ukraine can establish a security zone around artificial islands, installations and constructions and conduct appropriate measures for ensuring the security of navigation as well as of artificial is-

lands, installations and constructions in these zones. The width of security zones should not exceed five-hundred meters, counted from each point of their external edge, except for cases when a zone is authorised by conventional international standards or is recommended by the relevant international organisation.

Article 12. Maintenance and Operation of Artificial Islands, Installations and Constructions

Legal and physical persons of Ukraine and other states, as well as international organisations responsible for the maintenance and operation of artificial islands, installations and constructions are obliged to ensure that proper working conditions are satisfied in terms of indicating their presence.

Abandoned or unused installations and constructions should be removed in the shortest time possible so as not to affect navigation and fishery or pollute the sea environment.

The creation of artificial islands, installations, constructions and the establishment of security zones around them, as well as full or partial liquidation of these installations and constructions, is officially registered by means of the corresponding notice in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

Article 13. Sea Scientific Research

Sea scientific research in an exclusive (sea) economic zone of Ukraine is conducted only by approbation of specially authorised organs of Ukraine according to the legislation of Ukraine and the international treaties of Ukraine.

Scientific sea research in an exclusive (sea) economic zone of Ukraine can be conducted by all states, irrespective of their geographical position, their legal and physical persons, as well as international organisations under condition that the legislation of Ukraine is properly observed.

In implementing its jurisdiction, Ukraine has the right to regulate and permit scientific sea research in the exclusive (sea) economic zone. Specially authorised organs of Ukraine give their consent with regard to conducting scientific sea research in an exclusive (sea) economic zone, provided that this research is conducted only for peaceful purposes or to expand knowledge of the sea environment in order to better mankind, and provided it does not threaten the environment.

Ukraine can refuse to allow other states, their legal and physical persons and international organisations to conduct scientific sea research projects in its exclusive (sea) economic zone, if this project:

- 1) Is directly connected with prospecting and extracting live and lifeless natural resources;
- 2) Involves drilling of the seabed, the use of explosives or dumping deleterious substances in the sea;
- 3) Envisages construction, operation or the use of artificial islands, installations and constructions;
- 4) Is related to sites of underwater cultural or archaeological importance for Ukraine; to the prevention of the violation of its sovereign rights or jurisdiction established by international law, including the UN Convention on the Law of the Sea.

Foreign states, their legal and physical persons, as well as the international organisations conducting scientific sea research in an exclusive (sea) economic zone of Ukraine, shall, six months prior to the prospective date for commencing the project, present full information to the specially authorised organs of Ukraine on the character and the purpose of the project, the method and means which will be used, the exact geographical coordinates of regions in which the project conducted, and other related data.

If the information presented is imperfect or foreign states, their legal and physical persons or the relevant international organisation conducting the project has existing obligations towards Ukraine on a scientific project previously carried out, specially authorised organs of Ukraine can refuse to sanction further sea research.

Article 14. Conditions of Carrying out of Sea Scientific Research

In carrying out scientific sea research in an exclusive (sea) economic zone of Ukraine, foreign states, their legal and physical persons, as well as international organisations which have received the sanction of specially authorised organs of Ukraine, are obliged to observe the following conditions:

- 1) To provide for the participation of representatives of Ukraine in the scientific sea research project, in particular on board research vessels and on other research installations, and to, upon request, provide specially authorised organs of Ukraine with preliminary reports, as well as other materials and the conclusions of research;
- 2) To, upon request, provide specially authorised organs of Ukraine with the opportunity to access all data and samples received during the scientific sea research project, to transfer the materials which can be photocopied to them, and the samples that can be divided without causing damage to their scientific value, as well as to provide information containing an estimation of such data, samples and the results of research, or to assist in their estimation and interpretation;
- 3) To not interfere with the activity carried out with the purpose of the exercise of the sovereign rights and jurisdiction of Ukraine according to Articles 4, 7 and 8 of this Law;
- 4) To immediately inform specially authorised organs of Ukraine on any essential changes in the programme of research;
- 5) To remove research installations or equipment after the termination of research if another is not officially agreed upon;
- 6) To provide for the protection of underwater objects of cultural and (or) archaeological heritage in the area of research.

Article 15. Prohibition (temporary suspension) of Scientific Sea Research

Scientific sea research in an exclusive (sea) economic zone that infringes upon the requirements of Articles 13 and 14 of this Law can be temporarily prohibited (suspended) by specially authorised organs of Ukraine. The decision on temporary prohibition (suspension) can be annulled by these organs and research can continue as soon as another state, its legal or physical persons, or international organisation conducting the research eradicate the infringement and provide a guarantee of observance of the procedure established by this Law.

Scientific sea research in an exclusive (sea) economic zone of Ukraine conducted without the permission of specially authorised organs of Ukraine or with deviation from the provisions of Article 13 of this Law, or with substantial differences from the original research project, are subject to immediate termination.

Article 16. Prevention of Pollution of the Sea Environment

Prevention of pollution of the sea environment connected with activity in an exclusive (sea) economic zone is performed according to the legislation of Ukraine and the international treaties of Ukraine.

In accordance with the procedure determined by the legislation of Ukraine, specially authorised organs of Ukraine establish rules for the prevention of pollution of the sea environment and security rules for navigation; and ensure their observance in regions with special natural characteristics where pollution of the sea environment could cause significant damage or irreversibly disrupt the ecological balance.

Article 17. Competence of the Authorised Organs of Ukraine on Prevention of Pollution of the Sea Environment

When sufficient grounds exist to consider that a vessel navigating in an exclusive (sea) economic zone of Ukraine has broken the requirements of the legislation of Ukraine or international law on the prevention of pollution of the sea environment, specially authorised organs of Ukraine have the right to demand the information necessary to establish whether or not the vessel in question has committed the infringement, and to examine this vessel in case of the refusal to provide an explanation or if the received explanations contradict known facts.

In case of indisputable and objective proof that the vessel navigating in an exclusive (sea) economic zone of Ukraine has committed an infringement of the legislation of Ukraine or the norms of international law specified in part One of this Article and has dumped contaminating substances, therefore damaging or threatening the coast or the interests of Ukraine connected with this coast or any resources of an exclusive (sea) economic zone,

proceedings can be initiated against this vessel, including, in accordance with the legislation of Ukraine, its detention.

When a foreign vessel enters a Ukrainian port, the specially authorised organs of Ukraine can initiate proceedings resulting from any infringement of the legislation of Ukraine or the norms of international law committed by this vessel in an exclusive (sea) economic zone of Ukraine.

When vessels collide in an exclusive (sea) economic zone of Ukraine, or when a vessel become stranded or another sea accident takes place, or when actions connected with such an event lead to serious negative consequences for the coast and the interests of Ukraine (including fishery), specially authorised organs of Ukraine have the right, according to norms of international law, to take measures on the protection against pollution or the threat of pollution, taking into account the amount of actual or potential damage.

Article 18. Dumping Waste or Other Materials and Subjects

The dumping of waste or other materials and subjects within the limits of an exclusive (sea) economic zone of Ukraine is forbidden.

Article 19. The Right to Pursuit

If sufficient grounds exist to consider that any foreign vessel has infringed the requirements of this Law or other relevant acts of Ukraine and when such a vessel attempts to flee, the right of pursuit, with the purpose of detecting the vessel and subsequently holding the infringer to account, is conducted in accordance with the procedure established by the Cabinet of Ministers of Ukraine. A pursuit begins the moment an infringer vessel or one of its boats comes within the limits of exclusive (sea) economic zone of Ukraine after a signal "stop" has been given, and ceases when the pursued vessel enters the territorial waters of its country or a third state.

Article 20. Suppression Offences and Detention of Infringers of Legislation on Exclusive (sea) Economic Zone of Ukraine

The measures required for the suppression of infringement and the detention of infringers in accordance with the procedure established by the Cabinet of Ministers of Ukraine, are taken against vessels violating the legislation of Ukraine on its exclusive (sea) economic zone, in reply to the use of force by them, as well as in other exceptional cases.

In case of arrest or detention of a foreign vessel, the relevant competent organs immediately inform the flag state on the measures taken and on the sanctions applied. The detained vessel and its crew are immediately released after the granting of reasonable bail.

Article 21. Liability for Infringement of Legislation on the Exclusive (sea) Economic Zone of Ukraine

Citizens of Ukraine, foreign citizens and persons without citizenship bear disciplinary, civil, administrative or criminal liability established by acts of Ukraine for the infringement of legislation in an exclusive (sea) economic zone of Ukraine.

Legal persons bear liability established by Articles 22-26 of this Law for the infringement of legislation concerning an exclusive (sea) economic zone of Ukraine.

According to this Law, the establishment of the liability of the offender does not free them from the obligation to, according to the current legislation of Ukraine, compensate the damage caused to live or other resources of an exclusive (sea) economic zone of Ukraine.

Article 22. Unlawful Trade Activity

Unlawful prospecting or extraction of natural resources in an exclusive (sea) economic zone of Ukraine and the creation of artificial islands, building, installations and constructions, as well as the establishment of security zones around them without the permission of the special representative of organs of Ukraine: a penalty from four hundred and forty to one thousand four hundred of non-taxable minimum monthly income of citizens, or the confiscation of the means and instruments enabling the commitment of the infringement in question.

The same activities, if they are committed repeatedly within a year or have resulted in an accident, the destruction of vessels, the loss of property or significant pollution of the sea environment: a penalty from

one thousand four hundred to four thousand four hundred of non-taxable minimum monthly income of citizens, with the confiscation of means and instruments enabling the commitment of the infringement in question.

Article 23. Infringement of Rules of Safe Operation of Constructions

The failure to provide permanent means to indicate the presence of installations or other constructions in an exclusive (sea) economic zone of Ukraine, the infringement of the rules of the proper maintenance of these or the infringement of the rules of liquidation concerning constructions no longer used: a penalty from two hundred and seventy to eight hundred and eighty of non-taxable minimum monthly income of citizens.

If the same activities have been committed repeatedly within the same year, or have resulted in accident or the destruction of vessels: a fine from one thousand four hundred to four thousand four hundred of non-taxable minimum monthly income of the citizen in question is applied.

Article 24. Unlawful Operation of Natural Resources

Unlawful extraction of natural resources within the limits of an exclusive (sea) economic zone of Ukraine: a penalty from four hundred and forty to one thousand four hundred of non-taxable minimum monthly income of citizens or the confiscation of means and instruments enabling the commitment of the infringement, with gratuitous seizure of the illegally obtained resources.

The same actions, if they are committed repeatedly within a year or at a high rate, or else if they have engendered significant deterioration of conditions for the reproduction of fish or other live resources of the sea: a penalty from one thousand four hundred to six thousand six hundred non-taxable minimum monthly income of citizens, with the confiscation of means and instruments enabling the commitment of the infringement, or without those, with gratuitous seizure of illegally obtained resources.

Article 25. Unlawful Conducting of Sea Scientific Research

Unlawful scientific sea research in an exclusive (sea) economic zone of Ukraine: a penalty from ninety to four hundred and fifty non-taxable minimum monthly incomes of citizens.

The same activities, if they are committed repeatedly within a year or if they have caused damage to the state interests of Ukraine: a penalty from one thousand four hundred to two thousand six hundred non-taxable minimum monthly income of citizens.

Article 26. Pollution of the Sea Environment

Any unlawful pollution of the sea environment in an exclusive (sea) economic zone of Ukraine by substances hazardous to people or live resources of the sea, or other waste, materials and subjects which can cause damage or create obstacles for lawful activity on the sea, or else other infringements of the rules of prevention of pollution of the sea environment: a penalty from six hundred and sixty to one thousand four hundred non-taxable minimum monthly income of citizens, or the confiscation of a sea, air vessel or construction responsible for the pollution.

The same actions, if they are committed repeatedly within a year or have caused damage to the health of people, live resources of the sea, zones of recreation or have created serious obstacles for lawful activity on the sea: a penalty from one thousand four hundred to six thousand six hundred non-taxable minimum monthly income of citizens, with the confiscation of a sea, air vessel or the construction responsible for the pollution.

Article 27. Organs and Officials Authorised to Apply Sanction

The right to impose penalties envisaged by this Law is given:

- For infringements envisaged by part One of Article 22, part One of Article 24, Articles 23 and 25, part One of Article 26—to the organs of the Ministry of protection of the environment and nuclear security of Ukraine, in the capacity of the state inspectors on the protection of the environment;
- For infringements envisaged by part One of Article 24—on the organs for fish protection of the Ministries of Fisheries of Ukraine represented by the Chief of the relevant reservoir department on the protection and reproduction of fish reserves and the regulation of fishery;

- For infringements envisaged by Article 25—to the commander of the vessel of the organs of Sea guard of the State Border Service of Ukraine who revealed the infringement and detained the infringer.

The penalty determined by part One of Article 22, part One of Article 24, Articles 23 and 25 and part One of Article 26 can be collected on the spot by the officials of organ entrusted according to part One of this Article, who has the right to impose penalties if the infringer is detained far from the shore and has voluntarily shown a readiness to pay the penalty immediately.

The right to impose penalties established by part Two of Articles 22, 24, 26, as well as to confiscate, as envisaged by Articles 22, 24 and 26 of this Law, is given to regional (city) courts in the place where the infringer is detained.

The decision on the gratuitous seizure of illegally obtained resources is taken by the organ authorised to impose the penalty for the corresponding infringement.

Article 28. The Procedure and Terms of Bringing to Account

Within three days from the date of detention of the infringer, officials from the Sea guard and the State Border Service of Ukraine issue a report regarding the infringement committed, which together with other relevant documents is sent to the organ authorised to apply the sanction. In cases when confiscation is recognised as expedient, the Framework for Demilitarisation and Development 509 specified documents are transferred for consideration to the regional (city) court in the place where the infringer is detained.

The organs authorised to apply the sanction take the decision on the imposition of penalties within five days after the receipt of the documents specified in part One of this Article. The decision is legalised by the resolution of the relevant organ or official.

In the cases envisaged by part Two of Article 27, the imposition and collection of the penalty can take place directly at the location of the infringement.

Court examination of infringements envisaged by this Law is conducted in the presence of representatives of the infringer and of the organs guarding an exclusive (sea) economic zone of Ukraine.

Article 29. Appeal Against the Decisions on Sanctions

Decisions on the imposition of penalties taken by officials specified in parts One and Two of Article 27 can be appealed against within 10 days from the date of receipt of the decision by the infringer in the regional (city) court of the relevant official.

Decisions concerning the imposition of penalties and confiscations taken by regional (city) courts can be appealed against within 10 days after their announcement in the relevant regional, Kyiv or Sevastopol city court.

Article 30. Execution of Decisions Establishing Liability

The penalties imposed according to Articles 22–26 of this Law are paid in the currency of Ukraine.

Foreign legal persons pay penalties by way of free convertible currency recalculation at the rate of exchange of the National bank of Ukraine on the date of infringement.

The penalty is voluntarily paid by the infringer within one month from the date of imposing the penalty, and in case of appeal—within a month from the date of the refusal of court to uphold the complaint.

In case of non-payment of the penalty in the period established by part Three of this Article, it is collected through the court in accordance with the procedure established by the current legislation of Ukraine for the performance of judgments that have entered into validity.

In accordance with the established procedure, in cases where foreign legal persons fail to pay the penalty, the regional (city) court, upon application of the relevant organ guarding the exclusive (sea) economic zone, can take the decision to impose, instead of the foreseen penalty, a full or partial confiscation of the property detained or taken in exchange for bail, or confiscate financial resources of the legal person (i.e. the infringer).

The confiscation of property envisaged by this Law is conducted in accordance with the procedure established by the current legislation.

Article 31. Protection of the Sovereign Rights of Ukraine in the Exclusive (sea) Economic Zone

The protection of the sovereign rights of Ukraine in an exclusive (sea) economic zone and control over the exercise of the rights and fulfilment of obligations of other states, Ukrainian and foreign legal and physical persons, and international organisations, are carried out by the State Border Service of Ukraine, fishing inspection organs of the Ministry of Fisheries of Ukraine and organs of the Ministry of Environmental Protection and Nuclear Security of Ukraine in accordance with the procedure established by the Cabinet of Ministers of Ukraine, with appropriate consideration of the interests of other states, as envisaged by the norms of international law.

Article 32. International Treaties

If the United Nations Convention on the Law of the Sea of 1982 or international treaties of Ukraine establish norms other than those stipulated in this Law, the norms of the Convention or the relevant international treaty are applied.

President of Ukraine L.Kuchma
Kyiv, May 16, 1995, No 162/95-VR

Law of Ukraine “On Border Control”

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

Includes changes made under the Laws:

- No 2753-VI of 02.12.2010, BVR, 2011, No 18, p. 46;
- No 4652-VI of 13.04.2012, BVR, 2013, No 21, p.208;
- No 5290-VI of 18.09.2012, BVR, 2013, No 41, p.549;
- No 5453-VI of 16.10.2012, BVR, 2013, No 47, p.657;
- No 406-VII of 04.07.2013, BVR, 2014, No 20-21, p.712;
- No 1207-VII of 15.04.2014, BVR, 2014, No 26, p.892.

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

PART I. GENERAL PROVISIONS

Article 1. Definition of Terms

1. The terms used in this Law shall have the following meanings:
 - 1) Baggage must be understood as items that belong to passengers and crewmembers, and which are transported by vehicle on the basis of a contract with the carrier;
 - 2) Cargo must be understood as property, other than baggage and supplies (for aircraft, sea-going and river-going vessels), transported by vehicles;
 - 3) Visa must be understood as a permit issued by the authorised state authorities of Ukraine for the entry of an individual into its territory, or for the transit across its territory during a specific period;
 - 4) Crew must be understood as the person (persons) tasked, in accordance with the procedure prescribed by legislation, with performing duties in respect of the control of an aircraft, sea-going or river-going vessel, as well as the maintenance thereof;
 - 5) Telecommunication must be understood as the transmission, 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 an additional review of whether or not legitimate grounds exist for crossing the state border of Ukraine (hereinafter—state border) by individuals and vehicles, as well as for the movement of 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, as well as control over the export of items of cultural value 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 implementation of the minimum measures necessary for verifying whether or not legitimate grounds exist for crossing the state border by individuals and vehicles, as well as for the movement of cargo across the state border;
 - 9) Cruise ship must be called a ship, which follows a given itinerary in accordance with a predetermined programme of tourist activities in the ports along the respective route;
 - 10) Inspection of transport and cargo means the set of measures aimed at precluding the illegal transfer of persons (who hide in concealed compartments) across the state border; the discovery of these hiding-places, as well as precluding the illegal transfer of weapons, narcotics, psychotropic substances and precursors, ammunition, explosives, materials and articles prohibited for transfer across the state border, as well as the identification of stolen vehicles;
 - 11) Risk analysis must be understood as the activity of the personnel of the State Border Service of Ukraine which aim to discover the likelihood of an individual violating legislation concerning the security of the state border;

- 12) Passport document means the document issued by the authorised state bodies of Ukraine or other counties, or by UN statutory organisations, which proves the citizenship and identity of a person, and allows for the right to enter or depart from the state and is recognised by Ukraine;
- 13) Carrier means any person or legal entity which provides commercial transportation of persons across the state border, or else transports them at his own expense;
- 14) Document checks mean the inspection at border crossings, by personnel of the State Border Service of Ukraine, of passports and other travel documents of persons crossing the state border, with the purpose of ensuring that said persons have valid documents and to check, in the context of risk analysis, that their means of transportation and the objects in their possession do not potentially violate legalisation concerning the security of the state border;
- 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 which prove the fact of tourism, study, internship, job or medical treatment in Ukraine, as well as the reservation of and payment for housing and food provisions, and return to the state of their citizenship or permanent residence, or to a third country (if necessary—other documents proving the goal and conditions);
- 17) Ship owner's agent (i.e. marine agent) means the commercial agent or representative of the agent company, who, on the basis of the marine agent treaty, provides paid services in the interests of the ship's captain, relating to the crossing of the state border;
- 18) Coastal fisheries means fishing carried out with the aid of vessels which return every day to a port situated in the territory of Ukraine, or no later than 36 hours, so long as long as the vessel in question does not enter the ports of another country;
- 19) Regime at the state border crossing points means the rules concerning the presence and movement of all persons and means of transportation within the territory of the border railway and automobile stations, sea and river ports, airports and airfields open to international traffic, as well as the performance of other activity related to the state border crossing of persons, vehicles and cargo, which must be established by an order from the head of the state border protection body, in agreement with the head of customs body and the head of the establishment at which the state border crossing is located;
- 20) Duration of stay in the territory of Ukraine means the duration of the legitimate presence of foreigner or stateless person(s) in the territory of Ukraine, as established by the legislation of Ukraine and related international treaties;
- 21) Muster roll means an official list containing the 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 a person who works in the territory of one state, but resides in the territory of another, to which he or she returns to at least once a week;
- 23) Transport means a mechanical device used to transport people and (or) cargo, 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, performed by the State Border Service of Ukraine, which includes a set of actions and measures aimed at establishing the legal basis of persons, vehicles and cargo crossing the state border of Ukraine.

2. Border control is carried out with the aim of countering the illegal crossing of the state border by persons—as well as illegal migration, the trafficking of human beings and the 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 cargo across the state border;
 - 3) Cargo moving across the state border.
4. Border control includes:
 - 1) Document checks;
 - 2) Inspection of persons, vehicles and cargo;
 - 3) The carrying out of instructions given by the law enforcement bodies of Ukraine;
 - 4) Verifying adherence to the conditions of crossing the state border of Ukraine by foreigners and stateless persons in case of entry to Ukraine, departure from Ukraine, or transit through the territory of Ukraine;
 - 5) Registering foreigners, stateless persons and their passport documents at state border crossing points;
 - 6) Checking motor vehicles so as to discover if they are registered stolen.
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) Applying technical means of border control, as well as the use of service dogs and other animals;
 - 3) Creation and use of databases on persons who crossed the state border, committed offences or are prohibited (or temporarily restricted) from entering Ukraine; on invalid, stolen or lost passports, as well as other legitimate databases;
 - 4) Surveillance of transports, and if necessary, their escort;
 - 5) The performance of administrative-legal and detective-investigative measures;
 - 6) Organisation of cooperation with enterprises, bodies and organisations 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 the 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 different rules to those of the present Law, the rules of the international treaty must prevail.

Article 4. The Principles of Organising and Carrying Out Border Control

1. Border control is organised 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) Performed exclusively by military personnel and employees of the State Border Service of Ukraine specially trained for this purpose;
 - 5) Selective application of control measures based on risk analysis.

Article 5. Places for Carrying out Border Control

1. Border control and passage through the state border of persons, vehicles and cargo 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 cargo is permitted at state border crossing points during regular working hours. If a state border crossing does not work round-the-clock, this information must be indicated on information boards at the entrance to the border crossing in question.
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 craft 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 concerning a person or a group of people, provided that they present no threat to the national security of Ukraine;
 - 6) Exigent circumstances related to the liquidation of man-made and natural emergencies, their consequences and potential danger to life, provided that they present no threat to the national security of Ukraine.

Decisions on the passing of persons at state border crossing points outside of regular working hours must be made by the head of the state border protection body, and on the passing of transport and cargo, in 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 authorised 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 points, 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 a related regime is in-place, and where, if required, additional rules of the regime, according to the legislation of Ukraine for state border crossing points, can be enacted.

PART II. PROCEDURES OF BORDER CONTROL**Article 6. General Procedures of Border Control**

1. Crossing of the state border of Ukraine by persons, vehicles and cargo is only allowed under the condition of border control, and by permission of the authorised service personnel of the State Border Service of Ukraine, and in certain cases specified in the present Law, by officials of the State Border Service of Ukraine, unless specified otherwise in the present Law.
2. The border control of a person, vehicle or cargo is initiated when a passport and other documentation specified by the legislation are passed to the authorised official of the State Border Service of Ukraine for checking.
3. Passage of persons through the state border of Ukraine is permitted by authorised officials of the State Border Service of Ukraine based on the presentation of a valid passport, as well as other documents, in cases provided for by the legislation of Ukraine. The passage of vehicles and cargo 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 authorised official of the State Border Service of Ukraine grants permission to the person, vehicle or cargo to cross the state border, or after the responsible person is informed of the decision to deny the person, vehicle or cargo permission to cross the state border.
5. Border control and passage through the state border by persons, vehicles or cargo must be carried out in the context of risk analysis, which is conducted in accordance with methodologies developed by the specially authorised Central Body of Executive Power in the area of protection of the state border of Ukraine.
6. In order to reduce the time needed to complete 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 can, with the consent of the relevant customs body, 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 for using and identifying movement lanes must be defined by the specially authorised Central Body of Executive Power in the sphere of the protection of the state border, with consent from the specially authorised Central Body of Executive Power in the sphere of customs required.

7. Practical measures and techniques used by officials and service personnel of the State Border Service of Ukraine with the aim of countering illegal activity during the crossing of the state border by persons, vehicles and cargo, as well as the procedures for their application, must be established by the specially authorised 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 authorised service personnel of the State Border Service, with the aim of determining their identity based on the travel documents provided. During the checking procedure, the existence or absence of grounds for a temporary refusal to cross of the state border must be verified.
2. During the checking procedure, the authorised service personnel of the State Border Service must use the technical means of control to assess whether or not the documents show signs of forgery, to conduct a search of required information in databases of the State Border Service of Ukraine, and to question the persons crossing the border, taking into account the results of the risk analysis.
3. The authorised service personnel of the State Border Service of Ukraine may carry out additional check on the documents of the persons crossing the border, taking into account the results of the risk analysis.
4. Passport documents and other travel documents of persons must be checked in passport control booths, transportation lanes, and control pavilions, service spaces of the state border crossing points or directly on the means of transportation itself.

Article 8. Conditions of Crossing the State Border by the Foreigners or Stateless Persons when Entering Ukraine

1. Authorised 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) The possession of a valid passport document;
 - 2) The absence of a decision to deny entry to Ukraine by an authorised state body of Ukraine in respect of the said person;
 - 3) The possession 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 a 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 Article 14 of the present Law.
Violation by a foreigner or stateless person of the 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 to the said person, in accordance with the established procedure.
In case there are grounds of a humanitarian nature, or which concern the protection of the national security of Ukraine or the meeting of its international obligations, the stateless person who does not meet one or several conditions for crossing the state border and entering Ukraine can be granted permission to cross the state border by the Head or acting Head of the State Border Service of Ukraine.
3. Authorised 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) The possession of a valid passport document;
 - 2) The absence of a decision to deny entry to Ukraine by an authorised state body of Ukraine in respect of the 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. In certain cases envisaged 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) The validity of the passport document and availability in it of the legally required permanent residence mark or visa;
 - 2) The presence or absence in databases of the State Border Service of Ukraine of information concerning the prohibition of entry to Ukraine or a request from law enforcement bodies concerning persons who cross the state border;
 - 3) Marks indicating the crossing of the state border in the passport of the foreign or stateless person to check the compliance of the foreigner or stateless person.
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 cases where the authorised service person of the State Border Service of Ukraine has doubts concerning 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 checking the relevant supporting documents and if necessary, conducting interviews;
 - 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 a third state, or the possibility to receive substantial financial support from legitimate sources in the territory of Ukraine.

The procedure for confirming the availability 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 second line checks must receive the information about the purpose of such checks in both Ukrainian and English languages, or in the language of the country

neighbouring Ukraine, with an indication of the right of the foreigner or stateless person to request the last names and service personal numbers of the authorised service personnel of the State Border Service of Ukraine who carry out the additional checks, as well as 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 the departure of foreign and stateless person from Ukraine is carried out with the purpose of checking the:
 - 1) Possession of a valid passport document;
 - 2) Absence in databases of the State Border Service of Ukraine of information concerning the prohibition of entry to Ukraine or a request from law enforcement bodies concerning persons who cross the state border;
 - 3) Requirements for the duration of stay of foreign and stateless persons in Ukraine have been met.

Article 11. Relaxation of Border Checks

1. Officials of the State Border Service of Ukraine may initiate the relaxation of border checks in cases of the unforeseen intensification of traffic, when the time of waiting at border crossings becomes excessive and when all staff, equipment and organisational measures aimed at reducing it are exhausted.
2. Relaxation of border checks means the temporary omission of certain procedures of the border checking, as stipulated in part Four Article 2 of this Law. In the meantime, passports, valid documents and immigration cards of foreign and stateless persons crossing the state border must be stamped.
3. In case of the relaxation of border checks, priority is given to checking the persons, transport and cargo entering Ukraine, rather than those exiting Ukraine.
4. A decision on the relaxation of border checks must be taken by the head of the border protection unit which has the respective state border crossing point within its area of responsibility.
5. The relaxation of border checks must be temporary and introduced in an orderly manner, while taking into account the 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. The procedure for affixing state border-crossing stamps, as well as their design, must be established by the specially authorised 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 that they are members of ship's crew and that their ship is berthed at the port area;
 - 4) Travel documents of crew and passengers of cruise ships, when border checks are subject to the procedure stipulated by Article 19 of this Law;
 - 5) Pilot licenses or the identification documents (certificates) of airplane crewmembers;
 - 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 if they personally request so. In such cases, 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 a state border-crossing stamp in the passport document of a foreign or stateless person who has entered Ukraine, or, in selected cases stipulated by the legislation, in other travel documents or immigration cards of foreign or stateless persons during their stay in the territory of Ukraine, will constitute the reason for inspection by an authorised law enforcement body of their compliance with the rules stay in Ukraine.
2. In case of the absence of a state border-crossing stamp in the passport document of a foreign or stateless person who has entered Ukraine, or, in selected cases stipulated by the legislation, in other travel documents or immigration cards of foreign or stateless persons during their stay in the territory of Ukraine, their compliance with the rules and duration of stay in Ukraine must be proved by way of submitting a document confirming the fact and the date of crossing the state border and (or) the legality of the stay of the foreigner or stateless person in the territory of Ukraine during the period in question, or in other legitimate ways, to the competent officials of law enforcement bodies.
3. In case of compliance of a foreigner or stateless person with rules and duration of stay in Ukraine, he or she must receive a document confirming the legality of their stay in Ukraine, the design and procedure of which must be established by the specially authorised Central Body of Executive Power in the area of protection of the state border of Ukraine.
4. Foreign or stateless persons who failed to confirm their compliance with the rules and duration of stay 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 persons who failed to confirm their compliance with one or more conditions for crossing the state border when entering or exiting from Ukraine as stipulated in parts One and Three of the Article 8 of this Law, as well as citizens of Ukraine who are refused permission to cross the state border when exiting from Ukraine due to a lack of documentation required for entering the country of destination or for transit in cases stipulated by the law, or due to a reason for limiting his or her travel as stipulated in Article 6 of the Law of Ukraine "On Procedure of Departure from Ukraine and Entering Ukraine by Citizens of Ukraine" being present, must be refused permission to cross the state border only on the basis of a grounded decision made by an authorised service person of the border protection unit, with the reasons for refusal clearly specified. The authorised service person of the border protection unit must report the decision taken to the head of the state border protection body. Such a decision becomes valid immediately. The decision on a refusal to grant permission to cross the state border must be issued in two copies. One copy of the decision on a refusal to cross the state border is presented to the said person, who confirms receipt by providing his signature on all copies. In case the person refuses to sign, the relevant form must be filled in.
2. A standard form for recording the decision for a refusal to cross the state border must be established by the specially authorised Central Body of Executive Power in the area of protection of the state border.
3. Persons refused entry must have the right to appeal, either in accordance with the Law of Ukraine "On Applications of Citizens", or in a court. Lodging such an appeal must not have the effect of suspending a decision to refuse entry. Where the appeal concludes that the decision to refuse entry was ill-founded, it may be cancelled or altered by the head of the border protection body, or otherwise cancelled and nullified by a court.
4. In cases where a foreigner or stateless person was refused permission to cross the state border when entering Ukraine, his or her visa may be cancelled on the following grounds:
 - 1) A decision by the competent authority of Ukraine to refuse entry is taken;

2) When serious grounds exist 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 supporting documents concerning the purpose and conditions of stay in Ukraine must not lead to a decision to cancel his or her visa.

Cancellation of a visa must be made by the authorised service person by way of affixing to it the relevant stamp, the standard form of which must be established by the specially authorised Central Body of Executive Power in the area of protection of the state border. A note must be made about the cancellation of the visa in the decision on the refusal to grant permission to cross the state border.

5. Where foreigners or stateless persons who have been refused permission to cross the state border of Ukraine are nevertheless brought to the border by a carrier, the authorised 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 of the territory of Ukraine;
- 2) Pending onward transportation of foreigners or stateless persons who have been refused permission to cross the state border of Ukraine, take appropriate measures to prevent them from entering illegally.

PART 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 of road traffic at border crossing points 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 from the head of customs body and, if necessary, 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 separate lanes for the movement of persons and vehicles across the border, taking into account traffic and infrastructure conditions at the border crossing point in question.
3. Persons travelling in vehicles have the right to remain inside them during 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 interest of the safety of State Border Service of Ukraine personnel, 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, 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 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, selective checking of vehicles can be permitted.

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 transit between railway stations.
2. During border control procedures for rail traffic at state border crossing points, 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 a conductor or a staff member of the railway 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 airports (airdromes) open for international air traffic.
2. Border control must be conducted with respect to Ukrainian aircraft and those belonging to foreign civil air companies, private aircraft and military transport aircraft that perform international flights, as well as to the persons and cargos inside them.
3. To ensure border checks on persons crossing the state border at state border crossing points, managers of the airports (airdromes) take necessary measures to channel passenger flows and prevent the entry of unauthorised persons into reserved areas and spaces.
4. In cases where air traffic passes through an airport (airdrome) in which there is no state border crossing point (i.e. checkpoint), or at an airport (airdrome) where there are no regular international flights, as well in the case of the landing of aircraft at an airport closed for international air traffic due to force majeure or imminent danger, the airport (airdrome) operator must:
 - 1) Provide transportation for the competent service persons of the State Border Service of Ukraine so they can conduct border checks;
 - 2) Create conditions that allow for the separation of passengers arriving from internal flights from those arriving from international flights.

Border control at such airports (airdromes) must be carried out in accordance with procedures for the state border crossing points (i.e. checkpoints) at 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 an aircraft crossing the state border and making several stopovers at 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 passengers and the loading (delivery) of cargo on or from an aircraft making an international flight, and making a stopover at an intermediary airport (airdrome), the passengers and cargo must be subject to border control.

Passengers who have already passed border control at the previous airports (airdromes) of departure must remain aboard the aircraft or must be transferred to the transit zone. Normally, repeated border checks of such persons 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. The boarding of passengers who do not travel outside of Ukrainian territory during the intermediary airport (airdrome) stopover of international flights is prohibited.

7. When departure of an aircraft is delayed, the transit passengers must wait for the announcement of boarding at the waiting areas of the airports. In case there is an extensive delay to departure, the transit passengers must be offered lodging at the specially designated hotels for a period of up to 48 hours with permission and under control of the state border protection units.
8. Border checks of persons crossing the state border in private aircraft must be carried out aboard the aircraft or in passenger terminals.
9. Border checks aboard other aircraft or at their gates, as well as the checking of persons waiting in transit areas of state border crossing points, must be carried out taking into account the results of the risk analysis.
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 of the Convention on International Civil Aviation. In cases where private flights arrive and make 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 a designated area close to the ship. Border control may also be carried out during a crossing or at the berth in the port.
2. No later than four hours prior to arrival at the port, the ship's captain sends via telecommunication, or the marine agent submits, two copies of the muster roll and the list of passengers aboard ship to the appropriate state border protection unit. In case of force majeure or imminent danger and when the aforementioned 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, which immediately submits the muster roll and the list of passengers to the appropriate state border protection unit.
3. One copy of the muster roll and one copy of the list of passengers aboard 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 the ship's captain, who must produce it on request when in port.
4. The ship's captain or the marine agent must report promptly to the state border protection unit 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 of stowaways on board. Stowaways will remain, however, under the responsibility of the ship's captain till the issue of their 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. When a cruise ship comes from a port situated in a third country or departs from a port situated in the territory of Ukraine, its 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 a cruise ship going ashore at a port situated in the territory of Ukraine must be subject to border checks only if the results of a risk analysis warrant it.
3. To provide for the carrying out of border checks, the cruise ship's captain must send via telecommunication, or the marine agent must transmit to the respective state border protection unit, 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, or the marine agent must transmit to the respective state border protection unit, the muster roll and the list of passengers aboard ship at least 24 hours before departure and arrival at each port in the territory of Ukraine, or immediately after the boarding of 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 a cruise ship from the territory of Ukraine, as well as after each modification to the muster roll and the list of passengers aboard, the stamp of the state border crossing must be affixed to these documents.
6. Where a cruise ship exclusively visits ports located in the territory of Ukraine, including with the boarding and disembarking of passengers, the ship may enter ports without state border crossing points. In such cases, border checks must be carried out only on the basis of a risk analysis.

Article 20. Border Control of Yachts

1. Where a yacht arrives from a foreign country to a port with a state border crossing point, or departs from a port, the captain of the yacht informs the port captain of this no later than two hours before arrival or

departure. The port captain submits the information about arrival or departure of the yacht to the state border protection unit and customs.

2. Border control of a yacht and all persons aboard who have arrived from a foreign country to a port located in the territory of Ukraine with a state border crossing point in it, or depart from such a port to another country, must be made on the basis of a risk analysis. During those checks, a document containing all the technical characteristics of the vessel, as well as the names of the persons aboard, must be handed to the competent service persons of the State Border Service of Ukraine. The document must be stamped after the border check is complete. 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. A yacht arriving from a foreign country may enter a port not designated as a state border crossing point if the port captain allows, and if consent is given by the state border protection unit which has the nearest border crossing point within its area of responsibility, and by the appropriate customs body. To receive such consent, the port captain must send in advance, but no later than two hours before the arrival of yacht to the port, via telecommunications, a list of passengers on board the yacht and a list of the 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 from the port captain, but with subsequent notification to the port captain regarding the arrival. The port captain must inform the state border protection unit – with the nearest border crossing point within its area of responsibility – about the arrival of such a yacht to the port.

Article 21. Border Control of Fishing Vessels

1. Border control of fishing vessels registered in ports situated in the territory of Ukraine, as well as the conducting of coastal fishing, must be made only on the basis of a risk analysis.
2. Border control of fishing vessels registered in ports situated in the territory of Ukraine, as well as the carrying out of coastal fishing in the Azov Sea and the Black Sea without visiting foreign ports may not be carried out during 30 days after the last border check. During this term, vessels may depart several times for fishing and arrive to their moorings (piers) and bases within the locations of fishing factories and fishing ports to unload their catch, replenish and conduct necessary repairs. Those in command of such ships must have the seafarer's identity document while other crewmembers must have identification documents.
3. Fishing vessels fishing outside of the territorial sea of Ukraine must be subjected to border, customs and other checks at the state border crossing point in accordance with the procedure stipulated in Article 18 of this Law.
4. Foreign vessels, which conduct coastal fishing in the territorial sea of Ukraine, must be subjected to border checks in accordance with the procedure stipulated in Article 18 of this Law.
5. The berthing of vessels mentioned in parts Three and Four of this Article near moorings (e.g. piers and bases) outside of the state border crossing points for unloading catches and for disembarking people is prohibited without the consent of the state border protection unit and customs body.

Article 22. Border Control of International Ferries

1. During the border control of international ferries:
 - 1) In accordance with part Six of Article 6 of this Law, separate lanes must be established at state border crossing points, as well as directions for the movement of people and vehicles in a quantity sufficient to provide for the purpose of expediting the border checks;
 - 2) Checks on foot passengers must be carried out in separate lanes, places and zones of control. Ferry passengers travelling by coach must be considered as foot passengers. Those passengers must alight from the coach for 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 other passengers;
- 5) On the basis of a risk analysis, and in particular to detect illegal immigrants, 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 the crewmembers of commercial ships.

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 who perform their duties in accordance with authority granted by international intergovernmental organisations, and who hold appropriate documents issued by these, may be given priority over other travellers at border crossing points. Those persons have no obligation to prove their 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, as well as their families, may enter the territory of Ukraine upon presentation of their passport document and accreditation cards.

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

When performing duties on the basis of a pilot's licence or a crewmember's certificate, pilots and other crewmembers of aircraft conducting international flight, with consent of the competent service persons of the State Border Service of Ukraine, have the right to:

- 1) Board and disembark in the stopover airport or in 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.

When the aircraft's crewmembers complete their duties, they must be subject to border control in accordance with procedures stipulated by this Law.

Wherever possible, priority will be given to the border checks of aircraft crews in order to ensure that they will be checked before passengers, of failing this, at special locations set aside for this purpose.

4. On the condition that they appear on the muster roll, crewmembers of marine vessels holding a seafarer's identity document may be authorised to enter into the territory of Ukraine by going ashore to stay in the area of the port where their ships are located or in the adjacent municipalities, without requiring a stamp of state border crossing.
5. Border checks on cross-border workers and other categories of people that cross the state border regularly, but no less than once a week, must be conducted in accordance with the pro-

cedures 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 to cross the state border must only be subject to random checks to ensure that they hold a valid passport document, while foreigners and stateless persons must be checked to ascertain whether or not they meet the conditions required to cross the state border. Second line checks procedures must be applied to such foreigners and stateless persons in the context of the results of a risk analysis, without warning and at irregular intervals.

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

Competent officials of the State Border Service of Ukraine must conduct border checks of minors under 16 years who cross the state border in the same numbers as adults.

In cases involving accompanied minors under 16 years of age, in particular where the minor in question is only accompanied by one adult and where serious grounds for suspecting that the minor is unlawfully crossing the border exist, the competent official of the State Border Service of Ukraine must conduct a thorough investigation in order to detect any inconsistencies or contradictions in the information provided.

Article 24. Registration of the Passport Documents of Foreigners and Stateless Persons at the State Border Crossing Points

1. Registration at state border crossing points of passport documents belonging to foreigners or stateless persons are conducted in accordance with the procedures established by the Cabinet of Ministers of Ukraine.

**PART 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 Cargo at State Border Crossing Points.

1. Activity of the state's power bodies, which conduct various types of control during the crossing of the state border by persons, vehicles and cargo, or take part in providing the border regime and regimen at state border crossing points, must be coordinated by the bodies of the state border protection.
2. Cooperation between control bodies and services, and the general order and sequence of conduct for all forms of control at state border crossing points is stipulated by the technological chart of crossing by persons, vehicles and cargo.

The technological chart for the crossing of the state border by persons, vehicles and cargo must be approved for each state border crossing point by the head of the body of the state border protection, with consent required from the head of the customs body and the heads of control bodies and services, as well as the establishments hosting the state border crossing point in their territory.

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

3. Within the scope of their competence, the state and local authorities must support the State Border Service of Ukraine in performing duties related to border control.
4. The State Border Service of Ukraine must cooperate with the border guards of other states, including through the exchange of liaison officers, the creation of consultative points and the use other forms of cooperation as provided for by the international treaties of Ukraine.

Article 26. Joint Border Control with Neighbouring States

1. Joint control of the crossing of the state border by persons, vehicles and cargo can be conducted at the state border through cooperation of the state bodies of Ukraine with the corresponding bodies of neighbouring countries. The purpose, sequence of procedure and level of joint control must be established by international treaty.
2. Joint border control can be performed in the territory of Ukraine or outside of its state borders.

PART 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, 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 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, the 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 cargo 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 in question;
- 5) Having, while on duty, money in excess of the amount established by specially authorised 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 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. Within six months from the date on which this law comes into force, the Cabinet of Ministers of Ukraine is obliged to:
 - 1) Bring its normative-legal acts into conformity with this Law;
 - 2) Ensure the adoption of normative-legal acts which follow on from this Law;
 - 3) Ensure the revision and cancelation of normative-legal acts contradicting this Law by the Ministries and other Central Executive Bodies.

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

Law of Ukraine “On the National Guard of Ukraine”

(*Bulletin of the Verkhovna Rada of Ukraine (BVR), 2014, No. 17, p. 594*)

Including changes under the Laws:

- No 1697-VII of 14.10.2014, BVR, 2015, No 2-3, p.12;
- No 567-VIII of 01.07.2015, BVR, 2015, No 35, p.339;
- No 766-VIII of 10.11.2015, BVR, 2015, No 52, p.482;
- No 920-VIII of 24.12.2015, BVR, 2016, No 3, p.35.

This Law sets out the legal framework for the organisation and operations of the National Guard of Ukraine, its overall structure, roles and competences.

SECTION I. GENERAL PROVISIONS

Article 1. The Purpose and Missions of the National Guard of Ukraine

1. The National Guard is a military organisation with law enforcement functions overseen by the Ministry of Internal Affairs. Its purpose is to perform duties that include the protection and safeguarding of the lives, rights, freedoms and legitimate interests of the citizens of Ukraine, its society and the country, against criminal or otherwise illegal acts; the protection of public order and public safety, as well as collaboration with other law enforcement agencies in the protection of national security and border security, combatting terrorism, and counteracting illegal paramilitary or armed groups, terrorist organisations, organised groups and criminal organisations.
2. Pursuant to law, the National Guard of Ukraine collaborates with the Armed Forces of Ukraine in responding to an armed aggression against Ukraine by conducting military (combat) operations, as well as by providing for territorial defence.

Article 2. The Main Missions of the National Guard of Ukraine

1. The main missions of the National Guard of Ukraine are to:
 - 1) Protect the Constitutional order of Ukraine, and the integrity of its territory against attempts to undermine them by force;
 - 2) Maintain public order; safeguard and protect the lives, health, rights, freedoms and legitimate interests of the citizens of Ukraine;
 - 3) Assist in the provision of public safety and maintain public order during meetings, marches, demonstrations and other large events that can endanger the lives and health of the citizens of Ukraine;
 - 4) Provide security for government institutions identified by the Cabinet of Ministers of Ukraine; assist in the provision of security guard services for government institutions, as well as for government and state officials;
 - 5) Provide security for nuclear facilities, nuclear materials, radioactive waste and other government-owned radiation sources, as well as for national sites of critical importance as identified by the Cabinet of Ministers of Ukraine;
 - 6) Provide security for the transportation of special cargo identified by the Cabinet of Ministers of Ukraine;
 - 7) Provide security for diplomatic missions, foreign consulates and representative offices of international organisations in Ukraine;
 - 8) Provide security for the logistical centres of the Ukrainian Ministry of Internal Affairs;
 - 9) Assist in operations to avert military conflicts and other provocations on the state border, as well as actions to deter mass cross-border intrusions from neighbouring states;
 - 10) Assist in special operations to neutralise armed criminals, dissolve unofficial paramilitary or armed groups, organised groups and criminal organisations in Ukraine, as well as in anti-terrorist operations;

- 11) Assist in suppressing mass riots;
 - 12) Assist in operations to restore law and order during inter-ethnic and religious conflicts; to unblock sites or localities of critical national importance, or to deal with illegal acts that threaten the security of civilians and disturb the normal work of institutions of public administration and local governance;
 - 13) Assist in operations to maintain or restore law and order in localities affected by serious man-made, technological or natural emergencies (e.g. natural disasters, catastrophes, extremely serious fires, shelling, pandemics or panzootics) that pose a threat to the life and health of the populations concerned;
 - 14) Assist in operations to restore Constitutional law and order when groups attempt to seize power or change the Constitutional order by armed force; to restore the normal work of institutions of public administration and local governance;
 - 15) Assist in disaster relief and crisis management at sites under its guard;
 - 16) Assist actions related to martial law;
 - 17) Assist in performing tasks of territorial defence;
 - 18) Defend important State objects and special cargo identified by the President of Ukraine, the Cabinet of Ministers of Ukraine, and the Ukrainian Ministry of Internal Affairs' central logistics depots;
 - 19) Assist in the termination of unlawful group actions committed by detained individuals and prisoners, as well as the liquidation of the consequences of such actions at detention facilities and prisons.
2. The organisation and procedure of military service for the protection of state owned nuclear facilities, nuclear materials, radioactive waste and other radiation sources, of important state facilities and special cargoes, as well as the rights and duties of military personnel involved in this service, are defined by the relevant Regulation approved by the law.

- The order of organisation for the protection of state owned nuclear facilities, nuclear materials, radioactive waste and other radiation sources, important state facilities and special cargoes by the National Guard Ukraine, is established by the Cabinet of Ministers of Ukraine.
3. The National Guard of Ukraine is the primary institution of Ukraine charged with stopping mass riots. In the implementation of measures to stop mass riots, the National Guard of Ukraine coordinates the activities of the Armed Forces and the means of law enforcement agencies involved in the termination of these illegal actions.
 3. The organisation of the activity of the National Guard of Ukraine to stop the mass riots, and also the procedure for its cooperation with law enforcement organs, other organs of state power and local self-governance bodies during the execution of this function, shall be established by the Cabinet of Ministers of Ukraine.
 2. National Guard personnel can be engaged in international peace support and security operations under the auspices of international peace support forces or peacekeeping contingents, pursuant to the procedures and on the conditions prescribed under the laws of Ukraine and the international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine.
 3. The National Guard of Ukraine performs its mandated missions in collaboration with central and local Executive Authorities, institutions of local governance, procuracy agencies, internal security agencies, the State Guard Directorate, the Armed Forces, special law enforcement agencies, public associations and religious organisations, and with the administrations and security services at facilities being safeguarded, as well as the population.

Article 3. Policies of the National Guard of Ukraine

1. The activities of the National Guard of Ukraine are based on the principles of the rule of law, respect for human rights, civil rights and freedoms, non-affiliation with political parties, consistency, legitimacy, openness to democratic civilian oversight, transparency, accountability, centralised leadership and unity of command.
2. During the performance of their duties, the National Guard of Ukraine are prohibited from using torture and other cruel, inhumane or degrading treatment or punishment.

Article 4. Legal Framework for the National Guard of Ukraine's Activities

1. The activities of the National Guard of Ukraine are guided by the Constitution of Ukraine, this and other laws of Ukraine, Ukraine's international agreements ratified by the Verkhovna Rada of Ukraine, acts of the President of Ukraine and of the Cabinet of Ministers of Ukraine, legal regulatory acts issued by Ukraine's Ministry of Internal Affairs pursuant to the herein mentioned acts, as well as other legal regulatory acts.

SECTION II. OVERALL STRUCTURE, NUMERICAL STRENGTH AND ORGANISATION OF THE NATIONAL GUARD OF UKRAINE**Article 5. Overall Structure and Numerical Strength of the National Guard of Ukraine**

1. The National Guard of Ukraine (hereinafter—the National Guard) consists of:
 - 1) The principle military command-and-control centre;
 - 2) Operational and territorial components;
 - 3) Formations, military units and establishments; institutions of higher education, drilling units (centres), bases, establishments and institutions operating beyond the scope of the operational and territorial components of the National Guard of Ukraine.
2. In organisational terms, the National Guard consists of command and control bodies (i.e. the principal command-and-control centre of the National Guard, as well as its operational and territorial components), military units (establishments), which provide security for national sites of critical importance, special cargo, foreign diplomatic missions, consulates and representative offices of international organisations in Ukraine; formations, military units and establishments engaged in the maintenance of public order; special operations units (squads); military operations units; military aircraft units; military communications units and establishments; logistics units and establishments; institutions of higher education; drilling units (centres); bases; agencies and organisations.
3. The military units of the National Guard can include sub-units (e.g. battalions, divisions, squadrons, detached units, companies, batteries, etc.), special commandant's offices (commandant's offices), communications centres, centres, groups and platoons.
4. Institutions of physical fitness and athletics can be established pursuant to the Law of Ukraine on Physical Fitness and Athletics in order to provide general and specialised in-service training (combat task) to National Guard personnel; support fitness and health events and athletic activities; and to achieve the highest levels of athletic fitness.
5. (Excluded under the Law No 920-VIII of 24.12.2015)
6. Regulations of the principal command-and-control centre of the National Guard are subject to approval by the President of Ukraine. Regulations of command-and-control bodies of the National Guard's operational and territorial components; military units (establishments) providing security for national sites of critical importance, special cargo, foreign diplomatic missions, consulates and representative offices of international organisations in Ukraine; formations, military units and establishments engaged in the maintenance of public order; special operations units (squads); military operations units; military aircraft units; military communications units and establishments; logistics units and establishments of the National Guard are subject to approval by the Minister of Internal Affairs of Ukraine.
7. The overall numerical strength of the National Guard is established at up to 60,000 personnel. If necessary, the numerical strength of the National Guard can be increased pursuant to the relevant legislation.
During a special period, the total strength of the National Guard increases at the expense of personnel mobilised under the President of Ukraine's Decree on mobilisation, as approved by the laws of Ukraine.
8. Responsibility for the establishment, reorganisation and dismissal of the operational and territorial components of the National Guard, their respective command and control bodies, formations, military units and establishments, drilling units (centres), bases, agencies and organisations, within the limits of their overall numerical strength and State Budget expenditure allocations, will be held by the Minister of Internal Affairs of Ukraine in coordination with the President of Ukraine; and the establishment,

reorganisation and dismissal of institutions of higher education of the National Guard, by the Cabinet of Ministers of Ukraine.

9. The principal command-and-control centre of the National Guard, operational and territorial components of the National Guard, their respective command and control bodies, formations, military units and establishments are deployed in Ukraine depending on their respective areas of responsibility (rapid response), the location of the facilities being safeguarded and the places of service (combat mission) performance.
10. Redeployment, change of location and the assignment of areas of responsibility (rapid response) of the operational and territorial components of the National Guard, their respective command and control bodies, formations, military units and establishments, drilling units (centres), bases, medical facilities, agencies and organisations of the National Guard will be carried out in accordance with the decisions of the Minister of Internal Affairs of Ukraine.
11. The principal command-and-control centre of the National Guard, operational and territorial components of the National Guard, their respective command and control bodies, formations, military units and establishments of the National Guard, institutions of higher education, drilling units (centres), bases, agencies and organisations of the National Guard are legal entities which hold seals with their respective titles and a depiction of the State Coat of Arms of Ukraine; accounts in institutions performing the treasury servicing of State Budget disbursements, and their respective banking institutions.

Article 6. The Minister of Internal Affairs of Ukraine

1. The Minister of Internal Affairs of Ukraine performs military/political and administrative leadership over the National Guard.

Military/political leadership over the National Guard is activity aimed at implementing Government policies concerning the activities of the National Guard, its political and strategic objectives, principles and areas of growth.

Administrative leadership over the National Guard is activity aimed at providing comprehensive support to the critical activities of the National Guard, as well as to its performance and growth in terms of the key priorities of government policies addressing the activities of the National Guard.

2. The scope of the authority of the Minister of Internal Affairs of Ukraine, in terms of leadership over the National Guard, as well as his or her powers and responsibilities, are defined by this Law and other laws of Ukraine.

Article 61. Powers of the Ministry of Defence of Ukraine concerning the National Guard of Ukraine

1. Under martial law, the National Guard shall be subordinated to the Ministry of Defence of Ukraine for the performance of national defence missions.

2. The Ministry of Defence of Ukraine shall:

- 1) Organise training and provide direction to the National Guard with respect to implementing the legal procedures of martial law and territorial defence missions, except military units (small units) engaged in escorting and guarding diplomatic missions;
- 2) Coordinate programmes for the development of the National Guard insofar as they concern national defence and the training plans of its military command and control bodies, military units and larger units earmarked for subordination to the Armed Forces of Ukraine military command and control bodies in a contingency and during the performance of territorial defence missions;
- 3) Determine the procedure for the application of national standards and codes of good practice so as to meet the needs of the National Guard during training and the performance of missions concerning the defence of Ukraine;
- 4) Approve uniform requirements to specifications of weapon systems and military equipment and estimated quantities of the key types of weapon systems and military equipment necessary to equip the Armed Forces of Ukraine and the National Guard of Ukraine in line with identified needs and priorities;

- 5) Devise common technical regulations for the Armed Forces of Ukraine and the National Guard in the field of weapon systems and military equipment;
- 6) Provide, within the scope of its competence, for the manning of the National Guard with conscripts and military servants called up for military service during mobilisation or in a contingency, as well with officers who have been called up;
- 7) Take part in the organisation of mobilisation and demobilisation in the National Guard;
- 8) Approve tactical and technical assignments for research into and development of new weapon systems, military equipment and arms, their component parts, and modernisation of said systems for the needs of the National Guard;
- 9) Provide methodological, systematic and scientific support for mobilisation training of the National Guard;
- 10) Exercise other powers in the field of national defence as provided by the law.

Article 7. Commander of the National Guard of Ukraine

1. The Commander of the National Guard, who is ex officio Head of the National Guard of Ukraine's principal command-and-control centre, exercises direct military leadership over the National Guard of Ukraine. Direct military leadership over the National Guard is activity aimed at the development and growth of the National Guard; the improvement of its material status, training standards and logistics; the development of its underlying principles of activity; as well as the exercising of leadership over the performance of service-combat missions.
2. The Commander of the National Guard is appointed to office and dismissed from it by the President of Ukraine at the suggestion of the Minister of Internal Affairs of Ukraine, and discharged from the post by the President of Ukraine.
3. The Headquarters of the Commander of the National Guard consists of one Senior Vice Commander and four Vice Commanders, who are all members of the High Command of the National Guard.

The Senior Vice Commander and Vice Commanders of the National Guard are appointed to office at the suggestion of the Commander of the National Guard and dismissed from it by the President of Ukraine.

Heads of structural units of the main military command and control body of the National Guard, military command and control bodies of operational and territorial units and of higher military education establishments of the National Guard shall be appointed with consent of the President of Ukraine and dismissed by the Minister of Internal Affairs of Ukraine.

Commanders of military units (subunits) of the National Guard are appointed with consent of the Minister of Internal Affairs of Ukraine and dismissed by the Commander of the National Guard of Ukraine.

4. In the event that the Commander of the National Guard cannot perform prescribed duties (due to mission leave, illness, or other valid reasons), his duties shall be temporarily performed by the Senior Vice Commander of the National Guard.
5. In the event that the Commander of the National Guard is discharged and until another person is appointed in his place, the President of Ukraine shall appoint, by suggestion of Minister of Internal Affairs of Ukraine, the acting Commander of the National Guard.

Article 8. Operational and Territorial Components of the National Guard of Ukraine

1. Operational and territorial components are the core military-administrative units of the National Guard, responsible for performing the roles and missions assigned to the National Guard within their respective areas of responsibility (rapid response).
2. The organisational structure and composition of the National Guard's operational and territorial components are subject to approval by the Minister of Internal Affairs of Ukraine.
3. Leadership over the National Guard's operational and territorial components and their command and control bodies is performed by the chief of the respective command and control body.
4. The powers of the head of the National Guard's operational and territorial component over subordinate command and control bodies, as well as his authority and responsibility, shall be stipulated by the

Regulations on operational and territorial components approved by the Minister of Internal Affairs of Ukraine.

SECTION III. PERFORMANCE OF MILITARY SERVICE AND LABOUR RELATIONS IN THE NATIONAL GUARD OF UKRAINE

Article 9. Personnel of the National Guard of Ukraine

1. Personnel of National Guard consist of uniformed personnel and civilian employees.

Personnel of the National Guard are a mix of professional soldiers and conscripted men and women.

Personnel of the principal command-and-control centre of the National Guard and command and control bodies of the operational and territorial components of the National Guard can include civilian employees.

2. Draft-liable individuals (except individuals who are not eligible to be called up for military service under mobilisation) can be enlisted as volunteers in the National Guard's Reserve Component, which is manned by individuals performing active-duty service in the Reserve Component, and those selected as candidates for enlistment into the Military Reserve.
3. Procurement of military personnel for active-duty service in the National Guard will be performed pursuant to the Law of Ukraine "On Military Duty and Military Service" and the Regulation on the performance of military service by the citizens of Ukraine in the National Guard, which is subject to approval by the President of Ukraine.
4. Rules for selection and enlistment into the Military Reserve; the time, terms, conditions and procedures for the performance of service, as well as the grounds and procedures for release from service are prescribed under the Law of Ukraine on Military Duty and Military Service and the Regulations on the performance of military service by the citizens of Ukraine in the Reserve Component of the National Guard, which are subject to approval by the President of Ukraine.
5. Ukrainian citizens performing active-duty service in the National Guard and its Military Reserve Component will take the Oath of Allegiance to the Ukrainian people, wear a military uniform, and be entitled by law to hold the military ranks assigned to them for life. Procedures for the withholding of military rank are prescribed legislatively.

In cases provided by the Law of Ukraine "On Military Duty and Military Service", foreigners and apatrides who stay on the territory of Ukraine on legitimate grounds may voluntarily (under a contract) join military service in the National Guard.

In accordance with the law, foreigners and apatrides enlisted into military service for the first time in the National Guard shall assume an official obligation of steadfast observance to the Constitution, laws of Ukraine and to the diligent performance of duties of military service.

The list of positions that cannot be filled by foreigners and apatrides shall be specified by the Ministry of Internal Affairs of Ukraine.

6. Civilian personnel management in the National Guard is regulated under legislation on employment and civil service and employment agreements (contracts).
7. Individuals who apply for enlistment to serve in specific positions in the National Guard will be subject, by their written consent, to a special background screening procedure, which will be conducted in the manner prescribed under the Law of Ukraine on the Framework for Prevention and Combating of Corruption.
8. Individuals who have an unexpired or non-expunged criminal record (except rehabilitated individuals) or who were brought to administrative liability for corrupt behaviour during the year prior to submitting an enlistment application, are prohibited from enlistment into the National Guard.

Article 10. Education and Manpower Training for the National Guard of Ukraine

1. Basic training, refresher training and training for promotion for commissioned officers of the National Guard will be delivered, pursuant to Ukrainian legislation, by the National Guard's institutions of higher education, other institutions of higher education, as well as abroad.

2. Basic training, refresher training and training for the promotion of National Guard personnel who assist in providing security to nuclear facilities, nuclear materials, radioactive waste and other government-owned radiation sources, vital national sites and special cargo will be delivered on a contractual basis for professionals in the field of physical protection, accounting and control of nuclear materials by training institutions (centres) of the government-run network of basic training, refresher training and promotion training institutions.
3. Education and training of private soldiers and NCOs will be delivered by appropriate drilling units (centres) of the National Guard, as well as on a contractual basis, by training units of the Armed Forces of Ukraine, special law enforcement agencies, and educational institutions affiliated with the Ministry of Internal Affairs of Ukraine.
4. Procedures for the performance of reservist training and training duty in the National Guard are prescribed under the Regulations on the performance of military service by the citizens of Ukraine in the Reserve Component of the National Guard.
5. Standards of higher education for each military speciality, in which specialists are trained for the National Guard, shall be devised by the Central Executive Body in charge of education and science, taking into account relevant proposals from the Ministry of Internal Affairs of Ukraine and which must be approved by the Ministry of Defence of Ukraine.

Article 11. Restrictions and Limitations set for Uniformed Personnel of the National Guard of Ukraine

1. Uniformed personnel of the National Guard will terminate their membership in political parties and labour unions for the duration of their military service.
2. Uniformed personnel of the National Guard are permitted to be members of public associations—other than the associations whose statutory provisions are inconsistent with the underlying principles and policies pursued by the National Guard—and to participate in such associations when off duty.
3. Uniformed personnel of the National Guard are prohibited from staging strikes or participating in strikes.

SECTION IV. RESPONSIBILITIES OF THE NATIONAL GUARD OF UKRAINE. AUTHORITY AND RESPONSIBILITIES OF UNIFORMED PERSONNEL OF THE NATIONAL GUARD OF UKRAINE**Article 12. Responsibilities of the National Guard of Ukraine**

1. The National Guard, pursuant to its legislatively assigned role and mission, is required to:
 - 1) Protect and safeguard the lives, rights, freedoms and legitimate interests of citizens, society and the country against criminal or otherwise illegal acts;
 - 2) Assist in the provision of public safety and the maintenance of public order during meetings, street marches, demonstrations and other large public events;
 - 3) Take actions aimed at the prevention and detection of criminal (administrative) offences;
 - 4) Provide security guard services to facilities being safeguarded by the National Guard;
 - 5) Provide access control services to facilities being safeguarded by the National Guard;
 - 6) Provide security guard services to special cargos, including nuclear materials, while being transported across the territory of Ukraine;
 - 7) Safeguard government institutions; assist in the provision of state security guard services for government institutions and government and state officials, as well as during official visits and other events involving the participation of Ukrainian and foreign officials eligible for state security guard services while in Ukraine;
 - 8) Take actions to curb the activities of illegal paramilitary or armed organisations (groups), terrorist organisations, organised groups and criminal organisations;
 - 9) Assist in anti-terrorist operations;
 - 10) Assist in operations to apprehend subjects suspected of committing criminal offences, who have escaped prison or who are evading recapture by state authorities;
 - 11) Assist in managing the consequences of natural, man-made, technological and ecological emergencies;

- 12) Assist in operations to avert military conflicts and other provocations on the state border, as well as in actions to deter mass cross-border intrusions from neighbouring states;
- 13) Participate in international cooperative programmes, international peacekeeping and security operations under international treaties ratified by the Verkhovna Rada of Ukraine, in the manner and under the terms and conditions prescribed by Ukrainian Laws;
- 14) Assist in operations to restore Constitutional law and order when attempted seizures of power or changes to the Constitutional order by armed force occur; restore the normal work of institutions of public administration and local governance which were disrupted as a result of unlawful actions, including those motivated by ethnic or religious intolerance;
- 15) Maintain or restore law and order in localities affected by extremely serious man-made, technological or natural emergencies (e.g. natural disasters, catastrophes, extremely serious fires, shelling, pandemics, and panzootics) that pose a risk to the lives and health of significant segments of the population in the affected area;
- 16) Assist in operations to unblock vital national sites or localities, or to deal with illegal acts that threaten the security of civilians or disrupt the normal work of institutions of public administration and local governance;
- 17) Assist in suppressing mass riots;
- 18) Establish military units and sub-units during special periods, defend vital national sites identified by the Cabinet of Ministers of Ukraine, safeguard special cargo, including nuclear materials, when transported via the territory of Ukraine;
- 19) Conduct military (combat) operations in the event of a military conflict or of a perceived threat of attack on Ukraine;
- 20) Perform territorial defence duties;
- 21) Perform martial law actions;
- 22) Take part in the termination of illegal actions by groups of detainees or convicts, and in the removal of their aftermaths in detention and penitentiary institutions.

Article 13. Authority of Uniformed Personnel of the National Guard of Ukraine

1. Uniformed personnel of the National Guard, pursuant to the assigned role and mission of the National Guard, will have the authority to:
 - 1) When engaged in contributing to the maintenance of public order, uniformed personnel of the National Guard of Ukraine will have the same responsibilities and authority as prescribed under the Law of Ukraine on the Militia;
 - 2) Apprehend intruders who have breached access controls or attacked a facility being safeguarded by the National Guard, and transfer them to Militia officers or administrative officials at the facilities being safeguarded by the National Guard;
 - 3) Apprehend individuals armed with firearms during anti-terrorist operations;
 - 4) Apprehend subjects suspected of committing criminal offences, who have escaped prison or who are evading recapture by state authorities;
 - 5) Unblock vital national sites or localities, deal with illegal acts that pose a risk to the security of civilians and disrupt the normal work of institutions of public administration and local governance;
 - 6) Conduct vehicle and cargo inspections at access points of facilities being safeguarded by the National Guard;
 - 7) Possess, carry and use special operations gear and firearms;
 - 8) While on duty, use municipal, commuter and long-distance public transport (except taxi) at no cost;
 - 9) In emergency situations, have unrestricted and unfettered access to electronic communications equipment owned by central and local Executive Authorities, institutions of local governance, businesses, agencies and organisations, regardless of ownership status; and access by consent to communications equipment owned by individuals;

- 10) Use—with the provision of damage repair and repayment of losses incurred, in the manner prescribed by the Cabinet of Ministers of Ukraine—ground and floating transport vehicles owned by individuals or businesses, whether owned privately or by the government (except vehicles owned by foreign diplomatic missions and consular offices in Ukraine and special-purpose transport vehicles) for the purposes of averting criminal acts; travelling to places where accidents or natural disasters have occurred; transporting priority patients to medical care centres; and pursuing offenders or escorting them to police stations;
- 11) Liaise with responsible officials of law enforcement agencies, the Armed Forces of Ukraine, other military formations established under Ukrainian laws, procuracy, other organs of the state power and local self-governance bodies.

Article 14. Responsibilities of Uniformed Personnel of the National Guard of Ukraine

1. Uniformed members of the National Guard will be held liable for unlawful acts (or inaction) under disciplinary, financial, civil, administrative or criminal liability, pursuant to the law.
2. Damage caused to individuals or businesses as a result of unlawful decisions, acts (or inaction) by the authorities or uniformed personnel of the National Guard during the performance of their official duties shall be recovered and repaid on the grounds and in the manner prescribed by the law.

SECTION V. THE USE OF PHYSICAL FORCE, SPECIAL OPERATIONS GEAR, FIREARMS, WEAPONS AND MILITARY EQUIPMENT BY UNIFORMED PERSONNEL OF THE NATIONAL GUARD OF UKRAINE**Article 15. Terms and Conditions for the Use of Physical Force, Special Operations Gear, Firearms, Weapons and Military Equipment by Uniformed Members of the National Guard of Ukraine**

1. Uniformed members of the National Guard have the authority to use physical force and, in exceptional situations, special operations gear, firearms, weapons and military equipment in the manner and in the circumstances set out under this Law, and, in the performance of routine duties and guard duties, under the Armed Forces Internal Service Regulations and Garrison and Guard Services Regulations.
2. Uniformed members of the National Guard are required to receive special training and must undergo periodic examinations of their ability to act in situations involving the use of physical force, special operations gear, firearms, weapons and military equipment; as well as their ability to provide first aid to those who require it.
3. In situations involving the use of physical force, special operations gear, firearms, weapons and military equipment, uniformed members of the National Guard will be required to:
 - 1) Warn of their intention to use force, special operations gear, firearms, weapons or military equipment, and grant the people who will be affected by the use of the means thereof a period of time sufficient to fulfil the requested orders (the warning will be made by voice, with or without the use of a loud-speaker, depending on the distance and the size of the crowd, preferably using a language understandable to the people who will be affected by the use of the means thereof, as well as the Ukrainian language, at least twice, providing sufficient time to allow for the breach of law to be stopped), except where delay in the use of physical force, special operations gear, firearms, weapons or military equipment poses a direct risk to life and health of National Guard personnel, militia officers, members of foreign diplomatic missions and consular offices in Ukraine, other individuals, or where it may cause severe consequences, or where providing such a warning is impossible or inappropriate to the context of the situation;
 - 2) In any situation involving the use of special operations gear, urgently provide necessary aid to those who have suffered injuries; report to doctors and medical care institutions about what means were used against the individuals affected;
 - 3) Report the use of physical restraint, special operations gear, firearms, weapons or military equipment to their immediate leaders (commanding officers) so they may notify a public prosecutor.

4. Uniformed members of the National Guard must urgently report any injuries or death(s) caused by their use of physical force, special operations gear, firearms, weapons or military equipment to their immediate leaders (commanding officers) so they may notify a public prosecutor.
5. Uniformed members of the National Guard who have used physical force, special operations gear, firearms, weapons or military equipment in excess of the powers conferred to them by law will be held liable pursuant to the law.

Article 16. The Use of Physical Force

1. Uniformed members of the National Guard, after doing what is prescribed under Article 15 section three of this Law, will be eligible to use physical force, including martial arts combat techniques, for the purpose to avert crimes and other breaches of law; apprehend perpetrators; suppress resistance to the legitimate demands of uniformed members of the National Guard if performance of their service duty is not possible through other methods or means.
2. The use of physical force is forbidden against women who are obviously pregnant, as well as elderly people, individuals with obvious disabilities, or minors, except in situations where a group of these individuals is committing an assault that carries a serious potential risk to the lives and health of uniformed members of the National Guard, or in situations involving armed assault or resistance.

Article 17. The use of Special Operations Gear

1. Uniformed members of the National Guard, after doing what is prescribed under Article 15 section three of this Law, will be eligible to use special operations gear in situations of exceptional need, where previous measures aiming to influence the wrongdoers have not produced the desired effect, for the purpose to:
 - 1) Repulse an attack on National Guard personnel, administrative officials at facilities being safeguarded by the National Guard, members of foreign diplomatic missions and consular offices in Ukraine, as well as other individuals;
 - 2) Suppress resistance to the legitimate demands of uniformed members of the National Guard and to other individuals performing service duties relating to the maintenance of public order, the combating of crime or to the provision of public safety;
 - 3) Apprehend and detain those in the act of committing an offence, particularly those attempt to escape or resist;
 - 4) Escort (deliver) detained individuals to National Police stations when their behaviour suggests that they may try to escape, inflict injuries to people, harm themselves, or use force to resist uniformed members of the National Guard;
 - 5) Repel an attack on military compounds, trains (transports), National Guard vehicle convoys or the facilities under its guard, or special cargo;
 - 6) Release hostages, seized buildings, placements, constructions, transportation facilities and local regions;
 - 7) Suppress riots and mass and group violations of public order;
 - 8) Forcibly stop vehicles in case drivers refuse to comply, or detain criminals trying to escape in a vehicle.

Uniformed personnel have the right to use special gear in cases where the use of firearms is permitted, as stipulated by Article 18 of this Law.

2. The official listing of special operations gear and the rules for their use are prescribed by the Cabinet of Ministers of Ukraine.
3. Specific types of special operations gear, their start-time and intensity of use will be appropriate to the situation, the nature of the offence and the perpetrator's behaviour.

The decision to use special operations gear will be taken by the officer responsible for maintaining public order, or by the commander of a specific operation or a military unit (subunit, group) of the Commander of the National Guard.

When acting individually, uniformed personnel take such decisions independently.

4. It is prohibited to use special means:
 - 1) Against women exhibiting clear signs of pregnancy, juniors, persons with clear signs of disability or old age, except if they commit an armed or group assault, put up armed resistance against a military servant of the National Guard, endangering his life and the health and (or) life and health of other persons, if such assault or resistance cannot be repelled by other methods and means;
 - 2) On premises and land owned by or attached to diplomatic missions and consular offices of foreign states in Ukraine, except cases where the head of the diplomatic or another concerned mission (organisation) sends a written request (consent) by official channels authorising the use of said means against the culprits;
 - 3) On premises or at manufacturing sites involved in the production of explosive or flammable substances, or in education and healthcare institutions.
5. The norms of supply, the procedure for accounting, operation, technical maintenance, storage, discarding, disposal of special means, as well as safety measures during their use, shall be specified by the Ministry of Internal Affairs of Ukraine.

Article 18. The Use of Special Operations Gear is Forbidden:

- 1) Against women exhibiting clear signs of pregnancy, juniors, persons with clear signs of disability or old age, except if they commit an armed or group assault, put up armed resistance against a military servant of the National Guard, endangering his life and the health and (or) life and health of other persons, if such assault or resistance cannot be repelled by other methods and means;
- 2) In premises or properties of foreign diplomatic missions and consular offices in Ukraine, unless the head of the diplomatic mission or other representative office (organisation) files an official written request (consent) that the gear thereof may be used against the perpetrators;
- 3) In premises or industrial buildings involved in the production of explosive or flammable material, or in education and healthcare institutions.

Article 18. The Use of Firearms

1. Uniformed members of the National Guard have the authority to use firearms in situations of exceptional need for the purpose to:
 - 1) Protect civilians from an armed attack that endangers their lives and health, or to release hostages;
 - 2) Repulse an armed attack on uniformed members of the National Guard or their families in situations where their lives or health are endangered;
 - 3) Repulse an armed attack on command posts, facilities, military convoys, transportation means used by the National Guard, facilities being safeguarded by the National Guard, residential properties, premises of public and civil enterprises, agencies and organisations, and free them if seized;
 - 4) Apprehend and detain armed persons committing armed resistance to legitimate orders, or a perpetrator caught in the act of committing a serious or extremely serious offence, particularly if they attempt to escape;
 - 5) (Excluded under the Law No 920-VIII of 24.12.2015)
 - 6) (Excluded under the Law No 920-VIII of 24.12.2015)
 - 7) Suppress organised armed resistance committed by illegal paramilitary groups, terrorist organisations, organised groups or criminal organisations;
 - 8) Physically damage and stop a vehicle being driven in a manner that endangers the lives and health of members of National Guard personnel;
 - 9) Deal with armed conflicts and other provocations on the state border of Ukraine.
 - 10) Eliminate persons posing a clear threat to the life and health of an individual, society or state interests during the execution of anti-terrorist operations;
 - 11) Provide for the implementation of National Guard tasks involved in repelling armed aggression against Ukraine.

2. Uniformed members of the National Guard have the authority to use firearms as a means for alerting, warning or calling for help in an emergency, or for neutralising a dangerous animal whose behaviour poses a direct risk to the lives and health of civilians or members of National Guard.
3. The use of firearms is forbidden:
 - 1) Against women exhibiting clear signs of pregnancy, juniors, persons with clear signs of disability or old age, except if they commit an armed or group assault, put up armed resistance against a military servant of the National Guard, endangering his life and the health and (or) life and health of other persons, if such assault or resistance cannot be repelled by other methods and means;
 - 2) In premises or properties of foreign diplomatic missions and consular offices in Ukraine, unless the head of the diplomatic mission or other representative office (organisation) files an official written request (consent) that the gear thereof may be used against the perpetrators;
 - 3) In premises or industrial buildings involved in the production of explosive or flammable material, or in education and healthcare institutions.
4. The application and use of firearms is forbidden in crowded areas where damage to other persons is likely, except in order to repulse an assault when it cannot be repelled by other means or when the inflicted damage is substantially lower than possible harm caused by the assault.
5. A military servant may unsheathe firearms and bring them into firing position if he or she believes that grounds may arise for their use.
6. The use of firearms without a warning is allowed:
 - 1) In case of an attempt by a person being detained by a military servant with firearms in hands to approach him or her, to reduce the distance determined by him or her, or to touch arms;
 - 2) In case of an armed assault, including a sudden assault using military equipment, vehicles or other means that endanger human life or health;
 - 3) If the person detained or arrested for committing an extremely grave or a grave crime flees using a vehicle;
 - 4) If the person puts up armed resistance;
 - 5) For the termination of an attempt to acquire firearms, weapons, vehicles or military equipment;
 - 6) For the removal of an actual threat to the life and safety of a person, or to the interests of society or the state during the performance of duties related to anti-terrorist operation;
 - 7) Support for National Guard missions aimed at the repulsion of an armed aggression against.
7. The norms of supply, the procedure for accounting, operation, technical maintenance, storage, discarding of arms and ammunition, as well as safety measures during their use, shall be specified by the Ministry of Internal Affairs of Ukraine.

Article 19. The use of Weaponry and Military Equipment

1. Uniformed members of the National Guard have the authority to use weaponry and military equipment for the purpose to:
 - 1) Release hostages, buildings, placements, construction, special cargo, military vehicles and other equipment seized by criminals using vehicles and armoured equipment;
 - 2) Conduct special operations to neutralise armed criminals, break up illegal paramilitary or armed groups, terrorist organisations, organised groups and criminal organisations;
 - 3) During periods of martial law or emergency rule, in the area of anti-terrorist operation or special operations as stipulated by clause 10, part One of Article 2 of this Law, forcibly stop armoured and military vehicles whose drivers refuse to comply;
 - 4) Repulse an armed attack by groups with armoured transport or armoured military vehicles on command posts, facilities, convoys, transport or special cargo being safeguarded by the National Guard, and unblock them;
 - 5) Protect and defend vital national sites, special cargo, foreign diplomatic missions and consular offices, and representative offices of international organisations in Ukraine during the performance of territorial defence duties;

- 6) Provide physical security services to offices, buildings, constructions, residential premises and other property of foreign diplomatic missions, consular offices and representative offices of international organisations in Ukraine in case of their evacuation; safeguard areas with a concentration of members of said missions and institutions; escort convoys of vehicles used for the evacuation of property and members of the missions and institutions thereof;
 - 7) Deal with armed conflicts and other provocations on the state border of Ukraine;
 - 8) Perform territorial defence duties;
 - 9) Eliminate persons posing a clear threat to the life and health of an individual, society or state interests during the execution of anti-terrorist operations;
 - 10) Provide for the implementation of National Guard tasks involved in repelling armed aggression against Ukraine.
2. The use of weaponry and military equipment is forbidden:
 - 1) Against women exhibiting clear signs of pregnancy, juniors, persons with clear signs of disability or old age, except if they commit an armed or group assault, put up armed resistance against a military servant of the National Guard, endangering his life and the health and (or) life and health of other persons, if such assault or resistance cannot be repelled by other methods and means;
 - 2) In premises or properties of foreign diplomatic missions and consular offices in Ukraine, unless the head of the diplomatic mission or other representative office (organisation) files an official written request (consent) that the gear thereof may be used against the perpetrators;
 - 3) In premises or industrial buildings involved in the production of explosive or flammable material, or in education and healthcare institutions.
 3. The norms of supply, the procedure for accounting, operation, technical maintenance, storage, discarding of arms and ammunition, as well as safety measures during their use, shall be specified by the Ministry of Internal Affairs of Ukraine.

SECTION VI. LEGAL STATUS, SOCIAL CARE AND LEGAL PROTECTION OF UNIFORMED PERSONNEL OF THE NATIONAL GUARD OF UKRAINE AND THEIR FAMILIES

Article 20. Legal Status of Uniformed Members of the National Guard of Ukraine. Uniform Clothing and Insignia

1. While conducting official duties, uniformed members of the National Guard act on behalf of the state and enjoy state protection.
2. While conducting official duties, legitimate instructions and orders issued by officials and officers of the National Guard are binding on individuals and legal entities. Individuals who defy legitimate instructions from uniformed members of the National Guard or otherwise impede the conduct of their official duties will be held liable pursuant to the law.
3. Uniformed members of the National Guard are provided with uniformed clothing and insignia, the appearance and composition of which are developed by the Ministry of Internal Affairs and subject to approval by the Ministry of defence of Ukraine.

The uniform code for National Guard personnel is developed and approved by the Ministry of Internal Affairs.

Norms concerning the supply of uniforms, special gear, as well as the items and property of National Guard personnel are established by the Ministry of Internal Affairs.

Uniformed members of the National Guard are issued with identification cards, the standard appearance of which is subject to approval by the Minister of Internal Affairs of Ukraine.

Article 21. Social Care and Legal Protection of Uniformed Members of the National Guard of Ukraine and Their Families

1. The state provides social care and legal protection to the uniformed members of the National Guard, their families, civilian employees and active-duty reservists; as well as families of members of the uniformed personnel who have been killed (died), who are missing or disabled as a result of military service (or ser-

vice in a Reserve Component), or injured while in captivity at the time of hostilities (war), or in martial law or emergency rule, while performing military service under a military cooperation programme in a foreign country, or service in international operations under the auspices of international peace support and security forces.

2. Uniformed members of the National Guard are eligible for social care and legal protection prescribed under the Law of Ukraine on Social Care and Legal Protection of Military Personnel and their Families, this Law and other relevant acts of legislation.
3. (Excluded under the Law No 920-VIII of 24.12.2015)
4. Uniformed members of the National Guard who are engaged in the safeguarding and defence of vital national sites, special cargo, particularly nuclear materials, except in cases specified in section two of this Article, are eligible for the same social care and compensation as employees of the sites thereof, as prescribed under the Law of Ukraine on Nuclear Energy and Radiation Safety.
5. Uniformed members of the National Guard will be provided with residential premises by local authorities, local governments, government-run enterprises, institutions and organisations whose facilities are safeguarded by the National Guard, to the extent and in the manner prescribed by laws and other legislative acts.

The amount of reimbursement uniformed officers of the National Guard are eligible for with respect to their rental expenditure, as well as cash compensations for the residential premises to which they are entitled and the rules for the payment of the reimbursement and compensation thereof, are prescribed by the Cabinet of Ministers of Ukraine.

6. The amount of salaries payable to uniformed members of the National Guard, and the rules for their payment are prescribed by the Cabinet of Ministers of Ukraine.

The amount of salaries and cash incentives payable to members of the National Guard Reserve Component and the rules for their payment are prescribed by the Cabinet of Ministers of Ukraine.

7. The rules for the provision of food and clothing allowances to uniformed members of the National Guard, as well as the rules for the payment of cash compensations for the value of the food and clothing allowances to which they are entitled to but to which they have not been provided with are prescribed by the Law of Ukraine "On Social and Legal Protection of Servicemen and Members of Their Families".
8. The rules for the provision of pension benefits to uniformed members of the National Guard who have been released are prescribed under the Law of Ukraine on Pension Benefits for Discharged Military Personnel and some other Individuals.
9. If released from regular service, uniformed members of the National Guard who have been granted the status of veteran pursuant to the Law of Ukraine "On the Status of Military Service Veterans, Law Enforcement Veterans and some other Individuals, and on their Social Care" will be eligible for legal protection and social care under the said Law.
10. Uniformed members of the National Guard, civil servants, civilian employees, individuals released from regular or reserve service on the grounds of age or ill health, as well as military service veterans of the National Guard will be eligible for free medical care in medical care institutions affiliated with the National Guard and the Ministry of Internal Affairs.

The right to free medical care in medical care and disease prevention institutions affiliated with the National Guard and the Ministry of Internal Affairs of Ukraine extends to families of uniformed members of the National Guard (except army conscripts), as well as to individuals released from military service on the grounds of age or ill health, and who have served 20 or more years.

Military-medical examination of enlisted service members, candidates for enlistment in contractual service, candidates for training programmes, and service members being released from military service will be performed by way of general medical examination at military-medical commissions attached to the Ministry of Internal Affairs of Ukraine.

The enforcement of sanitary and epidemiological laws and regulations in the National Guard will be conducted at laboratory institutions attached to the Ministry of Internal Affairs of Ukraine.

11. Social care of National Guard civilian employees is provided on general grounds pursuant to laws on employment and civil service.

SECTION VII. FINANCIAL AND LOGISTICS SUPPORT, OVERSIGHT OF THE NATIONAL GUARD OF UKRAINE

Article 22. Budget of the National Guard of Ukraine

1. The budget of the National Guard consists of expenditure allocations from the State Budget of Ukraine and other legal sources.

Article 23. Logistics Support of the National Guard of Ukraine

1. Logistics support for the National Guard's operational and territorial components, their respective regional branches, formations, military units and establishments; institutions of higher education, drilling units (centres), bases, establishments and institutions will be provided by the National Guard's General Directorate and other Executive Authorities via the National Guard's respective military units within the limits of expenditures allocated for the purposes hereof.
2. Financial and logistical support for activities related to the performance of service duties in the National Guard's Reserve Component will be funded by State Budgetary expenditures allocated for the National Guard's operational expenses.
3. Construction or the allocation of premises for accommodation and operation of the principal command-and-control centre of the National Guard, command and control bodies of the National Guard's operational and territorial components; institutions of higher education, training units (centres), bases, agencies and organisations of the National Guard will be funded by allocations from the State Budget of Ukraine, except for the allocation of premises for the accommodation and operation of military units and establishments that provide safeguarding services.

Construction or the allocation of premises for the accommodation and operation of military units and establishments that provide safeguarding services to vital national sites and special cargo, and the maintenance of the premises hereof will be performed pursuant to legislatively established standards at the expense of Central Executive Authorities, enterprises, institutions and organisations owning the facilities being safeguarded by the National Guard.

4. (Excluded under the Law No 920-VIII of 24.12.2015)

5. Local Executive Authorities and institutions of local governance are required to support the National Guard in providing residential premises, social care services, vehicles and communications.

The National Guard shall be released from the requirement to transfer a part of their housing stock or contribute to the development of city infrastructure built at the expense of state capital target investments and other funds to local state administrations or local self-government bodies.

6. Residential premises built at the expense of State Budget allocations will be added to public housing inventory.

Article 24. Oversight of the National Guard of Ukraine and the Legality of its Activities

1. Oversight of the National Guard and democratic civilian control over its activities are pursued in accordance with the law.
2. Oversight of the legality of the activities of the National Guard is carried out by a public prosecutor by way of exercising powers of oversight of legality in the enforcement of judicial decisions on criminal procedures, as well as in the application of other measures of coercion involving the restraint of the personal liberty of citizens.

SECTION VIII. FINAL AND TRANSITIONAL PROVISIONS

1. This Law shall take effect on the date following its promulgation date.
2. The following shall be deemed void:
 - The Law of Ukraine on Internal Forces of the Ministry of Internal Affairs of Ukraine (BVR, 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; 2007, No. 33, p. 442; 2009, No. 36-37, p. 511, as amended by the Law of Ukraine of May 16, 2013, No. 245-VII;

- Ukrainian Verkhovna Rada Resolution on Enactment of the Law of Ukraine on Internal and Escort Security Forces of the Ministry of Internal Affairs of Ukraine (BVR, 1992, No. 29, p. 398).

3. To establish that:

- 1) The principal command-and-control centre of the National Guard, as well as the command and control bodies of the National Guard's operational and territorial components; military units and establishments providing security guard services to vital national sites and special cargo; military units and establishments providing defence and security guard services to vital national sites; military units and establishments providing security guard services to foreign diplomatic missions, consulates and representative offices of international organisations in Ukraine; military units engaged in the maintenance of public order; special operations units (squads); military operations units; military aircraft units; institutions of higher education; training units (centres); bases; agencies and organisations of the National Guard are successors to command-and-control bodies, military units and establishments, institutions of higher education, drilling units, logistics units and establishments, agencies and organisations of the Ministry of Internal Affairs of Ukraine, without having to relegalise land use and real property entitlement certificates;
- 2) (Excluded under the Law No 920-VIII of 24.12.2015)
- 3) Provisions of this Law concerning social care and legal protection of uniformed members of the National Guard extend to members of the Internal Forces of the Ministry of Internal Affairs of Ukraine who have been released from active military service to the inactive Reserve or for retirement, as well as to families of members of the Internal Forces of the Ministry of Internal Affairs of Ukraine who have been killed (died), missing, or disabled while performing military service prior to the enforcement date of this Law.

3-2. Military units (small units) of the National Guard discharging functions provided by Item 31 of this section shall remain subordinate to the Ministry of Internal Affairs of Ukraine under martial law.

The procedure for the organisation of the discharge of said functions, including the procedure for beginning and stopping court servicing by the National Guard of Ukraine, as well as the organisation of military and special traffic, shall be approved by the Minister of Internal Affairs of Ukraine.

3-3. Military servants of the National Guard escorting persons detained and (or) sentenced to imprisonment, including during their extradition, as well as guarding persons in custody or during court trials, and participation in the search, pursuit and detention of persons who escape imprisonment, shall have the right:

- To employ, within the scope of their competence, preventive and coercive policing measures specified by the Law of Ukraine "On National Police";
- To search detained persons, inspect personal belongings of those persons and seize prohibited items, articles and documents, and transfer them to an authorised person. Body searches shall be performed by persons of the same sex as the detainees.

3-4. When escorting persons detained and (or) sentenced to imprisonment, including during their extradition, as well as guarding persons kept in custody or during court trials, military servants of the National Guard shall place handcuffs on those persons in cases of:

- Physical resistance to the administration of the penitentiary institution and (or) a military servant of the National Guard;
- Refusal to walk under escort—during escorting;
- Attempted suicide or self-mutilation, or in case of an assault on convicts or other persons—until the person is calm;
- Pronouncement of a life sentence by the court—when the verdict is announced, and such convicts are escorted;
- Escorting in an aircraft;
- Escorting of a person who escaped imprisonment after detention.

In absence of handcuffs, military servants of the National Guard may use improvised means for fastening.

During meals, calls of nature, the passage of sanitary treatment by detained persons, as well as in case of the emergence of a threat to their life or sudden sickness, handcuffs are removed on the instruction of the person who gave order to use them or by a superior, as well as on the instruction of the chief security officer in charge of escorting (guarding).

For escorting persons detained and (or) sentenced to imprisonment or arrest, as well as participation in the search, pursuit and detention of those persons in case of their escape, working dogs may be used.

3-5. Except for the grounds provided by Article 18 of this Law, military servants of the National Guard escorting persons detained and (or) sentenced to imprisonment, including during their extradition, as well as the guarding of persons kept in custody or during court trials, may personally or as a unit use firearms to aid the detention of a person trying to escape imprisonment.

In such case, the right to use firearms arises when such persons cross the security perimeter, being:

- In penitentiary institutions—in its absence, the main fence—the facility boundary marked with movable barriers or signs with the inscription “restricted area—no trespassing”;
- On transport vehicles—walls (sides), floors, and the ceiling of the carriage or an automobile;
- In courtrooms and cells for prisoners (convicts)—walls, floor, ceilings, doors and windows of the hall (e.g. room or cell);
- When escorting on foot—the line of guards closest to the column.

The security perimeter shall be marked on the guarding scheme and announced to the escorted persons.

4. Within three-months from the enforcement date of this Law, the Cabinet of Ministers of Ukraine shall:
- Amend its legal regulatory acts which are affected by this Law;
 - Issue and enact legal regulatory acts arising from this Law;
 - Ensure that Cabinet Ministries and other Central Executive Authorities amend their legal regulatory acts which are affected by this Law;
 - Take appropriate actions with respect to reforming the Internal Forces of the Ministry of Internal Affairs of Ukraine;
 - Make allowance for the National Guard in drafting proposals for laws relating to the State Budget.

Acting President of Ukraine, O.Turchynov

Ukrainian Verkhovna Rada Speaker

Kyiv, March 13, 2014, No 876-VII

Law of Ukraine “On the State Special Transport Service”

(*Bulletin of the Verkhovna Rada of Ukraine (BVR), 2004, No. 19, p. 269*)

Including changes introduced under the Laws:

- No 3421-IV of 09.02.2006, BVR, 2006, No 22, p.199;
- No 3428-IV of 09.02.2006, BVR, 2006, No 26, p. 215;
- No 328-V of 03.11.2006, BVR, 2006, No 51, p. 519;
- No 1414-VI of 02.06.2009, BVR, 2009, No 41, p. 600;
- No 4711-VI of 17.05.2012, BVR, 2013, No 14, p.89;
- No 5459-VI of 16.10.2012, BVR, 2013, No 48, p.682;
- No 5502-VI of 20.11.2012, BVR, 2014, No 8, p.88;
- No 224-VII of 14.05.2013, BVR, 2014, No 11, p.132;
- No 245-VII of 16.05.2013, BVR, 2014, No 12, p.178;
- No 255-VII of 16.05.2013, BVR, 2014, No 12, p.179;
- No 567-VIII of 01.07.2015, BVR, 2015, No 35, p.339.

This Law determines the status, major tasks, functions, and legal basis for the organisation of the State Special Transport Service within the structure of the Central Body of Executive Power responsible for providing state policy in the field of transportation, as well as the measures on the legal and social protection of its personnel.

PART I. GENERAL PROVISIONS

Article 1. Tasks of the State Special Transport Service

The State Special Transport Service is a specialised state organ of transport within the structure of the Central Body of Executive Power responsible for providing state policy in the field of transportation—intended for ensuring the steady operation of transport in peacetime, as well as under conditions of martial law and in a state of emergency (hereinafter—during a special period).

The major tasks of the State Special Transport Service are the following:

- Technical support, restoration, establishment of barrages on installations of the National Transport System of Ukraine, with the purpose of supporting the activity of the Armed Forces and other military formations formed according to the laws of Ukraine;
- Construction and repair in peacetime and under conditions of martial law of new working installations of the National Transport System, and increase their term of operation and carrying capacity;
- Restoration of transport communications damaged as a result of natural or technogenic emergencies, accidents and catastrophes;
- Guarding installations of the National Transport System of Ukraine in peacetime and during a special period;
- Accomplishment of other tasks related to the maintenance of the effective operation of the National Transport System of Ukraine.

The installations of the National Transport System of Ukraine shall be understood as a set of vehicles and the wider infrastructure intended for rendering the entire complex of transport services.

Article 2. Main functions of the State Special Transport Service

The main functions of the State Special Transport Service are the following:

In peacetime:

- The organisation, planning and execution of works related to the technical support and restoration of installations of the National Transport System of Ukraine;
- Conduct planning on the construction of new working installations of the National Transport System of Ukraine and increase their term of operation and carrying capacity;

- Participation in the alleviation of consequences resulting from catastrophes, accidents, fires and natural disasters on transport communications, and conducting, if necessary, rescue and other urgent works in dangerous regions as a result of emergencies of a technogenic, natural or ecological character;
- Maintaining the constant readiness of the State Special Transport Service to fulfil tasks during a special period, including preservation, accumulation and replacement of special military equipment and other material resources in the reserve funds and mobilisation reserve; creation of a reserve of trained human resources personnel for a special period, with the purpose of ensuring tasks related to the alleviation of the consequences of accidents and catastrophes during natural and technogenic emergencies are fulfilled, as well as resolving other problems in the sphere of defence connected with the use of the installations of the National Transport System of Ukraine;
- Demining of explosive ordinances on installations of the National Transport System of Ukraine, and when required, engagement with the departments of the Armed Forces of Ukraine and the Central Body of Executive Power responsible for the state policy in the sphere of civil protection.

During a special period:

- Maintaining the constant readiness of the departments of the State Special Transport Service in order to accomplish tasks assigned to them;
- Technical support, restoration and establishment of barrages on the major installations of the National Transport System of Ukraine;
- Demining of explosive ordinance on installations of the National Transport System of Ukraine, and when required, engagement with the departments of the Armed Forces of Ukraine and maintenance of the main sites of restored railway directions;
- Construction, operation and repair (i.e. reconstruction) of pontoon railway bridges;
- Increase the carrying capacity and construction of new roads, tracks, detours, units, tunnels and bridges;
- Conducts measures related to the territorial defence of Ukraine, as well as to the observance of the legal regime of martial law and state of emergency.

Article 3. Legal Basis of the Activity of the State Special Transport Service

The legal basis of the activity of the State Special Transport Service are the Constitution of Ukraine, this and other laws of Ukraine, international treaties of Ukraine agreed as binding by the Verkhovna Rada of Ukraine, Decrees of the President of Ukraine and the Cabinet of Ministers of Ukraine, as well as other normative-legal acts regulating relations in the sphere of transport, its operation in peacetime and during a special period.

Activity of the State Special Transport Service is performed on the basis of the principles of legality, undivided authority and the centralisation of management, and the coordination of activities with the General Staff of the Armed Forces of Ukraine.

The functions and powers of the State Special Transport Service are determined by regulations that are approved by the President of Ukraine.

PART II. ORGANISATIONAL BASIS OF THE OPERATION OF THE STATE SPECIAL TRANSPORT SERVICE

Article 4. Structure and Numerical Strength of the State Special Transport Service, Location of its Departments

The State Special Transport Service has the following general structure:

- The management organ of the State Special Transport Service within the structure of the Central Body of Executive Power responsible for providing state policy in the sphere of transportation;
- The joint detachments, detachments and separate detachments;
- Guard elements;
- Organs of support;
- Educational centre;
- Institutions, enterprises and establishments.

The total numerical strength of the State Special Transport Service is determined by the amount of works carried out and the extent of training required for reserve human resources personnel during a special period,

approved by the Cabinet of Ministers of Ukraine upon submission of the Central Body of Executive Power responsible for providing state policy in the sphere of transportation, coordinated with the General Staff of the Armed Forces of Ukraine.

The location of all structural departments of the State Special Transport Service in the territory of Ukraine are determined by the Cabinet of Ministers of Ukraine upon submission of the Central Body of Executive Power responsible for providing state policy in the sphere of transportation, coordinated with the General Staff of the Armed Forces of Ukraine and the relevant local self-government bodies.

The maximum numerical strength of the personnel of the management organs of the State Special Transport Service is approved by the Cabinet of Ministers of Ukraine upon submission of the Central Body of Executive Power responsible for providing state policy in the sphere of transportation, coordinated with the General Staff of the Armed Forces of Ukraine.

The management organs of the State Special Transport Service, its joint detachments, detachments, separate detachments, guard elements, organs of support, educational centres, institutions, enterprises and establishments which are a part of the State Special Transport Service are legal persons, having a seal with the image of the State Emblem of Ukraine and their name, other seals, stamps, and bank accounts in banks including foreign currency accounts.

Article 5. Staffing of the State Special Transport Service

The personnel of the State Special Transport Service consist of employees and servicemen.

Upon their written consent, persons seeking employment in the bodies of the State Special Transport Service shall be subjected to special vetting in accordance with the procedure provided for by the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption".

Before their appointment to the relevant position, persons seeking employment in the bodies of the State Special Transport Service shall submit a declaration of property, incomes, expenditures and obligations of a financial nature to their would-be place of service, in the form of and in accordance with the procedure provided for by the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption", and shall notify the leadership of the body where they seek employment about any connected persons working in that body.

Servicemen of the State Special Transport Service enter service on a voluntary basis, either on a contractual basis or as permanent personnel.

The list of the posts that are subject to replacement by employees and servicemen is approved by the Cabinet of Ministers of Ukraine upon submission of the head of the Central Body of Executive Power responsible for providing state policy in the sphere of transportation, coordinated with the General Staff of the Armed Forces of Ukraine.

Relations connected with the employment of citizens, the fulfilment of official duties and retirement from work in the State Special Transport Service are regulated by the legislation of Ukraine.

The procedure of service for State Special Transport Service personnel, as well as the procedure for promotion and withdrawal of ranks are determined by regulations submitted by the Central Body of Executive Power responsible for providing state policy in the sphere of transportation and approved by the Presidential Decree of Ukraine.

Servicemen of the State Special Transport Service fall under the jurisdiction of military Regulations of the Armed Forces of Ukraine. Establishment of the uniform and insignia is determined by the Law of Ukraine "On Military Duty and Military Service".

In peacetime, personnel of the State Special Transport Service (except for guard elements) do not have the right to carry weapons.

Officers of the State Special Transport Service cannot be in immediate subordination of or to related persons in connection with the exercise of their powers.

In case of the emergence of circumstances which violate the requirements of part Ten of this Article, the responsible persons or their related persons shall take measures to remove such circumstances within fifteen days. If they fail to do so within the said term, the responsible persons or their related persons within a month

from the date of the emergence of such circumstances shall be moved to another position in accordance with the established procedure, thus ruling out immediate subordination.

In cases where such transfers are impractical, the subordinated person shall be dismissed from service or from the occupied position.

Officers of the State Special Transport Service shall annually, before the 1st of April, file at their place of service a declaration of property, incomes, expenditures and obligations of a financial nature for the previous year in the form of and in accordance with the procedure provided for by the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption".

Employees of the State Special Transport Service (except military servants) who have been brought to responsibility for the commitment of a corrupt administrative offence associated with violating restrictions provided for in the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption", or of a criminal offence, shall be dismissed from service within three-days from the date of which the relevant body of the State Special Transport Service receives a copy of the relevant court ruling. Military servants of the State Special Transport Service who have been brought to responsibility for the commitment of a corrupt administrative offence associated with violating restrictions provided for in the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption", or of a criminal offence, shall be dismissed from service.

An officer of the State Special Transport Service accused of committing a crime during the performance of professional activities, and (or) related to the abuse of service authority, shall be estranged from duty according to the procedure established by the law.

Officers of the State Special Transport Service subject to protocols on corruption violations can be temporarily estranged from duty by the head of the respective organ, unit, enterprise or establishment of the State Special Transport Service, pending a decision by the court.

An officer of the State Special Transport Service who reported a violation of the requirements of the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption" by another officer shall not be dismissed from service or compelled to leave, nor brought to disciplinary responsibility in connection with such a report.

A decision of dismissal or disciplinary responsibility of such a person shall be appealed against in accordance with the procedure provided for by the law.

Officers of the State Special Transport Service shall be subject to other requirements and restrictions established by the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption".

Note. The term "immediate subordination" is used in the meaning provided for in the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption".

Article 6. Training of the Personnel of the State Special Transport Service

Training, retraining and the improvement of the professional skills of State Special Transport Service personnel are conducted in educational establishments of the Central Body of Executive Power responsible for providing state policy in the sphere of transportation, as well as in other educational establishments of Ukraine and other states.

Article 7. The Procedure of Mobilisation Deployment of the State Special Transport Service

Mobilisation deployment and the bringing to readiness of the State Special Transport Service for operations during a special period are done so according to the procedure established for in the plans developed by the State Special Transport Service, coordinated with the General Staff of the Armed Forces of Ukraine and approved by the head of the central organ of executive power in the field of transportation.

PART III. MANAGEMENT OF THE STATE SPECIAL TRANSPORT SERVICE

Article 8. The powers of the Cabinet of Ministers of Ukraine

Cabinet of Ministers of Ukraine:

- Manages, according to the Constitution and laws of Ukraine, the State Special Transport Service, and controls its operation and maintenance of constant readiness for the fulfilment of tasks in peacetime and during a special period;

- Organises the elaboration and fulfilment of nation-wide development programmes of the State Special Transport Service in the order established by the law, and, within its competences, exercises control over their execution;
- Provides delivery to the State Special Transport Service of material means and necessary military equipment, other resources and property, as well as rendering services and their financing in the volumes necessary for the fulfilment of tasks assigned to it;
- Provides state procurement orders for the fulfilment of works, the rendering of services, as well as the delivery of products for its needs, and the creation of emergency reserves and mobilisation reserves;
- Establishes the procedure of transfer to the State Special Transport Service of installations and administrations of state property, communication facilities and radio-frequency resources, communications, infrastructure installations, topographical and geodesic, meteorological, hydrographic and other information, as well as the services of geodetic and cartographical support necessary for the fulfilment of tasks assigned to the State Special Transport Service, both on a paid and free basis;
- Provides for the exercise of the rights to social and legal protection of the personnel of the State Special Transport Service, persons retired from railway troops and the State Special Transport Service, members of their families, as well as families of servicemen and employees of the State Special Transport Service, including those who have died while on service;
- Regulates the economic activity of the State Special Transport Service in accordance with the legislation of Ukraine;
- Selects the organs which are to perform state oversight over the security of works performed by individuals serving in the headquarter of the State Special Transport Service, its joint detachments, detachments, separate detachments, guard elements, organs of support, training centres, institutions, enterprises and organisations;
- Performs other powers envisaged by the law.

Article 9. The Powers of the Central Body of Executive Power Responsible for Providing State Policy in the Sphere of Transport in Interrelations with The State Special Transport Service

The Central Body of Executive Power responsible for providing state policy in the sphere of transportation and coordinating the activity of the State Special Transport Service:

- Provides for the organisation of its activity, development and ensures its constant readiness for the fulfilment of tasks both in peacetime and during a special period;
- Takes decisions on the creation, reorganisation, alleviation and location of departments of the State Special Transport Service;
- Organises the delivery of special military equipment, material, financial and other resources and property to the State Special Transport Service, and carries out control over their efficient use and amortisation;
- Provides for the implementation of interrelations between the State Special Transport Service and state power organs of all levels, local self-government bodies, public organisations, as well as for international cooperation;
- Controls the observance of legislation by State Special Transport Service personnel;
- Together with the General Staff of the Armed Forces of Ukraine, determines the needs of the State Special Transport Service for arms, military equipment, material, power resources necessary for the appropriate fulfilment of tasks assigned to the State Special Transport Service during a special period, and controls their quality, timeliness and completeness;
- Performs other powers established by the law.

In peacetime, the head of the central organ of executive power in the field of transport has authority over subordinate servicemen equal to the disciplinary powers of the Minister of Defence stipulated by the Disciplinary Regulations of the Armed Forces of Ukraine.

Article 10. The Powers of the General Staff of the Armed Forces of Ukraine in Interrelations with the State Special Transport Service

The General Staff of the Armed Forces of Ukraine:

- Brings to the attention of the State Special Transport Service the instructions and orders of the Supreme Commander-in-Chief of the Armed Forces of Ukraine, and organises their performance by the State Special Transport Service during a special period;
- Participates in staffing the State Special Transport Service in peacetime and during a special period, and organises the deployment of its departments;
- Organises the selection of qualified experts for use by the State Special Transport Service during a special period, as well as their training and retraining;
- Coordinates decisions on the creation, reorganisation and disbanding of departments of the State Special Transport Service, as well as their location;
- Organises logistical and armaments support required for the execution of tasks performed by the State Special Transport Service during a special period;
- Performs other powers envisaged by the law.

During a special period (e.g. with the introduction of martial law or a state of emergency established according to the Constitution of Ukraine) the State Special Transport Service transforms to martial law and is re-subordinated to the General Staff of the Armed Forces of Ukraine, as established by the Presidential Decree on the introduction of martial law or a state of emergency approved by the Verkhovna Rada of Ukraine.

Article 11. Direct Management of the State Special Transport Service

Direct management over the State Special Transport Service in peacetime and during a special period is carried out by a central management organ of the State Special Transport Service within the structure of the Central Body of Executive Power responsible for providing state policy in the sphere of transportation. The head of the central organ of the State Special Transport Service has authority over subordinate servicemen equal to the disciplinary powers of the service commander of the Armed Forces of Ukraine stipulated by the Disciplinary Regulations of the Armed Forces of Ukraine.

The head of the central management organ of the State Special Transport Service is appointed by the President of Ukraine upon submission of the head of the Central Body of Executive Power responsible for providing state policy in the sphere of transportation, coordinated with the Prime Minister of Ukraine.

The functions and powers of the central management organ and its head are determined by the Regulations on the State Special Transport Service.

PART IV. THE POWERS OF THE PERSONNEL OF THE STATE SPECIAL TRANSPORT SERVICE**Article 12. The Basic Duties of the Personnel of the State Special Transport Service**

During the fulfilment of assigned tasks, personnel of the State Special Transport Service are obliged:

- To take part in activities related to the organisation of technical support for the National Transport System of Ukraine and to the prevention of emergencies, accidents and catastrophes on the transport system;
- To prepare forces and the means required for the temporary and short-term reconstruction of destroyed transport installations, both in peacetime and during a special period;
- To take urgent measures on the short-term and temporary reconstruction of ruined transport installations, with the purpose of returning transportation flows to their previous state, including in territories of states with which the relevant agreements are concluded;
- To provide security to National Transport System installations and cargo, and to transport cargo during emergencies or during a special period;
- To take part in conducting research and development projects, as well as the development of technologies connected to the creation, testing and introduction of new means and designs, and to the modern methods of work necessary for the organisation, short-term and temporary reconstruction of installations of transport, barrages, as well as their demining.

It is forbidden to use the departments and personnel of the State Special Transport Service for the fulfilment of functions to which they are not designed. No one has the right to assign to the personnel of the State Special Transport Service the fulfilment of tasks and duties not envisaged by the laws of Ukraine.

Article 13. Rights of the Personnel of the State Special Transport Service

For fulfilment of assigned duties, State Special Transport Service personnel have the following rights:

- To demand from citizens and officials using transport to refrain from obstructing the personnel of the State Special Transport Service who are conducting designed tasks related to the alleviation of consequences of emergencies, accidents and catastrophes on transport, as well as to the restoration of installations;
- Cordon off and guard determined territories, individual buildings, organisations and installations during their reconstruction, with the consent of the relevant local self-government bodies and local state administrations required;
- To temporarily forbid or limit the flow of railway transportation, with consent of nearby railways, and within the limits of the zone of the reconstruction of buildings, organisations and installations;
- To use, during a special period, the communication facilities of enterprises, institutions and organisations irrespective of their forms of ownership or subordination;
- To use, with priority, all forms of passenger transport of local and long-distance communications if necessary.

PART V. LEGAL AND SOCIAL PROTECTION OF THE PERSONNEL OF THE STATE SPECIAL TRANSPORT SERVICE

Article 14. Social and Legal Protection of Servicemen of the State Special Transport Service

When on duty, servicemen of the State Special Transport Service enjoy state protection. It is forbidden to interfere with their service activity, except for the organs, services and officials specially authorised by the law.

Legitimate demands made by servicemen of the State Special Transport Service during the fulfilment of service tasks must be obeyed by the citizens of Ukraine, foreigners and persons staying in Ukraine without citizenship, as well as services and officials.

Social and legal protection of the servicemen of the State Special Transport Service, as well as members of their families, is performed according to the laws of Ukraine.

Article 15. Liability of Servicemen of the State Special Transport Service

Servicemen of the State Special Transport Service are accountable for:

- Unlawful acts or acts of omission according to the procedure established by the law.

Article 16. Support of the Personnel of the State Special Transport Service

Monetary, clothing, food and other kinds of allowance provided to the servicemen of the State Special Transport Service are determined according to the Law of Ukraine "On Social and Legal Protection of Servicemen and Members of Their Families", other legislative acts of Ukraine, and pension provisions—according to the Law of Ukraine "On Pensions of Retired Military Personnel and Other Persons".

Servicemen and employees of the State Special Transport Service, as well as members of their families, shall be provided with housing by the state. The construction (acquisition) of housing is done so at the expense of State Budget appropriations for the State Special Transport Service and from other legal sources.

Employees of the State Special Transport Service are subject to the labour legislation of Ukraine.

PART VI. FINANCING AND LOGISTICAL SUPPORT OF THE ACTIVITY OF THE STATE SPECIAL TRANSPORT SERVICE

Article 17. Financing of the State Special Transport Service

1. Financing of the State Special Transport Service is carried out at the expense of the State Budget of Ukraine within the limits of the budgetary assignments determined by the main manager—that is, the Central Body of Executive Power responsible for providing state policy in the sphere of transportation—and allo-

cated in a separate budget line in the State Budget of Ukraine, as well as from other sources envisaged by the law.

Article 18. Logistical Support of the Activity of the State Special Transport Service

1. Logistical support for the State Special Transport Service by way of material means, special military equipment, other property, as well as housing, medical, financial and other forms of support are carried out at the rates and in accordance with the procedure established by the legislation of Ukraine.

In peacetime, provisions for special railways, road buildings and automobile military equipment are carried out at the rates determined by the Central Body of Executive Power responsible for providing state policy in the sphere of transportation, and during a special period—by the General Staff of the Armed Forces of Ukraine.

Executive organs and local self-government bodies assist the State Special Transport Service and its organs in resolving problems related to housing and other social concerns, as well as with the provision of vehicles and communication facilities.

The State Special Transport Service has office accommodations and other buildings, installations of public health, educational, research, economic and welfare purpose, as well as an available housing fund.

If necessary, support can be provided to the State Special Transport Service by enterprises of the Central Body of Executive Power responsible for providing state policy in the sphere of transportation, as well as according to individual agreements, including those with foreign organisations, provided that the norms and rules of the use of means determined by the legislation of Ukraine are observed.

Article 19. Legal Regime of the Property of the State Special Transport Service

Property assigned to the State Special Transport Service is state property administered by the Central Body of Executive Power responsible for providing state policy in the sphere of transportation, and belongs to it in terms of operative management.

Military weapons and ammunition held in subunits of the State Special Transport Service are subject to the Law of Ukraine "On Legal Regime of Property in the Armed Forces of Ukraine".

The status of property is determined by the laws of Ukraine.

Article 20. Economic Activity of the State Special Transport Service

Economic activity of legal persons belonging to the State Special Transport Service is brought about according to the legislation of Ukraine.

PART VII. CONTROL AND SUPERVISION OF THE ACTIVITY OF THE STATE SPECIAL SERVICE OF TRANSPORT

Article 21. The Control of the Verkhovna Rada of Ukraine and the President of Ukraine over the Activity of the State Special Transport Service

Control of the Verkhovna Rada of Ukraine over the activity of the State Special Transport Service is performed according to the Constitution and laws of Ukraine.

The President of Ukraine carries out control over the activity of the State Special Transport Service in conformity with the powers determined by the Constitution of Ukraine.

Article 22. The Control of the Central body of Executive Power Responsible for Providing State Policy in the Sphere of Transportation and the General Staff of the Armed Forces of Ukraine over the Activity of the State Special Transport Service

The General Staff of the Armed Forces of Ukraine, together with the Central Body of Executive Power responsible for providing state policy in the sphere of transportation, performs control measures over the condition of the ability and of the readiness of the State Special Transport Service to perform the duties assigned to it during a special period.

Article 23. Supervision of the Observance of Legality in the Activity of the State Special Service of Transport

Supervision of the observance of legality with respect to the activity of the State Special Transport Service is conducted in accordance with the procedure determined by the Constitution and laws of Ukraine.

PART VIII. FINAL PROVISIONS

1. This Law enters into force from the date of its publication.
2. The Cabinet of Ministers of Ukraine is obliged to:
 - a. According to the Presidential Decree of January 27, 2003 No. 46/2003 "On Transfer of the Railway Troops of the Armed Forces of Ukraine to Subordination of the Ministry of Transport of Ukraine", transfer the railway troops of the Armed Forces of Ukraine from subordination to the Ministry of Defence of Ukraine to subordination to the Central Body of Executive Power responsible for providing state policy in the sphere of transportation, determine the stages and terms of their reform, including transition to staffing of the State Special Transport Service on a contractual basis;
 - b. Within three-months from the date of this Law entering into force:
 - i. Submit proposals on introducing amendments to acts of Ukraine apparent from this Law to the Verkhovna Rada of Ukraine;
 - i. Bring their normative-legal acts into conformity with this Law;
 - ii. Bring the normative-legal acts of the relevant Ministries and other Central Executive Bodies into conformity with this Law.
3. In connection with the exclusion of railway troops from the structure of the Armed Forces of Ukraine and their transfer to the State Special Transport Service to reduce, from 2004, the numerical strength of the Armed Forces of Ukraine established by Article 1 of the Law of Ukraine "On Numerical Strength of the Armed Forces of Ukraine for the period 2000-2005" by 5000 persons.
4. Ensure that the military ranks of the servicemen of the railway troops of the Armed Forces of Ukraine transferred to the State Special Transport Service are retained.

President of Ukraine L.Kuchma
Kyiv, February 5, 2004, No 1449-IV

Decree of the President of Ukraine “On the Decision by the National Security and Defence Council of Ukraine of March 15, 2016 ‘On Cyber Security Strategy of Ukraine’”

Pursuant to Article 107 of the Constitution of Ukraine, part Two of Article 2 of the Law of Ukraine “On Fundamentals of National Security of Ukraine”, I hereby decree:

1. To approve the decision made by the National Security and Defence Council of Ukraine from March 15, 2016 “On Cyber Security Strategy of Ukraine” (attached).
2. To approve the “Cyber Security Strategy of Ukraine” (attached).
3. That, within a month, the Secretary of National Security and Defence Council of Ukraine shall submit the draft Regulation on the National Cyber Security Coordination Centre to the President of Ukraine for consideration.
4. That this Decree shall take effect on its promulgation date.

President of Ukraine P. Poroshenko
Kyiv, March 15, 2016

**Approved by Decree of the President of Ukraine
of March 15, 2016, No 96/2016**

DECISION OF THE NATIONAL SECURITY AND DEFENCE COUNCIL OF UKRAINE OF MARCH 15, 2016 “ON THE CYBER SECURITY STRATEGY OF UKRAINE”

1. Within a month, the Secretary of National Security and Defence Council of Ukraine shall submit the draft Regulation on the National Cyber Security Coordination Centre to the President of Ukraine for consideration.
2. The Cabinet of the Ministry of Ukraine, along with Security Service of Ukraine, the Foreign Intelligence Service and the National Institute of Strategic Studies shall:
 - 1) Within two months, approve a plan of action for 2016 to implement the “Cyber Security Strategy of Ukraine” and to further develop and approve such plans within the Strategy implementation period before the planned corresponding year.
 - 2) Inform on the status of the implementation of the “Cyber Security Strategy” every half-year.
3. Under Article 14 of the Law of Ukraine “On the National Security and Defence Council of Ukraine”, establish the National Cyber Security Coordination Centre as a working body of the National Security and Defence Council of Ukraine.

Secretary of the National Security and Defence Council of Ukraine O.Turchynov

CYBER SECURITY STRATEGY OF UKRAINE

1. GENERAL

The rapid development of information technologies is gradually transforming the world. Open and free cyberspace is widening the freedom and opportunities of people, as well as enriching society—it creates a new interactive global market of ideas, research and innovations, stimulates responsible and effective governance, the active involvement of citizens in state and local politics, and provides for the transparency of authorities and for the prevention of corruption.

Meanwhile, advantages of the modern digital world and the development of information technologies have resulted in the emergence of new threats to national and international security. Alongside incidents of natural (unintentional) origin, the number and scope of cyberattacks prompted by the interests of states, groups and persons continue to grow.

Cases of illegal collection, storage, use, destruction and distribution of personal data; illegal financial transactions, theft and fraud have become more widespread on the internet. Cyber-crime has become trans-national and is now capable of inflicting serious damage to the interests of individuals, society and the state.

The ongoing aggression of the Russian Federation, as well as other fundamental changes in Ukraine's foreign and domestic security environment require the immediate creation of a national system of cyber-security as an integral element of the national security system of Ukraine.

The purpose of the Cyber Security Strategy of Ukraine (hereinafter—Strategy) is to create conditions for the safe operation of cyberspace, and to ensure its use benefits individuals, society and the State.

In order to achieve this purpose, the following measures must be implemented:

- The creation of a national system of cybersecurity;
- The improvement of the capabilities of security and defence sector actors so as to ensure that they are able to efficiently respond to cyber-threats of a military origin, as well as cyberespionage, cyberterrorism and cybercrime, and to ensure the deepening of international cooperation in this sector;
- The guarantee of cyber-protection for state electronic information resources, information that requires protection under law, as well as information infrastructure falling within the jurisdiction of Ukraine, and the prevention of disruption to the stable functioning of the aforementioned, which, if disrupted, will produce a negative effect on the state of national security and the defence of Ukraine (e.g. its critical information infrastructure).

The provision of cyber-security of Ukraine as a form of state protection of the vital interests of humans and citizens, society and the state in cyberspace, achieved through the integrated use of the totality of legal, organisational and information measures, rests on the principles of:

- Rule of law and respect for human rights, civil rights and freedoms;
- Promotion of the national interests of Ukraine;
- Openness, accessibility, sustainability and protection of cyber-space;
- Public-private partnerships, broad cooperation with civil society in the field of cybersecurity and cyber-protection;
- Proportionality and adequacy of cyber-protection measures against real and potential risks;
- Priority of preventive measures;
- Inevitability of punishment for the commitment of cybercrimes;
- Priority development of and support for the national scientific, scientific-technological and production potential;
- International cooperation with the purpose of strengthening mutual trust in the field of cybersecurity and the development of specific approaches to countering cyber-threats; joint efforts for the investigation and prevention of cybercrimes, as well as the exclusion of cyberspace for the use of illegal and military purposes;
- Exercise of democratic civilian control over national military formations and law enforcement bodies established in accordance with the laws of Ukraine and active in the field of cyber-security.

The development and security of cyberspace, the introduction of electronic governance, as well as the provision of security and the steady functioning of electronic communications and state electronic information resources should become elements of state policy in the field of information-space development and information society-building in Ukraine.

This Strategy rests on provisions of the Convention of Cybercrime, ratified by the Law of Ukraine of 7 September 2005 No. 2824-IV, the legislation of Ukraine on the fundamentals of national security, fundamentals of home and foreign policy, electronic communications, protection of state information resources and information

required to be protected by the law, and aims for the implementation of the National Security Strategy of Ukraine by 2020, approved by the President of Ukraine Decree dated 26 May 2015 No. 287 "On the National Security and Defence Council of Ukraine Decision of 6 May 2015 "On National Security Strategy of Ukraine".

2. CYBER SECURITY THREATS

Cyberspace is becoming a separate domain of warfare, alongside that of the traditional "Earth," "Air," "Sea" and "Space", in which the armed forces of leading countries are becoming more active. Given the broad application of modern information technologies in the security and defence sector, the creation of a single automated system for the management of national defence by the Armed Forces of Ukraine is becoming ever more vulnerable to cyber-threats.

Economic, scientific-technological, information sectors, public administration, the defence industry and transport sectors, electronic communication infrastructure and Ukraine's security and defence sector as a whole have become more vulnerable to intelligence and subversive activities of foreign special services involved in cyberspace. This has been facilitated by the broad, sometimes dominating, presence of organisations, groups and persons in Ukraine's information infrastructure who are directly or indirectly related to the Russian Federation.

Modern information and communication technologies can be used for committing terrorist attacks, in particular, by means of disrupting the normal operation of automated systems controlling processes at critical infrastructure facilities. Politically motivated activity in cyberspace, in the form of attacks on governmental and private websites on the internet, is gaining speed.

Information resources of financial institutions, transport and power supply facilities, as well as state bodies that guarantee security, defence and protection in emergency situations are becoming the targets of cyber-attacks and cybercrimes more often. Advanced technologies are employed not only for the commitment of traditional types of crimes, but also for the commitment of fundamentally new types of crimes, inherent in the information society.

Threats to cybersecurity are actualised, in particular, due to such factors as the:

- Inadequacy of the national infrastructure of electronic communications, as well as its development and protection against present-day requirements;
- Insufficient protection of critical information infrastructure, state electronic information resources and information required to be protected under law from cyber-threats;
- Irregularity of measures for cyber-protection of critical information infrastructure;
- Insufficient development of the organisational and technical infrastructure for the provision of cybersecurity and cyber-protection of critical information infrastructure and state electronic information resources;
- Insufficient efficiency of actors within Ukraine's security and defence sector to counter cyber-threats of military, criminal, terrorist or other nature;
- Insufficient level of coordination, interaction and information exchange among cybersecurity actors.

3. NATIONAL SYSTEM OF CYBER SECURITY, MAIN ACTORS OF CYBER SECURITY

Initially, the national system of cybersecurity must promote interaction with respect to cybersecurity issues among state bodies, local self-government bodies, military formations, law enforcement bodies, scientific institutions, educational establishments, public associations, enterprises, institutions and organisations, irrespective of their form of ownership, as well as those active in the field of electronic communications; the protection of information and (or) owners (managers) of critical information infrastructure facilities.

Ukraine's National Security and Defence Council shall, in accordance with the Constitution of Ukraine and in line with the procedure established by the law, ensure the coordination and control of the activities of security and defence sector actors so as to guarantee the cyber-security of Ukraine.

The core of the national system of cybersecurity shall be made up of the Ministry of Defence of Ukraine, the State Service of Special Communications and Protection of Information of Ukraine, the Security Service of

Ukraine, the National Police of Ukraine, the National Bank of Ukraine and Ukraine's intelligence bodies, who will be vested with the following tasks in accordance with the established procedure:

- The Ministry of Defence of Ukraine and the General Staff of the Armed Forces of Ukraine, in line with their competences—implementation of measures for the preparation of the state to repulse military aggression in cyberspace (cyber-defence); military cooperation with NATO related to cyberspace security and the joint protection from threats; cyber-protection of their own information infrastructure in cooperation with the State Service of Special Communications and Protection of Information of Ukraine and the Security Service of Ukraine;
- The State Service of Special Communications and Protection of Information of Ukraine—formulation and implementation of state policy regarding the protection of State information resources in cyberspace and information required to be protected under law; cyber-protection of critical information infrastructure, and state control in those sectors; coordination of activities of other cybersecurity actors with respect to cyber-protection; implementation of organisational and technical measures for the prevention, detection and reaction to cyber-incidents and cyberattacks and the removal of their consequences, and the provision of information about cyber-threats and the appropriate methods of protection from them; support for the functioning of the State Cyber-protection Centre; and the auditing of critical information infrastructure facilities for vulnerability;
- The Security Service of Ukraine—prevention, detection, suppression and resolution of crimes against the peace and security of humanity committed in cyberspace; implementation of counterintelligence and operational search measures aimed at countering cyberterrorism and cyberespionage, and readiness of critical infrastructure facilities for possible cyberattacks and cyber-incidents; countering cyber-crime, the probable effects of which pose a direct threat to the vital interests of Ukraine; investigation of cyber-incidents and cyberattacks on state electronic information resources, as well as on information required to be protected under the law and critical information infrastructure; and response to computer incidents in the field of state security;
- The National Police of Ukraine—defence of human rights, civil rights and freedoms, and the interests of society and the state from criminal infringements in cyberspace; the prevention, detection, suppression and resolution of cybercrimes; and the growth of public awareness about security in cyberspace;
- The National Bank of Ukraine—formulation of requirements regarding the cyber-protection of critical information infrastructure in the banking sector;
- The intelligence bodies of Ukraine—pursuit of intelligence activities with respect to threats to the national security of Ukraine in cyberspace, other events and circumstances dealing with the cybersecurity sector.

Conditions should be created for the engagement of enterprises, institutions and organisations, irrespective of their form of ownership, as well as those active in the field of electronic communications, the protection of information, and (or) those who own (manage) critical infrastructure facilities, in provision of cybersecurity in Ukraine. In particular, issues should be resolved concerning their duty to take measures for the protection of information and cyber-protection in line with the legislative requirements, and their assistance to state bodies to perform cybersecurity and cyber-protection missions.

The state shall encourage engagement of scientific institutions, educational establishments, organisations, public associations and citizens in the development and implementation of cybersecurity and cyber-protection measures.

4. PRIORITIES AND DIRECTIONS OF CYBER SECURITY PROVISION IN UKRAINE

4.1. The development of secure, stable and reliable cyberspace shall be provided for primarily through:

- The development and operational adaptation of state policy in the field of cybersecurity, achieving compatibility with the relevant standards of the EU and NATO;
- The creation of a national regulatory and terminological framework in this area, as well as ensuring the harmonisation of regulations in the field of electronic communications, information protection,

information and cybersecurity in accordance with international standards and the standards of the EU and NATO;

- The formation of a competitive environment in the field of electronic communications, as well as the provision of services relating to information protection and cyber-protection;
- The development of cybersecurity technologies for mobile communication tools, as well as provision for the means of hardware and content security, security of applications and communication services;
- The engagement of expert scientific institutions, professional and public associations in drafting conceptual documents in the field of cybersecurity;
- The enhancement of the digital literacy of citizens and of a culture of safe conduct in cyber-space, as well increasing the in-depth knowledge, skills and capabilities necessary to pursue cybersecurity goals, and implementing state and public projects related to raising public awareness regarding cyber-threats and cyber-protection;
- The conduct of exercises in case of emergency situations and incidents in cyberspace;
- The development and improvement of the state control system of information security and also of the system of independent audits for information security, as well as the introduction of global best practices and international standards on cybersecurity and cyber-protection;
- The development of electronic communications infrastructure, including broadband access to the internet, digital and interactive television;
- The development of network response teams for computer emergencies;
- The creation of a system of timely detection, prevention and neutralisation of cyber-threats, involving the use of volunteer organisations;
- The development and perfection of the system for technical and cryptographic protection of information;
- The development of international cooperation in the field of cyber-security; support for international initiatives in the field of cybersecurity which meet the national interests of Ukraine, as well as the intensification of cooperation between Ukraine, the EU and NATO in order to strengthen Ukraine's capabilities in cybersecurity, and participation in confidence-building measures conducted under the auspices of the OSCE;
- The creation of conditions for the introduction of modern cyber-protection technologies in Ukraine.

4.2 Cyber Protection of State Electronic Information Resources and Information Infrastructure Designed for Processing of Information Required to be Protected by the Law shall initially involve:

- The creation of and support to the effective functioning of a national telecommunications network—a single platform of protected electronic communications of state power bodies;
- The introduction of an organisational and technical model for the national cybersecurity system, as well as ensuring the prompt reaction to cyberattacks and cyber-incidents;
- The deployment, within the scope of respective competences, of a single system of situation centres of state power bodies involved in the security and defence sector on the basis of protected information infrastructure;
- The development of a protected integrated system of electronic state registers, databases and data centres, including a single data centre for the creation of a backup for the data of state electronic information resources;
- The improvement of the system of storage, transmission and processing of data of state registers and databases using modern information and communication technologies (including technologies of online access);
- The development of new methods to prevent cyberattacks, cyber-incidents and the dissemination of information about them;
- The development of requirements (e.g. rules and guidelines) for the safe use of the internet and for the provision of electronic services by state bodies;

- Increasing the awareness of officials of state bodies in the field of information security and cybersecurity, and the conducting of relevant trainings and exercises;
- The identification of criteria of attribution of information (automated), telecommunication, and information-telecommunication systems to critical information infrastructure.

4.3. Cyber-defence of Critical Infrastructure should primarily consist of:

- Improving the complex legal framework for the critical infrastructure of cyber-defence; identification of criteria of attribution of information (automated), telecommunication, information-telecommunication systems to critical information infrastructure;
- The organisation and maintenance of the state register for critical infrastructure objects;
- The regimentation of requirements for cyber-protection of critical infrastructure facilities;
- The creation of and support for the effective operation by owners (managers) of critical infrastructure facilities of cyber-protection units;
- The establishment of qualification requirements for specific categories of employees working in critical infrastructure facilities, taking into account the modern trends of cybersecurity and existing cyber-threats; and the introduction of obligatory regular certification of such employees for compliance with said requirements;
- The establishment of cooperation among actors providing cyber-protection for critical infrastructure; the development of public-private partnerships for the prevention of cyber-threats, response to cyberattacks and cyber-incidents and for the removal of their consequences, in particular with respect to critical situations, such as in a state of emergency, martial law, or a contingency;
- The development and implementation of mechanisms for information exchange between government bodies, the private sector and citizens regarding threats to critical information infrastructure.

4.4. Development of the Potential of the Security and Defence Sector in the Field of Cybersecurity must include the realisation, in particular, of the following measures:

- The protection of the technological processes of critical infrastructure objects, where control or monitoring are controlled by information-communication technologies, from unauthorised interference in their work;
- Periodical reviews of the national cybersecurity system, and of the development of sectoral indicators on the condition of cybersecurity;
- The development and implementation of protocols of joint action, including information exchange in real time for all providers of cybersecurity in the moments when actual cyberattacks and cyber-incidents occur;
- The training of security and defence sector actors to respond to cyberattacks and cyber-incidents, in particular, with respect to the conducting of cyber-exercises by the Armed Forces of Ukraine, other actors in the security and defence sector of Ukraine, as well as for participation in such exercises as part of collective defence measures;
- The implementation of state strategic planning and program-oriented software in the field of electronic communications, information technology, information protection and cyber-defence;
- The implementation of political-military, military-technical and other measures aimed at broadening the capabilities of state military bodies and of the security and defence sector in cyberspace, as well as the development of the forces, equipment and instruments necessary for responding to an aggression in cyberspace which may be applied deterrence tool against military conflicts and threats in cyberspace (active cyber-defence);
- The creation of a sole sub-unit to ensure cybersecurity and cyber-defence of the Armed Forces of Ukraine on strategic, operational and tactical levels;
- The development of cybersecurity and cyber-defence units of the Armed Forces of Ukraine, the State Service for Special Communications and Information Protection of Ukraine, the Security Service of Ukraine, the National Police of Ukraine and Ukraine's intelligence agencies, as well as the achievement of compatibility with the relevant units of cybersecurity and cyber-defence of NATO member states;

- The development of a system of rapid response to computer emergencies;
- The improvement of counterintelligence and operational-investigative systems, with the aim to provide for the cybersecurity of the state;
- The development and coordination of scientific research in the field of cybersecurity and cyber-protection for needs of national security and defence;
- The build-up of the capabilities of actors fighting cyberterrorism to counter cyberattacks on state electronic information resources, critical infrastructure facilities, as well as intelligence and subversive activities of foreign special services, organisations, groups and individuals against Ukraine in cyberspace;
- The limitation of participation by any entities that are controlled by an aggressor state to ensure informational and cybersecurity is maintained, with the state in question recognised by the Verkhovna Rada of Ukraine or by other countries and persons against whom the special economic and other restrictive measures (sanctions) are in effect, adopted on a national or international level as a result of aggression against Ukraine, and also the limitation of use of products, technologies and services of such entities to provide for the technical and cryptographic protection of state information resources, and for the strengthening of state control in this field;
- The delimitation of criminal responsibility for crimes committed with the use of electronic computing machines (computers), systems and computer networks, and telecommunication networks, committed against the state or other information resources, critical information infrastructure facilities or other facilities, and the corresponding delimitation of jurisdiction;
- The development of a system of personnel training for the needs of bodies in the security and defence sector of Ukraine, and enhancement of the scientific and production potential of such a system.

4.5. The fight Against Cybercrimes in Ukraine must include such coordinated measures, as:

- The creation of an effective and convenient contact centre for reporting cases of cybercrimes and fraud in cyberspace, improving the efficiency of the reaction of law enforcement bodies to cybercrimes, particularly their regional units;
- improvement of the procedural mechanisms for the collection of evidence related to the crime in electronic form, improvement of the classification, methods, means and technologies for the identification and fixation of cybercrimes and for the conducting of expert examinations; as well as for the implementation of blocking certain (identified) information resources (information server) by communication operators and providers under a court decision; and for the determination of an order on the urgent and compulsory fixing and further storage of computer data, data saving on traffic by operators and providers; and consideration of the possibility of urgent procedural action in real-time, using electronic documents and electronic digital signatures;
- The introduction of a scheme (protocol) for the coordination of law enforcement bodies fighting cybercrime;
- The training of judges (e.g. investigative judges), investigators and prosecutors for interacting with criminal evidence received in electronic form, taking into consideration the common features of cybercrimes; and the implementation of special procedures for interception when conducting cybercrime investigations;
- The improvement of the professional qualifications of law enforcement personnel.

5. Final provisions

The subjects of the security and defence sector of Ukraine involved in the field of cybersecurity shall use this Strategy as a basis for the development of other strategic planning documents.

Head of the Administration of the President of Ukraine B. Lozhkin

PART VII

THE LEGISLATIVE FRAMEWORK FOR THE PARTICIPATION OF UKRAINE IN INTERNATIONAL PEACEKEEPING ACTIVITIES, MILITARY AND MILITARY-TECHNICAL COOPERATION

Law of Ukraine “On Participation of Ukraine in International Peace Support and Security Operations”

(*Bulletin of the Verkhovna Rada of Ukraine (BVR), 1999, No. 22-23, p. 202*)

Includes changes made by Laws:

- No 1106-IV of 10.07.2003, BVR, 2004, No 7, p. 50;
- No 1941-VI of 04.03.2010, BVR, 2010, No 20, p. 202;
- No 5286-VI of 18.09.2012, BVR, 2013, No 38, p.499;
- No 243-VIII of 05.03.2015, BVR, 2015, No 21, p.139;
- No 901-VIII of 23.12.2015, BVR, 2016, No 4, p.44.

Being fully aware of the responsibility for international peace and security, and taking into account the obligations of Ukraine as a state party to the United Nations (hereinafter—the UN) to assist the UN in its activities conducted according to the Charter of the UN, and also the obligations as a state party to the Organisation on Security and Cooperation in Europe (hereinafter—the OSCE) to cooperate efficiently in the use of the full range of opportunities provided by the OSCE for the prevention and resolution of conflicts, as well as adhering to the basic directions of state policy concerning the participation of Ukraine in the improvement and development of European and international collective security systems, as well as within the frameworks of constructive partnerships held with the North-Atlantic Treaty Organisation (hereinafter—NATO) and other international security organisations, Ukraine considers participation in international peacekeeping operations to be an important component of its external policy.

This Law determines the legal, organisational and financial basis of the participation of Ukraine in international peacekeeping operations, and also of the procedure for sending Ukrainian military and civilian personnel abroad, including the organisation of their training and support.

Article 1. Definition of Terms

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

- International peace support and security operations are international operations or actions aimed at the enforcement of peacekeeping or humanitarian missions mandated by the UN Security Council pursuant to the Charters of the United Nations, the OSCE and other international organisations that are responsible for maintaining international peace and security under the provisions of Chapter VIII of the UN Charter, as well as the operations and actions of multinational forces and high readiness multinational forces performed under supervision of the UN Security Council with the purpose of:
 - The prevention of international or internal conflicts;
 - The regulation or creation of conditions for the regulation of intergovernmental and internal conflicts through consent of the parties to the conflict, or taking coercive action upon a decision of the Security Council that can include, in particular, the supervision and monitoring of compliance with the ceasefire and other hostile activities, cessation agreements, separation of belligerents, demobilisation and disarmament of their units, as well as the performance of engineering and other works;
 - The combating of international terrorism and piracy;
 - The evacuation of civilians from conflict-affected areas;
 - Response to natural and man-made emergencies;
 - The provision of humanitarian assistance to people suffering from intergovernmental or internal conflicts;
 - The conducting of police functions to ensure security and the observance of human rights;
 - The provision of assistance with respect to post-conflict reconstruction and the restoration of peace;
 - The elimination of danger to peace, as well as to breaches of peace or acts of aggression;

National contingents are understood as military units equipped with the relevant arms and military equipment, means of support and communication facilities sent by Ukraine for participation in international peace support and security operations, including high readiness multinational forces, military units of the Armed Forces of Ukraine, other military formations belonging to allied military units created together with other states for participation in international peace support and security operations (e.g. joint battalions, etc.);

National personnel are understood as individual servicemen and employees of the Armed Forces of Ukraine, other military formations, policemen, privates and commanding personnel of law enforcement organs and other state organs and civilian establishments of Ukraine sent by Ukraine for participation in international peace support and security operations, and not belonging to the national contingent;

Logistical resources and services are understood as the logistical resources and services provided by Ukraine for use in international peace support and security operations, including military and special equipment, arms, communication facilities, vehicles with crews, food, medical supplies, etc.;

High readiness multinational forces are high readiness forces consisting of personnel and equipment provided by state members and (or) state partners of an appropriate international organisation, and created pursuant to the resolutions of the UN Security Council, the North Atlantic Council, the Council of the European Union and other international organisations, or under Ukraine's international treaties—for joining in and performing the assigned tasks;

High readiness alert duty—designated personnel and equipment belonging to the Armed Forces of Ukraine maintain a high degree of readiness for the performance of assigned tasks.

Article 2. Conditions for Ukraine to Participate in International Peacekeeping Operations

Ukraine participates in international peace support and security operations on terms exclusively specified in the decision of the President of Ukraine, which is approved by the Verkhovna Rada of Ukraine in the cases stipulated by the Constitution and the laws of Ukraine and by this Law. Peacekeeping operations consist of:

- The UN, if the decision to launch the operation is taken by the UN Security Council;
- The OSCE or other regional organisations responsible for international peace and security support according to the provisions of Chapter VIII of the Charter of the UN;
- The Combined Joint Forces created by consent of the UN Security Council, of which the actions and measures are brought about under the general control of the UN Security Council;
- High readiness multinational forces.

Participation of Ukraine in international peace support and security operations is performed by placing the national contingent, national personnel, and logistical resources and services at the disposal of the relevant organs determined by the decision on conducting such operations.

Ukraine's participation in international peace support and security operations as part of high readiness multinational forces consists of the performance of alert duty missions, the dispatch of a national contingent and national personnel under the control of the authorities specified in resolutions on the conduct of said operations, as well as the provision of logistics and services.

Article 3. Submission of the Proposal on the Participation of Ukraine in an International Peace Support and Security Operation

The proposal for Ukraine to participate in an international peace support and security operation is introduced to the Council of National Security and Defence of Ukraine by the Ministry of Foreign Affairs of Ukraine upon agreement with the Ministry of Defence of Ukraine and other interested Central Executives. The proposal should include all data available at the moment of its introduction concerning the area of operation of the national contingent or national personnel, their tasks, numerical strength, type and composition of arms, military equipment, subordination, terms of stay and procedure for their prolongation, as well as the procedure of replacement and conditions of withdrawal, guarantees and indemnities to servicemen of military formations, employees of the Armed Forces of Ukraine, other military formations, policemen, employees of law enforcement organs, other state organs and civilian establishments of Ukraine and members of their families, as well as information on the procedure of reimbursement of expenses connected with the participation of Ukraine in the international peace support and security operation in question.

The Council of National Security and Defence of Ukraine, aware that such participation conforms with the national interest and legislation of Ukraine, including its international obligations according to the Charter of the UN, and taking into account the opportunities for financing and logistical support, as well as the level of security of citizens of Ukraine who will take part in the peace support and security operation in the structure of the national contingent or national personnel, submits the proposal on the participation of Ukraine in the international peace support and security operation for the consideration of the President of Ukraine.

Article 4. Decision-making on the Participation of Ukraine in an International Peace Support and Security Operation

The decision to send a Ukrainian national contingent or Ukrainian national personnel for an international peace support and security operation, and the decision to grant logistical resources and services for it is taken by the President of Ukraine with simultaneous submission to the Verkhovna Rada of Ukraine of the bill of approval of the decision on the sending of the national contingent. Together with the bill, the information specified in part One of Article 3 of this Law is submitted.

The decision of the President of Ukraine to send a national contingent to another state for participation in an international peace support and security operation, signed by the Prime Minister of Ukraine and the minister responsible for the fulfilment of this decision, is subject to approval by the Verkhovna Rada of Ukraine according to Item 23 of Article 85 of the Constitution of Ukraine. The bill of approval presented by the President of Ukraine of the decision to send a Ukrainian national contingent to another state is considered by the Verkhovna Rada of Ukraine as an urgent priority.

The decision by Ukraine to grant logistical resources and services for use in the international peace support and security operation is adopted by the Cabinet of Ministers of Ukraine according to the decision of the President of Ukraine on the participation of Ukraine in the international peace support and security operation.

Article 5. Staffing of the National Contingent and National Personnel

The national contingent and national personnel are staffed with citizens of Ukraine—that is, servicemen and employees of the Armed Forces of Ukraine, privates and commanding personnel of law enforcement or-

gans, policemen, other military formations and other state organs and civilian establishments of Ukraine who have the necessary professional and psychological training.

The enrolment of Ukrainian citizens for a national contingent or national personnel takes place exclusively on a voluntary basis.

Article 6. Training of Ukrainian Citizens for Participation in International Peace Support and Security Operations

Citizens of Ukraine joining a national contingent or sent for participation in an international peace support and security operation as national personnel first undergo special training in the relevant training, special centres or designated command and control authorities or military units (sub-units).

Article 7. Returning and Recall of the National Contingent and National Personnel Taking Part in an International Peace Support and Security Operation

The national contingent and national personnel sent to another country for participation in an international peace support and security operation return to Ukraine after the termination of the operation. They can be withdrawn before the termination of the peace support and security operation in case their continued participation in the specified operation is inexpedient, taking into account essential changes in the condition of the international military-political environment, the circumstances of the region, the end of financing or other reasons. The decision to recall a national contingent or national personnel upon submission of the Ministry of Foreign Affairs of Ukraine coordinated with the Ministry of Defence of Ukraine, or at the suggestion of the Verkhovna Rada of Ukraine, is adopted taking into account the international obligations of Ukraine by the President of Ukraine.

Article 8. Social Protection of Participants of International Peace Support and Security Operations and Members of their Families

The social protection of participants of international peace support and security operations, as well as the members of their families, is provided for according to the laws of Ukraine.

If international treaties or agreements Ukraine participates in establish higher guarantees of protection for the participants of international peace support and security operations than those stipulated by the legislation of Ukraine, the norms of the relevant international treaty or the international agreement are applied.

During the performance of duties in the structure of a national contingent, one month of service abroad by Ukrainian citizens is recalculated as three months of service in their record of service.

Article 9. Financial Provision of Participation of Ukraine in International Peace Support and Security Operations

The reimbursement of expenses connected to the participation of Ukraine in international peace support and security operations can be brought about:

- At the expense of the State Budget, under the stipulation of the full or partial reimbursement of expenses by the UN, NATO, the EU, the OSCE or other regional organisations financing the international peace support and security operation or under the international treaties to which Ukraine is a party;
- At the expense of the State Budget;
- By means provided for by the UN, the OSCE or other regional organisations financing the international peace support and security operation.

The sources for the financing of a national contingent are determined at the approval of the decision by the Verkhovna Rada of Ukraine about the participation of Ukraine in the international peace support and security operation. The sources of financing of a national contingent are determined in accordance with the legal procedure. The procedure for the financing of a national contingent and national personnel is determined by the Cabinet of Ministers of Ukraine.

Article 10. Informing the Verkhovna Rada of Ukraine on Participation of Ukraine in the International Peace Support and Security Operation

The Cabinet of Ministers of Ukraine presents to the Verkhovna Rada of Ukraine an annual report on the participation of Ukraine in international peace and security support or reconstruction operations.

Law of Ukraine “On the Procedure of Sending Armed Forces’ Units to Other States”

(*Bulletin of the Verkhovna Rada of Ukraine (BVR), 2000, No. 19, p. 144*)

Includes changes made by the Laws:

- No 686-IV of 03.04.2003, BVR, 2003, No 28, p. 215;
- No 3381-IV of 19.01.2006, BVR, 2006, No 22, p. 189;
- No 3025-VI of 15.02.2011, BVR, 2011, No 36, p. 363;
- No 5286-VI of 18.09.2012, BVR, 2013, No 38, p.499;
- No 1437-VIII of 07.07.2016, BVR, 2016, No 33, p.564.

This Law determines the procedure for sending units of the Armed Forces of Ukraine to other states and the conditions for temporary stay on the territories of these states; the principles of formation, organisation of training of the specified units and guarantees of social protection of their military and civilian personnel, as well as the members of their families.

Article 1. Definition of Terms

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

- A unit of the Armed Forces of Ukraine is a military unit belonging to the Land Forces (troops of ground defence), air defence Forces, the Air Force, Navy or Special Forces (troops), Special Operations Command of the Armed Forces of Ukraine, including standing (regular) or provisional formations, equipped with light weapons or heavy combat materiel falling under the Treaty on Conventional Armed Forces in Europe; who are under the command of the person responsible to Ukraine and others states for the behaviour of subordinates who are obliged to observe internal discipline and the norms of international law, and who are sent to other states with the purpose of the fulfilment of combat, peacekeeping or humanitarian tasks;
- Military personnel are servicemen performing military service in units of the Armed Forces of Ukraine who are sent to other states;
- Civil personnel are citizens of Ukraine working under contract in the units of the Armed Forces of Ukraine.

Article 2. Grounds for Sending Units of the Armed Forces of Ukraine to Other States and their Stay in These States

Units of the Armed Forces of Ukraine can be sent to other states and may temporarily stay in the territory of these states on the basis of the international treaties of Ukraine, according to the procedure and on terms determined by the legislation of Ukraine.

Article 3. Contents of the International Contract for Sending Units of the Armed Forces of Ukraine to Other States and Their Temporary Stay in the Territory of These States

The international contract agreed to be binding by the Verkhovna Rada of Ukraine for sending units of the Armed Forces of Ukraine to other states, and their temporary stay in the territory of these states, should include:

- The purpose, term and procedure of stay;
- The types of activity and subordination of the units of the Armed Forces of Ukraine;
- The place and limits of the location of the units of the Armed Forces of Ukraine;
- The composition and structure of the units of the Armed Forces of Ukraine, as well as the types and quantity of arms and military equipment;
- The numerical strength of the military and civilian personnel;
- The legal status of the military and civilian personnel;
- The procedure of entrance (or departure) into (or from) the host country;
- The routes of transit on the territory of the host country;
- The procedure for customs and border control, the transportation of weapons, military equipment, and other property;

- The procedure of control over the activity of the units of the Armed Forces of Ukraine in the territory of other states;
- The issue of payment of compensation to military and civilian personnel who became invalid due to injury, contusion, mutilation or disease inflicted during the performance of duties of military service (official duties) connected with participation in providing military assistance to other states, as well as to joint periodical trainings and manoeuvres under the framework of military cooperation, and also to members of families of the specified persons who were killed, died, or reported missing during the performance of military service (official duties);
- Issues of jurisdiction connected with the stay of the units of the Armed Forces of Ukraine in the territory of other states;
- The procedure of return or recall of the units of the Armed Forces of Ukraine from the territory of other states;
- The conditions for a denunciation of the international treaty of Ukraine;
- Financial, material and other issues connected with providing support to the stay of units of the Armed Forces of Ukraine in the territory of other states, itself resulting from the international obligations of parties to international treaties agreed as binding by the Verkhovna Rada of Ukraine.

Article 4. Crossing of the State Border of Ukraine by the Military and Civilian Personnel of the Units of the Armed Forces of Ukraine

The military and civilian personnel of the units of the Armed Forces of Ukraine cross the state border of Ukraine according to the laws of Ukraine and the international treaties of Ukraine, observing the established procedure for customs and border control, the transportation of weapons, military equipment, and other property necessary for the fulfilment of the tasks assigned to them.

Article 5. Transit of Units of the Armed Forces of Ukraine Through the Territory of Other States

The procedure and conditions of transit for the units of the Armed Forces of Ukraine through the territory of other states are determined by the international treaties of Ukraine concluded with these states.

Article 6. Submission of the Proposal on Sending Units of the Armed Forces of Ukraine to Other States

The proposal for sending units of the Armed Forces of Ukraine to other states is submitted to the Council of National Security and Defence of Ukraine by the Ministry of Foreign Affairs of Ukraine together with the Ministry of Defence of Ukraine upon agreement with other interested Central Executives. At the moment of its introduction, the proposal should include all data available regarding the area of the national contingent or national personnel operation, their tasks, total numerical strength, type and composition of arms, military equipment, subordination, terms of stay and procedure for prolongation; the procedure for replacement and the conditions of withdrawal, the guarantees and indemnities to servicemen of military formations, employees of the Armed Forces of Ukraine, other military formations, employees of law enforcement organs, other state organs and civil establishments of Ukraine and members of their families, as well as information on the procedure of reimbursement for expenses connected with the participation of Ukraine in the international peace support and security operation.

The Council of National Security and Defence of Ukraine, being aware that such participation conforms with the national interests and legislation of Ukraine, including the international obligations of Ukraine according to the Charter of the United Nations, and taking into account the opportunities for financial and logistical support, as well as the level of security for Ukrainian citizens who will take part in the peace support and security operation in the structure of the national contingent or national personnel, submits the proposal on the participation of Ukraine in the international peace support and security operation for the consideration of the President of Ukraine.

Article 7. Decision-making on Sending Units of the Armed Forces of Ukraine to Other States

The decision on sending units of the Armed Forces of Ukraine is taken by the President of Ukraine with simultaneous submission to the Verkhovna Rada of Ukraine of the bill of approval of the decision on the sending of the national contingent.

Together with the bill, the information specified in part One of Article 6 of this Law is submitted.

The decision of the President of Ukraine on sending units of the Armed Forces of Ukraine is subject to approval by the Verkhovna Rada of Ukraine according to Item 23 of Article 85 of the Constitution of Ukraine. The bill of approval presented by the President of Ukraine on the decision to send the Ukrainian national contingent to other states is considered by the Verkhovna Rada of Ukraine as an urgent priority.

Article 8. Recall of the Units of the Armed Forces of Ukraine from Other States

Units of the Armed Forces of Ukraine sent to other states can be recalled in case their continued stay in the territory of other states no longer corresponds to the national interests of Ukraine or violates the conditions of their stay as specified in the international treaty agreed as binding by the Verkhovna Rada of Ukraine. The decision on the recall of units of the Armed Forces of Ukraine is adopted by the President of Ukraine upon representation of the Ministry for Foreign Affairs of Ukraine, coordinated with the Ministry of Defence of Ukraine or on application by the Verkhovna Rada, taking into account the international obligations of Ukraine.

Article 9. The Procedure for Manning the Units of the Armed Forces of Ukraine Sent to Other States

The manning of units of the Armed Forces of Ukraine sent to other states with the purpose of participation in international peace support and security operations as part of national contingents is carried out exclusively on a voluntary basis.

With respect to servicemen on contractual military service who are sent to other states to participate in international peace support and security operations as part of national contingents, the appendix to their contract shall be signed as an inalienable part of the contract in which the order and conditions of service in this unit are specified.

The duration of continuous service for military personnel and the work of civilian personnel in the structure of units of the Armed Forces of Ukraine sent to other states cannot exceed one year.

Article 10. Training and Special Training of the Military and Civilian Personnel of the units of the Armed Forces of Ukraine Sent to Other States

The training and special training of military and civilian personnel in the units of the Armed Forces of Ukraine sent to other states are conducted in the relevant educational centres and military education institutions.

Technical, administrative, medical, financial and other kinds of support to the units of the Armed Forces of Ukraine sent to other states are brought about according to the law and the international treaty of Ukraine.

Article 11. Guarantees of Social Protection of Military and Civilian Personnel of the Units of the Armed Forces of Ukraine Sent to Other States, and Members of Their Families

Military and civilian personnel of the units of the Armed Forces of Ukraine who directly participated in operations in the territory of other states, or in operations aiming for the alleviation of consequences relating to the use of weapons of mass destruction in the territory of other states, enjoy the privileges stipulated by the Law of Ukraine "On the Status of War Veterans, Guarantees of Their Social Protection" for participants of operations. According to the law, the calculation of the term of duty and record of service for the granting of pensions to these persons is performed in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

Military and civilian personnel of the units of the Armed Forces of Ukraine who were sent to other states and became invalids during the performance of duties of military service (official duties) enjoy the privileges stipulated by the Law of Ukraine "On the Status of War Veterans, Guarantees of Their Social Protection" for invalids of war.

The military and civilian personnel of the units of the Armed Forces of Ukraine who were sent to other states and became invalids, and also family members of the specified persons lost or reported missing persons during the performance of duties of military service (official duties), or who died of injuries resulting from the performance of these duties, or otherwise suffered from contusion, trauma or mutilation, are provided with compensatory and insurance payments according to the procedure established by the Cabinet of Ministers of Ukraine.

Article 12. Financial Provision of the Activities Connected with the Sending of the Units of the Armed Forces of Ukraine to Other States

The reimbursement of expenses connected with the sending of units of the Armed Forces of Ukraine to other states and their stay in the territory of these states is paid for from the State Budget of Ukraine, if not otherwise stipulated by the international treaty of Ukraine.

Article 13. The Organ Responsible for Ensuring Order and Maintenance of Discipline, Life and Health of the Personnel of the Units of the Armed Forces of Ukraine During Their Stay in Other States

The Ministry of Defence of Ukraine is responsible for keeping order and maintaining the discipline, life and health of military and civilian personnel sent to other states in the structure of the units of the Armed Forces of Ukraine.

Article 14. Liability for Non-Compliance with the Requirements of the Constitution of Ukraine and the Laws of Ukraine in Sending Units of the Armed Forces of Ukraine to other states

Officials who committed an infringement of the requirements of the Constitution of Ukraine and the laws of Ukraine regarding the procedure for sending units of the Armed Forces of Ukraine to other states are accountable according to the law.

Article 15. Liability for Infringement by the Military and Civil Personnel of the Units of the Armed Forces of Ukraine of the Laws of Other states

In case of an infringement by the military and civilian personnel of the units of the Armed Forces of Ukraine of the laws of other states during their stay in the territory of these states, they are accountable according to the procedure stipulated by the international treaties of Ukraine agreed as binding by the Verkhovna Rada of Ukraine.

Article 16. Informing the Verkhovna Rada of Ukraine on the Sending of Units of the Armed Forces of Ukraine to Other States

The Ministry of Defence of Ukraine annually presents to the President of Ukraine and the Verkhovna Rada of Ukraine a report on the sending of units of the Armed Forces of Ukraine to other states, with information about the results of such activity included.

FINAL PROVISIONS

This Law enters into force from the date of its publication.

President of Ukraine L.Kuchma
Kyiv, March 2, 2000, No 1518-III

Law of Ukraine “On the Procedure for the Reception of Foreign Armed Forces Units in Ukraine and the Conditions of Stay”

(*Bulletin of the Verkhovna Rada of Ukraine (BVR), 2000, No. 17, p. 122*)

Including changes introduced by the Laws:

- No 5288-VI of 18.09.2012, BVR, 2013, No 37, p.490;
- No 335-VII of 18.06.2013, BVR, 2014, No 14, p.243;
- No 1697-VII of 14.10.2014, BVR, 2015, No 2-3, p.12;
- No 510-VIII of 04.06.2015, BVR, 2015, No 32, p.304.

This Law establishes the procedure of reception for the units of the armed forces of other states on the territory of Ukraine and the conditions of their stay in Ukraine, as well as the procedure of control over their activity during their stay in the territory of Ukraine.

PART I. GENERAL PROVISIONS

Article 1. Definition of Terms

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

- A unit of the armed forces of another state (hereinafter—unit of the armed forces) is a regular or provisional military formation of a foreign state belonging to the land (ground), navy, air or special troops (forces) of this state, equipped with light weapons or heavy combat materiel, under command of the person responsible to Ukraine and the other state(s) for the behaviour of subordinates who are obliged to observe internal discipline, the norms of international law and who are sent to Ukraine with a specific mission determined by the international treaty of Ukraine;
- Military personnel are servicemen performing military service in the units of the armed forces of another state sent to Ukraine;
- Civilian personnel are persons working in units of the armed forces of another state sent to Ukraine, and who are not citizens of Ukraine;
- The family members of military and civilian personnel are family members of the servicemen or civilian personnel of the units of the armed forces of other states supported by them and staying with them in Ukraine, and who are not citizens of Ukraine;
- The place of location of the units of the armed forces of another state is the territory and area of water designated in the treaty in which the units are located.

Article 2. Grounds for the Reception of the Units of the Armed Forces of Other States on the Territory of Ukraine

The reception of the units of the armed forces of other states on the territory of Ukraine is conducted on the basis of the international treaties of Ukraine and according to the procedure and on terms determined by the legislation of Ukraine.

Article 3. Purpose of Stay of the Units of the Armed Forces of Other States in the Territory of Ukraine

Units of the armed forces of other states can be received on the territory of Ukraine with the purposes of:

- a) Joint participation with the units of the Armed Forces of Ukraine, and others created according to the laws of Ukraine, of military formations in military exercise and other activities concerning the improvement of the combat preparedness of troops and exchanges of experience under the framework of agreements (treaties) on international military cooperation, including the training of joint military units created under the framework of military cooperation under the international treaties of Ukraine;
- b) Transit of the units of the armed forces of other states through the territory of Ukraine. The moving of these units through the territory of Ukraine cannot exceed ten days if not otherwise stipulated by the international treaty of Ukraine;
- c) Granting to Ukraine, at its request, military assistance in rebuff (e.g. prevention or suppression) of an armed aggression from a third country (countries);

- d) Granting to Ukraine, at its request, support in the alleviation of the consequences of emergencies caused by natural or technogenic disasters;
- e) Service of the military units temporarily placed in the territory of Ukraine according to the international treaties of Ukraine;
- f) Providing support to Ukraine, at her request and on her territory, in the form of international peace and security support operations conducted on the basis of a decision made by the UN and (or) the EU.

Article 4. Restrictions on the Reception of the Units of the Armed Forces of Other States on the Territory of Ukraine

1. The reception and stay in the territory of Ukraine of the units of the armed forces of other states equipped with nuclear, chemical, bacteriological or other types of weapons of mass destruction, and also with weapons containing nuclear, chemical or bacteriological components, as well as other weapons of mass destruction, is forbidden.
2. Potential carriers of nuclear weapons and other kinds of weapons of mass destruction are received according to the international treaty of Ukraine for short-term accommodation in the territory of Ukraine under the condition of proper control on the part of Ukraine.
3. The reception and stay of submarines and surface vessels in the territory of Ukraine which are equipped with nuclear energy installations, therefore acting as potential sources of contamination to the Black and Azov Seas, is forbidden.
4. Reception on the territory of Ukraine of the units of the armed forces of states that have not recognised Ukraine's independence and territorial integrity, or otherwise have territorial claims or have launched an armed aggression against it is forbidden.
5. In case of the introduction of a state of emergency or martial law in Ukraine or in particular areas of Ukraine, which is introduced in the interests of national security, additional restrictions or prohibitions on the reception of units of the armed forces of other states on the territory of Ukraine can be established.

Article 5. Requirements To the International Treaty of Ukraine about the Reception of the Units of the Armed Forces of Other States on the Territory of Ukraine

1. The international treaty of Ukraine should meet the following conditions stipulating the procedure for the units of the armed forces of other states to be received and to stay in the territory of Ukraine:
 - a) Temporariness, that is, a precise definition and limitation of the time necessary to achieve the goal of such stay;
 - b) Conformity of such a stay with the national interests of Ukraine;
 - c) Does not impede the relations of Ukraine with third states, and strengthens international collective security;
 - d) Observance by the units of the armed forces of other states, the military and civilian personnel in their structure, and their family members of the laws of Ukraine, as well as abstention from any political activity in Ukraine or any activities otherwise not complying with its national interests;
 - e) Non-use of the units of the armed forces of other states to contravene the military-political interests or other interests of Ukraine, in line with the requirements of the Charter of the United Nations on issues related to peace and security support activities, and with other norms of international law.
2. The international treaty for the reception of the units of the armed forces of other states on the territory of Ukraine agreed as binding by the Verkhovna Rada of Ukraine should envisage:
 - a) The purpose, term and conditions of stay of the units of the armed forces of other states on the territory of Ukraine, as well as their kinds of activity and subordination;
 - b) The composition and structure of the units of the armed forces of other states (other state), the numerical strength of their military and civilian personnel, as well as the types and quantity of arms and military equipment;

- c) The place and limits of the location of the units, and restrictions on the movement of their military and civilian personnel;
- d) The procedure of entrance of the units of the armed forces of other states into the territory of Ukraine, as well as departure from it, and also of their military and civilian personnel not in the structure of these units;
- e) The routes of transit of the units of the armed forces of other states through the territory of Ukraine;
- f) The procedure for the use of the units of the armed forces of other states during their stay in Ukraine;
- g) The conditions and procedure for the use of bases, educational centres, ranges and other installations in the territory of Ukraine by the units of the armed forces of other states;
- h) Requirements on environment protection, recycling and the disposal of waste;
- i) The rate and procedure of paying rent for the use of plots and other real estate (including inhabited and other premises) and payments for using the water and airspace of Ukraine for aeronautical or navigational-hydrographical purposes, and the data-ware of the units, as well as the rendering of municipal, household and other services to them;
- j) The procedure of definition and reparation of the damages caused to Ukraine by the third state(s) or other physical or legal persons in the territory of Ukraine as a result of the activities or acts of omission of the units of the armed forces of other states, or their military and civilian personnel;
- k) The procedure for the right of the military personnel of the units of the armed forces of other states to carry weapons and use them;
- l) The conditions of use in the territory of Ukraine of state symbols used by the units of the armed forces of other states sent to Ukraine;
- m) The procedure of control over the activity of the units of the armed forces of other states in the territory of Ukraine, including the possibility of conducting unexpected checks to verify the observance of treaty provisions by the units of the armed forces of other states;
- n) The question of jurisdiction connected with the stay of the units in the territory of Ukraine,
- o) The duties of other states to Ukraine arising from the conditions of stay of the units of their armed forces in the territory of Ukraine;
- p) The basis for a denunciation of the international treaty of Ukraine;
- q) The conditions and procedure for a preterm withdrawal of the units of the armed forces of other states from the territory of Ukraine;
- r) Other questions connected with the stay of the units of the armed forces of other states in Ukraine.

Article 6. Grounds for the Denunciation of International Treaties of Ukraine on the Temporary Stay in the Territory of Ukraine of the Units of the Armed Forces of Other States

The international treaties of Ukraine for the temporary stay of the units of the armed forces of other states in the territory of Ukraine are subject to denunciation in the following cases:

- a) If the continued stay of the units of the armed forces of other states in the territory of Ukraine threatens the national interests of Ukraine or if the purpose of their stay as defined by the international treaty of Ukraine has been achieved;
- b) Non-observance or infringement by the units of the armed forces of other states of the requirements of the international treaties of Ukraine, this Law and other normative-legal acts;
- c) Intervention or threats of intervention of the units of the armed forces of other states in the internal affairs of Ukraine;
- d) Use or threat of use of the units of the armed forces of other states which stay in the territory of Ukraine against third states;
- e) The threat of a loss of control over the units of its armed forces in the territory of Ukraine by the other state;

- f) The state from which the units of the armed forces staying in the territory of Ukraine belong to has come into military conflict with a third state, and is therefore a threat to the national interests of Ukraine;
- g) Deviation by the unit of the armed forces of the other state(s) from the purpose of staying in the territory of Ukraine and infringement of the national interests of Ukraine.

PART II. THE PROCEDURE OF THE SETTLEMENT OF QUESTIONS ON THE RECEPTION OF THE UNITS OF THE ARMED FORCES OF OTHER STATES IN UKRAINE

Article 7. Submission of the Proposal on the Reception of the Units of the Armed Forces of Other States on the Territory of Ukraine

1. The proposal on the reception of units of the armed forces of other states on the territory of Ukraine, including participants in international peace and security support operations, is submitted to the Council of National Security and Defence of Ukraine by the Ministry of Foreign Affairs of Ukraine together with the Ministry of Defence of Ukraine upon agreement with other interested Central Executives. At the moment of its introduction, the proposal should include all data available regarding the area of the national contingent or national personnel operation, their tasks, total numerical strength, type and composition of arms, military equipment, subordination, terms of stay and procedure for prolongation; the procedure for replacement and the conditions of withdrawal, the guarantees and indemnities to servicemen of military formations, employees of the Armed Forces of Ukraine, other military formations, employees of law enforcement organs, other state organs and civil establishments of Ukraine and members of their families, as well as information on the procedure of reimbursement for expenses connected with the participation of Ukraine in international peace support and security operations.
2. The Council of National Security and Defence of Ukraine, being aware that such participation conforms with the national interests and legislation of Ukraine, including the international obligations of Ukraine according to the Charter of the United Nations, and taking into account the opportunities for financial and logistical support, as well as the level of security for Ukrainian citizens who will take part in the peace support and security operation in the structure of the national contingent or national personnel, submits the proposal on the participation of Ukraine in the international peace support and security operation for the consideration of the President of Ukraine.

Article 8. Decision-making on the Reception of the Units of the Armed Forces of Other States on the Territory of Ukraine

1. The President of Ukraine, on the basis specified in part Two of Article 7 of this Law, adopts the decision on the reception of the units of the armed forces of other states on the territory of Ukraine.
2. According to Item 23 of Article 85 of the Constitution of Ukraine, the decision of the President of Ukraine on the reception of units of the armed forces of other states on the territory of Ukraine is subject to consideration by the Verkhovna Rada of Ukraine as an urgent priority. The decision on the reception of units of the armed forces of other states on the territory of Ukraine is not submitted for approval to the Verkhovna Rada of Ukraine if such reception is already stipulated in the international treaty agreed as binding by the Verkhovna Rada.
3. Proposals on the reception and stay of the units of the armed forces of other states in the territory of Ukraine under the framework of military cooperation can be submitted on the basis of coordination with the relevant states, and, in accordance with the international treaties of Ukraine, the plans of military cooperation can be approved by the President of Ukraine for a period of one year or more. The said proposals are considered, coordinated and approved according to the procedure determined by Article 7 of this Law and this Article.
4. The proposal for the admission of the armed forces of other countries into Ukraine to participate in multi-national exercises is introduced each year in the form of the draft plan of multinational exercises with the participation of the Armed Forces of Ukraine on the territory of Ukraine and participation in multinational

exercises outside Ukraine for the relevant year and must be submitted to the President of Ukraine for approval. The said proposal is considered, agreed and approved in the manner specified in Article 7 of this Law and the first and second parts of this Article.

5. The decision of the President of Ukraine on the reception of the units of the armed forces of other states on the territory of Ukraine enters into force after its approval by the Verkhovna Rada of Ukraine.

Article 9. The Implementation of Decisions on the Preterm Withdrawal of the Units of the Armed Forces of Other States from the Territory of Ukraine

Decisions on the preterm withdrawal of the units of the armed forces of other states from the territory of Ukraine are realised by the executive organs of Ukraine after the denunciation by Ukraine of the relevant international treaty in accordance with the established legal procedure of Ukraine.

PART III. PRINCIPLES AND CONDITIONS OF STAY OF THE UNITS OF THE ARMED FORCES OF OTHER STATES IN THE TERRITORY OF UKRAINE

Article 10. The Procedure for the Entrance and Departure from Ukraine of the Units of the Armed Forces of Other States

1. Units of the armed forces of other states, as well as their military and civilian personnel, can arrive to Ukraine by automobile vehicles or railway, sea and river vessels and military ships or aircraft, and may stay in Ukraine or transit through its territory according to this Law and to the international treaties of Ukraine.
2. When crossing the state border of Ukraine, the military and civilian personnel of the units of the armed forces of other states should be in possession of:
 - Valid national passports or equivalent documentation;
 - Official identification cards with a photo if entry into Ukraine is done so under the general (common) list, and if the commander of the concerned unit can confirm the person with the valid national passport or the document substituting it.
3. Servicemen crossing the state border should wear military uniform and have the established insignia.
4. During the crossing of the state border of Ukraine, the military and civilian personnel of the units of the armed forces of other states, as well as their personal items and weapons, are subject to border and customs control. When, at Ukraine's request, the specified unit(s) cross the state border of Ukraine in order to provide support in alleviating the consequences of emergencies, they are subject to simplified border and customs control as determined by the Cabinet of Ministers of Ukraine. Foreign military ships (vessels), battle and military-transport vessels, aircraft, and other military equipment that arrives in or leaves Ukraine is not subject to customs control. The peaceful passage of foreign military ships (vessels) through the territorial sea of Ukraine and their call at internal waters and ports of Ukraine are brought about according to the legislation of Ukraine.
5. Units of the armed forces of other states arriving in Ukraine on bases determined by Article 2 of this Law, as well as the military and civilian personnel in the structure of these units, are obliged to fulfil the sanitary norms and rules of Ukraine.
6. Military and civilian personnel arriving in Ukraine as part of the units of the armed forces of other states are exempt from entry visas and are not obliged to register their passport or other identification documents with the registration organs of Ukraine. Exemption from registration of passports or documents substituting them is not applied in cases where the military and civilian personnel of the units of the armed forces of other states reside outside the area where their respective units are located.
7. The departure of units of the armed forces of other states from Ukraine, and the transportation of military property and military equipment are brought about in accordance with same procedure established for their entrance into Ukraine.
8. The family members of the military and civilian personnel of the units of the armed forces of other states enter and leave Ukraine while observing the requirements of the Law of Ukraine "On the Legal Status of Foreigners", taking into account the features stipulated by this Law.

9. The military and civilian personnel of the units of other states entering the territory of Ukraine must complete official certificates regarding their state of health; confirming that they have no infectious diseases.

Article 11. Conditions of Stay of the Units of the Armed Forces of Other States in the Territory of Ukraine

1. Units of the armed forces of other states staying in the territory of Ukraine, their military and civilian personnel, and members of their families should:
 - Observe the Constitution of Ukraine and the laws of Ukraine;
 - Respect the traditions and customs of the Ukrainian people and not cause harm to the national interests of Ukraine, nor infringe upon the rights, freedoms and legitimate interests of the citizens of Ukraine, and also of foreigners and persons staying in Ukraine legally without citizenship.
2. The military and civilian personnel of the units of the armed forces of other states temporarily staying in the territory of Ukraine cannot claim the rights of permanent residence on its territory.

Article 12. Rights, Freedoms, Duties and Liability of the Military and Civilian Personnel of the Units of the Armed Forces of Other States

1. The military and civilian personnel of the units of the armed forces of other states and members of their families staying in the territory of Ukraine have the same rights, freedoms and duties as the citizens of Ukraine, apart from exceptions established by the Constitution of Ukraine, the law or the international treaties of Ukraine.
2. In cases where military or civilian personnel belonging to a unit of the armed forces of another state(s) are suspected of committing a crime in the territory of Ukraine but reside outside of it, the question of accountability is settled according to the law and international treaties of Ukraine.
3. The military personnel of the units of the armed forces of other states, during their stay on the territory of Ukraine, have the right to wear the military uniform of their state, to carry and use weapons during the performance of duties of military service within the area in which these units are located, and also in locations where military exercises and training are undertaken, if these are in accordance with the purpose of their stay in Ukraine. In case of an infringement of the specified requirements, according to the established procedure, the weapons and ammunition belonging to the concerned military personnel are withdrawn by the relevant organs of Ukraine.

Article 13. Sanitary and Epidemiologic Inspection, State Veterinary Control and Medical Support of the Units of the Armed Forces of Other States

1. Measures aiming to prevent the spread of diseases, people, animals, plants and pests in the units of the armed forces of other states, as well over control over these measures, are established in accordance with the legislation of Ukraine.
2. Sanitary and epidemiologic supervision, and state veterinary control over the location of the units of the armed forces of other states is conducted by the relevant organs of state power in Ukraine and their officials in accordance with the laws of Ukraine.
3. When it is not possible for foreign states to provide sufficient healthcare services for their military and civilian personnel and members of their families during their stay in Ukraine, healthcare can be rendered on a contractual basis by military-medical establishments of the armed forces of Ukraine and other military formations, and if necessary, by other medical institutions.

Article 14. Environmental Protection

1. Units of the armed forces of other states should observe the requirements on environmental protection, the maintenance of ecological security, and the prevention of environmental pollution and (or) the deterioration of natural resources as established by the law of Ukraine.
2. During military exercises and the use of training installations, it is prohibited to violate the operating rules relating to the use of arms, military and other military equipment.
3. Fuel, combustible and oil materials, as well as other substances necessary for the effective operating of aircraft, sea, river vessels and other vehicles, arms, military and other military equipment, should be used

by the units of the armed forces of other states in accordance with the requirements of the legislation of Ukraine on environmental protection.

4. The destruction of ammunition not used by the units of the armed forces of other states during their stay in Ukraine is performed according to the norms and rules established in Ukraine and is done so at the expense of the states owning this ammunition, if not otherwise established by the international treaty.
5. Radioactive substances and sources of ionising radiation intended for use by the units of the armed forces of other states for peaceful purposes are subject to registration and control by the relevant executive organs of Ukraine.
6. In cases where units of the armed forces of other state(s) cause environmental pollution and (or) contribute to the deterioration of natural resources in Ukraine, this state, according to the relevant international treaty of Ukraine, is obliged to take measures to restore the environment to its former state, or to compensate Ukraine for the damage caused.

Article 15. Vehicles and Routes of the Units of the Armed Forces of Other States

1. Vehicles used by units of the armed forces of other states are registered with the relevant organs of Ukraine and used in accordance with the requirements of normative-legal acts, including restrictions on noise levels, and the prevention of deleterious substances contaminating water, gas, etc.
2. Transport routes used for moving the units of the armed forces of other states, as well as their arms, heavy military equipment, dangerous materials, and the types of transport and other essential conditions of transportation, are coordinated with the relevant executive organs of Ukraine.
3. Civilian permits and military driving permits which meet the Convention on traffic and which are issued by the relevant state organs of the unit of armed forces staying in the territory of Ukraine remain valid in Ukraine.
4. Representatives of the units of the armed forces of other states can be involved in the regulation of the movement of vehicles, including on accident sites and with respect to the movement of transport with dangerous cargo.

Article 16. Communication Facilities and Electronic Means of the Units the Armed Forces of Other States

1. The assignment of radio frequencies and call signs, the registration of permits to use electronic means in the territory of Ukraine, and the registration of permits for their import by the units of the armed forces of other states to the territory of Ukraine, as well as state supervision over these, is brought about according to the legislation of Ukraine.
2. Units of the armed forces of other states are permitted to use the assigned radio frequencies for electronic means when in possession of the relevant permits. Issues relating to the change of radio frequencies are settled according to the procedure determined by the Cabinet of Ministers of Ukraine.
3. The term of use for assigned radio frequencies cannot exceed the term of stay for the units of the armed forces of other states in the territory of Ukraine. After the term of stay for the units of the armed forces of other states expires, the relevant permits to use radio frequencies are annulled.
4. Units of the armed forces of other states shall take all necessary measures to prevent obstruction to the work of communication facilities and electronic means belonging to Ukraine.
5. Units of the armed forces of other states, if necessary, have the right to establish and use temporary means of telecommunication, including radio stations (except for broadcasting objects), with the respective permit provided in accordance with the procedure determined by the Cabinet of Ministers of Ukraine.

Article 17. Restriction on the Right of Property of Individual Kinds of Property and on Using the Units of the Armed Forces of Other States

1. Property included in the list of property, which, according to Ukrainian law, cannot be in the possession of citizens, public associations, international organisations and legal persons of other states in the territory of Ukraine, if not otherwise stipulated by this Law or the relevant international treaty of Ukraine, cannot be

- in the possession of the units of the armed forces of other states staying in the territory of Ukraine, or their military or civilian personnel and families members.
2. Units of the armed forces of other states staying in the territory of Ukraine are not permitted to conduct geological prospecting or excavate mineral deposits. The military and civilian personnel of these units should immediately inform local executive organs about treasures, archaeological items, precious metals, stones, etc. found in the territory (or in the water) of their location, and transfer them to the specially authorised state organs of Ukraine.
 3. Installations, water and energy supply systems, national navigation-hydrographical aspects of security relating to navigation support in the territorial waters of Ukraine, as well as the State system of geodetic signs, are not allowed to be rented. The rendering by Ukraine of the services of the specified systems and the relevant payment for these services by the interested parties are brought about on a contractual basis according to the legislation of Ukraine, unless otherwise stipulated by international treaty of Ukraine.

Article 18. Insurance of the Military and Civilian Personnel of the Units of the Armed Forces of Other States and Members of Their Families

1. The military and civilian personnel of the units of the armed forces of other states staying in the territory of Ukraine, as well as their family members, enjoy the same right to insurance protection as the citizens of Ukraine.
2. Any forms of insurance connected with the stay of the units of the armed forces of other states in the territory of Ukraine is performed according to the legislation of Ukraine.

Article 19. Taxes, Dues and other Compulsory Payments

Taxes, dues and other compulsory payments connected with the stay of the units of the armed forces of other states in the territory of Ukraine are paid according to the law of Ukraine, if not otherwise stipulated by the international treaty of Ukraine.

Article 20. Mass Media Activity of the Units of the Armed Forces of Other States

Mass media activity of the units of the armed forces of other states is conducted in the territory of Ukraine according to the laws of Ukraine.

Article 21. Duties of other states to Ukraine

1. In connection with their stay in the territory of Ukraine according to the international treaties of Ukraine, other states are obliged to:
 - a) Inform the Cabinet of Ministers of Ukraine on each case of appointment to office and dismissal from office of the commander (chief) of the unit of the armed forces staying in the territory of Ukraine no later than three days after such an appointment to office and dismissal from office is made;
 - b) Provide reparations according to the procedure determined by the international treaty of Ukraine for the damage caused to Ukraine, to third states or other physical or legal persons in the territory of Ukraine and in its exclusive (sea) economic zone by the actions of the units of the armed forces, including acts or acts of omission of the military and civilian personnel of these units concerning the duties assigned to them;
 - c) By the date established in the international treaty, withdraw the unit(s) of the armed forces of another state(s) from the territory of Ukraine when the period of validity of the relevant international treaty expires, or when it is denounced by Ukraine.
2. The state(s) of which the unit(s) of armed forces staying in Ukraine belongs to can also have additional duties to Ukraine as stipulated by this Law and the international treaties of Ukraine.

Article 22. Duties of Command of the Units of the Armed Forces of Other States Staying in the Territory of Ukraine

1. The Command of the units of the armed forces of other states staying in the territory of Ukraine is obliged to:

- a) According to the established procedure, coordinate the plans for the manoeuvres and military exercises of the units with the Ministry of Defence of Ukraine prior to the beginning of the manoeuvres or military exercises;
 - b) To inform the Ministry of Defence of Ukraine every quarter on the actual numerical strength of military and civilian personnel, the type and quantity of arms and military equipment, and also the amount of other material means in the territory of Ukraine (according to the list determined by the Ministry of Defence of Ukraine);
 - c) Be adequately informed about the location of the military and civilian personnel, as well as the arms, military, special and other military equipment the relevant units of the armed forces of other states are in possession of;
 - d) With the purpose of maintaining order and discipline, to take the necessary disciplinary measures against military and civilian personnel for offences committed by them. The Command has no right to enforce disciplinary measures against the servicemen of the Armed Forces of Ukraine and other military formations of Ukraine, nor against the military and civilian personnel of a third state.
2. The Command of the units of the armed forces of other states staying in the territory of Ukraine assist the relevant executive organs of Ukraine with the implementation of control over the location and movement of the specified units, the performance of military exercises, and other activities of operative and combat training according to this Law and the international treaties of Ukraine.
 3. The Command of the units of the armed forces of other states staying in the territory of Ukraine has no right to issue orders, directives or other acts contradicting the laws and the international treaties of Ukraine.
 4. In cases where the military or civilian personnel of unit of the armed forces of another state is suspected of committing a crime in the territory of Ukraine, the Command of the concerned unit is obliged to assist the law enforcement organs of Ukraine in conducting detective-investigation activities and investigatory activities according to the laws of Ukraine and to provide, if necessary, for the participation of the concerned military and civilian personnel in these actions (activities).

**PART IV. CONTROL OVER THE ACTIVITY OF THE UNITS OF THE ARMED FORCES
OF OTHER STATES AND LIABILITY FOR THE OBSERVANCE OF THE REQUIREMENTS
OF THE CONSTITUTION OF UKRAINE AND THE LAWS OF UKRAINE
ON THE RECEPTION OF THESE UNITS ON THE TERRITORY OF UKRAINE**

Article 23. Control Over the Activity of the Units of the Armed Forces of Other States and Supervision Over Their Observance to the Laws of Ukraine

1. Control over the activity of the units of the armed forces of other states staying in the territory of Ukraine is performed within the limits of the authority of the Cabinet of Ministers of Ukraine, the Council of Ministers of the Autonomous Republic of Crimea, the Ministry of Defence of Ukraine, other central and local executive organs and institutions of local self-government according to the Constitution of Ukraine and the laws and international treaties of Ukraine.
2. (Part Two is excluded under the Law No 1697-VII of 14.10.2014)

Article 24. Resolution of Disputes

Disputes arising in connection with the temporary stay of units of the armed forces of other states in the territory of Ukraine are resolved by negotiations between Ukraine and other states according to the procedure and terms established by the relevant international treaties. In the absence of such treaties, other mutually acceptable dispute resolution procedures are applied.

Article 25. Liability for Infringement of the Requirements of the Constitution and the Laws of Ukraine on the Reception of the Units of the Armed Forces of Other States on the Territory of Ukraine

Officials who have infringed the requirements of the Constitution and the laws of Ukraine on the procedure of reception and conditions of stay of the units of the armed forces of other states in the territory of Ukraine are held to account according to the laws of Ukraine.

Article 26. Informing About the Stay in the Territory of Ukraine of Units of the Armed Forces of Other States

The Ministry of Defence of Ukraine annually presents information on the stay in the territory of Ukraine of units of the armed forces of other states to the President of Ukraine and the Verkhovna Rada of Ukraine.

PART V. FINAL PROVISIONS

1. This Law enters into force from the date of its publication.
2. Before bringing the laws of Ukraine and other normative-legal acts in conformity with this Law, they are partially applied so as not to contradict this Law.
3. Within six months, the Cabinet of Ministers of Ukraine is obliged to:
 - Submit proposals to the Verkhovna Rada on bringing the acts of Ukraine into conformity with this Law;
 - Bring its normative-legal acts into conformity with this Law;
 - Ensure the cancellation by Ministries, other central and local executive organs of any normative-legal acts contradicting this Law.

President of Ukraine L. Kuchma
Kyiv, February 22, 2000, No 1479-III

Law of Ukraine “On State Control Over International Military Transfers and Dual-Use Goods”

(*Bulletin of the Verkhovna Rada of Ukraine (BVR), 2003, No. 23, p. 148*)

Includes changes made by the Laws:

- No 2561-VI of 23.09.2010, BVR, 2011, No 6, p. 46;
- No 4652-VI of 13.04.2012, BVR, 2013, No 21, p.208;
- No 5463-VI of 16.10.2012, BVR, 2014, No 4, p.61;
- No 406-VII of 04.07.2013, BVR, 2014, No 20-21, p.712;
- No 1560-VII of 01.07.2014, BVR, 2014, No 34, p.1174;
- No 901-VIII of 23.12.2015, BVR, 2016, No 4, p.44.

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, as provided by the Law No 2561-VI of 23.09.2010.

This Law regulates activity connected with state control over international transfers of military goods and goods with dual civilian and military uses—with the purpose of protecting the national interests of Ukraine, ensuring the observance of its international obligations on issues related to the non-proliferation of weapons of mass destruction and to their means of delivery, as well as to restrictions on the transfer of conventional arms, and also the implementation of measures to prevent the use of the specified goods for terrorism or for other illegal purposes.

PART I. GENERAL PROVISIONS

Article 1. Definition of Terms

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

- International transfers of goods are understood as their export, import and re-export, their temporary export outside of Ukraine or their temporary import to its territory, the transit of goods through the territory of Ukraine, as well as any other transfers of goods conducted outside of Ukraine;
- Export is understood as a sale, or transfer on another legal basis, of goods to foreign subjects of economic or other activity with or without the export of these goods outside the customs frontier of Ukraine, including re-export of the goods, and the:
 - Sale or transfer of goods in Ukraine to an embassy or a representative of any legal person from a foreign state, foreigner or person without citizenship;
 - Sale or transfer in or outside of Ukraine of the right of management (control) of goods to a legal person from a foreign state or their representative, foreigner or person without citizenship, including through communication facilities;
 - Disclosure of technology to a foreigner or person without citizenship;
 - Actual shipment of the goods with the purpose of their further transfer or movement outside of Ukraine.
- Embargo (either full or partial) is understood as the prohibition or restriction on the export of goods to states determined by the international organisations Ukraine is party to, or to states that are subject to the corresponding national policy;
- Import is the purchase or obtainment on another legal basis from foreign subjects of economic or other activity of goods with or without the import of these goods to Ukraine, including their purchase for consumption by branches and representative offices of establishments and organisations of Ukraine located outside of its territory, and also diplomatic representatives and consular establishments outside of Ukraine;
- Re-export is the sale or transfer on another legal bases to foreign subjects of economic or other activity with or without the export outside Ukraine of the goods previously imported to it;

- Transit is the transportation of goods from one to another foreign state via the territory of Ukraine between the two points or within the limits of one checkpoint across the state border of Ukraine, except for cases when the right of property or the right of possession and use of the goods on the territory of Ukraine transfers from one to other person according to the established procedure;
- Temporary export of goods is the export of goods from Ukraine to foreign states with their subsequent return to Ukraine;
- Temporary import of goods is the import of goods to Ukraine from foreign states with their subsequent export outside of Ukraine;
- The goods are understood as military and dual-use goods.

Military and dual-use goods, whether combined or individual, are:

- Products with a military purpose – arms, ammunition, military and special military equipment, special components for their manufacture, explosives, as well as materials and equipment specifically intended for development, manufacture or use of the specified products;
- Services of military purpose – services rendered to foreign legal or physical persons in Ukraine or outside of it, including intermediary (broker) services in the sphere of development, manufacture, construction, assembly, test, repair, maintenance, updating, modernisation, operation, management, demilitarisation, destruction, selling, storage, revealing, identification, purchase or use of the products or technologies of military purpose, and also services for financing such works rendered to the specified legal persons of foreign states or other representatives or foreigners;

Technologies of military purpose refers to special information, in any form (except for mass information), necessary for the development, manufacture or use of products of military purpose and for the rendering of services of military purpose. This information can be given in the form of specifications or technical help:

- Specifications are hardcopies or softcopies of projects, plans, drawings, schemes, diagrams, models, formulas, specifications, software, manuals or instructions;
- Technical help is the delivery of instructions, consultations and the implementation of measures with the purpose of improving the professional skills, training and practical development of the methods of related work;
- Base technologies are the technologies which determine the principles of work and the use of military equipment, and elements of technologies without which the military equipment cannot be produced and used;
- Dual-use goods are products, equipment, materials, software and technologies not originally designed for military use, including the services (technical assistance) connected with them, which, except for civilian use, can also be used for military or terrorist purposes or for development, manufacture, and use related to a military purpose, such as weapons of mass destruction, the means of transportation of the specified weapons or nuclear explosives, including certain types of nuclear materials, chemical substances, bacteriological, biological and toxic preparations, the list of which is determined by the Cabinet of Ministers of Ukraine;
- Services (technical assistance) designated for military and civilian purposes is the provision to foreign legal entities or aliens inside or outside Ukraine of technical support services relating to repairs, design and (or) development, production, operation, assembly, testing, modification, upgrading, maintenance, including designer and (or) warranty supervision, or any other maintenance of systems, equipment and related components, software and technologies which are subject 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;
- End-users are subjects of economic activity of Ukraine, the state organs of Ukraine, the Armed Forces of Ukraine and other military formations, law enforcement organs, foreign subjects of economic or other activity who consume goods imported to or exported from Ukraine;

Military ultimate use is the use of any goods with the purpose of the development, manufacture, assembly, test, repair, maintenance, updating, modernisation, operation, storage, revealing, identification or the purchase of products with a military purpose, including:

- Use of industrial, testing or manufacturing equipment and its components;
- Use of any components of the specified goods, and also the equipment, materials, software, technologies or rendering services;
- Inclusion of such goods in the structure of products of a military purpose;
- The subject of economic activity of Ukraine, having the intention to conduct the international transfers of goods, including intermediary (broker) activity, is registered by the specially authorised organ of executive power on issues of state export control;
- The permit is the document issued by the specially authorised organ of executive power on issues of state export control, which enables the export or import of the goods. The permit can be single, general or open;
- The findings is the document issued by the specially authorised organ of executive power on issues of state export control, which enables the temporary import or export of the goods or the authorisation to transit them, conduct negotiations on issues related to the findings of foreign economic contracts for international transfers of the military goods or to the export of dual-use goods and other goods in states subject to partial embargos on the deliveries of such goods. The findings can be single, general or open;
- The single permit or the findings are the permit or the findings enabling the subject of international transfers of goods or subjects specified in Article 15, section three of this Law, to conduct the relevant negotiations or conduct the international transfer of the goods to the determined ultimate consumer, with an indication of their name, amount, costs, special conditions of delivery, name of the foreign subject of economic or other activity, the purpose or origin of the goods and their ultimate consumer;
- The general permit or the findings are the permit or the findings enabling the subject of international transfers of goods to repeatedly conduct the relevant negotiations or to conduct international transfers of the goods to the determined ultimate consumer, with an indication of their name, special conditions of delivery, the name of the foreign subject of economic or other activity, the purpose or origin of the goods and their ultimate consumer;
- The open permit or the findings are the permit or the findings enabling the subject of international transfers of goods to repeatedly conduct negotiations or conduct international transfers of the goods, only with an indication of their names, special conditions of delivery and the purpose or origin of the goods;
- The state export control is a complex of measures to control international transfers of goods and their use by legal or physical persons; conducted by the specially authorised organ of executive power on issues of state export control and other state organs with the purpose of protecting national security and in accordance with the international obligations of Ukraine;
- The system of in-house export control is a complex of organisational, legal, informative and other measures performed by the subject of the international transfers of the goods, with the purpose of ensuring the observance of the requirements of the legislation in the sphere of export control by it and the structural units subordinated to it;
- Intermediary (broker) activity is any activity of the subject of entrepreneurial activity of Ukraine which promotes the implementation of the international transfers of military goods, including activities related to financing, the transportation of cargo and freight forwarding, irrespective of the origin of such goods and territory where the specified activity is conducted;
- The document about the guarantee is the Commitment Letter (confirmation) from the specially authorised state organ of Ukraine or a foreign state on the use of the goods for the declared purposes, issued in the form of an international import certificate, a certificate of receipt or other document containing such obligations (confirmation), and also the Commitment Letter of the final consumer issued in the form of the certificate of ultimate consumer;

- The international import certificate is the document issued by the specially authorised state organ of the state-importer, which confirms the obligations of the importer to import the goods to the state and, if the goods are not imported, to not send them to another location without the permission of the specified state organ;
- The certificate of perception is the document issued by the specially authorised state organ of the state-importer confirming that the goods specified in it are delivered to the state;
- The certificate of ultimate consumer is the document in which the ultimate consumer determines the place and purpose of the ultimate use (installation) of the goods and guarantees that the goods will not be used for purposes other than those specified in the certificate, or transferred to other consumers on the territory of the state or re-exported without the permission of the relevant state organ, and also includes other guarantees (obligations) on the imported goods stipulated by the conditions of the respective foreign economic agreement (contract) or by the requirements of the state-exporter of the goods.

Article 2. Applicability of the Law

This Law is applicable to activity connected with the international transfer of the goods, including the rendering of intermediary (broker) services, industrial, scientific, technical and other cooperation, as well as the demonstration of the goods at international exhibitions and fairs with the purpose of advertising, performing tests, trading or conducting transactions involving their exchange.

This Law is not applicable to the:

- Movements of goods in connection with measures 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 the application of special export control procedures on the movements of the above-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 the circulation of the above-mentioned goods as well as components, cartridges and munitions for the above-mentioned weapons;
- International transfers of special assets for riot control applications contained in the List approved by the Cabinet of Ministers of Ukraine;
- Movement outside or inside of Ukraine, in pursuance of its international obligations, of work-issued or service weapons during the performance of official duties by policemen, military servicemen or other individuals entitled by the laws of Ukraine to keep and carry those weapons;
- Importation during an anti-terrorist operation and (or) martial law, in accordance with the legislation, of special individual protective means—that is, helmets manufactured in line with military standards or technical specifications or their equivalents and components specially designed for them (e.g. helmet linings, absorbers etc.), commodity code 6506 10 80 00, as per the Ukrainian Classification of Commodities for Foreign Economic Activity; and body armour, commodity code 6211 43 90 00, as per the Ukrainian Classification of Commodities for Foreign Economic Activity, manufactured in line with military standards or military specifications for the needs of law enforcement bodies, the Armed Forces of Ukraine and other military formations established in accordance with the laws of Ukraine, or other actors engaged in fighting terrorism in accordance with the law.

Article 3. Legal Basis for State Export Control

The legal basis for state export control is the Constitution of Ukraine, this and other laws of Ukraine, Decrees of the President of Ukraine and the Cabinet of Ministers of Ukraine, other normative-legal acts, and international treaties of Ukraine agreed as binding by the Verkhovna Rada of Ukraine.

Article 4. Principles of State Policy in the Sphere of State Export Control

State policy in the sphere of state export control is formed in accordance with the following principles:

- The priority of the national interests of Ukraine—that is, the political, economic and military protection necessary for ensuring national security;

- The aim of fulfilling the international obligations of Ukraine with respect to the non-proliferation of weapons of mass destruction and their means of delivery, as well as the establishment of state control over international transfers of military and dual-use goods, and the maintenance of the implementation of measures on the exclusion of the specified goods for use by terrorists or for other illegal purposes;
- Legality;
- Implementation of export control only within the limits necessary for the achievement of its purposes;
- Coordination of procedures and rules of state export control with international law and best practice;
- Maintenance of interaction with international organisations and foreign states in the sphere of state export control with the purpose of strengthening international security and stability, including ensuring the non-proliferation of weapons of mass destruction and their means of transportation.

Article 5. Methods of Implementation of State Export Control

Methods of implementation of state export control include the following:

- Identification of the actual goods destined for international transfer, and the matching of these goods with the names and descriptions of the goods indicated in the lists of the goods subject to state export control;
- Granting of permits or findings on the implementation of international transfers of goods or on the conducting of negotiations to effectuate such transfers;
- Implementation of customs control and customs registration of the goods according to the legislation;
- Imposition of permits on subjects of foreign trade activity who have violated the procedure of such transfers established by this Law and other legislation in the sphere of export control.

Article 6. The Powers of State Power Organs in the Sphere of State Export Control

The legislative basis for state policy in the sphere of state export control is determined by the Verkhovna Rada of Ukraine.

In accordance with the Constitution of Ukraine, the general management of state policy in the sphere of state export control is performed by the President of Ukraine.

The National Security and Defence Council of Ukraine coordinates the activity and conducts control measures over the activities of executive organs in the sphere of the state export control.

The Cabinet of Ministers of Ukraine ensures the implementation of State policy in the sphere of state export control.

State policy in the sphere of state export control is implemented by the specially authorised organ of executive power on issues of state export control, as well as the Ministries and other Central Executives authorised to conduct measures in the sphere of state export control according to the legislation of Ukraine. The specified executive organs can also engage other Central Executives, representative offices of Ukraine in other states and legal persons whose activity is not directly connected with state export control, requiring the consent of their supervisors to participate in the implementation of such measures.

The specially authorised organ of executive power on issues of state export control directly, or together with other Central Executives, assists in the implementation of activities connected with the international transfer of goods when in the national interest, first of all owing to the creation of new and preservation of existing workplaces in the sphere of high technologies, or limits or forbids such activity when it contradicts the national interest of Ukraine, its international obligations or impedes it in the fight against terrorism, and also in cases where there are reasons to believe that the specified goods are weapons of mass destruction or are intended for the creation of such weapons, the means of their transportation, or in the absence thereof of appropriate guarantees (obligations) concerning the ultimate use of the goods.

Article 7. Information Exchange During the Implementation of State Export Control

The specially authorised organ of executive power on issues of state export control has the right to receive information (free of charge) from other executive organs and subjects of international transfers of goods necessary for the implementation of powers in the sphere of state export control, to use this information and to conduct international exchanges of information.

Information on international transfers of goods received by organs conducting state export control from executive organs and subjects of international transfers of goods, and under the framework of the international exchange of such information, is used exclusively with the purpose of export control and the protection of national interests.

Information exchange connected with the international transfers of goods with the relevant organs of other states and international organisations should not contradict the legislation of Ukraine or its national interests.

PART II. BASES OF THE ORGANISATION AND IMPLEMENTATION OF STATE EXPORT CONTROL

Article 8. Procedure of Control Over International Transfers of Goods

The procedure of control over the international transfer of goods is established by the Cabinet of Ministers of Ukraine according to this Law, other laws of Ukraine, and Decrees of the President of Ukraine depending on the actual goods and their forms of international transfer.

Article 9. Lists of Goods Subject to State Export Control

The names and descriptions of goods destined for international transfer and which are subject to state export control are placed on the lists of goods subject to state export control (hereinafter—lists).

Lists of the relevant groups of goods are made by the specially authorised organ of executive power on issues of state export control, with participation from the interested Central Executives. Representatives of enterprises, scientific establishments, organisations, and their associations can also be involved in compiling the lists.

Lists are approved by the Cabinet of Ministers of Ukraine.

Article 10. Application of Procedures of State Export Control with the Purpose of the Non-proliferation of Weapons Mass Destruction, Their Means of Transportation and that of Conventional Armaments

Upon receipt by the Central Executives performing state export control of information on the intentions or probability of the use of any goods not on the lists in the states with their ultimate consumers for development, manufacture, assembly, test, repair, maintenance service, updating, modernisation, operation, management, storage, revealing, identifications or proliferation of weapons mass destruction or their means of transportation, the specified organs are obliged to inform the specially authorised organ of executive power on issues of state export control which has the right, in this respect, to subject such goods to state export control.

State export control is also conducted on the export, import or temporary movement abroad of goods which are not on the lists in cases when:

- Such goods are imported into the territory of Ukraine, with the granting of the international import certificate on the demand of the state-exporter;
- Export or temporary export of such goods outside Ukraine to states subject to Resolutions of the Security Council of the United Nations or other international organisations in which Ukraine participates, when Ukrainian legislation has established a full or partial embargo on the delivery of such goods.
- If any subject of foreign trade activity is informed by the specially authorised organ of executive power on issues of state export control or when it becomes known that it is probable that goods suggested for export or temporary export to other states may be used partially or fully for the development, manufacture, assembly, test, repair, maintenance, updating, modernisation, operation, management, storage, revealing, identification or proliferation of weapons of mass destruction or means of their delivery, or for ultimate military use in states subject to Resolutions of the United Nations Security Council, other international organisations in which Ukraine participates, or when national legislation has established a full or partial embargo on the delivery of the military goods, this subject is obliged to request permission from the specially authorised organ on issues of state export control to export these goods, irrespective of whether or not they have been put on the lists.

Article 11. Expert Examination in the Field of State Export Control

Expert examination in the field of state export control is conducted by the specially authorised organ of executive power on issues of state export control to determine if the relevant permits, findings or international

import certificates can be granted, as well as the registration of subjects of foreign trade activity in the specially authorised organ of executive power on issues of state export control as the subjects of international transfers of goods or granting to such subjects the right to export and import military goods and goods containing data which constitutes a state secret.

The specially authorised organ of executive power on issues of state export control is empowered to receive reports from Central Executive Authorities, other government authorities, agencies and organisations concerning matters falling under their respective competencies, as well as to engage the herein mentioned authorities, agencies and organisations in expert evaluations.

The primary tasks of expert examination in the field of state export control are the following:

- Estimation of the conditions for the protection of national security and observance of the international obligations of Ukraine connected with the non-proliferation of weapons of mass destruction, the means of their transportation and to the restriction of transfers of conventional armaments, as well as for estimations on the measures needed to prevent the use of the specified goods for terrorism or other illegal purposes;
- Evaluation of whether or not the goods to be exported can potentially be used by the ultimate consumer to create weapons of mass destruction, their means of transportation, conventional arms and military equipment, or to purchase any goods which can be used in the creation of weapons of mass destruction or their means of transportation;
- Determination of whether or not the names and descriptions of the goods presented for examination match the names and descriptions of the goods put on the relevant lists of goods subject to state export control;
- Definition of the origin of the goods;
- Verify guarantees on the delivery of goods to the declared ultimate consumer and the declared purposes of their use;
- Estimation of the conditions of observance by subjects of international transfers of goods subject to state export control, establishment of the presence of in-house export control and organisational documents regulating the work of these systems;
- Definition of the potential to grant permits on the right to export and import the goods or findings on the right to transit the goods, or to conduct negotiations to conclude foreign economic contracts for international transfers of such goods, and also the expediency of cancelling or upholding these permits (findings) if violations are discovered in the sphere of state export control;
- Definition of the potential to grant import certificates to the subjects of the international transfers of the goods, and also of the expediency of cancelling or upholding these documents if violations are discovered in the sphere of state export control;
- Definition of the potential to register subjects of economic activity who are intending to carry out international transfers of the goods, including the registration of the legal or physical Ukrainians having the intention to conduct intermediary (broker) activity connected with international transfers of military goods with the specially authorised organ of executive power on issues of state export control;
- Definition of the potential to submit to the Cabinet of Ministers of Ukraine a proposal on granting subjects of foreign trade activity the right to export and import military goods and goods containing data which constitutes a state secret;
- Determining whether or not those goods can be qualified as 'classified information items', and determining the classification level of such items;
- Definition of other factors that can promote motivated decision-making in the sphere of state export control.

The representatives of firms or organisations who have an interest in a decision by a commission of experts cannot be appointed as experts themselves. The duration of expert examination should not exceed 30 days from the date of the submission of all the necessary documents to the specially authorised organ of executive

power on issues of state export control, and in cases where additional interagency coordination is necessary, on the completion of such coordination.

The Cabinet of Ministers of Ukraine determines the procedure for examination in the sphere of export control.

Article 12. Registration of Subjects of International Transfers of the Goods

Subjects of economic activity of Ukraine, who are intending to carry out international transfers of the goods, including conducting intermediary (broker) activity connected with international transfers of military goods, are firstly registered as subjects of international transfers of the goods by the specially authorised organ of executive power on issues of the state export control. To this end, the specified subjects must submit all the data and documentation necessary for the specially authorised organ of executive power on issues of state export control to conduct a preliminary expert examination of the goods. Using the results of the expert examination, the specially authorised organ of executive power on issues of the state export control identifies the goods, determines the conditions of their international transfers to the specific states depending on type of goods, types of international transfers of those goods, etc., and grants the specified subjects a certificate upon their registration as subjects of international transfers of the goods together with the relevant explanations of the features of the implementation of such transfers.

The time period for the consideration of applications and for decision-making with respect to granting or denial of a certificate of registration, unless further interagency coordination is required, shall be 30 working days from the date of submission of the required set of documents.

In cases where additional interagency coordination is required, the overall time period for the consideration of applications and for decision-making with respect to the granting or denial of a certificate 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 an Executive agency with special authority to enforce state export controls in cases where:

- The operation of an economic entity was discontinued pursuant to procedures prescribed by the applicable laws of Ukraine;
- It is determined that the certificate of registration or relevant comments were issued based on unreliable information.

The preliminary identification of goods and the performance of activities necessary for obtaining permission for international transfers of such goods, as well the 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, with the right to conduct a preliminary identification of the goods.

The specially authorised organ of executive power on issues of the state export control grants authority for legal entities to conduct a 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 and (or) part-time experts, as well as the positions of relevant goods or groups of goods that are subject to preliminary identification by experts.

The procedure to grant such rights is determined by the Cabinet of Ministers of Ukraine. The time period for the consideration of applications and for decision-making with respect to the granting or denial of certificates which authorise legal entities to conduct a preliminary identification of controlled goods, unless further interagency coordination is required, shall be 45 working days from the date of submission of the required set of documents.

In cases where additional interagency coordination is required, the Cabinet of Ministers of Ukraine and other governmental authorities shall submit their conclusions within 15 days from the date of submission of the relevant request for information by the specially authorised organ of executive power on issues of state export control.

A certificate of authority to conduct a preliminary identification of goods, or an application for extending the term of such a certificate may be denied in cases where:

- Data indicated in documents submitted by a legal entity are found to be invalid;
- A legal entity fails to submit the required documentation;
- A legal entity violates legislation on state export controls.

A certificate of authority shall be cancelled or revoked in cases where:

- An authorised legal entity violates legislation on state export controls;
- An authorised legal entity submits an obviously untrue conclusion related to the preliminary identification of the goods;
- It is established that a certificate authorising a legal entity to conduct a preliminary identification of the goods was issued to the mentioned legal entity based on invalid data provided by the mentioned entity;
- A document of conclusions related to the preliminary identification of goods by an authorised legal entity was executed in contravention to the list of experts and positions of relevant goods (groups of goods) which are subjects of expert examination as specified in annexes to the relevant certificates;
- Liquidation of a legal entity, or by request of such an entity.

Article 13. The Right for International Transfers of Goods

For the export or import of military goods and (or) goods containing data which constitutes a state secret, subjects of such foreign trade activity should receive the relevant powers from the Cabinet of Ministers of Ukraine.

The procedure for the reception and cancellation of powers on the right to export and (or) import goods with a military purpose, and (or) goods containing data which constitutes a state secret, is established by the Cabinet of Ministers of Ukraine.

Article 14. System of In-house Export Control

With the purpose of ensuring the fulfilment of legislative requirements in the sphere of state export control over all stages of international transfers of goods, the subject of the international transfers of the goods creates a system of in-house export control, according to the recommendations of the specially authorised organ of executive power on issues of state export control, which itself assists in the creation of such a system and provides information and methodological support to such a subject.

The creation of an in-house export control system is compulsory for the subject of international transfers of the goods who intends to receive powers from the Cabinet of Ministers of Ukraine on the right to export and (or) import military goods and (or) goods containing data which constitutes a state secret, or in case this subject intends to receive a general or open permit or findings.

The specially authorised organ of executive power on issues of state export control conducts the certification of in-house export control systems created by the subjects of international transfers of goods, and issues the relevant certificates to such subjects.

The procedure for certification is determined by the Cabinet of Ministers of Ukraine.

Article 15. Permit and Findings

The permit or findings are issued by the specially authorised organ of executive power on issues of state export control as single, general or open permits or findings.

Single permit or findings are granted to the subject of international transfers of the goods for conducting negotiations connected with the conclusion of actual foreign economic agreements (contracts) for international transfers of the goods, or for the actual transfer of the goods according to the specified contracts. In such a case, the single permit or findings is valid for the set time, but for no longer than one year. This term can be prolonged by the specially authorised organ of executive power on issues of state export control upon verification of the address of the subject of international transfers of the goods, but no longer than the validity period of the foreign economic agreement (contract).

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 who transit goods through Ukraine's territory, or who temporarily move goods inside of Ukraine for display at international exhibitions and trade shows, or for testing purposes; and military organisations, law enforcement agencies and civil protection units of Ukraine, who conduct the temporary movement of goods outside or inside of Ukraine for training purposes or logistical support for those organisations, agencies and units while outside of Ukraine, or who import or temporarily move goods inside of 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.

The general permit or findings can be granted to the subject of the international transfers of the goods for multiple contract negotiations, or for multiple transfers to actual ultimate consumers under foreign economic contracts which are concluded during the term of validity of the permit or findings, and which are valid during the set time, but for no longer than three years.

The open permit or findings can be granted to the subject of international transfers of the goods for multiple contract negotiations, or for multiple transfers to different ultimate consumers of the country of consignment against such contracts, which are themselves concluded during the term of validity of such a permit or findings under the framework of the relevant international treaties, or with transfers to the state participants of the international regimes of export control or those who are subject to the corresponding state policy, and are valid during the set time, but for no longer than three years.

For the granting of general and open permits or findings, the subject of international transfers of the goods is obliged to create an in-house export control system which fulfils the requirements of state export control over the actual international transfers of the goods, and which maintains the appropriate storage of documents connected with such transfers, and submits to the specially authorised organ of executive power on issues of state export control a report on the actual use of the specified permit or findings.

The term of consideration for applications when the granting of permits or findings does not demand additional interagency coordination depends on the category of goods, but cannot exceed the following term calculated from the date of receipt of all necessary documents:

The time period for the consideration of applications and for decision-making with respect to the granting or denial of a certificate of authority or conclusions, unless further interagency coordination is required, shall be established depending on the category of goods, but shall not exceed the following term calculated from the date of submission of the required set of documents.

- 45 days—on the export (re-export) of military goods;
- 30 days—on the export (re-export) of dual-use goods and the temporary export (import) of any goods;
- 15 days—on the import and transit of goods, and also the temporary export or import of goods for demonstration at exhibitions, fairs, or goods with the purpose of advertising, conducting tests or with other similar purposes if it does not envisage the transfer of property rights of the goods.

In cases where additional interagency coordination is required, the overall time period for the consideration of applications and for decision-making with respect to the 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.

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

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

In cases where it is necessary to prolong the term of consideration of the application, the procedure of its prolongation is established by the Cabinet of Ministers of Ukraine.

Article 16. Obtaining of Permit, Findings or International Import Certificates

The decision to grant a permit, findings or international import certificate is taken by the specially authorised organ of executive power on issues of state export control based on the results of the expert examination in the sphere of export control.

For receipt of a permit, conclusions or international import certificate, an entity involved in the international transfers of goods or entities specified in Article 15 section three of this Law shall submit a written request to the specially authorised organ of executive power on issues of state export control. The written request shall contain the data required to conduct an expert examination in order to take a decision (decision-making) on the merits of such a request, particularly with respect to 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 the guarantees or other documents required for conducting relevant expert examinations shall be submitted along with the request.

The consideration of applications for granting permits, findings or international import certificates is conducted by the specially authorised organ of executive power on issues of state export control with the participation, if necessary, of other state organs, enterprises, establishments and organisations, irrespective of their form of ownership, by consent of the respective department head considering those questions within their field of competence.

The application for granting the permit, findings or international import certificate is not considered if:

- It is submitted by (or endorsed by the signature of) a person that has no relevant powers, or executed in violation of the requirements of this Article;
- If a request for the issuance of a permit (i.e. conclusions or an international import certificate) has not been considered, the specially authorised organ of executive power on issues of state export control shall duly inform the applicant entity within three days after the relevant decision is taken with an explanation of reasons for the respective decision;
- If a decision is taken to decline a request for the issuance of a permit (i.e. conclusions or an international import certificate), the specially authorised organ of executive power on issues of state export control 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 an explanation of reasons for the respective decision.

A permit, conclusions or international import certificate shall be denied, cancelled or revoked by the specially authorised organ of executive power on issues of state export control in cases when:

- The need to safeguard the national interests of Ukraine, or observe its international obligations, is paramount;
- The termination, according to the procedure established by legislation, of the activity of the legal person occurs, that is, the subject of the international transfers of the goods;
- A declaration, according to the procedure established by legislation, of bankruptcy by the subject of the international transfers of the goods is made;
- It is necessary for the specially authorised organ of executive power on issues of state export control to conduct additional examinations of the documents submitted by the entities seeking to receive the permit, findings or international import certificate;
- An infringement of the legislation by the subject of international transfers of the goods occurs, including infringements stipulated by Article 24 of this Law;
- The cancellation of a certificate of registration of an economic entity as an entity eligible for international transfers of goods occurs.

An authorised organ of executive power on issues of state export control stores the applications of entities specified in Article 15 section three of this Law and the documents connected with them for five years from the date of the granting of the permit, findings or international import certificate, or from the date of the adoption of the decision on the refusal to grant such a document.

Article 17. Foreign Economic Contracts for International Transfers of the Goods

Foreign economic contracts for the international transfers of the goods are concluded by subjects of foreign trade activity according to the legislation of Ukraine, taking into account the requirements of such transfers established by the Cabinet of Ministers of Ukraine.

It is forbidden for a subject of foreign trade activity with Ukraine to conclude foreign economic contracts for international transfers of any goods or to take part in their execution in any way, other than that stipulated by this Law, if they become aware that such goods can be used by foreign states or foreign subjects of economic activity to create weapons of mass destruction or their means of transportation.

The subject of foreign trade activity is obliged to refuse the execution of the foreign economic contract for international transfer of any goods if it becomes aware that the goods will be used for different purposes or by a different ultimate consumer other than that envisaged by the contract or by the documents on the basis of which the permit, findings or international import certificate were granted.

PART III. STATE EXPORT CONTROL OVER THE ACTIVITIES CONNECTED WITH INTERNATIONAL TRANSFERS OF THE GOODS**Article 18. State Export Control Over the Conducting of Negotiations Connected with the Conclusion of Foreign Economic Contracts**

An economic entity shall not conduct negotiations with a foreign entity involved in economic and other activities related to the signing of foreign economic agreements (contracts) involving the export of goods under partial embargo for import to the concerned foreign country in accordance with Ukraine's obligations under applicable international agreements, other than in cases where it obtains a positive conclusion by the specially authorised organ of executive power on issues of state export control as to their acceptability.

The procedure for state export control over the conducting of negotiations specified in part One of this Article is established by the Cabinet of Ministers of Ukraine.

Article 19. State Export Control Over End-use of the Goods

The subject of the international transfers of the goods is obliged to provide to the specially authorised organ of executive power on issues of the state export control full and objective information about the ultimate use of the goods of the prospective international transfer, and also the original documents confirming that the goods will be exclusively used for the declared purposes and by the declared ultimate consumer.

The subject of international transfers of the goods should take measures to verify the delivery and ultimate use of the goods at their point of export, and should provide such information to the specially authorised organ of executive power on issues of state export control, and also assist the specially authorised organ of executive power of Ukraine in conducting such checks.

The specially authorised organs of executive power on issues of state export control and other specially authorised state organs of Ukraine have the right, according to the procedure stipulated by the units 4–6 of this Article, to conduct a check of the delivery or ultimate use of the goods at any stage of their international transfer, as well as after the actual delivery of the goods to their ultimate consumer.

State export control over the fulfilment by ultimate consumers in Ukraine of obligations on the use of imported goods for the declared purposes is conducted on the basis of the results of the analysis of reports on the subjects of the entrepreneurial activity in question—that is, the ultimate consumers—regarding the actual use of the goods, and also by performing planned and random inspections of the actual use of the goods by their ultimate consumers.

Such checks can be conducted by the authorised officials of the specialised authorised organ of executive power on issues of state export control or by interdepartmental supervisory commissions.

Checks can be conducted with the assistance of representatives of foreign exporters and (or) competent state organs of the state-exporter regarding the actual use by the ultimate consumers in Ukraine of the goods imported, with the granting of state guarantees on their use for the declared purposes. The check can only be conducted if it is stipulated in the foreign economic contract or if it is stipulated in the international treaties to which the corresponding State and Ukraine are party to.

Checks conducted by the state organs of Ukraine on the use by foreign ultimate consumers of the goods imported from Ukraine, with the provision of written state guarantees by the specially authorised state organs of the foreign state on their use for the declared purposes, can be conducted if stipulated in the foreign economic contract according to which the goods are imported from Ukraine, or if it is stipulated in the international treaties to which the corresponding State and Ukraine are party to.

The procedure for granting guarantees and implementing state control over the obligations to use the goods subject to state export control for the declared purposes, as well as the issuance of international import certificates and certificates of receipt, is established by the Cabinet of Ministers of Ukraine.

Article 20. Procedure of State Export Control Over International Transfers of Goods Under the Framework of the International Treaties of Ukraine

If the international transfer of goods (including the rendering of services for the development or creation of technologies) is carried out under the framework of intergovernmental contracts of Ukraine which envisage such a transfer, the specially authorised organ of executive power on issues of state export control applies a simplified procedure for the consideration of documents on the granting of the corresponding permit or findings.

The basis for the application of such a procedure is the definition in the intergovernmental contract of the actual names of the goods, their exporters and ultimate consumers.

The decision to grant the permit or findings on international transfers is taken by the specially authorised organ of executive power on issues of state export control within 15 days from receipt of the documents from the subject of the international transfer in question.

Article 21. Customs Control

Customs registration and control of the goods are performed in accordance with the procedure stipulated by the Customs Code of Ukraine.

At the demand of the importer of the goods, the customs organs of Ukraine issue the certificate of receipt certifying that the goods stated in the specified certificate have entered Ukraine.

Article 22. State Control Over the Use of Permits, Findings or International Import Certificates

An entity involved in the international transfers of goods, who obtained a permit, conclusions or an international import certificate, shall provide a written report to the specially authorised organ of executive power on issues of state export control regarding the outcome of the negotiations specified in Article 18 of this Law, as well as the actual export and (or) import of goods specified by the relevant documentation, as well as the use of the mentioned goods for the declared purposes. The form of and submission deadlines for such reports shall be defined by the specially authorised organ of executive power on issues of state export control.

The subject of the international transfers of the goods is obliged to submit, on demand from the specially authorised organ of executive power on issues of state export control, documentation and information necessary for export control, including documents on guarantees, technical information and on the conclusion and execution of the foreign economic contracts for international transfers of the goods, and also to ensure the storage of the documents on the conclusion and execution of the specified contracts on the basis of which the permits, findings or international import certificates were obtained, within five years from the date of the termination of the international transfer of the goods.

PART IV. THE PREVENTION OF VIOLATIONS AND LIABILITY IN THE SPHERE OF STATE EXPORT CONTROL

Article 23. Prevention of Violations in the Sphere of State Export Control

In order to prevent violations in the sphere of state export control, the specially authorised organ of executive power on issues of state export control, as well as bodies of the Central Executive, have the right to conduct investigations connected to the infringements of legislation in the sphere of state export control, including to check the delivery of the goods to their ultimate consumer(s), as well as to verify the conformity of their actual use with the declared purposes and with the legislation of the documentation on the basis of which the international transfer of the goods was carried out.

When infringements of legislation in the sphere of state export control stipulated by Article 24 of this Law have been identified, the specified Central Executive informs the specially authorised organ of executive power on issues of state export control.

In the presence of sufficient information on the intention of commitment or about commitment by the established or unascertained persons of crimes the subject of which is goods subject to state export control, the specially authorised organ of executive power on issues of state export control informs the relevant organs of investigation and pre-judicial inquiry.

Article 24. Infringement of Requirements of the Legislation in the Sphere of State Export Control

Infringements of legislation in the sphere of state export control refer to the following:

- Involvement in the international transfers of goods without holding the 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;
- Conclusion of foreign economic contracts for the international transfers of any goods or participation in their execution in any way other than stipulated by this Law if the subject of the foreign trade activity became aware that such goods can be used by foreign states or the foreign subject of economic activity to create weapons of mass destruction or their means of transportation;
- Implementation of the international transfer of goods in spite of the fact that the subject of foreign trade activity became aware that the goods would be used for different purposes or by a different ultimate consumer other than the one(s) stated in the foreign economic contract or in the documents on the basis of which the permit, findings or international import certificate had been received;
- Deliberate concealment of data necessary for the determination of whether to grant the permit, findings or international import certificate or not;
- Implementation of the international transfers of the goods which infringe the conditions determined in the permits, findings or international import certificates, including after introduction without co-ordination with the specially authorised organ of executive power on issues of state export control of amendments to the foreign economic contract on issues relating to the names and requisites of the exporters, importers, intermediaries and ultimate consumers, and also of the names of the goods and the obligations about their ultimate use and the granting of relevant documents on guarantees;
- Conducting of negotiations related with the signing of foreign economic agreements (contracts) with respect to the 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 specially authorised organ of executive power on issues of state export control as to their acceptability;
- Default or untimely submission to the specially authorised organ of executive power on issues of state export control of reports and documents on the results of conducting negotiations specified in paragraph 8 of this Article, and also on actual export and import of goods on the basis of the obtained permits, conclusions or international import certificates, as well as about the use of these goods for the declared purposes;
- Obstructing the performance of the official duties of officials from the specially authorised organ of executive power on issues of state export control and other state organs performing state export control or non-compliance with the legitimate requests of these persons;
- Unfounded refusal to provide the information and documentation demanded by the specially authorised organ of executive power on issues of state export control or by another state organ performing state export control within their respective competence, as well as their deliberate distortion or concealment;
- Deliberate destruction of documents on the conclusion and fulfilment of the foreign economic contracts for the implementation of international transfers of the goods on the basis of which the permits, find-

ings or international import certificates were received before the expiry date of the term of their storage as stipulated by Article 22 of this Law.

Article 25. Liability of Subjects of International Transfers of the Goods—Legal Persons for Infringement of Requirements of Legislations in the Sphere of Export Control

The specially authorised organ of executive power on issues of state export control imposes the following penalties on subjects (legal persons) involved in the international transfers of the goods.

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

- In cases where Central Executives and (or) other government authorities find that violations caused damage to the national interests of Ukraine (e.g., its political, economic or military interests), or infringed upon Ukraine's obligations under applicable international agreements—a penalty at the rate of 150 per cent of the value of the goods that were subjects of the respective international transfer;
- In cases where Central Executives and (or) other government authorities find that violations caused damage to the national interests of Ukraine (e.g. its political, economic or military interests), but did not infringe Ukraine's obligations under applicable international agreements—a penalty at the rate of 100 per cent of the value of the goods that were subjects of the respective international transfer;
- For infringements stipulated in paragraphs 4-6 of Article 24 of this Law—a penalty at the rate of 100 per cent of the cost of the goods and (or) objects of the corresponding international transfer;
- For infringements stipulated in paragraphs 7 and 11 of Article 24 of this Law—a penalty at the rate of 1000 non-taxable minimum income of citizens;
- For infringements stipulated in the paragraph 8 of Article 24 of this Law—a penalty at the rate of 500 non-taxable minimum income of citizens;
- For infringements stipulated in paragraphs 9 and 10 of Article 24 of this Law—a penalty at the rate of 100 non-taxable minimum income of citizens.

In order to impose fines for violations identified by the third and fourth paragraphs of Article 24 of this Law, the executive agency with the 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, the Ministry of Defence of Ukraine, the Foreign Intelligence Service of Ukraine and other Central Executives and government authorities.

Except for the imposition of penalties specified in this Article, the specially authorised organ of executive power on issues of state export control can cancel or suspend the permit, findings or international import certificate issued to such a subject of foreign trade activity, or cancel its registration with this organ as the subject of international transfers of the goods, a consequence of which is the 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.

When the subject of the international transfers of the goods—that is, the legal person having the right to export and import military goods or goods containing data constituting a state secret—commits offences stipulated in paragraphs 2-7 of Article 24 of this Law or in cases where such offences cause significant damage to the political or economic interests of Ukraine, or to its national security and (or) ability to defend itself, the Cabinet of Ministers of Ukraine, upon submission of the specially authorised organ of executive power on issues of state export control, can cancel the specified powers previously granted to the concerned person.

The subject of the international transfers of the goods can appeal against the decision taken by the specially authorised organ of executive power on issues of state export control regarding the imposition of penalties, the cancellation or upholding of the permit, findings or international import certificate or the cancelling of the registration of the subject of foreign trade activity in court.

The state is not accountable to the subject of the international transfers of such goods for losses incurred due to the cancellation or upholding of the permit, findings or international import certificate, or due to the cancellation of the powers on the right to export and import military goods or goods containing data constituting a state secret if such a person infringed the legislation determined by Article 24 of this Law, or in

cases where such actions result from the necessity to protect the national interests or observe the international obligations of Ukraine concerning the non-proliferation of weapons of mass destruction, their means of transportation, as well as restrictions on transfers of conventional types of armaments.

Article 26. Imposing Penalties for Infringement of Legislation in the Sphere of State Export Control

The penalties stipulated by Article 25 of this Law, on behalf of the specially authorised organ of executive power on issues of state export control, are imposed by the head of the specially authorised organ of executive power on issues of state export control or by his or her assistant.

The authorised official of the specially authorised organ of executive power on issues of state export control which has identified the offence specified in Article 24 of this Law draws up the report which, together with the explanations provided by the head and by other officials and related documents, are submitted to the officials specified in part One of this Article within three days.

The head or deputy head of the specially authorised organ of executive power on issues of state export control takes a decision regarding the imposition of the penalty within ten days after receipt of the documents specified in part Two of this Article.

The decision of the head or deputy head of the specially authorised organ of executive power on issues of state export control to impose the penalty is legalised by the decision regarding the imposition of a penalty on the subject of foreign trade activity for infringement in the sphere of state export control in accordance with this Law.

The decision about imposing the penalty is made in triplicate. The first copy of the decision, within three days after its adoption, is handed over to the head or the authorised representative of the subject of foreign trade activity or sent by registered mail. The second and third copies remain with the specially authorised organ of executive power on issues of state export control that has imposed the penalty.

The forms of the report and the decisions taken are approved by the specially authorised organ of executive power on issues of state export control.

The penalty is subject to payment by the subject of the foreign trade activity within fifteen days from the date of its imposition. In case of non-payment of the penalty within the specified term, the state executor collects it according to the procedure determined by legislation.

The decision to impose a penalty for infringements stipulated in this Law can be appealed against in court. The execution of the decision to impose the penalty is suspended before the adoption of the court decision.

Article 27. Liability of Subjects of Foreign Trade Activity—Physical Persons—for Infringement of Legislation in the Sphere of State Export Control

Subjects of foreign trade activity—that is, the physical persons—violating legislation in the sphere of state export control are subject to administrative, criminal and civil liability as stipulated by the law.

Article 28. Liability of Officials of Executive Organs for Infringement of Requirements of Legislation in the Sphere of State Export Control

Officials of the specially authorised organ of executive power on issues of state export control and other executive organs involved in decision-making in the sphere of export control are subject to disciplinary, administrative, criminal and civil liability stipulated by law for the infringement of legislation in this sphere.

PART V. FINANCIAL PROVISION OF STATE EXPORT CONTROL

Article 29. Financing the Measures Connected with Implementation of State Export Control

Financing of the measures connected with the implementation of state export control is conducted at the expense of and within the limits of the means stipulated by the State Budget of Ukraine in support of the relevant state organs.

Article 30. Collection of Payment for Registration and Issuance of Documents in the Sphere of State Export Control

Payment is collected for the issuance of documents on the registration of subjects of international transfers of the goods, permits, findings, international import certificates or certificates of receipt. The means obtained are reimbursed back into the State Budget of Ukraine. The Central Executives do not need to pay to obtain the specified documents.

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.

PART VI. FINAL PROVISIONS

This Law enters into force from the date of its publication.

The laws adopted before this Law come into force are applied in part so as not to contradict this Law.

Within six months from the date on which this Law enters into force, the Cabinet of Ministers is obliged to:

- Submit proposals to the Verkhovna Rada of Ukraine on introducing amendments to other laws of Ukraine following on from this Law;
- Bring their normative-legislative acts in conformity with this Law;
- Ensure the revision and abolition by Ministries and other Central Executive Authorities of normative-legal acts contradicting this Law.

President of Ukraine L.Kuchma

Kyiv, February 20, 2003, No 549-IV

Law of Ukraine “On Adopting the Protocol on Explosive Remnants of War”

(*Bulletin of the Verkhovna Rada of Ukraine (BVR), 2005, No. 6, p. 135*)

The Verkhovna Rada of Ukraine:

Accepts the ‘Protocol on Explosive Remnants of War of the Convention on Prohibitions and Restrictions on the Use of Certain Conventional Weapons which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects’, approved on 28 November 2003 at the meeting of the state-parties of the Convention in Geneva (attached to the original).

PROTOCOL ON EXPLOSIVE REMNANTS OF WAR

The High Contracting Parties, recognising the serious nature of the post-conflict humanitarian problems caused by explosive remnants of war; conscious of the need to conclude a protocol on post-conflict remedial measures of a generic nature in order to minimise the risks and effects of explosive remnants of war; and willing to address generic preventive measures through voluntary best practices specified in a Technical Annex for improving the reliability of munitions, and therefore minimising the occurrence of explosive remnants of war, have agreed as follows:

Article 1. General Provision and Scope of Application

1. In conformity with the Charter of the United Nations and with the rules on the international law of armed conflict applicable to them, the High Contracting Parties agree to comply with the obligations specified in this Protocol, both individually and in cooperation with other High Contracting Parties, to minimise the risks and effects of explosive remnants of war in post-conflict environments.
2. This Protocol shall apply to explosive remnants of war on the territory of the High Contracting Parties, including land and internal waters.
3. This Protocol shall apply to situations resulting from conflicts referred to in Article 1, paragraphs 1 to 6, of the Convention, as amended on 21 December 2014. Articles 3, 4, 5 and 8 of this Protocol apply to explosive remnants of war other than existing explosive remnants of war as defined in Article 2, paragraph 5 of this Protocol.

Article 2. Definitions For the Purpose of this Protocol

1. Explosive ordnance means conventional munitions containing explosives—with the exception of mines, booby traps and other devices as defined in Protocol II of this Convention, as amended on 3 May 1996.
2. Unexploded ordnance means explosive ordnance that has been primed, fused, armed, or otherwise prepared for use and used in an armed conflict. It may have been fired, dropped, launched or projected and was intended to explode but failed to do so.
3. Abandoned explosive ordnance means explosive ordnance that has not been used during an armed conflict, that has been left behind or dumped by a party to an armed conflict, and which is no longer under the control of the party that left it behind or dumped it. Abandoned explosive ordnance may or may not have been primed, fused, armed or otherwise prepared for use.
4. Explosive remnants of war means unexploded ordnance and abandoned explosive ordnance.
5. Existing explosive remnants of war means unexploded ordnance and abandoned explosive ordnance that existed prior to the entry into force of this Protocol for the High Contracting Party on whose territory it exists.

Article 3. Clearance, Removal or Destruction of Explosive Remnants of War

1. Each High Contracting Party and party to an armed conflict shall bear the responsibilities set out in this Article with respect to all explosive remnants of war in territory under its control. In cases where a user of explosive ordnance which has become explosive remnants of war does not exercise control over the territory in which it is located, the user shall, after the cessation of active hostilities, provide where feasible,

inter alia technical, financial, material or human resources assistance, bilaterally or through a mutually agreed third party, including inter alia through the United Nations system or other relevant organisations, to facilitate the marking and clearance, removal or destruction of such explosive remnants of war.

2. After the cessation of active hostilities and as soon as feasible, each High Contracting Party and party to an armed conflict shall mark and clear, remove or destroy explosive remnants of war in affected territories under its control. Areas affected by explosive remnants of war which are assessed pursuant to paragraph 3 of this Article as posing a serious humanitarian risk shall be accorded priority status for clearance, removal or destruction.
3. After the cessation of active hostilities and as soon as feasible, each High Contracting Party and party to an armed conflict shall take the following measures in affected territories under its control in order to reduce the risks posed by explosive remnants of war: (a) survey and assess the threat posed by explosive remnants of war; (b) assess and prioritise the needs and practicability in terms of marking and clearance, removal or destruction; (c) mark and clear, remove or destroy explosive remnants of war; and (d) take steps to mobilise resources to conduct these activities.
4. In conducting the above activities, High Contracting Parties and parties to an armed conflict shall take into account international standards, including International Mine Action Standards.
5. High Contracting Parties shall cooperate, where appropriate, both among themselves and with other states, relevant regional and international organisations and non-governmental organisations, on the provision of inter alia technical, financial, material and human resources assistance including, in appropriate circumstances, the undertaking of joint operations necessary to fulfil the provisions of this Article.

Article 4. Recording, Retaining and Transmission of Information

1. High Contracting Parties and parties to an armed conflict shall, to the maximum extent possible and as far as practicable, record and retain information on the use and (or) abandonment of explosive ordnance to facilitate the rapid marking and clearance, removal or destruction of explosive remnants of war, risk education and the provision of relevant information to the party in control of the territory and to civilian populations located in that territory.
2. High Contracting Parties and parties to an armed conflict which have used or abandoned explosive ordnance which may have become explosive remnants of war shall, after the cessation of active hostilities and as far as practicable, subject to these parties' legitimate security interests, make such information available without delay to the party or parties in control of the affected area, bilaterally or through a mutually agreed third party including inter alia the United Nations or, upon request, to other relevant organisations of which the party providing the information is satisfied are or will be undertaking risk education and the marking and clearance, removal or destruction of explosive remnants of war in the affected area.
3. In recording, retaining and transmitting such information, the High Contracting Parties should refer to Part 1 of the Technical Annex.

Article 5. Other Precautions For the Protection of the Civilian Population, Individual Civilians and Civilian Objects From the Risks and Effects of Explosive Remnants of War

1. High Contracting Parties and parties to an armed conflict shall take all feasible precautions in the territory under their control and affected by explosive remnants of war to protect the civilian population, individual civilians and civilian objects from the risks and effects of explosive remnants of war. Feasible precautions are those precautions which are practicable or possible to operationalise, taking into account all circumstances at the time, including humanitarian and military considerations. These precautions may include warnings, the provision of risk education to the civilian population, as well as the marking, fencing and monitoring of territory affected by explosive remnants of war, as set out in Part 2 of the Technical Annex.

Article 6. Provisions for the Protection of Humanitarian Missions and Organisations From the Effects of Explosive Remnants of War

1. Each High Contracting Party and party to an armed conflict shall: (a) protect, as far as feasible, humanitarian missions and organisations that are or will be operating in the area under the control of the High Con-

tracting Party or party to an armed conflict—and with that party's consent—from the effects of explosive remnants of war; and (b) upon request by such a humanitarian mission or organisation, provide, as far as feasible, information on the location of all explosive remnants of war that it is aware of in the territory where the requesting humanitarian mission or organisation will operate or is operating.

2. The provisions of this Article are without prejudice to existing International Humanitarian Law, or other applicable international instruments, or to decisions made by the Security Council of the United Nations which provide for a higher level of protection.

Article 7. Assistance with Respect to Existing Explosive Remnants of War

1. Each High Contracting Party has the right to seek and receive assistance, where appropriate, from other High Contracting Parties, from non-party states and (or) relevant international organisations and institutions in dealing with the problems posed by existing explosive remnants of war.
2. Each High Contracting Party in a position to do so shall provide assistance in dealing with the problems posed by existing explosive remnants of war, as necessary and if feasible. In so doing, High Contracting Parties shall also take into account the humanitarian objectives of this Protocol, as well as international standards including the International Mine Action Standards.

Article 8. Cooperation and Assistance

1. Each High Contracting Party in a position to do so shall provide assistance for the marking and clearance, removal or destruction of explosive remnants of war, and for risk education to civilian populations and related activities inter alia through the United Nations system, other relevant international, regional or national organisations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their International Federation, non-governmental organisations, or on a bilateral basis.
2. Each High Contracting Party in a position to do so shall provide assistance for the care and rehabilitation and social and economic reintegration of victims of explosive remnants of war. Such assistance may be provided inter alia through the United Nations system, relevant international, regional or national organisations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their International Federation, non-governmental organisations, or on a bilateral basis.
3. Each High Contracting Party in a position to do so shall contribute to trust funds within the United Nations system, as well as other relevant trust funds, to facilitate the provision of assistance under this Protocol.
4. Each High Contracting Party shall have the right to participate in the fullest possible exchange of equipment, material, scientific and technological information other than weapons related technology, necessary for the implementation of this Protocol. High Contracting Parties undertake to facilitate such exchanges in accordance with national legislation and shall not impose undue restrictions on the provision of clearance equipment and related technological information used for humanitarian purposes.
5. Each High Contracting Party undertakes to provide information to the relevant databases on mine action established within the United Nations system, in particular with respect to information concerning the various means and technologies of clearance of explosive remnants of war, lists of experts, expert agencies or national points of contact on clearance of explosive remnants of war, and, on a voluntary basis, technical information on the relevant types of explosive ordnance.
6. High Contracting Parties may submit requests for assistance from the United Nations, other appropriate bodies or states if their requests are substantiated by the relevant information. These requests may be submitted to the Secretary-General of the United Nations, who shall transmit them to all High Contracting Parties and to relevant international organisations and non-governmental organisations.
7. In respect of requests made to the United Nations, the Secretary-General of the United Nations, within the limits of the resources available to the Secretary-General of the United Nations, may take appropriate steps to assess the situation, and, in cooperation with the requesting High Contracting Party and other High Contracting Parties with responsibility as set out in Article 3 above, recommend the appropriate provision of assistance. The Secretary-General may also report to High Contracting Parties on any such assessment as

well as on the type and scope of assistance required, including possible contributions from the trust funds established within the United Nations system.

Article 9. Generic Preventive Measures

1. Taking into consideration the different situations and capacities, each High Contracting Party is encouraged to take generic preventive measures aimed at minimising the occurrence of explosive remnants of war, including, but not limited to, those referred to in part 3 of the Technical Annex.
2. Each High Contracting Party may voluntarily exchange information related to efforts to promote and establish best practices in respect of paragraph 1 of this Article.

Article 10. Consultations of High Contracting Parties

1. The High Contracting Parties undertake to consult and cooperate with each other on all issues related to the operation of this Protocol. For this purpose, a Conference of High Contracting Parties shall be held as agreed to by a majority, but no less than eighteen High Contracting Parties.
2. The work of the Conferences of High Contracting Parties shall include: (a) a review of the status and operation of this Protocol; (b) a consideration of matters pertaining to the national implementation of this Protocol, including national reporting or updating on an annual basis; and (c) preparation for review conferences.
3. The costs of the Conference of High Contracting Parties shall be borne by the High Contracting Parties and States not parties participating in the Conference, in accordance with the United Nations scale of assessment adjusted appropriately.

Article 11. Compliance

1. Each High Contracting Party shall require that its armed forces and relevant agencies or departments issue appropriate instructions and operating procedures, and that its personnel receive training consistent with the relevant provisions of this Protocol.
2. The High Contracting Parties undertake to consult each other and to cooperate with each other bilaterally, through the Secretary-General of the United Nations or through other appropriate international procedures, to resolve any problems that may arise with regard to the interpretation and application of the provisions of this Protocol.

Technical Annex

(This Technical Annex contains suggested best practices for achieving the objectives contained in Articles 4, 5 and 9 of this Protocol. This Technical Annex will be implemented by High Contracting Parties on a voluntary basis.)

President of Ukraine L.Kuchma
Kyiv, December 22, 2004, No 2281-IV

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, (BVR), 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—Parties).

Whereas:

- 1) The European Union (EU) may decide to take action in the field of crisis management, including peace-keeping.
- 2) In Seville, on 21 and 22 June 2002, the European Council agreed arrangements for consultation and cooperation between the EU and Ukraine on crisis management.
- 3) The European Union will decide whether or not third states will be invited to participate in an EU crisis management operation. Ukraine may accept the invitation by the EU and offer its contribution. In such a case, the EU will decide on the acceptance of the proposed contribution of Ukraine.
- 4) General conditions regarding the participation of Ukraine in 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 EU, and should not prejudge 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 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 EU 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 EU.
2. The assessment by the EU of Ukraine’s contribution shall be conducted in consultation with Ukraine.

3. The EU will provide Ukraine with an early indication of its 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 EU 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 arrangements for implementation.
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, and concluded between the EU 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 its 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 to 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 provided in an Annex to this Agreement.
6. European Union Member States undertake to make a declaration as regards to 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 provided in an Annex to this Agreement.

Article 4. Classified Information

1. Ukraine shall take appropriate measures to ensure that any classified EU 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 when concerning an EU military crisis management operation, or by the EU Head of Mission when 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 the 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 an 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. In due time, Ukraine shall inform the EU civilian crisis management operation Head of Mission and the General Secretariat of the Council of the European Union of any changes to its contribution to the EU civilian crisis management operation in question.
 3. Personnel seconded by the Ukraine to an EU civilian crisis management operation shall undergo a medical examination, vaccination and be certified as medically fit for duty by a competent authority from Ukraine. Personnel seconded to an EU civilian crisis management operation shall produce a copy of this certificate.

Article 6. Chain of Command

1. Personnel seconded by Ukraine shall carry out their duties and conduct themselves solely in line with the interests of the EU civilian crisis management operation in question.
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. In accordance with the legal instruments referred to in Article 2(1) of this Agreement, Ukraine shall have the same rights and obligations in terms of the day-to-day management of the operation as do the European Union Member States taking part in the operation.
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 civilian crisis management operation Head of Mission on national matters and shall be responsible for the day-to-day discipline of its personnel.
8. The decision to end an operation shall be taken by the EU, 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 bear all the costs associated with its participation in the operation, except those costs 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:
 - 1) The 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
 - 2) The 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 EU Member States.
4. Notwithstanding paragraph 1, the EU shall, in principle, exempt third states from financial contributions to a particular EU civilian crisis management operation when:
 - 1) The EU decides that the third state participating in the operation already provides a significant contribution essential for this operation; or
 - 2) The third state participating in the operation has a GNI per capita which does not exceed that of any Member State of the EU.
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 with respect to the contributions of Ukraine to the operational budget of the EU civilian crisis management operation. This arrangement shall, *inter alia*, include the following provisions:
 - 1) The amount concerned;
 - 2) The arrangements for payment of the financial contribution;
 - 3) The auditing procedure.

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

Article 9. Participation in an EU Military Crisis Management Operation

1. Ukraine shall ensure that its forces and personnel participating in an 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 in line with the interest of the EU military crisis management operation in question.
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 do the European Union Member States taking part in the operation.
4. The EU Operation Commander may, following consultations with Ukraine, request the withdrawal of Ukraine's contribution at any time.
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 the day-to-day discipline of its contingent.

Article 11. Financial Aspects

1. Without prejudice to Article 12, Ukraine shall bear all the costs associated with its participation in the operation, except costs 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 mission, 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 in question, 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:
 - 1) The 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
 - 2) The 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 only contributes personnel 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 EU shall, in principle, exempt third states from financial contributions towards the common costs of a particular EU military crisis management operation when:
 - 1) The EU 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
 - 2) The third state participating in the operation has a GNI per capita which does not exceed that of any Member State of the EU.
4. An arrangement shall be concluded between the Administrator provided for in Council Decision 2004/197/CFSP of February 23, 2004, establishing a mechanism to administer the financing of the common costs of EU operations with military or defence implications, and the competent administrative authorities of Ukraine. This arrangement shall include, inter alia, provisions on:
 - 1) The amount concerned;
 - 2) The arrangements for payment of the financial contribution;
 - 3) The auditing procedure.

SECTION IV. FINAL PROVISIONS**Article 13. Arrangements to Implement the Agreement**

1. 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, the High Representative for Common Foreign and Security Policy, and the appropriate authorities of Ukraine.

Article 14. Non-compliance

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

Article 15. Dispute Settlement

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

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 on the completion of the internal procedures necessary for this purpose.
2. This Agreement shall be subject to review no later than June 1, 2008, and subsequently at least once every three years.

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

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

For the European Union Signature

For Ukraine

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 permit, to waive as far as possible claims against Ukraine for injury or 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 during the execution of their duties in connection with the EU crisis management operation in question, except in cases 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 cases of gross negligence or wilful misconduct of EU crisis management operation personnel from Ukraine using those assets.

DECLARATION BY UKRAINE

In applying an EU Joint Action on an EU crisis management operation, Ukraine 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 or 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 during the execution of their duties in connection with the EU crisis management operation, except in cases 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 cases of gross negligence or wilful misconduct of EU crisis management operation personnel using those assets.

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 hereby 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. That 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

1. Being fully aware of the responsibility for international peace and security and taking into account the obligations of Ukraine as a member state of the United Nations (hereinafter—the UN) and the Organisation for Security and Cooperation in Europe (hereinafter—the OSCE), and it's increasing security cooperation with the European Union (hereinafter—EU) and the North Atlantic Treaty Organisation (hereinafter—NATO), Ukraine considers its participation in international peacekeeping activity as an important component of the country's foreign policy.
2. The development of Ukraine takes place within a complex external security environment which has undergone fundamental changes in recent decades. After the end of the two-block confrontation which dominated the world in the last century, the threat of total nuclear destruction subsided. However, it was substituted with the new types of threats to international peace and security, such as terrorism, separatism, national and religious extremism, transnational organised crime, interstate and intrastate armed conflicts, the proliferation of weapons of mass destruction, ecological catastrophes and epidemics, etc. Conditioned by globalisation and the growing interconnectivity and interdependence between peoples and states, these aforementioned threats became a danger to regional, and, in many cases, global security.
3. The nature of these threats and the characteristics of the modern security environment they have engendered is one of a growing dependence of national security on regional and global developments.
4. Particular danger arises from interstate and intrastate armed conflicts, which do not only have enormous destructive potential, but also significantly influence international stability and security. In line with recent experiences, the organisation and implementation of effective countermeasures against the emergence of such conflicts and their resolution is possible only under the condition of joint efforts made by countries in the framework of international peacekeeping activity—activity by the states aimed at maintaining or reconstituting international peace and security under the auspices of the UN, OSCE and other international security organisations.
5. Modern international peacekeeping activity is conducted by states with the purpose of:
 - Preventing international or internal conflicts;
 - Regulating or creating conditions for the regulation of interstate and intrastate conflicts, by consent of the parties to the conflict, or by taking coercive action upon a decision by the UN Security Council;
 - Providing humanitarian assistance to people suffering from interstate and intrastate conflict;

- Ensuring security and the observance of human rights;
 - Providing assistance with respect to post-conflict reconstruction;
 - Eliminating threats to peace, the breaking of peace or an act of aggression.
6. The participation of Ukraine in international peacekeeping activity provides for its active presence in global political processes and serves as one of the key directions of its national security policy.
 7. In light of the fact that peacekeeping activity plays an important role in maintaining international peace and creating favourable external conditions for the development and security of our country, Ukraine should continue to be an active participant in them. In this context, particular attention should be paid to the expansion of Ukraine's participation in international peacekeeping operations.
 8. In recent years, Ukraine has gained significant experience in international peacekeeping activity. Simultaneous changes to the character of modern armed conflicts and the nature of peacekeeping operations, as well as the degree of involvement of our country in global political processes, creates the need to formulate a strategy for the international peacekeeping activity of Ukraine in the foreseeable future.
 9. The Strategy of International Peacekeeping Activity of Ukraine (hereinafter—the Strategy) stipulates the primary goals of the country's participation in international peacekeeping activity and tasks, as well as the mechanisms for ensuring these operations further (or protect) the national security of Ukraine.
 10. The legal basis of the Strategy is 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.
 11. Present day specifics of international peacekeeping activity:
 1. The specifics of modern interstate and intrastate 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 in political, economic, social, ethno-cultural and other domains. Moreover, they are often accompanied with social, religious and ethnic tensions.
 - Damage to the system of public administration, which often results from intrastate conflicts, can lead to deep economic and social crises, engendering chaos in the particular state, as well as terrorism and international crime.
 - Armed conflict produces extreme conditions for civilian populations which often suffer from hunger, a lack of clean drinking water, the spread of infectious diseases and who live under the constant threat of physical attack and (or) death. This often provokes a mass flow of refugees from the region affected by the conflict as well as illegal migration and the illegal proliferation of conventional weapons, and, possibly, components for weapons of mass destruction.
 - In our time of globalisation, armed conflicts, even in regions far away from global political, economic and financial centres, pose threats to international security. The expansion of transnational communication and information exchange and the growth of economic interdependence between states means the negative consequences of conflicts, including terrorism, organised crime, weapons and drugs smuggling, mass migration and the spread of infectious diseases, spread far beyond the geographical borders in which they emerge. In view of such conditions, geographical distance from conflict affected areas ceases to serve as a guarantee of the preservation of national security of any state in the world.
 - Conflict also engenders instability in the economic sphere. Economic cooperation between states in the modern world has reached such a level that none can exist outside of the global economic system. That is why economic crises in one state due to conflict may lead to negative

consequences for the global economic system, consequently influencing the national interests of many other states.

- With the above in mind, in the modern world, the impact of interstate and intrastate conflicts on regional and global security can be immense.

2. THE NATURE OF MODERN PEACEKEEPING OPERATIONS:

- In the last decade, the character of peacekeeping operations has changed. Peacekeeping operations have become more complex, while the use of force within them has become more common. In modern peace-keeping operations which are mandated to enforce the application of conflict resolution, force is not only used in self-defence, but also in many other cases, including: when belligerents attempt to obstruct humanitarian missions during combat operations, and when peacekeepers protect civilian populations and attempt to separate the warring sides of the conflict with the purpose of national reconciliation.
- Depending on their character, in most cases modern international peacekeeping operations are not purely military. They have become more and more complex, often with a wide range of policing functions. Consequently, such operations require the involvement of both military and civilian personnel, as well as the efforts of international and regional security organisations and non-governmental organisations.
- The restoration of peace and the provision of support in overcoming the consequences of armed conflicts are important features of modern peacekeeping operations. As recognised by the UN and regional security organisations, only through the implementation of this concept, can conflicts be prevented and state and regional stability be realised in conflict affected states and areas. With this in mind, the following types of peacekeeping operations exist: providing consultative and other support to national governments in executing programmes of disarmament, demobilisation and the reintegration of belligerents; providing support to national governments in performing the functions of a state that guarantee the security of their citizens; supporting the efforts of national governments to reform their national armed forces and police; as well as broad economic and social development, etc.
- Due to the broadening of the range of the above-mentioned missions, peacekeeping operations have become longer in duration and more complex in nature, with a growing need for civilian experts to implement tasks in the stabilisation phase of the operation.

12. 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 sphere;
 - Securing the implementation of the national security interests of Ukraine.
- To achieve these goals, it will be necessary:
 - To increase the capabilities of Ukrainian national contingents and its national personnel so as to effectively implement the tasks of international peacekeeping operations.
- To achieve this particular goal, it is necessary to improve the effectiveness of the functioning of the system of control over the processes of preparation and participation of Ukraine in international peacekeeping operations by way of:
 - Improving the system of control, coordination and cooperation of executive bodies during the planning and participation of national contingents and national personnel in international peacekeeping operations;
 - Adapting the mechanisms and procedures of decision-making—concerning participation in international peacekeeping operations and the recall of Ukrainian national contingents and national personnel in cases under the legislation of Ukraine—to the modern security environment;

- Creating integrated database for the citizens of Ukraine who wish and have the required professional and psychological training to participate in international peacekeeping operations.
- 4. It is also necessary to provide for a high readiness to implement all kinds of peacekeeping tasks by way of:
 - Maintaining the readiness to provide, within the timeframe indicated by the international security organisations, national contingents and national 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 a civilian expert training system for participation in international peacekeeping operations;
 - Prioritising the training of national contingents and national personnel for specific missions demanded by the UN and other international security organisations;
 - Introducing the practice of training military units which are planned for participation in international peacekeeping operations, as well as national contingents, and facilitating better cooperation between police and civilian personnel during international peacekeeping operations, taking into account the specifics and complex character of each;
 - Introducing changes to the organisational structures of national contingents, taking into account the specifics of peacekeeping tasks and the conditions for their accomplishment;
 - Improving the quality of language training, knowledge of International Humanitarian Law (IHL), as well as specialised training for peacekeepers, primarily on the issues concerning the specifics of duties within multinational headquarters;
 - Devoting particular attention to developing feelings of patriotism among Ukrainian peacekeepers for representing Ukraine in peacekeeping missions, as well as respect for IHL, the local population and its social and religious traditions;
 - Educating peacekeepers in the specifics of the history, culture and social-political situation in the country where the operation is conducted;
 - Introducing a system of learning; and summarising and ensuring that the interested Central Bodies of Executive Power, military formations and law enforcement bodies of Ukraine apply the experience of Ukrainian national contingents and national personnel in international peacekeeping operations.
- 5. To provide for the equipping of national contingents with modern weapons, military hardware and specialist equipment, it is necessary:
 - To organise the development (procurement), modernisation and equipping of peacekeeping units with modern types of weapons and military hardware which correspond to the requirements of the peacekeeping operations and which are adapted for the regions where the operation is conducted;
 - To equip the national contingents and national personnel with modern individual protection gear, communication and navigation equipment, night vision goggles and other specialist equipment necessary for the successful implementation of peacekeeping tasks.
- 6. Increase the motivation of military servicemen, rank and file personnel and officers of internal affairs bodies and civilians to participate in international peacekeeping operations. For this purpose, it is necessary to provide:
 - The necessary level of medical and psychological support for Ukrainian national contingents and national personnel during the implementation of peacekeeping tasks and after the end of related operations;
 - A higher level of legal and social protection for the participants of international peacekeeping operations and members of their families, including the gradual raising of the pay level for service duties in national contingents or as national personnel to the level of corresponding pay in the states of Central Europe;

- Appropriate living conditions during peacekeeping operations, and ensure the uninterrupted delivery of information about events in Ukraine to peacekeepers and providing means for them to communicate with their families (relatives);
7. Ensure that Ukrainian interests are taken into account during the process of preparing for international peacekeeping operations and during the distribution of tasks and the allocation of responsibilities 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, multinational 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 organisations, as well as bilateral relations with the states who are participating in peacekeeping operations;
8. Support enterprises, administrations and organisations of Ukraine in receiving orders for the restoration of the economic and social spheres of the states hosting the international peacekeeping operations, and further develop economic cooperation with these countries. Implementation of this task must be secured by way of:
- Providing informational, consultative and specialised legal support to potential Ukrainian exporters of goods and services;
 - Introducing a mechanism of state support for the participation of enterprises, administrations and organisations of Ukraine, regardless of their form of ownership, in restoration projects related to the economic and social infrastructure of the states hosting Ukrainian national contingents and national personnel;
 - Providing finance and insurance support;
 - Establishing contacts with political, religious and business circles in the states hosting Ukrainian national contingents and national personnel with the purpose of developing and broadening economic cooperation in the mid and long-term.
9. When drafting proposals for Ukraine's participation in international peacekeeping operations, the following should be done:
- Analysis of the whole spectrum of potential and actual threats to the national security of Ukraine (in foreign policy, the military, economic and other spheres) emanating from the conflict that the international peacekeeping operation in question is intended 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.
10. 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 regions crucial to Ukraine's national interests;
 - Secondary level—operations conducted with the international partners of Ukraine, cooperation with whom promotes the country's European and Euro-Atlantic integration;
 - Tertiary level—other operations, with Ukrainian peacekeepers contributing to the efforts of the international community to maintain peace and stability.
11. All state bodies involved in drafting proposals for Ukraine's participation in international peacekeeping operations must follow the principles of strict adherence to the legislation of Ukraine, international law and to the priority of the security of Ukrainian citizens.
12. During the process of formalising the participation of Ukraine in any peacekeeping operation, it is necessary to ensure that it is not possible to prosecute members of the national contingents or national personnel, provided that their actions aiming to implement the duties of the peacekeeping operation were legitimate. To avoid human losses in national contingents and national personnel, it is necessary

to establish the limits of Ukraine's participation in any peacekeeping operation or its withdrawal in case of significant changes to the situation.

13. The legal foundation for Ukraine's participation in international peacekeeping activity.
 1. 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.
 2. Changes in the international security environment and the character and tasks of peacekeeping operations, as well as the ability to implement the provisions of this Strategy, require the improvement of Ukrainian legislation on issues concerning the international peacekeeping activity of Ukraine, particularly, with the purpose of:
 - Harmonising the national legislature with corresponding decisions of international security organisations on issues related to defining the legal status of national contingents and national personnel, their rights, duties and responsibilities;
 - Improvement in the system of supervising the process of the preparation and participation of Ukraine in international peacekeeping operations;
 - Creation of the conditions for broader participation in international peacekeeping operations by civilian personnel, governmental and non-governmental organisations providing peacekeeping services in Ukraine;
 - Improvement of social and legal protection for the participants of international peacekeeping operations and their family members.
 3. There is also a need for a clear separation of the authority of the state bodies of Ukraine involved in the sphere of international peacekeeping activity and for the specification of the procedures of cooperation between them. It is necessary to create a list of state power bodies which may delegate their employees for participation in international peacekeeping operations.
14. Organising the implementation of a Strategy of International Peacekeeping Activity of Ukraine.
 1. Achieving the goals and implementing the tasks stipulated in the Strategy of International Peacekeeping Activity of Ukraine must be secured through the implementation of the relevant provisions stipulated in the Constitution and laws of Ukraine by the national security bodies of Ukraine—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.
 2. The Secretary of the National Security and Defence Council of Ukraine is responsible for organising the drafting of plans for the implementation of the Strategy; brings them to attention of the National Security and Defence Council of Ukraine and provides control over the implementation of the decisions of the National Security and Defence Council of Ukraine aimed at the implementation of the Strategy; and annually, the Secretary must inform the President of Ukraine and the National Security and Defence Council of Ukraine about the results of implementation.
 3. Scientific supervision over the implementation of the Strategy must be performed by the National Institute of International Security Problems, the Institute of National Security Problems, the National Defence Academy of Ukraine, the Kyiv National University of Internal Affairs of Ukraine, the Kharkiv National University of Internal Affairs of Ukraine and the Diplomatic Academy of the Ministry of Foreign Affairs of Ukraine.

The Head of the Secretariat of the President of Ukraine V.Ulyanchenko

PART VIII

THE LEGISLATIVE FRAMEWORK FOR THE SOCIAL PROTECTION OF SERVICEMEN AND MEMBERS OF THEIR FAMILIES

Law of Ukraine “On Social and Legal Protection of Service Personnel and Members of Their Families”

(*Bulletin of the Verkhovna Rada of Ukraine (BVR), 1992, No 15, p.190*),

Enacted by the Resolution of the Verkhovna Rada of Ukraine No 2012-XII of 20.12.1991,
(*Bulletin of the Verkhovna Rada of Ukraine (BVR), 1992, No 15, p. 191*).

The statutory interpretation of the Law see in the Decision of the Constitutional Court No 5-pn/99 of 03.06.99.

With changes made by Decree No 43-93 of 30.04.93, BVR, 1993, No 26, p. 281; Laws:

No 64/97-BP of 12.02.97, BVR, 1997, No 12, p. 103;
No 533/97-BP of 18.09.97, BVR, 1997, No 45, p. 288;
No 1082-XIV of 21.09.99, BVR, 1999, No 48, p. 410;
No 1459-III of 17.02.2000, BVR, 2000, No 13, p.102;
No 1577-III of 23.03.2000, BVR, 2000, No 23, p. 178;
No 2171-III of 21.12.2000, BVR, 2001, No 9, p. 38;
No 2463-III of 29.05.2001, BVR, 2001, No 31, p. 155;
No 2905-III of 20.12.2001, BVR, 2002, No 12-13, p. 92;
No 3111-III of 07.03.2002, BVR, 2002, No 33, p. 236,
No 429-IV of 16.01.2003, BVR, 2003, No 10-11, p. 87;
No 662-IV of 03.04.2003, BVR, 2003, No 27, p. 209;
No 1344-IV of 27.11.2003, BVR, 2004, No 17-18, p. 250;
No 1519-IV of 19.02.2004, BVR, 2004, No 23, p. 320;
No 1763-IV of 15.06.2004, BVR, 2004, No 36, p. 444,
No 1768-IV of 15.06.2004, BVR, 2004, No 36, p. 446;

No 1865-IV of 24.06.2004, BVR, 2004, No 45, p. 503;
No 2285-IV of 23.12.2004, BVR, 2005, No 7-8, p. 162;
No 2459-IV of 03.03.2005, BVR, No 16, p. 263;
No 2505-IV of 25.03.2005, BVR, No 17, 18-19, p. 267;
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No 742-VIII of 03.11.2015, BVR, 2015, No 49-50, p.455;
No 1079-VIII of 12.04.2016, BVR, 2016, No 21, p.408;
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In accordance with the Constitution of Ukraine, this Law determines the basic principles of state policy in the field of social protection of service personnel and their family members; establishes a uniform system for their social and legal protection, as well as guarantees to service personnel and

members of their families to create favourable conditions in the economic, social and political spheres so as to ensure the realisation of their Constitutional duties concerning the defence of the Motherland, and regulates relations in this sphere.

PART I. GENERAL PROVISIONS

Article 1. Social Protection of Service personnel

Social protection of service personnel is the activity (function) of the state aimed at the establishment of a system of legal and social guarantees which provide for the realisation of their Constitutional rights and freedoms, as well as satisfying their financial and spiritual needs according to their specific type of official activity. It establishes their status in society and ensures the maintenance of social stability in the military sphere. This protection also establishes the right of support to service personnel or their family in case of a complete, partial or temporal loss of ability, the loss (death) of a breadwinner, unemployment, old age, or in other cases foreseen in the law.

Article 1.1. Legislation on Social and Legal Protection of Service personnel and their Family Members

The legislation on social and legal protection of service personnel and their family members is based on the Constitution of Ukraine and consists of this Law and other normative-legal acts.

If an international agreement ratified by the Verkhovna Rada of Ukraine establishes higher norms concerning the social and legal protection of service personnel and members of their families than those established in the legislation of Ukraine, the norms of the international agreement are applied.

Article 1.2. Guarantees of Social and Legal Protection of Service Personnel and Members of their Families

Service personnel enjoy all human rights, civil rights and freedoms, as well as guarantees to these rights and freedoms as established in the Constitution of Ukraine and the laws of Ukraine, taking into account the particularities established in this and other laws.

Due to the special character of military service related to the defence of the Motherland, service personnel are entitled to privileges, guarantees and indemnifications established in the law, which cannot be abolished or suspended without an equivalent replacement.

Normative-legal acts of state authorities and local self-government bodies which limit the rights and privileges of service personnel and members of their families are invalid.

Article 2. Prohibition of Restriction of the Rights of Service Personnel

No one has the right to limit the rights and freedoms of service personnel and members of their families as determined by the legislation of Ukraine.

Article 3. The Purview of this Law

The Purview of this Law applies to:

- 1) Service personnel in the Armed Forces of Ukraine and other military formations formed in accordance with the laws of Ukraine and special-purpose law enforcement organs (hereinafter—law enforcement organs), the State Special Transport Service, the State Service for Special Communication and Information Protection of Ukraine who perform military service on the territory of Ukraine, as well as service personnel in the aforementioned military formations and law enforcement organs and citizens of Ukraine who perform military service outside of Ukraine and their family members;
- 2) Service personnel who become disabled as a result of illness related to the performance of their military service, or as a result of illness after discharge from military service which related to their performance of military service, and to members of family, as well as to the family members of service personnel who have died or disappeared;
- 3) Persons liable for military service and reservists called up for educational (control) and special training, as well as members of their families.

The purview of this Law does not apply to the family members of service personnel, persons liable for military service or reservists who died during the performance of military service (train-

ing) or during the performance of service in the Military Reserve resulting from the commitment of an administrative offence, or if the death of service personnel, persons liable for military service or reservists occurred as a result of acts committed by them in a state of alcoholic, narcotic or toxic intoxication, or, as a result of deliberate self-injury by a service member, a person liable for military service or a reservist.

Article 4. Ensuring the Implementation of the Legislation on Social and Legal Protection of Service Personnel and Members of Their Families

Ensuring the implementation of this Law and other normative-legal acts on the social and legal protection of service personnel and members of their families is the responsibility of state authorities and local self-government bodies.

PART II. THE RIGHTS OF SERVICE PERSONNEL

Article 5. Safeguarding the Civil Rights and Freedoms of Service Personnel

Service personnel—that is, the citizens of Ukraine serving in the territory of Ukraine—take part in national and local referenda, in elections and can be elected to the relevant local councils and other elective state organs according to the Constitution of Ukraine. The provisions of the Law of Ukraine "On Presidential Elections in the Ukrainian Soviet Socialist Republic" are applied to them.

Commanders (chiefs) of service personnel who are candidates for People's Deputies and deputies of local councils should create the appropriate conditions for the exercise of this right.

Service personnel elected to office in local councils on a permanent basis are attached to the relevant local councils while keeping their military service. The period served in elected office (on a permanent basis) in a local council is included in the term of duty of the service personnel. After the expiration of the term of authority in a local council, service personnel return to the military formation where he or she served prior to the election to continue serving in his or her former post, and in its absence, in another post of equivalent position.

As a service member during the term of deputy duty, the People's Deputy of Ukraine forms part of the Verkhovna Rada of Ukraine while continuing his or her military service. After the expiration of the powers of the People's Deputy of Ukraine, he or she, according to the established procedure, returns to the relevant military formation for further service in the post formerly held, or, by his or her consent, to another post which is not lower than the previous.

Service personnel have the right to create public associations according to the legislation of Ukraine. Service personnel cannot be members of any political parties or organisations and movements. Service personnel are not allowed to organise and participate in strikes.

Article 6. Liberty of Conscience

1. Service personnel have the right to profess any religion, and to openly express their religious or atheistic beliefs. Commanders (chiefs) of military commands and units should create the appropriate conditions for the participation of service personnel in religious ceremonies and rituals in their off-duty time.
2. Service personnel are not permitted to refuse or to avoid the performance of military duties on the grounds of religious beliefs or to use their service authorities for religious or atheistic propaganda.
3. Service personnel are allowed to acquire, possess and use religious literature in any language, as well as other religious items. No person has the right to prevent the exercise of religious beliefs by service personnel, or the needs they require to do so.
4. The state is not responsible for providing for the religious needs of service personnel related to their religious beliefs and the exercising of religious rituals.
5. Persons whose religious beliefs prevent them from performing active military service are granted the right to alternative (non-military) service according to the Law of Ukraine "On Alternative (Non-military) Service".
6. The creation of religious organisations in military headquarters, military commands and units is prohibited.

Article 7. Immunity of Service Personnel

Service personnel are guaranteed personal immunity. He or she cannot be arrested other than on the basis of a court decision.

Article 8. Fundamental Rights of Service Personnel Connected with Service

1. The use of service personnel for tasks not connected with military service is forbidden and entails liability according to the law. Service personnel can be called on to alleviate the consequences of catastrophes, accidents, and natural disasters and in other individual cases upon the decision of the Verkhovna Rada of Ukraine.
 - The term of duty is included in their insured work record, general work record, and work record according to their speciality, as well as their civil service record. The term of conscript service and enlisted military service as an officer, as well as service during a special period declare in accordance with the Law of Ukraine "On Defence of Ukraine", is included in their work record, which allows for receiving pension benefits if at the moment of call-up the person was a student of a professional education school, worked in accordance with a primary profession and occupied the position that granted him or her the right to have age-pension benefits prior to the date of validity of the Law of Ukraine "On Pension Provisions" and with respect to age-pension benefits, prior to the date of validity of the Law of Ukraine "On Compulsory State Pension Insurance".
 - Service personnel are guaranteed the freedom of scientific, technical and artistic creativity. Service personnel are not permitted to engage in entrepreneurial activity.
 - In case of the temporary fulfilment of a higher command post by a service member, the payment is made according to the established procedure in the post he or she replaced.
2. Service personnel (except for service personnel on regular military service and those enlisted as officers) cannot be discharged from military service before acquiring the right to a pension for their time spent in service, except in cases when their service is terminated in connection with the expiration of the term of the respective contract, or in connection with the following: direct subordination to a close relative; systematic failure of commanders to fulfil the terms of the contract; age reasons, at their own request; health reasons or professional fitness resulting from staff reductions or organisational measures; a court conviction which has entered into force and foresees a sentence in the form of a deprivation or restriction of liberty, a deprivation of military rank or of the right to occupy certain posts; the entry into force of a court ruling on punishments for criminal acts of corruption related to the violation of limitations stipulated by the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption"; a withdrawal of a military rank as a disciplinary measure; and for family reasons or other important reasons, the list of which is determined by the Cabinet of Ministers of Ukraine.
 - In case of an unlawful discharge from military service or an unlawful transfer, a service member performing military service on a contractual basis or in the military cadre service shall be re-posted to the previous position held or, with his or her consent, to another not lower than that previously held. The position is considered lower if, in the list of staff members, this position is listed with a lower military rank or with the same rank if the position provides a reduced salary. If, in the list of staff members, there are two military ranks or differentiated salaries, the higher military rank or higher salary is chosen. Moral damage inflicted by such a discharge (transfer) can be indemnified upon a court decision.
 - In case of a renewal of military service (position), the organ responsible for taking the decision simultaneously decides about the provision of material and financial support to a service member for the time of forced leave or pays the difference for the time of service spent in a lower paid position which was not received because of an unlawful discharge (transfer).
 - This period is included in the service period of a service member (both in calendar and preferential calculation) and in the period established for the conferment of the next military rank.

3. Regular service personnel and personnel enlisted as officers, who, before call-up worked in enterprises, institutions and organisations (irrespective of their forms of ownership and economic activity), have the right to reemployment in the same enterprise, establishment or organisation or assignment to a post no lower than that which they held before the call-up to military service within three months after dismissal from service. Within a month from the date of military registration at their place of residence, the organ for labour and social protection of the population, upon the submission of the military commissar and in accordance with the procedure determined by the Cabinet of Ministers of Ukraine, provides financial assistance equal to an average monthly salary for the last position held (for those who worked before a call-up to regular military service) or equal to a minimum salary (for those who did not work) from State Budget funds. They enjoy, under other equal conditions, the priority right to hold a position of employment if staff reductions occur in connection with a change in the organisation of manufacture and can work within two years from the date of dismissal.

Service personnel of regular service, whose family have lost its breadwinner and have no other able-bodied members, and members of family with independent earnings, are discharged from military service before the end of the their term.

4. The job-security programme for persons discharged from military service without the right to pension is implemented according to the legislation of Ukraine on employment.
5. The state ensures the social and professional adaptation of service personnel discharged in connection with staff reductions or organisational measures, for health reasons, as well as service personnel in regular military service who before a call-up to regular military service were not employed if these persons make such a request. When required, social and professional adaptation is also provided to family members of service personnel at their request. The adaptation of the aforementioned category of persons is conducted by the Central Executive Body responsible for the formation and execution of state policy in the area of employment and labour migration, labour relations, and social protection of the population, funded from the State Budget.

Service personnel with record of honourable military service of a duration no less than 10 years are, since January 1, 2005, permitted to take professional re-training (of a duration no less than 500 hours) free of charge during the final year before their dismissal, with the preservation of all types of allowances according to the procedure and on terms determined by the Ministry of Defence of Ukraine, in centres of retraining and employment-assistance during working hours, irrespective of their forms of ownership.

6. Service personnel mobilised for military duty during a special period have the preferential right to sign a contract for military service after the end of the special period.

Article 8. 1. The right of Service Personnel to Select the Place of Residence and to Travel Abroad

1. Service personnel discharged from military service have the right to select their place of residence in any location of Ukraine or another state in accordance with the laws and international treaties ratified by the Verkhovna Rada of Ukraine.
2. Service personnel have rights equal to other citizens of Ukraine to travel abroad in accordance with the procedure established by law.

Article 9. Financial Support to Service Personnel

1. The state guarantees adequate material, financial and other types of support to service personnel in amounts that correspond to the conditions of military service and which stimulate the development of qualified military personnel.

The Central Executive Body responsible for the execution of state policy in the area of labour and social policy and other Central Executive Bodies according to their competencies develop and follow established procedures and introduce proposals on financial allowances for military service personnel.

The following belongs to financial support:

- Salary in the position, and salary for the military rank;

- Monthly additional types of financial support (i.e. salary rises, increments, additional charges, permanent rewards and bonuses);
 - One-time additional types of financial support.
2. Financial support is determined on the basis of the post, military rank, duration, intensity and conditions of military service, qualifications, education level and the scholarly degree of the service member. Financial support is subject to indexation in accordance with the law.
3. Financial support is paid in amounts determined by the Cabinet of Ministers of Ukraine and shall ensure adequate material conditions for manning the Armed Forces of Ukraine, other military formations formed in accordance with the law and law enforcement organs with qualified personnel, taking into account the character and conditions of service, and provided in order to stimulate the achievement of high results. The procedure for the payment of financial support is determined by the Minister of Defence of Ukraine, the heads of the Central Executive Authorities responsible for managing military formations formed in accordance with the law and law enforcement organs and heads of the intelligence organs of Ukraine.
4. Service personnel temporarily undertaking military service outside of Ukraine receive financial support in the national currency and rewards in foreign currencies in accordance with the norms and procedure determined by the Cabinet of Ministers of Ukraine.
5. Service personnel captured, taken as hostages, interned in neutral states or who are missing in action are guaranteed financial support and other types of support. Families of the aforementioned service personnel receive monthly financial support, including additional and other types of financial support, in amounts assigned to the service member on the day of his or her capture, hostage taking, internment in a neutral state or disappearance.

The purview of this item does not apply to service personnel who were voluntarily captured.

Financial support is paid to the following family members of service personnel:

- To the wife (husband), if the service member has no wife (husband)—to adult children who live together with her (him), to legal representatives (guardians) or adoptive parents of minors (who are disabled from childhood, regardless of their age), as well as to persons who depend on the service personnel's support or to parents of service personnel in equal parts if service personnel are not married and have no children. Payment of financial support to these family members is provided after a complete clarification of the circumstances of capture, hostage-taking, internment or liberation of service personnel, or after the recognition of service personnel who have disappeared or died in accordance with the procedure established by law. In all cases, the payment of financial support is not carried out until the day of exclusion of service personnel from the list of the personnel of military units.
 - In case of the indexation of financial support of service personnel in the Armed Forces of Ukraine, other military formations formed in accordance with the law and law enforcement organs, financial support to family members of service personnel who are captured, taken as hostages, interned in neutral states or have disappeared is paid taking into account such indexation.
6. Service personnel assigned for service in state organs, establishments and organisations enjoy all types of support envisaged in Articles 9 and 9-1 of this Law, as well as guarantees and privileges that are covered from the funds allocated in the State Budget of Ukraine for the Armed Forces of Ukraine, other military formations formed in accordance with the law, law enforcement organs and the Special State Transport Service. The President of Ukraine adopts the list of positions that can be occupied by service personnel in these state organs, enterprises, establishments and organisations.
7. Military personnel of the Special Operations Forces of the Armed Forces of Ukraine are entitled to a special bonus subject to the inclusion of monthly additional financial payments.

Article 9-1. Food, Clothing and Other Supply for Service Personnel

1. The provision of food and clothing to service personnel is performed in accordance with the norms and deadlines determined by the Cabinet of Ministers of Ukraine.

2. In case of a transfer of service personnel performing military service on a contractual basis, service personnel in the cadre military service or personnel on enlisted service as officers to a new place of military service in another locality in connection with an appointment to a military position, or entry into an educational establishment for a period of study of at least six months, or in connection with the re-deployment of a military unit, receive:
 - 1) Transfer aid equal to a monthly salary of a service member and 50 per cent of monthly financial support for each family member of the service member who re-locates to the new place of military service;
 - 2) A daily allowance established by the Cabinet of Ministers of Ukraine for employees who are on a service trip for every day of travel of a service member and every family member of the service member who moves together with him.

Article 10. Working Time and Rest Time of Service Personnel

1. The general duration of weekly working time for service personnel cannot exceed the normal duration of working hours for the given period determined in the legislation of Ukraine, except for cases mentioned in Item 5 of this Article.
2. The distribution of working time of service personnel during a day and a week in military units is conducted in such a way as to ensure the consistent readiness of military units, the performance of combat training, the creation of conditions for the maintenance of order, military discipline, the education of service personnel and for the improvement of cultural standards, as well as to ensure comprehensive domestic services, rest and meals.
3. The distribution of working time for service personnel is determined by a timetable approved by the corresponding commander (chief) in accordance with the procedure established in the statutes of the Armed Forces of Ukraine, observing the established general duration of weekly working time.
4. Service personnel—except for service personnel in regular military service—are entitled to a five-day working week with two days off; service personnel in regular military service, students (cadets) at military establishments of higher education and students at higher education establishments with military education departments and education centres (units)—a six-day working week with one day off.
5. Military training, naval campaigns, combat shooting, combat duty, daily assignments and other measures related to ensuring the combat readiness of military units are conducted without limiting the general duration of work time.
6. Weekend, holidays and days off are assigned days of rest for all personnel, except for service personnel performing official duties. These days are allocated for rest, cultural-educational work, sports and games. Service personnel, except for service personnel in regular military service and students (cadets) at higher military education establishments, who perform official duties on the weekend, festive days and days off, are, as a rule, assigned the appropriate rest time in compensation by a commander (chief) during the following week. The time of rest for service personnel in regular military service and students (cadets) at military establishments of higher education who carry out military service duties on the aforementioned days is established by their commander (chief).

Article 10-1. The Right of Service Personnel to Vacations. The Procedure for Granting Vacation to Service Personnel and Recall from it

1. Service personnel, except for those in conscript military service, are entitled to annual basic vacations with the preservation of material and financial support and with the granting of financial aid for healthcare equal to one month's salary. The duration of an annual basic vacation for service personnel who have served up to 10 calendar years – 30 calendar days; from 10 to 15 years – 35 calendar days; from 15 to 20 years – 40 calendar days; and for over 20 calendar years – 45 calendar days. Service personnel are not given additional time for travel to and back from the place of leave. Holidays and weekends are not taken into account when calculating the duration of annual basic vacations.

2. Annual consecutive leave should be given within a calendar year. In special cases, by the authority of the direct chief – and determined by the Minister of Defence of Ukraine, the heads of the Central Executive Organs with legally subordinated military formations created in accordance with the laws of Ukraine, as well as the heads of law enforcement bodies and the intelligence organs of Ukraine—the next annual leave for the last year can be given in the first quarter of the next year if it was not given earlier by virtue of exclusive circumstances.

The duration of annual basic leave for military servicemen on the year of enrolment, except for personnel in conscript service and those on enlisted service as officers, is determined at the rate of 1/12 duration of entitled leave according to clause 1 of this Article for each full month of service completed by the end of the calendar year. If the duration of leave exceeds 10 calendar days, they are provided with payment for the fare to the place of leave and back to the place of the previous service or place of residence according to the procedure approved by the Cabinet of Ministers of Ukraine. Leave shorter than 10 calendar days can be given simultaneously with the next leave in the following year upon request of the service member. The same procedure is used to give the annual basic leave for service personnel who were on maternal leave till their child reached the age of child.

3. Upon request of the service member, except for cadets (students) of higher military education establishments, as well as higher education institutions which have subordinated military institutions, faculties of military education and chairs of military education, basic annual leave can be given in two separate parts, provided that its basic uninterrupted part is no less than 24 calendar days.
4. Additional annual leave to service personnel (except for conscripts) performing military service under extreme emotional and intellectual stress or in a specific geographic or geological location with an extreme climate or ecological condition, or in which the life and health of service personnel is threaten, can be provided with the preservation of material and financial support. The duration of such additional leave is determined depending on the duration of service under these specific conditions and shall not exceed 15 calendar days.

The list of specific geographic or geological locations with extreme climates or ecological conditions, as well military service posts with extreme emotional or intellectual stress, or which threaten the life and health of service personnel, as well as the procedure for the provision and duration of additional annual leave (depending on the duration of service under these specific conditions) shall be determined by the Cabinet of Ministers of Ukraine.

Service members with the right to additional annual leave as stipulated by the first paragraph of this clause, and to additional annual leave on other bases established by the legislation are given the choice on which basis to take their leave.

5. Service personnel who fall ill during the next annual leave have their leave prolonged for the period of the unused days after recovery.
6. Cadets and students of higher military education establishments, as well as higher education institutions which have subordinated military institutions, faculties of military education and chairs of military education are given up to 4 calendar days term-break (winter) leave and up to 30 calendar days basic (summer) leave annually. The duration of these are not dependent on the duration of military service.

Cadets and students of higher military education establishments, as well as higher education institutions that have subordinated military institutions, faculties of military education and chairs of military education with educational debts, leave after the liquidation of debts within the limits of the terms established by the schedule of educational process. At that, annual basic (summer) leave should be no fewer than 15 calendar days.

In addition to annual leave, cadets and students of higher military education establishments, as well as higher education institutions which have subordinated military institutions, faculties of military education and chairs of military education can be given additional leave in connection with illness or for family reasons as provided by clauses 9-11 of this Article.

7. Service personnel (except for conscripts) on business trips outside of Ukraine are, upon their request, allowed to combine annual basic leave for two years. The total duration of the combined leave should not exceed 90 calendar days.

8. Additional leave of service personnel (except for conscripts) in connection with education, creative works or on social grounds are given as provided by the Law of Ukraine "On Leaves". Other additional leave is granted on the grounds and according to the procedure established by the relevant laws of Ukraine.

In cases where the Law of Ukraine "On Leaves" or the other laws of Ukraine stipulate the provision of additional leave without the preservation of regular salaries, such leave of service personnel shall be provided without preserving the regular service payment.

9. Leave connected with family circumstances, and without preserving financial support, is given to service personnel in the following cases:

1) Marriage—up to 10 calendar days;

2) Life threatening health conditions or the death of close-blood or marriage relatives:

a. Wife (husband), father (mother), step-father (step-mother), son (daughter), brother (sister) of the service personnel, father (mother) of spouse or the person who adopted the service personnel—up to 7 calendar days without taking into account the time necessary for travel to and back from the place of leave;

b. Other relatives—up to 3 calendar days without taking into account the time necessary for travel to and back from the place of leave;

3) Fire or other natural disasters affecting the family of service personnel or persons mentioned in sub-paragraph 2 of this clause—up to 15 calendar days without taking into account the time necessary for travel to and back from the place of leave;

4) In other exceptional circumstances when the presence of the service personnel in the family is necessary, and with the permission of the commander (chief) of military unit—up to 3 calendar days without taking into account the time necessary for travel to and back from the place of leave. Such leave can only be granted once during a calendar year.

10. By the decision of the commander (chief) of the concerned military unit, service personnel (except for conscripts) may be given leave for family reasons and other important reasons for up to 15 calendar days per year without the preservation of financial support.

11. Convalescent leave in connection with illness, and with the preservation of material and financial support, is given to service personnel on the basis of the findings of a military-medical commission. The duration of such leave is determined by the nature of the illness. In total, the time of continuous stay in medical institutions and in treatment leave in connection with illness should not exceed four consecutive months (except for cases when the legislation stipulates longer terms of stay for treatment).

Upon the termination of the established uninterrupted stay on treatment and in treatment leave in connection with illness, service personnel are subject to examination by a military-medical commission to determine whether or not they are fit for military service.

After the issuance of the order on discharging the service member from military service, treatment leave in connection with illness is not provided.

12. During the term of their service conscripts are entitled to 10 calendar days of leave without taking into account the time necessary for travel to and from the place of leave, but not earlier than 3 months since the start of the term of their conscription.

Leave for family reasons is given for up to 10 calendar days without taking into account the time necessary for travel to and back from the place of leave.

13. The spouse of a service member has the right to receive leave in her (his) suitable time simultaneously with the annual basic leave of the service personnel.

14. Service personnel who leave military service, except for conscripts or persons discharged for age or health reasons, or in connection with direct subordination to a close relative or with staff reductions, are given annual consecutive leave at the rate of 1/12 durations of leave they are entitled to according to clause 1 of this Article per each full month of service prior to the year of discharge. If the duration of leave exceeds 10 calendar days, travel to the place of leave and back to the place of service or the elected place of residence is paid for and additional time for travel is provided in accordance with procedure approved by the Cabinet of Ministers of Ukraine.

Service personnel (except for conscripts) who leave military service for age or health reasons, or in connection with direct subordination to a close relative or with staff reductions, are given annual consecutive leave and additional leave for the term established by clauses 1 and 4 of this Article.

When discharged from service under the first and second paragraph of this clause, service personnel have the right to receive monetary compensation for any unused days of basic annual leave in the year of discharge and for days of additional leave, particularly with respect to female service personnel with children.

When discharged from service prior to the end of the calendar year for which the service member was given leave, except for the persons discharged for age or health reasons, or in connection with direct subordination to a close relative or with staff reductions, the withdrawal from the service member's pay is made in compensation for the days of leave that were accounted for the part of the year after the discharge of the service member as provided by the relevant order of the commander (chief) of military joint command or unit, the head of the higher military education establishment, headquarters or organisation concerned.

In case of the death of service personnel, the withdrawal for unused days of leave from his payment shall not be made.

Service personnel whose orders of dismissal were signed in the past year but who are not excluded from the muster rolls of a military unit are not given leave for the period of service in the current year.

15. When discharged from service – except for reasons such as a guilty verdict of a court and subsequent imprisonment, limitation of freedom, the revocation of a military rank or the right to occupy certain positions, or in connection with the entry into force of a court ruling on punishment for a criminal act of corruption related to the violation of limitations stipulated by the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption", or with the revocation of a military rank resulting from disciplinary procedures, as well as in connection with the systemic violation of contract conditions by the service personnel – in cases where annual leave was not used by the service personnel in question, they have the right to use their leave prior to leaving the service. In this case, the date of discharge of the service personnel in question will be the last day of leave.

When discharged from service in connection with the end of the term of contract, service personnel have the right to receive the unused annual leave even when the duration of leave exceeds the term of the contract. In this case, the validity of the contract shall be extended until the end of the leave.

16. The recall of service personnel from annual consecutive leave is allowed only in case of the announcement of mobilisation, the introduction of martial law or a state of emergency in Ukraine or in particular areas of Ukraine, and in other cases—upon the decision of the Minister of Defence of Ukraine, the heads of the Central Executive Organs with legally subordinated military formations created in accordance with the laws of Ukraine, the heads of law enforcement and intelligence organs of Ukraine, their deputies and the Chief of the General Staff and the Supreme Commander of the Armed Forces of Ukraine, as well as commanders of military formations who ex officio are not heads of the Central Executive Organs.

In case of a recall from annual consecutive leave, the part not used is given to service personnel in the current year. If the unused part of leave is 10 calendar days or more, the service personnel in question is provided with payment equal to the cost of the fare to and back from the place of leave within the territory of Ukraine, but no further than the place in which he was called up.

17. During a special period, from the time of the declaration of mobilisation until the time of the introduction of martial law or demobilisation, service personnel granted basic annual leave and leave for family reasons and other important reasons as stipulated by parts One, Six and Twelve of this Article. Basic annual leave shall be provided only under the condition of a simultaneous absence of no more than 30 per cent of the total number of the same category of service personnel in a given unit. Leave for family reasons and other important reasons are provided to servicemen with the preservation of financial allowances for a term not exceeding 10 calendar days.
18. During a special period, in time when the martial law is introduced, service personnel can be granted family related leave or leave due to other important reasons when their regular allowance is kept for no more than 10 calendar days.
19. The provision of other types of leave to service personnel during the periods indicated in Articles 17 and 18 shall be halted, except for maternity leave granted to female service personnel, childcare leave granted until the child turns three years old (or longer in accordance with a medical recommendation that a child requires homecare, but not exceeding six years old), as well as leave for medical treatment or leave for recovering after a serious wound in compliance with a military-medical commission's recommendation.
 3. Military servants called up for military service during mobilisation in a contingency and subject to dismissal from military service in accordance with the procedure and within the terms specified by a decision of the President of Ukraine, or in connection with the declaration of demobilisation, are granted leave at a rate of 1/12 of the duration of leave to which they are entitled in accordance with the Item 1 of this Article for each full month of service in the year of dismissal. If the duration of leave for such military servants exceeds 10 calendar days they shall be provided with a payment for the cost of travel to the holiday destination within Ukraine in accordance with the procedure established by Item 14 of this Article.

In the year of dismissal from service, military servants called up for military service during mobilisation or in a contingency and subject to dismissal from military service in accordance with the procedure and within the terms specified by a decision of the President of Ukraine, or in connection with the declaration of demobilisation, and who have not used their annual basic leave, shall be provided with financial compensation for all the unused days of basic annual leave.

In case of the dismissal from service of a military servant called up for military service during mobilisation in a contingency and subject to dismissal from military service in accordance with the procedure and within the terms specified by a decision of the President of Ukraine, or in connection with the declaration of demobilisation before the end of the calendar year in which he or she has already used his or her annual basic leave, a deduction shall be made from the monetary allowance of the military servant for the days of the leave used towards the portion of the calendar year remaining after the dismissal of the military servant in accordance with the procedure provided in Paragraph four, Item 14 of this Article.

Military servants referred to in this Item shall be subject to guarantees provided by Paragraphs five and six, Item 14 of this Article.

4. If military servants are not granted basic annual leave in connection with the occurrence of periods provided by Items 17 and 18 of this Article, such leave shall be granted in the following year. In such cases, military servants are permitted to merge basic annual leave for two years, but the total duration of merged leave is not permitted to exceed 90 calendar days.

Said leave may be granted in several portions (more than two), not limiting the duration of each of them.

Article 11. The Right of Service Personnel to Healthcare and Medical Treatment

1. Healthcare for service personnel is provided through the creation of favourable sanitary-hygienic conditions for the performance of military service, way of life and through a system of measures aimed at limiting the impact of the dangerous aspects of military service, taking into account its specifics

and ecological situation, and is carried out by commanders (chiefs) in cooperation with local Executive Authorities and local self-government bodies.

Care for the preservation and strengthening of the health of service personnel is the duty of commanders (chiefs). They are responsible for ensuring safety measures during training, other measures during combat training as well as during the exploitation of armaments and military equipment and during the performance of work and other service duties.

Service personnel, persons liable for military service and reservists called up for educational (control) and special training, have the right to free medical treatment in military-medical establishments. Service personnel undertake medical examinations annually and medical prophylactic measures.

If there are no medical establishments, appropriate departments or specialised medical equipment close to the place of military service, educational (control), special training sites or residence, as well as in emergency cases, medical care is provided in state or communal healthcare establishments at the expense of the Ministry of Defence of Ukraine, other military formations formed in accordance with the laws of Ukraine and law enforcement organs.

Service personnel who are victims of the Chernobyl disaster are entitled to medical treatment, healthcare in sanatoriums and rest in accordance with legislation.

Military servants—former combatants and equated persons, persons dismissed from military service who immediately took part in anti-terrorist operations or performed duty assignments and combat missions in extreme (combat) conditions—must pass free psychological and medical-psychological rehabilitation in the relevant centres with reimbursement of the cost of travel to and back from those centres. The procedure for rehabilitation and the reimbursement of travel costs shall be established by the Cabinet of Ministers of Ukraine.

2. If there are no state or communal healthcare establishments close to the place of residence, the family members of service personnel (except for service personnel in regular military service and students (cadets) at military establishments of higher education and higher education establishments with military education departments) receive medical care in military-medical healthcare establishments.

The family members of service personnel and persons discharged from the Military Reserve or those in retirement, as well as of service personnel who have perished (died), disappeared, became disabled during the performance of military service or suffered in captivity during military operations (wars) or participation in international peacekeeping operations, if these persons have served in the Armed Forces of Ukraine, other military formations formed in accordance with the laws of Ukraine and law enforcement organs for no less than 20 calendar years, have the right to medical care in establishments of the Ministry of Defence of Ukraine, other military formations formed in accordance with the laws of Ukraine and law enforcement organs.

The sending of service personnel and members of their families for treatment outside of Ukraine is carried out on general grounds in accordance with the procedure determined by the Cabinet of Ministers of Ukraine.

3. Service personnel (except for service personnel in regular military service) and members of their families have the right to treatment and rest in sanatoriums, rest-homes, pensions and tourist centres of the Ministry of Defence of Ukraine, other military formations formed in accordance with the laws of Ukraine and law enforcement organs. Such service personnel pay 25 per cent towards the cost of treatment, while their family members pay 50 per cent, except for cases when in accordance with the legislation other terms of payment are established. The same right is granted to family members of service personnel who have perished (died) or disappeared during the performance of military service. Such family members include: parents, wife (husband), underage children, as well as children disabled from childhood (regardless of age).

Benefits indicated in the first sentence of the first paragraph of this clause are granted to service personnel and their family members under condition that the total average income of the family mem-

ber for the last six months does not exceed the amount of the tax social benefit level calculated in accordance with procedure approved by the Cabinet.

The treatment of service personnel who are sent to sanatoriums for the continuation of treatment following hospital treatment in accordance with the recommendations of a military-medical commission is free of charge.

Privileges provided by the first sentence of the first paragraph of this Item are granted to military servants and their family members on the condition that the amount of the monthly average aggregate family income per capita in the previous six months does not exceed three subsistence levels.

Vouchers for military servants referred to a health resort institution for further treatment in accordance with the conclusion of the military physician board after inpatient hospital treatment are issued free of charge.

In case of referral to a health resort institution for further treatment after inpatient hospital treatment of a military servant whose health condition requires outside assistance in accordance with the conclusion of the military physician board, the person accompanying him or her shall be issued a free voucher for that health resort institution, but one which does not include the right to treatment.

The person accompanying a military servant to a health resort institution cannot be a Group I disabled person or a person under the age of 16.

Service personnel in regular military service, students (cadets) at higher military education establishments and higher education establishments with military education departments, educational centres (units) and service personnel and women, as a result of medical recommendation, are provided with free healthcare treatment in sanatoriums.

After they have received treated in military-medical healthcare establishments, service personnel who have contracted an illness during the performance of military service duties have the right to priority treatment in sanatoriums and resort establishments of the Ministry of Defence of Ukraine, other military formations formed in accordance with the laws of Ukraine and law enforcement organs.

Service personnel subject to harmful workplace conditions due to the special nature of their service, service personnel who became disabled as a result of military operations, participants in military operations and persons with equal status have the right to priority treatment in sanatoriums.

Pensioners who become disabled (Groups I and II) as a result of illness caused by the performance of military service are treated in sanatoriums regardless of the type of pension they receive.

Group III disabled persons discharged from military service for health reasons and who receive disability pensions are provided with treatment in sanatoriums on the basis of a medical conclusion.

The processing of orders for treatment in sanatoriums is carried out in accordance with the procedure determined by the Cabinet of Ministers of Ukraine.

4. Service personnel who became disable as a result of military operations, as well as participants in military operations, have the same rights as disabled persons and participants of the Great Patriotic War.
5. Service personnel and women enjoy all privileges foreseen in the legislation on the social protection of women, maternity and childhood. These privileges also apply to parents—that is, service personnel who take care of children without a mother (in case of her death; the deprivation of her maternal rights; her stay in a medical establishment and in other cases when maternal care is absent).
6. Service personnel discharged from military service as a result of illness related to the performance of military service duties and family members of service personnel receive an examination and treatment in military-medical healthcare establishments in accordance with the procedure established by the Ministry of Defence of Ukraine, other military formations formed in accordance with the laws of Ukraine and law enforcement organs.
7. Changes in the chain of command and in the specific profile of military-medical institutions, sanatoriums and recreation institutions of the Ministry of Defence of Ukraine, the Security Service of Ukraine, the State Border Service of Ukraine, other military formations formed in accordance with

the laws of Ukraine and law enforcement organs, as well as separation of their real estate property is prohibited.

Article 12. Housing Support to Service Personnel and Members of Their Families

1. The state provides service personnel with housing or, should they so wish, monetary compensation for the accommodations to which they are entitled, according to the procedure and the requirements established by the Housing Code of the Ukrainian Soviet Socialist Republic and other normative-legal acts.

Conscripted service personnel are placed in barracks (on ships) according to the Interior Service Regulation of the Armed Forces of Ukraine. The housing they lived in prior to their call-up is preserved for them. They cannot be struck off the register of the citizens requiring an improvement of living conditions.

Military service personnel with 20 or more years' service and their family members are provided with accommodation 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 off-base during the entire duration of service, provided that they have not yet exercised their right to the free privatisation of housing.

In the absence of service housing, privates, sergeants and sergeant majors performing contractual military service and not married are placed free of charge in specially adapted barracks in the position of the military unit, while their families are placed in family hostels. Living conditions in such barracks should correspond to the requirements of hostels intended for the residence of single citizens. As for other service personnel, the military unit is obliged to rent housing for them and their family members, or by their request, to pay financial compensation for housing rent.

Cadets of higher military education establishments and military departments of the higher education establishments with families are provided with accommodation in family hostels. In the absence of such hostels, they are provided with financial compensation for housing rent in the place of military service.

The procedure for providing service personnel and members of their families with housing, as well as the amount and procedure for the payment of financial compensation to service personnel for housing rent is determined by the Cabinet of Ministers of Ukraine.

Military servants serving as called up officers shall retain the residential premises occupied by them prior to their call-up. Such military servants cannot be removed from the list of citizens who require an improvement in housing conditions and instead put on the housing waiting list in the military unit at their place of service.

Military servants serving as called up officers and their family members who live with them are provided with residential service premises which meet housing legislation requirements—if they have not occupied residential premises at the place of service.

In the absence of service residential premises, military servants serving as called up officers and not married shall be accommodated in hostels designed for the accommodation of single persons—and married military servants in family hostels.

In the absence of residential premises for accommodation, a military unit is obliged to rent housing for military servants serving as called up officers and their family members, or, at the will of a military servant, to pay to him or her financial compensation for the sublease (lease) of residential premises.

Military servants serving as called up officers and their family members are obliged to vacate residential service premises occupied by them within two weeks from the day of removal of said military servants from the muster-roll of the military unit.

2. Service personnel performing contractual military service have the right to the accommodation they had prior to enrolment. They cannot be struck off the register of the citizens requiring improved living conditions in their previous place of residence.
3. Persons discharged from military service and declared disabled due to injury, contusion, or mutilation received during the performance of military service, or due to illness resulting from military service, are

provided, taking into account the established procedure, with housing in settlements chosen by them for residing out of turn at the expense of military formations or executive organs where they are registered as citizens requiring improved living conditions.

In case of the need to improve the living conditions of the families of service personnel lost (dead) or reported missing during military service, housing in the place in which the citizens are registered as requiring an improvement in living conditions is provided.

4. In cases where service personnel receive assignments outside of Ukraine or service transfers to an area of intensive radioactive pollution resulting from the Chernobyl disaster, those who have served 20 years or more have the housing occupied by them and their family members reserved for their whole period of stay outside of Ukraine or in the specified area.
5. Service personnel and persons discharged from military service who became disabled during military service and the family members supported by them, as well as the parents and family members of service personnel, the disadvantaged (died) or those reported missing during military service, are given a 50 per cent discount for housing and public utilities (i.e. water supply, gas, electric, central heating and hot water and other services) in apartment houses of all forms of ownership within the limits of the established norms stipulated by the legislation.

Persons discharged from military service who became disabled during military service are given a 50 per cent discount for the instalment and use of home phones.

Benefits indicated in the first paragraph of this clause are granted to service personnel and their dependent family members under the condition that the total average income of the family member for the last six months does not exceed the amount of tax social benefit level calculated in accordance with the procedure approved by the Cabinet.

6. Service personnel who have served 17 years and require improved living conditions have the right to a plot for the construction and service of an apartment house in settlements selected by them for residence, taking into account the established procedure.

Institutions of local self-government are obliged to provide plots, and, within the limits of their authority as determined by the law, to help service personnel, parents and family members of service personnel lost (died) or reported missing during military service, and also those persons discharged from military service who became disabled during military service if they have expressed the desire to construct individual apartments.

7. Service personnel who have served 20 years or more and require improved living conditions have the right to credits for individual housing or to purchase an individual apartment house (apartment) for a term of under 20 years, with repayment of the total sum and interest rates against the credits done so at the expense of the means intended in the State Budget for support of the Armed Forces of Ukraine, the Security Service of Ukraine, and other military formations created according to the laws of Ukraine. The specified credit is only given to service personnel once during all terms of duty.

The procedure and conditions for granting service personnel credits for individual residential building or to purchase an individual apartment are determined by the Cabinet of Ministers of Ukraine.

8. Service personnel who have served 20 years or more and who are dismissed for age or health reasons, or in connection with staff reductions, as well as persons discharged from military service who became disabled (Groups I or II) and families members of service personnel lost (died) or reported missing during military service, have the right to the free receipt of premises held in the state available housing fund.
9. Service personnel registered as citizens who require improved living conditions and who have been transferred to the Military Reserve or who resigned due to age, poor health, or in connection with staff reductions or other organisational measures remain registered with the military unit until receipt of housing from the state available housing fund, or, should they so wish, receive monetary compensation for the accommodations to which they are entitled, and in case of its deactivation—with military commissariats and housing-operational units of the regions and use of the right to out-of-turn receipt of housing.

In case of the death of a person transferred from military service to the Military Reserve, or the resignation of persons on the bases specified in Paragraph one of this unit, who, according to the legislation, have the right to out-of-turn receipt of housing, their family retains the right to the receipt of housing according the same procedure.

Article 13. The right of Service Personnel and Their Family Members to Education

1. Service personnel have the right to study (including postgraduate education) in military education establishments, appropriate subdivisions of training, retraining and improving the level of their skills. Service personnel performing contractual military service as officers, after receiving basic or full higher education by state order, are permitted to study at other higher education institutions without interrupting their military service after they served a term of service equal to the term of their previous higher education course.

Other service personnel, except for conscription military service personnel and those on enlisted service as officers, are permitted to study in other higher education establishments without interrupting their military service as stipulated by the relevant regulations on the military service of Ukrainian citizens.

2. During a period of study in a higher education establishment (I-IV levels of accreditation), persons called up for regular military service or on enlisted service as officers and then discharged from military service are re-enrolled in order to continue their studies, regardless of its form or type, in the education establishment where they studied prior to the call-up for military service.

3. In case of a change in the location where military service is performed by service personnel performing military service on a contractual basis or service personnel in the cadre military service, as well as in case of discharge from military service for age or health reasons, or in connection with staff reductions or organisational measures, members of their families who study in state education establishments have the right to be transferred to state education establishments closer to the new place of military service or residence.

4. In priority order, children of service personnel are granted places in general and preschool education establishments and children's healthcare camps (regardless of forms of their ownership) at the place of their family's residence.

5. Children of service personnel who have served 20 or more calendar years, children of citizens discharged from military service for age or health reasons or in connection with staff reductions or organisational measures and who have served 20 or more calendar years; as well as children of service personnel who have died during the performance of military service duties, disappeared or became disabled as a result of illness related to the performance of military service, have priority rights to enter military lyceums, lyceums with intensive military and physical training, military establishments of higher education and higher education establishments with military education departments provided that they pass required examinations and conform to other requirements and the rules of enrolment in these establishments during a period of three years from obtaining the level of school education required for enrolment.

During a period of three years from obtaining the required level of school education, persons with service personnel as parents (guardians), one of which has been declared by the courts to have died or become missing during the performance of military service duties, can be enrolled without competition for individually selected courses in state and community higher and professional education establishments of Ukraine for study at the expense of state and local budgets.

Article 14. Privileges of Service Personnel and Members of their Families

1. Service personnel have the right to free-of-charge travel:

- 1) By railway, air, water and automobile (except for taxi) transport:
 - a) To a service mission;
 - b) To the place of vacation within the territory of Ukraine;

- c) During a move to a new place of military service or in connection with the re-deployment of the military unit;
- d) To the place of residence within the territory of Ukraine selected after discharge from military service;

Benefits indicated in paragraph "b" of the sub-clause 1) of this clause are granted under the condition that the total average income of the family member for the last six months does not exceed the amount of the tax social benefit level calculated in accordance with procedure approved by the Cabinet.

- 2) By all types of city, suburban and inter-town transport (except for taxi) – only applicable for service personnel in regular military service.
- 2. During the transfer of service personnel to a new place of military service or discharge from military service, they enjoy the right to the free transportation of 20 tons of private property in containers from the previous place to the new place of residence by railway transport, and in cases where no such transport exists – by other types of transport (except for air transport). In cases where the private property is transported in separate carriages, as luggage or shipping, the actual costs are compensated, but no more than the cost of the transportation of property in a container weighing 20 tons.
- 3. Family members of service personnel (except for service personnel on conscript military service) have the right to free journeys by railway, air, water and automobile (except for taxi):
 - 1) From the place of residence to the place where, in connection with his transfer, the service member is performing military service;
 - 2) To the place within the territory of Ukraine where a service member goes on vacation;
 - 3) In case of the discharge of a service member from military service and in case of the death of a service member – to the selected place of residence within the territory of Ukraine.

During the journey to the selected place of residence in connection with the death of a service member, their family members have the right to the free transportation of 20 tons of private property in containers by railway transport, and in cases where no such transport exists – by other types of transport (except for air transport). In cases where the private property is transported in separate carriages, as luggage or shipping, the actual costs are compensated, but no more than the cost of the transportation of property in a container weighing 20 tons.

Benefits indicated in the sub-clause 2) of this clause are granted under the condition that the total average income of the family member for the last six months does not exceed the amount of the tax social benefit level calculated in accordance with procedure approved by the Cabinet.

- 4. Service personnel who became disabled as a result of military operations, participants of military operations and persons with equal status, as well as the parents of service personnel who have died or disappeared during military service have the right to free journeys on all types of general public passenger transportation (except for taxi) within the limits of their administrative district at their place of residence, as well as by railway and water suburban transport and by suburban buses. They also have the right to a 50 per cent discount for intercity railway, air, water and automobile transportation in accordance with the law.
- 5. Service personnel who are on a service mission, moving to a new place of military service, as well as to and from a holiday location have the priority right to the acquisition of travel documents for themselves and their family members for all types of transport. Service personnel who are sent on a service mission have the priority right to a reservation and a place in a hotel on the basis of the documentation provided on the service mission.
- 6. During the performance of service duties related to service missions in other localities, service personnel are compensated for expenses in accordance with the procedure established by the Cabinet of Ministers of Ukraine.
- 7. Service personnel, except for service personnel in regular military service, have the priority right to the installation of a home telephone and home security system.

8. Service personnel in regular military service have the right to send and receive letters free of charge. The personal clothes of citizens called up for regular military service can be mailed to their place of service in free-of-charge postal parcels.
9. Expenses related to the transportation of service personnel, their family members and their private property by railway, air, water and automobile (except for taxi), as well as hotel reservations for service personnel on service missions, are compensated for from the funds of the Ministry of Defence of Ukraine, other military formations formed in accordance with the laws of Ukraine and law enforcement organs in accordance with the procedure established by the Cabinet of Ministers of Ukraine.
10. Service personnel and members of their families who have the right to privileges, guarantees and indemnifications in accordance with this Law also have the right to privileges, guarantees and indemnifications established for citizens of Ukraine in the laws and other normative-legal acts of Ukraine, as well as in the decisions of local self-government bodies. If such persons have the simultaneously right to the same privilege, guarantee or indemnification on the basis of several grounds, they receive the privilege, guarantee or indemnification only on one ground at their discretion, except for cases foreseen in the law.
11. A service member, a person liable for military service or a reservist called up for educational (control) or special training does not have the right to privileges, guarantees and indemnifications foreseen in this Law when, following a court decision, he serves a sentence foreseen in Items 2, 3, 5, 6, 9, 11, 12 of Article 51 of the Criminal Code of Ukraine. During that period, family members do not have the right to privileges, guarantees and indemnifications which they would normally enjoy as the family members of such persons.
12. Service members in regular military service, service personnel performing military service on a contractual basis, in the cadre military service, on enlisted service as officers, and those mobilised during a special period (except for servicewomen) or sentenced to confinement in the service personnel's disciplinary battalion do not lose the right to privileges, nor do their family members.
13. Persons who have the right to privileges, guarantees and indemnifications foreseen in this Law are provided with identity documents. The form and the procedure for the delivery of identity documents is established by the Cabinet of Ministers of Ukraine.
14. Service personnel and members of their families who suffered as a result of the Chernobyl disaster receive privileges foreseen in the Law of Ukraine "On the Status and Social Protection of Citizens Who Suffered as a Result of the Chernobyl Catastrophe".
15. For service personnel on duty from the introduction to the end of a special period, and for reservists and citizens liable for service—from the moment of their mobilisation to the end of the special period in question, the penalty for the failure to meet obligations to enterprises, offices and organisations of all forms of property, including banks, and to physical persons, as well as interest on loan, is not charged.

Article 15. Pensions and Support

1. The provision of pensions to service personnel after their dismissal from military service is made according to the Law of Ukraine "On Pensions of Persons Discharged from Military Service and Other Persons".
2. Service personnel (except for conscripts) discharged from military service for health reasons receive a one-time allowance equal to 50 per cent of a monthly salary for every complete calendar year of service. In case of discharge from military service for age reasons, in connection with staff reductions; direct subordination to a close relative; the systematic failure of commanders to fulfil contract terms; the introduction of a special period or the refusal by a female service member who has a child (children) under the age of 18 to continue military service after the expiration of a contract, such persons receive a one-time allowance equal to 50 per cent of a monthly salary for every complete calendar year of service on the condition that their term of service exceeds 10 years.

Service personnel discharged from military service at their own request due to family circumstances or other valid reasons determined by the Cabinet of Ministers of Ukraine, and who served in the military for over 10 years, are paid a monthly allowance at a rate of 25 per cent for each full calendar year of service.

Service personnel discharged from service for reasons of professional unfitness or in connection with a systematic failure to fulfil contract terms; a court conviction that has entered into force or a court ruling that has entered into force and which foresees a punishment for a criminal act of corruption related to the violation of limitations stipulated by the Law "On Fundamentals of Prevention and Countering Corruption" do not receive a one-time allowance envisaged in this Item.

During the discharge of service personnel from military service, payment of the one-time allowance mentioned in this Item is carried out by the Ministry of Defence of Ukraine, other military formations formed in accordance with the laws of Ukraine and law enforcement organs from the funds of the State Budget of Ukraine allocated for their support.

Service personnel discharged from service directly from positions they occupied in state organs, local self-government bodies, in organs formed by them, or in enterprises, establishments, organisations and higher education establishments, as well as those continuing military service receive a one-time allowance on the grounds envisaged in this Item from the funds of the organs in which they worked.

Service personnel who are re-discharged from military service receive a one-time allowance envisaged in this Item for the period of their calendar service from the day of their last entry into service not counting their period of previous service, except for persons who did not acquire the right to such an allowance during their previous discharge.

Service personnel mobilised for conscript military service receive a one-time allowance envisaged in this Item for the period of their service from the day of their first entry into service not counting their period of previous peacetime service, except for persons who did not acquire the right to such an allowance during their previous peacetime service.

This allowance is paid on the day of their demobilisation. The conditions and procedure for payment of the one-time allowance to service personnel mobilised for conscript military service shall be approved by the Cabinet.

A one-time allowance envisaged in this Item is not paid to the service personnel who on March 16, 2014, were serving in the territory of the Crimean Autonomous Republic and the city of Sevastopol but failed to continue their orderly service outside of the temporarily occupied territory of Ukraine.

3. Service personnel are paid an allowance for the improvement of their health. The state assists families with children according to the procedure and at the rate determined by the legislation of Ukraine.
4. The military formations of a service member who has been lost or who died during military service provides the family and parents of the service member with help in carrying out the funeral, indemnifying material charges on ritual services and organising monuments at the rate established by the Cabinet of Ministers of Ukraine.

The parents and minor children – including children disabled since childhood (irrespective of their age) – of the service personnel lost, dead or reported missing during military service are paid an extraordinary financial compensation by the state at the rate of the sum of the state insurance of the service personnel, taking into account the factor of indexation of monetary income.

Article 16. Payment of a One-Time Financial Allowance in Case of Death, Disability or Partial Disability Without Formal Disability of Service Personnel, Persons Liable For Military Service and Reservists Called Up for Instruction (Inspection) and Special Training, or for Service in the Military Reserve

1. One-time financial allowance in case of death, disability or partial disability without formal disability of service personnel, persons liable for military service and reservists called up for instruction (inspection) and special training, or for service in Military Reserve (hereinafter—**one-time financial allowance**): the state's guaranteed payment to the individuals who have the right to receive it is assured by this Law.

2. One-time financial allowance is assigned and paid in the following cases:
 - 1) The death of a service member as a result of his or her performance of military service duties or as a consequence of illness resulting from the performance of his or her military service duties;
 - 2) The death of a service member during the performance of military service duties or as a consequence of an illness or accident which occurred during the performance of his or her military service duties;
 - 3) The death of a person liable for military service or a reservist called up for instruction (inspection) or special training or reserve service as a result of the performance of his military service duties or service in the Military Reserve;
 - 4) The confirmation that a service-member's disability resulted from a wound (i.e. contusion, trauma or mutilation) received during the performance of military service duties or as a consequence of illness resulting from the performance of his or her military service duties or confirmation of disability after discharge from military service as a consequence of factors indicated in this sub-clause;
 - 5) The confirmation that a service-member's disability was received during the performance of his military service duties or as a consequence of illness which occurred during the performance of his military service duties, or confirmation of disability after discharge of the service member from military service no later than three months after discharge, or later, but as a consequence of illness or an accident which occurred during his period of military service;
 - 6) The confirmation that a person liable for military service or a reservist called up for instruction (inspection) or special training or reserve service is disabled as a result of a wound (i.e. contusion, trauma or mutilation) received during the performance of military service duties or service in the Military Reserve, or no later than three months after the end of training or service in the Military Reserve, but as a consequence of illness or an accident which occurred during the period of this training or service in the Military Reserve;
 - 7) A wound (i.e. contusion, trauma or mutilation) received by a service member during the performance of military service duties which lead to partial disability without his or her formal invalidity;
 - 8) A wound (i.e. contusion, trauma or mutilation) received by a conscript service member during the performance of conscript military service duties which lead to partial disability without his or her formal invalidity;
 - 9) A wound (i.e. contusion, trauma or mutilation) received by a service member or by a reservist called up for instructive (inspection) or special training or reserve service during the performance of military service duties or service in Military Reserve which led to partial disability without his or her formal invalidity.
3. Service personnel are considered to be performing military service duties if the performance corresponds to conditions stipulated by the Law "On Military Duty and Military Service".

Persons liable for military service and reservists are considered to be performing military service duties or service in the Military Reserve if the performance corresponds to conditions stipulated by the Law of Ukraine "On Military Duty and Military Service" or to decrees by the President of Ukraine.

Article 16.1. Persons Having the Right for Allocation and Receiving One-Time Financial Allowance

1. In cases indicated in sub-clauses 1-3 of clause 3 of Article 16 of this Law, the right to be allocated for and receive a one-time financial allowance is enjoyed by the family members, parents or dependents of the deceased service member, person liable for military service or reservist.
2. Family members and parents of the deceased service member, person liable for military service or reservists are identified on the basis of the Family Code of Ukraine, and dependents on the basis of the Law of Ukraine "On Pension of Persons Discharged from Military Service and Other Persons".

Article 16.2. Amount of One-Time Financial Allowance

1. One-time financial allowance is allocated and paid in the amount of:
 - 1) 500 times the amount of the minimum living standard established by the law for persons capable of working at the time of payment of these sums—in case of the death of the service member, person

- liable for military service or reservists under circumstances indicated in sub-clauses 1-3 of clause 2 Article 16 of this Law;
- 2) 250 times the amount of the minimum living standard established by the law for persons capable of working at the time of payment of these sums; in case of the establishment of Group I disability for the service member, 200 times the amount of the minimum living standard established by the law for persons capable of working at the time of payment of these sums; in case of the establishment of Group II disability for the service member, 150 times the amount of the minimum living standard established by the law for persons capable of working at the time of payment of these sums; and in case of the establishment of the Group III disability for service member (sub-clause 4 of clause 2 Article 16 of this Law).
 2. In cases indicated in sub-clauses 5-9 of clause 2 Article 16 of this Law, the one-time financial allowance is allocated and paid depending on the established degree of invalidity or partial disability of the service member, person liable for military service or reservist in question in the amount approved by the Cabinet. In view of this, in cases indicated in sub-clause 5 of clause 2 Article 16 of this Law, the amount of the one-time financial allowance cannot be less than 70 times the amount of the minimum living standard established by the law for persons capable of working at the time of the payment of these sums.

Article 16.3. Allocation and Payment of One-Time Financial Allowance

1. In cases indicated in sub-clauses 1-3 of clause 2 Article 16 of this Law, the one-time financial allowance is allocated and paid in equal shares to all individuals who have the right to receive it. In case individuals indicated in Article 16-1 of this Law refuse to receive the one-time financial allowance, their share is distributed among other individuals who have the right to receive it.
 2. In cases indicated in sub-clauses 4-9 of clause 2 Article 16 of this Law, the one-time financial allowance is allocated and paid to pertinent service personnel, persons liable for military service or reservists.
 3. Establishing the invalidity or determining the degree of disability of service personnel, persons liable for military service or reservists without formal invalidity is conducted on an individual basis by state health-care institutions in accordance with established procedures.
 4. If, during the first two years following the initial establishment of invalidity or determining the degree of disability of a service member, person liable for military service or reservist who is not formally invalid, the next repeated examination would establish a higher group of invalidity or determine a higher degree of disability, the right to receive a larger one-time financial allowance is permitted—which is paid taking into account the previously paid amount.
 5. In case of the establishment of invalidity or determining of the degree of disability of a service member or person discharged from military service who is not formally invalid, on the day of the establishment of invalidity or determining of the degree of disability, or of discharge from military service due to being assigned to serve in an institution of public administration or an organisation preserving his (her) status as a military service member, such persons shall be paid the one-time financial allowance from the budgets of these administrative institutions or organisations in which they are assigned to.
- In the same order, the one-time financial allowance is paid to individuals who have the right to receive it in case of the death of a service member assigned to serve in an institution of public administration or an organisation preserving his (her) status as a military service member.
6. The one-time financial allowance is allocated and paid by the Ministry of Defence of Ukraine, other Central Executives which have military formations and law enforcement bodies under their control, as well as by public administration bodies, military formations and law enforcement bodies in which military service is performed by military service personnel, instructive (inspection) and special training – by persons liable for military service, service in Military Reserve – by reservists.
 7. In case an individual has the simultaneous right to the one-time financial allowance provided by this Law as well as to a one-time financial allowance or compensation stipulated by other normative-legal acts of Ukraine, payment shall be made according to one of the chosen options.

8. Individuals who have the right to the one-time financial allowance provided by this Law can exercise it in the course of a three-year term starting from the day in which this right is obtained.
9. The procedure for the allocation and payment of the one-time financial allowance is approved by the Cabinet.

Article 16.4. Grounds for Cancellation of Allocation and Payment of One-Time Financial Allowance

1. Allocation and payment of the one-time financial allowance shall be cancelled when death, wounds (i.e. contusion, trauma or mutilation) invalidity or partial disability (without formal invalidity) of service personnel results from:
 - 1) A criminal act or administrative offence;
 - 2) An action taken under alcoholic, narcotic or another type of intoxication;
 - 3) The intentional infliction of a bodily injury, other harm to an individual's own health or suicide (except in cases where it is proved in court that a person is brought to suicide by another);
 - 4) The individual knowingly submitting false information to receive allocation and the payment of the one-time financial allowance.

Article 17. Damage Reparation

Reparation to service personnel for moral and material damage is made according to the procedure established by the law.

Article 18. Social Guarantees of the Rights of Family Members of Service Personnel

1. Family members of service personnel in active service or on enlisted service as officers receive priority for employment and their place of employment is reserved if staff reductions are made, as well as for full-time vocational training, the improvement of professional skill and retraining, with the payment of average wages for the period of their study maintained.
2. The wives (husbands) of service personnel, except for service personnel in active service, are paid the allowance at a rate of an average monthly salary in a place of work if their labour contract is cancelled in connection with the transfer of the husband (wife) to serve in another district. Temporary hospital disability certificates are paid to wives (husbands) of service personnel at a rate of 100 per cent of the official salary, irrespective of the insurance record.
3. The wives (husbands) of service personnel, except for service personnel in active service, have the period of residing together with the husband (wife) in the areas where there was no opportunity for employment on specialty, but no more than 10 years shall be included in the general record of service necessary to qualify for a retirement pension.
4. (Clause 4 of Article 18 is excluded as provided by the Law No 328-V of 03.11.2006)

5. Local councils:

- Ensure out-of-term employment for wives of service personnel in active service in case of their dismissal due to a reduction of staff numbers, liquidation, reorganisation or a change in the type of enterprise, institution or organisation;
 - Provide out-of-turn children's establishments in a place of residence for the children of service personnel and the children of service personnel lost, dead or reported missing during service;
 - Provide resettlement from the military garrisons closed and remote from settlements of the service personnel transferred to the reserve or resigned.
6. The widow (widower) of a service member who died, as well as the wife (husband) of a service member who disappeared during the performance of military service have rights to the privileges foreseen in this Law in cases where she (he) did not remarry, her (his) underage children or adult children are disabled from childhood or the parents of the service member depend on him (her) for support.

Family members of service personnel who serve during a special period declared in accordance with the Law of Ukraine "On Defence of Ukraine" are guaranteed to receive the allowances of these service personnel if they cannot receive it themselves due to their participation in combat actions and operations. In this case, payment of the allowance is provided to family members of service personnel as indicated in clause 6 of Article 9 of this Law.

As indicated in this clause, the procedure for the payment of the allowance to family members of service personnel is determined by the Ministry of Defence of Ukraine, other Central Executives that control military formations and law enforcement organs, as well as military formations, law enforcement and intelligence organs who legally have military service personnel in their staff.

7. The Cabinet of Ministers of Ukraine, local councils, enterprises, institutions and organisations can establish other privileges and guarantees of social protection for the families of service personnel.

PART III. THE RIGHT OF SERVICE PERSONNEL TO APPEAL AGAINST UNLAWFUL DECISIONS AND ACTIONS AND TO LEGAL ASSISTANCE

Article 19. The Right of Service Personnel to Appeal against Unlawful Decisions and Actions

Unlawful decisions and actions (inaction) of Military Management organs and commanders (chiefs) can be appealed against by service personnel in accordance with the procedure established in the laws, the Statutes of the Armed Forces of Ukraine and other normative-legal acts.

Article 20. The Right of Service Personnel to Legal Assistance

Service personnel are guaranteed the right to legal defence in accordance with the procedure established in the laws of Ukraine.

Legal proceedings in cases involving the participation of service personnel in military service in the territory of Ukraine are conducted in accordance with the laws of Ukraine; and those involving the participation of service personnel in military service outside the territory of Ukraine, in accordance with the requirements of international agreements ratified by the Verkhovna Rada of Ukraine.

PART IV. THE RESPONSIBILITY OF CIVIL SERVANTS FOR INFRINGEMENTS OF THIS LAW. OVER-SIGHT OVER THE OBSERVANCE OF THIS LAW

Article 21. The Responsibility of Civil Servants for Infringements of this Law

Civil servants of state authorities, local self-government bodies, enterprises, establishments and organisations, regardless of their form of ownership and subordination, guilty of infringing this Law are legally liable.

Article 22. (Article 22 is excluded as provided by the Law No 1697-VII of 14.10.2014)

PART V. FINANCING OF EXPENSES RELATED TO THE IMPLEMENTATION OF THIS LAW

Article 23. Financing of Expenses Related to the Implementation of this Law

Expenses related to the implementation of this Law are financed for a given year by funds allocated in the state Budget of Ukraine for the Ministry of Defence of Ukraine, the intelligence services of Ukraine and other Central Executive Authorities that control military formations and law enforcement organs, as well from other sources envisaged in the law.

President of Ukraine L.Kravchuk
Kyiv, December 12, 1991, No 2011-XII

Law of Ukraine “On Pension of Persons Discharged from Military Service and Other Persons”

(*Bulletin of the Verkhovna Rada of Ukraine (BVR), 1992, No 29, p.399.*)

Enacted by the Resolution of the Verkhovna Rada of Ukraine, No 2263-XII of 09.04.1992 (Bulletin of the Verkhovna Rada of Ukraine (BVR), 1992, No 29, p. 400). Includes changes made by the Decree 7-92 of 09.12.92, BVR, 1993, No 5, p. 34.

Includes changes made by Laws:

- No 3946-XII of 04.02.94, BVR, 1994, No 24, p. 178;
- No 126/95-BP of 06.04.95, BVR, 1995, No 16, p. 111;
- No 358/95-BP of 05.10.95, BVR, 1995, No 34, p. 268;
- No 456/95-BP of 23.11.95, BVR, 1995, No 44, p. 327;
- No 103/96-BP of 25.03.96, BVR, 1996, No 17, p. 73;
- No 534/96-BP of 21.11.96, BVR, 1997, No 4, p. 23;
- No 85/98-BP of 05.02.98, BVR, 1998, No 26, p. 149;
- No 312-XIV of 11.12.98, BVR, 1999, No 4, p. 35;
- No 1081-XIV of 21.09.99, BVR, 1999, No 48, p. 409;
- No 2171-III of 21.12.2000, BVR, 2001, No 9, p. 38;
- No 2981-III of 17.01.2002, BVR, 2002, No 17, p. 125;
- No 3111-III of 07.03.2002, BVR, 2002, No 33, p. 236;
- No 51-IV of 04.07.2002, BVR, 2002, No 35, p. 262;
- No 662-IV of 03.04.2003, BVR, 2003, No 27, p. 209;
- No 1519-IV of 19.02.2004, BVR, 2004, No 23, p. 320;
- No 1769-IV of 15.06.2004, BVR, 2004, No 36, p. 447;
- No 1889-IV of 24.06.2004, BVR, 2004, No 50, p. 536;
- No 2505-IV of 25.03.2005, BVR, 2005, No 17, 18-19, p. 267;
- No 3235-IV of 20.12.2005, BVR, 2006, No 9, N 10-11, p. 96;
- No 3200-IV of 15.12.2005, BVR, 2006, No 14, p. 116;
- No 3475-IV of 23.02.2006, BVR, 2006, No 30, p. 258;
- No 3591-IV of 04.04.2006, BVR, 2006, No 37, p. 318;
- No 489-V of 19.12.2006, BVR, 2007, No 7-8, p. 66;
- No 857-V of 03.04.2007, BVR, 2007, No 27, p. 361;
- No 1014-V of 11.05.2007, BVR, 2007, No 33, p. 442;
- No 879-VI of 15.01.2009, BVR, 2009, No 24, p. 296;
- No 1254-VI of 14.04.2009, BVR, 2009, No 36-37, p. 511;
- No 1567-VI of 25.06.2009, BVR, 2010, No 1, p. 4;
- No 2856-VI of 23.12.2010, BVR, 2011, No 29, p. 272;
- No 3668-VI of 08.07.2011, BVR, 2012, No 12-13, p. 82;
- No 3917-VI of 18.10.2011 BVR, 2012, No 22, p. 216;
- No 4652-VI of 13.04.2012, BVR, 2013, No 21, p. 208;
- No 4711-VI of 17.05.2012, BVR, 2013, No 14, p. 89;
- No 5286-VI of 18.09.2012, BVR, 2013, No 38, p. 499;
- No 5462-VI of 16.10.2012, BVR, 2014, No 6-7, p. 80;
- No 224-VII of 14.05.2013, BVR, 2014, No 11, p. 132;
- No 231-VII of 14.05.2013, BVR, 2014, No 11, p. 135;
- No 1166-VII of 27.03.2014, BVR, 2014, No 20-21, p. 745;
- No 1169-VII of 27.03.2014, BVR, 2014, No 20-21, p. 746;

No 1194-VII of 09.04.2014, BVR, 2014, No 25, p. 890;
 No 1241-VII of 06.05.2014, BVR, 2014, No 27, p. 907;
 No 1243-VII of 06.05.2014, BVR, 2014, No 27, p. 909;
 No 1275-VII of 20.05.2014, BVR, 2014, No 29, p. 942;
 No 1542-VII of 20.06.2014, BVR, 2014, No 34, p. 1169;
 No 116-VIII of 15.01.2015, BVR, 2015, No 13, p. 85;
 No 213-VIII of 02.03.2015, BVR, 2015, No 22, p. 145;
 No 580-VIII of 02.07.2015, BVR, 2015, No 40-41, p. 379;
 No 614-VIII of 15.07.2015, BVR, 2015, No 36, p. 361;
 No 900-VIII of 23.12.2015, BVR, 2016, No 3, p. 31;
 No 901-VIII of 23.12.2015, BVR, 2016, No 4, p. 44;
 No 911-VIII of 24.12.2015, BVR, 2016, No 5, p. 50;
 No 1080-VIII of 12.04.2016, BVR, 2016, No 21, p. 409.

In the text of the Law, "privates and commanding personnel of law enforcement organs" is replaced by the words "the persons having the right to pension according to this Law" in the relevant cases according to the Law 51-IV of 04.07.2002.

In the text of the Law, "the Penitentiary system of Ukraine" is replaced with the words "the State Penitentiary Service of Ukraine" in proper cases according to the Law No 3591-IV of 04.04.2006.

This Law determines the conditions, norms and procedure of pension support for citizens of Ukraine who have performed military service, service in law enforcement organs, in the State Fire Prevention Service, the State Service for Special Communication and Information Protection; in organs and subdivisions of the civil defence service, in the Tax Police or in the State Penitentiary Service of Ukraine, as well as other persons who have the right to a pension in accordance with this Law.

The purpose of the law is to ensure the realisation by persons who have the right to a pension in accordance with this Law of their Constitutional right to a state pension in cases foreseen in the Constitution of Ukraine and this Law, and to establish uniform conditions and norms on pensions for the indicated categories of Ukrainian citizens.

The state guarantees adequate pensions for persons who have the right to a pension in accordance with this Law by establishing pensions no lower than the minimum living standard defined in the law, by re-calculating the established pensions in connection with increases in the level of financial support, as well as granting state social guarantees foreseen in the legislation and taking measures at the state level directed towards their social protection.

PART I. GENERAL PROVISIONS

Article 1. Types of Pension Support

Officers, ensigns and warrant officers, service personnel of additional service and contractual military service, persons who have served the period of military service established by this Law and thus have the right to a pension; persons who have served in internal affairs organs, the National Police or the State Fire Prevention Service, the State Service for Special Communication and Information Protection or in organs and units of civil defence, tax militia and State Penitentiary Service of Ukraine have the right to long-service pension.

Service personnel and persons with the right to a pension according to this Law and who became disabled under conditions stipulated by this Law acquire the right to a disability pension.

Family members of service personnel, persons with the right to a pension according to this Law, as well as lost, dead or persons reported missing, have the right to the loss of supporter pension.

Article 1.1. Legislation on Pensions of Persons Discharged from Military Service and Other Persons who Have the Right to a Pension in Accordance With This Law

The legislation on pensions for persons discharged from military service and other persons is based on the Constitution of Ukraine and consists of this Law, "On Compulsory State Pension Insurance" and other normative-legal acts.

If an international agreement ratified by the Verkhovna Rada of Ukraine establishes higher norms concerning pensions for persons discharged from military service and other persons than those established in the legislation of Ukraine, the norms of the international agreement are applied.

Changes in the conditions and norms of pensions for persons discharged from military service and other persons who have the right to a pension in accordance with this Law are made exclusively through the introduction of amendments to this Law and the Law of Ukraine "On Compulsory State Pension Insurance".

Article 1.2. Persons who have the Right to a Pension in Accordance with This Law

The following persons discharged from service have the right to a pension:

- a. Officers, ensigns, warrant officers, service personnel performing extended service and military service on a contractual basis;
 - b. Persons holding the rank of commander and private in the law enforcement organs of Ukraine; policemen, persons holding the rank of commander in the Tax Police, persons holding the rank of commander and private in the State Penitentiary Service of Ukraine and persons holding the rank of commander and private in civil defence organs and subdivisions;
 - c. Service personnel in the Armed Forces, other military formations, state security and law enforcement organs of the former USSR, the National Guard of Ukraine, the Border Forces of Ukraine and civil defence forces of Ukraine;
 - d. Persons holding the rank of commander and private in the State Fire Prevention Service and the State Service for Special Communication and Information Protection;
 - e. Citizens of other states—service personnel in the armed forces and other military formations formed in accordance with the legislation of these states who permanently reside in Ukraine and whose pensions, in accordance with the international agreements ratified by the Verkhovna Rada of Ukraine, are provided in accordance with the legislation of the state on the territory in which they reside;
 - f. Persons indicated in Articles 3 and 4 of this Law;
 - g. Service personnel in regular military service, family members of officers, ensigns and warrant officers; service personnel in extended service and military service on a contractual basis, as well as other persons who have the right to a pension in accordance with this Law and in other cases foreseen in this Law;
5. State servants and employees of educational, medical and scientific research institutions of the Ministry of Internal Affairs of Ukraine, or police – former militiamen who on the day of the publication of the Law of Ukraine "On National Police" served in internal affairs bodies, had a service record of no less than five years and continued employment with the Ministry of Internal Affairs of Ukraine or police (e.g. their territorial bodies, institutions and establishments) in positions filled by state servants in accordance with the Law of Ukraine "On State Service", in educational, medical and scientific research institutions in any positions.

Article 2. Conditions of Pension Support

Service personnel, persons having the right to a pension according to this Law, and persons who have the right to pension support and pensions according to this Law are granted and paid these after their dismissal from service.

In case of their repeated enrolment for military service in the Armed Forces of Ukraine, other military formations created in accordance with the Laws of Ukraine, the State Service for Special Communication and Information Protection and the State Special Transport Service; or service in National Police, organs and units of civil defence, tax militia and Penitentiary system of Ukraine, pensioners from among service personnel and persons receiving a pension under this Law have the payment of pensions for the period of their service suspended. After these persons are subsequently dismissed from service, the payment of pensions is carried out taking into account the total term of duty at the date of the last dismissal.

In case of the call-up of pensioners from among service personnel or from persons receiving a pension under this Law for military service in the event of partial or general mobilisation, during a special period, for contractual military service in times where a national security crisis threatens to break out; during the declaration of a decision on mobilisation or the introduction of martial law until the end of the special period in question or until the announcement of the demobilisation of the Armed Forces of Ukraine, other military formations created in accordance with the Laws of Ukraine, as well as organs and units of civil defence, the payment of pensions for the period of their service shall not be suspended. After these persons are discharged from service, the payment of pensions is carried out taking into account the additional term of duty since the date of call-up until the date of demobilisation or discharge. In case their new amount of pensions appears to be lower than the corresponding amount prior to their call-up for service, the pension is paid in the amount which they had before call-up or enrolment into military service in case of the declaration of mobilisation during a special period.

Procedures indicated in the third part of this Article for the preservation, allocation and payment of pensions are valid for military service personnel and persons receiving a pension under this Law, except for those serving in the position of commanding officers or privates in law enforcement organs in units of the patrol service of specially designation militia.

The disability pension for service personnel, persons having the right to a pension according to this Law, and the loss of supporter pensions for their family members are granted irrespective of the term of service.

Article 3. Persons Having the Right to Pension on a Level with Service Personnel of Active Service and Their Family Members

The conditions, norms and procedure for pension support established by this Law for service personnel in active service and their family members are, if not otherwise stipulated, also applied to:

- a) Partisans and members of underground organisations recognised by the legislation of Ukraine who did not hold command posts, and their family members;
- b) Employees and workers of the relevant categories determined by the Cabinet of Ministers of Ukraine who became disabled in connection with injury, mutilation or due to the illness connected with military service during World War II or who work in battle areas (e.g. on front-lines of railways, construction of defensive boundaries, Navy bases, air fields, etc.), and their family members;
- c) Citizens who became disabled in connection with injury, mutilation or due to illness connected with service in pursuit battalions, platoons and detachments for public protection, and their family members;
- d) Reservists summoned for refresher courses, special or testing periodical training, or who became disabled due to injury, contusion or mutilation received on duty, and their family members;
- e) Employees of the militarised guard who are not subject to state social insurance, and their family members.

Article 4. The Persons Having the Right to Pensions on a Level with Officers, Service Personnel of Additional Service and Contractual Military Service and Members of Their Families

Pension support for persons who held command posts, relevant officer personnel posts in partisan detachments and troop formations, underground organisations and their detachments recognised by the legislation of Ukraine, as well as those in the structure of Czechoslovakian First Army Corps under the command of L. Svoboda's and their family members, is carried out on the basis established by this Law for officers and their family members.

Pensions for reservists who became disabled as a result of the performance of official duties in the Military Reserve involving immediate participation in an anti-terrorist operation or its support, and family members of persons who were killed or died as a result of the performance of official duties in the Military Reserve involving the immediate participation in an anti-terrorist operation or its support, shall, in accordance with the procedure established by this Law, be awarded to military servants in equated positions, as

well as their family members. Pension support for women enrolled on a voluntary basis in active military service as soldiers, sailors, sergeants and foremen, and their family members, is carried out on the basis established by this Law for service personnel of additional service and contractual military service, as well as their family members.

Article 5. Granting of Pensions on the Bases Established by the Law of Ukraine "On Compulsory State Pension Insurance"

Persons discharged from military service and other persons who have the right to a pension in accordance with this Law, as well as their family members, can be granted a pension (at their request) on the conditions and in accordance with the procedure determined by the Law of Ukraine "On Compulsory State Pension Insurance". For the calculation of pensions, all types of financial support received by the indicated persons who have the right to a pension in accordance with this Law before discharge from service are taken into account.

Pensions are also granted on the grounds established by the Law of Ukraine "On Compulsory State Pension Insurance" to persons discharged from military service and other persons who have the right to a pension in accordance with this Law but who are deprived of military or special ranks (including those who are in the Military Reserve or retired), as well as to those discharged from service in connection with a conviction for a deliberate crime involving an abuse of official position, as well as to members of their families.

The procedure for the payment of unpaid insurance contributions to the Pension Fund of Ukraine in connection with the compulsory state pension insurance for the corresponding number of years in service for persons who have not acquired (or will not acquire) the right to a pension for time-in-service in accordance with this Law, or persons discharged from military service who wish to receive a pension in accordance with the procedure and on the conditions established by the Law of Ukraine "On Compulsory State Pension Insurance" is determined by the Cabinet of Ministers of Ukraine.

Article 5.1. Granting of Pensions to Persons Discharged from Military Service and to Other Persons who have the Right to a Pension in Accordance With This Law who's Military (Special) Ranks Were Restored

Persons discharged from military service and other persons who have the right to a pension in accordance with this Law and whose military (special) ranks were restored, except for persons discharged from service in connection with a conviction for a deliberate crime involving an abuse of official position, are granted pensions on the conditions and in accordance with the norms established by this Law if on the day they were deprived of their military (special) ranks they had the right to a pension for time-in-service or to a disability pension (Articles 12, 18-20).

Article 6. Pensions to Families of Dead Pensioners

Families of dead pensioners from among service personnel, as well as persons with the right to a pension according to this Law have the right to the loss of support pension on a level equal to the family members of the service personnel and persons having the right to a pension according to this Law.

Article 7. Option of Pension

Those who have the right to different state pensions, including service personnel, persons with the right to a pension according to this Law, and their family members, are granted the pension of their choice. In case the person has the right to a pension according to this Law and the Law of Ukraine "On Compulsory State Pension Insurance", only one pension is granted in accordance with his or her choice. In this case, the difference between the two pensions for which the person has the right according to this Law and to the Law of Ukraine "On Compulsory State Pension Insurance" shall be established in accordance with the order approved by the Cabinet of Ministers and financed from the State Budget.

Article 8. Sources for Payment of Pensions

The payment of pensions, including additional pensions, extra payments, bonuses and increases to the above, as well as compensations established by the law for retired military service personnel and individuals with the right to a pension according to this Law, is provided at the expense of the State Budget of Ukraine.

Article 9. Payment of the Grant

Upon dismissal from service due to poor health, service personnel of private, sergeant, chief sergeant and officer ranks and other persons with the right to a pension according to this Law, as well as militia personnel (e.g. private and command personnel of internal affairs organs), who, when the Law of Ukraine "On National Police" was published served in internal affairs organs, had a calendar record of service of no less than five years and by November 7, 2015, were discharged from service in internal affairs organs regardless of the grounds for their discharge and continued working at the Ministry of Internal Affairs or National Police (i.e. their territorial organs and institutions) in positions subject to occupation by state servants under the Law of Ukraine "On State Service", or at educational, medical and research institutions in any occupation, are paid an allowance at the rate of 50 per cent of a monthly monetary allowance for each full calendar year of service. In case of discharge from service for age reasons, or in connection with staff reductions or organisational activities; direct subordination to a close relative; systemic violation of the terms of contract by commanders; or with the introduction of a special period and refusal to continue military service by a female service member who has a child (children) under the age of 16, are paid an allowance at the rate of 50 per cent of a monthly monetary allowance for each full calendar year of service when the term of service is 10 years or more.

Upon dismissal from service at their own will, due to family circumstances or other valid reasons determined by the Cabinet of Ministers of Ukraine, service personnel of private, sergeant, chief sergeant and officer ranks and other persons with the right to pension according to this Law and whose term of service is 10 years or more are paid a monetary allowance at the rate of 25 per cent of a monthly allowance for each full calendar year of service.

Officers, ensigns, warrant officers, service personnel performing extended service or military service on a contractual basis and other persons who have the right to a pension in accordance with this Law, who are discharged from service because of professional unfitness, or in connection with a systematic failure to fulfil contract terms or a court conviction which has entered into force, or a court ruling foreseeing a punishment for an administrative offence of corrupt nature related to the violation of limitations stipulated by the Law of Ukraine "On Fundamentals of Prevention and Countering Corruption" do not receive a one-time allowance envisaged in this Article.

During a discharge from service, the payment of the one-time allowance mentioned in Parts One and Two of this Article to officers, ensigns, warrant officers, service personnel performing extended service or military service on a contractual basis and other persons who have the right to a pension in accordance with this Law is carried out by the Ministry of Defence of Ukraine, the Ministry of Internal Affairs of Ukraine, the National Police, the State Service for Special Communication and Information Protection, Central Executives responsible for the execution of state policy in the areas of civil protection, transportation, the Penitentiary service, fire and technogenic protection, universal state tax policy, other military formations formed in accordance with the laws of Ukraine and law enforcement organs from the funds of the State Budget of Ukraine allocated for their support.

Officers, middle, senior and high-level commanders in law enforcement organs, the State Fire Prevention Service, organs and subdivisions of civil defence, Tax Police and the State Penitentiary Service of Ukraine discharged from service directly from positions they occupied in state organs, in local self-government bodies, or in organs formed by them, including enterprises, establishments, organisations and higher education establishments, as well as those continuing military service, service in law enforcement organs, in the State Fire Prevention Service, the State Service for Special Communication and Information Protection, the National Police, in organs and subdivisions of civil defence, in the Tax Police or the State Penitentiary Service of Ukraine, receive a one-time allowance envisaged in Parts One and Two of this Article from the funds of the organs in which they worked.

Officers, privates, ensigns, warrant officers and other persons with the right to a pension in accordance with this Law, but who are re-discharged from service, receive a one-time allowance envisaged in this Article

for the period of their calendar service from the day of the last entry into service without counting their period of previous service, except for those persons who during a previous discharge did not acquire the right to such an allowance.

Family members of officers, ensigns, warrant officers, service personnel performing extended service or military service on a contractual basis and other persons who have the right to a pension in accordance with this Law, as well as pensioners from among them, who have lost the family breadwinner receive the one-time allowance in accordance with the procedure and in the amounts determined by the Cabinet of Ministers of Ukraine.

This Article does not cover service personnel who on March 16, 2014, were serving on the territory of the Crimean Autonomous Republic and in city of Sevastopol, except for those individuals who continued their orderly service outside of the temporarily occupied territory of Ukraine.

Article 9.1. Monthly allowance for Persons Discharged from Service for Age, Health Reasons, and in Connection with Staff Reductions without the Right to a Pension

Persons discharged from service due to age or health reasons or in connection with staff reductions or organisational restructuring, and who do not have the right to a pension, receive a monthly allowance for one year after being discharged equal to the salary received by the military (special) ranks.

The conditions for granting and the procedure for the payment of the monthly allowance are determined by the Cabinet of Ministers of Ukraine.

Article 10. The Organs of Pension Support

The allocation and payment of pensions to individuals indicated in Article 1-2 of this Law are carried out by the organs of the Pension Fund of Ukraine.

Article 11. Pensions to Persons who have suffered from Chernobyl Accident

The conditions, norms and procedure of pension support for service personnel and persons with the right to a pension according to this Law who are lost due to the Chernobyl disaster are determined by the Law of Ukraine "On the Status and Social Protection of the Citizens Suffering from Chernobyl Accident" and this Law.

Article 11.1. Social Support to Pensioners

Within the limits of their legal authority, local self-government bodies may initiate allocation supplements to the pensions allocated in accordance with this Law at the expense of local budget, as well as additional compensations to certain pensioners and their family members as determined by this Law.

PART II. LONG-SERVICE PENSIONS

Article 12. Conditions for Granting Pensions for Time-in-Service

A pension for time-in-service is granted to:

- a. Officers, ensigns, warrant officers, service personnel performing extended service or military service on a contractual basis and other persons mentioned in Items b) – e) of Articles 1-2 of this Law (except for persons, mentioned in Part Three of Article 5 of this Law), regardless of their age, in case they are discharged from service:
 - Before September 30, 2011 – and by the date of discharge they have served 20 years or more;
 - After October 1, 2011, and before September 30, 2012 – and by the date of discharge they have served 20 years and 6 months or more;
 - After October 1, 2012, and before September 30, 2013 – and by the date of discharge they have served 21 years or more;
 - After October 1, 2013, and before September 30, 2014 – and by the date of discharge they have served 21 years and 6 months or more;
 - After October 1, 2014, and before September 30, 2015 – and by the date of discharge they have served 22 years or more;

- After October 1, 2015, and before September 30, 2016 – and by the date of discharge they have served 22 years and 6 months or more;
 - After October 1, 2016, and before September 30, 2017 – and by the date of discharge they have served 23 years or more;
 - After October 1, 2017, and before September 30, 2018 – and by the date of discharge they have served 23 years and 6 months or more;
 - After October 1, 2018, and before September 30, 2019 – and by the date of discharge they have served 24 years or more;
 - After October 1, 2019, and before September 30, 2020 – and by the date of discharge they have served 24 years and 6 months or more;
 - After October 1, 2020— and by the date of discharge they have served 25 years or more;
 - Calendar time-in-service is calculated taking into account the period indicated in Part Two of Article 17 of this Law.
- b. If on the day of discharge from service, officers, ensigns, warrant officers, service personnel performing extended service or military service on a contractual basis and other persons mentioned in Items b) – e) of Articles 1-2 of this Law turn 45 years of age, except for persons mentioned in Part Three of Article 5 of this Law, and have a documented service record of 25 years or more—of which no less than 12 calendar years and 6 months were spent in military service or service in law enforcement organs, the National Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection, the organs and subdivisions of civil defence, the Tax Police or in the State Penitentiary Service of Ukraine.
 - Regardless of their age, persons who are combat-disabled receive a pension on the conditions determined in this Item.
- c. Officers, ensigns, warrant officers, service personnel performing extended service or military service on a contractual basis who turn 45 years of age, have served for 20 years and are discharged from military service in accordance with the Law of Ukraine "On the State Guarantees of Social Protection of Service personnel and their Families when Discharged from Service during Armed Forces Reform";
- d. Officers, ensigns, warrant officers, service personnel performing extended service or military service on a contractual basis and other persons mentioned in Items b) – d) of Articles 1-2 of this Law, who were members of flight crews or sailors of submarines in the Armed Forces of Ukraine for no less than 20 years, regardless of their age, in case by the date of discharge they have served 20 years or more, except for persons mentioned in Part Three of Article 5 of this Law. The right to receive a pension for time-in-service is preserved for persons discharged from service prior to the entry into force of the Law of Ukraine of July 8, 2011, "On Measures of Legal Support to Reformation of Pension System" and have 20 years of time-in-service in case of their call-up for military service in the event of mobilisation and subsequent demobilisation.

Article 13. Amounts of Long-Service Pensions

Long-service pensions are fixed at the following rates for:

- a. Officers, ensigns and warrant officers, service personnel of additional service and contractual military service, persons with the right to a pension according to this Law, and who have served 20 or more years (Item "a" of Article 12): for 20 years of service—50 per cent, and for those retired due to age or health reasons, as well as police personnel retired on the grounds of clauses 2-3 of part One, Article 77 of the Law of Ukraine "On National Police"—55 per cent of the relevant sum of monetary allowances (Article 43); for every year of service over 20 years—3 per cent of the relevant sum of monetary allowances;
- b. Officers, ensigns, warrant officers, service personnel performing extended service or military service on a contractual basis and other persons who have the right to a pension in accordance

with this Law and who have a documented service record of 25 years or more, of which no less than 12 calendar years and 6 months were spent in military service or service in internal affairs organs, the National Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection, the organs and subdivisions of civil defence, the Tax Police or in the State Penitentiary Service of Ukraine (Item "b" of Article 12): for 25 years of service, receive 50 per cent, and for every full year of service over 25 years of service – an additional one per cent of the corresponding allowance (Article 43);

- c. Officers, ensigns, warrant officers, service personnel performing extended service or military service on a contractual basis who are discharged from military service on the conditions stipulated in the Law of Ukraine "On the State Guarantees of Social Protection of Service personnel and their Families when Discharged from Service during Armed Forces Reform" (Item "b" of Article 12): for 20 years of service, receive 50 per cent, and for every full year of service over 20 years of service—an additional 3 per cent of the corresponding allowance, but not more than 65 per cent (Article 43);

The total pension amount calculated according to this Article should not exceed 70 per cent of the relevant sum of monetary allowance (Article 43); the pension of persons who took part in the mitigation of the aftermath of the Chernobyl disaster while performing service and who belong to the first category defined in accordance with the procedure determined by the law receive 100 per cent; and those who belong to the second category receive 95 per cent.

Article 14. Minimum Amount of Long-Service Pension

The minimum amount of long-service pensions fixed according to this Law must be equivalent to the minimum survival level of persons with disabilities established by the law.

Article 15. Rise in Pensions for Time-in-Service

Officers, ensigns, warrant officers, service personnel performing extended service or military service on a contractual basis and other persons mentioned in Items b) – e) of Article 1-2 of this Law who have the right to a pension in accordance with this Law and who are war veterans, as well as persons to whom the Law of Ukraine "On the Status of War Veterans and Guarantees of Their Social Protection" applies, receive pension increases for time-in-service in accordance with the procedure and on the conditions envisaged in the aforementioned Law.

Article 16. Increments and Aid Paid in Addition to the Pension for Time-in-Service

In addition to the pension for time-in-service, officers, ensigns, warrant officers and service personnel performing extended service or military service on a contractual basis and persons who have the right to a pension in accordance with this Law (including in addition to the minimum pension) receive:

- a. Increments for non-working pensioners caring for family members with disabilities who have the right to a pension in case of the loss of the family breadwinner (Article 30)—equal to 50 per cent of the minimum living standard for persons with disabilities for every family member with disabilities. The increments are only paid to those family members who do not receive a pension through the solidarity system of compulsory state pension insurance, or state social aid for persons who have no right to a pension and for the disabled, or state social aid for those disabled from childhood, as well as single mothers with children who receive aid. If a person has the simultaneous right to a pension, the aforementioned types of aid and increments in addition to the pension for time-in-service, the family member with disabilities, at the discretion of the pensioner, can receive a pension, state social aid or increments. If there are two or more pensioners in a family caring for family members with disabilities, increments are only paid to one of the pensioners at their discretion for every person with disabilities;
- b. State social aid provided for the care of those with Group I disabilities resulting from reasons mentioned in Item "b" of Article 20 of this Law; state social aid provided as a result of a professional injury, professional or general illness, as well as state social aid for single pensioners requiring care on the

- basis of a conclusion of a medical-advisory commission is granted in accordance with the procedure and on the conditions determined by the Law of Ukraine "On the State Social Aid to Persons Who Have No Right to a Pension and are Disabled";
- c. Increments for persons who receive special merits before the Motherland in accordance with the procedure and on the conditions determined in Article 16 of the Law of Ukraine "On the Status of War Veterans and Guarantees of Their Social Protection"; and increments for persons who receive special labour merits before the Motherland in accordance with the procedure and on the conditions determined in Article 9 of the Law of Ukraine "On Basic Principles of Social Protection of Veterans of Labour and Other Senior Citizens in Ukraine".

Increments and aid envisioned in this Article can be granted simultaneously.

Article 17. Types of Service and Periods of Time Counted Toward Granting Pensions for Time-in-Service

For officers, ensigns, warrant officers, service personnel performing extended service or military service on a contractual basis and other persons mentioned in Items b) – e) of Articles 1-2 of this Law who have the right to a pension in accordance with this Law, the following is included in their service period for the granting of pensions:

- a. Military service;
- b. The time of service in internal affairs organs, the National Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection, civil defence organs and subdivisions, the Tax Police or the State Penitentiary Service of Ukraine for persons holding the rank of commander and private from the day of appointment to the corresponding position;
- c. The time of work in state organs, local self-government bodies or organs formed by them, including enterprises, establishments, organisations or higher education establishments, while performing military service, service in internal affairs organs, the National Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection, civil defence organs and subdivisions, the Tax Police or in the State Penitentiary Service of Ukraine;
- d. The time spent as a deputy while performing military service, service in law enforcement organs, the State Fire Prevention Service, the State Service for Special Communication and Information Protection, civil defence organs and subdivisions, the Tax Police or in the State Penitentiary Service of Ukraine;
- e. The time spent in custody and the time spent imprisoned in Penitentiary establishments by persons who have the right to a pension in accordance with this Law and who were criminally prosecuted on invalid grounds, or repressed on invalid grounds and later rehabilitated;
- f. The time spent in fascist concentration camps, ghettos and other places of forced detention, including children who were forcibly moved from the occupied territory of the former USSR during the Great Patriotic War, and who after liberation from these places were called up or enlisted for military service or service in law enforcement organs, provided that they did not commit any crimes against peace and humanity during the time of forced detention in the aforementioned places;
- g. The time spent in captivity or as a hostage, if the capture or the hostage-taking did not occur voluntarily, and if, while in captivity or as a hostage, the person who has the right to a pension in accordance with this Law did not commit any crimes against peace and humanity;
- h. The time of work in judicial and public prosecution bodies by persons who worked as a judge, public prosecutor or an investigator and who are in military service or service in organs and military formations of the Security Service of Ukraine, internal affairs organs, the National Police, the Tax Police or the State Penitentiary Service of Ukraine in the position of officer or commander;
- i. Military service in the Armed Forces of Ukraine, internal affairs organs, the National Police, security organs for the member-states of the Commonwealth of Independent States (CIS), other

military formations created by the legislatures of these states and in the Joint Armed Forces of the CIS. In these cases, time-in-service (including on preferential terms) is calculated in accordance with the procedure established in the legislation of the CIS member states on the territory where the service personnel and persons with the right to a pension in accordance with this Law performed military service, service in internal affairs organs, the National Police and state security organs, unless otherwise stipulated in the international agreements of Ukraine ratified by the Verkhovna Rada of Ukraine;

- j. The time of work in state organs in case of a transfer to military service in the organs and military formations of the Security Service of Ukraine, the Department of State Protection of Ukraine, internal affairs organs, the National Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection, civil defence organs and subdivisions, the Tax Police or the State Penitentiary Service of Ukraine for those holding the rank of officer and commander in accordance with the lists of positions accordingly approved by the Security Service of Ukraine, the Department of State Protection of Ukraine, the Ministry of Internal Affairs of Ukraine, the National Police, Central Executives responsible for the formation of state policy in the areas of Penitentiary service, civil protection, fire and technogenic protection, as well as state financial policy;
 - k. The time of work as civil servants in the State Penitentiary Service of Ukraine and in the subordinate divisions of the professional (non-military) fire prevention service, who are consequently transferred into the category of positions occupied by persons with the ranks of privates and commanders in accordance with the list of positions and on the conditions determined by the Central Executives responsible for the formation of state policy in the areas of Penitentiary service, civil protection, fire and technogenic protection;
 - l. The time of military service outside of Ukraine in the framework of military cooperation, or in the staff of national contingents or national personnel, in accordance with the international agreements ratified by the Verkhovna Rada of Ukraine;
6. Service in the Military Reserve and direct participation in anti-terrorist operations or the provision of relevant support.

When a pension is granted in accordance with the conditions determined in this Law for officers, middle, senior and high-level commanders in internal affairs organs, the National Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection, civil defence organs and subordinate divisions, the Tax Police and the State Penitentiary Service of Ukraine, the period of study (regardless of the form of study) in civilian higher education establishments and in other education establishments, after the completion of which the officer (special) rank is conferred, before entry into military service, service in internal affairs organs, National Police, the State Fire Prevention Service, civil defence organs and subdivisions, the Tax Police or the State Penitentiary Service of Ukraine or before the assumption of the position within five years, is added to the period of time-in-service at a rate of one year of study for six months of service.

In addition, the service record of the persons referred to in Item "h", Article 1-2 of this Law shall include the time of continuous employment (from the date of appointment after dismissal from service in the bodies of internal affairs (militia) in positions within the Ministry of Internal Affairs of Ukraine or the National Police—that is, their territorial bodies, institutions or establishments) filled by state servants in educational, medical and scientific research institutions in any position.

When a pension is granted to persons who have the right to a pension in accordance with this Law, only complete years of time-in-service or the insured work record are taken into account—without rounding up the actual time-in-service or insured work record.

In case of a renewal of a pension payment previously granted to a person who has the right to a pension in accordance with this Law, the time-in-service calculated in accordance with the legislation in force on the day of the previous discharge of this person from service is not subject to revision.

Article 17-1. The Procedure for the Calculation of Time-in-Service and the Determination of the Preferential Terms for Granting Pensions to Persons who Have the Right to a Pension in accordance with this Law

The procedure for the calculation of time-in-service and for the determination of the preferential terms for granting pensions to persons who have the right to a pension in accordance with this Law are established by the Cabinet of Ministers of Ukraine.

Article 17-2. Documents Certifying Separate Periods of the Performance of Service by a Person who has the Right to a Pension in Accordance with this Law

The calculation of time-in-service for granting a pension is carried out, as a rule, with reference to the service record of the personnel file of a service member or of the person who has the right to a pension in accordance with this Law.

The list of documents certifying separate periods of military service, service in internal affairs organs, the National Police, civil defence organs and subdivisions, the Tax Police or the State Penitentiary Service of Ukraine, which are calculated towards time in-service in calendar terms or on preferential terms are determined by the Cabinet of Ministers of Ukraine.

PART III. DISABILITY PENSIONS**Article 18. Conditions of Establishment of Disability Pensions**

Disability pensions are granted to persons who have the right to a pension in accordance with this Law in case their disability was received during service or no later than three months after discharge from service or after the end of this period in case their disability resulted from an illness (i.e. trauma, injury, contusion or mutilation, etc.) that occurred during service or during a period in captivity or as a hostage if the capture or the hostage-taking were not voluntary, and if while in captivity or as a hostage the person who has the right to a pension in accordance with this Law did not commit any crimes against peace and humanity.

Article 19. Establishment of Invalidity

The categories and reasons of invalidity, and also the time of its onset are established by the commissions of medical-social experts, acting on the basis of regulations about them, approved by the Cabinet of Ministers of Ukraine.

Article 20. The Reasons for Disability

Depending on the reason for disability, persons with the right to a pension according to this Law are divided into the following categories:

- a. Combat-disabled—invalidity due to injury, contusion, mutilation, illness resulting from the protection of Ukraine, the performance of duties of military service (official duties) or in connection with field service in partisan detachments or troop formations, underground organisations, detachments and other formations recognised by the legislation of Ukraine, in the battle area, on the front-lines of railways, during the construction of defensive boundaries, Navy bases or air fields during the civil and Great Patriotic Wars or in connection with participation in peacetime operations, and also other persons specified in Article 7 of the Law of Ukraine "On the Status of War Veterans, Guarantees of Their Social Protection";
- b. Other disabled service personnel, persons having the right to a pension according to this Law, those disabled due to mutilation received as a result of an accident not connected with the performance of military service duties (official duties), or due to an illness connected with service.

Article 21. Amounts of Disability Pensions

Disability pensions for service personnel and persons with the right to a pension according to this Law are fixed at the following rates:

- For Group I combat-disabled personnel or persons – 100 per cent; for Group II – 80 per cent; and for Group III – 60 per cent of the relevant monetary allowance (earnings);
- For other Group I disabled personnel or persons – 70 per cent; for Group II – 60 per cent; and for Group III – 40 per cent of the relevant monetary allowance (earnings).

Article 22. Minimal Amounts of Disability Pensions

The following minimum disability pensions are established:

- For Group I combat-disabled soldiers and sailors of active service – at the rate of four minimal pensions on age; for Group II – three and a half minimal pensions on age; for Group III – two minimal pensions on age, other Group I disabled soldiers and sailors of active service – 200 per cent; for Group II – 100 per cent; and for Group III – 50 per cent of the minimal amount of pension on age;
- For disabled corporals (senior soldiers), sergeants, senior sailors and foremen of active service – at the rate of 110 per cent; for ensigns, warrant officers, service personnel of additional service and contractual military service, junior commanding personnel and privates of law enforcement organs, the State Penitentiary Service of Ukraine and the State Fire Prevention Service – 120 per cent; and for officers and command personnel (except juniors) of internal affairs organs, the State Penitentiary Service of Ukraine, the State Fire Prevention Service, as well as officers and command personnel of the National Police – 130 per cent of the relevant minimal amount of pension stipulated by this Article for disabled soldiers and sailors of active service.

Article 23. Establishment of Disability Pensions at the Rate of Long-Service Pension

If the disabled person is an officer, ensign, warrant officer, a service personnel of additional service and contractual military service, or a person with the right to a pension according to this Law and has qualified for a long-service pension (Item "a" of Article 12), the disability pension can be fixed at the rate of the long-service pension according to period of service (Item "a" of Articles 13).

Article 24. Increments and Aid Paid in Addition to Disability Pension

In addition to disability pensions, officers, ensigns, warrant officers and service personnel performing extended service or military service on a contractual basis and persons who, in addition to the minimum pension, have the right to a pension in accordance with this Law receive:

- a. Increments for the non-working-disabled care of family members with disabilities (Article 30) are equal to 50 per cent of the minimum living standard for persons for each family member with disabilities. The increments are only paid to those family members who do not receive a pension through the solidarity system of compulsory state pension insurance, or state social aid for persons who have no right to a pension and for the disabled, or state social aid for those disabled from childhood, as well as single mothers with children who receive aid. If a person has the simultaneous right to a pension and the aforementioned types of aid and increments in addition to the pension for time-in-service, the family member with disabilities, at the discretion of the pensioner, can receive a pension, state social aid or increments. If there are two or more pensioners in a family caring for family members with disabilities, increments are only paid to one of the pensioners at their discretion for every person with disabilities;
- b. State social aid provided for care in accordance with the procedure and on the conditions determined in the Law of Ukraine "On the State Social Aid to Persons Who Have No Right to a Pension and are Disabled";
- c. Increments for persons who have special merits before the Motherland in accordance with the procedure and on the conditions determined in Article 16 of the Law of Ukraine "On the Status of War Veterans and Guarantees of Their Social Protection"; increments for persons who have special labour merits before the Motherland in accordance with the procedure and on the conditions determined in Article 9 of the Law of Ukraine "On Basic Principles of Social Protection of Veterans of Labour and Other Senior Citizens in Ukraine".

Increments and aid envisioned in this Article can be granted simultaneously.

Increments to and rises in disability pensions as a result of the Chernobyl disaster are granted in accordance with the procedure determined in the Law of Ukraine "On the Status and Social Protection of Citizens Who Suffered as a Result of the Chernobyl Catastrophe".

Article 25. Rises in Disability Pensions

Officers, ensigns, warrant officers and service personnel performing extended service or military service on a contractual basis and other persons mentioned in Items b) – e) of Articles 1-2 of this Law who have the right to a pension in accordance with this Law and are war veterans, as well as persons to whom the Law of Ukraine "On the Status of War Veterans and Guarantees of Their Social Protection" applies, receive disability pension rises in accordance with the procedure and on the conditions determined in the aforementioned Law.

Article 26. Terms of Establishment and Payment of Disability Pensions

Disability pensions for service personnel and persons with the right to a pension according to this Law are established for the whole period of invalidity fixed by a commission of medical-social experts, and for life for disabled personnel or persons who have reached the pension age—according to Article 26 of the Law of Ukraine "On Compulsory State Pension Insurance". Repeated examination of the aforementioned persons is done so only at their request.

In case of the recognition of a pensioner who has not attained the able-bodied pension age, the pension is paid to him or her up to the end of the month when he or she was recognised as able-bodied, but no longer than to the date upon which the invalidity was established.

Article 27. Recalculation of Pension at Change of the Classification of Disability

If a classification of disability changes after the establishment of a pension, the pension amount changes accordingly. If the health of a person with disabilities deteriorates in connection with a systemic illness, a work-related mutilation or an occupational illness, the pension is recalculated according to the new disability group classification he or she falls into, with preservation of its reason.

Article 28. Conditions of Renewal of Payment of Pension for Interruption of Disability

In case of an infringement by a disabled service personnel or persons with the right to a pension according to this Law of the term of repeated examination by commissions of medical-social experts, the payment of the pension is suspended, and is at his or her recognition of again being disabled, renewed from the date of suspension, but no more than one month prior to the date of the repeated examination.

In case of an infringement by disabled persons of the term of repeated examination for a valid reason, the payment of the pension is renewed from the date of suspension, but no more than three years prior to the date of the repeated examination if the Commission of Medical-Social experts recognises the disability for this period. If, under these conditions, repeated examination establishes another group of disability (lower or higher), the pension for the specified time is paid according to former disability group.

PART IV. LOSS OF SUPPORTER PENSIONS**Article 29. Conditions of Establishment of Loss of Supporter Pensions**

The loss of supporter pensions for families of service personnel and persons with the right to a pension according to this Law are fixed if the supporter died during service or no later than three months after dismissal from service or after this term, but due to an injury, contusion, mutilation or illness received during service; and for families of pensioners from among these service personnel and persons with the right to pension according to this Law—if the supporter died while receiving the pension or no later than five years after the termination of its payment. Families of service personnel reported missing during operations are equated to families of those killed in combat.

Article 30. Family Members that have the Right to Loss of Supporter Pension

The loss of supporter pensions are granted to the family members of service personnel who are disabled and reported lost, dead or missing, as well as persons with the right to a pension according to this Law, who supported them (Article 31).

Irrespective of the dependence of the supporter, the pension is granted to: children with disabilities; parents with disabilities and the wife (husband) of the supporter if after their death they lose their source of subsistence, and also to parents with disabilities and the wife (husband) of service personnel and persons with

the right to a pension according to this Law, who were lost, died or reported missing during service or later due to an injury, contusion, mutilation or illness developed during service.

Parents of service personnel and other persons who have the right to a pension in accordance with this Law and who perished (died) during the performance of military service (the performance of official duties) or after discharge from service as a result of an injury, contusion or mutilation received during the performance of military service (official duties), or from an illness related to a combat operation, the mitigation of the consequences of the Chernobyl disaster or to the performance of international duty, have the right to a pre-term pension for age reasons after reaching 55 years—for men—and 50 years—for women—and with a documented record of no less than 25 years—for men—and 20 years—for women.

The following are considered to be family members with disabilities:

- a. Children, brothers, sister and grandsons/-daughters who did not reach the age of 18 or more when they became disabled. The right to a pension is given to brothers, sisters and grandsons/-daughters in case they do not have able-bodied parents;
- b. Parents and the wife (husband), if they have reached the pension age according to Article 26 of the Law of Ukraine "On Compulsory State Pension Insurance", or have disabilities;
- c. Parents and wives (if they remain single) of service personnel, persons with the right to a pension according to this Law, who were lost, dead or reported missing during service or died after dismissal from service due to an injury, contusion or mutilation received during military service (official duties), an illness connected with active service, the mitigation of the consequences of the Chernobyl disaster or to the fulfilment of international duty, have the right to a pension, but not before five years prior to the achievement of the retirement age envisaged in Article 26 of the Law of Ukraine "On Compulsory State Pension Insurance", or if they are disabled. The relevant reduction of the pension age for women, established by the first paragraph of this clause, shall be utilised prior to the completion of the period of increasing the pension age by January 1, 2022.
- d. The grandfather and grandmother, in the absence of persons obliged to support them according to the law;
- e. The wife (husband) or one of the parents, or the grandfather, grandmother, brother or sister, irrespective of their age and capacity for work, if he or she is raising children, brothers, sisters or the grandsons/-daughters of the dead supporter under 8 years of age, and does not work.

The wife (husband) of the supporter who died due to the reasons specified in Item "a" of Article 20 of this Law, irrespective of whether or not he or she works.

Pupils, students, cadets (except for cadets of military schools and education establishments of the Ministry of internal affairs and the State Fire Prevention Service) and trainees have the right to the loss of supporter pensions until they graduate from educational establishments, but no longer than before reaching 23 years of age.

In case of the death of persons mentioned in Items a) – e) of Article 1-2 of this Laws, who perished (died) during the performance of official duties of military service, service in internal affairs organs, the State Fire Prevention Service, the State Service for Special Communication and Information Protection, civil defence organs and subdivisions, the Tax Police or the State Penitentiary Service of Ukraine, as a result of an injury, contusion, mutilation or illness received during the performance of these duties, and who were posthumously awarded state awards by Ukraine or the former USSR, as well as disabled family members of persons mentioned in part Four of this Article who have the right to a pension in case of the loss of the family breadwinner, have the right to pension increments on the conditions and in the amounts determined by the Law of Ukraine "On Pensions for Special Merits Before Ukraine".

For the parents and wives (husbands) of the individual categories of lost service personnel and for the parents of persons with a right to pension according to this Law, the Cabinet of Ministers of Ukraine can establish other conditions establishing the loss of the supporter pension.

Article 31. Family Members Considered as Dependents

The family members of the dead are considered his or her dependents if they fully depended on him or her, or if they received permanent help from him or her which constituted their basic source of subsistence.

The family members of the dead whose help was permanent and constituted their basic source of subsistence, but who were receiving another pension, have the right to the new pension.

Article 32. Loss of Supporter Pension to Children under Full State Maintenance

Children who have lost both parents are paid a full pension during the whole period of full state maintenance.

Other children under full state maintenance are paid 50 per cent of the pension.

Article 33. Right to Loss of Supporter Pension of Stepparent and the Adopted

Stepparents have the right to a pension equal to that of the parents, while the adopted have a right to a pension equal to that of the children.

Minors with the right to the loss of supporter pension keep this right upon adoption.

Article 34. The Right to Loss of Supporter Pension of the Stepfather and Stepmother, Stepson and Stepdaughter

The stepfather and stepmother have the right to a pension equal to that of the father and mother, provided that they educated or supported the deceased stepson or the stepdaughter for no fewer than five years.

If they do not receive support from parents, the stepson and the stepdaughter have the right to a pension equal to that of birth children.

Article 35. Preservation of Loss of the Supporter Pension in Case of Remarriage

The pension fixed on the occasion of death of one of the spouses is kept upon the remarriage of the other.

Article 36. Amounts of Loss of Supporter Pensions

The loss of supporter pensions are fixed at the following rates:

- a. For family members of service personnel and persons with the right to a pension according to this Law who died due to an injury, contusion or mutilation received during the protection of Ukraine, the mitigation of the consequences of the Chernobyl disaster or the performance of other duties of military service (official duties), or due to an illness connected with combat service in partisan detachments and troop formations, underground organisations and detachments recognised by the legislation of Ukraine, or to participation in peacetime operations—40 per cent of the earnings of the supporter for each invalid family member. Pensions for the family members of the dead and combat-disabled and family members with children who have lost both parents are fixed at the same rates, irrespective of the reason for the death of the supporter;
- b. For families of service personnel and persons with the right to a pension according to this Law who died due to mutilation received as a result of an accident not connected with the performance of military service duties (official duties), or due to an illness connected with service—30 per cent of the earnings of the supporter for each invalid family member.

Article 37. Minimal Amounts of Loss of Supporter Pensions

The loss of supporter pensions granted to family members of service personnel and persons with the right to a pension according to this Law, calculated upon each invalid family member, cannot be lower than:

- a. The calculation of pensions according to Item a) of Article 36 of this Law: for family members of soldiers and sailors on conscript service—150 per cent; for family members of sergeants, foremen, corporals (seniors soldiers) and senior sailors on conscript service—165 per cent; for family members of ensigns, warrant officers, service personnel of additional service and contractual military service, persons in the positions of junior commander and privates from law enforcement organs and the State Fire Prevention Service—180 per cent; and for family members of officers and command personnel (except for juniors) of law enforcement organs and the State Fire Prevention Service—195 per cent of the minimal amount of pension on age;

- b. The calculation of pensions according to Item b) of Articles 36 of this Law—75 per cent of the amounts stipulated by Item a) of this Article for family members of the relevant categories of service personnel and persons with the right to a pension according to this Law.

Article 38. Calculation of Loss of Supporter Pensions to Orphans

The families of service personnel in active service whose children have lost both parents (orphans) are granted the loss of supporter pension calculated from the total sum of the earnings of both the parents according to the norms established by the Law of Ukraine "On Compulsory State Pension Insurance".

Article 39. Increase of Loss of Supporter Pensions

In case of the loss of the family breadwinner, war veterans and persons to whom the Law of Ukraine "On the Status of War Veterans and Guarantees of Their Social Protection" applies, receive rises in their disability pension in accordance with the procedure and on the conditions determined in the aforementioned Law.

Article 40. Period to Which the Loss of Supporter Pension is Fixed. Change of the Amount of Pension

The loss of supporter pension is established for all periods during which the family member of the deceased is considered to be invalid (Article 30); and for life for family members who reach the age envisaged in Article 26 of the Law of Ukraine "On Compulsory State Pension Insurance".

Changes in pension amounts if the family subject to the loss of the supporter pension undergoes changes resulting in individual family members or the family as a whole losing the right to a pension, its recalculation or cancellation are made from the first date of the month following the month when the change took place.

Article 41. Establishment of One Loss of Supporter Pension for all Family Members. Allocation of a Share of Pension

Family members with the right to a pension are granted a common pension, except for the case mentioned in part Four of this Article.

On the demand of a family member, his or her share of the pension can be allocated and paid to him or her individually.

The allocation of the share of a pension is made from the first date of the month following the month when the relevant application was issued.

In case of the loss of the family breadwinner, a pension is granted to each parent, the wife (husband) of an officer, ensign, warrant officer, service member performing extended service or military service on a contractual basis and other persons who have the right to a pension in accordance with this Law who died or disappeared.

Article 42. The Procedure and Terms of Establishment of Invalidity to Family Members

Invalid family members are subject to rules concerning the procedure and terms for establishing invalidity as stipulated in Articles 19, 26–28 of this Law.

PART V. CALCULATION OF PENSIONS

Article 43. Earnings (Monetary allowance) for Calculation of Pensions

Pensions granted to service personnel in conscript service and to their family members are, in accordance with this Law, calculated on the basis of norms as percentages of their average monthly salaries before call-up to regular military service or after discharge from military service before the application for a pension, or as percentages of their average monthly financial support received during military service on a contractual basis. The average monthly salary (financial support) for a pension calculation is determined in accordance with the procedure established by the Law of Ukraine "On Compulsory State Pension Insurance".

Service personnel in conscript service, who before call-up to conscript military service and after discharge from military service did not work and were not in military service on a contractual basis, as well as their family members, receive a minimum pension in the amounts envisaged according to Articles 22 and 37 of this Law.

The pensions of officers, ensigns, warrant officers, service personnel performing extended service or military service on a contractual basis and other persons who have the right to a pension in accordance with this Law, as well as their family members, are calculated from the amount of financial support received in the last permanent position before discharge, taking into account the salary scale of the position, the military (special) rank, percentage increments for time-in-service and additional monthly types of financial support (i.e. increments, additional allowances and rises) and bonuses, the amounts of which are established in the legislation which stipulated the single payment of compulsory state social insurance, and prior to January 1, 2011 – insurance payments on compulsory state social insurance according to the procedure established by the Cabinet of Ministers of Ukraine.

Pensions for reservists entitled to pensions under this Law and their family members shall be calculated on the basis of the size of the monetary allowance, including the salary attached to the position, military (special) rank, pro-rated increase for the length of service, additional monthly monetary allowances (i.e. extras, surcharges and increments) and bonuses in the amount established by the legislation for military servants in equated positions on the date of dismissal from service in the Military Reserve, or on the date of the killing, death or the announcement of the death of the reservist.

The charts of correspondence for the positions of reservists and military servants shall be approved by the Central Executive Bodies that exercise command and control over military formations in accordance with the law.

The highest amount of pension (taking into account bonuses, upgrades, additional pension, targeted financial support, and pensions for special merits to Ukraine, indexation and other extras, except for awards to persons with special merits from Ukraine) cannot exceed 10 survival minimums for disabled persons. Temporarily, in the period from January 1, 2016, till December 31, 2016, the highest amount of pension cannot exceed 10740 Hryvnia.

Pensions for persons who held command positions – which correspond to the position of officer – in partisan detachments and bodies of troops, underground organisations and groups recognised by the legislation of Ukraine, as well as in the Czechoslovakian First Army Corps under the command of L. Svoboda, are calculated, regardless of whether or not they hold the rank of officer, on the basis of the salary for analogous positions for persons holding the rank of officer established on the day of pension allocation, and for those persons who held the rank of officer in that period—on the basis of the salary scale for the military rank and percentage increments for the time-in-service calculated from these salaries.

Pensions for officers, ensigns, warrant officers, service personnel performing extended service or military service on a contractual basis and other persons mentioned in Item "e" of Article 12 of this Law who have the right to a pension in accordance with this Law, and who before discharge received salaries for service in alpine or remote localities of the member-states of the Commonwealth of Independent States (CIS), are calculated on the basis of personal (maintained) salaries, unless otherwise stipulated in the relevant international agreements ratified by the Verkhovna Rada of Ukraine.

The pensions of officers, ensigns, warrant officers, service personnel performing extended service or military service on a contractual basis and other persons discharged from service in connection with a conviction or if held criminally responsible for an act, and who, in the absence of the event or corpus delicti or after a failure to prove their involvement in a crime were found not guilty or released from criminal charges by a court ruling, as well as of family members of service personnel and other persons released from criminal charges by a court ruling posthumously, in case they have the right to a pension in accordance with this Law, are calculated on the day of pension allocation on the basis of the amount of the received financial support determined in the legislation for the corresponding categories of service personnel and other aforementioned persons.

The pensions of officers, ensigns, warrant officers, service personnel performing extended service or military service on a contractual basis and other persons renewed for military service, service in law enforcement organs, the State Fire Prevention Service, the State Service for Special Communication and In-

formation Protection, civil defence organs and subdivisions, the Tax Police or the State Penitentiary Service of Ukraine and who are appointed to positions with lower salaries than before are calculated (with their consent) on the basis of the salary they received before discharge. In case of the simultaneous renewal and discharge of such persons from service, their pension is calculated on the basis of the salary they received prior to the unlawful discharge.

The pensions of officers, ensigns, warrant officers and service personnel performing extended service or military service on a contractual basis who are transferred for health or age reasons from aviation duty, work in submarines (submarine cruisers), atomic surface vessels or minesweepers to positions with lower salaries are calculated, at the pensioner's choice, on the basis of the salary of the last permanent position occupied prior to discharge or on the basis of the aforementioned positions they occupied before the transfer—if on the day of transfer they had the right to a pension for time-in-service. The pensions of officers and commanders holding the military rank of colonel or the special rank of colonel of the police (militia), or of the Tax Police, the State Service for Special Communication and Information Protection, as well as with other equal or higher ranks, who under such circumstances and terms are transferred in the interests of service from positions which they occupied for no less than three years before the transfer and on the day of transfer have the right to a pension for time-in-service calculated in accordance with the same procedure.

The pensions of officers, ensigns, warrant officers, service personnel performing extended service or military service on a contractual basis, persons holding the rank of commander of an internal affairs organ, policemen and other persons who have the right to a pension in accordance with this Law and who were assigned to work in state organs, local self-government bodies or in the organs formed by them, including enterprises, establishments, organisations and higher education establishments, and who received salaries in accordance with the procedure and in the amounts established for employees of these organs and organisations, are calculated on the basis of salaries established for the analogous positions of officers, ensigns, warrant officers and service personnel performing extended service or military service on a contractual basis, as well as persons holding the rank of commander of an internal affairs organ, policemen and other persons who have the right to a pension in accordance with this Law.

The pensions of officers discharged from military service before taking up a permanent position after graduation from a military education establishment or call-up from the Military Reserve are calculated in accordance with the procedure envisaged in this Article on the basis of the financial support paid to them on the day of discharge.

The pensions of warrant officers and service personnel performing extended service or military service on a contractual basis and who are transferred from work on atomic submarine cruisers, atomic submarines or diesel submarines equipped with atomic power plants to equivalent positions on other ships, vessels or in naval forces units with the preservation of the salary received before the transfer are calculated in accordance with the procedure envisaged in this Article and on the basis of the salary paid on the day of discharge from military service.

For the calculation of pensions in accordance with parts 7-9 of this Article, additional monthly types of financial support (i.e. increments, additional charges and rises) and bonuses—the amounts of which are established in the legislation—are taken into account on the day the pension is granted.

Service personnel and certified employees of the internal affairs organs of Ukraine, policemen, the Tax Police, the State Penitentiary Service of Ukraine, civil defence organs and subdivisions, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and other law enforcement authorities who are elected Deputies of Ukraine, when, during their term as a deputy, reach the age or the time-in-service established in this Law, have the right to a pension calculated in accordance with Article 20 of the Law of Ukraine "On the Status of a People's Deputy of Ukraine".

For persons referred to in Item "h", Article 1-2, pensions shall be calculated in accordance with the third part of this Article on the basis of the monetary allowance which they had on the day of dismissal from service in internal affairs bodies.

If at the time of awarding or paying pensions, the amount (of at least) one monetary allowance has been changed and (or) new additional monthly monetary allowances (i.e. extras, surcharges or increments) and bonuses were introduced for the said categories of persons in the amounts established by the legislation, the pension shall be awarded with account of such changes and (or) novelties, and the awarded pension shall be promptly recalculated.

Article 44. Recalculation of Pensions to Service Personnel of Conscript Service and their Family Members

Pensioners from among service personnel of active service, who, after the establishment of a disability pension worked for no less than two years with higher earnings than those upon which pension was calculated are, upon their application, granted a new pension taking into account the earnings determined according to the procedure stipulated by the Law of Ukraine "On Compulsory State Pension Insurance". The same conditions are applied for the recalculation of pensions fixed in the minimal amount in connection with the absence of earnings.

In case of the further growth of earnings by the pensioner, the pension under application is recalculated. Each subsequent pension recalculation is made no earlier than before two years of work after the previous recalculation.

Pension amounts for service personnel in regular service and members of their families who receive pensions from the Pension Fund of Ukraine are subject to recalculation in the case envisaged in part Two of Article 42 of the Law of Ukraine "On Compulsory State Pension Insurance".

Article 45. Calculation of Loss of Supporter Pensions to Family Members of pensioners

The families of pensioners from among service personnel and of persons with the right to a pension according to this Law are granted the pension on the occasion of the loss of their supporter, which is calculated proceeding from the same monetary allowance (earnings) from which the pension to the supporter was calculated.

The family members of pensioners from among the service personnel of active service who have the right to a pension recalculation according to the procedure stipulated in Article 44 of this Law are granted the loss of the supporter pension, which is calculated proceeding from the earnings on the basis of which the specified recalculation of the pension was made or could have been made.

Article 46. (Article 46 is excluded as provided by the Law No 3591-IV of 04.04.2006)

Article 47. Increase of Pensions to Some Categories of Pensioners

All types of pensions fixed according to this Law for pensioners who underwent political reprisals and at a later time were rehabilitated are increased by an additional 50 per cent; and by 25 per cent of the minimum pension age for family members who were forced to relocate as a result.

PART VI. ESTABLISHMENT OF PENSIONS

Article 48. Application for Pensions

Applications for the establishment of pensions in accordance with this Law are filed in the district (city) organ of the Pension Fund of Ukraine at the place of residence, or to the authorised body or responsible person in the order established by authorities of the Pension Fund of Ukraine; in coordination with the specially authorised Central Executive responsible for the formation of state policy in the sphere of labour and social protection and other Central Executive Organs and the Foreign Intelligence Service.

Further, the day of application for the establishment of a pension is the day when a written application for establishment of a pension is submitted to the relevant organ of the Pension Fund of Ukraine, along with all the documents required for resolution of this issue, and in case the application and documents are mailed (posted) – the date of postage.

Article 49. The Organs Granting Pensions, and Terms for Consideration of Documents on the Granting of Pensions

Pensions stipulated by this Law are granted by organs of the Pension Fund of Ukraine.

Documents on the establishment of pensions are examined by the organs granting pensions, who make a decision on the establishment or refusal of the pension no longer than 10 days from the date of receipt.

Documents confirming the establishment of a pension are pension certificates granted by an organ of the Pension Fund of Ukraine.

A notice on the reasons for the refusal to establish a pension is issued (mailed) by the organ of pension support to the applicant no later than five days after the adoption of the relevant decision.

Article 50. Terms of Establishment of Pensions

In accordance with this Law, pensions are granted to:

- a. Service personnel in regular service—from the day following discharge from hospital, but no earlier than the day after discharge from military service if the establishment of disability by a medical-social expert commission and the application for a pension took place no later than three months from the day after discharge from hospital or from the day after discharge from military service; to families of service personnel in regular service and service personnel-pensioners—from the day of death of the family breadwinner or the emergence of the right to a pension, but no more than 12 months before an application for a pension is made. Parents or the wife (husband) of the aforementioned service personnel and pensioners, who acquired the right to a pension in case of the loss of the family breadwinner, are granted a pension from the day of application for it;
- b. Officers, ensigns, warrant officers, service personnel performing extended service or military service on a contractual basis and other persons who have the right to a pension in accordance with this Law according to Items "a" and "c" of Article 12 of this Law—from the day after discharge from service, but no earlier than until they receive financial support; to family members of the aforementioned persons who have the right to a pension in accordance with this Law and pensioners from among them—from the day of death of the family breadwinner, but no earlier than until they receive financial support or pension, except for cases when they receive pensions from later terms. Persons who have the right to a pension in accordance with this Law and who, within three months from the day of discharge from service, are recognised as disabled as a result of an illness (e.g. trauma, injury, contusion, mutilation, etc.) resulting from military service or from a period in captivity or as a hostage, if the capture or hostage-taking were not voluntary and the person who has the right to a pension in accordance with this Law did not commit any crimes against peace and humanity while in captivity or held as a hostage, receive a pension from the day after discharge from service, but no earlier than until they receive financial support;
- c. Persons who have the right to a pension in accordance with this Law according to Items "b" of Article 12 of this Law—from the next day after discharge from service;
- d. Officers, ensigns, warrant officers, service personnel performing extended service or military service on a contractual basis and other persons whose military (special) ranks were renewed—from the day of the renewal;
- e. Officers, ensigns, warrant officers, service personnel performing extended service or military service on a contractual basis and other persons who have the right to a pension in accordance with this Law and who are discharged from service in connection with a conviction for a deliberate crime, but without deprivation of the military (special) rank and with the right to a pension for time-in-service—from the day of application for a pension;
- f. Officers, ensigns, warrant officers, service personnel performing extended service or military service on a contractual basis and other persons who have the right to a pension in accordance with this Law and who are recognised as disabled within three months from the day of their discharge from service or as a result of an accident or illness that happened after their discharge from service —from the day of the establishment of disability;
- g. Officers, ensigns, warrant officers, service personnel performing extended service or military service on a contractual basis and other persons who have acquired the right to a pension in accordance with this

Law in connection with amendments introduced in the earlier published order or other acts concerning the time-in-service for granting a pension and for discharge from service—from the day of signature of the order or other act(s) by the appropriate civil servant with reference to the introduction of this amendment.

- h. The family members of officers, ensigns, warrant officers, service personnel performing extended service or military service on a contractual basis and other persons who have the right to a pension in accordance with this Law and pensioners from among them who have acquired the right to a pension after the death of the family breadwinner—from the day of the emergence of the right to a pension; to parents or the wife (husband) who have the right to a pension due to the loss of the family breadwinner—from the day of application for a pension;

If an application for a pension is made late, the pension for the past period is granted from the day of the emergence of the right to a pension, but no more than 12 months before the application for a pension.

Article 51. Terms of Recalculation of the Granted Pensions

In case of circumstances resulting in a change to the amount of pensions granted to service personnel in active service and to their families, the recalculation of these pensions is made in conformity with the terms established by part Four of Article 45 of the Law of Ukraine "On Compulsory State Pension Insurance".

The recalculation of pensions granted to officers, ensigns, warrant officers, service personnel of additional service and contractual military service, as well as persons with the right to a pension according to this Law and their family members, is made from the first day of the month following the month in which the circumstances resulting in a change to the amount of pensions occurs. Further, if the pensioner has obtained the right to a pension increase, the difference can be paid to him or her but for no more than 12 months.

The recalculation of pensions in connection with a change in the amount of (at least) one monetary allowance provided for the relevant categories of military servants, persons who are entitled to such a recalculation in accordance with this Law, or in connection with the introduction of new monthly additional monetary allowances (i.e. extras, surcharges and increments) and bonuses for the said categories of persons in the amount established by the legislation, and which are not the fault of the Pension Fund of Ukraine bodies and (or) those State bodies issuing certificates for the recalculation of pensions, shall be effected from the date of accrual of the right to them, without time limits.

PART VII. PAYMENT OF PENSIONS

Article 52. Organs Paying Pension

Pensions for pensioners from among the service personnel of conscript service, as well as their family members, are paid by organs of the Pension Fund of Ukraine in the actual place of residence of the pensioner, irrespective of where they registered.

Pensions for other persons with the right to a pension according to this Law are paid by organs of the Pension Fund of Ukraine through the establishments of Savings Bank of Ukraine in the actual place of residence of the pensioner on the basis of the relevant documents issued by the organs of the Pension Fund of Ukraine.

The payment of pensions is carried out after each current month in total on the established date, but no later than the last day of the month for which the pension is paid.

If desired by the pensioner, the delivery of pensions may be done through the post office at their actual place of residence, irrespective of where they registered. The cost for the transaction of a pension by post and for its delivery to the actual place of residence of the pensioner is borne by the State Budget of Ukraine.

Article 53. Payment of Pensions by Proxy

Pensions can be paid by proxy – the procedure for the certificate and its term of validity are determined by legislation.

Article 54. Payment of Pensions to Pensioners in the Presence of Earnings (Profit)

Temporarily, in the period from January 1, 2016 till December 31, 2016, for persons (except for Group I and II invalids, Group III war invalids, veterans of military service and participants in combat actions, and persons falling under the norms stipulated at clause 1, Article 10 of the Law of Ukraine "On the Status of War Veterans and Guarantees of Their Social Protection") working in positions and under conditions stipulated by the Laws of Ukraine "On State Service", "On Procuracy", "On Judiciary and the Status of Judges", the pensions to which they were previously entitled to, as well as their monthly lifetime financial allowances, are not paid. As stipulated by this law, after they retire from their job the payment of their pensions shall be renewed.

Since January 1, 2017, pensions fixed according to this Law are paid without taking into account the received earnings (profit).

For pensioners who have profited from commercial activity, pension bonuses for their family members with disabilities (clause "a" of part One of Article 16 and clause "a" of part One of Article 24) are not paid.

Article 55. Payment of Pensions for Past Time

The sum of the pension added to the pensioner from among service personnel, persons with the right to a pension according to this Law, as well as their family members, but which are not duly taken, are paid for no longer than 3 years before the application for its reception.

If the sum of the pension has not been received by the pensioner in due time because of a fault of the organ granting or paying the pension, it shall be paid without restriction.

Article 56. Payment of Pensions to the Persons Living on Full State Support

During the period in which a pensioner from among service personnel, as well as persons with the right to pension according to this Law and their family members live on full state support in pertinent institution (establishment), he (she) is paid 25 per cent of allocated pension. In cases where the size of his (her) pension exceeds the cost of living, the difference between the pension and the cost of living is paid, but no less than 25 per cent of allocated pension.

When a pensioner living on full state support in a pertinent institution (establishment) has a fully dependent family member with disabilities, as indicated in part Four of Article 30 of this Law, the pension is paid according to the following procedure: 25 per cent of pension is paid to the pensioner, while the remaining part of pension, but no more than 50 per cent of the allocated amount, is paid to specified family members.

According to the part One and Two of this Article and if he (she) submits a personal request, any part of the pension remaining after payment of the corresponding amount of pension to the pensioner and members of his (her) family is transferred to the institution (establishment) where the pensioner is living on full state support. The transferred amount is credited to the bank accounts of these institutions (establishments) and appropriated exclusively for improving living conditions according to the procedure approved by the Cabinet.

Children/orphans are paid the full pension amount for the period in which they are forced to live on full state support due to the loss of their family breadwinner, which is transferred to their personal bank accounts.

Other children living on full state support due to the loss of their family breadwinner are paid 50 per cent of the allocated pension, which is transferred to their personal bank accounts. Any part of the pension remaining after payment of the corresponding amount of pension due to the loss of the family breadwinner is transferred to the institution (establishment) where the child is living on full state support and appropriated exclusively for improving the living conditions of the children in these institutions according to the procedure approved by the Cabinet.

The payment of pensions, as stipulated by this Article, is carried out on the first day of the month after the pensioner is approved for living on full state support.

Article 57. Payment of Pension During Hospitalisation

During hospitalisation (i.e. in hospital, clinics, hospital and other medical establishments) of the person with the pension according to this Law, the pension is paid in full.

Article 58. Payment of Pension for the Period of Imprisonment

In case of the imprisonment of the person with a pension according to this Law, its payment is carried out in accordance with general practice.

Article 59. Deduction from Pensions

Deductions from the pensions of service personnel, persons with the right to a pension according to this Law, as well as to their family members, are made according to the procedure established by part Two of Article 50 of the Law of Ukraine "On Compulsory State Pension Insurance".

Article 60. The Duty of Pensioners to Inform Organs of Pension Support about the Change of the Conditions Influencing Payment of Pensions

Pensioners are obliged to inform the organs of pension support on any circumstances resulting in a change in the amount of pension or its cancellation.

In case of default on this duty and reception in this connection with excessive pension sums, the pensioners should return the excessive payment to the organ of pension support.

Unduly collected pensions paid to a pensioner due to intentional actions by him (her) (e.g. misrepresentation of data in documents, non-submission of data on changes in his or her family, etc.) can be voluntarily returned by the pensioner in question, or extracted on the basis of a decision by the organ granting the pension or by a court decision.

Article 60.1. Responsibility of the Pension Fund Officials for Pensions Paid Without due Justification

Civil servants in charge of providing pensions and who paid superfluous or insufficient pension sums to a pensioner without sufficient grounds are legally liable.

Article 61. Payment of Pension and Aid in Case of Death of the Pensioner

Pensions subject to payment to pensioners from among service personnel, as well as persons with the right to a pension according to this Law and members of their families, of which only half the designated pension amount was received due to his (her) death, are not included in their inheritance, but rather paid to his (her) family members who are subject to the loss of supporter pension. However, parents, the wife (husband), and family members who lived together with the pensioner at the date of his (her) death have the right to receive the pension if they are not also subject to the loss of supporter pension.

If several family members apply for the pension sum due to them, it is shared equally between them.

The specified sums are paid if the relevant application was submitted no later than six months after the death of the pensioner.

In case of the death of the pensioner, his (her) family members and the person who performed the burial are paid at the rate of a three-month pension, but no less than five times the minimum wage.

Aid for burial is not paid if the burial of the pensioner is performed at the expense of the state.

Article 62. Payment of Pensions to Citizens who Emigrated for Permanent Residence Abroad

Persons mentioned in Article 1-2 of this Law who are discharged from service and who permanently reside abroad do not receive pensions unless otherwise stipulated in the international agreements ratified by the Verkhovna Rada of Ukraine.

Before their departure for permanent residence abroad, pensions granted to the aforementioned persons in Ukraine are paid in accordance with the procedure determined by the Law of Ukraine "On Compulsory State Pension Insurance".

PART VIII. THE PROCEDURE OF RECALCULATING PENSIONS**Article 63. Recalculation of Pensions Fixed Beforehand**

The recalculation of pensions fixed beforehand to service personnel and persons with the right to a pension according to this Law, as well as their family members, in connection with the implementation of this Law is made against the pension record documents available, as well as any additional documents presented by pensioners for the period of recalculation.

If the pensioner presents additional documents which entitle him (her) to a further pension increase, the pension is recalculated according to the norms of this Law. Further, the recalculation covers the past time, but

no more than 12 months from the date of submission of the additional documents and no earlier than from the implementation date of this Law.

The recalculation of pensions for officers and men in internal affairs bodies of Ukraine (militia) entitled to pensions or receiving pensions in accordance with the provisions of this Law shall be performed taking into account their monetary allowances, additional monthly monetary allowances (i.e. extras, surcharges and increments) and bonuses in the amount established by the legislation for policemen.

All pensions granted according to this Law are recalculated along with the increase of any monetary allowance for the relevant categories of service personnel and persons with the right to a pension according to this Law, or in connection with the introduction of new types of monetary allowances (i.e. benefits, increases and rises) and bonuses for these persons within the legally established amounts.

The recalculation of pensions is performed from the moment in which the right to recalculate a pension is established, and is carried out according to the procedure approved by the Cabinet of Ministers of Ukraine within the terms stipulated by part Two of Article 51 of this Law.

If, after the recalculation of pensions stipulated in this Law, the pension amounts of retired service personnel and persons with the right to a pension according to this Law are lower, the previously established pensions are preserved.

Article 64. Increase of Pensions in Connection with Indexation of Monetary Income of the Population

Pensions granted to service personnel and persons with the right to a pension according to this Law, as well as their family members, are increased according to the Law of Ukraine "On Indexation of Monetary Income of the Population".

Article 65. Responsibility for an Infringement of the Legislation on Pensions for Persons Discharged from Military Service and Other Persons

Persons guilty of an infringement of the legislation on the provision of pensions for persons discharged from military service and other persons envisaged in this Law, as well as those guilty of untimely registration or preparation of documents for granting pensions and of the delivery of specious information and documents for granting pensions bear civil, administrative or criminal liability in accordance with the law.

Article 66. Appeal Against the Decisions of the Organ Granting Pensions

Decisions about a refusal to grant a pension or to recalculate a pension to include certain periods of service in the time-in-service calendar calculation or on preferential terms, as well as on the violation of terms and the reduction of pension amounts can be appealed against in higher organs or in a court.

President of Ukraine L.Kravchuk
Kyiv, April 9, 1992, No 2262-XII

Law of Ukraine “On the Status of Veterans of Military Service, Veterans of Internal Affairs Organs, Veterans of National Police and Other Persons and Their Social Protection”

(Bulletin of the Verkhovna Rada of Ukraine (BVR), 1998, 40-41, p.249)

Includes changes made by Laws:

- No 2171-III of 21.12.2000, BVR, 2001, No 9, p. 38;
- No 2373-III of 05.04.2001, BVR, 2001, No 24, p.127;
- No 662-IV of 03.04.2003, BVR, 2003, No 27, p. 209;
- No 1763-IV of 15.06.2004, BVR, 2004, No 36, p. 444;
- No 1889-IV of 24.06.2004, BVR, 2004, No 50, p. 536;
- No 2255-IV of 16.12.2004, BVR, 2005, No 4, p.107;
- No 3475-IV of 23.02.2006, BVR, 2006, No 30, p.258;
- No 1180-VI of 19.03.2009, BVR, 2009, No 32-33, p.485;
- No 1249-VI of 14.04.2009, BVR, 2009, No 34-35, p.507;
- No 1254-VI of 14.04.2009, BVR, 2009, No 36-37, p.511;
- No 1276-VI of 16.04.2009, BVR, 2009, No 38, p.535;
- No 2457-VI of 08.07.2010, BVR, 2010, No 48, p.564;
- No 5462-VI of 16.10.2012, BVR, 2014, No 6-7, p.80;
- No 406-VII of 04.07.2013, BVR, 2014, No 20-21, p.712;
- No 901-VIII of 23.12.2015, BVR 2016, No 4, p.44;
- No 1080-VIII of 12.04.2016, BVR, 2016, No 21, p.409.

This Law establishes the status for veterans of military service, internal affairs organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine and determines the main principles of state policy on the social protection of citizens discharged from military service, internal affairs organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine, as well as their family members.

PART I. GENERAL PROVISIONS

Article 1. Main Principles of State Policy for Veterans of Military Service, Internal Affairs Organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine

State policy concerning each veteran of military service, internal affairs organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine is implemented within mandatorily targeted state and local programmes for the social protection of veterans of military service, internal affairs organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine directed at providing for the implementation of guaranteed benefits and privileges established by this Law and the other normative-legal acts for veterans of military service, internal affairs organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine, as well as their family members.

The implementation of mandatorily targeted state and local programmes for the social protection of veterans of military service, internal affairs organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine is provided at the expense of local and state budgets.

Local self-government and Central Executive Organs use the media to publicise the importance of exemplary service in the military, internal affairs organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine; the importance of state awards for military heroism and outstanding achievements with respect to protection of the Motherland, Ukraine's territorial sovereignty, as well as to the strengthening of the defence and security of Ukraine and ensuring the protection of the Constitutional rights of Ukrainian citizens; as well as for bravery and heroism in fighting criminality and liquidating the consequences of emergency situations for conscientious and loyal service to Ukrainian people.

Responsibility for the implementation of state policy concerning veterans of military service, internal affairs organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine is vested in Central Executive and local self-government bodies.

Article 2. The Legislation of Ukraine on the Status of Veterans of Military Service, Internal Affairs Organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine

The legislation of Ukraine on the status of veterans of military service, internal affairs organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine is based on the Constitution of Ukraine and includes this Law and other normative-legal acts of Ukraine regulating public relations in the sphere of social protection of citizens.

Article 3. Guarantees of the Rights and Social Protection of Veterans of Military Service, Internal Affairs Organs, the National police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine, as well as their family members

The state guarantees to each veteran of military service, internal affairs organs, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine equal opportunities as other citizens in the economic, social and political spheres, and also renders various kinds of the help through:

- The implementation of the right to work according to professional fitness and special programmes of social adaptation;
- The creation of conditions for the protection and improvement of health with the purpose of maintaining active longevity;
- The granting of privileges, advantages and social guarantees during labour activities and holidays;
- The implementation of special programmes on improving living conditions;
- Social service organisations;
- Pension support according to the legislation.

The veterans of military service, internal affairs organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection, the State Penitentiary Service of Ukraine, as well as their family members, have, on an equal level to other citizens, all the social and economic rights and freedoms consolidated by the Constitution of Ukraine, laws and other normative-legal acts of Ukraine.

If a basis in the legislation of Ukraine exists, veterans of military service, internal affairs organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine can also be declared war veterans and veterans of work.

Article 4. Support for the Implementation of Legislation on the Social Protection of Veterans of Military Service, Internal Affairs Organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine and their family members

Support for the implementation of this Law, other normative-legal acts concerning the social protection of the veterans of military service, internal affairs organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine is vested in Central Executive and local self-government bodies.

Article 4.1. Application of this Law

This Law is applied to the citizens of Ukraine who have the status of veterans of military service, internal affairs organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine who reside in the territory of Ukraine.

The rights and privileges stipulated by Article 6 of this Law may be provided to foreign citizens or to persons without citizenship who are related to the status of veterans of military service, internal affairs organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine, and who legally reside in the territory of Ukraine in accordance with the procedure and conditions stipulated by the international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine.

PART II. CONCEPT AND NATURE OF THE STATUS OF VETERANS OF MILITARY SERVICE, VETERANS OF INTERNAL AFFAIRS ORGANS, VETERANS OF NATIONAL POLICE, AND VETERANS OF THE STATE FIRE PREVENTION SERVICE

Article 5. Persons Who Are Declared Veterans of Military Service, Internal Affairs Organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine

The following citizens of Ukraine are declared veterans of military service, internal affairs organs, the National Police and the State Fire Prevention Service:

1. Those who did military service, served in internal affairs organs, are veterans of National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection or the State Penitentiary Service of Ukraine for 25 or more calendar years, or for 30 or more years for preferential calculation (no less than 20 years of which was the period of service in calendar calculation) and were transferred to the Military Reserve or resigned according to the legislation of Ukraine, the former USSR or CIS states;
2. Group I and II invalids whose invalidity developed due to an injury, contusion, mutilation or disease connected with the performance of military service duties, direct participation in anti-terrorist operation(s) while serving in the Military Reserve, or to the provision of support to the latter or public order guard duties; as well as to struggles against criminality or the alleviation of the consequences of emergencies;
3. Group I and II invalids whose invalidity developed due to a disease received during military service, service in internal affairs organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection or the State Penitentiary Service of Ukraine and which have a period of military service, service in internal affairs organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection or the State Penitentiary Service of Ukraine of 20 years or more;
7. Military pensioners conferred "the Veteran of the Armed Forces of the USSR" medal according to the legislation of the former USSR;
8. Those in military service for 20 or more calendar years or 25 or more years for preferential calculation, and who were discharged from military service due to the reformation of the Armed Forces of Ukraine.

Article 6. Social Protection for Veterans of Military Service, Internal Affairs Organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine and their family members

The following privileges are bestowed upon veterans of military service, internal affairs organs, the National Police and the State Fire Prevention Service:

1. The free use of public health establishments belonging to the Ministry of Defence of Ukraine, the Security Service of Ukraine, the Ministry of Internal Affairs of Ukraine, the State Service for Special Communication and Information Protection, the State Penitentiary Service of Ukraine and other Central Executives and military formations;
2. The priority right to the free purchase of medicine prescribed by doctors;
3. The priority right to medical examination, prophylactic medical examination and hospitalisation;
4. The priority right to free prosthetic dentistry (except for prosthetics using precious metals), artificial limbs and orthopaedic products;
9. The priority right to sanatorium treatment in the sanatoria of the Ministry of Defence of Ukraine, the Security Service of Ukraine, the Ministry of Internal Affairs of Ukraine, the State Service for Special Communication and Information Protection, the State Penitentiary Service of Ukraine and other Central Executives and military formations, with 25 percent of the cost paid for by the veteran of military service, internal affairs organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine, and 50 per cent by their family members;
10. A 50 percent discount for housing rent and public utilities (i.e. water supply, gas, electric, central heating, hot water and other services), the use of home phones by veterans of military service, internal affairs organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine, as well as family members living together with them in apartments of all forms of ownership within the limits of the norms stipulated by the legislation, or a 50 percent discount for fuel, including liquid fuel, within the limits of the norms established for persons living in homes without central heating;
11. Priority, but no later than one year after dismissal from military service or from service in internal affairs organs, the National Police or the State Fire Prevention Service and arrival to the place of chosen residence, taking into account the existing procedure of registration, provision of housing for persons requiring an improvement of living conditions, or the extraordinary granting of interest-free credit for individual housing (cooperative) buildings or the purchase of housing taking into account the norms of the accommodation established by the legislation per family, and its repayment in full at the expense of the Ministry of Defence of Ukraine, the State Border Service of Ukraine, the Security Service of Ukraine, the Ministry of Internal Affairs of Ukraine, the State Guard Administration of Ukraine and other Central Executives formed according to the laws of Ukraine on military formations, and also the provision of ground areas for building, as well as the right to their free reception in the property according to the procedure established by the Cabinet of Ministers of Ukraine.
 - Veterans of military service, who when dismissed handed over their homes (on military premises) to state organs, who have not been provided with other housing, and who reached the age 60 years or more, as well as the family members of deceased veterans of military service, are subject to out-of-turn housing provision.
 - The procedure for granting the veterans of military service, internal affairs organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine with interest-free credits for individual housing (cooperative) buildings, or for the purchase of housing, is established by the Cabinet of Ministers of Ukraine.
8. The right to free reception in the property occupied by them and their family members, irrespective of the size of its total ground floor, in houses of the state available housing fund;

9. Free travel and transportation of luggage by them and their family members when moving to the chosen place of permanent residence after dismissal according to the procedure determined by the Cabinet of Ministers of Ukraine and the international treaties of Ukraine;
10. Free travel (round trip) once a year within Ukraine by rail in a compartment of a fast or passenger train or by long-distance water or motor transport for treatment and rest in sanatoria and rest houses;
11. Free travel by all kinds of city passenger transportation (except for taxi), public motor transport in rural areas, and also by local railway, sailing transport and buses in Ukraine;
12. The priority right to purchase all types of transportation tickets;
13. The use of annual holidays in a place of work when it is convenient for them, and also the reception of additional holiday without preservation of wages up to 14 calendar days per year;
14. The right to the full duration of annual holidays prior to the six-month term of continuous work in the first year of work at the given enterprise, establishment or organisation;
15. The right to the priority preservation of the first place of employment taken on after dismissal due to a reduction in the numerical strength of staff;
16. The priority right to enter garages, gardens, houses and other cooperative Societies.

Article 7. Exercise of the Right to Privileges by Veterans of Military Service, Internal Affairs Organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine, and their family members

Alongside the privileges stipulated in this Law, veterans of military service, internal affairs organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine, as well as their family members, enjoy the privileges established for them in other normative-legal acts.

In case the right to the same privilege is stipulated by different normative-legal acts, this privilege is taken from the normative-legal act chosen by the veterans of military service, internal affairs organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine.

Widows (widowers) of dead (lost) veterans of military service, internal affairs organs, the National Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine, as well as the family members dependent on them, enjoy the privileges stipulated by Items 6-9 of Article 6 of this Law.

In case of the death of a veteran of military service, internal affairs organs, the National Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine, his (her) family, or the person who is performing the burial, is granted aid for conducting the funeral at the rate of a three-month salary of the died (lost), but no less than five times minimum wage. The specified aid is granted by military commissariats and other relevant organs in the place of residence of the veteran of military service, internal affairs organs, the National Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine at the expense of the means allocated in the State Budget of Ukraine on social protection for the population, itself given at the disposal of the relevant Central Executives and military formations.

Central Executives and institutions of local self-government and military commissariats are obliged to provide veterans of military service, internal affairs organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine with free legal aid on issues concerning the exercise of the rights determined by this Law.

Article 8. Deprivation of the Right to Privileges

Veterans of military service, internal affairs organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine, as well as their family members, lose the right to privileges when imprisoned.

PART III. FINAL PROVISIONS

Article 9. Financing the Expenditures Connected with the Implementation of the Present Law

The reimbursement of expenses connected with the implementation of this Law are carried out at the expense of the State Budget of Ukraine, with finances taken into account during budgetary transfer calculations, as well as from other sources not prohibited by the law.

Article 10. Awards and Decorations of Veterans of Military Service, Internal Affairs Organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine

Veterans of military service, internal affairs organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine are conferred awards and decorations.

Samples of awards, decorations and the procedure for their manufacture and conferment are determined by the Cabinet of Ministers of Ukraine.

Article 11. Public Organisations for Veterans of Military Service, Internal Affairs Organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine

According to the legislation of Ukraine, veterans of military service, internal affairs organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine can create public organisations whose activity is regulated by the Law of Ukraine "On Associations of Citizens".

Article 12. Liability for Infringement of the Legislation on the Status of Veterans of Military service, Internal Affairs Organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine

Persons guilty of infringing the legislation on the status of veterans of military service, internal affairs organs, the National Police, the Tax Police, the State Fire Prevention Service, the State Service for Special Communication and Information Protection and the State Penitentiary Service of Ukraine are accountable according to the legislation of Ukraine.

Article 13. The Procedure for the Implementation of the Law

1. This Law enters into force from the date on which the Law of Ukraine "On the State Budget of Ukraine for 1999" is enacted.
2. The normative-legal acts adopted before the present Law comes into force are applicable in part so as to not contradict this Law.
3. Within a month after the present Law comes into force, the Cabinet of Ministers of Ukraine is obliged to:
 - Submit proposals on introducing amendments to the laws of Ukraine apparent from this Law to the Verkhovna Rada of Ukraine;
 - To develop and bring their normative-legal acts into conformity with this Law;
 - To ensure Ministries and other Central Executives of Ukraine revise and cancel their normative-legal acts contradicting this Law.

President of Ukraine L.Kuchma
Kyiv, March 24, 1998 203/98-BP

Law of Ukraine “On the Status of War Veterans and Guarantees of Their Social Protection”

(*Bulletin of the Verkhovna Rada of Ukraine (BVR), 1993, 45, p. 425.*)

Enacted by the Resolution of the Verkhovna Rada of Ukraine No 3552-XII of 22.10.1993,
(*Bulletin of the Verkhovna Rada of Ukraine (BVR), 1993, 45, p. 426.*)

Includes changes made by the Laws:

- No 3898-XII of 01.02.94, BVR, 1994, No 20, p. 120;
- No 458/95-BP of 23.11.95, BVR, 1995, No 44, p. 329;
- No 488/95-BP of 22.12.95, BVR, 1996, No 1, p. 1;
- No 498/95-BP of 22.12.95, BVR, 1996, No 3, p. 11;
- No 608/96-BP of 17.12.96, BVR, 1997, No 8, p. 62;
- No 367-XIV of 25.12.98, BVR, 1999, No 24, p. 209;
- No 944-XIV of 14.07.99, BVR, 1999, No 38, p. 342;
- No 2349-III of 05.04.2001, BVR, 2001, No 22, p. 106;
- No 52-IV of 04.07.2002, BVR, 2002, No 35, p. 263;
- No 231-IV of 21.11.2002, BVR, 2002, No 52, p. 379;
- No 662-IV of 03.04.2003, BVR, 2003, No 27, p. 209;
- No 760-IV of 15.05.2003, BVR, 2003, No 30, p. 245;
- No 968-IV of 19.06.2003, BVR, 2003, No 45, p. 359;
- No 1109-IV of 10.07.2003, BVR, 2004, No 7, p. 52;
- No 1219-IV of 02.10.2003, BVR, 2004, No 10, p. 106;
- No 1770-IV of 15.06.2004, BVR, 2004, No 37, p. 450;
- No 2010-IV of 10.09.2004, BVR, 2005, No 1, p. 19;
- No 2202-IV of 18.11.2004, BVR, 2005, No 4, p. 98;
- No 2212-IV of 18.11.2004, BVR, 2005, No 4, p. 101;
- No 2285-IV of 23.12.2004, BVR, 2005, No 7-8, p. 162;
- No 2505-IV of 25.03.2005, BVR, 2005, No 17, 18-19;
- No 2878-IV of 08.09.2005, BVR, 2005, No 52, p. 564;
- No 2939-IV of 05.10.2005, BVR, 2006, No 4, p. 52;
- No 3174-IV of 01.12.2005, BVR, 2006, No 22, p. 181;
- No 3200-IV of 15.12.2005, BVR, 2006, No 14, p. 116;
- No 3235-IV of 20.12.2005, BVR, 2006, No 9, N 10-11, p. 96;
- No 3505-IV of 23.02.2006, BVR, 2006, No 33, p. 281;
- No 186-V of 21.09.2006, BVR, 2006, No 47, p. 461;
- No 489-V of 19.12.2006, BVR, 2007, No 7-8, p. 66;
- No 727-V of 13.03.2007, BVR, 2007, No 22, p. 295;
- No 818-V of 22.03.2007, BVR, 2007, No 25, p. 341;
- No 880-VI of 15.01.2009, BVR, 2009, No 25, p. 309;
- No 1254-VI of 14.04.2009, BVR, 2009, No 36-37, p. 511;
- No 1439-VI of 03.06.2009, BVR, 2009, No 42, p. 631;
- No 1760-VI of 15.12.2009, BVR, 2010, No 8, p. 62;
- No 2171-VI of 11.05.2010, BVR, 2010, No 31, p. 418;
- No 2756-VI of 02.12.2010, BVR, 2011, No 23, p. 160;
- No 5279-VI of 18.09.2012, BVR, 2013, No 36, p. 480;
- No 5286-VI of 18.09.2012, BVR, 2013, No 38, p. 499;
- No 5462-VI of 16.10.2012, BVR, 2014, No 6-7, p. 80;

No 5477-VI of 06.11.2012, BVR, 2013, No 50, p. 693;
No 284-VII of 21.05.2013, BVR, 2014, No 12, p. 181;
No 285-VII of 21.05.2013, BVR, 2014, No 12, p. 182;
No 1233-VII of 06.05.2014, BVR, 2014, No 26, p. 900;
No 1538-VII of 19.06.2014, BVR, 2014, No 32, p. 1127;
No 1547-VII of 01.07.2014, BVR, 2014, No 34, p. 1171;
No 1661-VII of 02.09.2014, BVR, 2014, No 43, p. 2031;
No 1697-VII of 14.10.2014, BVR, 2015, No 2-3, p. 12;
No 76-VIII of 28.12.2014, BVR, 2015, No 6, p.40;
No 175-VIII of 10.02.2015, BVR, 2015, No 14, p.97;
No 291-VIII of 07.04.2015, BVR, 2015, No 24, p.173;
No 425-VIII of 14.05.2015, BVR, 2015, No 30, p.271;
No 426-VIII of 14.05.2015, BVR, 2015, No 30, p.272;
No 715-VIII of 06.10.2015, BVR, 2015, No 47, p.435;
No 735-VIII of 03.11.2015, BVR, 2015, No 49-50, p.452;
No 901-VIII of 23.12.2015, BVR, 2016, No 4, p.44;
No 965-VIII of 02.02.2016, BVR, 2016, No 10, p.104;
No 967-VIII of 02.02.2016, BVR, 2016, No 10, p.105.

This Law determines the legal status of war veterans; provides for the creation of appropriate conditions for their life-support, and promotes the formation of societal respect for them.

PART I. GENERAL PROVISIONS

Article 1. Major Tasks of the Law

The law seeks to protect war veterans by the:

- Creation of appropriate conditions for ensuring their health and active longevity;
- Organisation of social and other kinds of service; the strengthening of the material base of the establishments created for this purpose and services, and the training of relevant experts;
- Fulfilment of special programmes for the social and legal protection of war veterans;
- Granting of privileges, advantages and social guarantees during their labour activity according to vocational training; taking into account their state of health.

Article 2. Legislation on the Status of War Veterans and Guarantees of their Social Protection

The legislation of Ukraine on the status of war veterans and their social guarantees includes this Law and other legislative acts of Ukraine.

The rights and privileges of war veterans and their family members previously established by the legislation of Ukraine or the former USSR cannot be cancelled without their equivalent replacement.

Any statutory acts of state power and local self-government bodies which limit the rights and privileges of war veterans stipulated by this Law are invalid.

Local councils, enterprises and organisations have the right to establish, at their own expense and using charitable receipts of additional guarantees, the social protection of war veterans.

Article 3. International Treaties of Ukraine

If the international treaties or agreements of Ukraine establish higher requirements for the protection of war veterans than those envisaged by the legislation of Ukraine, the norms of the international treaty or agreement are applied.

Article 3.1. Authority of The Central Executive Body Responsible for Executing State Policy in the Social Protection of the Disabled, War Veterans and Other Persons Under the Law of Ukraine "On the Status of War Veterans And Guarantees of Their Social Protection", Labour Veterans, Military Service Veterans, Retired Service Personnel and Victims of Nazi Persecution

The Central Executive Body responsible for executing state Policy in the field of social protection for disabled persons, war veterans and other persons under the Law of Ukraine "On the Status of War Veterans and Guarantees of Their Social Protection", labour veterans, military service veterans, retired service personnel and victims of Nazi persecution:

- Submits a proposal to the Central Executive Body responsible for the formation of state policy in the area of labour relations and social protection for the allocation of lifetime state stipends for participants who performed combat actions during the Great Patriotic War of 1941-1945, and lifetime state personal stipends for citizens of Ukraine who were persecuted for their work on protecting human rights;
- Takes measures to provide for the return of former prisoners of war to the Fatherland, to search for those who are/were missing in action during wars and local conflicts while performing military service duties; takes part in resolving issues relating to the social and professional reintegration of former prisoners of war who returned to the Fatherland;
- Organises the preparation and celebration of state holidays, memorial dates, and at the state level, the celebration of international days devoted to the disabled, veterans, retired military service personnel and victims of Nazi persecution;
- Provides for cooperation between organs of state power, civic organisations and enterprises on issues relating to the search, accounting, restoration and preservation of burial sites for military and war victims on the territory of Ukraine and other states;
- Takes part in organising the publication of books, memoirs, fiction and audio-visual works; creating museums, memorials and expositions; conducting research projects devoted to immortalising the memory of the defenders of the Motherland and the victims of wars;
- Exercises other powers as stipulated by the laws and specifically designated by acts of the President of Ukraine.

PART II. CONCEPT AND NATURE OF THE STATUS OF WAR VETERANS AND PERSONS THIS LAW IS APPLICABLE TO

Article 4. War Veterans

War veterans are persons who took part in the protection of Ukraine or who took part in operations in the territory of other states.

The following are considered to be war veterans: participants of combat operations, the combat-disabled and participants of war.

Article 5. Participants of Combat Operations

Participants of combat operations are persons who participated in the fulfilment of battle tasks concerning the protection of Ukraine in the structure of military units, troop formations, associations and branches of the Armed Forces in a field army (fleet), in partisan detachments and underground organisations, as well as other war and peacetime formations (the list of departments in the structure of the field army is established by the Cabinet of Ministers of Ukraine).

Article 6. Persons Considered Participants of Combat Operations

The following are considered to be participants of combat operations:

- 1) Service personnel who served in military detachments, units, army headquarters and establishments that formed part of a field army during the civil and Great Patriotic War, during other battle operations concerning the protection of Ukraine, as well as members of partisan and underground organisations involved in the civil war and World War II;
- 2) Participants of combat operations in the territory of other countries—service personnel of the Soviet Army, the Navy, the Committee of State Security, privates, command personnel and service personnel of the Ministry of Internal Affairs of the former USSR (including military, technical experts and advisers), and employees of the relevant categories, who, upon the decision of the government

of the former USSR served, worked or were on a business trip in states where operations took place during this period, and who participated in operations or supported the battle activity of troops (fleet).

- Service personnel of the Armed Forces of Ukraine, the Security Service of Ukraine and the Foreign Intelligence Service; as well as policemen, privates, command personnel and service personnel of the Ministry of Internal Affairs of Ukraine and of other military formations created by the Verkhovna Rada of Ukraine, who, upon the decision of the relevant state organs, were directed to fulfil international peacekeeping missions or to commence business trips in states where operations took place during this period.
 - The list of states specified in this Item, the periods of operation and the categories of employees are determined by the Cabinet of Ministers of Ukraine;
- 3) Service personnel, privates and commanding personnel of the organs of the Ministry of Internal Affairs and the Committee of State Security of the former USSR, who during World War II served in cities participating in the defence of which is included in the term of duty for fixing pensions on preferential terms established for the service personnel of field army units;
 - 4) Civilian personnel of the armed forces, troops and organs of the Ministry of Internal Affairs and the Committee of State Security of the former USSR who held established posts in military detachments, units, army headquarters and establishments that formed part of a field army during World War II, as well other periods during the conduct of operations, or who during these periods were in cities of which participation in its defence is included in the term of duty for fixing pensions on preferential terms established for the service personnel of field army units;
 - 5) Former service personnel, civilian personnel, and former fighters of fighting battalions, platoons and detachments of public protection and other formations that participated directly in battle operations concerning the liquidation of subversive and terrorist detachments of fascist Germany and other unlawful formations and detachments in the territory of the former USSR;
 - 6) Employees of special formations of the National Commissariat of Communication Facilities, the National Commissariat of Communications, the National Commissariat of Public Health Services, fleet personnel for industrial and transport vessels and flight personnel for aircraft of the National Commissariat of Fishing Industry of the former USSR, as well as sea and river fleets, and flight personnel for aircraft of the Central Administrative Board of the Northern Seaway, who during World War II were transferred to the position of commissioned personnel of the Red Army and who performed tasks in the interests of the army and fleet within the limits of the administrative borders of working fronts or operative zones of working fleets, and also crew members of transport fleet vessels that were captured in the ports of fascist Germany on June 22, 1941, in infringement of the Convention on the position of enemy trading vessels during the commencement of hostilities (the Hague, 1907);
 - 7) Persons who during World War II belonged to elements and units of a field army and fleet as sons, cadets of regiments and sea cadets before reaching the majority age;
 - 8) Persons who participated in operations against fascist Germany and its allies in World War II in the territory of other states in the structure of armies allied to the former USSR, partisan detachments, underground detachments and other anti-fascist formations;
 - 9) Cultural service employees who during World War II or during operations conducted in other states performed tasks for the soldiers of field armies, fleets, military formations and contingents;
 - 10) Persons who from the period of September 8, 1941, until January 27, 1944, worked in enterprises, institutions and organisations of Leningrad and were conferred a medal "For defence of Leningrad"; persons conferred a sign "To the Inhabitant of the blockade of Leningrad"; as well as persons who from October 30, 1941, until July 4, 1942, took part in defence of the city of Sevastopol and who were conferred a medal "For defence of Sevastopol";

- 11) Persons who were involved as members of demining groups and assisted in demining lands and installations on the territory of Ukraine, as well as demining personnel who participated in the sweeping of battlefield mines in territorial and neutral waters during military and post-war periods;
- 12) Minors who were called up or volunteered in the Soviet Army and Navy during the military call-ups of 1941-1945;
- 13) Reservists called up for refresher courses and sent to Afghanistan during operations conducted there;
- 14) Service personnel of transport battalions who went to Afghanistan to deliver cargo during operations conducted there;
- 15) Aviation service personnel who performed battle tasks in Afghanistan from the territory of the former USSR;
- 16) Fighters of the Ukrainian insurgent army who participated in operations against fascist aggressors on the temporarily occupied territory of Ukraine in 1941-1944, who did not commit crimes against peace and humanity and who were rehabilitated according to the Law of Ukraine "On Rehabilitation of the Loss of Political Reprisals in Ukraine";
- 17) Service personnel and persons who were enlisted to local air defence units of the National Commissariat of Internal Affairs of the former USSR and who participated directly in repelling enemy raids and mitigating the consequences of bombings and artillery barrages that were conducted by specially formed units. Former minors (who at the moment of imprisonment did not attain 16 years) who were prisoners in concentration camps, ghettos and other places of detention created by fascist Germany and its allies during World War II, as well as children who were born in the specified places of compulsory detention, are considered equal to the participants of combat operations;
- 18) Persons who were enlisted to the people's militia and participated in combat actions during the Great Patriotic War;
- 19) Military service personnel (i.e. reservists and persons liable for military duty) and civilians of the Armed Forces of Ukraine, the National Guard of Ukraine, the Security Service of Ukraine, the Foreign Intelligence Service of Ukraine, the State Border Service of Ukraine, the State Special Transportation Service, servicemen of military procuracy, privates and commanding personnel of the units of operational support for the zones of anti-terrorist operations from the Central Executive Body responsible for state tax and customs policy, as well as policemen, privates and commanding personnel, service personnel and civilian personnel of the Ministry of Interior of Ukraine, the State Guard Directorate of Ukraine, the State Service for Secure Communication and Information Protection of Ukraine and other military formations, which were created according to the laws of Ukraine and which directly participated in anti-terrorist operations, in particular those who provided direct support for operations in the areas where they were conducted, as well as the personnel of enterprises, institutions and organisations that were involved and directly participated in anti-terrorist operations in the areas where they were conducted according to the established procedure.

The procedure for providing persons indicated in paragraph one of this clause with the status of a participant of combat operations; for deciding the categories of these persons and the dates of their participation (e.g. providing support) in anti-terrorist operations, as well as the areas of anti-terrorist operations shall be determined by the Cabinet;

12. Persons in volunteer formations that were established or self-organised for defence of the independence, sovereignty and territorial integrity of Ukraine who immediately took part in anti-terrorist operations and their support, and who stayed in the area of the anti-terrorist operation while it was conducted, provided that thereafter such volunteer formations were incorporated into the Armed Forces of Ukraine, the Ministry of Internal Affairs of Ukraine, the National Guard of Ukraine or other military formations and law enforcement bodies established in accordance with the laws of Ukraine.

The procedure for granting the status of former combatants to persons referred to in the first Paragraph of this Item; the categories of such persons; the terms of their participation in anti-terrorist operations or their support, as well as the areas of the anti-terrorist operation shall be determined by the Cabinet of Ministers of Ukraine.

Article 7. Persons Considered to be War-Disabled

Persons considered to be war-disabled are service personnel of field armies and fleets, members of partisan or underground organisations; workers who became disabled due to an injury, contusion, mutilation or illness received during the protection of Ukraine, the performance of military service duties (official duties) or in connection with frontline service in partisan detachments and troop formations, underground organisations and detachments and other formations recognised by the legislation of Ukraine; as well as in battle areas, the front-lines of railways; and those who assisted in building defence boundaries, Navy bases and airfields during the civil war and World War II or during participation in peacetime operations.

The following persons with disabilities are also considered war-disabled:

- 1) Service personnel, civilian personnel who became disabled due to an injury, contusion, mutilation or illness received during the protection of Ukraine, the performance of military service connected with frontline service during other periods, with the mitigation of the consequences of the Chernobyl disaster, nuclear catastrophes, nuclear-weapon tests, or with participation in military nuclear warfare exercises or other injuries from nuclear materials;
- 2) Privates and commanding personnel of the organs of the Ministry of Internal Affairs and the Committee of State Security of the former USSR, the Ministry of Internal Affairs of Ukraine, the Security Service of Ukraine, the Foreign Intelligence Service and other military formations who became disabled due to an injury, contusion, mutilation or illness received on duty, while mitigating the consequences of the Chernobyl disaster, nuclear catastrophes, nuclear-weapon tests, participating in military nuclear warfare exercises, or other injuries from nuclear materials;
- 3) (Clause 3 of Part 2 of Article 7 is excluded under the Law No 2256-IV of 16.12.2004);
- 4) Persons who became disabled due to injuries or damage to health received in the battle areas of World War II operations or from explosives, ammunition and military arms in the post-war period, or during the demining of World War II munitions, irrespective of when the demining took place;
- 5) Persons who became disabled due to military activities in the civil war and World War II, or who became disabled at a minor age due to the civil and Great Patriotic War for the reasons specified in military and post-war years;
- 6) Service personnel, civilian personnel, and former fighters of fighting battalions, platoons and detachments of public protection and other persons who directly participated in combat operations concerning the liquidation of subversive and terrorist detachments and other unlawful formations in the territory of the former USSR, and who became disabled due to an injury, contusion or mutilation received on duty in these battalions, platoons and detachments from the period of June 22, 1941, until December 31, 1954;
- 7) Participants in combat operations in the territory of other states who became disabled due to an injury, contusion, mutilation or illness connected with service in these states;
- 8) Participants in combat operations during World War II and war with Japan, and minors who were called up or volunteered for the Soviet Army and Navy during the military call-ups of 1941-1945 and who became disabled due to systemic illness or an illness received during military service or service in law enforcement organs, state security, or other military formations;
- 9) Persons in the formations of the civil defence who become disabled due to an illness connected with mitigation of the consequences of the Chernobyl disaster;
13. Persons who became disabled as a result of a wound, maim, blast injury or other health impairment resulting from participation in mass public protests in Ukraine from 21 November 2013 till 21

February 2014 for European integration and against the regime of Yanukovych (hereinafter—the Revolution of Dignity), and who applied for medical assistance in the period from 21 November 2013 till 30 April 2014.

- Paragraph one of this Item shall not apply to militiamen, persons who served in special law enforcement bodies, military servants of internal troops, the Armed Forces of Ukraine and other military formations who became disabled as a result of a wound, maim, blast injury or other health impairment resulting from the performance of official duties related to the events of the Revolution of Dignity.
 - The participation of the persons referred to in the first Paragraph of this Item in the Revolution of Dignity, as well as the way in which their wounds, maim, blast injury or other health impairments occurred during the Revolution of Dignity shall be ascertained in accordance with the procedure established by the Cabinet of Ministers of Ukraine.
 - The connection of a disability with wounds, maims, a blast injury or other health impairments obtained by the persons referred to in the first Paragraph of this Item during participation in the Revolution of Dignity shall be established following a medical-social expert examination in accordance with the procedure established by the Cabinet of Ministers of Ukraine.
 - The procedure for granting the status of a disabled war veteran to the persons referred to in the first Paragraph of this Item shall be determined by the Cabinet of Ministers of Ukraine;
- 11) Military servants (i.e. reservists and persons liable for conscription to military service) and employees of the Armed Forces of Ukraine, the National Guard of Ukraine, the Security Service of Ukraine, the Foreign Intelligence Service of Ukraine, the State Border Service of Ukraine, the State Special Transport Service; military servants of military prosecution offices, men and officers of operational support units in the areas of anti-terrorist operations of the Central Executive Body implementing state tax and customs policy; as well as policemen, men and officers, military servants, employees of the Ministry of Internal Affairs of Ukraine, the State Guards Service of Ukraine, the State Service of Special Communications and Protection of Information of Ukraine, the State Service of Ukraine for Emergencies, the State Penitentiary Service of Ukraine and other military formations established in accordance with the laws of Ukraine, who defended the independence, sovereignty and territorial integrity of Ukraine and who became disabled as a result of a wound, blast injury or maim obtained during immediate participation in anti-terrorist operations and their support, and who stayed in the area of the anti-terrorist operation while it was conducted; as well as employees of enterprises, institutions and organisations who were engaged in support for the anti-terrorist operation and were disabled as a result of a wound, blast injury or maim obtained while supporting the anti-terrorist operation in its area while it was conducted;
- 12) Persons who became disabled as a result of a wound, blast injury or maim obtained during immediate participation in anti-terrorist operations and their support, and who stayed in the area of the anti-terrorist operation while it was conducted as members of volunteer formations that were established or self-organised for the defence of the independence, sovereignty and territorial integrity of Ukraine, provided that thereafter such volunteer formations were incorporated into the Armed Forces of Ukraine, the Ministry of Internal Affairs of Ukraine, the National Police, National Guard of Ukraine and other military formations and law enforcement bodies established in accordance with the laws of Ukraine;
- 13) Persons who became disabled as a result of a wound, blast injury or maim obtained during immediate participation in anti-terrorist operations and their support, and who stayed in the area in which it was conducted as members of volunteer formations that were established or self-organised for the defence of the independence, sovereignty and territorial integrity of Ukraine, but thereafter such volunteer formations were not incorporated into the Armed Forces of Ukraine, the Ministry of Internal Affairs of Ukraine, the National Police, the National Guard of Ukraine and other military formations and law enforcement bodies established in accordance with the laws of Ukraine;

of Ukraine, and who performed anti-terrorist operations in cooperation with the Armed Forces of Ukraine, the Ministry of Internal Affairs of Ukraine, the National Police, the National Guard of Ukraine and other military formations and law enforcement bodies established in accordance with the laws of Ukraine.

The grounds for granting the status of disabled war veteran to the persons referred to in the first Paragraph of this Item shall include (but are not limited to):

- a) An application for granting the status of a disabled war veteran from the leader of the volunteer formation in which the person in question served. The application shall be accompanied with documents confirming the participation of the person in anti-terrorist operations, or written testimonies of at least two witnesses who live together with the person in question claiming that such a person took part in an anti-terrorist operation, as long as these persons have the status of former combatants, disabled war veterans, or war veterans in accordance with this Law;
 - b) A certificate from the head of the Anti-terrorist Centre at the Security Service of Ukraine, or from the General Staff of the Armed Forces of Ukraine of the volunteer formation performing anti-terrorist operations in cooperation with the Armed Forces of Ukraine, the Ministry of Internal Affairs of Ukraine, the National Police, the National Guard of Ukraine and other military formations and law enforcement bodies established in accordance with the laws of Ukraine, and who stayed in the area of the anti-terrorist operation while it was conducted;
 - c) A certificate from a medical-social expert board about the group of disability and the reason for it.
- 14) Persons who voluntarily supported (or voluntarily engaged in support for) anti-terrorist operations (including volunteering) and were disabled as a result of a wound, blast injury or maim obtained while supporting anti-terrorist operations (including volunteering), and who stayed in the area of the anti-terrorist operation while it was conducted.

The procedure for the provision of the war status of invalid to the persons indicated in clauses 11-14 of part two of this Article are established by the Cabinet of Ministers.

Article 8. War Participants

The participants of war are considered to be service personnel who performed military service during war in the armed forces of the former USSR, workers on the home front, as well as other persons stipulated by this Law.

Article 9. Persons Who are War Participants

The following are considered war participants:

- 1) Service personnel who performed military service in the armed forces, troops and organs of the Ministry of Internal Affairs, the Committee of State Security of the former USSR or in allied armies during World War II and the 1941-1945 war with Imperial Japan, or who studied during this period in military schools, schools and training courses;
- 2) Persons who during World War II and the 1941-1945 war with Imperial Japan, worked on the home front at enterprises, institutions, organisations, collective farms, state farms, individual agriculture; who assisted in building defence boundaries, or in accumulating fuel, products and cattle; and who studied during this period in vocational, railway schools, factory training schools and other establishments that provide vocational training, courses on vocational training, or during training at schools, secondary and higher special education establishments, or who worked in the national economy on the restoration of installations of economic and cultural importance.

War participants are considered to be persons who during World War II worked on territories which after 1944 formed part of the former USSR, as well as citizens sent by the state organs of the former USSR to work in allied states. Persons who were born up to December 31, 1932, and who for valid reasons did not have the opportunity to submit documents confirming that they worked during the war are granted the status of a war participant upon proposals from the relevant commissions according to the procedure determined by the Cabinet of Ministers of Ukraine. Persons who were born after December 31, 1932, are

only granted the status of war participant if documents and other proofs confirming that they worked during the war are present. War participants who were conferred awards and medals by the former USSR for self-denying work and faultless military service on the home front during World War II and war with imperial Japan;

- 3) Members of detachments of self-defence and recovery teams of local air defence, and the national home guard which operated during World War II;
- 4) Persons who served during World War II in the army and fleet as sons, cadets of regiments and sea cadets before attaining the majority age;
- 5) (Clause 5 of Article 9 is excluded as provided by the Law No 2256-IV of 16.12.2004)
- 6) Employees a contractual basis who went to work in states where operations (including in the Republic of Afghanistan for the period since December 1, 1979, until December 1989) were conducted, and who were not part of the limited contingent of Soviet troops;
- 7) The wives (husbands) of service personnel who worked for a wage in the states specified in Item 6 of this Article during operations conducted in them and who did not form part of the limited contingent of Soviet troops;
- 8) Persons who during 1941-1945 in World War II served sentences in places of imprisonment, or who were deported but rehabilitated according to the current legislation of Ukraine and the former USSR;
- 9) (Clause 9 of Article 9 is excluded as provided by the Law No 2256-IV of 16.12.2004);
- 10) Persons who during World War II voluntarily rendered material, financial or other help to military units, hospitals, partisan detachments, underground detachments, other formations and individual service personnel in their struggle against fascist aggressors under stipulation of the confirmation of these facts;
- 11) Persons who after September 9, 1944, were moved to the territory of Ukraine from other countries;
- 12) Persons who during the defence of Sevastopol from October 30, 1941, to July 4, 1942, lived in its territory. The cards "Inhabitant of besieged Sevastopol of 1941-1942" and "Junior defender of Sevastopol of 1941-1942" may be recognised as proof of residency on the territory of besieged Sevastopol, along with certificates, witness statements and other documents, which shall be submitted to commissions indicated in the third paragraph of clause 2 of this Article;
14. The employees of enterprises, institutions and organisations who were engaged and immediately took part in support for anti-terrorist operations, and who remained in the area of the anti-terrorist operation while it was conducted, in accordance with the procedure established by the law.

The procedure for granting the status of war veteran to the persons referred to in the first Paragraph of this Item; the categories of such persons and the terms of their participation in support for the anti-terrorist operation, as well as the areas of the anti-terrorist operation shall be determined by the Cabinet of Ministers of Ukraine.

Article 10. Persons This Law is Applicable to

This Law is applicable to:

- 1) The family members of service personnel, partisans, members of underground organisations, participants of combat operations in the territory of other states; persons equal to them—as specified in Articles 6 and 7 of this Law—who were lost (reported missing) or died as a result of wounds or mutilations received due to an injury received during the protection of Ukraine or the performance of other military service duties (official duties), or to an illness connected with service on the front-lines or received during military service or in the territory of other states during military activities and conflicts;
- 2) The family members of service personnel, privates and commanding personnel called up for the periodical training of reservists of the Ministry of Defence, law enforcement organs and organs of state security of the former USSR, and who were lost (died) during the fulfilment of tasks on guarding public order during emergencies connected with public disorder;

- 3) The family members of those lost during World War II from among detachments of self-defence and recovery teams of local air defence; the family members of employees of hospitals and other medical facilities killed during fighting;
- 4) The family members of privates and commanding personnel of law enforcement organs of Ukraine who died as a result of wounds, contusions or mutilations received during participation in anti-terrorist operations while defending the independence, sovereignty and territorial integrity of Ukraine;
- 5) The family members of persons who voluntarily supported (or voluntarily engaged to support) anti-terrorist operations (including volunteering) and were killed (missing in action) or died as a result of a wound, blast injury or maim obtained while supporting anti-terrorist operations (including volunteering), and who remained in the area of the anti-terrorist operation while it was conducted;
- 6) The family members of persons, who, while staying with volunteer formations that were established or self-organised for defence of the independence, sovereignty and territorial integrity of Ukraine, were killed (missing in action) or died as a result of a wound, blast injury or maim obtained during immediate participation in anti-terrorist operations and their support; and who remained in the area of the anti-terrorist operation while it was conducted, provided that thereafter such volunteer formations were incorporated into the Armed Forces of Ukraine, the Ministry of Internal Affairs of Ukraine, the National Guard of Ukraine and other military formations and law enforcement bodies established in accordance with the laws of Ukraine;
- 7) The family members of persons, who, while staying with volunteer formations that were established or self-organised for defence of the independence, sovereignty and territorial integrity of Ukraine, but which thereafter were not incorporated into the Armed Forces of Ukraine, the Ministry of Internal Affairs of Ukraine, the National Guard of Ukraine and other military formations and law enforcement bodies established in accordance with the laws of Ukraine, were killed (missing in action) or died as a result of a wound, blast injury or maim obtained while such volunteer formations performed anti-terrorist operations in cooperation with the Armed Forces of Ukraine, the Ministry of Internal Affairs of Ukraine, the National Guard of Ukraine and other military formations and law enforcement bodies established in accordance with the laws of Ukraine, and who remained in the area of the anti-terrorist operation while it was conducted;
- 8) The family members military servants (i.e. reservists and persons liable to conscription for military service) and employees of the Armed Forces of Ukraine, the National Guard of Ukraine, the Security Service of Ukraine, the Foreign Intelligence Service of Ukraine, the State Border Service of Ukraine, the State Special Transport Service; military servants of military prosecution offices, men and officers of operational support units for the anti-terrorist operations of the Central Executive Body implementing state tax and customs policy; as well as policemen, men and officers, military servants, employees of the Ministry of Internal Affairs of Ukraine, the State Guards Service of Ukraine, the State Service of Special Communications and Protection of Information of Ukraine, the State Service of Ukraine for Emergencies, the State Penitentiary Service of Ukraine and other military formations established in accordance with the laws of Ukraine that defended the independence, sovereignty and territorial integrity of Ukraine and immediately took part in anti-terrorist operations and their support, and who remained in the area of the anti-terrorist operation while it was conducted, and who were killed (missing in action) or died as a result of a wound, blast injury or maim obtained during immediate participation in anti-terrorist operations and their support, and who remained in the area of the anti-terrorist operation while it was conducted, as well as the family members of employees of enterprises, institutions and organisations who were engaged in support for anti-terrorist operations and who were killed (missed in action) or died as a result of a wound, blast injury or maim obtained while supporting the anti-terrorist operation in its area while it was conducted;

The procedure for granting the status of a person covered by this Law to persons referred to in paragraphs five through eight of this Item shall be established by the Cabinet of Ministers of Ukraine.

The grounds for granting the status of a family covered by this Law to the persons referred to in the seventh Paragraph of this Item shall include (but are not limited to):

- a) An application for granting the status of a person covered by the Law of Ukraine "On Status of War Veterans, Guarantees of Their Social Protection" from the leader of the volunteer formation where the person who was killed (missing in action) or died previously served. The application shall be accompanied with documents or written testimonies of at least two witnesses from among persons who together with such persons took part in anti-terrorist operations and have the status of former combatants, disabled war veterans, or war veterans in accordance with this Law, confirming participation of the person who was killed (missing in action) or died in the anti-terrorist operation;
- b) A certificate from the head of the Anti-terrorist Centre at the Security Service of Ukraine, or from the General Staff of the Armed Forces of Ukraine of the volunteer formation performing anti-terrorist operations in cooperation with the Armed Forces of Ukraine, the Ministry of Internal Affairs of Ukraine, the National Guard of Ukraine and other military formations and law enforcement bodies established in accordance with the laws of Ukraine, and who remained in the area of the anti-terrorist operation while it was conducted;
- c) A conclusion of a medical-social expert board concerning the connection of the death of the deceased person with his or her participation in the anti-terrorist operation in question; family members who were killed or died as a result of a wound, maim, blast injury or other health impairment obtained during participation in the Revolution of Dignity.

Paragraph fourteen of this Item shall not apply to the families of militiamen and to persons who served in special law enforcement bodies; nor to military servants of the internal troops, the Armed Forces of Ukraine and other military formations, who were killed or died as a result of a wound, maim, blast injury or other health impairment obtained during the performance of official duties related to the Revolution of Dignity.

Family members of lost (reported missing) service personnel, partisans and other persons specified in this Article are considered to be:

- Dependents of the disadvantaged or persons reported missing who are granted a pension in this regard;
- Parents;
- One of the spouses who remained single, irrespective of whether or not he or she receives a pension;
- Children who do not have (and have never had) families;
- Children with families, but who became disabled before reaching adulthood;
- Children of whom both parents were lost or reported missing.

1. Wives (husbands) of the deceased disabled of World War II, as well as the wives (husbands) of the deceased participants of war and battle operations, partisans and members of underground organisations recognised during their lifetime as disabled due to a systemic illness, mutilation or other reasons, and who remained single.

This Article is applicable to the wives (husbands) of the deceased disabled of war, participants of combat operations, partisans, members of underground organisations and participants of war who were conferred awards and medals by the former USSR for self-denying work and faultless military service recognised during their disabled lifetime, irrespective of the time of death of the person with disabilities.

2. Wives (husbands) who remained single; parents, minor children of the deceased participants of war and battle operations, partisans and members of underground organisations who served in military units, headquarters and institutions of combat troops in the period of the Great Patriotic War of 1941-1945 and war of 1938, 1939, and 1945 with Imperial Japan, and who were awarded state awards, orders and medals by the former USSR for their combat actions (except for the jubilee);

3. Children of the deceased participants of combat operations who study at residential courses in educational institutions of I-IV levels of accreditation and professional-technical schools until they graduate from these institutions, but no longer than till they reach the age of 23.

Article 11. Persons Having Special Merits for Ukraine

Persons with special merits for Ukraine are considered to be those awarded the Order of Sky Hundred Heroes, the Heroes of the Soviet Union, the full knights of the award of Glory; persons conferred four or more medals "For courage", as well as those awarded with the rank of Heroes of Socialist Work for their work during World War II of 1941-1945.

PART III. PRIVILEGES TO WAR VETERANS AND GUARANTEE OF THEIR SOCIAL PROTECTION

Article 12. Privileges for Participants of Combat Operations and for Persons Equal to Them

The following privileges are given to participants of combat operations (Articles 5-6):

- 1) Free medication prescribed by doctors;
- 2) The priority right to free prosthetic dentistry (except for prosthetics using precious metals);
- 3) Free annual sanatorium treatment, and compensation for the cost of independent sanatorium treatment;
- 4) A 75 per cent housing (rent) discount within the limits of the norms stipulated by the current legislation (21 square meters of the total area of housing for each person permanently living in housing (house) with the right to the discount; in increments of 10.5 square meters per family);
- 5) A 75 per cent discount for public utilities (i.e. gas, electricity and other services) and for liquefied gas for utility needs within the limits of the average norms of consumption.

The area included in the housing discount is calculated at central heating charges of 21 square meters of the heating area of each person permanently living in the housing (house) with the right to the discount, and in increments of 10.5 square meters per family.

For families consisting only of disabled persons, the 75 per cent discount for the use of gas for heating the home for double the size of the standard heating area is provided (42 square meters per each person with the right to the discount, and 21 square meters per family);

- 6) A 75 per cent discount on the cost of fuel, including liquid, within the limits of the norms established for the population of persons who live in houses without central heating;
- 7) Free travel by all forms of city passenger transportation, local motor transport, suburban railway and buses within the limits of the oblast (the Autonomous Republic of Crimea) of residence;
- 8) The use during retirement (irrespective of the time of retirement) or change of the place of work of the polyclinics and hospitals to which they have been attached to in a former place of work;
- 9) Annual medical examination and prophylactic medical examination with the engagement of necessary experts;
- 10) Priority service in treatment-and-prophylactic establishments, drugstores and priority hospitalisation;
- 11) Payment of the temporary disability allowance at a rate of 100 per cent of average wages irrespective of the record of service;
- 12) Use of the next annual holiday during a convenient time for them, as well as the reception of additional holidays without the loss of wages for two weeks a year;
- 13) The priority right to preserve their place of employment in connection with a reduction in the numerical strength of employees or with changes in the organisation of manufacture and work, as well as the priority right to future employment in case the enterprise, establishment or organisation is liquidated;
- 14) The priority provision for accommodation for persons requiring an improvement in living conditions, and the allocation of plots for single-family home construction, gardening and commercial farming, as well as the priority repair of apartment houses and apartments of these persons and their provision with fuel.

Persons who have received a wound, contusion or mutilation during participation in operations or during the performance of military service duties are provided with accommodation, including housing expenses

transferred by the Ministries, other Central Organs of Executive Power, enterprises, institutions and organisations to local councils and state administrations according to the established procedure within two years from the date of registration on the waiting list;

- 15) Reception of a loan for the construction of individual (cooperative) houses, with its repayment within 10 years beginning from the fifth year after the completion of the construction, and the receipt of the loan for building, the purchase of country houses, and the development of garden sites;
- 16) The priority right to enter a building (housing) cooperatives, a cooperative in buildings and to operate collective garages; as well as vehicle parking and vehicle maintenance, gardening utilities, and the purchase of materials for the construction of single-family and garden homes;
- 17) Free travel in alternate years (two-way) by railway, water, air or long-distance motor transport, irrespective of the availability of railway communication, or travel once a year (two-way) by the specified types of transport with a 50 per cent discount;
- 18) Exemption from taxes, collections, fees and other payments to the budget as stipulated in tax and customs legislations;
- 19) Out-of-turn use of all communication services and out-of-turn installation on preferential terms of home phones (payment at the rate of 20 per cent of tariffs of the cost of the wires and 50 per cent for additional works). The subscription payment for phone use is established at the rate of 50 per cent of the approved tariffs;
- 20) Priority service by enterprises, establishments and organisations of consumer services, public catering, housing and communal services, and long-distance transportation;
- 21) Extraordinary enrolment into institutions for the social protection of the population, as well as service by social protection of the population in-home services. In case the rendering of a such service is not possible, the establishments for the social protection of the population refund the expenditures connected with care of the war veteran according to the procedures established by current legislation;
- 22) Participants of combat operations in the territory of other states have the right to a hors concours entry to higher education establishments and the priority right to enter professional education establishments at the normal rates.

Privileges on a payment for housing, public utilities and fuel stipulated by Items 4-6 of this Article are given to participants in combat operations and to their family members living together with them, irrespective of the kind of housing or its form of ownership.

The area of housing subject to the 75 per cent discount stipulated by Items 4 and 5 of part One of this Article is determined to the greatest possible size within the limits of the total area of housing (house) according to the norms of consumption established by these Items, irrespective of the presence of persons without the rights to a payment discount in the structure of family. If, in the structure of the family, there are persons with the right to a discount at a lower rate than 75 per cent, the 75 per cent discount is the first to be charged in the greatest possible size.

Participants of combat operations have their pensions, monthly lifelong cash allowance, or state social assistance (paid instead of a pension) increased at the rate of 25 per cent of the survival level for disabled persons.

Until May 5 each year, the replacement of cash benefits at the rate approved by the Cabinet of Ministers within budgetary appropriations is paid to participants of combat operations.

After reaching the age of 85 years or more, participants of combat operations during the Great Patriotic War 1941-1945 and the 1945 war with Imperial Japan shall be provided with benefits stipulated by Article 13 of this Law for those war-disabled persons belonging to Group I.

The state shall provide targeted support for vocational and higher education in state and municipal education establishments to former combatants referred to in Item 19, part One of Article 6 of this Law, as well as to their children, including children who are full-time students of vocational and higher education establishments – till graduation from education establishments, but not after 23 years of age.

Targeted state support for vocational and higher education shall be provided in the form of:

- Full or partial payment for study at the expense of state and local budget funds;
- Preferential long-term credits for education;
- Social scholarship;
- Free provision of textbooks;
- Free access to the internet and database systems in state and municipal education establishments;
- Free hostel accommodation;
- Other measures approved by the Cabinet of Ministers of Ukraine.

The procedure and conditions for the provision of targeted state support for vocational and higher education to the mentioned categories of citizens shall be determined by the Cabinet of Ministers of Ukraine.

For persons referred to in Items 11-14, part Two of Article 7 of this Law, one-time monetary assistance shall be fixed and paid at the expense of the State Budget funds in connection with the establishment of disability in the amount specified in sub-item "b", Item 1, Article 16-2 of the Law of Ukraine "On Social and Legal Protection of Military Servants and Their Family Members". If in connection with the establishment of disability, a person is simultaneously entitled to the one-time monetary assistance stipulated by this part, and to one-time monetary assistance in accordance with other laws of Ukraine, such payment shall be effected on one of the grounds at the discretion of such a person. The procedure for establishing (the amount) and for paying the one-time monetary assistance package shall be established by the Cabinet of Ministers of Ukraine.

Article 13. Privileges to the War-Disabled

The following privileges are given to war-disabled and persons equal to them (Article 7):

- 1) Free medication prescribed by doctors;
- 2) Out-of-turn free prosthetic dentistry (except for prosthetics using precious metals), artificial limbs and orthopaedic products;
- 3) Free extraordinary annual provision with annual sanatorium treatment with compensation for the cost of return travel to sanatoriums.

The war-disabled who participated directly in combat actions during the Great Patriotic War or during war with Japan are provided with the priority right to sanatorium treatment.

The procedure for providing sanatorium treatment and for compensating its costs are determined by the Cabinet.

The war-disabled are provided with places in sanatoriums by the organs of social protection for the population, public health services, the Ministry of Defence of Ukraine, the Ministry of Internal Affairs of Ukraine, the Security Service of Ukraine, the specially authorised Central Executive Body responsible for exercising state policy in the areas of health and social protection, the protection of the state border of Ukraine, as well as other organs in the place where the war-disabled is registered to work.

Instead of sanatorium treatment, persons with disabilities may choose to receive biannual financial compensation: Group I-II war-disabled – in the amount of the average cost of treatment; and Group III war-disabled – in the amount of 75 per cent of the average cost of treatment. Financial compensation is provided regardless of the availability of a medical recommendation to pursue sanatorium treatment or medical contraindications.

- 4) A 100 per cent housing (rent) discount within the limits of the norms stipulated by the current legislation (21 square meters of the total area of housing for each person permanently living in housing (house) with the right to the discount, and in increments of 10.5 square meters for the family);
- 5) A 100 per cent discount for public utilities (i.e. gas, electricity and other services) and liquefied gas for utility needs within the limits of the average norms of consumption.

The area included in the housing discount is calculated at central heating charges of 21 square meters of the heating area of each person permanently living in the housing (house) with the right to the discount, and in increments of 10.5 square meters per family.

For families consisting only of disabled persons, the 100 per cent discount for the use of gas for heating the home for double the size of the standard heating area is provided (42 square meters per each person with the right to the discount, and 21 square meters per family);

- 6) The 100 per cent discount for the cost of fuel, including liquefied fuel, within the limits of the norms established for the population, for persons who live in houses without central heating;
- 7) Free travel by all forms of city passenger transportation, local motor transport, suburban railway, water transport and buses within the limits of oblast (The Autonomous Republic of Crimea) of residence. This right is applied to the person accompanying a disabled person of Group I status;
- 8) Free out-of-turn major overhaul of private apartment houses and the priority right to repair apartment houses and apartments in accordance with the procedure approved by the Cabinet of Ministers of Ukraine;
- 9) Extraordinary service in out-patient-polyclinic establishments, and also extraordinary hospitalisation. Liquidation of hospitals for the disabled of World War II is carried out only upon agreement with the Cabinet of Ministers of Ukraine;
- 10) Free out-of-turn installation of home phones and out-of-turn use of all communication services. The subscription payment for the use of home phones is established at the rate of 50 per cent from the approved tariffs and for the disabled of the Great Patriotic War and war with Japan, a 100 per cent discount on the approved tariffs;
- 11) The use during retirement (irrespective of the time of retirement) or change of the place of work of the polyclinics and hospitals to which they have been attached to in a former place of work;
- 12) The right to annual medical examination and prophylactic medical examination, with the engagement of necessary experts;
- 13) An out-of-turn provision of employment for a specialty according to training and the findings of a medical-social examination. The work of the war-disabled is regulated by the relevant norms of the legislation of Ukraine concerning the work and social protection of those with disabilities;
- 14) The priority right to preserve their place of employment in connection with a reduction in the numerical strength of employees or with changes in the organisation of manufacture and work, as well as the priority right to future employment in case the enterprise, establishment or organisation is liquidated;
- 15) Payment of the temporary disability allowance to war-disabled workers at the rate of 100 per cent of average wages, irrespective of their record of service;
- 16) Payment of the temporary disability allowance to war-disabled workers for up to four months on end, or until five months within a calendar year, and also the state social insurance grant for all periods of stay in sanatoriums, taking into account travel (two-way) in cases where annual and additional holidays are not enough for treatment;
- 17) Use of the next annual holiday during a convenient time for them, as well as receipt of an additional holiday without losing wages for two weeks in a year;
- 18) Out-of-turn provision with housing for persons requiring an improvement in living conditions, including at the expense of the accommodation transferred by the Ministries, other Central Organs of Executive Power, enterprises and organisations to local councils and state administrations according to the established procedure. The persons specified in this Article are provided with accommodation within two years from the date of registration on the waiting list, and those persons with Group I disabilities from among participants of combat operations in the territory of other countries – within a year. Organs of the State Executive Authority and executive local council committees are obliged to assist the war-disabled in building individual apartment houses. The plots for the building of individual houses, gardening and commercial farming are given to the specified persons in the priority procedure;
- 19) Receipt of the loan for the construction of individual (cooperative) housing, with repayment within 10 years since the fifth year after the completion of building, as well as the loan for building or purchasing country houses and developing garden sites;

- 20) The priority right to enter building (housing) cooperatives, cooperatives in buildings and to operate collective garages; for vehicle parking and their maintenance, in gardening companies; to purchase the materials needed for the construction of individual home and garden homes. Garages and parking spaces for the vehicles of the war-disabled with medical indications for transport support are, as a rule, constructed near to their houses;
- 21) The disabled of Group I and II are granted the right to free travel once a year (two-way) by railway, water, air or long-distance transport, and the persons accompanying Group I disabled persons (no more than one) – a 50 per cent discount per person once a year (two-way) on the specified types of transport. The right to free travel in alternate years (two-way) by railway, water, air or long-distance motor transport, irrespective of the availability of railway communication, or travel once a year (two-way) by the specified types of transport – a 50 per cent discount for Group III disabled persons. The war-disabled and the persons (no more than one) accompanying Group I disabled persons on trips have the right to use long-distance transport from 1 October until 15 May, with a 50 per cent discount on the fare without restriction to the number of trips;
- 22) Free out-of-turn provision with a car (in the presence of medical indications) for a term of 10 years (with subsequent substitution with a new one), compensation for the cost of fuel, repairs, maintenance or transport servicing according to the procedure determined by the Cabinet of Ministers of Ukraine. Disabled persons who directly participated in combat actions during the Great Patriotic War and war with Japan shall be provided with a car (in the presence of medical indications) the first among out-of-turn ones according to the procedure determined by the Cabinet of Ministers of Ukraine;
- 23) Exemption from all forms of taxes, collections, duties and other payments to the budget as stipulated in tax and customs legislation;
- 24) Exemption from rent for uninhabited housing rented by the war-disabled as garages used for special means of transportation (e.g. cars, motorised carriages, etc.) and the free use of these garages, irrespective of their ownership;
- 25) The extraordinary placement in institutions of social protection for the population, as well as social protection services for in-home populations. In case of the impossibility of rendering such a service by establishments of social protection for the population, expenditures connected to the care of this invalid will be refunded according to the procedure and in the amounts established by the current legislation;
- 26) Extraordinary service by enterprises, institutions, consumer service organisations, public catering, housing and communal services and long-distance transport;
- 27) The right to out-of-turn provision of food for improved assortment and of industrial goods for increased demand according to the list and the norms established by the Government of the Autonomous Republic of Crimea, regional, Kyiv and Sevastopol city state administrations.

Specialised shops, sections, departments and other kinds of preferential trading services are created for the sale of these goods. The sale of these goods is carried out at socially reasonable prices according the list determined by the Cabinet of Ministers of Ukraine. Shops, sections, departments and other trade enterprises serving the disabled and war veterans are freed from the requirement to pay value added tax.

Privileges on payments for housing, public utilities and fuel stipulated by Items 4–6 of this Article are given to the war-disabled and their family members living together with them, irrespective of the kind of housing or its form of ownership.

The area of housing on which the 100 per cent discount stipulated by Items 4 and 5 of part One of this Article is charged, is determined in the greatest possible size within the limits of the total area of housing (house) according to the norms of consumption established by these Items, irrespective of the presence of persons without rights to the discount within the structure of the family. If the family includes persons with the right to the discount at a lower rate than 100 per cent, the relevant discount is the first to be established in the greatest possible size.

Pensions, monthly lifelong cash allowances or state social help is paid to the war-disabled instead of pension increases: Group I war-disabled – at the rate of 50 per cent of the minimal survival for disabled persons; Group II war-disabled – 40 per cent of the minimal survival for disabled persons; and Group III war-disabled – 40 per cent of the minimal survival for disabled persons. Until May 5 each year, the replacement of cash benefits at the rate approved by the Cabinet of Ministers within budgetary appropriations is paid to participants of combat operations.

After reaching the age of 85 years or more, participants of combat operations during the Great Patriotic War 1941-1945 and the 1945 war with Imperial Japan shall be provided with benefits stipulated by this Article for Group I war-disabled persons.

For the family members of persons referred to in paragraphs four through eight, Item 1, Article 10 of this Law, a one-time monetary assistance package shall be fixed and paid at the expense of the State Budget funds in connection with the killing (death) of a family member in the amounts specified in sub-item "a", Item 1, Article 16-2 of the Law of Ukraine "On Social and Legal Protection of Military Servants and Their Family Members". If, in connection with the killing (death) of a family member, a person is simultaneously entitled to the one-time monetary assistance package stipulated by this part, and to a one-time monetary assistance package in accordance with other laws of Ukraine, such payment shall be effected on one of the grounds at the discretion of such a person. The procedure for establishing (the amount) and for paying the one-time monetary assistance package shall be established by the Cabinet of Ministers of Ukraine.

Article 14. Privileges for Participants of War

15. The participants of war (Articles 8, 9) are given the following privileges:

- 1) Free medication prescribed by doctors;
- 2) Free priority prosthetic dentistry (except for prosthetics using precious metals);
- 3) Free provision with sanatorium treatment in alternate years, as well as compensation for the cost of independent sanatorium treatment;
- 4) A 50 per cent discount on housing (rent) within the limits of the norms stipulated by the current legislation (21 square meters of the total area of housing for each person permanently residing in the housing (house) with the right to the discount, and in increment 10.5 square meters per family);
- 5) A 50 per cent discount for public utilities (i.e. gas, electricity and other services) and for liquefied gas for utility needs within the limits of the average norms of consumption.

The area included in the housing discount is calculated at central heating charges of 21 square meters of the heating area for each person permanently residing in the housing (house) with the right to the discount, and in increments of 10.5 square meters per family.

For families consisting only of disabled persons, a 50 per cent discount for the use of gas for heating the home for double the size of the standard heating area is provided (42 square meters per each person with the right to the discount, and 21 square meters per family):

- 6) A 50 per cent discount for the cost of fuel, including liquid, within the limits of the norms established for the population, for persons who live in houses without central heating;
- 7) Free travel by all forms of city passenger transportation, local motor transport in rural areas, suburban railway, water transport and buses within the limits of the oblast (The Autonomous Republic of Crimea) of residence;
- 8) The use during retirement (irrespective of the time of retirement), or change of the place of work of the polyclinics and hospitals to which they have been attached to in a former place of work;
- 9) Annual medical examinations and prophylactic medical examinations with the engagement of necessary experts;
- 10) Priority service in treatment-and-prophylactic establishments, drugstores, and priority hospitalisation;

- 11) Payment of a temporary disability allowance at a rate of 100 per cent of average wages, irrespective of their record of service;
- 12) Use of the next annual holiday during a convenient time for them, as well as receipt of an additional holiday without losing wages for two weeks in a year;
- 13) The priority provision with accommodation for persons requiring an improvement in living conditions, and prime allocation of plots for the building of individual houses, gardening and truck farming, as well as the priority repair of apartment houses and apartments of these persons, and their provision with fuel;
- 14) Receipt of a loan for the construction of individual (cooperative) housing, with repayment within 10 years since the fifth year after the completion of building, as well as a loan for building or purchasing country houses and developing garden sites;
- 15) The priority right to enter building (housing) cooperatives, cooperatives in buildings and to operate collective garages; for vehicle parking and their maintenance, in gardening companies; and to purchase materials needed for the construction of individual and garden homes;
- 16) (Excluded under the Law No 76-VIII of 28.12.2014)
- 17) Exemption from paying taxes, collections, duties and other payments to the budget as stipulated in tax and customs legislation;
- 18) Out-of-turn use of all communication services and the out-of-turn installation of home phones (payment at a rate of 20 per cent of the tariffs for the cost of the wires, and 50 per cent for additional works). The subscription payment for the use of home phones is established at a rate of 50 per cent of the approved tariffs. The procedure for using services and paying for the installation of home phones is determined by the Cabinet of Ministers of Ukraine;
- 19) Out-of-turn service by enterprises, establishments and consumer service organisations, public catering, housing and communal services, and long-distance transport;
- 20) Out-of-turn placement in institutions of social protection for the population, as well as social protection services for in-home populations. In case of the impossibility of rendering such a service by establishments of social protection for the population, expenditures connected to the care of this invalid will be refunded according to the procedure and in the amounts established by current legislation;

Privileges on payments for housing, public utilities and fuel stipulated by Items 4-6 of this Article are given to the war-disabled and their family members living together with them, irrespective of the kind of housing or its form of ownership.

The area of housing subject to the 50 per cent discount stipulated by Items 4 and 5 of part One of this Article is determined in the greatest possible size within the limits of the total area of housing (house) according to the norms of consumption established by these Items, irrespective of the presence of persons without the right to the discount within the structure of the family.

Participants of war conferred awards or medals by the former USSR for self-denying work and faultless military service on the home-front during World War II have their pension, monthly lifelong cash allowances or state social help paid instead of a pension increase, at a rate of 75 per cent of the minimal pension on age; and for other participants of war, at a rate of 50 per cent of the minimal pension on age.

Each year until May 5, the participants of war who were conferred awards and medals by the former USSR for self-denying work and faultless military service on the home-front during World War II, as well as other participants of war, are paid a replacement cash benefit at the rate approved by the Cabinet of Ministers within budgetary appropriations.

The privileges referred to in Items 1, 2, 4, 5, 6 and 18, of part One of this Article shall be provided on the condition that the monthly average aggregate family income per capita in the previous six months does not exceed the amount of income entitled to social tax preferences in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

Article 15. Privileges to persons this Law is applied to

The persons to which this Law applies to (i.e. Article 10) are given the following privileges:

- 1) Free medication prescribed by doctors;
- 2) Free out-of-turn prosthetic dentistry (except for prosthetics using precious metals);
- 3) Free provision with sanatorium treatment in alternate years, as well as compensation for the cost of independent sanatorium treatment according to the procedure determined by the Cabinet of Ministers of Ukraine;
- 4) A 50 per cent discount for housing (rent) within the limits of the norms stipulated by the current legislation (21 square meters of the total area of housing for each person permanently residing in the housing (house) with the right to the discount, and in increment 10,5 square meters per family);
- 5) A 50 per cent discount for public utilities (i.e. gas, electricity and other services) and for liquefied gas for utility needs within the limits of the average norms of consumption.

The area included in the housing discount is calculated at central heating charges of 21 square meters of the heating area for each person permanently residing in the housing (house) with the right to the discount, and in increments of 10.5 square meters per family.

For families consisting only of disabled persons, a 50 per cent discount for the use of gas for heating the home for double the size of the standard heating area is provided (42 square meters per each person with the right to the discount, and 21 square meters per family);

- 6) A 50 per cent discount for the cost of fuel, including liquid fuel, within the limits of the norms established for the population, for persons who live in houses without central heating;
- 7) (Excluded under the Law No 76-VIII of 28.12.2014)
- 8) Free out-of-turn major overhaul of owned apartment houses and the priority right to repair apartment houses and apartments;
- 9) The use during retirement (irrespective of the time of retirement), or change of the place of work of the polyclinics and hospitals to which they have been attached to in a former place of work;
- 10) Annual medical examination and prophylactic medical examination with the engagement of necessary experts;
- 11) Out-of-turn service in treatment-and-prophylactic establishments, drugstores and priority hospitalisation;
- 12) Payment of a temporary disability allowance at a rate of 100 per cent of average wages, irrespective of their record of service;
- 13) Use of the next annual holiday during a convenient time for them, as well as receipt of an additional holiday without losing wages for two weeks in a year;
- 14) The priority right to preserve their place of employment in connection with a reduction in the numerical strength of employees or with changes in the organisation of manufacture and work, as well as the priority right to future employment in case the enterprise, establishment or organisation is liquidated;
- 15) Out-of-turn provision with housing for persons requiring an improvement in living conditions, including at the expense of the accommodation transferred by the Ministries, other Central Organs of Executive Power, enterprises and organisations to local councils and state administrations according to the established procedure. The persons specified in this Article are provided with accommodation within two years from the date of registration on the waiting list. Organs of the State Executive Authority and executive local council committees are obliged to assist the war-disabled in building individual apartment houses. The plots for the building of individual houses, gardening and commercial farming are given to the specified persons in the priority procedure;
- 16) Receipt of a loan for the construction of individual (cooperative) housing, with repayment within 10 years since the fifth year after the completion of building, as well as a loan for building or purchasing country houses and developing garden sites;

- 17) The priority right to enter building (housing) cooperatives, cooperatives in buildings and to operate collective garages; for vehicle parking and their maintenance, in gardening companies; and to purchase materials needed for the construction of individual and garden homes;
- 18) (Excluded under the Law No 76-VIII of 28.12.2014)
- 19) Exemption from paying taxes, collections, duties and other payments to the budget as stipulated in tax and customs legislation;
- 20) Out-of-turn use of all communication services and the out-of-turn installation of home phones (payment at a rate of 20 per cent of the tariffs for the cost of the wires, and 50 per cent for additional works). The subscription payment for the use of home phones is established at a rate of 50 per cent of the approved tariffs. The procedure for using services and paying for the installation of home phones is determined by the Cabinet of Ministers of Ukraine;
- 21) Out-of-turn service by enterprises, establishments and consumer service organisations, public catering, housing and communal services, and long-distance transport;
- 22) Out-of-turn placement in institutions of social protection for the population, as well as social protection services for in-home populations. In case of the impossibility of rendering such a service by establishments of social protection for the population, expenditures connected to the care of this invalid will be refunded according to the procedure and in the amounts established by current legislation;
- 23) The entry into hors concours state and municipal higher education establishments for speciality training carried out at the expense of state and local budgets.

Privileges payments for housing, public utilities and fuel stipulated by Items 4 – 6 of this Article are given to the persons to which this Law applies, as well as to their family members living together with them, irrespective of the kind of housing or its form of ownership.

The area of housing subject to the 50 per cent discount stipulated by Items 4 and 5 of part One of this Article is determined in the greatest possible size within the limits of the total area of housing (house) according to the norms of use (consumption) established by these Items, irrespective of presence of persons without the right to the discount within the structure of the family.

Family members specified in Item 1 of Article 10 of this Law, as well as wives (husbands) of the deceased war-disabled of World War II who remained single, have their pensions, monthly lifelong cash allowance or state social help paid instead of a pension increase, at a rate of 25 per cent of the minimum survival for disabled persons. The wives (husbands) of deceased participants of war and combat operations, partisans, and members of underground organisations recognised during their lifetime as disabled due to a systemic illness, labour injury, etc., and who remained single, have their pensions, monthly lifelong cash allowance or state social help paid instead of a pension increase, at a rate of 10 per cent of the minimum survival for disabled persons.

Until May 5 each year, family members specified in Item 1 of Article 10 of this Law, as well as wives (husbands) of the deceased war-disabled who remained single, and wives (husbands) of the deceased participants of combat operations, as well as those participants of war recognised during their lifetime as disabled due to a systemic illness, labour mutilation, etc., and who remained single, are paid a replacement cash benefit at a rate approved by the Cabinet of Ministers within budgetary appropriations.

Higher education privileges' stipulated by Item 23 of this Article are given, as specified in Item 1 of Article 10 of this Law, to the children of the participants of combat operations in the territory of other states that were lost (reported missing) or died of an injury or mutilation received during the performance of military activities or during conflicts in the territory of other states, as well as due to an illness connected with service in the territory of other states during these activities and conflicts.

For family members of the persons referred to in paragraphs four through eight, Item 1, Article 10 of this Law, a one-time monetary assistance package shall be fixed and paid at the expense of State Budget funds in connection with the killing (death) of a family member in the amount specified in sub-item "a",

Item 1, Article 16-2 of the Law of Ukraine "On Social and Legal Protection of Military Servants and Their Family Members". If, in connection with the killing (death) of a family member, a person is simultaneously entitled to the one-time monetary assistance package stipulated by this part, and to a one-time monetary assistance package in accordance with the other laws of Ukraine, such payment shall be effected on one of the grounds at the discretion of such a person. The procedure for establishing (the amount) and for paying the one-time monetary assistance package shall be established by the Cabinet of Ministers of Ukraine.

The privileges referred to in Items 1, 2, 4, 5, 6 and 20, part One of this Article shall be provided on the condition that the monthly average aggregate family income per capita in the previous six months does not exceed the amount of income entitled to social tax preferences in accordance with the procedure established by Cabinet of Ministers of Ukraine.

The provisions of part Eight of this Article shall not apply to persons referred to in paragraphs four through eight, and fourteen of Item 1, Article 10 of this Law.

Article 16. Privileges for Persons Having Special Merits for Ukraine

Persons with Ukrainian special merits (Article 11) receive the following privileges:

- 1) Increments to received pensions, monthly lifelong cash allowances or state social help are paid instead of a pension increase at a rate of 70 per cent of the minimum survival for disabled persons, and the payment of an annual replacement cash benefit at a rate approved by the Cabinet of Ministers within budgetary appropriations until May 5 each year;
- 2) Exemption from paying taxes, collections, duties and other payments to the budget as stipulated in tax and customs legislation;
- 3) Free out-of-turn personal and family (i.e. the wife (husband) and children under 18 years of age) care in in-and out-patient polyclinic establishments of all types and kinds; and free out-of-turn personal and family (i.e. the wife (husband) and children under 18 years of age) hospitalisation and treatment in hospitals, as well as the preservation of free care for the specified persons in polyclinics and other medical institutions to which they were attached during work before their retirement. The specified privileges are preserved for one of the surviving spouses and children under 18 years of age;
- 4) Free out-of-turn medication prescribed by doctors; and upon medical certification, delivery of medication to their residence;
- 5) Free manufacture and repair of dentures (except from those made using precious metals);
- 6) Free priority placement in a polyclinic or in the last place of work in a sanatorium, dispensary or rest house once a year, and a 25 per cent discount on the cost of treatment for family members (for the wife (husband) and children under 18 years of age). At those places for sanatorium treatment in sanatoria, dispensaries and rest houses are allocated at a reduced cost, as stipulated for employees of those Ministries and other Central Organs of Executive Power in charge of specified sanatorium establishments. All types of health services in sanatoriums, dispensaries and rest houses, as well as meals, are provided free of charge. Persons who received places for sanatorium treatment according to this Article are given the right to free travel to the place of treatment and back by railway transportation in a double compartment of sleeping-cars in fast and passenger trains, air or water transport in I class cabins. The specified privileges are kept for one of the surviving spouses;
- 7) Persons stipulated in this Article and any family members living with them are exempt from the payment of rent, irrespective of form of housing ownership; public utilities (i.e. water supply, water drain, gas, electric power, hot water supply, central heating, and in the homes without central heating—the provision of fuel within the limits of the norms established for the population, and for other kinds of public utilities); liquefied gas for utility needs; as well as from payment for the use of home telephones and security systems, irrespective of the kind of housing. The specified privileges are kept for the wife (husband), parents of deceased individuals awarded the Order of Sky Hundred Heroes, the Heroes of the Soviet Union, the full knights of the award of Glory, as well as persons

- conferred four or more medals "For courage", as well as those awarded the rank of Heroes of Socialist Work, irrespective of the time of their death;
- 8) The priority right to an improvement in living conditions by granting housing in state homes, including departmental, and public available housing funds, with the provision of additional living space up to 20 square meters;
 - 9) The clearing of payment for the official registration of papers on the right to privatise a property or apartment;
 - 10) Free major overhaul of apartment homes (apartments) in their property according to the Regulations on the system of maintenance service, repair and rebuilding of apartment homes;
 - 11) The priority right to purchase local building materials for building individual apartment homes, as well as the major overhaul of housing;
 - 12) Out-of-turn use of all kinds of communication services, and free out-of-turn installation of home telephones and security systems;
 - 13) The priority purchase of shares (on their face value) for the sum and at the expense of the private property certificates given to those awarded the Hero of the Soviet Union, the full knight of the award of Glory; or to persons conferred four or more medals "For courage", as well as to those with the rank of Hero of Socialist Work, and any family members living with them;
 - 14) The priority purchase by their own means of shares (or their face value) for half of the sum given to the persons specified in this Article and their family members, of private property certificates;
 - 15) (Excluded under the Law No 76-VIII of 28.12.2014)
 - 16) (Excluded under the Law No 76-VIII of 28.12.2014)
 - 17) Out-of-turn purchase of tickets for all forms of railway, water, air and motor transportation;
 - 18) Monthly financial compensation payments for the cost of automobile fuel at a rate of 50 litres of high-octane gasoline a month (according to established prices for fuel) if a personal vehicle is owned ;
 - 19) Out-of-turn use of all kinds of trading-consumer services, cultural-entertainment and sport establishments;
 - 20) The priority right to preserve their place of employment in connection with a reduction in the numerical strength of employees or with changes in the organisation of manufacture and work, as well as the priority right to future employment in case the enterprise, establishment or organisation is liquidated;
 - 21) Free training and re-training in a place of work in educational establishments belonging to the state system for training and retraining personnel, as well as in paid educational establishments, and for courses;
 - 22) The provision of annual paid holiday leave to the specified persons, as well as additional holiday leave without loss of wages for three weeks a year during a time which is convenient for them;
 - 23) Free burial with military honours of deceased individuals awarded the Order of Sky Hundred Heroes, the Hero of the Soviet Union, the full knight of the award of Glory; as well as persons conferred four or more medals "For courage", or those awarded the rank of Hero of Socialist Work;
 - 24) The placement of a gravestone on the grave of the deceased (lost), irrespective of their time of death, using the sample gravestone established by the Government of Ukraine. Any additional charges connected with changing the established gravestone sample are paid by the family of the deceased (lost), or by the organisational sponsor;
 - 25) Payment to the wife (husband) and children (under 18 years of age) in case of death (loss) of an extraordinary grant at a rate of five living wages, as approved by the law, per month per person from the date of death (loss);
 - 26) Free out-of-turn provision with a car (in the presence of medical indications) for a term of 10 years (with subsequent substitution with a new one), compensation for the cost of fuel, repairs, maintenance or transport servicing according to the procedure determined by the Cabinet of Ministers of Ukraine, irrespective of the compensation stipulated by clause 18 of this Article.

The privileges referred to in Items 4, 5, 7 and 12 of this Article shall be provided on the condition that the monthly average aggregate family income per capita in the previous six months does not exceed the amount of income entitled to social tax preferences in accordance with the procedure established by Cabinet of Ministers of Ukraine.

PART IV. FINAL PROVISIONS

Article 17. Financing Expenditures Connected with Implementation of this Law

The reimbursement of expenses connected with the implementation of this Law is carried out from state and local budgets.

Enterprises and organisations allocating charitable means for the social protection of war veterans are exempt from production activity taxation for the sum of this help.

Costs for the burial of war veterans specified in this Law are borne by the State Budget according to the procedure established by the Cabinet of Ministers of Ukraine.

Enterprises, establishments and organisations in which the war veteran previously worked shall assist in the organisation and financing of ritual services at the burial site of the veteran. The graves of veterans are inviolable and are protected under law. Disrespect towards state awards, monuments, communal graves, and the graves of war veterans is punishable under the law.

Article 17.1. Payment of Replacement Cash Benefit

Until May 5 each year, the replacement cash benefit is paid at the rate stipulated by Articles 12-16 of this Law by the Central Executive Body responsible for the formation of state policy in the areas of labour relations and social protection of the population through post offices or banks (by transfer to the personal account of the addressee). For pensioners, the replacement cash benefit is paid in the location where his or her pension is normally received, and for non-pensioners, near their residence or where they normally receive their cash allowance.

Military servicemen, policemen, privates and commanding personnel of internal affairs organs of Ukraine; as well as privates and commanding personnel of the State Penitentiary Service of Ukraine (except for pensioners) are paid a replacement cash benefit (by transfer) from the means of the organs involved in the social protection of the population to special accounts of military units, establishments and organisations in their service location.

Persons serving prison sentences or those arrested (except for pensioners) are paid a replacement cash benefit by transfer by the Central Executive Body responsible for the formation of state policy in the area of labour relations and social protection of the population to special accounts of the Penitentiary system of Ukraine.

Persons who do not receive a replacement cash benefit by May 5 have the right to request it and receive it until September 30 of the year of payment.

According to this Law, for citizens belonging to several categories of persons, one replacement cash benefit – in the greater amount – is paid.

A replacement cash benefit is not paid in case of the death of the addressee before May 5, or if the citizen in question obtains status(es) stipulated in Articles 6, 7, 9, 10, 11 of this Law after May 5 of the year of payment.

The sum of the replacement cash benefit due to the person according to this Law and not received in connection with his or her death does not enter his or her inheritance, but rather is paid to his or her parents, husband (wife), or to the relatives who lived with him or her.

Article 18. Awards and Decorations for Persons this Law is Applied to

Veterans are issued awards and conferred decorations. The procedure for manufacturing and issuing these is established by the Cabinet of Ministers of Ukraine and international treaties of Ukraine.

Article 19. Application of this Law to Citizens of Other States

Citizens of other states of the former USSR, who are classed as war veterans, have the right to use all privileges and advantages stipulated by this Law in case of their permanent residence in Ukraine.

Article 20. Public Organisations and Other associations of War Veterans

Within the limits of their authority, public organisations and other associations for war veterans assist in the development of decisions by legislative and executive bodies; represent and defend the legitimate interests of their members in state organs and public organisations, and execute other powers stipulated by the legislation of Ukraine concerning citizen associations.

Central and Local Executives, local self-government bodies and the Council of Ministers of the Autonomous Republic of Crimea, within the limits of their competence, provide financial support to veteran organisations; credits from relevant budgets, and gratuitously donate homes, premises, equipment and other property necessary for the accomplishment of their authorised tasks. Veteran organisations are exempt from the payment of public utilities (i.e. gas, electricity and other services) within the limits of the average norms of consumption (granting), as well as home phones and houses that they hold.

War veteran enterprises where not less than 60 per cent of the average number of workers are participants of combat operations and participants of war are exempt from the payment of profits tax.

Article 21. (Article 21 is excluded on the basis of the Law No 1697-VII of 14.10.2014)

Article 22. Appeal against the Decisions of Enterprises, Establishments and Organisations Giving Privileges

The decision of enterprises, establishments and organisations to grant privileges can be appealed against in district state administrations, executive city council committees, or in a district (city) court.

War veterans and persons to which this Law applies are exempt from the payment of official registration papers, legal consultations, as well as any court costs connected with the consideration of questions regarding their social protection.

Article 23. Liability of Officials and citizens

Officials and citizens guilty of infringing legislation on the social protection of war veterans and their families are accountable according to the legislation of Ukraine.

President of Ukraine L.Kravchuk

Kyiv, October 22, 1993, No 3551-XII

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 hereby 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 thus far 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 recognised by the international community as an effective instrument for maintaining global peace and security;
- Peacekeeping is regarded as a symbol of the struggle of mankind for strengthening belief in basic human rights, in the dignity and value of human beings, as well as in equality of the rights of both large and small nations;
- Ukrainian peacekeepers represent our country in various international peacekeeping operations;
- The system of social support and benefits for citizens of Ukraine who participated in international peacekeeping operations requires further improvement, taking into consideration the specifics of implementing duties which often endanger the life of its participants;
- When stipulating conditions for granting the status of combatant, the Law of Ukraine ‘On the Status of War Veterans and Guarantees of Their Social Protection’ and other relevant normative-legal acts do not sufficiently take into account the specifics of peacekeeping operations and the level of danger to their participants,
- The criteria for granting the status of combatant to persons who participated in international peacekeeping operations requires further specification.

With the aim of granting the status of combatant and further improving the social protection of Ukrainian citizens who participated in international peacekeeping operations, as well as to raise their image in wider society, the National Security and Defence Council of Ukraine decided:

16. That the Cabinet of Ministers of Ukraine shall:

- Within four months, prepare and submit for consideration by the Verkhovna Rada of Ukraine a 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 Ukrainian citizens who participated in international peacekeeping operations, taking into account the specific character of peacekeeping missions, as well as the level of danger they pose to their participants;

- Within three months, adopt a list of criteria for identifying the countries (regions) where participation in peacekeeping operations entails the right to enjoy the status of combatant, as well as criteria for other peacekeeping operations which only give the right to the status of combatant to certain individuals, including civilian personnel.

The Head of the National Security and Defence Council of Ukraine V. Yushchenko

The 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 State Bureau of Investigation”

(*Bulletin of the Verkhovna Rada (BVR), 2016, No 6, p.55*)

Includes changes made by Laws:

No 889-VIII of 10.12.2015, BVR, 2016, No 4, p.43;
No 1355-VIII of 12.05.2016, BVR, 2016, No 22, p.453.

This Law establishes legal principles for the organisation and operation of the State Bureau of Investigation.

SECTION 1. GENERAL PROVISIONS

Article 1. State Bureau of Investigation

17. The State Bureau of Investigation (hereinafter—the Bureau or the SBI) is a Central Executive Authority which carries out law enforcement activities aimed at preventing, detecting, stopping, solving and investigating crimes falling under its jurisdiction.

Article 2. Legal Principles of the State Bureau of Investigation Operations

1. Operations of the State Bureau of Investigation shall be governed by the Constitution of Ukraine, the international treaties approved as obligatory by the Verkhovna Rada of Ukraine, this Law and other laws of Ukraine, as well as other regulatory acts adopted on the basis thereof.
2. The effect of the Law of Ukraine ‘On Central Executive Authorities’ and other regulatory acts governing the activities of Executive Authorities shall apply to the Bureau to the extent to which they do not conflict with this Law.

Article 3. Basic Principles of SBI Organisation and Operations

The State Bureau of Investigation shall be organised and operate on the following principles:

- The rule of law, according to which a person, their life, health, honour, dignity, immunity and safety are recognised as the highest social value; and human rights, freedoms and their guarantees determine the content and direction of SBI activities;
- Legality;
- Fairness;
- Impartiality;
- Independence and personal responsibility of each staff member of the Bureau;
- Openness and transparency of SBI operations for the purposes of democratic civil control and accountability to public authorities determined by law. The Bureau shall operate in a transparent manner to the extent to which human and citizen rights and freedoms are not violated, and to which the requirements of criminal procedure legislation and laws on state secrets are not contravened;
- Political neutrality and party independence. The Bureau may not be used to serve the interests of a party, group or individual. Political parties may not act in the name of the Bureau;
- One-man management, in combination with collective methods for the implementation of certain powers of the Bureau. The principle of one-man management does not deny the principle of procedural autonomy of an investigating authority of the Bureau.

Article 4. Independence of the State Bureau of Investigation

18. Independence of the State Bureau of Investigation from unlawful interference with its operations is guaranteed by the following measures, as established by this Law and other legislation:
 - Special status of the Bureau; special procedures to determine its general structure, funding and organisational support;
 - Special procedures to select, appoint and dismiss the SBI Director, the First Deputy SBI Director and the Deputy SBI Director, as well as an exhaustive list of grounds for their dismissal established by law;
 - Procedures established by law for the SBI and its staff to exercise their authority;
 - Collective decision-making of the SBI management regarding the most crucial decisions;
 - Prohibited unlawful interference with powers exercised by SBI staff;
 - Good remuneration and social benefits for SBI staff members;
 - Legal protection and personal security of SBI staff members and their close relatives.
19. State authorities, local self-government bodies, their officials and officers, political parties and civil associations, other individuals and legal entities may not illegally interfere with operations of the SBI:
 - Any instructions, proposals, requests or directions which are sent to the Bureau or its staff members and relate to pre-trial investigations concerning particular criminal proceedings shall be illegitimate and must not be performed. If an SBI staff member receives such instruction, request or direction, he or she shall immediately notify the SBI Director in writing.

Article 5. Tasks of the State Bureau of Investigation

1. The State Bureau of Investigation shall perform the following tasks for preventing, detecting, stopping, solving and investigating:
 - 1) Crimes related to the activities of organised crime groups and criminal organisations;
 - 2) Cases of torture and other crimes related to cruel, inhuman or degrading treatment or punishment committed by staff members of law enforcement agencies;
 - 3) Extremely grievous violent crimes punishable by life imprisonment under the Criminal Code of Ukraine;
 - 4) War crimes;
 - 5) Crimes committed by officials occupying positions of particular responsibility under the first part of Article 9 of the Law of Ukraine 'On Civil Service'; and for persons whose positions fall under the first to third categories of the civil service, judges and staff members of law enforcement agencies

(unless these crimes fall under the jurisdiction of the detectives of the National Anti-Corruption Bureau of Ukraine).

- 6) Crimes committed by officials of the National Anti-Corruption Bureau of Ukraine or by prosecutors of the Specialised Anti-Corruption Public Prosecutor's Office (unless the pre-trial investigation of these crimes falls under the jurisdiction of the detectives of the Internal Control Unit of the National Anti-Corruption Bureau of Ukraine).

SECTION 2. PRINCIPLES OF ORGANISATION AND OPERATIONS OF THE STATE BUREAU OF INVESTIGATION

Article 6. Powers of the State Bureau of Investigation

1. In accordance with its tasks and within the limits of its competence, the State Bureau of Investigation shall:
 - 1) Participate in the development and implementation of public policy on crime counteraction and submit respective suggestions to the Cabinet of Ministers of Ukraine;
 - 2) Conduct informational and analytical measures aimed at identifying systemic causes and conditions facilitating the manifestations of organised crime and other crimes, the prevention of which falls under the jurisdiction of the Bureau, and take measures to eliminate them;
 - 3) Stop and solve crimes, the investigation of which falls under the jurisdiction of the Bureau;
 - 4) Conduct search and detective operations and pre-trial investigation of crimes falling under its jurisdiction on the grounds and following the procedure established by the law;
 - 5) Search for individuals fleeing from investigations and trials for criminal offences, the investigation of which falls under the jurisdiction of the Bureau;
 - 6) Use staff and contract both open and covert employees, under the procedure set forth by the Criminal Procedure Code of Ukraine, subject to their voluntary involvement and confidentiality; incentivise, both financially and psychologically, individuals assisting in the prevention, detection, termination and investigation of criminal offences under the jurisdiction of the Bureau;
 - 7) Develop and approve a methodology to investigate particular types of crime;
 - 8) Take measures to reimburse losses and damages suffered by the state; ensure the confiscation of criminally obtained funds and other property following the procedure established by the law;
 - 9) Take measures to return funds and other property obtained as a result of criminal offences falling under the jurisdiction of the Bureau to Ukraine;
 - 10) For the purpose of exercising its powers, exclusively provide user-level access to state authority information systems specified by the Cabinet of Ministers of Ukraine; create information systems and keep real-time records according to its functions and in accordance with the legislation on personal data protection;
 - 11) Ensure the personal security of rank-and-file and senior officers and civil servants of the Bureau and other individuals specified by law, and protect people involved in criminal proceedings against unlawful actions;
 - 12) Ensure the training, retraining and qualification upgrade of SBI staff members; take part in the development of government orders for the training, retraining and qualifications upgrade of specialists in respective areas;
 - 13) Meet requests for legal assistance from respective foreign agencies;
 - 14) Develop proposals to draft and ensure compliance with the international treaties of Ukraine, and perform obligations under Ukraine's international treaties;
 - 15) Cooperate with foreign police and other respective agencies in accordance with the laws and international treaties of Ukraine;

- 16) Ensure, in accordance with legislation, the protection of legally protected secrets and other restricted information, as well as observe procedures for disclosure and access to public information;
- 17) Report on its operations according to the procedures established by this Law and inform the public about its performance;
- 18) Exercise other powers established by this Law.

Article 7. Exercising Powers of the State Bureau of Investigation

1. The State Bureau of Investigation and its authorised officials, with a view to performing their tasks, shall be entitled to:
 - 1) Conduct open and covert detective and investigative measures to prevent, detect, stop, solve and investigate criminal offences falling under the jurisdiction of the Bureau on the grounds and following the procedures established by law;
 - 2) Upon request of the SBI Director, his or her authorised Deputy, directors of regional offices of the Bureau or their authorised deputies, receive, on a free-of-charge basis and under the procedure set forth by the Criminal Procedure Code of Ukraine, information necessary to pursue criminal cases under its jurisdiction, including information from automated information and reference systems, as well as registers and databases owned (administered) by state authorities or local self-governance bodies (including restricted information). The SBI shall use this information in accordance with the laws on personal data protection. Entities who receive respective requests shall provide such information or notify the reasons preventing them from doing so within three days or, if they are unable to do so, provide the said information or notify the reasons preventing them from doing so within ten days;
 - 3) Take measures to stop unlawful acts committed by individuals and legal entities that prevent the SBI from performing its powers, and check ID documents in this regard;
 - 4) Take photographs, sound and video recording, fingerprints of individuals apprehended on suspicion of having committed a crime, and place them in custody;
 - 5) Subject to a subsequent reimbursement of losses, and in urgent circumstances, use vehicles belonging to individuals or legal entities (except for vehicles belonging to diplomatic, consular and other representative offices of foreign states and organisations, and special-purpose vehicles) to arrive at the scene in question, stop a crime, pursue and detain individuals suspected of committing a crime, and deliver people in need of emergency medical care to healthcare facilities;
 - 6) Cooperate with individuals, including contract-based cooperation, subject to their voluntary involvement and confidentiality; incentivise, both financially and psychologically, individuals assisting in the prevention, detection, stopping and investigation of criminal offences under the jurisdiction of the Bureau;
 - 7) Create information systems and keep real-time records to the extent and according to the procedures established by laws for detective and investigative purposes;
 - 8) In cases set forth by this Law, on the grounds and according to the procedures established by the Law of Ukraine 'On National Police', store, carry and use firearms and special impact devices, as well as use physical coercion;
 - 9) Convene meetings, conduct conferences and workshops, other scientific and practical events;
 - 10) Take measures to search and attach the funds and other property, which are subject to confiscation or special confiscation in criminal offences falling under the jurisdiction of the Bureau; conduct activities to store funds and other property having been attached.
2. SBI staff members participating in detective or investigative groups shall also enjoy rights and perform duties specified in the Criminal Procedure Code of Ukraine and the Law of Ukraine 'On Detective Investigative Activity'.

Article 8. Peculiarities of Receiving Reports on Criminal Offences Under the Jurisdiction of the State Bureau of Investigation

1. A special-purpose telephone line shall be created to receive reports on criminal offences under SBI jurisdiction. Such reports may also be submitted without indication of the victim's or reporter's surname, name or patronym (title) through the official website of the Bureau or by means of electronic communication.
 - All information on circumstances, which may provide evidence that a crime has been committed, received from applications and reports, as well as from other sources, shall be registered in the Unified Registry of Pre-trial Investigations in accordance with the procedure set forth by the Criminal Procedure Code of Ukraine.
2. A criminal offence report failing to indicate the surname, name or patronym (title) of a victim or reporter shall be considered provided that the information relates to a particular person or indicates that a grievous or extremely grievous crime may have been committed, which may be checked.
3. After receiving information regarding a criminal offence falling under the jurisdiction of the Bureau, other state authorities shall register relevant information in the Unified Registry of Pre-trial Investigations without delay, and immediately inform the regional office chief (head) of the Bureau.

Article 9. The Structure and Headcount of the State Bureau of Investigation

1. The State Bureau of Investigation shall consist of a central office, regional offices, special units, and training and research institutions. The SBI shall have investigative, operational and other units. The SBI Director shall approve an organisational structure for the Bureau, itself subject to approval by the Cabinet of Ministers of Ukraine.
2. The overall structure, functions and headcount, including the number of rank-and-file and senior officers of the Bureau, shall be determined according to the Law.
3. The State Bureau of Investigation is a legal public law entity and performs its functions directly and through regional offices.
4. The following regional directorates of the SBI shall be established to ensure the effective performance of its tasks:
 - 1) A regional directorate located in the city of Lviv, whose operations cover the Volyn, Zakarpattia, Ivano-Frankivsk, Lviv and Ternopil oblasts;
 - 2) A regional directorate located in the city of Khmelnytsky, whose operations cover the Vinnytsia, Zhytomyr, Rivne, Khmelnytsky and Chernivtsi oblasts;
 - 3) A regional directorate located in the city of Mykolaiv, whose operations cover the Kirovohrad, Mykolaiv and Odesa oblasts;
 - 4) A regional directorate located in the city of Melitopol, whose operations cover the Autonomous Republic of Crimea, Zaporizhzhya, Kherson oblasts, and the city of Sevastopol;
 - 5) A regional directorate located in the city of Poltava, whose operations cover the Dnipropetrovsk, Poltava, Sumy and Kharkiv oblasts;
 - 6) A regional directorate located in the city of Kramatorsk, whose operations cover the Donetsk and Luhansk oblasts;
 - 7) A regional directorate located in the city of Kyiv, whose operations cover the city of Kyiv, Kyiv and Cherkasy, and the oblast of Chernihiv.
5. SBI's regional offices are legal entities with independent balance sheets, accounts opened with the State Treasury Service of Ukraine and seals with the national emblem of Ukraine and their names.
6. SBI's regional offices shall act on the basis of regulations approved by the SBI Director pursuant to the procedure envisaged by part Two of Article 12 of this Law.

Article 10. SBI Director and his or her Deputies

1. Operations of the Bureau shall be managed by the SBI Director who shall exercise power together with the First Deputy SBI Director and the Deputy SBI Director pursuant to part Two of Article 12 of this Law.

2. Nationals of Ukraine no younger than 35 years of age shall be eligible for appointment to the office of the SBI Director, the First Deputy SBI Director and the Deputy SBI Director if he or she:
 - Has a university degree in law;
 - Has at least 10 years of work experience in law (after he or she obtained a university degree in law);
 - Has at least 5 years of executive experience;
 - Has a good command of the national language;
 - Is not a member of any political party;
 - Is not a member of any organisation prohibited by law or a court;
 - Has high morale and an impeccable reputation;
 - Has a state of health allowing for the performance of his or her duties.

• A person falling under the restrictions established by Article 15 hereof may not be appointed as the SBI Director, the First Deputy SBI Director or the Deputy SBI Director.
3. The SBI Director, the First Deputy SBI Director and the Deputy SBI Director shall be appointed to office for five years. The same person may not be re-appointed for more than two consecutive terms.
4. The powers of the SBI Director, the First Deputy SBI Director and the Deputy SBI Director shall be terminated upon expiration of his or her term in office, or if:
 - 1) He or she tenders a letter of resignation;
 - 2) He or she is appointed or elected to another position subject to his or her consent;
 - 3) He or she turns 65 years of age;
 - 4) He or she cannot perform his or her duties for health reasons as confirmed by the opinion of a medical commission set up following a decision of a specially authorised Central Executive Authority implementing public healthcare policy;
 - 5) A court declares him or her fully or partially incapacitated or missing, or he or she is announced dead;
 - 6) A guilty verdict against him or her takes effect in connection with the commitment of a crime or criminal misdemeanour (excluding a negligent criminal minor offence), or he or she is administratively penalised for an administrative offence related to corruption;
 - 7) He or she terminates his or her citizenship or departs from Ukraine for permanent residence abroad;
 - 8) He or she dies;
 - 9) Determining, upon the check of his or her declaration by an authorised person, of incorrect data regarding his or her financial situation or revenues;
 - 10) He or she receives citizenship from another state.

Article 11. Procedures for Appointment of the SBI Director and his or her Deputies

1. The SBI Director, the First Deputy SBI Director and the Deputy SBI Director shall be appointed to office by the Cabinet of Ministers of Ukraine following a motion of the Prime Minister of Ukraine according to a motion of a commission for competition for the positions of SBI Director and his or her deputies (hereinafter – referred to as the Competition Commission).

Persons meeting requirements specified in part Two of Article 10 hereof may participate in the competition.

2. The Competition Commission shall organise and conduct the competition according to this Law.
3. The Competition Commission shall consist of:
 - 1) Three persons appointed by the President of Ukraine;
 - 2) Three persons appointed by the Verkhovna Rada of Ukraine following a motion of a Verkhovna Rada committee responsible for the organisation and operation of pre-trial investigative bodies;
 - 3) Three persons appointed by the Cabinet of Ministers of Ukraine.

The Competition Commission shall be comprised of persons who have an impeccable reputation, higher legal education, high professional and moral qualities, and public esteem. A person may not be a member of the Competition Commission if he or she:

- 1) Is recognised as incapable pursuant to a court judgment, or his or her legal capability is limited;
- 2) Has a criminal record for committing a crime, unless this criminal record has been expunged or removed from official records according to procedures established by law (except for a rehabilitated person); was administratively penalised for an offence of corruption during the past year, or was brought to liability by court for an intentional crime;
- 3) Was deprived of the right to perform activities related to the fulfilment of state functions, or to hold certain positions according to a court verdict which has taken effect.
 - The Competition Commission shall be deemed competent if at least six of its members are approved.
4. A decision of the Competition Commission shall be adopted if supported by at least five members.
5. The chairperson and secretary of the Competition Commission shall be elected from among its members.
6. Mass media representatives and journalists shall be admitted to meetings of the Competition Commission, which shall ensure video and audio recording of its meetings, as well as live online broadcasting on the official website of the Cabinet of Ministers of Ukraine.
Information on the time and place of the meetings of the Competition Commission shall be published on the official website of the Cabinet of Ministers of Ukraine at least 24 hours prior to the meeting.
7. The Secretariat of the Cabinet of Ministers of Ukraine shall ensure the proceedings of the Competition Commission.
8. The Competition Commission shall:
 - 1) Determine the rules of its procedure;
 - 2) Announce the terms and conditions of the competition process;
 - 3) Examine documents submitted by individuals for participation in the competition;
 - 4) Select from the total number of candidates the persons to be interviewed, and the persons who are subjected to a special check under the Law of Ukraine 'On Prevention of Corruption' and to a check under the Law of Ukraine 'On Lustration';
 - 5) Select by open ballot from the number of interviewed candidates one person who meets the requirements for the position of SBI Director, and, according to a reasoned decision of the Competition Commission, have the best professional expertise, knowledge and qualities to perform the duties of SBI Director; select by open ballot from the interviewed candidates two persons who meet the requirements for the First Deputy SBI Director and Deputy SBI Director, and have the best professional expertise, knowledge and qualities to perform the duties associated with these positions;
 - 6) Publish information about the candidates who applied for the competitive selection; about the three candidates selected for interview by the Competition Commission; about the candidates selected by the Competition Commission to be appointed to the positions of Director, First Deputy Director and Deputy Director of the Bureau;
 - 7) Conduct repeat competition in case of the failure to approve candidates due to their non-compliance with the requirements for the position of SBI Director, or failure to pass a special check under the Law of Ukraine 'On Prevention of Corruption' or a check under the Law of Ukraine 'On Lustration';
9. The decisions of the Competition Commission may be challenged in court only in regard to the observance of the procedures established by this Law for the competition of the SBI Director's office.
10. The Competition Commission shall be established, under the procedure provided for by this Law, at least two months prior to the expiration of the term of office of the Director, First Deputy Director and Deputy Director of the Bureau, or during 14 days after the early termination of office of one of these officials.

The Competition Commission shall advertise terms and conditions of the competition for the position of SBI Director in the national print media and on the official website of the Cabinet of Ministers of Ukraine.

11. Persons applying for office shall submit the following documents within the established time period:

- 1) An application form indicating his or her consent for a special check according to the Law of Ukraine 'On Prevention of Corruption' and to the processing of personal data according to the Law of Ukraine 'On Protection of Personal Data';
- 2) His or her Curriculum Vitae indicating: family name, first name, patronymic (if relevant), date and place of birth, citizenship, educational background, working experience, current position (occupation), place of work, community service (including elective posts), membership in political parties, including past membership, employment or other contractual relations with a political party for the past year (irrespective of the length of such relations), contact telephone number, e-mail, and information about a criminal record or lack thereof;
- 3) A transparency return for the year preceding the competition advertisement in the form prescribed by the Law of Ukraine 'On Prevention of Corruption';
- 4) Other documents as prescribed by the laws of Ukraine 'On Civil Service' and 'On Prevention of Corruption'.

Information from the documents listed in this part shall be published within three business days following the application deadline on the official website of the Cabinet of Ministers of Ukraine, except for data which constitutes restricted information according to the Law of Ukraine 'On Prevention of Corruption', as well as contact telephone numbers and e-mail addresses of the candidates.

Article 12. Powers and Authority of the SBI Director

1. The SBI Director shall:

- 1) Be responsible for operations of the State Bureau of Investigation, in particular the lawfulness of detective and pre-trial investigative measures taken by the SBI and respect for human rights and freedoms;
- 2) Organise the operations of the SBI; and establish the duties of his or her first deputy and deputies;
- 3) Coordinate and supervise operations of the central and regional offices of the Bureau;
- 4) Approve the structure and headcount of the central and regional offices of the SBI;
- 5) Act according to the law and within headcount limits; create lists of positions in the central and regional offices of the SBI which are to be replaced with rank-and-file and senior officers, as well as lists of the special highest ranks of these positions;
- 6) File motions to the President of Ukraine to grant national decorations to rank-and-file and senior officers, civil servants and other SBI staff members, as well as to people assisting the Bureau in the performance of its functions;
- 7) Approve regulations on internal awards (e.g. medals, award badges, certificates of merit, etc.) to award rank-and-file and senior officers, civil servants and other SBI staff members, as well as to people assisting the Bureau in the performance of its functions;
- 8) Act within his or her authority; and issue orders and instructions as well as provide binding assignments for Bureau staff;
- 9) Appoint and dismiss staff members from the SBI's central office, as well as directors and deputy directors of the SBI's regional offices;
- 10) Adopt decisions on the allocation of public funds earmarked for the Bureau, and approve reports on the execution of these decisions;
- 11) Approve long-term, current and operational action plans of the Bureau;
- 12) Establish procedures to register, process, store and destroy information received by the SBI according to the law; take measures to prevent unauthorised access to restricted information and ensure the observance of laws on access to public information owned by the SBI;

- 13) Decide on incentives to be applied to SBI staff members;
 - 14) Award civil servant ranks according to procedures established by law to employees of the Bureau, and special ranks to rank-and-file and senior officers;
 - 15) File motions to the President of Ukraine to grant special ranks to senior officers of the Bureau;
 - 16) Represent the Bureau before central and local government authorities, civil associations, foreign agencies and international organisations, etc.;
 - 17) Have the right to attend meetings of the Verkhovna Rada of Ukraine, its committees, special ad hoc commissions and ad hoc investigative commissions and have an advisory vote at meetings of the Cabinet of Ministers of Ukraine;
 - 18) Ensure the openness and transparency of SBI operations according to this Law; and report on operations and the performance of the SBI according to the procedures established by this Law;
 - 19) Give permission to use money from the fund for special detective and investigative operations of the Bureau;
 - 20) Exercise other powers provided for by this Law and other legislation, including the right to personally exercise the powers of the Bureau stipulated by this Law within the limits of his or her competence.
2. The SBI Director shall exercise powers on the matters specified in parts 2, 6, 7, 9, 10, 11, 12, 13, 19 of part One of this Article subject to approval of the First Deputy SBI Director and Deputy SBI Director; decisions on matters pertaining to operations of the regional offices, specified in parts 4, 5 of part One of this Article, shall also be taken upon submission of the directors of the Bureau's regional offices.
 3. The SBI Director shall, no later than 30 days from the date of his or her appointment, prepare a strategic action programme for the Bureau (for five years).

The action programme of the Bureau shall contain, among other things:

- 1) Tasks to be performed;
- 2) The scope and order of fulfilment of the tasks to be performed by the Bureau;
- 3) Activities aimed at cooperation with civil society;
- 4) Priorities of work;
- 5) Criteria for the fulfilment/non-f fulfilment of the determined tasks and priorities.

The Director of the Bureau shall draw up an annual report on SBI operations. The report shall contain results, a completion schedule and the current status of fulfilment of the Bureau's action programme, as well as other information provided for by Article 23 of this Law.

The programme and report shall be posted on the official website of the Bureau after they are approved.

4. If the Director of the Bureau is dismissed from office or dies, or if there is no information about his location, his or her First Deputy shall exercise the powers of the Director of the State Bureau of Investigation during first 60 days, and later they shall be exercised by the Deputy and again by the First Deputy with rotation every 60 days until a new Director of the Bureau is appointed in the manner prescribed by this Law. The term of office shall commence, respectively, from the day following the day when the Director of the Bureau is dismissed from office, or from the day following the day of his or her death, or from the day following the last day when the location of the Director of the Bureau was known.

Article 13. Directors of SBI's Regional Offices and Heads of SBI's Central Office Units and their Deputies

1. Directors of SBI regional offices and heads of SBI central office units shall be appointed and dismissed from office by the SBI Director under the submission of the Competition Commission pursuant to the procedure stipulated by parts Two – Eleven of Article 11 of this Law.

2. The Directors of SBI regional offices shall, not later than 30 days from the date of his or her appointment, prepare annual action programmes for the corresponding regional office of the Bureau.

The action programme of a regional office of the State Bureau of Investigation shall contain, among other things:

- 1) Tasks to be performed;
- 2) The scope and order of fulfilment of the tasks to be performed by the Bureau;
- 3) Activities aimed at cooperation with civil society;
- 4) Priorities of work;
- 5) Criteria for the fulfilment/non-f fulfilment of the determined tasks and priorities.

The next annual programme shall be adopted no later than 30 days prior to the expiration date of the previous annual programme.

Together with an annual action programme for a regional office of the State Bureau of Investigation, its Director shall draw up a report on the operations of the corresponding regional office of the Bureau. The report shall contain results, a completion schedule and the current status of fulfilment of the regional offices' action programme, as well as other information provided for by Article 23 of this Law.

The Directors of SBI regional offices shall submit the corresponding programmes and reports for approval to the Director of the State Bureau of Investigation. The Director of the Bureau shall approve the strategic programme together with the annual programme.

After approval of the programme and report, the reports shall be posted on the official website of the State Bureau of Investigation regional office.

3. The Director of an SBI regional office shall:

- 1) Organise operations for the respective regional office to perform the functions of the State Bureau of Investigation and execute orders and instructions from the SBI Director;
- 2) Appoint and dismiss regional office staff members, except those appointed by the SBI Director, in accordance with Article 11 of this Law;
- 3) Submit motions to the SBI Director to award special ranks to rank-and-file and senior officers, as well as to award civil service ranks to SBI officers in the regional office according to established procedures;
- 4) Submit suggestions to the SBI Director as to the structure and headcount of the regional office;
- 5) Act within his or her authority, issue orders and instructions;
- 6) Exercise other powers established by this Law and other legislation, including the right to personally exercise the powers of the State Bureau of Investigation stipulated by this Law within the limits of his or her competence.

4. The Head of an SBI central office unit shall:

- 1) Organise operations for the respective regional office of the central office unit to the perform functions of the State Bureau of Investigation and execute orders and instructions of the SBI Director;
- 2) Submit suggestions to the SBI Director as to the staff list of the unit (office), as well as a draft of the regulations on the respective unit for their approval;
- 3) Control the protection of state secrets by the unit (office); take measures to prevent unauthorised access to other information with restricted access;
- 4) Submit motions to the SBI Director to reward subordinate employees; award special ranks or civil service ranks to them, or award ranks to subordinate civil officers according to the law;
- 5) Submit suggestions to the SBI Director as to recommendations of subordinate employees for Ukraine's national awards, and for rewarding persons who assist to prevent, detect, stop and investigate crimes under the jurisdiction of the SBI;

- 6) Bear responsibility for the work of the unit (office), in particular for the legality of detective operations and pre-trial investigations being carried out, as well as the protection of human and civil rights and freedoms;
 - 7) Exercise other powers established by this Law and other legislation, including the right to personally exercise the powers of the State Bureau of Investigation stipulated by this Law within the limits of his or her competence.
5. If a head of a central office unit (director of a regional unit) of the State Bureau of Investigation is absent or if he or she is temporarily not capable of exercising his or her powers, his or her deputy shall perform his or her duties; in cases where two deputies exist—the oldest deputy shall perform his or her duties.
- If a deputy is absent, the duties of the head of a central office unit (Director of a regional unit) of the State Bureau of Investigation shall be performed by the oldest head of the unit (office) who is a member of such a unit (office), and if a unit (office) has no other units—by the oldest staff member of the unit (office).

Article 14. Staff Members of the State Bureau of Investigation

1. Staff members of the SBI shall include rank-and-file and senior officers, civil servants and other employees working under employment contracts with the SBI.
2. Service in the State Bureau of Investigation is a form of special civil service—that is, the professional activity of Ukrainian nationals who meet both health and age requirements. Service in the State Bureau of Investigation shall be credited towards the total length of service, the length of service in the profession and the length of civil service.
3. Ukrainian nationals shall be admitted to serve in the State Bureau of Investigation on a competitive and voluntary basis (under an employment contract) if they are able to perform duties effectively and efficiently due to their business qualities and morale stature, age, educational background, professional qualifications and good health. Qualification requirements and the criteria of professional aptitude needed to assume office in these units shall be approved by the SBI Director. Candidates shall be appointed to offices in the SBI, except for those defined in part One of Article 10, part One of Article 13, and part One of Article 24 of this Law, only following an open competitive selection conducted according to procedures established by the SBI Director based on the Standard procedure for an open competitive selection approved by the Cabinet of Ministers of Ukraine.
4. The Cabinet of Ministers of Ukraine shall approve the Procedure on awarding special ranks to SBI senior executives, and the correlation of these ranks to other special, military and civil service ranks.
5. Employment relations of SBI staff members shall be governed by laws on labour and civil service and by employment agreements (contracts). The Law of Ukraine 'On Civil Service' shall apply to SBI civil servants. SBI civil servant positions shall belong to the respective categories of civil service posts according to procedures established by law.
6. Staff members of the State Bureau of Investigation shall take qualification upgrade courses on a regular basis – at least biennially.

Staff members of the State Bureau of Investigation, the powers of which include to detect, solve and investigate crimes falling under the jurisdiction of the Bureau, as well as crimes of torture and other cruel, inhuman or degrading treatment or punishment, corruption and corruption-related crimes, shall take refresher or qualification upgrade courses under special programmes, including abroad.

Article 15. Restrictions Applied to SBI's Staff Members

1. A person may not be appointed to office in the State Bureau of Investigation if he or she:
 - 1) Is legally announced as fully or partially incapable by a court's decision;
 - 2) Has a criminal record for committing a crime, unless this criminal record has been expunged or removed from official records according to procedures established by law (except for a rehabilitated

- person), or if penalised administratively for an administrative offence related to corruption during the past year;
- 3) If appointed, will be directly superior or directly subordinated to close persons;
 - 4) Failed a special check.
2. A staff member of the State Bureau of Investigation may not:
 - 1) Be a member or participate in the establishments or activities of a political party;
 - 2) Be an attorney of a third party while representing the State Bureau of Investigation;
 - 3) Use the SBI, its staff members and property for party, group or personal interests.

Other restrictions and requirements established by the Law of Ukraine 'On Prevention of Corruption' shall apply to SBI staff members.

When a person is appointed to office in the SBI, he or she shall be notified of possible vetting and monitoring of his or her way of life.

3. If a staff member of the SBI faces a conflict of interest during the performance of his or her duties, he or she shall promptly notify his or her immediate superior. Such an immediate superior shall take every action to prevent or eliminate the conflict of interest by giving the respective assignment to another SBI staff member, performing the assignment himself or herself, or otherwise according to law.

Note. For the purpose of this Article, "close persons" and "conflict of interests" shall have the meaning defined in the Law of Ukraine 'On Prevention of Corruption'.

Article 16. Work Placement of SBI's staff members

1. Individuals without related professional work experience shall have a mandatory work placement for a period of six months to one year. Work placement procedures shall be established by the SBI Director.
2. A person may be dismissed from the SBI following the work placement if he or she fails to meet the requirements for SBI staff members set forth in part Three of Article 14, and part One of Article 15 of this Law.

Article 17. Financial and Technical Support to the State Bureau of Investigation

1. Operations of the SBI shall be funded and equipped from State Budget funds. The SBI shall not be funded or maintained from local budgets or other sources, except for the State Budget of Ukraine—in particular, by aid given under international technical assistance projects, as established by Ukrainian laws and international treaties.
2. The SBI shall be supplied by the Cabinet of Ministers of Ukraine with necessary facilities, equipment and other property to perform its functions.

SECTION 3. SOCIAL AND LEGAL PROTECTION AND LIABILITY OF SBI STAFF

Article 18. Legal Protection of SBI staff

1. While performing their duties, SBI staff members represent the government, act on behalf of the government and are protected by the government. No one, except for authorised officials from government authorities in specific cases established by law, shall be entitled to interfere with their legitimate actions.

Information about the residences of SBI staff and their family members shall not be disclosed in the media to ensure their personal protection. Information about the service records of SBI staff shall be shared upon permission of the SBI Director or his or her deputy.

Should an SBI staff member be detained or subjected to a custodial restraint measure, he or she shall be kept in pre-trial detention facilities separately from other individuals.

2. To ensure the safety of SBI staff, protect them from unlawful intrusions related to their duties, the SBI operates a special physical protection department. The staff members of the department are entitled to keep,

carry and use firearms and special impact means on the basis and according to the procedures established by the Law of Ukraine 'On National Police'.

3. The government shall protect individuals who volunteer, including on a contractual basis, to help the SBI perform its tasks. The illegal disclosure of information about such individuals and other offences committed against them and their close relatives in connection with SBI relations shall entail liability according to the laws.
4. An SBI staff member, who, according to this Law, has reported an illegal action or inaction committed by another SBI staff member, cannot be dismissed from office or forced to be dismissed, held liable or otherwise prosecuted for such reporting except for cases when he or she is brought to account for knowingly reporting false information about a crime. SBI officials are prohibited from disclosing information about SBI staff members who have reported unlawful acts or the failure of another SBI staff member to act appropriately.

Article 19. Social Protection and Pension Benefits of SBI staff

1. The government shall ensure the social protection of SBI staff according to the Constitution of Ukraine, this Law and other legislative instruments.
2. Rank-and-file and senior officers of the SBI shall enjoy social guarantees according to the Law of Ukraine 'On National Police' and other laws subject to the provisions of this Law.
3. Rank-and-file and senior officers of the SBI shall enjoy pension benefits according to procedures established by the Law of Ukraine 'On Pension Benefits of Dismissed Servicemen and Certain Individuals'.
4. SBI staff members who are civil servants shall enjoy pension benefits according to procedures established by the Law of Ukraine 'On Rank-and-file and Senior Officers'. Other staff of the SBI shall enjoy pension benefits according to procedures established by laws.

Article 20. Monetary compensations and remuneration of SBI staff

1. The monetary compensation for rank-and-file and senior officers of the SBI shall ensure sufficient financial conditions for the proper performance of their duties, with due regard to the special nature and intensity of their work. It also must ensure the ability of the SBI to hire highly skilled staff, encourage their top performance and compensate for the physical and intellectual costs of the staff.
2. Rank-and-file and senior officers of the SBI shall enjoy the monetary compensation offered to National Police staff, with due regard to the particularities outlined in this Law. The remuneration of the SBI staff who are civil servants is regulated by the laws on civil service, with due regard to the particularities outlined in this Law.

Remuneration of the individuals working for the SBI on the basis of employment contracts are established by the Cabinet of Ministers of Ukraine.

3. Remuneration of SBI staff members shall comprise of:

- 1) Basic salary;
- 2) Seniority pay;
- 3) Additional payment for work which involves access to state secrets;
- 4) Additional payments for a special title or civil servant rank.

Remuneration of SBI staff members shall comprise of a basic salary of no less than 70 per cent, and other payments of no more than 30 per cent.

4. The following basic salaries shall be fixed for staff members of the State Bureau of Investigation in accordance with the minimum wage set by the Law 'On State Budget of Ukraine' for the relevant year:
 - Director – 30 [times the minimum wage];
 - First Deputy Director; Deputy Director – 28;
 - Regional office head; central office department head – 26;
 - Head of a central office unit – 24;

- Head of a regional office unit – 22;
 - Investigator of the State Bureau of Investigation authority – 20
 - other staff members of the State Bureau of Investigation – an amount which is 3 times as high as the amount of a basic salary fixed by the Cabinet of Ministers of Ukraine for employees that hold corresponding positions in Central Executive Authorities.
5. The basic salaries of the corresponding deputy heads of departments (heads of units) of the State Bureau of Investigation shall be fixed with a decreasing coefficient of 1.1.
- The basic salaries of staff members of the Bureau who work as trainees shall be fixed with a decreasing coefficient of 1.5.
6. Staff members of the State Bureau of Investigation shall receive monthly seniority pay in the following amounts: with work experience up to 5 years – 10%; over 5 years – 15%; over 10 years – 20%; over 15 years – 25%; over 20 years – 30%; over 25 years – 35%; over 30 years – 40%; and over 35 years – 45 % of the basic salary.
7. Staff members of the State Bureau of Investigation shall receive a monthly additional payment for work which involves access to state secrets, the amount of which depends on the degree of information secrecy: concerning data and media with the degree of secrecy of “critical importance” or “top secret”—10% of the basic salary; and concerning data and media with the degree of secrecy of “secret”—5% of the basic salary.
8. Additional payments for a special title or civil servant rank shall be received in accordance with the procedure and in the amount determined by the Cabinet of Ministers of Ukraine.

Article 21. Liability of SBI Staff

1. SBI staff members shall make decisions independently within the scope of their powers established by this Law and by other laws and bear liability for their unlawful actions or inaction according to the Law.
2. Should an SBI staff member violate human rights or freedoms while performing his or her duties, the SBI shall take actions within its competence to renew these rights and freedoms, reimburse any pecuniary and non-pecuniary damages and hold the guilty persons liable.

SECTION 4. COOPERATION OF THE STATE BUREAU OF INVESTIGATION WITH OTHER STATE AUTHORITIES

Article 22. Cooperation of the SBI with Other State Authorities

1. To ensure the cooperation of the SBI with public prosecutor offices, the National Police, the National Anti-Corruption Bureau of Ukraine, the Security Service of Ukraine, the Central Executive Authority developing and implementing public tax and customs policy, the Central Executive Authority for the prevention and combating of money laundering or the financing of terrorism (hereinafter—referred to as the Special Executive Authority for Financial Monitoring), positions within the aforementioned entities will be created to facilitate such cooperation with the SBI, which will be introduced into the staff schedules of the central offices of these authorities.
2. The exchange of operative information between the SBI and the National Anti-Corruption Bureau of Ukraine, the National Police, the Security Service of Ukraine, the Central Executive Authority for tax and customs policy concerning joint actions, and with other state agencies conducting detective activities in accordance with the law, shall be conducted upon a written instruction by the heads of the corresponding units.
3. The terms and conditions for information exchange between the SBI and other state agencies shall be regulated by joint regulatory acts.
4. The transfer of operative information from the SBI to other state agencies is allowed only upon a written instruction from the head of a corresponding unit in the State Bureau of Investigation.
5. The SBI shall cooperate with the National Bank of Ukraine, the State Property Fund, the Anti-monopoly Committee of Ukraine, the agencies of the State Border Guard Service and other government authorities.

The SBI can conclude agreements (a memoranda) of cooperation and information exchange with individual government authorities.

6. To prevent and counter criminal offences under the jurisdiction of the SBI, the National Bank of Ukraine, the Anti-monopoly Committee, the State Property Fund, the public financial control authority and other government authorities supervising the compliance of individuals and legal entities with the laws of Ukraine shall:
 - 1) While performing their control function within their competence, inquire into the actions of individuals and legal entities that may indicate corresponding criminal offences or set the pre-conditions for the commission thereof;
 - 2) Share with the SBI the information they receive while performing their control functions, and analyse such data, where such information can indicate criminal offences or be used to prevent, detect, stop and investigate crimes under the jurisdiction of the SBI.
7. The State Bureau of Investigation and the State Penitentiary Service of Ukraine cooperate on information exchange about persons who have been brought to responsibility for criminal offences falling under the jurisdiction of the Bureau.

SECTION 5. PECULIARITIES OF THE DEMOCRATIC CIVILIAN CONTROL OF THE STATE BUREAU OF INVESTIGATION OPERATIONS. ENSURING TRANSPARENCY OF THE STATE BUREAU OF INVESTIGATION'OPERATIONS

Article 23. Control of SBI operations

1. SBI operations shall be controlled in the manner established by the Constitution of Ukraine, the Law of Ukraine 'On Democratic Civilian Control of the Military Organisation and National Law Enforcement Agencies', this Law and other laws of Ukraine.
2. The SBI Director shall:
 - 1) Inform the President of Ukraine, the Verkhovna Rada and the Cabinet of Ministers of Ukraine about key the operations of the SBI and its units; the achievement of its mission and objectives; its compliance with the law, and respect for human rights and freedoms;
 - 2) Each year, before 1 April, submit a written report about the performance of the SBI for the previous year to the President of Ukraine, the Verkhovna Rada and the Cabinet of Ministers.
3. The written report on the performance of the SBI shall contain:
 - 1) Statistics about its performance that necessarily include:
 - The number of registered reports of criminal offences under the SBI's jurisdiction;
 - The number of detective cases initiated by the SBI and their progress;
 - The number of persons against whom indictments were drawn up for the commitment of criminal offences under the SBI's jurisdiction;
 - The number of persons whose guilty verdicts took effect for the commitment of criminal offences under the SBI's jurisdiction;
 - The number of persons whose not-guilty verdicts with regards to their commitment of corresponding criminal offences took effect;
 - Information about the amount of losses and damages caused by the criminal offences under the SBI's jurisdiction; and the progress and amount of reimbursement;
 - Information about funds and other property received as a result of criminal offences under the jurisdiction of the SBI and confiscated upon a court decision, and the amount of illegally received services or benefits where funds have been collected in favour of the government and their use;
 - Information about funds and other property received as a result of criminal offences under the jurisdiction of the SBI and returned to Ukraine from abroad, as well as their use;
 - Information about attached property, confiscated objects and income from criminal offences under the jurisdiction of the SBI and their use;

- 2) Cooperation with other central government authorities, local self-government bodies, enterprises, institutions and organisations;
 - 3) Cooperation with state agencies and non-governmental organisations from foreign states, as well as international organisations, within its competence;
 - 4) The staff members of the SBI, their qualifications, expertise and skills upgrading;
 - 5) The operation of SBI's internal control unit; the number of reports on offences committed by SBI staff members; the results of the consideration of the reports and any liability imposed on them;
 - 6) The estimate of the SBI and its implementation;
 - 7) Other information on the performance of the SBI and its duties.
4. The SBI report shall be submitted for consideration to the Public Control Council established within the SBI that shall consider it within 10 days after submission. The SBI report shall be submitted to appropriate government authorities and published along with the opinion of the Public Control Council if approved within the set deadlines.
 5. At least once a year, the Verkhovna Rada Committee for the legal regulation of law enforcement activities shall hold open public hearings about performance of the SBI; the achievements of its goals; its compliance with the law, and respect for the rights and freedoms of citizens.

Article 24. SBI Internal Control Units

1. To prevent and detect offences committed during the activities of SBI staff, the SBI shall have internal control units directly accountable to the SBI Director. The internal control units operate from the central office and regional offices of the SBI.

The heads and employees of the internal control units in the central office and regional offices of the SBI shall be appointed and dismissed by the SBI Director upon submission by the Competition Commission according to the procedure stipulated by parts Two - Eleven of Article 11 of this Law.

2. An SBI internal control unit shall:
 - 1) Prevent the commitment by offences by SBI staff according to the laws of Ukraine 'On Prevention of Corruption and On Civil Service';
 - 2) Control observance by SBI staff of the code of ethics, and avoid conflicts of interest;
 - 3) Check the integrity of SBI staff members and monitor their way of life;
 - 4) Conduct psychophysiological interviews with individuals with the use of a lie detector for enrolment and service in the SBI;
 - 5) Check information in reports filed by individuals, legal entities, media and other sources, including reports received via SBI's special-purpose telephone line, web page or others means of electronic communication to detect the involvement of SBI staff in offences;
 - 6) Conduct internal investigations with regard to SBI staff;
 - 7) Vet individuals who apply for positions in the SBI;
 - 8) Take actions to protect SBI staff who report unlawful actions or inaction of other SBI staff;
 - 9) Advise SBI staff on the standards of ethical conduct, conflict of interests, declaration of property, incomes, expenses and financial liabilities.
3. An SBI staff member who came to know information about unlawful actions or inaction of another SBI staff member shall immediately notify the SBI Director and SBI's internal control unit.
4. In case information about the possible commitment of a criminal offence by an SBI staff member has been discovered, the internal control unit shall immediately notify the Prosecutor General of Ukraine or his or her deputy.
5. The procedures and powers of the SBI's internal control units shall be set forth in regulations approved by the SBI's Director.

Article 25. SBI Disciplinary Commission

1. A five-member Disciplinary Commission shall be established to consider disciplinary sanctions against SBI staff members. The Disciplinary Commission shall include three individuals appointed by the SBI's Public Control Council.

The composition and Regulations of the Disciplinary Commission shall be approved by the SBI Director based on the Standard Regulations on Disciplinary Commission of a Central Executive Authority approved by the Cabinet of Ministers of Ukraine.

2. Following an internal investigation conducted by an internal control unit, the Disciplinary Commission shall provide an opinion as to whether or not the SBI staff member in question committed a disciplinary offence and whether or not there are grounds to hold him or her liable. The Commission shall recommend the type of a disciplinary sanction.
3. The Disciplinary Commission shall decide whether or not to impose the disciplinary sanction. The decision can be challenged in court.

Article 26. Conducting a Psychophysiological Interview with the Use of a Lie Detector

1. To enrol in the SBI and at least once a year during work at the SBI, SBI staff members shall undergo a psychophysiological interview with the use of a lie detector.

The psychophysiological interview with use of a lie detector is a harmless test that uses a computer to register psychophysiological reactions. It analyses changes in the reactions of testees to psychological stimuli set in the form of multiple choice questions, items, patterns, pictures, etc., which reveal simulations and shows results in analogue or digital form.

The interview is expected to reveal possible criminal offences previously committed by the candidate for an SBI position or an SBI staff member.

2. As such, the results of a psychophysiological interview with use of a lie detector shall not per se constitute grounds to deny admittance of the candidate to a desired position. Instead, they shall be solely used during a job interview as information of a probable nature that may facilitate the overall evaluation of the candidate.

The refusal of a candidate for an SBI position to take part in the psychophysiological interview with use of a lie detector shall constitute grounds to refuse the consideration of the candidate.

3. Results of a psychophysiological interview with use of a lie detector shall not constitute grounds to initiate criminal or administrative proceedings.

4. The psychophysiological interview with use of a lie detector shall be conducted by specialists from the internal control units of the SBI.

The Cabinet of Ministers of Ukraine shall approve the procedures for psychophysiological interviews using a lie detector.

Article 27. Ensuring Transparency of SBI Operations

1. The SBI shall regularly inform the public about its operations through mass media, on its official website and through other means.

2. The SBI shall:

- 1) Prepare and publish, no later than April 1 each year, a performance report for the previous year provided for by Article 23 of this Law. The report shall be published in the national print media and on the official website of the SBI;

- 9) Publish and provide requested information as established by the Law of Ukraine 'On Access to Public Information';

- 10) Publish reports upon certain requests on the official website of the SBI, and indicate the reasons why certain measures have not been taken;

- 11) Publish information on SBI staff appointments and dismissals on the official webpage of the SBI;

- 12) Publish information on the status of SBI investigations on the official website of the SBI, including information on the informing of suspicion; the sending of proceedings to court, or the termination thereof, etc.

3. No one may restrict access to information about SBI's total estimate, competence and focus areas, as well as about SBI staff members held liable for offences committed.

Article 28. SBI Public Control Council

1. To ensure transparency and civilian control over its operations, the SBI shall establish a 15-member public control council on the principles of an open and transparent competition.
The Public Control Council of the SBI shall not include:
 - 1) Individuals authorised to perform the functions of central or local government;
 - 2) Individuals who have worked in law enforcement agencies during the past two years (regardless of duration);
 - 3) Individuals whose close persons have worked in the SBI during the past two years (regardless of duration).
2. The Cabinet of Ministers of Ukraine shall approve the regulations on the Public Control Council and the procedures for its formation.
3. The SBI Public Control Council shall:
 - 1) Hear information about the activity, delivery of plans and objectives of the SBI;
 - 2) Review reports of the SBI and provide an opinion on them;
 - 3) Select three representatives from amongst its members to be members of the SBI Disciplinary Commission;
 - 4) Have other rights as established by the Regulations on the Public Control Council.

Article 29. Supervision by Public Prosecutors

1. The Prosecutor General of Ukraine shall supervise the SBI's compliance with laws during its detective operations and pre-trial investigations directly or through authorised public prosecutors.

Article 30. Official ID of the SBI Staff Member

1. SBI staff members shall have an official ID.
2. The SBI Director shall approve Regulations on Official IDs of SBI staff members and their samples.

SECTION 6. FINAL AND TRANSITIONAL PROVISIONS

1. This Law shall come into force and effect on the date of establishment of the SBI by the Cabinet of Ministers of Ukraine, but no later than March 1, 2016, except for the provisions of parts Two and Three of Article 11 (on establishing the Competition Commission), which shall come into force from January 1, 2016.
2. Until harmonised with this Law, other regulations shall apply only to the extent to which they do not contravene this Law.
3. To recommend to the Cabinet of Ministers of Ukraine to establish the State Bureau of Investigation using the staffing level of the investigative units of the General Prosecutor's Office of Ukraine, the relevant units of the Ministry of Internal Affairs of Ukraine, and other state agencies counteracting crimes, and to establish the Competition Commission in accordance with this Law.

The following quotas shall be fixed and observed during the initial establishment of SBI units:

- 1) Investigative units of the State Bureau of Investigation shall be established from amongst:
 - Persons who held the office of investigative prosecutor during the last year – not more than 30%;
 - Persons who held the office of investigator in other state authorities during the last year – not more than 19%;
 - Other persons who have appropriate work experience in the area of law – not less than 51%.
- 2) Detective units, as well as the Internal Security Unit of the State Bureau of Investigation, shall be established from amongst:
 - Persons who held office in detective units during the last year – not more than 40%;
 - Other persons who have appropriate work experience in the area of law – not less than 60%.
4. Reports on criminal offences filed to the police before this Law takes effect and not entered into the Unified Register of Pre-Trial Investigations, but which fall under the jurisdiction of the SBI according to this Law, shall be transferred within 24 hours to a respective unit (agency) of the SBI to be

entered into the Unified Register of Pre-Trial Investigations according to Article 214 of the Criminal Procedure Code of Ukraine.

The files of criminal proceedings that are kept as of the effective date of this Law by other agencies conducting pre-trial investigations on the pre-trial investigation stage, but which fall under the jurisdiction of the SBI according to this Law, in three months from when the SBI starts functioning as a pre-trial investigative body, shall be transferred to a respective unit (agency) of the SBI to continue the proceedings after the SBI starts performing its pre-trial investigation function. Criminal cases opened by procuracy investigators prior to the start of SBI functioning, and which are still in the process of pre-trial investigation, shall be finished by procuracy, but no longer than in two years.

Pending reports, information and requests of state agencies and local self-government bodies, MPs of all levels, individuals and legal entities filed to the police before this Law takes effect, and where no decision was taken, but which fall under the jurisdiction of the SBI according to this Law shall be returned within 24 hours to claimers or transferred to a respective unit (agency) of the SBI to be entered into the Unified Register of Pre-Trial Investigations according to Article 214 of the Criminal Procedure Code of Ukraine.

5. The following legislative acts of Ukraine shall be amended:

- 1) Article 216 of the Criminal Procedure Code of Ukraine (BVR, 2013, No. 9 – 13, p. 88) shall read as follows:

“Article 216. Investigative jurisdiction:

1. Investigators of internal affairs bodies shall conduct pre-trial investigations of criminal offences provided for by the law of Ukraine on criminal liability, except for those which fall within the scope of investigative jurisdiction of other pre-trial investigative agencies.
2. Investigators of security authorities shall conduct pre-trial investigation of crimes under Articles 109, 110, 111, 112, 113, 114, 201, 2651, 305, 328, 329, 330, 332, 3321, 333, 334, 359, 422, 436, 437, 438, 439, 440, 441, 442, 443, 444, 446, and 447 of the Criminal Code of Ukraine.

If during the investigation of crimes under Articles 328, 329, and 422 of the Criminal Code of Ukraine, they detect crimes under Articles 364, 365, 366, 367, 425, and 426 of the Criminal Code of Ukraine committed by a person under pre-trial investigation, or by another person if they are related to crimes committed by the person under pre-trial investigation, they shall be investigated by investigators of security authorities, except for cases when such crimes have been put under the jurisdiction of the National Anti-Corruption Bureau of Ukraine according to this Article.

3. Investigators of bodies exercising control over observance of the tax legislation shall conduct pre-trial investigations of crimes under Articles 204, 212, 2121, 216, 2181, and 219 of the Criminal Code of Ukraine.

If during investigations of the stated crimes, they detect crimes under Articles 192, 200, 205, 222, 221, and 358 of the Criminal Code of Ukraine committed by a person under pre-trial investigation, or by another person if they are related to crimes committed by the person under pre-trial investigation, they shall be investigated by investigators of bodies exercising control over the observance of tax legislation.

4. Investigators of the State Bureau of Investigation shall conduct pre-trial investigations of:

- 1) Crimes related to the activities of criminal groups and criminal organisations (Articles 255, 256, 257, and 260 of the Criminal Code of Ukraine);
- 2) Extremely grievous violent crimes (part Two of Article 115, part Three of Article 3211, Articles 348, 379, and 400; and part Four of Article 404 of the Criminal Code of Ukraine);
- 3) Crimes of torture and crimes related to cruel, inhuman or degrading treatment or punishment (Articles 115 and 120, part Two of Article 121, part Two of Article 122, part Two of Article 126, Article 127; parts Two and Three of Article 146; and Articles 151, 365, 371, 373, 386, and 4261 of the Criminal Code of Ukraine) committed by staff members from law enforcement agencies;

- 4) War crimes, except when their pre-trial investigation falls under the jurisdiction of the security authorities according to part Two of this Article (Articles 402-421 and 423-435 of the Criminal Code of Ukraine);
 - 5) Crimes committed by officials occupying especially responsible positions under part One of Article 9 of the Law of Ukraine 'On Civil Service'; persons whose positions fall under the first - third category of the civil service; judges and staff members of law enforcement agencies, except where the pre-trial investigation of these crimes falls under the jurisdiction of detectives of the internal control unit of the National Anti-Corruption Bureau according to part Five of this Article;
 - 6) Crimes committed by officials of the National Anti-Corruption Bureau of Ukraine, prosecutors of the Specialised Anti-Corruption Public Prosecutor's Office, except where pre-trial investigation of these criminal offences falls under the jurisdiction of detectives of the internal control unit of the National Anti-Corruption Bureau of Ukraine according to part Five of this Article.
5. Detectives of the National Anti-Corruption Bureau of Ukraine conduct pre-trial investigation of the crimes specified in Articles 191, 2062, 209, 210, 211, 354 (in respect of employees of legal entities of public law), 364, 3661, 368, 3682, 369, 3692, and 410 of the Criminal Code of Ukraine if at least one of the below conditions is present:
- 1) The crime was committed by:
 - The President of Ukraine whose powers are terminated; a member of Ukrainian Parliament; the Prime Minister of Ukraine; a member of the Cabinet of Ministers of Ukraine; a first deputy minister and deputy minister; the Chairman of the National Bank of Ukraine; his or her first deputy and deputy; a member of the Council of the National Bank of Ukraine; the Secretary of the National Security and Defence Council of Ukraine; or his or her first deputy or deputy;
 - A civil servant holding a position that belongs to Category 1 and 2; or an individual holding a position equal to civil service positions of Categories 1 and 2;
 - A member of the Verkhovna Rada of the Autonomous Republic of Crimea; a member of an oblast council, a city council in Kyiv or Sevastopol; or an officer of a local government authority whose position belongs to Category 1 and 2;
 - A judge from the Constitutional Court of Ukraine; a judge from the general jurisdiction court; a peoples' assessor or a jury member (when discharging these functions); the Head, members, and disciplinary inspectors of the High Qualification Commission of Judges of Ukraine; the Head, Deputy Head, and section registrar of the High Council of Justice; or other members of the High Council of Justice;
 - The Prosecutor General of Ukraine, or his or her deputy; an assistant to the Prosecutor General of Ukraine; a prosecutor from the Prosecutor General's Office of Ukraine; an investigator from the Prosecutor General's Office of Ukraine; the head of a subdivision of the Prosecutor General's Office of Ukraine; a prosecutor from the Autonomous Republic of Crimea, or from the city of Kyiv or Sevastopol, an oblast or his or her deputy; the head of a subdivision of the Public Prosecutor's Office of the Autonomous Republic of Crimea, or from the city of Kyiv or Sevastopol, or an oblast;
 - A supreme command staff member from an internal affairs body; the State Bureau of Investigation; the state penal enforcement service; civil defence bodies and units; or a customs service officer who is awarded the special rank of state advisor of the tax and customs service of Class 3 or higher; an officer of the state tax service authorities who is awarded the special rank of state advisor of the tax and customs service of Class 3 or higher;
 - A senior officer of the Armed Forces of Ukraine; the Security Service of Ukraine; the State Border Guard Service of Ukraine; the State Special Transportation Service; the National Guard of Ukraine or other military units established according to laws of Ukraine;

- The head of a large enterprise with a share of state or communal ownership in authorised capital exceeding 50 percent;
- 2) The amount the crime targets or the damage caused exceeds an amount of 500 or more times as high as the amount of a minimum wage fixed according to law for the time when the crime was committed (if the crime was committed by an official of a state authority, law enforcement authority, military unit, local government, or business unity with a share of state or communal ownership in the authorised capital exceeding 50 percent);
- 3) (Excluded under the Law No 889-VIII of 10.12.2015)
- 6. In criminal proceedings concerning crimes under Articles 384, 385, 386, 387, 388 and 396 of the Criminal Code of Ukraine, a pre-trial investigation shall be conducted by an investigator from the body whose investigative jurisdiction refers to the crime that caused a pre-trial investigation.
- 7. In criminal proceedings concerning crimes under Articles 258, 2581, 2582, 2583, 2584, 2585, and 261 of the Criminal Code of Ukraine, a pre-trial investigation shall be conducted by an investigator from the body that initiated the pre-trial investigation.
- 8. In criminal proceedings concerning crimes under Articles 209 and 2091 of the Criminal Code of Ukraine, a pre-trial investigation shall be conducted by an investigator from the body which began the pre-trial investigation or whose investigative jurisdiction refers to a socially dangerous or wrongful act that preceded legalisation (laundering) of the proceeds of criminal activities, except for cases where these crimes fall within the scope of investigative jurisdiction of the National Anti-Corruption Bureau of Ukraine according to this Article.

A pre-trial investigation in proceedings concerning the legalisation (laundering) of proceeds of criminal activities shall be conducted without prior imposition of criminal liability for the commitment of a socially dangerous or wrongful act that precedes legalisation (laundering) of the proceeds of criminal activities, in criminal proceedings under Article 209 of the Criminal Code of Ukraine in cases where, in particular:

- 1) A socially dangerous or wrongful act that preceded legalisation (laundering) of the proceeds of criminal activities was committed outside of the territory of Ukraine, and legalisation (laundering) of the proceeds of criminal activities was committed on the territory of Ukraine;
- 2) The fact of the commitment of a socially dangerous or wrongful act that preceded legalisation (laundering) of the proceeds of criminal activities was established by a court's guilty verdict that came into legal force.
- 9. If, during a pre-trial investigation, they detect other crimes committed by a person under pre-trial investigation, or by another person if they are related to crimes committed by the person under pre-trial investigation and which do not fall within the scope of jurisdiction of the body conducting a pre-trial investigation in a criminal proceeding, the Prosecutor who supervises the pre-trial investigation shall issue a decree to define the investigative jurisdiction of all these crimes if it is impossible to unite all these files into one separate proceeding."
- 2) The Law of Ukraine On Detective Investigative Activities (BVR, 1992., No.22, p. 303 with further changes):
 - a) Add "the State Bureau of Investigation" after the words "National Anti-Corruption Bureau" in Article 3;
 - b) In part One of Article 5:
 - Paragraph two shall read as follows:
 - "National Police of Ukraine—criminal police";
 - Add a new paragraph after paragraph two as follows:

- “State Bureau of Investigation—internal security units and units ensuring personal protection”;
- Accordingly, to count paragraphs 3 – 11 as paragraphs 4 – 12;
- c) Add “State Bureau of Investigation” after “operative units” in Article 7.4;
- d) Add a new clause 71 to Article 8 as follows:

“71) To carry out the relevant controlled actions in order to find and establish facts of actions outlined in Articles 305, 307, 309, 311, 318, 321, 3641, 3652, 368, 3683, 3684, 369, and 3692 of the Criminal Code of Ukraine.

The Criminal Procedure Code of Ukraine shall determine the procedure of receiving permission for the controlled corrupt action, its validity term and procedures for conducting the action;”

e) In Article 9:

- Add “operative unit of the agencies of the State Bureau of Investigation” after “the agency of the Security Service of Ukraine” in part One,
- Add “State Bureau of Investigation” after “the Security Service of Ukraine” in part Two,
- Add “the Director of the State Bureau of Investigation” after “the agency of the Security Service of Ukraine” in part Three,
- Add “State Bureau of Investigation” after “the Ministry of Internal Affairs of Ukraine” in part Eight;

f) In Article 91:

- Add “Director of the State Bureau of Investigation” after “Central Office of the Security Service of Ukraine” in part Two,
- Add “Director of the State Bureau of Investigation” after “Head of the Security Service of Ukraine” in part Three;

3) The Law of Ukraine ‘On Civil Service’ (BVR, 1993, No.52, p. 490; 2013, No. 14,p. 489; 2014, No. 49, p. 2056):

a) Add a new part to Article 14 after part One as follows:

- “For certain categories of civil servants, the law may set particular conditions for recognising a disciplinary offence as a ground for termination of the civil service”;
- Therefore, part Two shall become part Three;

b) Add part Seven to Article 15 as follows:

- “To carry out competitive selection for positions of civil servants in a Central Executive agency with a special status, the law may establish another procedure for setting up a selection panel and holding the competition”;

4) Part Two of Article 8 of the Law of Ukraine ‘On Pre-Trial Detention’ (BVR, 1993, No.35, p. 360 with further changes):

- Add “staff members of the State Bureau of Investigation” after “intelligence agencies of Ukraine” in paragraph four;
- Add “State Bureau of Investigation” after “justice” in paragraph ten;

5) Article 3.3 of the Law of Ukraine ‘On Ensuring Security of Individuals Involved in Criminal Proceedings’ (BVR, 1994, No.11, p. 51; 2003, No. 16, p. 124; 2009, Nos. 36-37, p. 511; 2015, Nos. 40-41, p. 379) shall read as follows:

“3. The agencies of the security service, the SBI and police authorities, or the National Anti-Corruption Bureau of Ukraine shall deal with security measures according to their jurisdiction; and special units shall be established within them to fulfil this goal. An agency of the security service, the SBI, police authority, the National Anti-Corruption Bureau of Ukraine or a correctional agency or facility or a pre-trial detention centre shall ensure the safety of the individuals taken under protection if criminal proceedings are being carried out by the Tax Police or a court that should make the decision about such protection. The safety of an individual taken under protection, if such an individual is being kept in a penal institution or a pre-trial detention centre, shall be ensured by an appropriate unit of such

an institution or a pre-trial detention centre, regardless of the agency that is carrying out the criminal proceedings";

- 6) The Law of Ukraine 'On the State Protection of Employees of Courts and Law Enforcement Agencies' (BVR 1994., No.11, p. 50):
 - a) Add "On the National Anti-Corruption Bureau of Ukraine", "On the State Bureau of Investigation" after the words "On the Security Service of Ukraine" in Article 4;
 - b) Add clause "j" to Article 14 as follows:
 - "j) The SBI Director and his or her deputies—regarding protection of SBI officers and their close relatives";
 - c) Article 15:
 - Add clause "e1" to part One as follows:
 - "e1) In respect of staff members of the State Bureau of Investigation—on the agencies of the State Bureau of Investigation";
 - Add part Three as follows:
- "3. The safety of officers in court or law enforcement agencies and their close relatives taken under protection, if such individuals are being kept in a penal institution or a pre-trial detention centre, shall be ensured by an appropriate unit of such an institution or pre-trial detention centre regardless of the agency that is carrying out the criminal proceedings";
- 7) In Article 15 of the Law of Ukraine 'On procedures to reimburse damage caused to citizens by illegal actions of inquiry, pre-trial investigation agencies, public prosecutor's offices or courts' (BVR, 1995, No.1 p. 1 with further changes) add "State Bureau of Investigation" after "staff members of the National Anti-Corruption Bureau of Ukraine";
- 8) The Law of Ukraine 'On Telecommunication's' (BVR, 2004, No. 12, p. 155 with further changes):
 - a) Add "State Bureau of Investigation" to Article 27 after "internal affairs of Ukraine";
 - b) Add "State Bureau of Investigation" to part Two of Article 38 after "the Security Service of Ukraine";
 - c) Add "State Bureau of Investigation" to Article 39.1.9 after "the Security Service of Ukraine";
- 9) Add "State Bureau of Investigation" to Article 62.1.3 of the Law of Ukraine 'On Banks and Banking Activity' (BVR, 2001, No. 5 - 6, p. 30; 2014, No. 13, p. 181; 2014, No. 47, p. 2051) after " the Ministry of Internal Affairs of Ukraine";
- 10) In Article 3.1.1 of the Law of Ukraine 'On Prevention of Corruption' (BVR, 2014, No. 49, p. 2056; 2015, No. 17, p. 118, No. 35, p. 343):
 - Add "State Bureau of Investigation" sub-clause "f" after "civil defence units";
 - Add "State Bureau of Investigation, National Anti-Corruption Bureau" to sub-clause "g" after "the Security Service of Ukraine".

President of Ukraine P. Poroshenko
Kyiv, November 12, 2015, No 794-VIII

Law of Ukraine "On Detective Investigative Activity"

Enacted by the Resolution of the Verkhovna Rada of Ukraine No BP 2136-XII of 18.02.1992, (Bulletin of the Verkhovna Rada of Ukraine (BVR), 1992, No 22, p. 304).

Includes changes made by the Laws:

No 2549-XII of 07.07.92, BVR, 1992, No 39, p. 572;
No 2932-XII of 26.01.93, BVR, 1993, No 11, p. 83;
No 3784-XII of 23.12.93, BVR, 1994, No 11, p. 52;
No 85/98-BP of 05.02.98, BVR, 1998, No 26, p. 149;
No 312-XIV of 11.12.98, BVR, 1999, No 4, p. 35;
No 1381-XIV of 13.01.2000, BVR, 2000, No 10, p. 79;
No 2181-III of 21.12.2000, BVR, 2001, No 10, p. 44;
No 2246-III of 18.01.2001, BVR, 2001, No 14, p. 72;
No 3111-III of 07.03.2002, BVR, 2002, No 33, p. 236;
No 662-IV of 03.04.2003, BVR, 2003, No 27, p. 209;
No 747-IV of 15.05.2003, BVR, 2003, No 29, p. 236;
No 762-IV of 15.05.2003, BVR, 2003, No 30, p. 247;
No 965-IV of 19.06.2003, BVR, 2003, No 45, p. 357;
No 1130-IV of 11.07.2003, BVR, 2004, No 8, p. 66;
No 2322-IV of 12.01.2005, BVR, 2005, No 10, p. 187;
No 2600-IV of 31.05.2005, BVR, 2005, No 25, p. 335;
No 3200-IV of 15.12.2005, BVR, 2006, No 14, p. 116;
No 1254-VI of 14.04.2009, BVR, 2009, No 36-37, p.511;
No 2258-VI of 18.05.2010, BVR, 2010, No 29, p.392;
No 2397-VI of 01.07.2010, BVR, 2010, No 38, p.508;
No 2756-VI of 02.12.2010, BVR, 2011, No 23, p.160;
No 2939-VI of 13.01.2011, BVR, 2011, No 32, p.314;
No 3334-VI of 12.05.2011, BVR, 2011, No 45, p.485;
No 3412-VI of 19.05.2011, BVR, 2011, No 50, p.540;
No 4652-VI of 13.04.2012, BVR, 2013, No 21, p.208;
No 5463-VI of 16.10.2012, BVR, 2014, No 4, p.61;
No 406-VII of 04.07.2013, BVR, 2014, No 20-21, p.712;
No 1697-VII of 14.10.2014, BVR, 2015, No 2-3, p.12 ;
No 1698-VII of 14.10.2014, BVR, 2014, No 47, p.2051;
No 193-VIII of 12.02.2015, BVR, 2015, No 21, p.134 ;
No 198-VIII of 12.02.2015, BVR, 2015, No 17, p.118;
No 267-VIII of 19.03.2015, BVR, 2015, No 22, p.151;
No 580-VIII of 02.07.2015, BVR, 2015, No 40-41, p.379;
No 794-VIII of 12.11.2015, BVR, 2016, No 6, p.55;
No 901-VIII of 23.12.2015, BVR, 2016, No 4, p.44.

Article 1. Tasks of Detective-Investigative Activity

The task of detective-investigation activity is to search for and register facts about the illegal acts of individual persons and groups who are liable for these acts as stipulated by the Criminal code of Ukraine; intelligence-subversive activities of the special services of foreign states and organisations with the purpose of suppressing offences and in the interests of criminal legal proceedings, as well as receiving information in the interests of the security of citizens, society and the state.

Article 2. The Concept of Detective-Investigative Activity

Detective-investigative activity is a public and secret system for search, intelligence and counter-intelligence measures carried out with the application of operative and detective-technical means.

Article 3. The Legal Basis for Detective-Investigative Activity

The legal basis for detective-investigative activity is the Constitution of Ukraine, the Law, the Criminal and Criminal-procedural Codes of Ukraine, the laws of Ukraine on Procuracy, the National Police, the Security Service, the State Border Service of Ukraine, the National Anti-Corruption Bureau, the State Bureau of Investigation; and the State Administration with control over the organs of state authority, their officials, the status of judges, the security of persons participating in criminal legal proceedings, and the state protection of court and law enforcement employees; as well as on other acts and the international legal agreements and treaties of Ukraine.

Article 4. The Principles of Detective-Investigative Activity

Detective-investigative activity is based on principles of legality; the observance of human rights and freedoms; and interaction with management organs and the population.

Article 5. The Units Carrying Out Detective-Investigative Activity

Detective-investigative activity is carried out by the detective units of:

- The National Police of Ukraine – by criminal police;
- The State Bureau of Investigation – by internal security units and units ensuring personal protection;
- The Security Services of Ukraine – by investigation, counter-intelligence, military counter-intelligence, and state protection units; by special units fighting corruption and organised crime, detective-technical units, internal security units, and detective documentation; and by units fighting terrorism and ensuring the protection of the participants of criminal legal proceedings and law enforcement employees;
- The State Border Service of Ukraine – by intelligence organs of the specially authorised Central Organ of Executive Power on Border Protection Affairs; detective-investigative units of the specially authorised Central Organ of Executive Power on Border Protection Affairs and on the protection of its territorial organs; by units on the state border, organs of the state border and the Sea guard; and by internal security units, detective documentation and detective-technical units;
- The Department of State Guard – by the unit of detective guard support, with the exclusive purpose of ensuring the security of persons and installations subject to state guard;
- The organs of the State Tax Service – by detective units of the tax militia;
- The organs and establishments of the State Department of Ukraine on issues concerning the administration of punishments – by detective units;
- The Intelligence Organ of the Ministry of Defence of Ukraine – by detective, detective-technical, and personal security units.
- It is forbidden for other units of the specified organs, Ministries, departments, public and private organisations, and persons to carry out detective-investigative activity.

Article 5.1. International Cooperation in the Field of Detective-Investigative Activity

Cooperation in the field of detective-investigative activity between and (or) with the Cabinet of Ministers, other Central Executive Authorities and government agencies which have operating units as identified by Article 5 of this Law in their composition; foreign-state law enforcement and special services which have similar units in their composition, as well as international law enforcement organisations, shall be carried out in compliance with the legislation of Ukraine and the international agreements of Ukraine, as well as constituent acts and regulations of the international law enforcement organisations to which Ukraine is a party.

Article 6. Basis for Carrying out Detective-Investigative Activity

The bases for carrying out detective-investigative activity are:

- 1) The presence of sufficient and legally obtained information, which demands scrutiny by means of detective-investigative measures and other means, on:
 - Crimes which are being prepared or have been committed by unascertained persons;

- Persons who are preparing or have committed a crime;
 - Persons absconding from the organs of investigation, courts or those evading criminal punishment;
 - Missing persons;
 - Intelligence-subversive activity against Ukraine conducted by the special services of foreign states, organisations and individual persons;
 - Real and existing threats to the life, health, dwelling, or property of court and law enforcement employees related to their employment activity, and also to the persons participating in criminal legal proceedings, their family members and close relatives, with the purpose of creating the necessary conditions for the appropriate administration of justice;
 - The employees of Ukraine's intelligence organs in relation to their service activity, their close relatives, as well as persons who cooperate or have cooperated with intelligence organs of Ukraine on a confidential basis, and their family members, with the purpose of performing the implementation of intelligence activity;
- 2) Inquiries by plenipotentiary state organs, establishments and organisations on the scrutiny of persons regarding their permission to know state secrets, and to work with nuclear materials and on nuclear installations;
- 3) The necessity of receiving intelligence information for the interests of public and state security.
- 4) The availability of summary materials of the Central Executive Body implementing state policy in the field of preventing and countering the legalisation (laundering) of the proceeds of crime or the financing of terrorism obtained in accordance with the procedure established by the law.

The specified basis can be mentioned in applications, the messages of citizens, officials, public organisations, mass media; in written commissions and investigator resolutions, public prosecutor instructions, court decisions on criminal cases he or she institutes legal proceedings against; materials of investigation organs, other law enforcement organs; in requests for information and reports by foreign-state law enforcement agencies and international law enforcement organisations, and also inquiries by plenipotentiary state organs, establishments and organisations

determined by the Cabinet of the Ministers of Ukraine, concerning checks on persons regarding their permission to know state secrets, and to work with nuclear materials and on nuclear installations.

It is forbidden to take a decision to carry out detective-investigative measures in the absence of the basis stipulated in this Article.

Article 7. Duties of the Detective-Investigative Units.

Units carrying out detective-investigative activity are obliged to:

- 1) Prevent offences within the limits of their authority and in accordance with the laws establishing the legal basis for detective-investigation activity; to apply necessary detective-investigation measures to prevent, duly reveal, suppress and detect crimes, as well as reveal the reasons and conditions leading to the commitment of crimes;
- 2) Execute written commissions of the investigator; instructions of the public prosecutor and court decisions, as well as inquiries by plenipotentiary state organs, establishments and organisations concerning the fulfilment of detective-investigation measures;
- 3) Satisfy requests for information by foreign-state or international law enforcement organisations within their competence and in conformity with the legislation of Ukraine and international agreements of Ukraine, as well as constituent acts and regulations of the international law enforcement organisations to which Ukraine is a party;
- 4) Inform the relevant state organs on the facts and data known to them and the data testifying the existence of threats to public and state security, as well as on infringements of legislation related to the service activity of officials;
- 5) Conduct measures to facilitate interaction with each other and other law enforcement organs, including the relevant organs of foreign states and international anti-terrorist organisations with the purpose of rapid and full detection of crimes and conviction of the guilty;

- 6) Provide, through engagement with other units, for the security of court and law enforcement employees, persons assisting and promoting detective-investigation activity; and persons participating in criminal legal proceedings, as well as the family members and close relatives of these persons;
- 7) Take part in the implementation of measures on the physical protection of nuclear installations, nuclear materials, radioactive waste, other sources of ionising radiation, and also in conducting special scrutiny on issues concerning the admission of special works.

In case of the detection of elements of a crime, the operative unit performing operational search activities shall immediately send the collected materials containing factual data of unlawful acts by separate persons and groups, criminalised under the Criminal Code of Ukraine, to the concerned pre-trial investigation body for the institution and conduct of a pre-trial investigation in accordance with the procedure provided for in the Code of Criminal Procedure of Ukraine.

If elements of a crime have been detected during the implementation of ongoing operational search measures, the termination of which may affect the results of the criminal proceeding, the unit performing operational search activities shall notify the concerned pre-trial investigation body and the prosecutor of the detection of elements of a crime and shall complete the operational search measure, after which it shall send the collected materials containing factual data of unlawful acts by separate persons and groups, criminalised under the Criminal Code of Ukraine, to the concerned pre-trial investigation body.

Operative units of the State Bureau of Investigation, the National Police, the Security Service of Ukraine, tax and revenues bodies, the State Penitentiary Service of Ukraine and the State Border Service of Ukraine shall conduct investigative (search) actions and covert investigations (search) in a criminal proceeding on the instruction of the investigator or prosecutor in accordance with the procedure provided by the Code of Criminal Procedure of Ukraine. Written instructions on the conduct of investigative (search) actions and covert investigation (search) given by the investigator or prosecutor within his or her powers and in accordance with the established procedure shall be binding on the operative unit.

Article 8. Rights of the Units Carrying Out Detective-Investigative Activity

The detective units, on the bases of the law stipulated by Article 6 and for the accomplishment of the tasks of detective-investigative nature, are given the following rights:

- 1) To interrogate persons to perform, or to use their voluntary help;
- 2) To carry out the control and detective purchase and delivery of goods, subjects and substances, including those forbidden for sale, from physical and legal entities, irrespective of the forms of ownership, with the purpose of revealing and documenting illegal acts. The procedure for carrying out the detective purchase and controlled delivery is determined by the statutory acts of the Ministry of Internal Affairs of Ukraine, the tax militia and the Security Service of Ukraine, and is coordinated with the General Procurer of Ukraine and registered with the Ministry of Justice of Ukraine;
- 3) To bring up, in accordance with the procedure established by the law, questions regarding the performance of scrutiny over the financial and economic activity of enterprises, institutions and organisations, irrespective of their forms of ownership, as well as persons engaged in entrepreneurial or other kinds of individual economic activity, and to take part in their execution;
- 4) To familiarise oneself with the documents and the data describing the activity of enterprises, establishments and organisations; to study them, at the expense of the means allocated to support the units carrying out detective-investigation activity; to make copies of such documents on demand of the heads of enterprises, establishments and organisations—exclusively within the territory of such enterprises, establishments and organisations; and by authority of a court—to obtain documents on demand and data describing the activity of enterprises, institutions and organisations, as well as the way of life of the individual persons suspected of preparing or committing a crime, and the source and sizes of their income; and shall leave copies of such documents and inventories of the withdrawn documents to the persons from whom they were obtained if demanded, as well as guarantee their security and return according to the established procedure;

- 5) To conduct operations to capture criminals, suppress crimes, as well as the intelligence-subversive activities of the special services of foreign states, organisations and individual persons;
- 6) To visit inhabited and other premises upon consent of their proprietors or tenants in order to discover the circumstances surrounding the commitment or preparation of a crime; and also to collect data on the illegal activity of the suspects or persons subject to the check;
- 7) To privately reveal and fix traces of grave or very grave crimes, documents and other subjects which can serve as evidence of preparation and commitment of such a crime, or to receive intelligence information, including the means by which the operating officer penetrated premises, vehicles, or ground areas;
 - 7-1) To carry out the relevant control actions in order to find and establish facts of actions as outlined in Articles 305, 307, 309, 311, 318, 321, 3641, 3652, 368, 3683, 3684, 369, and 3692 of the Criminal Code of Ukraine. The Criminal Procedure Code of Ukraine shall determine the procedure for receiving permission for the controlled corrupt action, its validity term and procedures for conducting the action;
- 8) To penetrate into a criminal group of a secret employee of a detective unit or a person cooperating with the latter with preservation of authentic identity data.
- 9) The necessity of such penetration is legalised by a decision approved by the chief of the relevant organ;
- 10) To acquire information from communications channels; and to apply other means to intercept communications;
- 11) To control cables and post letters through individual selection;
- 12) To carry out visual supervision in public places employing photo-, film-and video recording equipment, optical and radio sets, as well as other means;
- 13) To have public and secret regular and non-staff employees;
- 14) To establish confidential cooperation with persons on a voluntary basis;
- 15) To receive information from legal and individual persons regarding the preparation and commitment of crimes and threats to the security of the society and state on a remunerative or non-remunerative basis;
- 16) Office accommodation, vehicles and other property of enterprises, institutions and organisations can be used upon the consent of the Administration, while personal accommodation, other premises, vehicles and property can also be used upon the consent of individuals;
- 17) To create undercover enterprises and organisations; and to use documents encoding persons' identity or the departmental affiliation of employees, premises and vehicles of detective units;
- 18) To create and apply automated information systems;
- 19) To use force, special means and firearms on the grounds and in accordance with the procedure established by laws on the National Police, the Security Service, the State Border Service of Ukraine and the State Guard in control of the organs of Ukrainian state authority and its officials;
- 20) To forward requests for information to foreign-state or international law enforcement organisations – within their competence and in conformity with the legislation of Ukraine, the international agreements of Ukraine, as well as the constituent acts and regulations of the international law enforcement organisations to which Ukraine is a party.

The adoption of a decision on the conduct of operational search measures; the submission and review of the relevant requests; the conduct of operational search measures; the recording and use of their results; and the conduct of those measures till the ruling of the investigating judge and other issues of their conduct are regimented by provisions of Chapter 21 of the Code of Criminal Procedure of Ukraine with account of specificities provided by this Law regarding the goal of operational search measures; the actor initiating and conducting those measures; and the substantiation of the request for their conduct and the grounds for its satisfaction by the investigating judge, as well as the use of the results of operational search measures and other issues conditioned by the specificity of the goal of their conduct. Decisions on the conduct of operational search measures that do not require permission from the investigating judge or a decision of the prosecutor shall be taken by the head of the concerned operational unit or his or her deputy, with notice to the prosecutor of the decision taken.

Secret penetration into the dwellings or other property of persons; the acquisition of information from communications channels, and control over their correspondence, telephone conversations, cable and other correspondence; as well as the application of other means of receiving information are made upon the decision of the investigative judge adopted upon submission of the head of the relevant detective unit or his or her assistant coordinated with the procuracy. The application of these measures is made exclusively with the aim to prevent a crime or to discover the truth during an investigation into criminality, should an alternative way to receive the information be impossible. Upon the results of the implementation of the specified detective-investigation measures, a report is drawn up containing relevant appendices; and is the report that will subject to use as a source of evidence in criminal legal proceedings.

The specified measures can be carried out exclusively for receiving intelligence information and ensuring the external security of Ukraine, but only by a ruling of the investigating judge without informing the third party; and for measures that do not require the permission of the investigating judge—without notice to the prosecutor. The validity term of the ruling of the investigating judge permitting such measures shall not exceed six months.

For the fulfilment of individual commissions during the performance of detective-investigative activity, recruited officers from other units can also be used.

When accomplishing the tasks of the detective-investigative activity related to the suppression of offences in the sphere of tax legislation, the rights stipulated by this Article are given exclusively to the organs of tax collection service within the limits of their competence.

The coordination of activity on exercising the rights of units conducting detective-investigative activity with the goal of fighting terrorism is carried out by the Security Service of Ukraine.

Ukrainian intelligence bodies shall be granted rights provided by part One of this Article, except Items 2, 3, 5, 6, and Item 7 concerning the covert detection and recording of a grave or especially grave crime, documents and other items that may prove preparation or commitment of such crime.

Article 9. Guarantees of Legality at the Implementation of Detective-Investigation Activity

If the reasons for carrying out of detective-investigation activity are present, the detective-investigative case shall be opened. A decision about the initiation of such cases is subject to approval by the chief of the National Police, or by the chief of a separate territorial National Police organ, Security Service organ, operative unit of the agencies of the State Bureau of Investigation, the State Border Service of Ukraine, the Foreign Intelligence Service, the State Guard Administration of higher officials, the detective unit of tax militia; or by an organ, establishment, or administration of an intelligence organ of the Ministry of Defence of Ukraine, or its authorised assistant.

Control over detective-investigative activity is carried out by the National Police, the Security Service of Ukraine, the Director of the State Bureau of Investigation, the intelligence unit of the specially authorised Central Organ of Executive Power on Affairs of Protection of The Border, the State Guard Administration of Ukraine, the Foreign Intelligence Service, the state tax administration of Ukraine, the State Department of Ukraine on issues of the administration of punishments, and by the intelligence organ of the Ministry of Defence of Ukraine and the National Anti-Corruption Bureau of Ukraine.

Only one detective-investigative case can be instituted against a person suspected of preparing for or committing a crime, absconding from the organs of investigation, courts or evading from criminal punishment, or who is reported missing. Without the institution of detective-investigation cases, it is forbidden to carry out detective-investigative measures, except for the case stipulated by part Four of this Article. The decision about the institution of detective-investigative cases is approved by the chief or the authorised deputy chief of National Police; or by the chief of a separate territorial National Police organ, the Security Service, the Director of the State Bureau of Investigation, the Border Service, the Foreign Intelligence Service, the State Guard Administration of Ukraine; or by an intelligence organ of the Ministry of Defence of Ukraine, a detective unit of the tax militia, organ or the institution for the administration of punishments. The decision specifies the place and time of its compilation; the position of the person who adopted the decision; his or her surname, as well as the basis and purpose of the institution of the detective-investigative case.

Scrutiny of persons regarding their permission to know state secrets, or to work with nuclear materials and on nuclear installations, does not require the initiation of a detective-investigation case. Such scrutiny should last no longer than two month.

When undertaking detective-investigative activity, the violation of the rights and freedoms of individual and legal persons is not permitted. Individual restrictions of these rights and freedoms have an exclusive and temporary nature and can be applied only upon the decision of the investigative judge regarding the individual whose activities show the signs of grave or a very grave crime, and in cases reflected by the legislation of Ukraine with the aim of protecting the rights and freedoms of other persons, and the security of society.

If sufficient grounds exist, permission to carry out detective-investigative activity is given by the head of the relevant detective unit, who is also responsible for the legality of the performed measures in accordance with existing legislation.

When applying detective-investigative measures, the officers of detective units are obliged to consider the conformity of these measures with the degree of public danger from criminal activities and (or) threats to the interests of society and the state.

In cases where the rights and freedoms of individual or legal persons are violated during the implementation of detective-investigation activity, or if participation in an offence by the person subject to detective-investigation measures has not been proved, the National Police; the Security Service of Ukraine, the State Bureau of Investigation; the specially authorised Central Organ of Executive Power For Affairs on Protection of The Border; the State Guard Administration of Ukraine; the Foreign Intelligence Service; the National Anti-Corruption Bureau of Ukraine; the state tax administration of Ukraine; the State Department of Ukraine on issues concerning the administration of punishments, or the intelligence organ of the Ministry of Defence of Ukraine, are obliged to urgently restore the violated rights and to compensate any material or moral damage caused in full.

According to the procedure established by the law, citizens of Ukraine and other persons have the right to receive a written explanation on the occasion of the restriction of their rights and freedoms from organs empowered to implement detective-investigation activity, and to appeal against these actions.

It is prohibited to hand over or disclose data on security measures and defended persons, undetected crimes or those which could damage the investigation or interests of the individual or the security of Ukraine. It is prohibited to disclose or present collected data and information about the conduct or non-conduct of operational search activities against a specific person before the adoption of a decision on the results of such activities. The issue of disclosing or presenting such information after the adoption of a decision is regimented by the law.

Units using automated information systems in their detective-investigative activity should allow for the opportunity to provide data about the person under investigation if requested by the organs of investigation, procuracy or a court. In places where information is stored, its reliability and the reliability of its protection should be guaranteed.

Data obtained in the results of detective-investigation activity concerning the private life, honour and dignity of the person under investigation, and which does not contain information on the commitment of actions forbidden by the law, are not subject to storage and should be destroyed. The storage period for data received as a result of detective-investigation activity regarding preparation for acts of terrorism or their commitment by individual persons and detachments is five years.

The results of detective-investigation activity which, according to the legislation of Ukraine, contain state secrets, as well as data concerning the private life, honour and dignity of the person under investigation, are not subject to transfer or divulgence. The transfer and divulgation of this data by employees of detective units and also by persons who were provided with this data while executing detective-investigation activity or persons who came to know about it on service or work, entails liability according to the current legislation, except for cases where information on unlawful actions violating human rights is divulged.

The detective-investigative measures related to the temporary restriction of human rights are conducted with the purpose of preventing grave or very grave crimes, their suppression and detection; as well as to aid in

the search for persons evading criminal punishment or persons reported missing; or to protect the life, health, dwelling and property of employees of court and the law enforcement organs, or persons participating in criminal legal proceedings, or in the suppression of intelligence-subversive activities against Ukraine.

Visual supervision can be conducted with the purpose of discovering information about the person and his or her contacts when facts exist confirming that he or she is preparing or has committed a grave crime; as well as for receiving information showing the signs of such a crime, and also for ensuring the security of law enforcement organs employees and the persons participating in criminal legal proceedings, as well as the family members and close relatives of these persons.

It is prohibited to apply psychotropic, chemical or other substances which oppress the will or harm the health of people and the environment in order to receive information.

Article 9.1. Terms for Conducting Detective-Investigative Cases

Detective-investigative activity is carried out:

- 1) In relation to unascertained persons preparing or having committed a crime; as well as for persons absconding from investigations, investigative judges or evading criminal punishment – until their location is established or search, but no longer than the Statute of limitation on the liability or administration of a guilty verdict;
- 2) (Excluded under the Law No 4652-VI of 13.04.2012)
- 3) For missing persons – until their search or until a decision of a court about their recognition as missing or dead comes into force;
- 4) For persons who are known to have participated in the preparation or commitment of a crime—around six months;
- 5) On the implementation of intelligence activities in the interests of the security of society and the state – before the completion of intelligence activities or exhaustion of the opportunities for their implementation;
- 6) For persons who are known to have participated in terrorist activity or in a terrorist detachment or terrorist organisation, as well those who have rendered material, organisational or other assistance for the creation of a terrorist detachment or terrorist organisation – up to 5 years.

In the presence of data received during the execution of detective-investigation cases concerning the participation of a person in the preparation for or commitment of a grave or very grave crime, the term for conducting cases can be prolonged to 12 months by chiefs of the Head of the National Police or his deputies; Heads of the main departments of the National Police; the Central administration of the Security Service of Ukraine; the Director of the State Bureau of Investigation; the head of the Central Organ of Executive Power Implementing State Tax and Customs Policy; heads of the district organs of the National Police or their deputies; organs of military counter-intelligence of the Security Service of Ukraine; the territorial organs of the specially authorised Central Organ of Executive Power On Affairs of Protection of The Border; the Head of the State Border Service of Ukraine; the Head of the Foreign Intelligence Service of Ukraine; the Director of the National Anti-Corruption Bureau of Ukraine; the Head of the intelligence organ of the Ministry of Defence of Ukraine or their deputies upon agreement with the General Prosecutor of Ukraine; or by heads of regional prosecutor offices or their deputies. Prolongation of the term for conducting detective-investigation cases, in which measures envisaged by part Four, Article 8 of this Law and part Two, Article 7 of the Law 'On Counterintelligence Activity' are conducted, is done so without the consent of the procuracy.

The further prolongation, but for no longer than to 18 months, of the term for conducting detective-investigation cases can be carried out by the Head of National Police; the Head of the Security Service of Ukraine; the Director of the State Bureau of Investigation; the head of the central organ of Executive Power Implementing State Tax and Customs Policy; as well as by the Head of the State Border Service of Ukraine; the Head of the Foreign Intelligence Service of Ukraine; the Director of the National Anti-Corruption Bureau of Ukraine; the Head of the intelligence organ of the Ministry of Defence of Ukraine; as well as the head of the department of the State Guard Administration of Ukraine upon agreement with the General Prosecutor of Ukraine or his deputy.

Prolongation of the term for conducting detective-investigation cases, in which measures envisaged by part Four, Article 8 of this Law and part Two, Article 7 of the Law 'On Counterintelligence Activity' are conducted, is done so without the consent of the procuracy.

Prolongation of the terms for conducting detective-investigation cases on issues involving foreigners and persons without citizenship suspected of intelligence-subversive activities against Ukraine or the preparation or commitment of acts of terrorism, for a period of longer than 18 months is carried out by the Head of the Security Service of Ukraine; the Head of the Foreign Intelligence Service of Ukraine; the Head of the State Border Service of Ukraine; or by the Head of the intelligence organ of the Ministry of defence of Ukraine upon agreement with the General Prosecutor of Ukraine.

The calculation of the term for conducting detective-investigation cases begins from the date of approval by the chief of the relevant organ or his or her assistant of the decision regarding the institution of the case, and terminates on the day on which the decision about closing the detective-investigation case is approved.

The calculation of the term can be stopped if the person subject to detective-investigation has temporarily left Ukraine or fallen seriously ill, and if there is no opportunity as a result of this to institute the detective-investigation activity.

The termination and renewal for the calculation of the term for conducting detective-investigation cases is legalised by a decision approved by the chief of the relevant organ or his or her assistant.

Article 9.2. Closing of Detective-investigation Cases

A detective-investigation case should be closed in case of:

- 1) The search for the person who absconded from the organs of investigation, the court, or who evaded from criminal punishment, and also the missing person;
- 2) The entry into force of the verdict, legal resolution or court decision;
- 3) The closure of the criminal case by a court, public prosecutor, investigator or the organ of investigation;
- 4) The termination of intelligence, counter-intelligence activities or exhaustion of opportunities for their implementation;
- 5) The refutation of materials regarding the criminal activity of the person in accordance with the established procedure;
- 6) The departure of the person for permanent residence outside Ukraine, if the execution of detective-investigation measures is therefore no longer possible;
- 7) The failure to establish data specifying the signs of a crime in the actions of the person within the terms stipulated by this Law;
- 8) The public prosecutor revealing that the case was opened illegally with respect to carrying out of detective-investigation measures against it;
- 9) The death of the person subject to detective-investigation.

The closing of detective-investigation cases is legalised by a decision approved by the chief of the relevant organ or his or her assistant. If such a case presupposed the execution of detective-investigation measures upon the decision of the court, the notice for its closure is sent to court within the three days.

Terms for preserving closed detective-investigation cases are established according to the legislation of Ukraine.

Article 10. Use of Materials of Detective-Investigation Activity

Materials of detective-investigation activity are used:

- 1) As the ground for opening a criminal case or executing urgent investigatory activities;
- 2) For receiving factual data which can serve as evidence in a criminal case;
- 3) For the prevention, suppression and investigation of crimes, intelligence-subversive activities against Ukraine; and for the search for criminals and persons reported missing;
- 4) For ensuring the security of court and law enforcement employees, as well as persons participating in criminal legal proceedings, members of their families and close relatives; and employees of Ukrainian in-

telligence organs and their close relatives; and for persons who are or have confidentially cooperated with the intelligence organs of Ukraine and their family members;

- 5) For mutual information exchange among the units authorised to carry out detective-investigation activity, and other law enforcement organs;
- 6) For informing state organs in accordance with their competence.

Article 11. Assistance in the Implementation of Detective-Investigation Activity

Organs of state authority, enterprises, establishments and organisations, irrespective of their form of ownership, are obliged to assist detective units in the accomplishment of detective-investigation activity tasks.

The cooperation of individuals (upon their request) with detective units can be legalised through a written agreement, warranting the confidentiality of cooperation.

Agreements on the provision of assistance to detective units in the performance of detective-investigative activity can be concluded with the capable person. The procedure for concluding an agreement is determined by the Cabinet of Ministers of Ukraine.

Persons involved in the accomplishment of detective-investigation activities are obliged to preserve the secrets which became known to them. Divulgation of these secrets entails liability in accordance with the current legislation, except for cases where information on unlawful actions violating human rights is divulged.

It is prohibited to involve individuals in detective-investigation tasks whose professional activity is connected with the preservation of state secrets, including: doctors, clerics, lawyers, civil law notary and journalists, if such cooperation can lead to the disclosure of confidential information of a professional nature.

Article 12. Social and Legal Protection Of Employees of Detective Units

Employees conducting detective-investigation activity are guaranteed legal and social protection as stipulated by the laws of Ukraine for these organs.

Employees conducting detective-investigation activity are given social and financial benefits according to the procedure established by the Cabinet of Ministers of Ukraine.

Should there be valid information that a threat exists to the life, health or property of the employee and his or her close relatives due to the implementation of detective-investigation activity by him or her in the interests of the security of Ukraine, or valid information on the detection of a grave or very grave crime or the organized criminal group, the detective unit is obliged to take special measures to ensure their security. These measures include: a change of identity, residence, work and study, as well as other personal information according to the procedure determined by the Cabinet of Ministers of Ukraine.

Employees of detective units are not accountable for damaging the rights and freedoms of persons, or state interests, when executing detective-investigation activity necessary for defence, due an emergency or the presence of professional risk, as well as in connection with the detention of persons whose actions suggest a crime has or will be committed.

Article 13. Social and Legal Protection of The Person Involved in Accomplishment of The Tasks of Detective-Investigation Activity

Persons involved in the accomplishment of detective-investigation tasks remain under state protection.

Cooperation of the person with the detective unit is included in his or her record of service, should a labour contract be concluded with him or her. If invalidity or death results from the performance of assigned tasks during detective-investigative activity, the privileges stipulated in such cases for employees of detective units are applied to him or her.

In case of a threat to the life, health or property of persons involved in executing detective-investigative tasks, his or her protection is provided according to the procedure stipulated by part Three of Article 12 of this Law.

Article 14. Oversight of Law Obedience While Executing Detective-Investigative Activity

Supervision over the observance of laws when executing detective-investigation activity is carried out by the General Prosecutor of Ukraine, his or her assistants, as well as by the chiefs of regional prosecutor units and departments of the General Prosecutor of Ukraine acting upon authorisation from the order of the General Prosecutor of Ukraine.

The head of the local public prosecution office and prosecutors of the concerned local public prosecution office empowered by his or her order shall supervise observance of the laws during operational search activities in operational search cases instituted by the supervised territorial operative units of law enforcement bodies.

The public prosecutor, within the limits of his or her competence:

- 1) Freely enters all premises of the organs conducting detective-investigation activity;
- 2) Demands to check the order, instruction, resolutions and other acts on detective-investigation activity, detective-investigation cases, registration, accounting, statistical, analytical documents and other data on the implementation of detective-investigation measures;
- 3) Charges the heads of the relevant organs with tasks involving the performance of checks aimed at eliminating violations of the law;
- 4) Provides written instructions on carrying out detective-investigation measures in the interests of criminal legal proceedings; about the search of persons hiding from investigative organs, investigating judges, courts and from serving their criminal sentence, as well as on missing persons;
- 5) Agrees to prolong the term for executing detective-investigation activity;
- 6) Receives explanations about infringements of the requirements of the law from officials of the organs conducting detective-investigation activity;
- 7) Checks complaints concerning the violation of laws by the organs conducting detective-investigation activity, and familiarises him or herself in necessary cases with detective-investigation materials;
- 8) Cancels unlawful decisions regarding the opening or closing of detective-investigation cases, the termination or renewal of detective-investigation activity or other decisions contradicting the law;
- 9) Takes measures to eliminate offences against the law when carrying out detective-investigation activity and to bring the guilty to account as established by the law;
- 10) Appeals against unlawful court decisions concerning the permission or refusal to carry out detective-investigation measures. The appeal stops the execution of detective-investigation measures, the permission for which is given by the court.

Data on persons who are or have confidentially cooperated with the intelligence organs of Ukraine, their permanent staff in affiliated intelligence organs, as well as the methods and means of intelligence activity and the organisational staff structure of intelligence organs, are not subject to supervision by the public prosecutor.

President of Ukraine L.Kravchuk
Kyiv, February 18, 1992 No 2135-XII

Law of Ukraine “On Prevention of Corruption”

(*Bulletin of the Verkhovna Rada (BVR), 2014, № 49, p.2056*)

With changes according to the Laws:

- No. 77-VIII of 28.12.2014, BVR, 2015, No. 11, p.75;
- No. 198-VIII of 12.02.2015, BVR, 2015, No. 17, p.118;
- No. 576-VIII of 02.07.2015, BVR, 2015, No. 36, p.360;
- No. 597-VIII of 14.07.2015, BVR, 2015, No. 35, p.343;
- No. 631-VIII of 16.07.2015 BVR, 2015, No 39, p.376;
- No 679-VIII of 15.09.2015, BVR, 2015, No 46, p.414;
- No 731-VIII of 08.10.2015, BVR, 2015, No 49-50, p.449;
- No 766-VIII of 10.11.2015, BVR, 2015, No 52, p.482;
- No 794-VIII of 12.11.2015, BVR, 2016, No 6, p.55;
- No 889-VIII of 10.12.2015, BVR, 2016, No 4, p.43;
- No 928-VIII of 25.12.2015, BVR, 2016, No 5, p.54;
- No 1022-VIII of 15.03.2016, BVR, 2016, No 13 p.146.

This Law defines the legal and organisational grounds for the functioning of the system for the prevention of corruption in Ukraine; the content and order of enforcement of preventive anti-corruption mechanisms; and the rules designed to eliminate the consequences of corruption offences.

SECTION I. GENERAL TERMS

Article 1. Definitions

1. The terms listed below shall have the following meanings in this Law:
 - Anti-corruption expertise – activity aimed at identifying normative-legal acts or the provisions of draft legal acts which alone or in combination with other provisions can facilitate the commission of corruption offences or those related to corruption offences;
 - Direct subordination – the relationship of direct organisational or legal dependence of subordinate persons to his or her supervisor, including through the decision (participation in the decision) of employment issues, the termination of employment, the use of incentives, disciplinary measures, guidance provision, and orders, etc., and the monitoring of their implementation;
 - Close persons – persons who live together, are bounded by common life and have the mutual rights and obligations with the subject referred to in part One of the Article 3 of this Law (other than those mutual rights and obligations with a such subject which are not of a family nature), including persons who live together but are not married, and – regardless of these conditions – the husband, wife, father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, brother, sister, grandfather, grandmother, great-grandfather, great-grandmother, grandson, granddaughter, great-grandson, great-granddaughter, son in law, daughter in law, father in law, mother-father in law, mother in law, adoptive parent or adopted guardian or trustee; as well as a person who is under the guardianship or trusteeship of the mentioned subjects;
 - Corruption offense – an act with the signs of corruption that was committed by a person referred to in part One of Article 3 of this Law and for which criminal, disciplinary and (or) civil liability is stipulated;
 - Corruption – the use by a person referred to in part One of Article 3 of this Law of granted official authorities, or those associated with them, as opportunities to obtain unlawful benefit or receipt of such benefit or receipt of a promise / offer of such benefit for himself or herself or others, or to respectively promise / offer or provide an unlawful benefit to the person referred to in part One of Article 3 of this Law, or upon his or her request, to other persons or entities with a view to persuade

- the person to unlawfully use the official authorities, or those associated with them, to obtain an opportunity;
- Unlawful benefit – money or other property, advantages, privileges, services, intangibles, and any other intangible or non-monetary benefits which are offered, given or received without legal justification;
 - Potential conflict of interest – the presence of a person's private interest in the area in which he or she exercises his or her official or representative powers that could affect the objectivity or impartiality of his or her decisions, or otherwise affect the commitment or non-commitment of actions in the exercise of mentioned activities;
 - Gift – cash or another property, advantage, privilege, service, or intangible given or received free of charge or at a price below the minimum market price;
 - Related to corruption offense – an act that does not show evidence of corruption but which nevertheless violates requirements, prohibitions or restrictions established by this Law, and which is committed by a person referred to in part One of Article 3 of this Law, for which the law establishes criminal, administrative, disciplinary and (or) civil liability;
 - Private interest – any tangible or intangible interest of a person, including that which is caused by personal, familial, friendly, or other off-duty relations with natural persons or legal entities, including those arising from membership or activity in social, political, religious or other organisations;
 - Real conflict of interest – a contradiction between the private interest of a person and his or her official or representative activities which affects the objectivity or impartiality of his or her decisions, and the commitment or non-commitment of actions in the exercise of mentioned activities;
 - Specially authorised subjects in the area of countering corruption – prosecution authorities, internal affairs authorities, the National Anti-Corruption Bureau of Ukraine, and the National Agency for Prevention of Corruption;
 - Subjects of declaration – persons referred to in paragraph 1, subparagraph "a" of paragraph 2 of part One of the Article 3 of this Law, and other persons who are obliged to file a declaration under this Law;
 - Family members – persons who are married and their children, including adults, parents, persons under guardianship and trusteeship, other persons who live together bound by common every day life, and who have mutual rights and obligations (other than persons whose mutual rights and obligations are not of a family nature), including persons who live together but are not married;
 - Elected persons – the President of Ukraine, the people's deputies of Ukraine, the deputies of the Verkhovna Rada of the Autonomous Republic of Crimea; and the deputies of local councils, villages, towns and city mayors.

Article 2. Legislation in the Area of Preventing Corruption

Relations occurring in the area of corruption prevention shall be governed by the Constitution of Ukraine, the international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine, this Law and other laws, as well as other legal acts adopted in their furtherance.

Article 3. Subjects Covered by this Law

Subjects covered by this Law are:

- 1) Persons authorised to perform the functions of state or local self-government:
 - a) The President of Ukraine; the Chairman of the Verkhovna Rada of Ukraine or his First Deputy and Deputy Prime Minister of Ukraine; the First Deputy Prime Minister of Ukraine; the Vice Prime Minister of Ukraine, ministers, and other heads of central authorities of executive power who are not members of the Cabinet of Ministers of Ukraine and their deputies; the Head of the Security Service of Ukraine; the Prosecutor General of Ukraine; the Head of the National Bank of Ukraine; the Head and other members of the Accounting Chamber of Ukraine; the Verkhovna

- Rada's Commissioner for Human Rights; the Chairman of the Verkhovna Rada of the Autonomous Republic of Crimea, and the President of the Council of Ministers of the Autonomous Republic of Crimea;
- b) The People's deputies of Ukraine; deputies of the Verkhovna Rada of the Autonomous Republic of Crimea; and the deputies of local councils, villages, towns and city mayors;
 - c) Civil servants, and officials of local self-government;
 - d) Military officers of the Armed Forces of Ukraine; the State Service for Special Communication and Information Protection of Ukraine and of other military units established under law, except for military conscripts;
 - e) Judges of the Constitutional Court of Ukraine; other professional judges, members, and disciplinary inspectors of the High Qualifications Commission of Judges of Ukraine; as well as officials of the Secretariat of this Commission, the Head, Deputy Head, and secretaries of sections of the High Council of Justice, and other members of the High Council of Justice, people's assessors and jurors (in the exercise of their functions);
 - f) Persons of rank and senior staff from internal affairs authorities; the State Penitentiary Service; the Tax Police; as well as senior staff from the authorities and regional offices of the civil defence and National Anti-Corruption Bureau of Ukraine;
 - e) Officers and employees of the prosecution service authorities; the Security Service of Ukraine, the diplomatic service, the State Forest Protection; the nature reserve fund for public protection; and the central government authority which ensures the shaping and implementation of state tax and customs policy;
 - f) Members of the National Agency for the Prevention of Corruption;
 - g) Members of the Central Election Commission;
 - g) Policemen;
 - h) Officers and employees from other state authorities, and authorities of the Autonomous Republic of Crimea;
- 2) Persons who for the purposes of this Law are equated to persons authorised to perform the functions of state or local self-government:
- a) Officials of legal entities of public law who are not mentioned in paragraph 1 of part one of this Article;
 - b) Persons who are not civil servants, or local self-government officials, but who render public services (i.e. accountants, notaries, appraisers and experts, trustees in bankruptcy, independent brokers, members of labour arbitration, arbitrators in the exercise of their functions, and other persons stipulated by law);
 - c) Representatives of public associations, scientific institutions, educational establishments; and experts of the appropriate qualification incorporated into tender commissions established in accordance with the Law of Ukraine 'On State Service'.
- 3) Persons permanently or temporarily holding positions related to the implementation of organisational-administrative or administrative-economic duties or specially authorised to perform such duties in the legal entity of private law, regardless of its organisational and legal form, and other individuals who are not officers but who work or provide services under contract to companies, institutions or organisations in cases stipulated by this Law.

SECTION II. NATIONAL AGENCY FOR PREVENTION OF CORRUPTION

Article 4. Status of the National Agency for Prevention of Corruption

1. The National Agency for Prevention of Corruption (hereinafter—the National Agency) is a Central Executive Body with special status, which shapes and ensures the implementation of state anti-corruption policy.

2. The National Agency, within the limits defined by this and other laws, is responsible to and controlled by the Parliament of Ukraine and accountable to the Cabinet of Ministers of Ukraine.
3. The National Agency is established by the Cabinet of Ministers of Ukraine in accordance with the Constitution and other laws of Ukraine. Issues concerning the activities of the National Agency are presented before the Cabinet of Ministers of Ukraine by the Chairman of the Agency.
4. The legal basis for the Agency's work consists of the Constitution of Ukraine, international treaties of Ukraine, this and other laws of Ukraine, as well as those adopted in accordance with them, and other legal acts.
The Law of Ukraine "On the Central Executive Power Authorities" and other legal acts regulating the activities of executive power authorities and also the Law of Ukraine "On Civil Service" apply to the National Agency, its members, officers and employees of its staff, as well as to its functions regarding authorised units to the extent to which they are not inconsistent with this Law.
5. The National Agency for Prevention of Corruption shall be competent upon the moment of appointment of more than half of its total quantitative composition.

Article 5. Composition of the National Agency

1. The National Agency is a collegial body consisting of five members.
2. A member of the National Agency shall be a citizen of Ukraine, not younger than 35 years of age; who has a higher education, and possesses the state language and is capable of performing respective official responsibilities because of his or her business and moral traits, education and professional level, and health condition.
3. Members of the National Agency shall be appointed by the Cabinet of Ministers of Ukraine for four years upon results of a competition. The same person cannot hold this position for more than two consecutive terms. The Prime Minister of Ukraine introduces the appointment of candidates to the Cabinet of Ministers of Ukraine for members of the National Agency selected by the Competition Committee, the composition of which shall be approved by the Cabinet of Ministers, which also organises and holds the competition.
4. The Competition Commission shall consist of:
 - 1) A person determined by the Verkhovna Rada of Ukraine upon nomination by their Committee, who is tasked with the fight against organised crime and corruption;
 - 2) A person determined by the President of Ukraine;
 - 3) A person determined by the Cabinet of Ministers of Ukraine;
 - 4) A head of the specially authorised Central Body of Executive Power on civil service issues;
 - 5) Four persons proposed by civil society groups, who have work experience in the area of corruption prevention, and who are selected in accordance with the procedure specified in the Regulation on the Competition.
5. The decision of the Competition Commission shall be considered adopted if at the meeting of the Competition Commission it was supported by at least six members of the Competition Commission. The Statute on competition and regulation of the Competition Commission shall be approved by the Cabinet of Ministers of Ukraine.

The work of the Competition Commission shall be organised by the Secretariat of the Cabinet of Ministers of Ukraine.

Meetings of the Competition Commission are open to media and journalists. The Secretariat of the Cabinet of Ministers of Ukraine provides video and audio recording and live video and audio broadcast of the relevant information from a meeting of the Competition Commission on the official website of the Cabinet of Ministers of Ukraine.

Information on the time and place of the Competition Commission meeting shall be published on the official website of the Cabinet of Ministers of Ukraine no later than 48 hours before it commences.

6. The Competition Commission shall:
 - 1) Review the documents submitted by candidates for the positions of members of the National Agency; select applicants from the candidates, who, in accordance with a reasonable decision of the Competition Commission, have the best professional experience, knowledge and qualities for performing the official responsibilities of a National Agency member;
 - 2) Disclose on the official website of the Cabinet of Ministers of Ukraine information about the candidates who applied for the position, as well as information on those candidates selected for an interview in the Competition Commission, and on the candidate selected by the Competition Commission for appointment as a member of the National Agency;
 - 3) Hold interviews with selected candidates when it meets; and from among the candidates who were interviewed, selects via an open ballot the successful candidate for each vacancy who meets the requirements that apply to a member of the National Agency, and who, in accordance with a reasonable decision of the Competition Commission, has the best professional experience, knowledge and qualities for performing the official responsibilities of a National Agency member.
7. No later than two months prior to the expiration of the term of office of the National Agency member, or within fourteen days from the date of his early termination of office, the Cabinet of Ministers of Ukraine shall place announcements on the terms and conditions of the competition in national print media and on the official website of the Cabinet of Ministers Ukraine.
8. A person who applies for participation in the contest shall submit the following documents within the specified announcement term:
 - 1) An application for participation in the competition together with an agreement to conduct a special check in accordance with this Law and to process personal data in accordance with the Law of Ukraine "On Personal Data Protection";
 - 2) A Curriculum Vitae which should include: the second name (all second names in case they were changed), the name (all names, including those changed) and patronymic (if applicable), day, month, year and place of birth, citizenship, information about education, work, employment (occupation), place of work, civil work (including elected positions), membership in political parties, including those in the past; the presence of labour or any other contractual relationship with a political party during the year preceding the submission of the application (regardless of the duration); as well as a contact telephone number and email address, and the presence or absence of a criminal record;
 - 3) The declaration of the person authorised to perform functions of state or local self-government for the year preceding the year in which the announcement regarding the competition was made public;
 - 4) Other documents, the submittal of which is stipulated in this Law for conducting a special check. The information in documents submitted in accordance with this part—except for information that in accordance with this Law is referred to as classified information—including information about contact phone numbers and the email address of the candidate, shall be published on the official website of the Cabinet of Ministers of Ukraine within three working days after the deadline for submission of applications for the competition.
9. It is prohibited to appoint a person as a member of the National Agency who:
 - 1) Is judicially declared incapable or whose capacity is limited;
 - 2) Has been convicted for a crime, if such a record is not cancelled or withdrawn in accordance with the order stipulated by law (except for rehabilitated persons);
 - 3) Was held criminally liable based on a conviction which came into force for committing a corrupt offence, or an offence related to this;
 - 4) Is not a citizen of Ukraine, or acquired the citizenship or nationality of another state;
 - 5) Did not pass a special check or refused to give consent for undergoing such a check;
 - 6) Has not filed, in accordance with this Law, a declaration for persons authorised to perform state or local self-government functions for the past year;

- 7) Within one year before applying for the competition to fill this position, was a member of the governing bodies of a political party, regardless of duration.
10. The position of the member in the Office of the National Agency shall be terminated early by the Cabinet of Ministers of Ukraine in case of:
 - 1) The appointment or election to another office upon his consent;
 - 2) Reaching the age of 65 years of age;
 - 3) An inability to perform his duties due to health reasons in accordance with the opinion of the Medical Commission, itself created by a specially authorised Central Executive Authority which implements state healthcare policy;
 - 4) The entry into force of a court decision declaring him or her incapacitated or which limits his or her civil capacity, or which declares him or her to be missing or dead;
 - 5) The entry into force of a conviction against him;
 - 6) The termination of citizenship of Ukraine or his or her departure for permanent residence outside Ukraine;
 - 7) Submission of dismissal at will, or resignation;
 - 8) Refusal to take the oath of a civil servant;
 - 9) Death;
 - 10) The entry into force of a court decision which discovered systematic violations of this Law if the relevant violations do not contain evidence of a crime.
11. The member of the National Agency whose term of office has expired shall exercise the powers up to his dismissal from office by the Cabinet of Ministers of Ukraine.

Article 6. Chairman of the National Agency

1. The Chairman of the National Agency is elected by the Agency for a period of two years from among its members. The same person cannot hold the position for more than two consecutive terms.
2. The Chairman of the National Agency:
 - 1) Organises the work of the National Agency, convenes and conducts meetings, signs the minutes of meetings and decisions of the National Agency, ensures their publication on the official website of the National Agency; and organises the preparation of the agenda of the National Commission's meetings and submits it for consideration of the Commission;
 - 2) Coordinates the work of National Agency members; and controls the work of the employees of its staff;
 - 3) Appoints and dismisses, in accordance with the legislation on civil service, employees of the National Agency, except for the Chief of Staff and his deputies;
 - 4) Hires and dismisses, in the manner stipulated by labour legislation, employees of the National Agency;
 - 5) Assigns civil servant ranks to servicemen of the Commission; takes incentive measures, and brings employees of the Commission's staff to disciplinary liability;
 - 6) Makes decisions in accordance with the established procedure on allocating budget funds which are managed by the National Agency;
 - 7) Approves manning tables and the budget of the National Agency;
 - 8) Represents the National Agency in its relations with courts, other authorities, enterprises, institutions and organisations in Ukraine and abroad, and with the public;
 - 9) Convenes and conducts consultations on issues within his or her competence;
 - 10) Issues decrees and instructions within his or her competence;
 - 11) Has the right to attend meetings of the Verkhovna Rada of Ukraine, its committees and permanent, ad hoc, special and temporary investigatory commissions, as well as participate in an advisory capacity in meetings of the Cabinet of Ministers of Ukraine, other state agencies and local self-government bodies when considering issues related to the formation and implementation of anti-corruption policy;

- 12) Exercises powers under this Law of a member of the National Agency;
- 13) Exercises other powers in accordance with this Law and other laws.
3. The powers of the Chairman of the National Agency shall be terminated in case of:
 - 1) The early termination of his office as a member of the National Agency in cases stipulated in paragraph ten of Article 5 of this Law;
 - 2) The submission of an application for dismissal from office of the Chairman of the National Agency at will without the termination of office of the member of the Commission.
4. The National Agency shall elect from among its members the Deputy Chairman of the National Agency who acts as the Chairman of the National Agency during absence of the latter.

Article 7. Powers of National Agency Members

1. Members of the National Agency:
 - 1) Prepare issues for consideration by the National Agency; participate in its meetings and vote without a right to abstain;
 - 2) Ensure, within his or her competence, the implementation of the decision of the National Agency;
 - 3) Exercise powers and coordinate the work of the structural divisions of the National Agency's staff in accordance with the distribution of functional responsibilities determined by the National Agency;
 - 4) On behalf of the National Committee, represent the National Agency with respect to state authorities, local self-government bodies, public associations, individuals and legal entities in Ukraine and abroad.
2. Members of the National Agency, in the exercise of his or her authorities, may:
 - 1) Become familiar with the documents that are in the National Agency;
 - 2) Propose for issues within its jurisdiction to be included in the agenda of the meetings of the National Agency;
 - 3) Speak at National Agency meetings to make proposals on issues that are considered; and to initiate voting upon them;
 - 4) Upon the order of the National Agency, conduct inspections on issues which, in accordance with this Law, are referred to the authority of the National Agency;
 - 5) Attend meetings of the Verkhovna Rada of Ukraine, its committees and ad hoc, special and temporary investigatory commissions, as well as meetings held by the Cabinet of Ministers of Ukraine, Ministries and other government agencies and local self-government bodies in respect of topics relating to the formation and implementation of anti-corruption policy;
 - 6) In case of disagreement with the decision of the National Agency, to lay down in writing his dissenting opinion which shall be attached to the minutes of the meeting of the National Agency;
 - 7) Attend events organised by the National Agency.

Article 8. Organisation of the National Agency's Activities

1. The main form of the National Agency's activities is meetings held at least once a week. The agenda of meetings shall be approved by the National Agency. Decisions of the National Agency shall be adopted by the majority of votes of its total composition. Regulation on the National Agency, as well as the distribution of responsibilities between the Deputy Chairman and the members of the National Agency for appropriate directions to implement its functions shall be approved by the decision of the National Agency.
2. Staff of the National Agency shall perform organisational, informational, reference and other support of the Commission's activities. Regulation on the staff of the National Agency, its structure and regulations on the separate structural divisions of the staff shall be approved by the National Agency. The maximum number of employees of the National Agency shall be approval by the Cabinet of Ministers of Ukraine upon submittal of the National Agency's Chairman. The Chief of Staff and his deputies shall be appointed and dismissed by the National Agency.

3. Regional offices of the National Agency, the territory of which does not necessarily coincide with administrative and territorial divisions, may be established by a decision of the Cabinet of Ministers of Ukraine upon the proposal of the National Agency.
The heads of territorial offices of the National Agency (in case they are established) shall be appointed and dismissed by the decision of the National Agency.
4. Employees of the National Agency staff and its territorial bodies (if established) on a regular basis, but not less than once every two years, shall undergo mandatory skills improvement training.

Article 9. Guarantees of the National Agency's Independence

1. The independence of the National Agency from influence or interference in its activities is guaranteed by:
 - 1) The special status of the National Agency;
 - 2) The special procedure for the selection, appointment and termination of office of National Agency members;
 - 3) The special procedure established by law on funding and logistical support of the National Agency;
 - 4) The proper conditions of remuneration for members and officials of the National Agency staff stipulated by this Law and other laws;
 - 5) Transparency of its activities;
 - 6) By other means stipulated by this Law.
2. In the course of the performance of their duties, members and officials of the staff of the National Agency are deemed as government officials, acting on behalf of the state and fall under its protection.
3. The use of the National Agency for party, group or private interests forbidden. The activities of political parties at the National Agency are prohibited.
4. It is prohibited for state authorities, authorities of the Autonomous Republic of Crimea, local self-government bodies and their officers and employees, political parties, associations and other entities to interfere with the activities of the National Agency in the course of the performance of its duties.
5. Notifications about suspicions of a criminal offense in regard to a member of the National Agency may be performed only by the Prosecutor General of Ukraine (acting Prosecutor General of Ukraine). The Prosecutor General of Ukraine or his deputy has the right to file, in accordance with the established procedure, a request for the removal from office of a member of the National Agency who is suspected or accused of a crime.
6. Members and officials of the National Agency staff, their close persons and property are protected by the state. In the case of a relevant notification by a member of the National Agency, the internal affairs authorities shall take the necessary measures to ensure the security of the National Agency's member, his close persons, and to save their property.
7. Any attempt on the life and health of the member or official of the National Agency staff, his close persons, destruction of or damage to their property, threatening them with murder, violence or destruction of property, entails legal liability stipulated by the law.
8. A member of the National Agency has the right to protection provided to him by the interior authorities.

Article 10. The Legal Status of Members, Staff Officers and Regional Offices of the National Agency

1. The members of the National Agency are civil servants.
2. Employees of the National Agency staff and its regional offices are civil servants, as well as other employees who perform supplementary functions.

Article 11. Powers of the National Agency

1. The National Agency has the following powers:
 - 1) Analysis: of the state of preventing and countering corruption in Ukraine; of the activities of state authorities, authorities of the Autonomous Republic of Crimea and local self-government bodies on

- preventing and countering corruption; the statistics, results of studies and other information on the situation with respect to corruption;
- 2) Drafting the Anti-Corruption Strategy and State Programme for its implementation; monitoring the coordination and evaluation of the effectiveness of the implementation of the Anti-Corruption Strategy;
 - 3) Preparing and filing, as prescribed by law to the Cabinet of Ministers of Ukraine, a draft national report on the implementation of anti-corruption policy;
 - 4) Developing and implementing anti-corruption policy; and drafting legal acts on these issues;
 - 5) Organising research on issues concerning corruption;
 - 6) Monitoring and exercising control over the implementation of legislation on ethical behaviour; the prevention and settlement of conflicts of interest in the activities of persons authorised to perform the functions of state or local self-government, as well as persons equated to them;
 - 7) Coordinating and rendering methodological help in the detection by state authorities, authorities of the Autonomous Republic of Crimea, and local self-government of corruption risks in their activities and implementation of measures to address them, including the preparation and implementation of anti-corruption programmes;
 - 8) Implementing, in the manner stipulated by this Law, the monitoring and verification of the declarations of persons authorised to perform the functions of state or local self-government; the storage and disclosure of such declarations; as well as monitoring the lifestyle of persons authorised to perform the functions of state or local self-government;
 - 8-1) Exercising, in accordance with the procedure and within the limits established by the law, state control over the observance of legislatively provided restrictions on funding political parties; the legitimate and designated use by political parties of funds allocated from the State Budget to finance their statutory activities; the timely submission of party reports concerning property, income, expenditure and financial liabilities; reports on the raising and use of election funds for national and local elections; the completeness of such reports; a report by the independent external financial audit concerning party activity; as well as ensuring the compliance of their execution with the set requirements, as well as the reliability of contained data;
 - 8-2) Approving the distribution of funds allocated from the State Budget to finance the statutory activity of political parties, in accordance with the law;
 - 9) Ensuring that the Unified State Register of declarations of persons authorised to perform state or local self-government functions, and the Unified State Register of persons who committed corruption or offences related to corruption, are duly kept;
 - 10) (Excluded under the Law No 889-VII of 10.12.2015)
 - 11) Coordinating, within its competence, methodological support and performing analysis of the efficiency of the authorised units (authorised persons) with respect to the prevention and detection of corruption;
 - 12) Approving the anti-corruption programmes of state authorities, authorities of the Autonomous Republic of Crimea and local self-government bodies; elaboration of a typical form of the anti-corruption programme of a legal entity;
 - 12) Implementing cooperation with persons who in good faith report possible evidence of corruption and other violations of this Law (whistle blowers); take measures concerning their legal and other protection; and prosecuting those violating their rights in connection with such reporting;
 - 13) Organising the training, retraining and advanced training of civil servants of state authorities and authorities of the Autonomous Republic of Crimea; as well as local self-government officials on issues related to the prevention of corruption;
 - 14) Providing clarification and guidance, and consulting on issues concerning the application of legislation on ethical conduct, prevention and settlement of conflicts of interest in the activities of

- persons authorised to perform state or local self-government functions, as well as persons equated to them;
- 15) Informing the public about measures taken by the National Agency to prevent corruption; as well as implementing measures aimed at fostering a negative public attitude towards corruption;
 - 16) Public involvement in the shaping, implementation and monitoring of anti-corruption policy;
 - 17) Coordinating the implementation of international commitments in the field of the development and implementation of anti-corruption policy; as well as cooperation with state authorities, non-governmental organisations of foreign states and international organisations within its competence;
 - 18) Exchanging information with the competent authorities of foreign states and international organisations;
 - 19) Other powers stipulated by law.

Article 12. Rights of the National Agency

- 1. For the purpose of exercising its powers, the National Agency has the following rights:
 - 1) To obtain, in accordance with the procedure stipulated by law and upon receiving written requests in accordance with the established procedure, information necessary to fulfil its objectives from state authorities, authorities of the Autonomous Republic of Crimea, local self-government bodies, and business entities, regardless of their form of ownership, as well as from citizens and their associations;
 - 2) Direct access to the databases of state authorities, authorities of the Autonomous Republic of Crimea, and local self-government bodies; and to use state, including government communications systems and special communications networks, as well as other technical means;
 - 3) To engage, according to the established procedure, scientists (on a contractual basis as well), employees of state authorities, authorities of the Autonomous Republic of Crimea, and local self-government bodies in participation on studying certain issues;
 - 4) To create commissions and working groups; to organise conferences, seminars and meetings on preventing and countering corruption;
 - 5) To adopt binding legal acts on issues within its competence;
 - 6) To receive statements from individuals and legal entities regarding violations of this Law; and to conduct, upon its own initiative, checks of possible facts concerning the violations of this Law;
 - 7) To conduct inspections of work organisations with respect to preventing and identifying corruption in state authorities, the authorities of the Autonomous Republic of Crimea, and local self-government bodies – in particular regarding the preparation and implementation of the anti-corruption programmes;
 - 8) To adopt requirements with respect to the violations of legislation on ethical behaviour; the prevention and settlement of conflicts of interest, as well as other requirements and restrictions stipulated by this Law;
 - 9) To obtain a written explanation from persons authorised to perform the functions of state or local self-government about circumstances that may indicate a breach of ethical conduct; regulations on the prevention and settlement of conflicts of interest, as well as other requirements and restrictions stipulated by this Law regarding the correctness of the information specified in the declarations of persons authorised to perform state or local self-government functions;
 - 10) To file claims (applications) to the court to deem unlawful legal acts and personal decisions issued (taken) in breach of the requirements and restrictions stipulated by this Law; to invalidate contracts signed as a result of the commission of corruption or of a related offence;
 - 11) To approve the methodology of corruption risk assessments in the activities of government authorities; to conduct analysis of the anti-corruption programmes of government authorities and to make mandatory suggestions for the review of such programmes;

- 12) To initiate an official investigation; to take measures to hold persons guilty of corruption liable, as well as those who commit related offences; to send materials to specially authorised subjects in the area of countering corruption that show evidence of such offenses;
- 12-1) Draw up protocols on administrative offenses within the competence of the National Agency; apply measures prescribed by law to ensure effective proceedings in cases involving administrative offenses;
- 13) Other rights stipulated by law.
2. In case violations of this Law regarding ethical behaviour are identified, or with respect to the prevention and settlement of conflicts of interest in the activities of persons authorised to perform the functions of state or local self-government, as well as persons equated to them, or any other violation of this Law, the National Agency shall send to the head of the body, enterprise, or institution a request to eliminate the violations of the law; to conduct a service investigation, and to bring the perpetrator to statutory liability. The requests of the National Agency are binding. Officials to whom the request of the National Agency is addressed shall inform the Commission on the results of their fulfilment within ten working days after receipt of the request.
3. If signs of administrative offences linked with corruption are detected, authorised representatives of the National Agency create a report on the offense and send it to the court upon a decision by the National Agency. The opinion of the National Agency with respect to the consideration of the results is binding, and shall be delivered to the Agency no later than five working days upon receipt of information concerning committed offense.
4. State authorities, the authorities of the Autonomous Republic of Crimea, local self-government bodies, and individuals and legal entities are required to provide the documents or information requested by the National Agency within ten days of receipt of the request.
5. Legal acts of the National Agency are subject to state registration by the Ministry of Justice of Ukraine and shall be included in the Unified State Register of Legal Acts.
After inclusion in the Unified State Register, the legal acts of the National Agency shall be published in the state language in official printed publications.

The normative-legal acts of the National Agency are passed by the state come into force on the day of official publication, unless otherwise provided by such regulations, but in any case not earlier than the day of official publication.

Article 13. Authorised Persons of the National Agency for Prevention of Corruption

1. The authorised persons of the National Agency are the Chairman and members of the National Agency and officials authorised by the National Agency.
2. Authorised persons of the National Agency have the right to:
 - Freely enter the premises of state authorities, authorities of the Autonomous Republic of Crimea, and local self-government bodies, upon presenting their service ID and have access to documents and other materials necessary for conducting the inspection;
 - Request necessary documents and other information in connection with the exercise of their powers considering restrictions stipulated by law;
 - Receive, within their competence, a written explanation from the officials and employees of state authorities, the authorities of the Autonomous Republic of Crimea, and local self-government bodies;
 - Create protocols for administrative violations according to the distribution of duties in matters within the competence of the National Agency;
 - Represent the National Agency in courts in the manner stipulated by law.
3. Unless the National Agency provides authorisation to its persons, they may not be members of commissions, committees and other bodies constituted by state authorities or local self-government bodies.

4. The Chairman and members of the National Agency, and officials and employees of its staff are prohibited to disclose classified information acquired in connection with the performance of their official duties, except in cases established by this Law.

Article 14. Supervision over the National Agency

1. Control over the National Agency's fund spending shall be performed by the Accounting Chamber through an audit by the Commission once every two years.
2. Civil control over the activities of the National Agency is ensured through the Public Council of the Commission, which is established and formed by the Cabinet of Ministers of Ukraine by selecting 15 people on the basis of a competition. The procedure for the organisation and conduct of the competition for the formation of the Public Council of the National Agency shall be determined by the Cabinet of Ministers of Ukraine. Representatives of civil society associations who receive funding from the National Agency to support their activities may not become members of the Public Council.
3. The Public Council of the National Agency shall hear reports on the activities, implementation of plans and objectives of the National Agency; approve annual reports on the activities of the National Agency; provide conclusions as a result of expertise of draft acts of the National Agency; and delegate representatives to attend meetings of the National Agency in an advisory capacity.
4. The National Agency prepares annual reports on its activities, which after approval by the Public Council of the National Agency, shall be published on its official website.

Article 15. Social Security of Members and Employees of the National Agency Staff

1. The members and employees of the National Agency staff must have compulsory state social insurance in accordance with the legislation on compulsory state social insurance.
2. In case of the death (decease) of a National Agency member in the course of the performance of his or her official duties, the family of the deceased (dead), and in case of its absence, his parents and dependents, shall receive a one-time financial assistance package in a sum of the amount of ten years of wages earned by the deceased (dead) at the last position he held, in accordance with the procedure and terms established by the Cabinet of Ministers of Ukraine. The family of the deceased (dead) retain the right to receive housing.
3. Harm caused to the property of a member or employee of the National Agency staff, or the property of his or her close relatives in connection with the performance of official duties shall be reimbursed in full from the State Budget of Ukraine, with subsequent recuperation of this amount from the guilty persons in the order stipulated by law.

Article 16. Remuneration of the Members and Employees of the National Agency Staff

1. The salaries of members and employees of National Agency staff shall be high enough to ensure sufficient financial conditions for the proper performance of their duties, considering the nature, intensity and danger of their work; and to ensure the recruitment and consolidation of qualified personnel in the Agency's staff, as well as to encourage the achievement of high results with respect to official activities, and to compensate the costs of the intellectual efforts of workers.
2. The salaries of members and officials of the National Agency staff consist of a base salary, long service bonuses, and bonuses for rank; and bonuses and other allowances established by the legislation on civil service. The base salary of a member of the National Agency shall constitute 19.5 times the minimum wage. The base salary of the Chairman of the National Agency shall be established in proportion to the base salary of National Agency members, with a 1.3 coefficient. The base salary of an official National Agency staff member is set at the level of the respective categories of the Cabinet of Ministers of Ukraine's Secretariat.
3. Long-service bonuses and bonuses for rank, bonuses and other allowances shall be paid to members and civil servants of the National Agency according to the Law of Ukraine "On Civil Service".

Article 17. Financial and Logistical Support of the National Agency

1. Financial support for the National Agency shall be secured from the State Budget of Ukraine. Financing the National Agency through any other sources is prohibited, except in cases envisioned by the international treaties of Ukraine or international technical assistance projects.
2. Expenditures for financing the National Agency shall be determined in the State Budget of Ukraine as a separate line, held at the level sufficient to ensure the proper exercise of the powers of the Commission. The Chairman of the National Agency represents the position of the Commission on issues of its financing at meetings of the Cabinet of Ministers of Ukraine, committees or in plenary sessions of the Verkhovna Rada of Ukraine.
3. The National Agency is the senior manager overseeing the allocation of funds from the State Budget of Ukraine for its financing. Expenses for the activities of the National Agency shall include funds for awareness campaigns and trainings on issues concerning preventing and countering corruption.
4. The National Agency shall be supplied with all the necessary material resources, equipment and other assets to carry out its official duties.

**SECTION III. DEVELOPMENT AND IMPLEMENTATION
OF THE ANTI-CORRUPTION POLICY**

Article 18. Anti-Corruption Policy

1. The general grounds of anti-corruption policy (Anti-Corruption Strategy) shall be determined by the Verkhovna Rada of Ukraine.
2. By June 1 each year, the Parliament of Ukraine shall hold a hearing on the state of corruption, and shall approve and publish an annual report on the implementation of anti-corruption policies.
3. A draft of the Anti-Corruption Strategy is prepared by the National Agency on the basis of an analysis of state of corruption and the results of the previous implementation of the Anti-Corruption Strategy.
4. The Anti-Corruption Strategy shall be implemented through the fulfilment of the state target programme which is drafted by the National Agency and approved by the Cabinet of Ministers of Ukraine. The heads of state authorities are personally responsible for ensuring the implementation of the state target programme of the Anti-Corruption Strategy.
5. The state target programme to implement the Anti-Corruption Strategy is subject to annual review, taking into account the results of the implementation of these measures, as well as the conclusions and recommendations of parliamentary hearings on corruption.

Article 19. Anti-Corruption Programmes

1. Anti-corruption programmes shall be adopted in:
 - The Administration of the President of Ukraine, the Verkhovna Rada of Ukraine Staff, the Secretariat of the Cabinet of Ministers of Ukraine, the Secretariat of the Commissioner on Human Rights of the Verkhovna Rada of Ukraine, the Prosecutor General Office of Ukraine, the Security Service of Ukraine, the Accounting Chamber of Ukraine, the National Bank of Ukraine, Ministries and other Central Executive Authorities, as well as regional, Kyiv and Sevastopol city state administrations, and target public trust funds – by approval of their supervisors;

The National Security and Defence Council of Ukraine Staff – by approval of the Secretary of the National Security and Defence Council of Ukraine; the Accounting Chamber of Ukraine – by approval of the Chamber Board; and the National Bank of Ukraine – by approval of its Management Board;

- The Accounting Chamber of Ukraine, the Central Election Commission, the Supreme Council of Justice, the Supreme Rada of the Autonomous Republic of Crimea, regional councils, Kyiv and Sevastopol city councils, and the Council of Ministers of the Autonomous Republic of Crimea – by approval of these authorities.
- Anti-corruption programmes shall be approved by the National Agency.

2. Anti-corruption programmes shall envision:

- Determining the grounds of general departmental policy on preventing and countering corruption in the relevant area; measures for their implementation and the implementation of the Anti-Corruption Strategy and targeted anti-corruption state programmes;
- Assessing corruption risks in the activities of an authority, institution, or organisation; and the causes of them and the conditions which facilitate them;
- Measures to eliminate identified corruption risks, persons responsible for their implementation, and the terms and resources required to do so;
- Education and measures to disseminate information on targeted anti-corruption programmes; procedures for their monitoring, evaluating and periodical review;
- Other measures aimed at preventing corruption and related offences.

Article 20. National Report on the Implementation of the Grounds of Anti-Corruption Policy

1. The National Agency shall prepare a draft annual national report on the implementation of the anti-corruption policy, which, no later than April 1, shall be submitted to the Cabinet of Ministers of Ukraine.
2. The annual report on the implementation of the anti-corruption policy shall contain the following information:
 - 1) Statistics on results of the performance of the specially authorised subjects in the area of countering corruption, together with the obligatory inclusion of the following data:
 - a) The number of statements of corruption or related offences registered by each specially authorised subject in the area of countering corruption;
 - b) The number of operative and detective cases initiated by specially authorised subjects in the area of countering corruption;
 - c) The number of persons against whom indictments were prepared in connection with criminal corruption and related offences they committed, as well as protocols for committing administrative offenses related to corruption;
 - d) The number of persons with effective court convictions for criminal corruption or related offences and those who were held administratively liable for offenses related to corruption;
 - e) The number of persons acquitted of committing the relevant offences, regarding whom relevant administrative proceedings were stopped without the imposition of penalties;
 - f) Separate information by the categories of persons referred to in part One of the Article 3 of this Law, and by liability types for corruption and related offences;
 - g) The number of persons dismissed from office (work, or service) in connection with a prosecution for corruption or a related offence, as well as people who have been imposed with a main / additional penalty of the deprivation of the right to occupy certain positions or to engage in certain activities;
 - h) Information on the amount of damage caused by corruption and related offences, and the state and amount of reimbursement required;
 - i) Information about the funds and other property obtained as a result of corruption or related offences, forfeited upon the decision of a court, as well as funds in the amount of illicit services or benefits collected for the benefit of the state;
 - j) Information about the funds and other property obtained as a result of corruption or related offences returned to Ukraine from abroad and their disposal;
 - k) Information on the forfeiture of the items and proceeds of criminal corruption offences;
 - l) The number of proposals to repeal by the relevant authorities or officials, as well as the legal acts and decisions issued (taken) as a result of committing an offence of corruption, and the results of their consideration;
 - m)Information about acts, or decisions deemed illegal in court at the request of an interested individual, association of individuals, legal entities, state authorities, or local self-government bodies, published (adopted) as a result of committing an offence of corruption;

- n) The number of requests to eliminate the causes and conditions that contributed to the commission of corruption and related offences or failing to comply with anti-corruption laws;
 - o) Information about cooperation with the relevant authorities of other states, international organisations and foreign non-governmental organisations, and cooperation agreements signed with them;
 - p) Information about cooperation with non-governmental organisations and the media;
 - q) Information about the staff of specially authorised subjects in the area of countering corruption, including the qualifications and experience of their employees, and the improvement of their skills;
 - r) Information about the activities of internal security units of the specially authorised subjects in the area of countering corruption; the number of reported offenses by their employees, the results of the consideration of such reports, and the holding of the employees of internal security units liable;
 - s) Size of funding of the specially authorised subjects in the area of countering corruption;
 - t) Other information related to the performance of activities by authorised subjects in the area of countering corruption and fulfilling their responsibilities;
- 2) Summarised results of anti-corruption expertise of legal acts and draft legal acts;
 - 3) Information on results of the implementation of measures taken by public authorities to prevent and counter corruption, including those taken in the course of international cooperation;
 - 4) Summarised analysis of the state of corruption which shall contain:
 - a) Corruption factors identified by state authorities, authorities of the Autonomous Republic of Crimea, and local self-government bodies, and the measures they have taken to eliminate such factors;
 - b) Results of sociological and analytical research concerning the state of corruption by state authorities, authorities of the Autonomous Republic of Crimea, local self-government bodies, international organisations and civil society associations;
 - c) The state of the implementation of international legal obligations in the area of preventing and countering corruption;
 - d) The impact of the taken measures on the level of corruption based on statistical data and sociological research;
 - 5) Report on the implementation of the Anti-Corruption Strategy;
 - 6) Conclusions and recommendations.
3. The specially authorised subjects in the area of countering corruption, other state authorities, the authorities of the Autonomous Republic of Crimea, as well as local self-government bodies, shall submit to the National Agency, no later than February 15, the information which it needs to prepare a national report on the implementation of anti-corruption policies.
 4. On an annual basis and no later than April 15, the Cabinet of Ministers of Ukraine shall review and approve the draft national report on the implementation of anti-corruption policies, which shall be sent to the Verkhovna Rada of Ukraine within ten working days from the date of its approval.
 5. The national report on the implementation of anti-corruption policies shall be published on the official website of the Verkhovna Rada of Ukraine.

Article 21. Participation of the Public in Measures on the Prevention of Corruption

1. Civil society associations, their members or authorised representatives, and individuals involved in their activity of preventing corruption, have the right to:
 - 1) Report discovered facts concerning the commitment of corruption or related offences; as well as real and potential conflicts of interest to the specially authorised subjects in the area of countering corruption; to the National Agency for Prevention of Corruption; management or other representatives of authorities, institutions or organisations where these offenses have been committed or in which the employees have a conflict of interest, and also to the public;

- 2) Request and receive information from state authorities, authorities of the Autonomous Republic of Crimea, and local self-government bodies, in the manner stipulated by the Law of Ukraine "On Access to Public Information", about activities to prevent corruption;
 - 3) Conduct and order the conducting of public anti-corruption expertise of legal acts and draft legal acts, and, as a result of such expertise, to submit proposals to the relevant authorities, and receive information about the consideration of such proposals from these authorities;
 - 4) Participate in parliamentary hearings and other events concerning the prevention of corruption;
 - 5) Make proposals to subjects with the legislative right to initiative improvements of the legal regulation of relations arising in the area of corruption prevention;
 - 6) Conduct, and order the conducting of research, including scientific, sociological, etc., on issues relating to the prevention of corruption;
 - 7) Conduct events to inform the public on the prevention of corruption;
 - 8) Exercise public control over the implementation of laws in the area of corruption prevention by using such forms of control which are not contrary to the law;
 - 9) Perform other activities to prevent corruption which are not prohibited by law.
2. Civil society groups, individuals, and legal entities shall not be denied access to information concerning the competence of subjects which perform measures to prevent corruption, as well as concerning the main areas of their activities. This information is provided in the manner stipulated by law.
 3. Draft laws and other draft legal acts which envision the granting of benefits and advantages to specific entrepreneur entities, as well as the delegation of the powers of state authorities, authorities of the Autonomous Republic of Crimea or local self-government for the purpose of their public discussion shall be immediately posted on the official website of the appropriate authorities, but no later than 20 working days prior to their consideration with a view to adoption.
 4. State authorities, authorities of the Autonomous Republic of Crimea and local self-government shall summarise the results of the public discussion on draft laws and other draft legal acts referred to in paragraph three of this article and publish them on their websites.

SECTION IV. PREVENTION OF CORRUPTION AND RELATED TO CORRUPTION OFFENSES

Article 22. Restrictions on Use of Official Powers or His or Her Position

1. Persons referred to in part One of the Article 3 of this Law are prohibited from using their official powers or position, and the associated opportunities it brings, to obtain an unlawful benefit for themselves or others, including the use of state or communal property or funds for their personal interest.

Article 23. Restrictions on Receiving Gifts

1. Persons referred to in paragraphs 1, 2 of part One of the Article 3 of this Law are prohibited from demanding, asking, or receiving gifts for themselves or close persons from legal entities or individuals:
 - 1) In connection with such persons performing activities connected to the functions of state or local self-government;
 - 2) If the person who provides it is a subordinate of that person.
2. Persons mentioned in paragraphs 1, 2 of part One of the Article 3 of this Law may accept gifts which meet generally accepted notions of hospitality, except as provided for by part One of this Article, if the value of such gifts does not exceed one minimal wage established on the date on which the gift was received, is accepted one time, and the aggregate value of gifts received from one source within the year does not exceed two living wages established for labour-abled persons on January 1 of the current year.

Restrictions on the value of gifts stipulated by this part shall not apply to gifts which are:

- 1) Given to close persons;
- 2) Received as public discounts for products, services, publicly available benefits, prizes, rewards or bonuses.

3. Gifts received by the persons referred to in paragraphs 1, 2 of part One of the Article 3 of this Law in the capacity of gifts to the state, the Autonomous Republic of Crimea, local community, state or municipal enterprises, and institutions or organisations shall be deemed as state or municipal property and transferred to the authority, enterprise, institution or organisation in accordance with the procedure determined by the Cabinet of Ministers of Ukraine.
4. Decisions taken by persons referred to paragraphs 1, 2 of part One of the Article 3 of this Law in favour of a person who has given him or her, or his or her close persons, the gift shall be deemed as those taken under conditions of a conflict of interest, and as such the provisions of Article 67 of this Law shall be applied to such decisions.

Article 24. Prevention of Obtaining Unlawful Benefit or Gift and Handling them

1. Persons authorised to perform the functions of state or local self-government, and persons equated to them, in case of the proposal of an unlawful benefit or gift, regardless of private interests, shall immediately take the following steps:
 - 1) Reject the proposal;
 - 2) Identify, where possible, the person who made the offer;
 - 3) Involve witnesses, if possible, including from among employees;
 - 4) Notify the immediate supervisor (if any) in writing about the proposal or the head of the respective authority, entity, institution or organisation, and one of the specially authorised subjects in the area of countering corruption stipulated by this Law.
2. If a person falling under restrictions on the use of office and on the obtainment of gifts has that which may be an unlawful benefit or gift in his or her office property, he or she shall promptly, but no later than after one business day, provide written notification about such facts to his or her immediate supervisor or to the head of the respective authority, enterprise, institution, or organisation. Upon discovery of property which may be an unlawful benefit, a written act shall be prepared and signed by the person who discovered the unlawful benefit or gift, and by his or her immediate supervisor or by the head of the respective authority, enterprise, institution or organisation. In case the property, which may be the unlawful benefit or gift, is discovered by a person who is the head of the body, enterprise, institution, or organisation in question, an act on the discovery of property which may be an unlawful benefit or gift shall be signed by such a person, or by the person authorised to perform the functions of the head of the respective authority, enterprise, institution or organisation in the head's absence.
3. Items of unlawful benefit, and received or discovered gifts shall be stored in the respective authority before they are transferred to the specially authorised subjects in the area of countering corruption.
4. The provisions of this Article shall not apply to cases where a gift is received under the circumstances provided for by part Two of the Article 23 of this Law.
5. In case a person referred to in Items 1 and 2 of the part One of the Article 3 of this Law has doubts about the possibility of receiving a gift, he or she is entitled to seek advice in writing on the matter from the territorial office of the National Agency, which shall provide an appropriate explanation.

Article 25. Restrictions on Other Part-Time Activities

1. Persons referred to in paragraph 1 of the part One of the Article 3 of this Law are prohibited to:
 - 1) Engage in any other paid (other than teaching, research and creative activity, or medical practice, instructing and judicial practice in sports) or entrepreneurial activity, unless otherwise stipulated by the Constitution or laws of Ukraine;
 - 2) Become a member of the board, other executive or supervisory bodies or supervisory board of a company or organisation that seeks profit (unless the person carries out functions related to the management of shares owned by the state or territorial community and represents the interests of the state or territorial community in the board (supervisory board), or audit committee of the business organisation, unless otherwise stipulated by the Constitution and laws of Ukraine).

2. Limitations stipulated by part One of this article, as well as the requirements of part Two of this Article shall not apply to members of the Verkhovna Rada of the Autonomous Republic of Crimea, local deputies (except those who exercise their authority in the respective council on a regular basis), the High Council of Justice (except those working in the High Council of Justice on a regular basis), or to people's assessors and jurors.

Article 26. Restrictions After Termination of Activities Connected with the Functions of the State, Local Self-Government

1. Persons authorised to perform the functions of state or local self-government referred to in paragraph 1 of part One of the Article 3 of this Law who resigned or otherwise stopped activities connected with the functions of state or local self-government shall be prohibited from:
 - 1) Within one year from the date of termination of the relevant activities, entering into employment agreements (contracts) or performing transactions in businesses with legal entities of private law, natural persons or entrepreneurs, if the persons referred to in the first paragraph of this part within one year since the date of termination of the functions of state or local self-government exercised powers on control, supervision, preparation or the taking of decisions on the activities of these legal entities, natural persons or entrepreneurs;
 - 2) Disclosing or otherwise using for their interests information that becomes known to them in connection with the performance of official duties, except for cases stipulated by law;
 - 3) Within one year from the date of termination of the relevant activities, representing the interests of any person in cases (including those heard in courts) where another party is an authority, enterprise, institution, or organisation in which they had been working at the time of the termination of their mentioned activities.
2. The violation of restrictions on entering into employment agreements (contracts) set out by paragraph 1 of part One of this Article shall serve as grounds for the termination of such contracts. Business transactions committed in violation of paragraph 1 of part One of this Article may be invalidated. In case the National Agency detects violations referred to in part One of this article it shall appeal to the court for the termination of the employment agreement (contract) and deem the transaction void.

Article 27. Restrictions of Joint Work with Close Persons

1. Persons mentioned in paragraphs "a", "c" - "h" of paragraph 1 of part One of the Article 3 of this Law may not have close persons under direction subordination or be directly subordinated to close persons in connection with performing official powers.

Persons applying for the positions referred to in paragraph "a", "c" - "h" of paragraph 1 and of the part One of the Article 3 of this Law are obliged to notify the management of the authority where they seek the position about close persons working in this authority. The provisions of the first and second paragraphs of this paragraph shall not apply to:

- 1) People's assessors and jurors;
- 2) Close persons who are directly subordinated to each other in connection with one of them acquiring the status of an elected person;
- 3) Persons who work in rural areas (except those in regional centres) and mountain towns.
2. In case circumstances violating the requirements of part One of this Article occur, the respective persons or persons close to them shall take steps to eliminate such circumstances within fifteen days.

If during this period the circumstances were not voluntarily eliminated, the respective person or persons close to them shall be transferred within one month from the date of the circumstances' occurrence in accordance with the established procedure to another position which eliminates the direct subordination.

If it is impossible to perform the mentioned transfer, the person who is in subordination shall be dismissed.

SECTION V. PREVENTION AND RESOLVING OF CONFLICT OF INTEREST

Article 28. Prevention and Resolution of Conflict of Interest

1. Persons referred to in clauses 1 and 2 of part One, Article 3 of this Law shall be obliged to:

- 1) Take measures to prevent the occurrence of actual and potential conflicts of interest;
 - 2) Report – no later than the next business day from the date when the person found out or should have found out about having a real or potential conflict of interest – to the immediate supervisor, and if the person holds a position that does not provide for having an immediate supervisor or a position in a collective body – to the National Agency, another authority or a collective body determined by the law where the conflict of interest occurred while exercising authority;
 - 3) Not take any actions and not make decisions under the conditions of a real conflict of interest;
 - 4) Take measures to address actual or potential conflicts of interest.
2. Persons authorised to perform the functions of the government or local self-government may not directly or indirectly encourage their subordinates to make decisions, take actions or refrain from actions that violate the law and benefit their private interests or the private interests of third parties.
 3. The immediate supervisor or the supervisor of an authority which has the powers to dismiss and (or) initiate dismissals, within two business days after receiving a notice that her or his subordinate has a real or potential conflict of interest, makes a decision aiming to resolve the conflict of interest, and reports such decisions to the respective person.

When the National Agency receives a notice from a person about the presence of a real or potential conflict of interest, it explains within seven working days to the reporting person the procedure required to resolve the conflict of interest.

4. The immediate supervisor or the supervisor of an authority which has the powers to dismiss and (or) initiate dismissal, and who became aware of the conflict of interest of his subordinate person, shall, in accordance with this Law, take measures for the prevention and settlement of the conflict of interest of such a person.
5. If a person doubts as to whether or not he or she has a conflict of interest, he or she shall seek an explanation from the territorial office of the National Agency. If the person does not receive confirmation about absence of a conflict of interest, he or she shall act in accordance with the requirements set out in this section of the Law.
6. If a person has received confirmation about the absence of a conflict of interest, he or she shall be exempted from liability, even if it later transpires that there had been a conflict of interest in the actions he or she sought clarification for.
7. Laws and other legal acts that define the powers of government authorities, the authorities of the Autonomous Republic of Crimea, and local self-government bodies, as well as the procedure for the provision of certain types of state services and other activities related to the functions of state and local self-governments, have to provide a procedure and methods for resolving the conflict of interest of officials whose activities they regulate.

Article 29. Measures of External and Self-Resolving of Conflict Of Interest

1. Conflicts of interest shall be resolved externally by the:
 - 1) Suspension of a person from fulfilling the task, performing actions, making decisions or participation in making decisions under the conditions of a real or potential conflict of interest;
 - 2) Use of external monitoring to control how a person fulfils certain tasks, certain actions or how they make certain decisions;
 - 3) Restriction of a person from access to certain information;
 - 4) Review of the scope of a person's official powers;
 - 5) Reassignment of a person to another position;
 - 6) Discharge of a person.
 2. Persons referred to in clauses 1 and 2 of part One of Article 3 of this Act, who have an actual or potential conflict of interest, can independently take steps to resolve it by eliminating the respective private interest and providing documents that prove this to their immediate supervisor or to the supervisor of an authority which has the powers to dismiss and (or) initiate dismissals.
- The elimination of a private interest shall exclude any possibility of its concealment.

Article 30. Suspension from Fulfilling a Task, Performing Actions, Decision-Making or Participating in Decision-Making

1. The suspension of persons authorised to perform the functions of state or local self-government, or other similar persons from fulfilling a task, performing actions, decision-making or participating in decision making under the conditions of a real or potential conflict of interest, is carried out by the decision of the head of the relevant body, enterprise, institution or organisation in cases where the conflict of interest does not have a permanent nature and where a possibility exists to involve other employees of the respective authority, enterprise, institution, or organisation in making such decisions or taking respective actions.
2. The suspension of persons authorised to perform the functions of state or local self-government, or other similar persons from fulfilling a task, performing actions, decision-making or participating in decision making under the conditions of a real or potential conflict of interest, as well as involving other employees of the respective agency, enterprise, institution, or organisation in such decision-making or taking respective actions, shall be carried out by a decision of the head of the agency or the respective structural subdivision in which the person works.

Article 31. Restricting Access to Information

1. Restricting the access of a person authorised to perform the functions of government or local self-government, or other similar persons, to certain information is carried out by the decision of the head of the agency or respective structural subdivision in which the person works in instances where the conflict of interest is associated with such access and is of a constant nature, as well as if there is a possibility for the person to continue proper execution of his or her authority under such a restriction, and if there is a possibility to commission another employee of the agency, enterprise, institution or organisation with work involving certain information.

Article 32. Reviewing the Scope of Official Powers

1. The review of the scope of official powers of a person authorised to perform the functions of state or local self-government, or other similar persons, is carried out by the decision of the head of the agency, enterprise, institution, organisation or respective structural subdivision in which the person works if a conflict of interest in their activities is of a permanent nature and is related to a specific authority granted to the person, and given the possibility for the person to continue the proper performance of her or his official tasks under such a review, and in case of providing another employee with the respective authority.

Article 33. Exercising Powers Under External Control

1. A person authorised to perform the functions of government or local self-government, or other similar persons, exercises official powers under external control if suspension of the person from fulfilling a task, performing actions, decision-making or participating in decision-making under a real or potential conflict of interest, or restricting the person's access to information or reviewing their powers, are impossible and there is no reason for discharge or for his or her reassignment to another position.
2. External control is carried out in the following forms:
 - 1) Inspection by an employee appointed by the head of the agency, enterprise, institution, or organisation of the status and results of the tasks and actions performed, as well as the content of the decisions or draft decisions that are made or being developed by the person or a respective collective agency on issues related to conflicts of interest;
 - 2) Performance of tasks, actions; and the considering of cases, and drafting and taking of decisions by the person in the presence of an employee appointed by a head of the agency;
 - 3) Participation of the authorised person of the National Agency in the work of the collective body as an observer without a voting right.
3. The decision on the implementation of external control shall include an indication of the form of control, the employee authorised to administer control, as well as the duties of the person in con-

nnection with the use of external control of his or her performance of respective tasks, actions or decision-making.

Article 34. Reassignment, Discharge of a Person Due to the Conflict Of Interest

1. The reassignment of a person authorised to perform the functions of state or local self-government, or other similar persons, to another position due to the presence of a real or potential conflict of interest is carried out by the decision of the head of the agency, enterprise, institution, or organisation in case the conflict of interest in the activities of the person is of a permanent nature and cannot be resolved by the suspension of that person from fulfilling the task in question; from taking actions, making decisions or participating in decision-making; or by restricting the access of the person to information; reviewing their powers and functions, or eliminating the private interest if there is a vacant position that has characteristics that correspond to the person's personal and professional qualities. Reassignment to another position may be carried out only upon consent of the person authorised to perform the functions of state or local self-government, or equivalent persons.
2. The discharge of a person authorised to perform the functions of state or local self-governments, or other similar persons, from their positions in connection with a conflict of interest is carried out if the actual or potential conflict of interest is permanent and cannot be resolved by other means, including in cases where the person in question refuses to be reassigned or to eliminate the private interest in question.

Article 35. Peculiarities of Resolving Conflict of Interest Arising in the Activity of Certain Categories of Persons Authorised to Perform the Functions of the Government or Local Self-Government.

1. Rules for resolving conflict of interests in the activities of the President of Ukraine, the People's Deputies of Ukraine, members of the Cabinet of Ministers of Ukraine, and the heads of Central Executive Bodies which are not part of the Cabinet of Ministers of Ukraine, as well as judges of the Constitutional Court of Ukraine and judges of courts of general jurisdiction; the chairmen, and vice-chairmen of oblast, district councils, cities, villages, settlement heads, secretaries of cities, villages and settlement councils; and deputies of local councils, are determined by the laws governing the status of the respective persons and the basis of the organisation of the respective bodies.
2. In the event of a real or potential conflict of interest of a person authorised to perform the functions of state or local self-governments, or other similar persons, who are part of a collective body (i.e. committee, commission, board, etc.), this person has no right to participate in the decision-making process of this body. Any relevant member of the collegial body or participant of the meeting who is directly related to the question under consideration may provide information about the conflict of interest of such a person. Statements about conflict of interests of members of the collegial body shall be included in the minutes of collegial body meetings. If non-participation in the decision-making process of an agency of a person authorised to perform the functions of state or local self-governments, or other similar persons, who are a part of that collective body, results in a loss of competence by this agency, the person's participation in the decision-making process should be subject to external controls. The respective collective agency takes a decision on exercising external control.

Article 36. Preventing Conflict of Interest When a Person Owns Enterprises or Equity Rights

1. Persons referred to in clause 1, sub-clause "a" of clause 2 of part One of Article 3 of this Law shall, within thirty days after appointment (election) to the position, transfer the management of enterprises and equity rights that she or he owns to another person in the manner prescribed by law. In this case, the persons referred to in clause 1, sub-clause "a" of clause 2 of part One of Article 3 of this Law, shall not transfer the management of the enterprises and equity rights which they own to their family members.
2. Persons referred to in clause 1, sub-clause "a" of clause 2 of part One of Article 3 of this Law transfer enterprises that they own, and which are unitarily based on how they were incorporated (founded) and how their authorised capital was formed, by concluding a contract on property management with a business entity.

3. Persons referred to in clause 1, sub-clause "a" of clause 2 of part One of Article 3 of this Law transfer their equity rights by one of the following ways:
 - 1) Conclusion of a contract on property management with a business entity (excluding a contract on the management of securities and other financial instruments);
 - 2) Conclusion of a contract on the management of securities, other financial instruments and funds allocated for investment in securities and other financial instruments, with a securities trader who is licensed by the National Securities and Stock Market Agency to manage securities;
 - 3) Conclusion of a contract on the establishment of a venture unit investment fund for managing transferred equity rights with an assets management company that is licensed by the National Securities and Stock Market Agency to conduct asset management activities. The transfer of equity rights as payment for the cost of securities of the venture unit investment fund in question is made after registration by the National Securities and Stock Market Agency of emission of securities of such a collective investment institution.
4. Persons referred to in clause 1, sub-clause "a" of clause 2 of part One of Article 3 of this Law may not conclude contracts mentioned in parts Two and Three of this article with business entities, securities traders and asset management companies, where family members of such persons are employed.
5. Persons referred to in clause 1, sub-clause "a" of clause 2 of part One of Article 3 of this Law appointed (elected) to a position, within one day after transferring the management of the enterprises and equity rights that they own, are required to provide written notification to the National Agency and provide a notarised copy of the concluded contract.

SECTION VI. RULES OF ETHICAL CONDUCT

Article 37. Conduct Requirements of Individuals

1. General requirements for the conduct of persons referred to in clause 1, sub-clause "a" of clause 2 of part One of Article 3 of this Law, which they are obliged to follow when exercising their official or representative powers, as well as the grounds and procedure for bringing a person to liability for breaching these requirements, are established by this Law; which shall form the legal ground for the codes or standards of professional ethics.
2. The National Agency approves the general rules of ethical conduct for state servants and self-government officials. If necessary, state authorities, authorities of the Autonomous Republic of Crimea, and local self-government authorities develop and ensure compliance with industry codes or standards of ethical behaviour for their employees and other persons authorised to perform the functions of state or local self-governments, and persons similar to them who conduct activities in the sphere of their control.

Article 38. Compliance with the Law and Ethical Norms Of Conduct

1. Persons referred to in clause 1, sub-clause "a" of clause 2 of part One of Article 3 of this Law shall ensure strict compliance with the law and generally accepted ethical standards of conduct; and be polite in their relations with citizens, supervisors, colleagues and subordinates while exercising their official powers.

Article 39. Priority of Interests

1. Persons referred to in clause 1 of part One of Article 3 of this Act, when representing the state or territorial community, act solely in their interests.

Article 40. Political Neutrality

1. Persons referred to in clause 1, sub-clause "a" of clause 2, part One, Article 3 of this Law are required to remain politically neutral, avoid demonstrations in any form, and to not use official authority for the interests of political parties or branches, or individual politicians, while exercising their official powers.
2. The provisions of part One of this Article shall not apply to elected persons and persons who hold political positions.

Article 41. Impartiality

1. Persons referred to in clause 1, sub-clause "a" of clause 2 of part One of Article 3 of this Law shall act impartially in spite of private interests, personal attitudes towards any persons, their own political views, ideological, religious or other personal views or beliefs.

Article 42. Competence and Efficiency

1. Persons referred to in clause 1, sub-clause "a" of clause 2 of part One of article 3 of this Law, shall, in good faith; competently, promptly, efficiently and responsibly perform official functions and professional responsibilities; take decisions and implement the instructions of the agencies and persons to which they are subordinate or accountable to, or who are under their control; and shall not allow abuse and inefficient use of state and municipal property.

Article 43. Non-Disclosure of Information

1. Persons referred to in clause 1, sub-clause "a" of clause 2 of part One of Article 3 of this Law shall not disclose or use in another way confidential and other information with restricted access which has become known to them in connection with their official powers and professional obligations, except as required by law.

Article 44. Refraining from Execution of Illegal Decisions or Orders

1. Persons referred to in clause 1, sub-clause "a" of clause 2 of part One of Article 3 of this Law, shall, in spite of private interests, refrain from the execution of decisions or orders of the administration if they are against the law.
2. Persons referred to in clause 1, sub-clause "a" of clause 2 of Part One of Article 3 of this Law shall independently evaluate the lawfulness of decisions or orders provided by the administration and the possible harm that would be caused in case such decisions or orders are executed.
3. If a person referred to in clause 1, sub-clause "a" of clause 2 of part One of Article 3 of this Law receives decisions or orders to execute that the person regards as unlawful or threatening to the legally protected rights, freedoms and interests of individual citizens, legal entities, state or public interests, the person shall immediately notify this in writing to the head of the agency, enterprise, institution or organisation where he or she works, as well as elected persons of the National Agency.

SECTION VII. FINANCIAL CONTROL

Article 45. Submission of Declarations of Persons Authorised to Perform the Functions of the State or Local Self-Government

1. Persons referred to in clause 1, sub-clause "a" of clause 2 of part One of Article 3 of this Law are required to file the declaration of a person authorised to perform the functions of the state or local self-government (hereinafter – the declaration of the person authorised to perform functions of the state or local self-government) annually until April 1 for the last year, and in the form determined by the National Agency, through the official website of the National Agency.
2. Persons referred to in clause 1, sub-clause "a" of clause 2 of part One of Article 3 of this Law who terminate activities related to the functions of state or local self-government shall submit a declaration of the person authorised to perform the functions of the state or local self-government for the period not covered by previously submitted declarations. Persons who terminated activities related to the functions of state or local self-governments are required the next year after the termination of activity to file in accordance with procedure stipulated in part One of this article a declaration of the person authorised to perform the functions of the state or local self-government for the past year.
3. A person who aspires to hold the position specified in clause 1, sub-clause "a" of clause 2 of part One of article 3 of this Law, prior to appointment or election to the respective position, shall file a declaration of the person authorised to perform state functions or local self-government for the past year in the manner prescribed by this Law.

4. In case the subject of the declaration has identified errors in the declaration he or she filed, the National Agency, upon his or her written application, allows him or her to correct them within ten calendar days. Bringing the declarant to liability for the failure to submit, or late submission of the declaration of the person authorised to perform the functions of the state or local self-government, or submission of it with deliberately false information does not release the declarant from the obligation to file a declaration with trustworthy information.

Article 46. Information to be Included in the Declaration

1. The declaration shall contain information on:
 - 1) Last names, first names and patronymic names; the registration number of the taxpayers registration card (and the series and number of the passport of a citizen of Ukraine, if due to their religious beliefs, they refuse to accept the registration number of the taxpayer registration card and notify the respective Central Executive Authority responsible for shaping tax policy about it, and have a respective stamp in their Ukrainian passport) of the declarant and his or her family members; as well as the address of registration and of actual residence, place of work (military service), or place of future work (military service), current position, or aspired position, and the category of the position (if available) of the declarant;
 - 2) Real estate owned by the declarant and members of his or her family with the right of private ownership, including joint ownership; or rented by them or used by them based on another right of use, irrespective of the form of the transaction, by which such a right was acquired. The information shall include data on:
 - a) The type, property characteristics, location, date of obtaining ownership of the property, rent or other rights of use; and the value of the property on the date when it came into ownership, possession or use;
 - b) If immovable property is under joint ownership, the information mentioned in clause 1, part One of this Article regarding all co-owners or the name of the respective legal entity and the code at the Unified State Register of Enterprises and Individual Entrepreneurs shall be provided. If immovable property is leased out or otherwise lawfully used, the information mentioned in clause 1, part One of this Article about such a property owner or the name of the respective legal entity and the code at the Unified State Register of Enterprises and Individual Entrepreneurs shall also be provided.
- 2-1) Constructions in progress, constructions not operational or where ownership is not registered in the manner prescribed by law, which:
- a) Are owned by a declarator or the members of his or her family in accordance with the Civil Code of Ukraine;
 - b) Are located in land plots owned by a declarator or the members of his or her family as their private property, including joint ownership, leasing or any other lawful use irrespective of the legal grounds for the acquisition of such a right;
 - c) Are built out of the materials or at the cost of a declarator or the members of his or her family.
- Such information shall include:
 - a) Information about the property location;
 - b) Information about the owner or user of the land plot where the property is being constructed;
 - c) If property is under joint ownership, information mentioned in clause 1, part One of this Article regarding all co-owners or the name of the respective legal entity and the code at the Unified State Register of Enterprises and Individual Entrepreneurs shall be provided;
 - d) If immovable property is under joint ownership, the information mentioned in clause 1, part One of this Article regarding all co-owners or the name of the respective legal entity and the code at the Unified State Register of Enterprises and Individual Entrepreneurs shall be provided. If immovable property is leased out or otherwise lawfully used, the information mentioned in clause

- 1, part One of this Article about such a property owner or the name of the respective legal entity and the code at the Unified State Register of Enterprises and Individual Entrepreneurs shall also be provided.
- 3) Valuable movable property, the value of which exceeds 50 minimum wages established as of January 1 of the reporting year and which belongs to the declarant or members of his or her family with the right of private ownership, including joint ownership, or is in their possession or use regardless of the form of the transaction by which such right was acquired. Such data includes:
- a) Information on the type of property, its characteristics, date of obtaining ownership of the property; possession or use; and the value of the property on the date when it came into ownership, possession or use;
 - b) Information on vehicles and other self-propelled machines and mechanisms shall also include data on their make and model, year of manufacture, and identification number, if any. Information on vehicles and other self-propelled machines and mechanisms should be reported regardless of their value;
 - c) If movables are jointly ownership, the information mentioned in clause 1, part One of this Article concerning all co-owners or the name of the respective legal entity and the code at the Unified State Register of Enterprises and Individual Entrepreneurs shall be given. If movables are leased out or otherwise lawfully used, the information mentioned in clause 1, part One of this Article about such a property owner or the name of the respective legal entity and the code at the Unified State Register of Enterprises and Individual Entrepreneurs shall also be given;

Note. Valuable movable property referred to in this Item (except vehicles and other self-propelled machines and equipment), the rights to which have been acquired prior to the declarer's submission of the first declaration in accordance with the requirements of this Law, shall be declared with the obligatory presentation of information about the acquisition of such property before the commencement of the period of activities associated with the discharge of state or local self-government functions, or during such a period. Further, the presentation of data on its value, acquisition in ownership, possession or use is not obligatory;

- 4) Securities, including stocks, bonds, checks, certificates, promissory notes belonging to the declarant or members of his or her family, including the information about the type of security, its issuer, the date in which ownership of the securities was obtained; their quantity and the par value of the securities. If the securities are transferred to another person for management, the information required in clause 1 of part One of this Article shall be provided on that person as well as the owner or the name of the respective legal entity and the code at the Unified State Register of Enterprises and Individual Entrepreneurs shall also be given.
- 5) Other equity rights that belong to the declarant or their family members, with indication of the name of each business entity, its organisational and legal form, code of the Unified State Register of Enterprises and Organisations of Ukraine, the share in the authorised (share) capital of the company, enterprise, or organisation in monetary and percentage terms;
- 5-1) Legal entities where the declarator or the members of his or her family are final beneficiary owner(s) (controller(s)).

The term "final beneficiary owner" (controller) is used in the meaning established by the Law of Ukraine "On Prevention and Counteraction to the Legalisation (Laundering) of the Proceeds of Crime, Terrorist Financing and Financing Proliferation of Weapons of Mass Destruction".

- 6) Intangible assets owned by the declarant or his or her family members, including intellectual property objects that have value in monetary terms. Information on intangible assets includes data on the type and characteristics of such assets, the value of assets at the time of obtaining ownership, and the date when the right to them appeared;

- 7) Received (accrued) income, including income in the form of salaries (monetary allowance) obtained at the main place of work, and concurrently for other work, honoraria, dividends, interest, royalties, insurance payments, charitable aid, pension, income from the sale of securities and equity rights, gifts and other income.

Such information includes data on the type of income, its source and its size.

Information about a gift shall only be given if the value of such a gift exceeds five minimum wages established as of the 1st January of the reporting year; and for the gifts in a monetary form, if the amount of such gifts received from the same person (or group of persons), within a year, exceeds five minimum wages established as of the 1st January of the reporting year;

- 8) Monetary assets, including cash, funds in bank accounts, contributions to credit unions and other non-bank financial institutions; and funds lent to third parties, as well as assets in the form of precious (bank) metals. Information on monetary assets includes information on the type, size and currency of the asset, as well as the name and code of the Unified State Register of Enterprises and Organisations of Ukraine of the institution where the respective accounts were opened or to which respective contributions were made. Cash, funds placed on one bank account, contributions to credit unions and other non-bank financial institutions, as well as assets in the form of precious (bank) metals, cash, funds lent to third parties, the value of which does not exceed 50 minimum wages set as of January 1 of the reporting year, are not subject to declaration.
- 9) Financial obligations, including loans received, leasing obligations, the size of funds paid towards the principal amount of the loan (credit) sum and interest on the loan (credit), obligations under insurance contracts and non-state pension provision contracts, as well as money lent to others. Information on financial obligations includes data on the type of obligation, its size, currency in which the obligation was made, details about the person in whose favour such obligations arose in accordance with clause 1 of part One of this Article, or the name of the respective legal entity and the code at the Unified State Register of Enterprises and Individual Entrepreneurs, as well as the date when the obligation appeared. Such information is provided only if the value of the obligation exceeds 50 monthly subsistence minimums established for able-bodied person as of January 1 of the reporting year. If the value of the obligation does not exceed 50 minimum wages established as of January 1 of the reporting year, only the overall value of such a financial obligation is indicated.

If real estate or movable property constitute the subject matter of the transaction to ensure the performance of the obligation, the declaration shall indicate the type of property, its location, price and information about the owner of the property, in accordance with clause 1 of this Article, or otherwise the name of the respective legal entity and the code at the Unified State Register of Enterprises and Individual Entrepreneurs.

- 10) Expenditures and all transactions made within the reporting period, based on which the declarant obtains or terminates the right of ownership, possession or use, including joint ownership, of real estate or movable property, intangible and other assets, as well and of financial obligations referred to in clauses 2-9 of this article.

Such information is indicated only if the size of the respective expenditure exceeds 20 minimum wages established as of January 1 of the reporting year. In addition, such information includes data on the type of transaction, its subject matter and information about the name of the counterparty;

- 11) The position or job that is being or was performed concurrently, including: data on a position or job (paid or not) that is performed under agreement (contract), the name of the legal entity or individual for whom the person is or was employed concurrently with indication of the code of the Unified State Register of Legal Entities and Individual Entrepreneurs, or the last name, first name and patronymic of an individual with an indication of his or her registration number of the taxpayer registration card;

- 12) Participation of the declarant in management, revisionary or supervisory bodies of public associations, charities, self-regulatory or self-governing professional associations; membership in such associations (organisations) with indication of the names of the respective associations (organisations) and their code at the Unified State Register of Legal Entities and Individual Entrepreneurs.
2. The information referred to in part One of this article shall be provided regardless of whether the declarant is in Ukraine or abroad.
3. A tax return shall also contain information about property subject to declaration in accordance with clauses 2-8, part One of this Article, which is owned by third party, if a declarator or the member of his or her family gains proceeds or has the right to proceed from such property and is entitled, directly or indirectly (through any other individuals or legal entities) to deal with such property in a way similar to disposal.

The information listed in this part shall not be included in the tax return if the respective property is owned by a legal entity mentioned in clause 5-1, part One of this Article and is mainly used within the scope of the business activity of such a legal entity (i.e. industrial equipment, special machinery, etc.)

The provisions of this part shall apply for the submission of tax returns by officers in responsible or especially responsible positions, as well as by declarators holding positions related to a high corruption risk level in accordance with Article 50 of this Law.

4. Information required by clause 10 of part One of this Article is not indicated in the declaration of persons who aspire to hold positions specified in clause 1 and sub-clause "a" of clause 2 of part One of Article 3 of this Law.
5. The income and expenditures of the declarants shall be indicated in the currency of Ukraine.

The cost of property, property rights, assets and other objects of declaration referred to in part One of this article shall be indicated in the currency of Ukraine at the time of acquisition of their ownership or last monetary valuation.

The cost of property, property rights, assets and other objects of declaration which are in possession of the subject of the declarator shall be indicated in case it is known to the subject of the declarator, or had become known to him or her as a result of the commission of the relevant transaction.

6. Income/expenditures received or made in foreign currency, for the purposes of indicating in the declaration, are calculated in the national currency of Ukraine based on the currency (exchange) rate of the National Bank of Ukraine effective from the date of receipt of income/making expenditures. As regards to income/expenditures received or made abroad, the state where they were received or made is indicated.
7. In case of the refusal of a family member of a subject of a declarator to provide information for inserting into the declaration, the subject declaring shall indicate this in the declaration; indicating all information known to him or her about such family members as stipulated by paragraphs 1-12 of part One of this Article.

Article 47. Accounting and Disclosure of Declarations

1. Submitted declarations are included in the Unified State Register of Declarations of Persons Authorised to Perform the Functions of State or local self-government, which is formed and maintained by the National Agency.

The National Agency provides open and continuous access to the Unified State Register of Declarations of Persons Authorised to Perform the Functions of State or local self-government on the official website of the National Agency.

Access to the Unified State Register of Declarations of Persons Authorised to Perform the Functions of State or local self-government on the official website of the National Agency is granted by the ability to view, copy and print the information, as well as a set of data (electronic record) organised in a format that allows its automatic processing by electronic means for further use.

Information in the declaration about the registration number of the taxpayer's registration card, or the series and number of Ukrainian passports, address of residence, date of birth of natural persons regarding whom information is contained in the declaration; as well as the location of objects that are listed in the declaration, constitute information with restricted access and is not openly accessible.

2. Information about the person in the Unified State Register of Declarations of Persons Authorised to Perform the Functions of State or local self-government shall be stored during all periods in which the individual performs functions of state or local self-government, and for five years after the termination of performing such functions, except for the last declaration filed by a person, which is stored for life.

Article 48. Control and Verification of Declarations

1. The National Agency conducts the following types of control regarding declarations filed by the declarants:
 - 1) Control with respect to the timeliness of filing;
 - 2) Control with respect to accuracy and completeness;
 - 3) Logical and arithmetic control.
2. The National Agency conducts a complete examination of declarations in accordance with this Law.
3. The procedure for conducting controls provided for by this Article, as well as complete examinations of declarations, are determined by the National Agency.

Article 49. Verification of Timeliness of Declaration Filing

1. (Excluded under the Law No 1022-VIII of 15.03.2016)
2. State authorities, authorities of the Autonomous Republic of Crimea, local self-government bodies, as well as legal entities of public law, shall, within seven working days, inform the National Agency about the termination of activities related to public functions or local government by the declaration subjects who work for them.
3. If, in the result of control, it is found that the subject of declaring did not submit a declaration, the National Agency shall notify such a subject in writing of this fact, and the subject shall submit a declaration within ten days upon receipt of such a notification in the manner specified in part One of Article 45 of this Law.

The National Agency shall simultaneously notify in writing about the failure to file the declaration to the head of state authorities, authorities of the Autonomous Republic of Crimea, its staff, local self-government bodies, or legal entities of public law where the relevant subject of declaring is employed, or to the specially authorised subjects in the area of countering corruption.

Article 50. Complete Examination of Declarations

1. The complete examination of declarations shall be carried out within ninety days from the date on which the declarations are filed, and is meant to ascertain the reliability of the declared data, the accuracy of the evaluation of the declared assets; as well as examination for the presence of conflicts of interest and signs of illicit enrichment.

The declarations of officials that have a responsible or highly responsible status, of declarants who hold positions associated with high levels of corruption risks, the list of which is approved by the National Agency, are subject to mandatory complete examinations.

The declarations filed by other declarants, in case of discrepancies discovered as a result of arithmetical and logical control, shall also be subject to complete examination. The National Agency conducts complete examinations of a declaration, as well as independently conducts a complete examination of information in the declaration regarding family members of the subject of the declarator in cases stipulated by part Six of Article 46 of this Law.

2. If the results of the complete examination of the declaration show false information has been included, the National Agency shall notify this in writing to the head of the relevant public authority, the authority of the Autonomous Republic of Crimea, its office, local self-government agency, or public legal entity where the respective declarant works, or to other specially authorised entities in the field of combating corruption, in the manner provided by parts Two and Three of Article 15 of this Law.

Note. When speaking about official persons with a responsible or highly responsible status, this article refers to people whose positions are listed in part One of Article 9 of the Law of Ukraine "On State Service", or assigned in accordance with Article 25 of the said Law and by the part One of the Article 14 of the Law of Ukraine "On Service at Local Self-Government" to categories 1-3, as well as judges, prosecutors and investigators, and directors; deputy directors of state authorities whose jurisdiction covers all Ukrainian territory, their staff and independent structural subdivisions; the heads and deputy heads of state authorities, and authorities of the Autonomous Republic of Crimea whose jurisdiction covers the territory of one or more regions; the Autonomous Republic of Crimea, Kyiv and Sevastopol; the heads of state authorities of the Autonomous Republic of Crimea whose jurisdiction covers the territory of one or more areas of a city of republican significance in the Autonomous Republic of Crimea or of regional significance; as well as districts at the city and regional-town level, and military officials who are senior officers.

Article 51. Monitoring Lifestyle of Declarants.

1. The National Agency selectively monitors the lifestyles of declarants in order to establish correspondence between their lifestyle and property to the income received by them and their family members, according to the declaration of a person authorised to perform the functions of state or local self-government, which is filed in accordance with this Law.
2. Lifestyle monitoring of the declaring subject is performed by the National Agency on the basis of information received from individuals and legal entities, as well as from the media and other open sources of information, which contains information about any discrepancies between the standard of living of the declaring subjects and their declared property and income.
3. The procedure for the lifestyle monitoring of declarants is determined by the National Agency. Lifestyle monitoring shall be carried out in compliance with the legislation on personal data protection and should not involve undue abuse of the right to privacy and family life of a person.
4. Established inconsistencies between the level of living and property to the income declared by the declarant serve as grounds for a complete examination of the declaration. In case the National Agency discovers discrepancies in living standards, it shall provide an opportunity for the declaring subject to provide a written explanation concerning these facts within ten working days. In cases where lifestyle monitoring reveals characteristics of corruption or of an offence related to corruption, the National Agency shall inform the specially authorised subjects in the area of countering corruption about those.

Article 52. Additional Measures of Financial Control

1. When a declarant or his or her family members open a foreign currency account in a non-resident bank, the respective declarant is obliged to provide written notification of such to the National Agency within ten days according in the procedure it established, indicating the account number and location of the non-resident bank.
2. If significant changes in the declarant's material status occur, namely, receipt of income, or the purchase of property of a sum exceeding the 50 minimum wages established as of January 1 of the respective year, the mentioned declarant, within ten days from the receipt of income or property purchase, is obliged to provide written notification of such to the National Agency. This information is included in the Unified State Register of Declarations of persons authorised to perform the functions of state or local self-government, and is then published on the official website of the National Agency.
3. The procedure for informing the National Agency on the opening of a foreign currency account in non-resident banks, as well as on significant changes in material status, is determined by the National Agency.

Article 52-1. Specifics of Financial Control Measures in Respect of Certain Categories of Persons

1. As for the persons listed in clause 1, sub-clause "a", clause 2 of part One of Article 3 of this Law, who are related to the staff of intelligence bodies of Ukraine and (or) who hold positions involving access to state secrets, in particular, at military units and operational-detective, counterintelligence and intel-

ligence authorities, as well as persons nominated for the above listed positions, measures prescribed by part Seven of this Law shall be arranged and implemented in a manner which makes it impossible to discover their pertaining to the said authorities (units), in accordance with the instructions given by the National Agency for Prevention of Corruption, and subject to agreement with the said authorities (units).

SECTION VIII. PROTECTION OF WHISTLEBLOWERS

Article 53. State Protection of Persons Assisting in Prevention and Combating Corruption

1. A person providing assistance in preventing and combating corruption (a whistle blower) is a person who, having reasonable belief that the information is accurate, reports violations of the requirements of this Law by another person.
2. Persons providing assistance in preventing and combating corruption remain under state protection. When a threat to the life, dwelling, health or property of the persons assisting in preventing and combating corruption exists, or of their close persons in connection with the said notification about violations of the requirements of this Law, law enforcement agencies may apply to them to legal, organisational and technical and other measures aimed to protect against illegal attempts as envisaged by the Law of Ukraine "On Ensuring the Safety of Persons Involved in Criminal Proceedings".
3. A person or his or her family member shall not be discharged or forced to resign, brought to disciplinary liability or subjected to other negative measures by a supervisor or employer (e.g. reassignment, certification, changing working conditions, denial of appointment to a higher position, wage cutting, etc.) or to the threat of such measures in connection with a notification the person makes about violations of the requirements of this Law by another person. Information about the whistle blower may be disclosed only upon his or her consent, except for cases stipulated by law.
4. The National Agency, as well as other state authorities, authorities of the Autonomous Republic of Crimea, and local self-government authorities provide conditions for their employees to notify violations of the requirements of this Law by other persons, in particular through phone lines, official websites, and other electronic means of communication.
5. The reporting of violations on the requirements of this Law may be done by an employee of a respective agency without attribution (anonymous).

The requirements for anonymous reports on violations of the requirements of this Law and the proceedings for their consideration are determined by this Law.

Anonymous reporting on violations of the requirements of this Law shall be considered if the information provided in the report concerns a specific person and contains actual data which can be verified.

Anonymous reports about the violations of requirements of this Law are subject to review within fifteen days from the date of their receipt. If it is impossible to verify the information contained in the report within the said term, the head of the relevant agency or his deputy shall prolong the term for the report's review for up to thirty days from the date of its receipt.

If the information contained in the report on the violation of the requirements of this Law is confirmed, the head of the relevant agency takes measures to terminate the revealed violation, eliminate its consequences and bring the offenders to disciplinary liability and, in case of the detection of a criminal or administrative offense, the head shall also inform the specially authorised subjects in the field of anti-corruption.

6. The National Agency constantly monitors the implementation of the law regarding the protection of denunciators, and conducts an annual review and revision of state policy in this area.
7. Officials from state authorities, authorities of the Autonomous Republic of Crimea, officials of local self-government bodies, legal entities of public law, and their structural subdivisions, in case of corrupt or corruption related offences, or the receiving of information on the commission of such an offence by employees

of the relevant state authorities, authorities of the Autonomous Republic of Crimea, local self-government bodies, legal entities of public law, or their structural subdivisions, are required, within their powers, to take measures to stop such violations and immediately report them to the specially authorised subject in the field of anti-corruption.

SECTION IX. OTHER MECHANISMS FOR PREVENTING AND COMBATING CORRUPTION

Article 54. Prohibition for State Authorities and Local Self-Government Bodies to Receive Benefits, Services and Property

1. State authorities, authorities of the Autonomous Republic of Crimea, and local self-government bodies are prohibited from receiving free money or other assets, intangible assets, property advantages, benefits or services, except as provided by applicable laws or the international treaties of Ukraine, from individuals and legal entities.
2. In the presence of appropriate grounds, the illegal receipt by individuals or legal entities of free money or other property, intangible assets, property advantages, benefits or services, entails the liability of officials of state authorities, authorities of the Autonomous Republic of Crimea, and local self-government bodies.

Article 55. Anti-Corruption Expertise

1. Anti-corruption expertise is carried out in order to identify contributing factors or those that may contribute to the commission of corrupt offences in effective legal acts and draft legal acts, and in order to develop recommendations for their elimination.
 2. Mandatory anti-corruption expertise is carried out by the Ministry of Justice of Ukraine, except for anti-corruption expertise of draft legal acts submitted for consideration to the Verkhovna Rada of Ukraine by the People's Deputies of Ukraine, which is carried out by the Committee of the Verkhovna Rada of Ukraine, the scope of which includes the question of fighting corruption. The Ministry of Justice determines the procedure and methodology for conducting their anti-corruption expertise, as well as the procedure for the announcement of its results.
 3. All drafts of legal acts submitted for consideration to the Cabinet of Ministers of Ukraine shall be subject to mandatory anti-corruption expertise, which shall be carried out by the Ministry of Justice.
 4. Ministry of Justice carries out anti-corruption expertise of legal acts in accordance with its approved annual plan. The said expertise is carried out according to the laws of Ukraine, and the acts of the President of Ukraine and the Cabinet of Ministers of Ukraine, in the following areas:
 - 1) Rights and freedoms of humans and citizens;
 - 2) Powers of state authorities and local self-government bodies; and of persons authorised to perform the functions of state or local self-government;
 - 3) Provision of administrative services;
 - 4) Allocation and expenditure of State Budget and local budgets;
 - 5) Tender procedures.
- Anti-corruption expertise of legal acts of state authorities, whose legal acts are subject to state registration, is carried out during such registration.
5. The National Agency may, upon their own initiative, carry out anti-corruption expertise of draft legal acts submitted for consideration to the Verkhovna Rada of Ukraine and the Cabinet of Ministers of Ukraine following the procedures it established. The Cabinet of Ministers of Ukraine forwards all relevant draft legal acts to the National Agency for conducting anti-corruption expertise. The National Agency shall inform the respective Committee of the Verkhovna Rada of Ukraine or the Cabinet of Ministers of Ukraine about carrying out anti-corruption expertise of the respective draft legal act, which shall serve as basis for the suspension of its consideration or approval, but for no longer than 10 days. The Public Council of the National Agency may participate in its anti-corruption expertise.

6. The results of the anti-corruption expertise of effective legal acts, in the cases when factors that contribute or may contribute to corrupt offences are detected, shall be subject to mandatory disclosure on the official website of the relevant authority which performed the appropriate expertise.
7. Public anti-corruption expertise of existing legal acts and draft legal acts may be carried out upon the initiative of individuals, public associations and legal entities. Public anti-corruption expertise of legal acts, draft legal acts, as well as the disclosure of its results are carried out at the expense of the respective individuals, public associations, legal entities, or other sources not prohibited by legislation.
8. The results of anti-corruption expertise, including public ones, are subject to compulsory consideration by subject of publication (approval) of the appropriate act, its successor or authority to which the relevant legislative powers in this area were transferred.
9. The National Agency holds periodic reviews of legislation for the presence of corruptogenic standards and submits proposals to the Ministry of Justice to include them into the plan of anti-corruption expertise provided for by part Four of this article. The National Agency may engage public associations, and scientific institutions, also on the terms of state order on the basis of an open competition, to participate in the said monitoring.

Article 56. Special Inspection

1. A special inspection (also in regard to information submitted impersonally) is conducted regarding persons running for positions that would result in having the status of responsible or particularly responsible, and for positions with high corruption risks, the list of which shall be approved by the National Agency.

Special inspections shall not be conducted in regard to:

- 1) Candidates running for the post of the President; for the People's Deputies of Ukraine; for deputies of the Verkhovna Rada of the Autonomous Republic of Crimea; for local councils, or for the positions of village, settlement or city head, and regarding the information submitted in person;
 - 2) Citizens who are drafted into military service upon conscription of officers and upon conscription to military service during mobilisation, a special period, or those involved in the execution of their duties in accordance with wartime staffing tables;
 - 3) Applicants who hold positions in state authorities, authorities of the Autonomous Republic of Crimea, or local self-government and who are appointed as a result of a transfer or promotion to positions within the same authority, or appointed as a result of a transfer to positions in other state authorities, authorities of the Autonomous Republic of Crimea, or local self-government bodies;
 - 4) Applicants who hold positions in state authorities, authorities of the Autonomous Republic of Crimea, or local self-government which are terminated and therefore such people are appointed as a result of a transfer to other authorities, whose inherit powers and functions of authority are terminated;
 - 5) Persons when considering their inclusion in the lists of people's assessors and jurors. If the appointment, election or approval for office is performed by a local council, a special inspection is conducted in the manner stipulated by this Law in regard to those appointed, selected or approved for the relevant positions.
2. The head (deputy head) of the state authority, authority of the Autonomous Republic of Crimea, local self-government body or their staff, where the person is running for a position, is responsible for organising a special examination, except for instances determined by law. The head of the relevant state authority, authority of the Autonomous Republic of Crimea, local self-government body or their staff may determine the unit responsible for conducting a special inspection. The peculiarities of conducting a special inspection regarding candidates for positions of judges are stipulated by the Law of Ukraine "On the Judicial System and Status of Judges". In regard to candidates for other positions who are appointed (elected) by the President of Ukraine, the Verkhovna Rada of Ukraine and the

Cabinet of Ministers of Ukraine, the conduct of a special examination is imposed, respectively, to the Head of the Presidential Administration of Ukraine, the Head of the Verkhovna Rada of Ukraine Staff, the Minister of the Cabinet of Ministers of Ukraine or to their deputies. The organisation of special inspections in newly created state authorities is assigned to the Central Executive Authority that implements state policy in the civil service until the establishment in such newly formed authority of a unit responsible for this.

3. The information about a person running for a position referred to in the part One of this Article is subject to a special inspection, namely regarding:
 - 1) The existence of a court decision which came into force, according to which such a person was held criminally liable, including for corruption offences;
 - 2) The existence of a court decision which came into force, according to which such a person was held administratively liable for corruption or related offences;
 - 3) The reliability of the information specified in the declaration of a person authorised to perform the functions of state or local self-government;
 - 4) The person's possession of equity rights;
 - 5) The health condition (specifically regarding the person's registration with psychiatric or drug rehabilitation healthcare institutions), education, and presence of an academic degree, or an academic rank.
 - 6) The person's relation to the military duty;
 - 7) Whether or not an individual has access to state secrets, if such access is required under the qualification requirements for a position;
 - 8) The application of a ban to hold the relevant position envisioned by the provisions of the Law of Ukraine "On Lustration" on the person in question.

The candidate for a transfer to a position in another state authority, authority of the Autonomous Republic of Crimea, or local self-government body who has already undergone a special inspection shall inform the appropriate authority which in the prescribed manner requests information on its results.

Note. Positions which are deemed responsible or particularly responsible are positions envisioned by part One of Article 9 of the Law of Ukraine "On Civil Service"; positions referred in accordance with Article 25 of the said Law and part One of the Article 14 of the Law of Ukraine "On Service in Local Government" to categories 1-3, as well as positions of judges, prosecutors and investigators; the heads and deputy heads of state authorities whose jurisdiction extends to the entire territory of Ukraine, and their staffs and independent structural units; the heads and deputy heads of state authorities, and authorities of the Autonomous Republic of Crimea whose jurisdiction covers the territory of one or more regions; the Autonomous Republic of Crimea, Kyiv and Sevastopol; the heads of state agencies and authorities of the Autonomous Republic of Crimea whose jurisdiction covers the territory of one or more areas of the city in the Autonomous Republic of Crimea or an area of regional significance, as well district, city, and region-level towns; and positions to be displaced by higher military officers.

Article 57. Procedure of Conducting a Special Inspection

1. Special inspections shall be conducted with the written consent of the person who runs for a position within a period not exceeding twenty-five calendar days from the date when consent for the special inspection was granted. If the person does not grant such consent, the question of his or her appointment to the position is not considered. The procedure for conducting a special inspection and its form shall be approved by the Cabinet of Ministers of Ukraine.
2. When carrying out a special inspection, the person running for a position submits the following to the respective authority:
 - 1) Written consent to conduct a special inspection;
 - 2) An autobiography;
 - 3) A copy of their Ukrainian passport;
 - 4) Copies of documents on education, academic ranks and academic degrees;

- 5) A medical certificate on their health condition, following the form approved by the Ministry of Healthcare of Ukraine regarding a person's registration with a psychiatric or drug rehabilitation healthcare institution;
- 6) A copy of a military service card (for military persons or persons liable for call-up);
- 7) A certificate of access to state secrets (if available). The person running for a position also submits to the National Agency in the manner specified by part One of Article 45 of this Law, the declaration of a person authorised to perform the functions of state or local self-government.

Persons mentioned in the seventh paragraph of Article 56 of this Law shall submit documents stipulated by this part of the Article for special inspection within three business days after the relevant election or approval.

3. After obtaining the written consent of a candidate to conduct a special inspection, an authority where such person seeks the position, but not later than the next day, shall send to the appropriate state authorities in charge of conducting a special inspection the information provided in the part Three of Article 56, or to their territorial bodies (in any case) of the request for the inspection of information about a person who is a candidate for the respective position in accordance with a form approved by the Cabinet of Ministers of Ukraine. The request shall be signed by the head of the body in which the person seeks the position, and in his or her absence, a person acting as the head or one of his or her deputies according to the distribution of responsibilities. Copies of the documents mentioned in part Two of this Article shall be attached to the request. Regarding candidates for positions (other than judges), appointment (election) to which is performed by the President of Ukraine, the Verkhovna Rada of Ukraine or the Cabinet of Ministers of Ukraine, such a request shall be sent to the relevant government agencies (their territorial bodies), respectively, by the Head of the Presidential Administration of Ukraine, the Head of Verkhovna Rada of Ukraine Staff, and the Minister of the Cabinet of Ministers of Ukraine (their deputies or other officials designated by them) through the Central Executive Body that implements state policy in the field of civil service.
4. A special inspection is performed by:
 - 1) The Ministry of Internal Affairs of Ukraine and the State Judicial Administration of Ukraine—regarding the information about bringing a person to criminal liability, his or her criminal record, its removal, and (or) repayment;
 - 2) The Ministry of Justice of Ukraine and the National Agency on Securities and Stock Market—regarding the presence of individual corporate rights belonging to a person;
 - 3) The National Agency—regarding the presence in the Unified State Register of persons who have committed corruption and corruption related offenses of information about the candidate; as well as the truthfulness of information indicated by the person in the declaration of the person authorised to perform the functions of state or local self-government for the past year;
 - 4) The Central Executive Body that implements state policy in the field of healthcare; the appropriate executive body of the Autonomous Republic of Crimea; and the structural unit of regional, Kyiv and Sevastopol city state administrations (regarding a person's registration with psychiatric or drug rehabilitation healthcare institutions);
 - 5) The Central Executive Body that implements state policy in the field of education; the relevant executive authority of the Autonomous Republic of Crimea; and the structural unit of regional, Kyiv and Sevastopol city state administrations; the Central Body of Executive Power to which the educational institution is subordinated, as well as the head of the educational institution—regarding the education, presence of the candidate's academic degree, or academic rank;
 - 6) The Security Service of Ukraine—regarding the presence of person's with access to state secrets, as well as the relationship of a person to military duty (in terms of personal and quality accounting of military bound persons of the Security Service of Ukraine);
 - 7) The Ministry of Defence of Ukraine, Military Commissars of the Autonomous Republic of Crimea; and regions and cities of Kyiv and Sevastopol—regarding a person's relation to military duty (except for

quality accounting of military bound persons of the Security Service of Ukraine). Other Central Executive Authorities or specially authorised subjects in the area of countering corruption may be involved in conducting special inspections in order to verify information about the persons referred to in this Article or the authenticity of documents provided for in this Article.

Article 58. The Results of a Special Inspection

1. The results of a special inspection signed by the head of the authority which carried out the inspection, and in his or her absence—by a person who performs his or her duties or a deputy head of the body according to the distribution of functional responsibilities—shall be submitted to the authority that sent the appropriate request within seven days after receipt of the request. During a special inspection, authorities (departments) conducting it can interact and exchange information regarding individuals, particularly individuals who apply for positions which allow access to state secrets. Such interaction and exchange is carried out according to the procedure established by the Cabinet of Ministers of Ukraine.
2. The decision on the appointment (election) or refusal of appointment (election) for positions connected with performing the functions of state or local self-government shall be taken after a special inspection.

In the case the results of the special inspection establish facts of discrepancies present in the autobiography and (or) declaration of a person authorised to perform the functions of state or local self-government for the previous year, the official (agency) that organises a special inspection shall provide the candidate for the position with the opportunity to provide a written explanation of such facts and (or) to fix this discrepancy within five business days.

In the case the results of a special inspection establish information about the applicant for the position that does not meet the requirements established by the legislation for the position, the official (agency) that is responsible for appointment (election) to this position, shall refuse the applicant the appointment (election) to the position.

In the case the results of a special inspection and of a review of the above-mentioned explanations by a candidate for the position establish facts of submission by him of forged documents or false information, the officer (agency) that is responsible for the appointment (election) to this post shall report this to law enforcement agencies within three business and shall refuse the appointment (election) of the applicant to the position. The person regarding whom the results of a special inspection found circumstances which constitute grounds for denial of his or her appointment (election) shall be deemed as the one who has not passed a special inspection.

The powers of the person referred to in paragraph eight of part One of the Article 56 of this Law shall be terminated early, without termination of the councils deputy powers, and the relevant person shall be dismissed from the relevant position without a decision of the relevant council if he or she failed to pass a special inspection or did not provide consent for a special inspection within the term stipulated by this Law.

A decision refusing the appointment (election) for the position taken as a result of a special inspection may be appealed against in court.

3. The agency, for the position at which the person is running, on the basis of the information received, prepares a certificate on the results of a special inspection form which is approved by the Cabinet of Ministers of Ukraine. As for the candidates for positions (other than judges), appointment (election) to which is carried out by the President of Ukraine, the Verkhovna Rada of Ukraine or the Cabinet of Ministers of Ukraine, such certificates shall be prepared by the relevant structural unit of the Presidential Administration of Ukraine, the Verkhovna Rada of Ukraine Staff or the Secretariat of the Cabinet of Ministers of Ukraine.

Persons in respect of which a special inspection was carried out have the right to familiarise themselves with the certificate of results of the special inspection and if they disagree with the results, are permitted to submit their comments in writing to the respective state agency, or local self-government. These comments shall be reviewed within seven days upon the day of their receipt. Information on the

results of a special inspection and documents regarding its conduct are confidential, unless they contain information constituting a state secret. The documents which were filed for a special inspection by a person who sought to occupy the position, in case of his or her appointment (election) to such a position, shall be sent for storage in their personal file, and in case of the refusal of appointment (election), shall be returned to such a person, unless the falsity of these documents was established, and other cases provided by law. Certificates on special inspection results shall be attached to the documents submitted by the person or to their personal file, if the decision on his or her appointment (election) to the position was taken.

Article 59. Uniform State Register of Perpetrators of Corruption or Related to Corruption Offenses.

Information about persons brought to criminal, administrative, disciplinary or civil liability for corruption or related offences, as well as about entities which were imposed with criminal law measures in connection with the commission of the corrupt offence, shall be inserted into the Unified State Register of Perpetrators of Corruption or Related Offenses, which is established and kept by the National Agency. Information concerning persons who are members of the personnel of agencies that conduct operative and investigative or intelligence-gathering or counterintelligence activities, whose affiliation to the above-mentioned authorities constitutes a state secret, and who were brought to liability for the commission of corrupt offences, shall be included in the restricted section of the Unified State Register of Perpetrators of Corruption or Related Offenses.

Regulations on the Unified State Register of Perpetrators of Corruption or Related Offences, and the procedure for its establishment and maintenance are approved by the National Agency.

The entry of information about individuals brought to liability for corruption or related offences, as well as the entry of information about legal entities subject to criminal and legal measures in connection with the commission of corrupt or related offence, shall be made in the Unified State Register of Perpetrators of Corruption or Related Offences within three business days from the date of receipt by the National Agency from the State Judicial Administration of Ukraine of an electronic copy of the court decision that entered into force from the Unified State Register of Judgments.

Information about the imposition of a disciplinary sanction for corruption or related offences shall be entered into the Unified State Register of Perpetrators of Corruption or Related Offences within three working days upon receipt by the National Agency, sent from the personnel department of the state authority, the authority of the Autonomous Republic of Crimea, the authority of the local self-government, as well as the enterprise, institution and organisation, duly certified paper copy of the order imposing disciplinary action.

1. Information from the Unified State Register of Perpetrators of Corruption or Related Offences concerning entries regarding the person to the said Register, or absences of information regarding this person is provided at the request of state authorities, authorities of the Autonomous Republic of Crimea, or local self-government bodies for the purpose of conducting a special inspection of information about persons running for positions connected with the functions of state or local self-government; at the request of law enforcement agencies if it is necessary to obtain such information in the course of criminal or administrative proceedings or at a prosecutor's request made in the course of his or her supervision of compliance with and enforcement of laws; and in the case of the application of an individual (or an authorised person by the individual) or an authorised representative of a legal entity requesting information about themselves or the entity represented.
2. The National Agency ensures publication on its official website of information from the Unified State Register of Perpetrators of Corruption or Related Offences within three business days after entries to the Register are made. The below information about an individual that was prosecuted for corruption or for a related offence is freely available around-the-clock:
 - 1) Last name, first name, patronymic;
 - 2) Place of work, position at the time of commission of corruption or of a related offence;

- 3) Legal components of corruption or of a related offence;
- 4) Punishment (penalty);
- 5) Methods used to commit a disciplinary corrupt offense;
- 6) Type of disciplinary sanction.

The below information about a legal entity that was subject to measures of a criminal and legal nature is freely available around-the-clock:

- 1) Name;
- 2) Legal address, and code in the Unified State Register of Legal Entities and Individual Entrepreneurs;
- 3) Legal components of a corrupt offence that lead to the application of the criminal and legal measures;
- 4) The type of criminal and legal measures applied. This information is not regarded as confidential and access to it cannot be restricted.

Article 60. Requirements for Transparency and Access Information

1. Persons specified in paragraphs 1-2 of the part One of Article 3 of this Law, as well as persons permanently or temporarily holding positions related to administrative and regulatory or administrative and economic duties or specifically authorised to perform such duties in legal entities of private law, regardless of their legal and organisational form, are prohibited from:
 - 1) Refusing to provide information to individuals or legal entities who have the right to obtain such information according to the legislation;
 - 2) Providing information in an untimely manner; or providing misleading or incomplete information that must be provided in accordance with the law.
2. Information of which access too cannot be restricted:
 - 1) Information about the sizes, types of charitable and other assistance provided to individuals and legal entities or obtained from them by the persons referred to in clause 1 of part One of Article 3 of this Law, or by state authorities, or local self-government bodies;
 - 2) Information about the sizes, types of wages, financial aid and any other payments from the budget to the persons specified in clause 1 of part One of Article 3 of this Law, as well as received by such persons in the course of transactions that are subject to compulsory state registration, as well as gifts stipulated by this Law;
 - 3) Transfer to due persons of the management of enterprises and corporate rights, which shall be performed in the manner stipulated by this Law;
 - 4) Conflict of interests of persons referred to in Items 1 and 2 of part One of the Article 3 of this Law and measures to resolve them.

SECTION X. CORRUPTION PREVENTION IN THE ACTIVITIES OF LEGAL ENTITIES

Article 61. General Provisions of Corruption Prevention within Activities of a Legal Entity

1. Legal entities ensure the development and implementation of measures that are necessary and reasonable for preventing and combating corruption within the activities of a legal entity.
2. The head or founders (participants) of a legal entity provide regular assessments of corruption risks in its activities and implement appropriate anti-corruption measures. Independent experts may be engaged to identify and eliminate corruption risks within the activities of a legal entity, in particular, for conducting audits.
3. Officials and officers of legal entities, other persons performing work and who have labour relations with legal persons shall:
 - 1) Not commit and not engage in the commission of corrupt offences related to the activities of the legal entity;
 - 2) Refrain from conduct which may be considered as willingness to commit a corrupt offence related to the activities of the legal entity;

- 3) Immediately inform the officer responsible for the prevention of corruption within the activities of the legal entity, the head of the legal entity or founders (participants) of the legal entity about instances of incitement to commit a corrupt offence related to the activities of a legal entity;
- 4) Immediately inform the officer responsible for the prevention of corruption within activities of the legal entity, the head of the legal entity or founders (participants) of the legal entity about instances when other employees of the legal entity or other persons committed corruption or related offences.
- 5) Immediately inform the officer responsible for the prevention of corruption within the activities of the legal entity, the head of the legal entity or founders (participants) of the legal entity about the occurrence of a real or potential conflict of interest.

Article 62. Anti-Corruption Programme of a Legal Entity

1. The anti-corruption programme of a legal entity is a set of rules, standards and procedures meant to identify, combat and prevent corruption within the activities of the legal entity.
2. It is obligatory that the anti-corruption programme must be approved by the heads of:
 - 1) State, municipal enterprises or business partnerships, the state or municipal share of which exceeds 50 percent; the average number of employees for the accounting (fiscal) year exceeds fifty, and gross revenue from the sale of goods (works, services) during this period is more than 70 million UAH.
 - 2) Legal entities that are participants of pre-qualification; or participants of the procurement procedure in accordance with the Law of Ukraine "On Public Procurement", if the cost of procurement of goods and services is equal to or exceeds 20 million UAH.
3. The anti-corruption programme is approved after a discussion with employees of the legal entity. The text of the anti-corruption programme shall remain openly and constantly accessible for the employees of the legal entity.
4. The provisions for mandatory compliance with anti-corruption programmes are included in employment contracts, and in the internal regulations of the legal entity, and may also be included in the contracts concluded by the legal entity.
5. The person responsible for the implementation of the anti-corruption programme (hereinafter—the Commissioner) with the legal status specified in this law appoints the legal entities mentioned in part Two of this article.

Article 63. Requirements for the Anti-Corruption Programme of a Legal Entity

1. The anti-corruption programme of legal entities referred to in part Two of Article 62 of this Law shall contain:
 - 1) The scope of its application and range of individuals that are subject to its provisions;
 - 2) An exhaustive list and description of anti-corruption measures, standards, procedures and their execution (application), in particular the procedure for periodic assessments of corruption risks within the activities of a legal entity;
 - 3) Professional ethical rules for the employees of a legal entity;
 - 4) The rights and obligations of employees and founders (participants) of the legal entity in connection with preventing and combating corruption in the legal entity;
 - 5) The rights and obligations of the Commissioner as the official responsible for corruption prevention and of his subordinate employees (if any);
 - 6) The procedure for regular reporting by the Commissioner to the founders (participants) of the legal entity;
 - 7) The procedure for proper supervision, control and monitoring of compliance with anti-corruption programmes within the activities of the legal entity, as well as evaluating its results, and the implementation of planned activities;
 - 8) The privacy terms and conditions applicable when the Commissioner is informed by employees about facts concerning incitement to commit a corrupt or related offence, or about corruption offences committed by other employees or persons;

- 9) The procedures for the protection of employees who have provided information on corruption, or on related offences;
- 10) The procedure for employees informing the Commissioner about the occurrence of a real or potential conflict of interest, as well as the procedure for settling detected conflicts of interest;
- 11) The procedure for individual counselling by the Commissioner of employees of the legal entity regarding the application of anti-corruption standards and procedures;
- 12) The procedure for the periodical trainings of employees in the field of preventing and combating corruption;
- 13) The application of disciplinary actions for employees who violate the provisions of the anti-corruption programme;
- 14) The procedure for the application of measures to respond to the revealed facts of corruption or those related to corruption, in particular, informing the authorised state bodies and conducting internal investigations;
- 15) The procedure for amending the anti-corruption programme.

Article 64. Legal Status of the Commissioner

1. The Commissioner is an officer of a legal entity who is appointed by the head of the legal entity or its participants (founders) in accordance with labour legislation and in the manner prescribed by the approved anti-corruption programme.
2. The Commissioner can be a natural person, who has organisational skills, moral and professional qualities and the health condition appropriate for accomplishing the relevant duties.
3. A person cannot be appointed to the position of Commissioner if the person:
 - 1) Has previous convictions that are outstanding or un-quashed according to procedures established by the law;
 - 2) Is found to be legally incompetent or only partially competent by a court;
 - 3) Was discharged from positions in state authorities, state authorities of the Autonomous Republic of Crimea, or local self-government bodies due to violations of the oath, or in connection with the commission of corruption or related offence within three years following the date of such a discharge.
4. Work at positions referred to in paragraph 1, subparagraph a) of paragraph 2 of part One of Article 3 of this Law, as well as any other activity that creates an actual or potential conflict of interest is incompatible with the activities of the Commissioner.

In case circumstances of incompatibility occur, within two days from the date when such circumstances occurred, the Commissioner shall notify the head of the legal entity and simultaneously submit a letter of resignation.

5. The Commissioner may be discharged early from his position in case of:
 - 1) The termination of the employment contract at the Commissioner's initiative;
 - 2) The termination of employment contract at the initiative of the head of the legal entity or its founders (participants). Persons holding the position of the Commissioner in a legal entity referred to in part Two of Article 63 of this Law may be discharged after the consent of the National Agency is granted;
 - 3) The inability to exercise authority due to health issues according to the conclusion of a medical commission, which is created by the decision of specially authorised Central Executive Body implementing state policy in the field of healthcare;
 - 4) The entry into force of a court decision on finding him or her incompetent or limiting his or her civil competence, or declaring him or her missing or dead;
 - 5) The entry into force of a judgment of conviction against him;
 - 6) Death.

6. The Head of the legal entity shall inform the National Agency within two business days about the discharge of the person from the Commissioner's position and provide an immediate submission of a new candidate for this position.

SECTION XI. LIABILITY FOR CORRUPTION OR RELATED TO CORRUPTION OFFENSES AND ELIMINATION OF THEIR CONSEQUENCES

Article 65. Liability for Corruption or Related to Corruption Offenses

1. For the commission of corruption or a related offence, persons referred to in part One of Article 3 of this Law are subject to criminal, administrative, civil and disciplinary liability as prescribed by law.
In the case of the commission of a crime on behalf of and in the interests of the legal entity by an authorised person on its own, or in collaboration with a legal entity in the cases determined by the Criminal Code of Ukraine, measures of a criminal and legal nature apply.
2. Person who committed corruption or related offences, but to whom the court did not apply punishments or impose a penalty in the form of a deprivation of the right to occupy a position or to engage in activities related to the implementation of the functions of state or local self-government, or those equalled to such activity, shall be brought to disciplinary liability in the manner stipulated by law,
3. Official investigations are conducted in accordance with the procedure established by the Cabinet of Ministers of Ukraine in order to identify the causes and conditions that contributed to the commission of corruption or of a related offence, or to non-compliance with the requirements of this Law in another way, upon the recommendation of the specially authorised subject in the field of anti-corruption or a by a regulation of the National Agency upon the decision of the head of the agency, enterprise, institution, or organisation for which the person who has committed such an offense works.
4. Restrictions on prohibiting a person who was discharged from their position in connection with prosecution for an offence of corruption, to engage in activities related to the functions of the state and local self-government, or other similar activity, take place solely on a reasoned decision of the court, unless otherwise provided by the law.
5. The person who was notified of the suspicion of having committed an offense in the area of service activity shall be subject to suspension from the exercise of powers at his or her position in the manner prescribed by law. The person against whom the protocol on administrative offenses connected with corruption was drawn, unless otherwise provided by the Constitution and laws of Ukraine, may be suspended from official duties by a decision of the head of authority (i.e. the institution, enterprise or organisation) in which he or she is employed until the end of the case investigation in court.

In case proceedings on administrative violations related to corruption were stopped due to the absence of the event or corpus delicti of the administrative offense, average earnings during forced absences associated with removal from office shall be compensated to the person suspended from official duties.

Article 66. Compensation of Losses and Damage to the State as a Result of a Corruption Offense

1. Losses and damage caused to the state as a result of a corrupt or related offence shall be compensated by the person who committed the offence in the manner prescribed by the law.

Article 67. Unlawful acts and transactions

1. Legal acts and decisions issued (approved) which violate this Law shall be annulled by the agency or official authorised to approve or annul the relevant acts and decisions, or may be found unlawful in the course of court proceedings at the request of an interested individual, associations of citizens, legal entity, prosecutor, or state authority, in particular the National Agency and local self-government body.

The authority or the official shall send to the National Agency within three working days a copy of the decision about annulment or received for enforcement of the court decision on deeming illegal the relevant acts or decisions.

2. Transactions concluded as a result of violations of this Law may be revoked.

Article 68. Restoration of Rights and Lawful Interests and Compensation of Losses, Damage, Caused to Individuals and Legal Entities as a Result of a Corruption Offense

1. Individuals and legal entities whose rights were violated as a result of a corrupt offence or a related offence, and who experienced pain and suffering as well as pecuniary damage or losses, have the right to restore their rights, and to compensate their losses and damages in accordance with the law.
2. Losses and damage caused to an individual or legal entity as a result of unlawful decisions, actions or omissions by the subject carrying out activities to prevent and combat corruption shall be reimbursed from the State Budget of Ukraine in accordance with the law. The state, Autonomous Republic of Crimea, or local self-government body that compensated the losses and damages caused by the unlawful decision, act or omission of the subject carrying out activities to prevent and combat corruption, have the right of recourse (regress) to the person who caused the losses and damage in the amount of paid compensation (except for compensation of payments related to labour relations, or to compensation for pain and suffering).

Article 69. Confiscation of Illegally Obtained Property

1. The funds and other property obtained as the result of the commission of a corrupt offence are subject to confiscation or special confiscation upon the court's decision in accordance with the law.

SECTION XII. INTERNATIONAL COOPERATION

Article 70. International Cooperation in Preventing and Combating Corruption

1. Ukraine, in accordance with the international treaties it has concluded, carries out cooperation in the field of preventing and combating corruption with foreign states, as well as international organisations that conduct activities aimed at preventing and combating corruption.
2. International legal assistance and other forms of international cooperation in cases of corruption offences are carried out by the competent authorities in accordance with the law and international treaties of Ukraine approved by the Verkhovna Rada of Ukraine.

Article 71. International Treaties of Ukraine in the Field of Preventing and Combating Corruption

1. If international treaties of Ukraine, approved by the Verkhovna Rada of Ukraine establish rules other than those provided by the law on preventing and combating corruption, rules of international treaties shall apply.

Article 72. International Exchange of Information in the Field of Preventing and Combating Corruption

1. The competent authorities of Ukraine can provide the relevant foreign authorities with information and receive information from them, including that with restricted access, concerning questions on preventing and combating corruption in compliance with the requirements of the legislation and international treaties of Ukraine approved by the Verkhovna Rada of Ukraine.
2. The provision of information to foreign authorities on issues related to preventing and combating corruption is only possible if these authorities and the competent authority of Ukraine can establish a regime for accessing the information, which ensures disclosures for other purposes remain impossible, or indeed disclosure in any way, including by unauthorised access.

Article 73. Measures to Return to Ukraine Funds and Other Assets Obtained as a Result of Corruption Offenses, and Disposition of Confiscated Funds and Other Property Obtained as a Result of Corruption Offenses

1. Ukraine takes measures to return funds and other assets to Ukraine which were obtained as a result of corruption offences, and disposes of these funds and other assets in accordance with the law and international treaties of Ukraine approved by the Verkhovna Rada of Ukraine.

SECTION XIII. FINAL PROVISIONS

1. This Law shall enter into force on the next day after its publication and shall become effective six months after its entry into force.

2. Before the system for the filing and public disclosure of tax returns by persons authorised to perform the functions of state or local self-government is implemented in accordance with this Law, declarants shall submit tax returns on their property, revenues, expenses and financial liabilities in the manner prescribed by the Law of Ukraine "On Principles of Preventing and Countering Corruption". The said returns shall be publicly disclosed in the manner established by the Law of Ukraine "On Principles of Preventing and Countering Corruption".

The National Agency for Prevention of Corruption shall decide on commencing the work of the system for the filing and public disclosure of tax returns of persons authorised to perform the functions of state or local self-government.

In 2016, officials who on the date in which the said systems commenced operation, and who occupy accountable and especially accountable positions as per Article 50 of this Law, shall be obliged to file annual declarations for the previous year in accordance with the procedure established by this Law within 60 calendar days after the system begins operating.

3. Until adjusted in accordance with this Law, laws and any other regulatory legal instruments shall be valid to the extent to which they remain consistent with this Law.
4. The following shall be held invalid:

- 1) The Law of Ukraine "On Principles of Preventing and Countering Corruption" (The Official Bulletin of the Verkhovna Rada of Ukraine, 2011, No. 40, p. 404; 2013, No. 2, p. 4, No. 33, p. 435; 2014, No. 10, p. 119, No. 11, p. 132, No. 12, p. 178, p. 183, No. 20-21, p. 712, No. 22, p. 816, No. 28, p. 937, No. 29, and p. 942 as amended pursuant to the Law of Ukraine No. 1634-VII dated August 12, 2014), except for provisions concerning financial control which become invalid after the system for the filing and public disclosure of tax returns by persons authorised to perform the functions of state or local self-government starts operating in accordance with this Law;
- 2) The Law of Ukraine "On the Rules of Ethical Conduct" (The Official Bulletin of the Verkhovna Rada of Ukraine, 2013, No. 14, p. 94.)

5. The below-mentioned legal instruments of Ukraine shall be amended:

- 1) In the Code of Laws on Labour of Ukraine (The Official Bulletin of the Verkhovna Rada of the Ukrainian SSR, 1971, Annex to No. 50, p. 375):
 - a) In part One, Article 36:
 - Clause 7-1 shall be amended and restated as follows:
 - "7-1) Conclusion of the labour agreement (contract) in violation of the Law of Ukraine "On Prevention of Corruption" for persons who resigned or otherwise terminated their activity related to the functions of the state or local self-government within a year after the day of its termination";
 - b) In clause 4, part One, Article 41, replace the words "of the Law of Ukraine "On Principles of Preventing and Countering Corruption" with the words "of the Law of Ukraine "On Prevention of Corruption", and replace the word "immediate" with the word "direct";
 - c) In Article 235:
 - In part One, after the words "for the other job", add the words "including because of notification on violations of the requirements established by the Law of Ukraine "On Prevention of Corruption" by the other person";
 - The following new part shall be added after part Three:
 - "If there are any reasons for the resumption of an employee fired as the result of a notification by him or her or by the member of his or her family on the violation of the Law of Ukraine "On Prevention of Corruption" by the other person, and if the latter refuses such resumption, the body resolving the labour dispute shall take a decision on the payment of compensation to such an employee in the amount of his or her average six-month salary."

- In view of this, parts Four and Five are to be considered parts Five and Six, respectively;
- 2) In the Code of Ukraine on Administrative Offenses (The Official Bulletin of the Verkhovna Rada of the Ukrainian SSR, 1984, Annex to No. 51, p. 1122):
 - a) In part One, Article 21, after the words "administrative offence", the words "except for an officer" shall be added;
 - b) In clause 5, part One, Article 24, the following new paragraph shall be added:
 - "Deprivation of the right to occupy certain positions or engage in certain activities";
 - c) In part One, Article 25, after the words "additional administrative sanctions", add the words "deprivation of the right to occupy certain positions or engage in certain activities, only as an additional sanction";
 - d) In Article 30:
 - The words "deprivation of the right to occupy certain positions or engage in certain activities" shall be added to the title;
 - The following parts Five and Six shall be added:
 - "Deprivation of the right to occupy certain positions or engage in certain activities shall be imposed by the court for a term of six months to one year without reference to a sanction of an article (sanction of the part of article) in the Special Part of this Code, if a court, with regard to the nature of the administrative offense committed by a person in office and other circumstances of the case, decides that such a person should be deprived of the right to occupy certain positions or engage in certain activities.
 - Deprivation of the right to occupy certain positions or engage in certain activities may also be imposed by a court for a term of one year if such a penalty is stipulated by the sanction of an article (sanction of the part of article) of the Special Part of this Code";
 - e) The title of Chapter 13-A shall be amended and restated as follows:
 - "Chapter 13-A ADMINISTRATIVE OFFENCES ASSOCIATED WITH CORRUPTION";
 - f) Articles 172-4-172-8 shall be amended and restated as follows:
 - "Article 172-4. Violation of restrictions related to part-time positions and combination with other types of activities:
 - Violation by the person of restrictions established by laws related to engagement in any other paid or entrepreneurial activities (except for teaching, research and creative activities, medical practice, instruction and referee practice in sport), shall be punishable by a fine of three hundred to five hundred tax-free minimum incomes and by the confiscation of proceeds gained from entrepreneurial activities or remuneration for part-time jobs.
 - Violation by a person of any restrictions related to membership in any board or other executive or controlling bodies or supervisory board of any profitable company or organisation (except where persons perform functions related to the management of shares (interests, stakes) owned by state or territorial communities and which represent the interests of the state in the company's board (supervisory board); and the audit committee of a business company – shall be punishable by a fine of three hundred to five hundred of tax-free minimum incomes and by the confiscation of the proceeds gained from the said activity.
 - Actions as provided for by the First and second Parts of this Article committed by a person who has already been subject to administrative sanctions for the same offences within the last year – shall be punishable by a fine of five hundred to eight hundred of tax-free minimum incomes, with the confiscation of gained proceeds or remuneration, and the deprivation of the right to occupy certain positions or to engage in certain activities for one year.

Note. The subject of offence in this Article shall be persons mentioned in clause 1, part One, Article 3 of the Law of Ukraine "On Prevention of Corruption", except for the members of Parliament of the Autonomous Republic of Crimea, deputies of local councils (except for those exercising their powers in the respective council

on a permanent basis), members of the High Council of Justice (except for those working for the High Council of Justice on a permanent basis), and people's assessors and jurors.

- Article 172-5. Violation of statutory restrictions for receiving gifts:
- Violation of statutory restrictions for receiving gifts shall be punishable by a fine of one hundred to two hundred of tax-free minimum incomes and the confiscation of such a gift.
- The same action committed by a person who has already been subject to administrative sanctions for violations mentioned in part One of this Article within the last year—shall be punishable by a fine of two hundred to four hundred of tax-free minimum incomes, with the confiscation of such a gift (donation), and the deprivation of the right to occupy certain positions or to engage in certain activities for one year.

Note. The subjects of offence in this Article shall be persons mentioned in clauses 1 and 2, part One, Article 3 of the Law of Ukraine "On Prevention of Corruption."

- Article 172-6. Violation of financial controls:
- Delayed submission of a tax return by a person authorised to perform the functions of the state or local self-government—shall be punishable by a fine of fifty to one hundred of tax-free minimum incomes.
- Failure to notify, or delayed notification about an opened currency account with a non-resident bank or about material changes in financial conditions—shall be punishable by a fine of one hundred to two hundred of tax-free minimum incomes.
- Actions as provided for by the First and Second parts of this Article committed by a person who has already been subject to administrative sanctions for the same offenses within the last year—shall be punishable by a fine of one hundred to three hundred of tax-free minimum incomes, with confiscation of the proceeds or remuneration; and with the deprivation of the right to occupy certain positions or engage in certain activities for one year.
- Note. The subjects of offence in this Article shall be persons who in accordance with parts one and two, Article 45 of the Law of Ukraine "On Prevention of Corruption" shall submit a return of a person authorised to perform the functions of the state or local self-government.
- Article 172-7. Violation of requirements on the prevention and settlement of conflicts of interest:
- A person's failure to notify, in cases and in the manner prescribed by law, about an actual conflict of interest – shall be punishable by a fine of one hundred to two hundred of tax-free minimum incomes.
- Taking actions or making decisions in the environment of a real conflict of interest – shall be punishable by a fine of two hundred to four hundred of tax-free minimum incomes.
- Actions as provided for by the First and Second parts of this Article committed by the person who has already been subject to administrative sanctions for the same offenses within the last year – shall be punishable by a fine of four hundred to eight hundred of tax-free minimum incomes, with the deprivation of the right to occupy certain positions or to engage in certain activities for one year.

Note:

1. The subjects of offence in this Article shall be persons mentioned in clauses 1 and 2, part One, Article 3 of the Law of Ukraine "On Prevention of Corruption."
2. In this article, a real conflict of interest shall mean a conflict between the private interest of a person and his or her official or representative duties, which affects the objectivity or impartiality of his or her decision-making or causes actions to be taken or omitted with respect to the exercising of the said powers by him or her.
 - Article 172-8. Illegal use of information which became known by a person due to his or her official powers:
 - Unlawful disclosure or use in another way of information by a person in his or her personal interest, if such information became known to him or her due to his or her official powers, shall be punishable by a fine of one hundred to one hundred fifty of tax-free minimum incomes.

Note. The subjects of offence in this Article shall be persons mentioned in clause 1, part One, Article 3 of the Law of Ukraine "On Prevention of Corruption."

- g) in Article 172-9:
 - The words in paragraph two "from fifty to one hundred twenty five" shall be replaced with the words "from one hundred twenty five to two hundred fifty";
 - The following part Two shall be added:
 - "The same action repeated within a year after the imposition of administrative sanctions shall be punishable by a fine of two hundred fifty to four hundred of tax-free minimum incomes";
 - h) A new Article 188-46 shall be added:
 - "Article 188-46. Failure to comply with any legal requirements (prescriptions) of the National Anti-Corruption Bureau of Ukraine:
 - Failure to comply with any legal requirements (prescriptions) of the National Agency for Prevention of Corruption related to remedying violations of the legislation on preventing and countering corruption; failure to provide information or documents, and to violations of legally established time limits for their provision; as well as the provision of deliberately false or incomplete information, shall be punishable by a fine of one hundred to two hundred fifty of tax-free minimum incomes.
 - The same actions committed by a person who has already been subject to administrative sanctions for the same offenses within the last year—shall be punishable by a fine of two hundred to three hundred of tax-free minimum incomes";
 - i) Article 221, after figures "188-45" shall be supplemented with figures "188-46";
 - j) In clause 1, part One, Article 255, the following new paragraph shall be added:
 - "The National Agency for Prevention of Corruption (Article 188-46)";
- 3) The Criminal Code of Ukraine (The Official Bulletin of the Verkhovna Rada of Ukraine, 2001, No. 25-26, p. 131) shall be supplemented by a new Article 366-1 as follows:
- "Article 366-1. Declaring false information:
- Submitting by a person of deliberately false information in the tax returns of a person authorised to perform the functions of the state or local self-government in a manner prescribed by the Law of Ukraine "On Prevention of Corruption", or the intentional failure to submit the said returns, shall be punishable by imprisonment for a term up to two years with the deprivation of the right to occupy certain positions or to engage in certain activities for a term of up to three years.
 - Note. The subject of declarations are persons who in accordance with parts One and Two, Article 45 of the Law of Ukraine "On Prevention of Corruption", shall submit a tax return of a person authorised to perform the functions of the state or local self-government";
- 4) In the Commercial Code of Ukraine (The Official Bulletin of the Verkhovna Rada of Ukraine, 2003, No. 18-22, p. 144):
- a) Article 22 shall be supplemented with part Eleven, reading as follows:
 - "11. Business entities of the public sector shall implement anti-corruption programmes in a manner prescribed by laws";
 - b) Article 24 shall be supplemented with part Six reading as follows:
 - "6. Business entities of the municipal sector shall implement anti-corruption programmes in a manner prescribed by law";
- 5) In the Civil Procedural Code of Ukraine (The Official Bulletin of the Verkhovna Rada of Ukraine, 2004, No. 40-42, p. 492):
- a) Part Two, Article 35, shall be supplemented with paragraph two reading as follows:
 - The National Agency for Prevention of Corruption may join as a third party making no separate claims with respect to the matter in dispute and acting on the side of a plaintiff in cases when a head officer or employer takes or threatens to take negative measures of influence against a plaintiff (such as dismissal, forcing resignation, subjecting them to disciplinary liability, transfer, attes-

- tation, modification of working conditions; refusal to promote, or salary cuts, etc.) as the result of a notification by a plaintiff or by a member of his or her family on the violation of the Law of Ukraine "On Prevention of Corruption" by the other person";
- b) Paragraph three, part One, Article 60 shall be amended and restated as follows:
- "In cases when a head officer or employer takes or threatens to take negative measures of influence against a plaintiff (such as dismissal, forcing resignation, subjecting them to disciplinary liability, transfer, attestation, a modification of working conditions; refusal to promote, or salary cuts, etc.) as the result of a notification by a plaintiff or by a member of his or her family on a violation of the Law of Ukraine "On Prevention of Corruption" by the other person, the burden of proof regarding whether or not the decisions or acts were lawful shall be borne by the defendant";
- 6) Part Two, Article 53 of the Code of Administrative Proceedings Ukraine (The Official Bulletin of the Verkhovna Rada of Ukraine, 2005, No. 35-37, p. 446), shall be supplemented with the following paragraph:
- The National Agency for Prevention of Corruption may join as a third party making no separate claims with respect to the matter in dispute and acting on the side of a plaintiff in cases when a head officer or employer takes or threatens to take negative measures of influence against a plaintiff (such as dismissal, forcing resignation, subjecting them to disciplinary liability, transfer, attestation, modification of working conditions; refusal to promote, or salary cuts, etc.) as the result of a notification by the plaintiff or by a member of his or her family on a violation of the Law of Ukraine "On Prevention of Corruption" by the other person";
- 7) In the Criminal Procedural Code of Ukraine (The Official Bulletin of the Verkhovna Rada of Ukraine, 2013, No. 9-13, p. 88):
- a) Part One, Article 155 shall be supplemented with the words "and about the removal from office of the member of the National Agency for Prevention of Corruption by the Prosecutor General of Ukraine or his or her deputy";
 - b) Part One, Article 158, after the word "Prosecutor", shall be supplemented with the words "and about the member of the National Agency for Prevention of Corruption by the Prosecutor General of Ukraine or his or her deputy";
 - c) Part One, Article 480 shall be supplemented with clause 9 reading as follows:
 - "9) Of the member of the National Agency for Prevention of Corruption";
 - d) Clause 2, part One, Article 481 after the words "to the deputies of the Prosecutor General of Ukraine", shall be supplemented with words "to the member of the National Agency for Prevention of Corruption";
- 8) In the Law of Ukraine "On Public Service" (The Official Bulletin of the Verkhovna Rada of Ukraine, 1993 No. 52, p. 490; 2011, No. 41, p. 416; 2013, No. 14, p. 89; 2014, No. 11, p. 132):
- (Changes to this Law became invalid under the Law No 889-VIII of 10.12.2015)
- 9) In the Law of Ukraine "On the Constitutional Court of Ukraine" (The Official Bulletin of the Verkhovna Rada of Ukraine, 1996, No. 49, p. 272; 2006, No. 41, p. 355, No. 42, p. 383; 2009, No. 31, p. 461; 2010, No. 41-45, p. 529; 2011, No. 10, p. 63; 2013, No. 14, p. 89; 2014, No. 22, p. 816):
- a) In Article 16:
 - In part Three, the words "by the Law of Ukraine "On Principles of Preventing and Countering Corruption", shall be replaced with the words "by the Law of Ukraine "On Prevention of Corruption";
 - Parts four to six shall be replaced with a single part reading as follows:
 - "Judges of the Constitutional Court of Ukraine shall be subject to the respective requirements and restrictions stipulated for them by the Law of Ukraine "On Prevention of Corruption";
 - b) A new Article 19-1 shall be added:
 - "Article 19-1. Conflict of Interest:
 - The Judge of the Constitutional Court of Ukraine shall not be entitled to take part in decision preparation and decision making process, or have any other powers in issues where he or she has a real or potential conflict of interest.

- If the Judge of the Constitutional Court of Ukraine faces a real or potential conflict of interest in relation to issues to be heard in constitutional proceedings, such a Judge of the Constitutional Court of Ukraine shall, within one working day, notify the Constitutional Court of Ukraine and claim self-disqualification with regard to hearing the respective issue.
 - Through the same reasons, parties to constitutional proceedings may submit a challenge motion against the Judge of the Constitutional Court of Ukraine.
 - A challenge shall be grounded and submitted before the commencement of a hearing in the form of a written application submitted to the Constitutional Court of Ukraine. The Chairperson at the plenary meeting of the Constitutional Court of Ukraine shall notify the meeting's attendees about the challenge motion (claim of self-disqualification) of the Judge of the Constitutional Court of Ukraine.
 - Procedural rulings on challenge motions (claim of self-disqualification) shall be approved at the sitting of the Constitutional Court of Ukraine.
 - Note. The terms "real conflict of interest" and "potential conflict of interest" shall be used in the meaning prescribed in the Law of Ukraine "On Prevention of Corruption";
- c) Part Three, Article 63 shall be supplemented with the words "except for the cases prescribed by part One, Article 19-1 of this Law, when they must abstain from voting";
- 10) In the Law of Ukraine "On Local Self-Government in Ukraine" (The Official Bulletin of the Verkhovna Rada of Ukraine, 1997, No. 24, p. 170, as amended):
- a) In Article 55:
 - Part Three shall be supplemented with the words "be a member of any board or other executive or controlling bodies or supervisory board of any profitable company or organisation (except where persons perform functions related to the management of shares (interests, stakes) owned by state or territorial communities and represent the interests of the state in the company's board (supervisory board); and the audit committee of a business company)";
 - Paragraphs one to four of Part Five shall be replaced with a single paragraph reading as follows:
 - "The office of the heads of province, oblast, city or district councils shall be deemed as terminated early, without the termination of the deputy' powers, if a person applies to the respective council with the request for his or her resignation from the position of the council head."
 - Accordingly, paragraph five shall be renumbered as paragraph two;
 - b) Paragraphs one to four, part Four, Article 56 shall be replaced with a single paragraph reading as follows:
 - "4. The office of the deputy head of a city district or province council, as well as the office of the first deputy head of an oblast council, shall also be deemed as terminated early without termination of the powers of deputy of the respective council if a person applies to the respective council with the request for resignation from the position of deputy (first deputy) of the council head";
 - c) A new Article 59-1 shall be added:
 - "Article 59-1. Conflict of Interest:
 1. Village, settlement, or city mayors; secretaries, deputies of villages, settlements, or city councils; as well as the heads, deputy heads, deputies of provinces, oblasts, and district (in a city) councils shall take place in the preparation and decision-making by the respective council subject to his or her own public announcement thereof during the sitting of a council where the respective issue is to be heard.
 2. The permanent commission appointed by the respective council shall be in charge of control over compliance with the requirements of part One of this Article, consulting persons mentioned herein and providing explanations on how to prevent and settle conflicts of interest and handle property which may be an unlawful benefit or gift.

Note. The terms "real conflict of interest", "potential conflict of interest", "unlawful benefit" and "gift" shall be used in the meaning prescribed in the Law of Ukraine "On Prevention of Corruption";

- d) In Article 79:
- In part One:
 - Clause 3-1 shall be amended and restated as follows:
 - “3-1) A court decision ordering to hold him or her liable for a corruption-related offence, and the imposition of penalty in the form of a deprivation of the right to occupy certain positions or to engage in certain activities related to the performance of the functions of state or local self-government”;
 - Clause 4 shall be deleted;
 - In part Seven:
 - In clause 1, the words “part One” shall be replaced with the words and numbers “clauses 1, 2, 5, and 6 of part One”;
 - The following new clause shall be added after clause 1:
 - “2) Through the reasons listed in clauses 3, 3-1, part One of this Article, as of the day following the day when a council or its executive committee received the respective court decision without the making of a decision by the respective council”.
 - Subject to the foregoing, clauses 2 and 3 shall be re-numbered as clauses 3 and 4, respectively;
- 11) In the Law of Ukraine “On Elections of the President of Ukraine” (The Official Bulletin of the Verkhovna Rada of Ukraine, 2004, No. 20-21, p. 291; 2011, No. 23, p. 160; 2013, No. 14, p. 89, No. 38, p. 501; 2014, No. 4, p. 61; No. 16, p. 582):
- a) In part Two, Article 48 and in clause 5, part One, Article 51, the words “on assets, income, expenses and financial liabilities” shall be replaced with words “of a person authorised to perform the functions of state or local self-government”;
 - b) In Article 50:
 - Part One shall be amended and restated as follows:
 - “1. The tax return of a person authorised to perform the functions of state or local self-government for the recent year preceding the year of commencement of the election process, shall be submitted by a candidate for the post of the President of Ukraine (in hard and electronic form) in a manner prescribed by the Law of Ukraine “On Prevention of Corruption”;
 - In part Two, the words “The Central Body of Executive Power which implements governmental customs policy in the name of”, shall be replaced with the words “the National Agency for Prevention of Corruption, at the request of”;
 - In part Three, the words “on assets, income, expenses and financial liabilities” shall be replaced with the words “of a person authorised to perform the functions of state or local self-government”;
- 12) In part One, Article 62 of the Law of Ukraine “On Banks and Banking” (The Official Bulletin of the Verkhovna Rada of Ukraine, 2001, No. 5-6, page 30, as amended):
- Sub-paragraph “c”, clause 4 shall be deleted;
 - Clause 8 shall be added, reading as follows:
 - “8) Under a court decision, to the National Agency for Prevention of Corruption in relation to the existence and status of accounts and transactions under the accounts of certain legal entities or an individual entrepreneur in accordance with the Law of Ukraine “On Prevention of Corruption”;
- 13) In the Law of Ukraine “On Service at Local Self-Government Bodies” (The Official Bulletin of the Verkhovna Rada of Ukraine, 2001, No. 33, p. 175; 2010, No. 4, p. 18; 2013, No. 14, p. 89, No. 23, p. 218; 2014, No. 11, p. 132):
- a) Parts Three and Four, Article 5 shall be replaced with a single part reading as follows:
 - “As for the persons elected (approved) by the respective council to positions mentioned in paragraph three, Article 3 of this Law, and for the persons nominated to positions in local self-government bodies mentioned in paragraph four, Article 3 of this Law, upon their written consent, a special check shall be made in the manner prescribed by the Law of Ukraine “On Prevention of Corruption”;

- b) In Article 12:
 - Clause 4, part One shall be deleted;
 - In part Two, the words "by the Law of Ukraine "On Principles of Preventing and Countering Corruption" shall be replaced with the words "by the Law of Ukraine "On Prevention of Corruption";
 - c) Article 12-1 shall be amended and restated as follows:
 - "Article 12-1. Prevention and settlement of conflicts of interest:
 - Local self-government officers shall comply with the rules for the prevention and settlement of conflicts of interest mentioned in the Law of Ukraine "On Prevention of Corruption";
 - d) Article 13 shall be amended and restated as follows:
 - "Article 13. Financial control:
 - Self-government officers shall submit a tax return of a person authorised to perform the functions of the state or local self-government in the manner prescribed by the Law of Ukraine "On Prevention of Corruption";
 - e) Paragraph four, part One and part Two, Article 20 shall be deleted;
- 14) Clause 7, part One, Article 5 of the Law of Ukraine "On Status of Deputies of Local Councils" (The Official Bulletin of the Verkhovna Rada of Ukraine, 2002, No. 40, p. 290; 2013, No. 14, p. 89; 2014, No. 11, p. 132) shall be amended and restated as follows:
 - "7) After the entry into effect of a sentence subjecting a person to imprisonment or the entry into effect of a judgment holding such a person liable for corruption or corruption-related offences, and when punishment was served or imposed in a form of a deprivation of the right to occupy certain positions or to engage in certain activities related to the performance of the functions of state or local self-government";
- 15) In the Rules of Procedure of the Verkhovna Rada of Ukraine approved by the Law of Ukraine "On the Rules of Procedure of the Verkhovna Rada of Ukraine" (The Official Bulletin of the Verkhovna Rada of Ukraine, 2010, No. 14-17, p. 133, as amended):
 - a) Chapter 5 shall be supplemented with Article 31-1, reading as follows:

"Article 31-1. Restrictions as for taking part in discussion of issues at the plenary meeting of the Verkhovna Rada of Ukraine related to the conflict of interest:

 - 1. The member of Parliament shall participate in the plenary meetings during the discussion of issues where he or she has a conflict of interest, only subject to a public announcement thereof during the plenary meeting of the Verkhovna Rada of Ukraine hearing the respective issue".
 - b) Article 37 shall be supplemented with part Six reading as follows:

"6. The member of Parliament shall participate in voting at the plenary meetings during the discussion of issues where he or she has the conflict of interest, only subject to a public announcement thereof during the plenary meeting of the Verkhovna Rada of Ukraine hearing the respective issue";

 - c) Part Two, Article 85 shall be supplemented with paragraph two reading as follows:

"The member of Parliament who will face a real or potential conflict of interest in issues, for which preparation and preliminary consideration the respective commission is created, may not be elected as the member of temporary special commissions. The member of Parliament nominated by a deputy faction (deputy group) to the membership of a temporary special commission must notify the Verkhovna Rada about his inability to participate in the temporary special commission if the said reason is available";

 - d) Part Three, Article 87 shall be supplemented with paragraphs six and seven as follows:

"5) If, when elected, he or she will have any other real or potential conflicts of interest in relation to issues to be investigated by the respectively established commission.

The member of Parliament who will have a real or potential conflict of interest in issues for which the said commission is created may not be elected as a member of a temporary investigating commission.

 - e) In Article 173:
 - Part Four shall be amended and restated as follows:

- “4. A candidate for the position of special prosecutor or special investigator shall provide the Verkhovna Rada with an individual card and a tax return of a person authorised to perform the functions of state or local self-government for the previous year”;
- The following paragraph two shall be added to part Six:

“A person who, if elected, will face a real or potential conflict of interest related to an investigation for which the said commission is created may not be elected as a member of a special temporary investigating commission. A person nominated by a deputy faction (deputy group) for the membership of a special temporary investigating commission must notify the respective committee and the Verkhovna Rada about his or her inability to participate in the temporary special investigating commission if the said reason is available”;

16. In the Law of Ukraine “On the Judiciary and the Status of Judges” (The Official Bulletin of the Verkhovna Rada of Ukraine, 2010, No. 41-45, p. 529; 2013, No. 14, p. 89, No. 38, p. 501; 2014, No. 11, p. 132; No. 23, p. 870):

- a) In part Four, Article 54:
 - In clause 6, the words “by the Law of Ukraine “On Principles of Preventing and Countering Corruption” shall be replaced with the words “by the Law of Ukraine “On Prevention of Corruption”;
 - Clause 7 shall be amended and restated as follows:
 - “7) To submit a tax return of a person authorised to perform the functions of state or local self-government in a manner prescribed by the Law of Ukraine “On Prevention of Corruption”;
- b) Article 56 shall be supplemented with part Two reading as follows:
 - “2. The Judicial Ethics Commission works on the development of the draft Code of Judicial Ethics and amendments to it; consulting judges and resigned judges in problematic issues and providing recommendations on judges’ ethical conduct; their prevention and regulation of conflicts of interests in their activity, as well as their prevention of acquiring unlawful benefits or gifts prohibited by law and the handling of them.
 - The Council of Judges of Ukraine shall create the Judicial Ethics Commission, and develop and approve its regulations. Judicial Ethics Commission shall exercise its powers on a pro bono basis. The Administrative Office of the Council of Judges of Ukraine shall ensure its operation”;
- c) In part One, Article 67:
 - Clause 8 shall be deleted;
 - The following new paragraph shall be added after paragraph eleven:
 - “A candidate for the position of judge shall also submit to the National Agency of Prevention Corruption a tax return of a person authorised to perform the functions of state or local self-government in a manner prescribed by the Law of Ukraine “On Prevention of Corruption”.
 - In this connection, paragraphs twelve and thirteen shall be considered as paragraphs thirteen and fourteen, respectively;
- d) In clause 7, part Four, Article 75, the words “by the Law of Ukraine “On Principles of Preventing and Countering Corruption” shall be replaced with the words “by the Law of Ukraine “On Prevention of Corruption”;
- e) Clause 6, part One, Article 83 shall be amended and restated as follows:
 - “6) Delayed submission of a tax return by a person authorised to perform the functions of state or local self-government in a manner prescribed by the Law of Ukraine “On Prevention of Corruption”;
- f) In Article 127:
 - Clause 6-1, part Five shall be amended and restated as follows:
 - “6-1) Control over compliance with legal requirements as for the prevention and settlement of conflict of interests in the activity of the Judges of the Constitutional Court of Ukraine and judges of general jurisdiction; as well as the Chairman and members of the Higher Qualification Commission of Judges of Ukraine, the Chairman of the State Court Administration of Ukraine, and his or her deputies, shall make a decision on the settlement of a real or potential conflict of interest in the

- activities of the said persons (except for the cases when the conflict of interest shall be settled in the manner prescribed by procedural legislation)";
- The following new part shall be added after part Five:
 - "6. If the judges of the Constitutional Court of Ukraine and the judges of general jurisdiction (except for the cases when the conflict of interest shall be settled in the manner prescribed by procedural legislation), the Chairman and members of the Higher Qualification Commission of Judges of Ukraine, or the Chairman of the State Court Administration of Ukraine, have real or potential conflicts of interest, they shall, no later than the following working day after such conflict arose, notify the Council of Judges thereof in writing."
 - Subject to the foregoing, parts Six to Nine shall be renumbered as parts Seven to Ten, respectively;
- 17) In the Law of Ukraine "On Elections of Members of Parliament of the Autonomous Republic of Crimea, Members of Local Councils or Village, Settlement and City Mayors" (The Official Bulletin of the Verkhovna Rada of Ukraine, 2010, No. 35-36, p. 491; 2013, No. 14, p. 89):
- a) In clause 7, part One, Article 37, and clause 6, part One, Article 39, the words "on assets, income, expenses and financial liabilities" shall be replaced with the words "of a person authorised to perform the functions of state or local self-government";
 - b) Part One, Article 43 shall be amended and restated as follows:
 - "1. The tax return of a person authorised to perform the functions of state or local self-government for the recent year preceding the year of commencement of the election process shall be submitted by a candidate for the member of Parliament; or by a candidate for village, settlement, or city mayor in the form prescribed by the Law of Ukraine "On Prevention of Corruption";
- 18) Part Six, Article 6 of the Law of Ukraine "On Access to Public Information" (The Official Bulletin of the Verkhovna Rada of Ukraine, 2011, No. 32, p. 314; 2013, No. 14, p. 89; 2014, No. 11, p. 132) shall be restated as follows:
- "6. Information listed in the tax return of a person authorised to perform the functions of state or local self-government submitted under the Law of Ukraine "On Prevention of Corruption" shall not be deemed as information with restricted access, except for the information mentioned in paragraph four, part One, Article 47 of the said Law";
- 19) Article 19 of the Law of Ukraine "On Central Executive Authorities" (The Official Bulletin of the Verkhovna Rada of Ukraine, 2011, No. 38, p. 385; 2014, No. 13, p. 223) shall be supplemented with the following part Six and the note:
- "6. If the head of the Central Executive Body has a real or potential conflict of interest, he or she shall, no later than on the following working day, notify the minister thereof. The minister shall direct and coordinate the respective Central Executive Body, except for the head of the Central Executive Body with special status, which shall, in the said case, notify the Cabinet of Ministers of Ukraine.
 - Following the results of consideration of the said information, the minister directing and coordinating the respective Central Executive Body shall make a decision on taking measures to settle the conflict of interest of the respective Central Executive Body head, and then control their implementation. If the conflict of interest arises in the head of the Central Executive Body with special status, the said actions shall be taken by the Cabinet of Ministers of Ukraine.
 - Note. The terms "real conflict of interest" and "potential conflict of interest" shall be used in the meaning established by the Law of Ukraine "On Prevention of Corruption";
- 20) In the Law of Ukraine "On Election of the Members of Parliament of Ukraine" (The Official Bulletin of the Verkhovna Rada of Ukraine, 2012, No. 10-11, p. 73; 2014, No. 22, p. 794):
- a) In clause 7, part One, Article 54; clause 5, part One, and clause 3, part Two, Article 55; part Eleven, Article 107 the words "on assets, income, expenses and financial liabilities" shall be replaced with the words "of a person authorised to perform the functions of state or local self-government";
 - b) Part One, Article 57 shall be amended and restated as follows:

- "1. The tax return of a person authorised to perform the functions of state or local self-government for the recent year preceding the year of commencement of the election process shall be submitted by a candidate for the member of Parliament in the form prescribed by the Law of Ukraine "On Prevention of Corruption";
- 21) In the Law of Ukraine "On the Cabinet of Ministers of Ukraine" (The Official Bulletin of the Verkhovna Rada of Ukraine, 2014, No. 13, p. 222; No. 22, p. 816):
- a) In part Four, Article 7, the words "by the Law of Ukraine "On Principles of Preventing and Countering Corruption" shall be replaced with the words "by the Law of Ukraine "On Prevention of Corruption";
 - b) A new Article 45-1 shall be added reading as follows:
 - "Article 45-1. Conflict of interest:
 1. Members of the Cabinet of Ministers of Ukraine shall not use their official position for private interest.
 2. If a member of the Cabinet of Ministers of Ukraine faces a real or potential conflict of interest, he or she shall, no later than on the following working day, notify the Cabinet of Ministers of Ukraine thereof in writing.
 3. The member of the Cabinet of Ministers of Ukraine shall not be entitled to take part in preparation and decision-making, or have any other powers in issues where he or she has a real or potential conflict of interest.
 4. If it is impossible to settle the conflict of interest of the member of the Cabinet of Ministers of Ukraine in a manner prescribed by part Three of this Article, and if he or she cannot resolve the conflict of interest on their own, the Prime Minister of Ukraine shall apply to the Verkhovna Rada of Ukraine with the recommendation to dismiss the said member of the Cabinet of Ministers of Ukraine (the recommendation about the Minister of Foreign Affairs of Ukraine and the Minister of Defence of Ukraine shall be provided subject to the consent of the President of Ukraine).

Note. The terms "real conflict of interest", "potential conflict of interest" and "private interest" shall be used in the meaning established by the Law of Ukraine "On Prevention of Corruption";

- 22) Clause 1, part One, Article 17 of the Law of Ukraine "On Public Procurement" (The Official Bulletin of the Verkhovna Rada of Ukraine, 2014, No. 24, p. 883) shall be supplemented by clause 1-1 reading as follows:
- "1-1) information about a legal entity which is a participant or a member of previous qualification and was entered into the Uniform State Registers of Persons Committed Corruption or Corruption-Related Offense, or if the said legal entity does not have anti-corruption programmes of a legal entity if it is mandatory according to the law."
6. The Cabinet of Ministers of Ukraine shall:
- 1) Within three months from the effective date of this Law, ensure the implementation of the Regulation on the Competition to Fill the Vacancies of the Members of the National Agency for Prevention of Corruption, and the Rules of Procedures for the respective interview panel;
 - 2) Within six months from the effective date of this Law, submit for the consideration of the Verkhovna Rada of Ukraine its proposals on the adjustment of legislative acts in accordance with this Law; ensure that all legal and regulatory acts envisaged by this Law, except for those envisaged by sub-clause 1 of this clause, are properly adopted; bring its legal and regulatory acts into conformity with this Law; ensure that the regulatory legal acts of the Ministries and other Central Executive Bodies are brought into conformity with this Law; and establish the National Agency for Prevention of Corruption;
 - 3) Ensure that the competition to fill the vacancies of the members of the National Agency for Prevention of Corruption is duly conducted in the manner prescribed by Article 5 of this Law before this Law comes into force.

FOR NOTES



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