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# The Security Sector Legislation of Ukraine



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## Preface

John Colston

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

The need for a comprehensive approach to security is necessitated by both the increasing complexity of today's security environment, and the requirement to strengthen democracy through providing greater transparency in and accountability of security forces activities. Therefore, security sector reform in and by a democratic state is principally about linking security sector governance with democratic principles.

NATO is a community of states which share democratic values including in the area of security sector governance. Through NATO's Partnership for Peace, including those countries which aspire to NATO membership, NATO Allies support security sector reform efforts to transform national security sectors into democratically-controlled and accountable mechanisms whose operations and working practices are open to public scrutiny. Strengthening the Parliament's contribution to, and the oversight of, security and defence is one of the most important, if not central, features of this process. Equally important is the need to develop and implement a national legislation which provides a framework in which a security sector operates.

The transformation of Ukraine's security sector is vital to the further development of Ukrainian democracy and its future prospects and I am glad to introduce to readers a publication, which may contribute to the success of defence and security sector reform in Ukraine. This translation of the volume of the legislation on Ukraine's security sector, which was previously published in Ukrainian and Russian, is a product of fruitful co-operation between NATO, the Geneva Centre for the Democratic Control of Armed Forces (DCAF), the National Security and Defence Council of Ukraine, and the *Verkhovna Rada* - Ukraine's Parliament. The primary objective of this publication is to facilitate the access by English-speaking readers to the legislation on Ukraine's security sector which is currently available. In turn, it should support a cooperative approach to the alignment of Ukraine's security sector legal instruments with Euro-Atlantic norms and standards. The translation is not addressed exclusively to security practitioners – I am convinced that scholars and researchers who are interested in a contemporary Ukraine and the region will find this publication equally interesting.

This publication is also a clear sign of the great success which NATO-Ukraine co-operation in implementing defence and security sector reforms has become. The

idea of translating into English the legislation on Ukraine's security sector has been realised due to efforts undertaken and a unique working culture established by the NATO-Ukraine Joint Working Group on Defence Reform (JWGDR), which I have the privilege to co-chair.

The JWGDR was established in 1998 as one of the follow-up steps to the adoption of a Charter on a Distinctive Partnership between the North Atlantic Treaty Organization and Ukraine. Initially, the activities of the group focused principally on information exchange between national experts on various topics such as defence planning and budgeting. However, as the group evolved, it has expanded its mandate to focus more on broader security sector reform in Ukraine.

Ukraine has decided to undertake a comprehensive review of Ukraine's security sector to bring about systemic changes across Ukraine's security structures and mechanisms including by strengthening civil control over Ukraine's security forces. Ukraine has also requested NATO's assistance in implementing the review. As a result, the national security sector review in Ukraine has become one of the most important activities on the agenda of the JWGDR. This co-operation includes several forms of support delivered to Ukraine by NATO and NATO Allies such as expert advice on the development of a National Security Strategy of Ukraine; assisting Ukraine in providing for an effective civil control of its intelligence sector; supporting Ukraine in developing cadres of professional and apolitical civilian administrators to be employed in Ukraine's security institutions; managing the consequences of defence reforms; strengthening the role of Ukraine's civil society in supporting defence and security sector reform in Ukraine; helping Ukraine to establish a NATO-style defence planning system; and better harmonizing bilateral assistance delivered to Ukraine by individual Allies.

This translation is a further contribution to this co-operation. However, security sector reform must go beyond the legislative framework in which the security sector operates. Civil control of a security sector is not solely about exerting organisational and policy control over the Armed Forces, paramilitary formations, and the intelligence services. Civil and democratic control of the national security forces is primarily about philosophies and values and, as such, should be extended to include the transformation of working cultures including the need to introduce in security forces an ethos of public service; developing professional cadres; and strengthening the role of a civil society in providing for effective oversight of security activities.

Ukrainian ownership of reform is of critical importance. Although external advice and support may be valuable in providing external views on how reforms could be implemented, the recognition of the need to first launch and then sustain comprehensive reforms must be generated from within the national system. Ultimately, security sector reform in Ukraine, including through better reflecting in its legislation Euro-Atlantic norms and values, is first and foremost about Ukraine and its long-term security.

A lot of effort has gone into making this translation possible and I am thankful to the Geneva Centre for the Democratic Control of Armed Forces (DCAF), the National Security and Defence Council of Ukraine, and the *Verkhovna Rada* whose efforts have been instrumental in bringing the concept of this book to a successful end.



## Preface

Volodymyr Pavlovykh Horbulin

Secretary of National Security and Defence Council of Ukraine

### **Dear Ladies and Gentlemen!**

The consolidation of Ukraine as a fully-fledged European state is, first and foremost, connected to the safeguarding of its national security and the clear definition of its place in the global security environment.

Fruitful cooperation between Ukraine and the North Atlantic Alliance has created a substantial foundation for security and defense sector reform in our country. Ukraine has achieved substantial success in the field of improving strategic and defense budget planning and transparency, as well as in strengthening civilian democratic control over not only the military but also the wider security sector. This has created conditions for the sector's profound and effective transformation.

Ukraine has achieved positive results through the introduction of Armed Forces reform, particularly after completing a Defense Review and advancing to the scale of a 'comprehensive security sector review'.

In this context, the publication of this English edition of Ukraine's security sector legislation – comprising not only laws but also regulations of the Verkhovna Rada and presidential decrees on national security and defense issues – is a very important step.

The collection reflects the evolution of our legislation in the sphere of national security over the years of our independence, and reveals the foundations of Ukraine's policy concerning the development, transformation and improvement of security institutions, so that these can effectively secure the sovereignty, territorial integrity and national interests of Ukraine.

We expect that the publishing of this collection will promote not only better understanding by Western partners of state policies toward enhancing Ukraine's national security and defence, but also our needs in these fields.

I am also very confident that readers of the collection will highly appreciate the efforts which have been put into its development by the experts of NATO International Staff and the Geneva Centre for the Democratic Control of Armed Forces (DCAF).



## Preface

Anatoliy Kyrylovych Kinakh

Head, Defence and Security Committee of the Verkhovna Rada of Ukraine

### **Dear Ladies and Gentlemen,**

This English language version of the collection of Ukrainian security sector laws was previously published in Ukrainian and Russian as the *Legal Basis for Military Formation and Civil-Military Relations*, which was prepared by the by the Parliamentary Committee of Ukraine on National Security and Defense together with the Geneva Centre for the Democratic Control of Armed Forces.

The most important laws of Ukraine, regulations of the Verkhovna Rada and presidential decrees included in this publication not only give the reader a clear overview of how Ukraine, after its declaration of independence in 1991, has developed its Armed Forces and other security institutions, but also of the reforms implemented to date.

These legislative acts have been based on a comprehensive analysis of the contemporary geopolitical environment, new security challenges, real and potential threats to Ukraine's security, taking into account the experiences of other states in addressing defence and security issues. These documents have been conceived on the fundamental premise of strengthening legislative and democratic principles, compliance by the Armed Forces and other security sector institutions with established law, and the maximum possible openness and accountability to civil society; as well as seeking a substantial improvement of all aspects of civil-military relations.

The publication also reflects more widely the development of Ukrainian activities in international military and military-technical spheres, the contribution by Ukrainian servicemen to peace support operations, the implementation of its strategic course to integration to the European and Euro-Atlantic area of security, the strengthening of its cooperation with neighboring countries and other states in the spheres of regional and international security in accordance with Ukrainian, European, and international interests.

I am confident that this English language edition will be interesting and useful not only for experts in the military and security field, but also to other parliamentarians, governments, international institutions and the wider public.

I express my deep gratitude to all those who have made their contribution to the publication of this Edition.



## Preface

Philipp Fluri

Deputy Director , Geneva Centre for the Democratic Control of Armed Forces (DCAF)

Strengthening parliamentary competence and ownership in the emerging democracies of South East and Eastern Europe, including cooperation with parliaments and parliamentary staffers, is one of the most important tasks the Geneva Centre for the Democratic Control of Armed Forces (DCAF) undertakes.

Cooperation with the Verkhovna Rada of Ukraine has been especially lively and fruitful. The joint efforts of the Rada Defence Committee, under its former Chairman G. K. Kriuchkov, and the National Institute for International Security Problems (NIISP), under its Director S. I. Piroshkov, with DCAF (via conferences, seminars and the DCAF Legal-Political Assistance Group's (LPAG) commentaries) led to legislation on Money-Laundering and Parliamentary Oversight of the Defence and Security Sector.

Not only have these laws have been recognized as expressions of the country's willingness to adapt to Western European and Transatlantic standards of good practice, but the repeated discussions have greatly contributed to the emergence of a 'strategic community' of informed and committed experts in matters of security sector governance.

From 2002 onwards, expert conferences, seminars and roundtables have been organised throughout the year via intensive cooperation with the Verkhovna Rada, the Rada Defence Committee and NIISP, contributing to parliamentary oversight of the security sector:

- **Roundtable on Draft Law on Parliamentary Oversight - December 2002**  
A DCAF sponsored DCAF/Rada Conference that examined a proposed draft law codifying the instruments of parliamentary oversight of the security sector in Ukraine.
- **Conference on Euro-Atlantic Integration – 'Implementation of State Decisions on the Euro-Atlantic Integration of Ukraine' –February 2003**  
A DCAF sponsored NATO/DCAF/Rada Conference that examined Ukraine's NATO Membership Action Plan (MAP) in the context of democratic control and oversight issues. The proceedings of the conference were published (as were the proceedings of the previous year's conference on Parliamentary Control).
- **Conference on Defence Policy of Ukraine – 'Defence Policy of Ukraine: Reality and Perspectives' – September 2003**  
A one-day conference was held at the Rada involving parliamentarians, the Minister of Defence, members of the General Staff, and DCAF LPAG invitees including the Minister of Defence of Romania, Dr. Ioan Pascu.

- **Ukraine – Rada Meeting on Security Issues – December 2003**  
DCAF chaired an expert meeting on the implementation of democratic civil-military and civil-security sector relations at the Rada, and presented a study on defence reform in Ukraine in Kiev. At the same time, an editorial board meeting for a forthcoming local NGO publication on the development of democracy in Ukraine was also attended.
- **DCAF – Rada - NIISP Conference on ‘Ukrainian Security Sector Reform’ – May 2004**  
This conference, part of the ‘Defence Institution Building Project’, discussed issues relating to transparency, accountability, and alleviating the social cost of security sector reforms. It was attended by the Defence Minister of Ukraine and five deputy ministers representing the power ministries and assisted by NATO-PA, NATO School Oberammergau and the Spanish MoD.
- **DCAF – Rada – MoD – NIISP Conference – ‘Current Issues of Defence and Security Sector Reform in Ukraine’ – May 2005**  
This conference focused on the status of NATO/Euro-Atlantic Membership issues, Defence Planning, Armed Forces, Intelligence, and Human Rights in the Armed Forces.
- **Seminars & Workshops on Defence Institution Building and Parliamentary Empowerment - 2006**  
Continuing the DCAF – Rada – MoD - NIISP Security Sector Governance Conferences through the year and the continued translation of relevant DCAF products.

Additionally, a seminar on export control was organized in cooperation with the Polish government and jointly with the Embassies of USA and the UK and SIPRI on behalf of the RADA and the Ukrainian government on parliamentary and executive oversight of arms and weapon components in Spring 2003. In this vein, DCAF also paid for translation and dissemination of a Ukrainian version of the ‘SIPRI Yearbook 2003 – Armaments, Disarmaments and International Security’ to facilitate understanding of the security sector in an international context.

During 2003, the DCAF-IPU Handbook on Parliamentary Oversight of the Security Sector was translated into Ukrainian and a press conference to launch the handbook was held in September 2003, with copies distributed to the media, MPs and staffers.

Thus, this comprehensive collection of Ukrainian legislation on the Security Sector will serve two purposes: it will give Ukrainian and Western experts an overview in Ukrainian, Russian and English of what legal documents already exist in Ukraine; and it will serve as a tool for identifying possibilities for adaptations to the law. In terms of the latter, Ukrainian experts and members of the DCAF Legal-Political Assistance Group will be invited to annotate and comment on the laws in the light of good practices elsewhere.

DCAF’s cooperation with the Verkhovna Rada remains among the most successful and promising of its parliamentary programmes. The Geneva Centre will stay committed to close cooperation with the Rada Defence Committee and NIISP on the legislative process.



## From the Editorial Board

Georgi Krychkov

Chairman of the Editorial Board, Former Chairman of the Verkhovna Rada of Ukraine Defence and Security Committee, 14<sup>th</sup> Convocation of the Verkhovna Rada of Ukraine

This collection, originally prepared by the Defence and Security Committee of the Verkhovna Rada of Ukraine, contains the most important legislative acts (the Laws of Ukraine, Resolutions of the Verkhovna Rada, Decrees of the President of Ukraine) covering all aspects of Ukraine's military organisation and all state activities in the field of security and defence. Based on the principles underlying the internal and foreign policy of the state, these legal acts form the legal basis for the development and reform of the Armed Forces, other military formations created in accordance with the laws of Ukraine, law-enforcement organs responsible for the defence of the sovereignty, territorial integrity and constitutional order of Ukraine, and upholding of the human and civil rights and freedoms stipulated in the Constitution.

The Collection starts with the statutory acts of Ukraine - the Declaration of State Sovereignty, Declaration of Independence, and the Constitution of Ukraine, as adopted by the Verkhovna Rada of Ukraine on 28 June 1996.

Immediately after the declaration of independence, the Verkhovna Rada of Ukraine adopted a number of laws determining the tasks, functions, general structure and procedure of formation of the Armed Forces of Ukraine, the National Guard of Ukraine, Border Troops of Ukraine, Civil Defence Troops, and Internal Troops of the Ministry of Internal Affairs. The organisation of the Ukrainian army and other state institutes was conducted on this basis.

As a result of the adoption of the Constitution of Ukraine, the Verkhovna Rada of Ukraine was assigned the important task of bringing the state's normative-legislative base in conformity with the requirements of the Basic Law, including the normative-legislative base in the sphere of national security and defence. On the whole, the Verkhovna Rada has successfully coped with this task.

The Collection contains the basic laws in the sphere of defence and security adopted on the basis and in pursuance of the Constitution of Ukraine. These are, in particular, the laws of Ukraine on "National Security", "Defence", "On the Legal Regime of Martial Law", "On the Legal Regime of a State of Emergency" and "On Democratic Civilian Control of State Military and Law-Enforcement Organisations" approved by the Decree of the President of Ukraine in accordance with the provisions of the Law of Ukraine "On National Security" and the "Military Doctrine of Ukraine".

The normative-legal acts regulating the activity of the Armed Forces of Ukraine, which form the core of the Military organisation of the state and defender of Ukraine's sovereignty, territorial integrity and inviolability, occupy a central place in the Collection. Among them are the laws "On the Armed Forces of Ukraine", "On

Universal Military Duty and Military Service”, “On Alternative (non-military) Service”, “On Defence Planning”, “On Mobilization Preparation and Mobilization”, “On the Legal Regime of Property in the Armed Forces”, “On Economic Activity in the Armed Forces” and “On the Particularities of Privatization of Enterprises under the Management of the Ministry of Defence”.

Many questions connected with the reform of the Armed Forces of Ukraine, change of their general structure, optimalisation of their numeric strength, transforming the Ministry of Defence of Ukraine into a civilian ministry, delineation of authority between supreme organs of military management, and improvement of their organisational-staff structure are regulated by the legislative acts and the acts of the President of Ukraine. The documents included in the Collection demonstrate the scale and complexity of the tasks to be tackled in the process of reform of the Armed Forces.

Legislative provisions for arms and defence technology development programmes, and development programmes for activity related to the defence-industrial complex have also received due attention. These programmes are established to create the newest arms and defence technology for equipping the Armed Forces and other military formations of the state, as well as to improve Ukraine’s export potential and increase revenue for the country.

Strengthening the democratic basis of the state and public life is provided, first of all, through a set of public relations meant to secure the vital interests of persons, society and the state from external and internal threats and forms the essence of the concept ‘national security’. The main areas of activity in this field are the following:

- Bringing the activity of special state organs, especially organs of state security, into conformity with the requirements of the Constitution of Ukraine, the development of Ukrainian society and the current geopolitical situation;
- Legislative regulation of legal relations in the delicate sphere of intelligence and counter-intelligence activity, and protection of the organ of state power;
- Fight against terrorism.

These issues are placed in a separate section in the Collection.

Ukraine assiduously pursues the demilitarization and democratization of power structures, transforming them into non-military formations. The first step in this direction has been the transformation of the Border troops of Ukraine into the State border service of Ukraine.

According to the Law of Ukraine and the Decree of the President of Ukraine, the railway troops of the Armed Forces of Ukraine are transferred to the subordination of the Ministry of transport and communications of Ukraine and transformed into a non-military structure - the State special service of transport.

In accordance with the Decrees of the President of Ukraine with the purpose of updating state management in the spheres of fire security and protection of the population from consequences of emergencies, the State fire prevention service and Civil defence troops of Ukraine were transformed into the non-military service of Civil Defence of Ukraine, which was legislated by the adoption of the law “On Civil Defence”.

In accordance with the Decrees of the President of Ukraine, the Internal Troops of the Ministry of Internal Affairs are to be reformed. The relevant draft laws should be submitted to the Verkhovna Rada.

The normative-legislative acts defining the conditions of participation of the Armed Forces of Ukraine in international peace-keeping activity and the principles of

military and military technical cooperation of Ukraine with other states have been assigned a special place in the Constitution.

A separate section is devoted to establishing the requirements of the Constitution of Ukraine concerning the social protection of servicemen, law-enforcement personnel, veterans of military service and law-enforcement organs, and members of their families. The legislative acts included in the Collection – though adopted in different years and subject to numerous amendments – define the status of those who defended and defend Ukraine, create a reliable system for their social protection (which is very important in view of the reform of the Armed Forces and other components of the Military organisation of the State), and clear the way for removing discrepancies in pensions of servicemen depending on their time of retirement. The Law “On the State Guarantees of Social Protection of Servicemen and their Families when Discharged from Service during Reform” has been adopted by the Verkhovna Rada of Ukraine.

The Collection also includes legislative acts to ensure the legality and legal order in the Armed Forces of Ukraine and other military formations.

The creation of a normative-legislative base in the sphere of national security and defence of Ukraine, which is reflected in this edition, became a reality due to the active work of members of the Profile Committee of the Ukrainian Parliament. B. P. Andresyuk, L. K. Kadenyuk, A. V. Chikal, G. M. Manchulenko, A. I. Domanskiy, V. S. Zubov, V. L. Sivkovich, V. D. Kirillov, S. A. Davimuk, O. P. Bepalov, S. S. Bul’ba, S. A. Zhishko, A. I. Kuz’muk, L. G. Luk’yanchenko, and V. D. Simonov work(ed) in the Committee of the Verkhovna Rada of the IV convocation.

The Collection was published in Ukrainian in 2005 and contains the legislative acts for the period up to 1 February 2005. The current Collection is supplemented with a number of normative-legal acts adopted after the Ukrainian edition was published, taking into account the amendments introduced up to 1 November 2005.

The creation of the Collection was facilitated with the help of members of the Staff of the Verkhovna Rada of Ukraine (the Head of the Department - Deputy Head of the Staff of the Verkhovna Rada of Ukraine, M. A. Teplyuk), corresponding subdivisions of the former Administration of the President of Ukraine and Secretariat of the President of Ukraine, Secretariat of the Cabinet of Ministers of Ukraine, Secretariat of the Council of National Security and Defence of Ukraine, Ministry of Defence of Ukraine, State Border Service of Ukraine, Security Service of Ukraine, other central organs of executive power in the sphere of national security and defence, and the National Academy of Defence of Ukraine.

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The authors wish to express their gratitude for the assistance provided during the preparation and publication of this edition. We are sure that it will be useful for all those who have devoted their life to defend Ukraine, its security, and the constitutional rights and freedoms of its citizens, and for those who research or are interested in defence and security issues.



## **Part I**

# **The Constitutional Framework of Ukrainian National Security and Defence Policy**



## Commentary to Part I

The Constitution of Ukraine provides the foundation for legislation that regulates national security and defence as approved by the Verkhovna Rada of Ukraine on June 28<sup>th</sup>, 1996.

The adoption of aforementioned Constitution was preceded by important political events in Ukraine. On July 16<sup>th</sup>, 1990 the *Verkhovny Soviet of the Ukrainian Soviet Socialist Republic* formally adopted the *Declaration of Ukrainian State Sovereignty* that was to become the basis for the new *Constitution of Ukraine*. On August 24<sup>th</sup>, 1991 the *Verkhovna Rada* adopted the *Act of Declaration of Independence of Ukraine* that is based upon principles prescribed in the *Declaration of National Sovereignty of Ukraine*. An overwhelming majority in an all-Ukraine referendum that took place on December 1st, 1991 approved this Act.

A number of provisions in the *Declaration of National Sovereignty of Ukraine* were enshrined in the *1996 Constitution*. However, with the passage of time and since the declaration of independence, Ukraine has faced many changes in its' social order and political structure hence this Constitution is based on different principles than those declared in 1990.

The Constitution affirms a *Presidential-Parliamentary State* form of political government. This is enshrined in the specific norms relating to defence and national security.

The functions of *State* national security and defence are stated in *Article 17 of the Constitution*:

*'The protection of the sovereignty and territorial indivisibility of Ukraine, and ensuring the State's economic and information security are the most important functions of the State and of the utmost concern for all Ukrainians. The defence, protection of sovereignty, territorial indivisibility and inviolability of Ukraine, are entrusted to the Armed Forces. State Security and border protection are entrusted to the respective State Military and Law Enforcement Organisations, whose operational procedures are stipulated by law. The Armed Forces and other State Military Organisations shall not be usurped to restrict the rights and freedoms of citizens or used to overthrow the constitutional order, subvert the bodies of power or obstruct their activities. The State ensures the social protection of citizens of Ukraine who serve in the Armed Forces and in other State Military Organisations as well as members of their families. The creation and operation of para-military organisations or groups not pre-determined by law are prohibited in Ukraine. The positioning of foreign military bases shall not be permitted in Ukraine.'*

The key tasks for Ukrainian foreign policy are stated in *Article 18*:

*'Ukrainian foreign policy aims to ensure its' national interests and security by maintaining peaceful and mutually beneficial co-operation with members of the international community, following generally acknowledged principles and norms of international law.'*

Ukrainian Constitutional provisions on the key principles of public order and *State* structures are vital for national security and defence activity:

- Ukraine is declared a sovereign, independent, democratic, social and

law-based *State*; (*Article 1*)

- the sovereignty of Ukraine extends throughout its entire territory. The territory of Ukraine within its present borders is indivisible and inviolable; (*Article 2*)
- *State* power in Ukraine is exercised on the principles of its clear divisions of legislative, executive and judicial power. Bodies of legislative, executive and judicial power exercise their authority within their limits established by this Constitution and in accordance with the laws of Ukraine; (*Article 6*)
- in Ukraine, the principle of the *rule of law* is acknowledged and applied. Constitutional norms have direct effect. The Constitution guarantees judicial appeals for an individual in defence of his or her constitutional rights and freedoms; (*Article 8*)
- the officials of the *Executive* and other *Local Self Government* are obliged to act legally and constitutionally within the limits of their authority in a mode prescribed by the Constitution and the Laws of Ukraine (*Article 19*);
- the official *State* language of Ukraine is Ukrainian. In Ukraine, the free development, use and protection of Russian and other languages of national minorities of Ukraine, are also guaranteed (*Article 10*);
- issues relating to the altering of Ukrainian territory are resolved exclusively by an all-Ukrainian referendum (*Article 73*);

Having affirmed universally accepted human rights and freedoms, the Constitution declares that all citizens have equal constitutional rights and freedoms and are equal before the law. There shall be no privileges or restrictions based on race, skin colour, political, religious and other beliefs, sex, ethnic and social origin, property status, place of residence, linguistic or other characteristics (*Article 24*).

The content and scope of existing rights and freedoms shall not be diminished through the adoption of new laws or in the amendment of laws currently in force (*Article 22*).

The defence, independence and territorial indivisibility of Ukraine, including respect for *State* symbols, are acknowledged as amongst the most important duties of a citizen (*Article 65*).

In the event the performance of military duty is contrary to the religious beliefs of a citizen, the performance of this duty shall be replaced by alternative (non-military) service (*Article 35*).

Ignorance of the law shall not exempt any person from legal liability (*Article 68*).

This Constitution firmly determines authorities relating to defence and national security for the *Verkhovna Rada*, the *President* and the *Cabinet Ministers of Ukraine*.

The *Verkhovna Rada* as the sole body of legislative power in Ukraine according to *Article 85* of the Constitution:

- determines the principles of domestic and foreign policy (*Part I, para.5*);
- declares war and concludes peace on request of the President of Ukraine; approves the decisions of the President on the use of the *Armed Forces* and other *State Military Organisations* in the event of armed aggression against Ukraine (*paragraph 9*);
- considers and adopts decisions to approve the *Programme of Activity of the Cabinet Ministers of Ukraine* (*paragraph 11*);

- confirms the general structure, numerical strength, and defines the functions of the *Armed Forces*, the Security Service and other *State Military Organisations* created in accordance with the Laws of Ukraine and Ministry of Internal Affairs approval (*paragraph 22*);
- approves decisions on providing military assistance to other States, on the sending of units of the Ukrainian *Armed Forces* to another *State*, or on admitting foreign armed forces on Ukrainian territory (*paragraph 23*);
- confirms (within two days from the moment of an address by the President) decrees on the introduction of martial law and or a state of emergency (in full or part), the total or partial mobilisation of the *Armed Forces* and on the announcement of ecological emergency zones (*paragraph 31*);
- consents to bind Ukraine to ratified international treaties; disapproves international treaties (if the case arises) within established legal terms (*paragraph 32*);
- exercises *Parliamentary* control within the limits determined by this Constitution (*paragraph 33*);
- confirms the list of *State Assets* that are not subject to privatisation; determines the legal principles for the expropriation of *State Assets* and the right to private property (*paragraph 36*).

The *Verkhovna Rada (Parliament)* exercises control over the activity of the *Cabinet Ministers* in accordance with this Constitution (*paragraph 13*).

According to *Article 92* of the Constitution the following issues are determined exclusively by the Laws of Ukraine:

- the fundamentals of national security, the organisation of the *Armed Forces* and the maintenance of public order (*Part I, paragraph 17*);
- legal *State* borders (*paragraph 18*);
- the legally declared regime of martial law and a state of emergency, as well as ecological emergency zones (*paragraph 19*);
- the principles of civil and criminal legal liability; administrative or disciplinary offences (*paragraph 22*);

The following issues are established exclusively by the Laws of Ukraine:

- the procedure for deploying units of the *Armed Forces* to other States; the procedure for admitting and the terms for stationing units of armed forces of foreign States on Ukrainian territory (*Part II, paragraph 2*);
- military, diplomatic and other special ranks (*paragraph 6*).

According to *Article 101* *Parliamentary* control over the observance of constitutional human rights and freedoms is exercised by the *Authorised Human Rights Representative* of the *Verkhovna Rada*.

According to *Article 102* the President of Ukraine is the *Head of State*. The President of Ukraine is the guarantor of *State* sovereignty and territorial indivisibility; the guardian of the Constitution and human rights and freedoms.

According to *Article 106* of the Constitution of Ukraine the President of Ukraine:

- ensures *State* independence, national security and the legal succession of the *State* (*Part I, paragraph 1*);

- is the Commander-in-Chief of the *Armed Forces*; appoints to and dismisses from office the high command of the *Armed Forces and other State Military Organisations*; administers *State* national security and defence (*paragraph 17*);
- heads the Council for National Security and Defence of Ukraine (*paragraph 18*);
- forwards submissions to the *Verkhovna Rada* on the declaration of war, and adopts the decision to use the *Armed Forces* in the event of armed aggression against Ukraine (*paragraph 19*);
- adopts decisions in accordance with the law to mobilise the *Armed Forces* (in full or in part) and to introduce martial law during events that threaten or endanger *State* independence (*paragraph 20*);
- adopts a decision in the event of necessity, to introduce a state of emergency (in full or in part) as well as ecological emergency zones;
- *all these aforementioned decisions are subject to approval by the Verkhovna Rada (paragraph 21)*;
- confers high military, diplomatic, special ranks and class orders (*paragraph 24*);
- confers *State* awards; establishes and presents presidential distinctions (*paragraph 25*);

*Article 107* determines the induction and authority procedures for the Council of *National Security and Defence of Ukraine* as the co-ordinating body on matters relating to national security and defence that are to be reported to the President of Ukraine.

According to *Article 116* of the Constitution the Cabinet Ministers of Ukraine:

- ensure the *State* sovereignty and economic independence of Ukraine, the implementation of *State* domestic and foreign policy, the execution of the Constitution and the Laws of Ukraine, as well as acts of the President (*paragraph 1*);
- take actions to guarantee human rights and freedoms (*paragraph 2*);
- take measures to ensure that the defence capability and national security of Ukraine; public order and fight against crime is intact (*paragraph 7*);
- organise and ensure the implementation of foreign economic activity involving Ukraine, and the proper operation of customs and excise (*paragraph 8*).

The Cabinet Ministers of Ukraine are answerable to the President of Ukraine and are regulated by and made accountable to the *Verkhovna Rada* by *Articles 85* and *87* of the Constitution (*Article 113*).

Current Ukrainian *State* development has necessitated the implementation of extensive political reform. On December 12<sup>th</sup>, 2004 the *Verkhovna Rada* adopted the Law '*On Amendments to the Constitution of Ukraine*'. The application of this Law will provide a major step towards the transformation of Ukraine into a *Parliamentary-Presidential Republic*.

The introduction of amendments to the Constitution of Ukraine will entail the revision of several current laws including those relating to defence and national security.

# Declaration of Ukrainian State Sovereignty

Adopted by the *Verkhovna Rada* of the Ukrainian Soviet Socialist Republic  
Kyiv (*Kiev*), July 16th, 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 nations;

**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 the 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 of 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 to all forms of private ownership.

#### **VII. Environmental Safety**

The *Ukrainian SSR* independently determines procedures to organize ecological protection in Ukraine to develop procedures for the rational use of natural resources.

The Ukraine has a national committee that organizes 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 the Ukrainian environment by the acts of 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 the 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 the 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 the 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*. The 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**

The 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. The Ukraine recognizes 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.

# Constitution of Ukraine

Adopted at the Fifth Session of the *Verkhovna Rada* of Ukraine  
June 28<sup>th</sup>, 1996

The *Verkhovna Rada* of Ukraine, on behalf of the Ukrainian people — citizens of Ukraine and all nationalities, expressing the sovereign will of the people, based on established Ukrainian *State*-building and the right to self-determination realised by the Ukrainian nation and its' people, providing for the guarantee of human rights and freedoms and of the worthy conditions of human life, concerned for the strengthening of civil harmony in Ukraine, striving to develop and strengthen a democratic, social and law abiding *State*, aware of our responsibility before God, our own conscience, past, present and future, guided by the *Act of Declaration of the Independence of Ukraine* of August 24<sup>th</sup>, 1991, approved by a national referendum on December 1<sup>st</sup>, 1991;

**adopts this Constitution — the Fundamental Law of Ukraine.**

## PART I. GENERAL PRINCIPLES

### Article 1.

Ukraine is a sovereign, independent, democratic, social and lawful *State*.

### Article 2.

The sovereignty of Ukraine extends throughout its entire territory.

Ukraine is a unitary *State*. The territory of Ukraine within its present borders is indivisible and inviolable.

### Article 3.

A human being, his or her life, health, honour and dignity, inviolability and security are recognized as paramount social values in Ukraine.

The guarantees of human rights and freedoms determine the essence and orientation of *State* activity. The *State* is accountable to the individual for its activities. The *State's* primary duty is to affirm and ensure human rights and freedoms.

### Article 4.

There is single citizenship in Ukraine. Law determines the grounds for the acquisition and termination of Ukrainian citizenship.

### Article 5.

Ukraine is a Republic. The people are the bearers of sovereignty and the only source of power in Ukraine. The people exercise power directly and through the bodies of *State* power and *Local Self-Government*. The right to determine and change the constitutional order in Ukraine belongs exclusively to the people and shall not be usurped by the *State*, its organisations or officials. No one shall usurp *State* power.

**Article 6.**

*State* power in Ukraine is exercised on the principles of its divisions into legislative, executive and judicial power. Bodies of legislative, executive and judicial power exercise authority within their limits established by this Constitution and in accordance with the Laws of Ukraine.

**Article 7.**

In Ukraine, *Local Self-Government* is recognised and guaranteed.

**Article 8.**

In Ukraine, the principle of the *rule of law* is established and effective.

The Constitution of Ukraine is the paramount legal force. Laws and other normative legal acts are adopted on the basis of the Constitution of Ukraine and thereby shall conform to it. The norms of the Constitution of Ukraine have direct effect. The Constitution guarantees judicial appeals of an individual in defence of his or her constitutional rights and freedoms.

**Article 9.**

Internationally ratified treaties agreed to be binding by the *Verkhovna Rada*, are part of the national legislation of Ukraine. The inclusion of international treaties that contravene the Constitution of Ukraine are only possible after relevant amendments are made to the Constitution of Ukraine.

**Article 10.**

The *State* language of Ukraine is Ukrainian. The *State* ensures the comprehensive development and functioning of the Ukrainian language in all aspects of social life throughout Ukraine. In Ukraine, the free development, use and protection of Russian, and other languages of national minorities, is also guaranteed. The *State* promotes the learning of languages for international communication. The use of these languages is guaranteed by the Constitution of Ukraine and by law.

**Article 11.**

The *State* promotes the consolidation and development of the Ukrainian nation, its historical consciousness, traditions and culture, to include the development of ethnic, cultural, linguistic and religious identity for all indigenous and national minorities of Ukraine.

**Article 12.**

Ukraine provides for the fulfilment of national, cultural, and linguistic needs of Ukrainians residing beyond its´ borders.

**Article 13.**

The land, mineral wealth, air space, water, natural resources within Ukraine and its´ continental shelf as well as its´ maritime economic zones are the property of its people. Bodies of *State* power and *Local Self-Government* within their limits determined by this Constitution exercise ownership rights on behalf of the people. The people of Ukraine have the exclusive right to control and directly use the national resources of Ukraine. Property entails responsibility. Property shall not be used to the detriment of a person and or society. The *State* ensures the protection of all private property rights, economic

management, and the social orientation of the economy. All private property rights are equal before the law.

**Article 14.**

Land is a fundamental national asset that has special *State* protection. The right to own property (*land*) is guaranteed. This right is acquired and realised by citizens, legal persons and the *State* exclusively in accordance with the law.

**Article 15.**

Ukrainian society is based on the principles of political, economic and ideological diversity. No ideology shall be recognised by the *State* as mandatory. Censorship is prohibited. The *State* guarantees the freedom of political activity that is not prohibited by the Constitution and Laws of Ukraine.

**Article 16.**

*State* duties include the necessity to ensure ecological safety and to maintain the ecological balance within Ukraine to overcome the consequences of the *Chernobyl* catastrophe — *a catastrophe of global proportions*, and to preserve the lineage of the Ukrainian people.

**Article 17.**

The protection of the sovereignty and territorial indivisibility of Ukraine, and ensuring the *State's* economic and information security are the most important functions of the *State* and of the utmost concern for all Ukrainians. The defence, protection of sovereignty, territorial indivisibility and inviolability of Ukraine, are entrusted to the *Armed Forces*. *State Security* and border protection are entrusted to the respective *State Military and Law Enforcement Organisations*, whose operational procedures are stipulated by law. The *Armed Forces* and other *State Military Organisations* shall not be usurped to restrict the rights and freedoms of citizens or used to overthrow the constitutional order, subvert the bodies of power or obstruct their activities. The *State* ensures the social protection of citizens of Ukraine who serve in the *Armed Forces* and in other *State Military Organisations* as well as members of their families. The creation and operation of para-military organisations or groups not pre-determined by law are prohibited in Ukraine. The positioning of foreign military bases shall not be permitted in Ukraine.

**Article 18.**

Ukrainian foreign political policy is aimed at protecting and guaranteeing national interests and security by maintaining peaceful and mutually beneficial co-operation with members of the international community, according to generally acknowledged principles and practices of international law.

**Article 19.**

Legal order in Ukraine is based on the principles that no one shall be forced to do what is not prescribed by law. Bodies and officials of *State* power and *Local Self-Government* are obliged to act on the grounds and within the limits of their authority prescribed by the Constitution and the Laws of Ukraine.

**Article 20.**

The *State* symbols of Ukraine include the *State* flag, the *State* coat of arms and the *State* National anthem of Ukraine. The *State* Flag of Ukraine is a banner of two equally sized horizontal bands of blue and yellow. The *Great State Coat of Arms* shall be established with the consideration of the *Small State Coat of Arms* of Ukraine and the *Coat of Arms of the Zaporozhian Host*, by a law to be approved by a majority vote of no less than two-thirds of the *Verkhovna Rada*. The main element of the *Great State Coat of Arms* of Ukraine is the *Emblem of the Royal State of Volodymyr the Great (the Small State Coat of Arms of Ukraine)*. The National Anthem of Ukraine is set to the music of M. Verbytskyi, with words that are to be confirmed by a law to be approved by a majority vote of no less than two-thirds of the *Verkhovna Rada*. The description of the *State* symbols of Ukraine and the procedure for their use shall be established by a law to be approved by a majority vote of no less than two-thirds of the *Verkhovna Rada*. The capital of Ukraine is the City of Kyiv (*Kiev*).

**PART II. HUMAN RIGHTS, FREEDOMS AND DUTIES****Article 21.**

All people are free and equal. Human rights and freedoms are inalienable and inviolable.

**Article 22.**

Human rights and freedoms affirmed by this Constitution are not exhaustive. Constitutional rights and freedoms are guaranteed and shall not be abolished. The content and scope of existing rights and freedoms shall not be diminished in the adoption of new laws or in the amendment of laws that are in force.

**Article 23.**

Every person has the right to the free development of his or her personality provided the rights and freedoms of other persons are not violated; and has a duty to society in which the free and comprehensive development of his or her personality is ensured.

**Article 24.**

Citizens have equal constitutional rights and legal freedoms. There shall be no privileges or restrictions based on origin, social or economic status, racial or national identity, sex, education, language, political views, religious beliefs, occupation, place of residence or any other circumstances. Equality for women and men are ensured: by providing women with opportunities equal to those of men, in public, political, cultural activity and in access to education, professional training at work and remuneration; through special measures for the protection of work and health of women; by establishing pension privileges, conditions that allow women to combine work and motherhood; by legal protection, material and moral support of motherhood, including the provision of paid and maternity leave rights.

**Article 25.**

A citizen of Ukraine shall not be deprived of citizenship and of the right to change citizenship. A citizen of Ukraine cannot be expelled from Ukraine or be surrendered to

another *State*. Ukraine guarantees care and protection for its' citizens beyond its' borders.

**Article 26.**

Foreigners and Stateless persons who legally reside in the Ukraine enjoy the same rights and freedoms and also bear the same duties as citizens of Ukraine, within the exceptions established by the Constitution, laws and or international treaties of Ukraine. Foreigners and Stateless persons may be granted asylum by established legal procedures.

**Article 27.**

Every person has the inalienable right to life. No one shall be arbitrarily deprived of life. The duty of the *State* is to protect human life. Everyone has the right to protect his or her life and health, as well as the lives and health of other persons against unlawful encroachment.

**Article 28.**

Everyone has the right to the respect of his or her dignity. No one shall be subjected to torture, inhumane, degrading treatment or punishment that violates this dignity. No person shall be subjected to medical, scientific or other experiments without his or her free consent.

**Article 29.**

Every person has the right to freedom and personal inviolability. No one shall be arrested or held in custody other than pursuant to a substantiated court order and in accordance with legal procedures. In emergency cases to prevent or stop a crime, authorised legal bodies may hold a person in custody as a temporary preventive measure, within reasonable grounds that shall be verified by a court within seventy-two hours. On expiry of seventy-hours the detained person must be released immediately if he or she has not been charged with an offence that justifies custody. Anyone arrested or detained shall be informed without delay of the reasons or grounds for his or her arrest and or detention. A detainee shall be apprised of his or her rights from the moment of detention and shall be given the opportunity to personally defend himself or herself, or to have access to legal counsel. A detainee has the legal right in a court of law to challenge his or her arrest at any time. Relatives (*next of kin*) of a detainee shall be informed immediately of a detention.

**Article 30.**

Everyone is guaranteed the inviolability of his or her private dwelling place. Entry into a private dwelling place for the purpose of examination or searching through possessions thereof, shall not be permitted, other than pursuant to a substantiated court order. In emergency cases where the preservation of human life, property and or where there is a direct pursuit of persons suspected of committing a crime, an alternative established legal procedure permits entry into a dwelling place for the purposes of examination and searching possessions.

**Article 31.**

Everyone is guaranteed privacy of their mail, telephone conversations, telegraph and other electronic correspondence. Laws with the purpose of preventing crime or

recording evidence shall establish exceptions to this rule during the course of an investigation in a criminal case, if other information gathering methods are impossible.

**Article 32.**

No one shall be subjected to interference in his or her personal or family life, except in cases prescribed by the Constitution of Ukraine. The collection, storage and dissemination of personal confidential information (without personal consent) shall not be permitted, except in cases pre-determined by law in the interests of national security, economic welfare and human rights. Every citizen has the right to examine information about themselves, provided that it is not a *State Secret* or information protected by law held by *State* bodies including *Local Self-Government*, institutions and organisations. Everyone is guaranteed judicial protection of the right to rectify incorrect information about himself or herself and members of his or her family, as well as the right to demand that incorrect information be deleted. A right to compensation for material and moral damages inflicted by the incorrect collection, storage, use and dissemination of information is available.

**Article 33.**

Everyone who is legally resident in Ukraine is guaranteed the freedom of movement, the free choice of where to live and the right to freely leave Ukraine, within the exception of restrictions established by law.

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

**Article 34.**

Everyone is guaranteed the right to freedom of thought, speech, and free expression of his or her views and beliefs. Everyone has the right to freely collect, store and disseminate information by oral, written or other means of choice. The exercise of these rights may be restricted by law in the interests of national security, territorial indivisibility or public order, with the purpose of preventing disturbances or crimes, protecting public health, the reputation and rights of other persons, preventing the publication confidential material, or of supporting the authority and impartiality of justice.

**Article 35.**

Everyone has the right to a freedom of personal philosophy and religion. This right includes the freedom to profess or not to profess any religion, to perform without constraint individually or collectively religious rites, ceremonial rituals and religious activity. The exercise of this right may be restricted by law only in the interests of protecting public order, public health and morality, or protecting the rights and freedoms of other persons. The *Church* and religious organisations in Ukraine are separate from the *State*. No religion shall be recognised by the *State* as official. No one shall be relieved of his or her duties before the *State* or refuse to abide by the law for reasons of religious beliefs. In the event that the performance of military duty is contrary to the religious beliefs of a citizen, the performance of this duty shall be replaced by alternative (non-military) service.

**Article 36.**

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

Political parties in Ukraine promote the formation and expression of the political will of citizens, and participate in elections. Only Ukrainian citizens may become members of political parties. Exclusively this Constitution and the laws of Ukraine establish restrictions on membership of political parties.

Citizens have the right to take part in trade unions with the purpose of protecting their labour, socio-economic rights and interests. Trade unions are public organisations that unite citizens through common interests that accord with the nature of their professional activity. Trade unions are formed without prior permission on the basis of the free choice of their members. All trade unions have equal rights. Exclusively this Constitution and the laws of Ukraine establish restrictions on membership in trade unions. No one may be forced to join a citizen association or have their rights restricted for belonging or not belonging to political parties or public organisations. All *citizen associations* are equal before the law.

**Article 37.**

The establishment and activity of political parties and public associations are prohibited if their actions are aimed at dissolving Ukrainian independence, changing the constitutional order by violent means, violating *State* sovereignty and territorial indivisibility, undermining national security, promoting the unlawful seizure of *State* power, promoting propaganda of war and violence, the incitement of inter-ethnic, racial, or religious enmity, and or the encroachment of human rights, freedoms and public health.

The *Executive*, judiciary, *Local Self-Government*, military as well as *State* enterprises, educational establishments and institutions shall be impartial and free of political persuasions. Prohibitions on the activity of *citizens associations* are exercised through judicial procedures.

**Article 38.**

Citizens 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 bodies of *State* power and *Local Self-Government*. Citizens enjoy the equal right of access to the civil service and to *Local Self-Government*.

**Article 39.**

Citizens have the right to assemble peacefully (*without arms*) to hold meetings, rallies, processions and demonstrations, with advance permission granted by the *Central Executive* or *Local Self-Government*. Restrictions on the exercise of this right may be established by a court in the interests of national security and public order, the protection of public health or the protection of rights and freedoms of other persons.

**Article 40.**

Everyone has the right to file individual or collective petitions, or to personally appeal to the *State* and its' officials who have an obligation to consider these petitions and to provide a substantiated reply within terms established by law.

**Article 41.**

Everyone has the right to own, use and dispose of personal intellectual property. Law pre-determines the right to private property. Accordingly, citizens may use *State* assets and communal property in accordance with the law. No one shall be unlawfully deprived of his or her right to property. The right of private property is inviolable. *State Compulsory Purchase Orders* may be applied as an exception for reasons of social necessity, established on legal grounds and on the condition of advance and complete compensation for their value. The expropriation of private assets with subsequent and complete compensation of value is permitted only under conditions of martial law or a state of emergency. Confiscation of property may apply pursuant to a court order in specific cases established by law. The use of property shall not harm the rights, freedoms and dignity of citizens, the interests of society nor aggravate the ecology and natural qualities of the land.

**Article 42.**

Everyone has the right to entrepreneurial activity that is not prohibited by law. Law restricts the entrepreneurial activity of *Deputies* and civil servants. The *State* ensures the protection of free competition in entrepreneurial activity. The abuse of a monopolistic position in the market, the unlawful restriction of competition, and unfair competition shall not be permitted. Law determines the categories and limitations of monopolies. The *State* protects the rights of the consumer in exercising control over the quality and safety of products as well as works and services; and by promoting the activity of public consumer associations.

**Article 43.**

Everyone has the right to work, including the possibility to earn a living by their labour, that he or she freely chooses or to which he or she freely agrees. The *State* creates conditions for citizens to appreciate their right to labour, guarantees equal opportunities, the choice of profession, type of labour activity, implements programmes for vocational education, training and retraining of personnel according to the needs of society. The use of forced labour is prohibited. Military or alternative (non-military) service, and work services carried out in compliance with a court order, or in accordance with martial law or on a state of emergency, are not considered to be forced labour. Everyone has the right to proper, safe and healthy work conditions, and to remuneration of no less than the minimum wage as pre-determined by law. The employment of women and minors for work that is hazardous to their health, is prohibited. Citizens are guaranteed protection from unlawful dismissal. Law protects the right to timely payment for services rendered.

**Article 44.**

Those who are employed have the right to strike for the protection of their economic and social interests. The procedure for exercising the right to strike is established by law that takes into account the necessity of ensuring national security, health protection, and rights and freedoms of other persons. No one shall be forced to participate or

prevented from participating in a strike. The prohibition of a strike is only possible on a point of law.

**Article 45.**

Everyone who is employed has the right to rest. Providing weekly rest days and annual paid leave ensures this right. This is achieved through establishing a shorter working day for specific professions and industries, and by reducing night working hours. The maximum permissible number of working hours, the minimum duration of rest and of annual paid leave including days off and public holidays along with other employment rights are pre-determined by law.

**Article 46.**

Citizens have the right to *State* assisted social security protection that includes the right and provisions to compensation for complete, partial or temporary disability, the loss of the principal wage earner, unavoidable unemployment and pensioner rights as established by law. This right is guaranteed by a general mandatory *State Social Security Insurance* on account of the *National Insurance* contribution payments of citizens, enterprises, institutions and organisations, as well as from budgetary and supplementary sources of *Social Security* income. A *State* network system including communal and private institutions to care for persons incapable of work will be established. Pensions and other types of social payments assistance will also be provided to ensure deprived persons a standard of living no lower than the minimum living standard established by law.

**Article 47.**

Everyone has a right to housing. The *State* creates conditions that enables every citizen to build, purchase or to rent housing property.

Citizens in need of social protection are provided with *State or Local Council* housing free of charge or at a price affordable to them, in accordance with the law. No one shall be forcibly deprived of housing other than on the basis of a court order.

**Article 48.**

Everyone has the right to a sufficient standard of living that includes adequate nutrition, clothing and housing.

**Article 49.**

Everyone has the right to health protection, medical care and insurance. Public health protection is ensured through *State* funding of the relevant socio-economic, medical, sanitary, health and prophylactic programme improvements. The *State* creates conditions for effective and accessible medical services to all citizens. *State* and communal health protection institutions provide free medical care free of charge; this existing network shall not be affected by this Constitution. The *State* also promotes the development of private medical institutions. The *State* provides for the development of physical activity and sports to promote general health welfare.

**Article 50.**

Everyone has the right to an environment that is safe and healthy, and to compensation for damages inflicted through any violations of this right. Everyone is guaranteed the

right to the free access to information on the local environment, the quality of food and consumer goods. This information must not be made secret.

**Article 51.**

Marriage is based on the free consent of a woman and a man. Each spouse has equal rights and duties in the marriage and family. Parents are obliged to support their children until they attain the age of majority. Adult children are obliged to care for their parents who are incapable of work. Family life and values are protected by the *State*.

**Article 52.**

Children have equal rights regardless of their lineage and whether they are born in or out of wedlock. Law shall prosecute any violence or exploitation against a child. The maintenance and upbringing of orphans and children deprived of parental care is entrusted to the *State*. The *State* encourages and supports charitable activity in regard to children.

**Article 53.**

Everyone has the right to an education. An education up to secondary level is compulsory. The *State* ensures the accessibility to free pre-school facilities as well as complete general secondary, vocational and higher education in *State* and communal educational establishments. The development of pre-school, complete general secondary, extra-curricular, vocational, higher and post-graduate education, as well as various forms of instruction; the provision of *State* scholarships and privileges to pupils and students is provided by the *State*. Citizens have the right to obtain free higher education in *State* and communal educational establishments on a meritocratic basis. National minority citizens are legally guaranteed the right to receive a vernacular education at *State* cultural and educational establishments.

**Article 54.**

Citizens are guaranteed the freedom of literary, artistic, scientific and technical creativity protection of intellectual property, copyright, as well as moral and material interests that emanate from intellectual activity. Every citizen has the right to the proceeds of his or her intellectual and creative activity; no one shall use or distribute them without his or her consent, but for exceptions established by law. The *State* promotes the development of science and the establishment of scientific relations of Ukraine with the international community. Law protects cultural heritage. The *State* ensures the preservation of historical monuments and other objects of cultural value, and takes measures to return to Ukraine national cultural treasures located beyond its borders.

**Article 55.**

Human rights and freedoms are protected by the judicial system. Everyone is guaranteed the right to challenge court decisions, actions or omissions by officials and officers of *State* bodies and of *Local Self-Government*. Everyone has the right to appeal for the protection of his or her rights to the *Authorised Human Rights Representative* of the *Verkhovna Rada*. After exhausting all domestic legal remedies, a person has the right to appeal to relevant international justice institutions or to bodies of international organisations that Ukraine subscribes to. Everyone has the right to legally protect his or her rights and freedoms from violations and illegal encroachments.

**Article 56.**

Every person has the right to *State* compensation, for material and moral damages inflicted by unlawful decisions, actions or omissions of officials and officers of *State* bodies and *Local Self-Government*, during the exercise of their authority.

**Article 57.**

Everyone is guaranteed the right to know his or her rights and duties.

Laws and other normative legal acts that pre-determine the rights and duties of citizens shall be brought to the notice of the population. Laws and other normative legal acts that pre-determine the rights and duties of citizens *not* brought to the notice of the population are unenforceable.

**Article 58.**

Laws and other normative legal acts have no retrospective force, except in cases where they mitigate or annul the responsibility of a person. No one shall bear responsibility for acts that at the time they were committed, were not deemed to be a legal offence.

**Article 59.**

Everyone has the right to legal assistance. This assistance is provided free of charge in cases anticipated by the law. Everyone is free to choose a defender of his or her rights. In Ukraine, advocacy laws ensure the right to a defence against charges and provide the right to legal counsel in court or within other *State* establishments.

**Article 60.**

No one is obliged to execute rulings or orders that are manifestly criminal; and in doing so criminal liability arises.

**Article 61.**

An anti "*double jeopardy*" rule applies in that no person shall be charged or tried twice for the same offence. The legal liability of a person is individual and personal.

**Article 62.**

A person is presumed innocent until proven guilty in a court of law; and thereafter must not be subjected to criminal punishment until this guilt is proved in a court of law. The burden of proof lies on *the State Prosecutor* to prove the guilt of the accused. An accusation shall not be based on illegally obtained evidence nor on mere assumptions. Non-corroboration of available evidence favours the position of an accused person. In the event that a court verdict is revoked on grounds of illegality, the *State* compensates the material and moral damages inflicted by a groundless conviction.

**Article 63.**

Legal inferences shall not be concluded for the refusal of an accused person to self testify or testify on members of his or her family or close relatives as pre-determined by law. A suspect, an accused person, or defendants all have the right to a defence. An incarcerated person retains all their human rights, subject to exceptions determined by law or a court order.

**Article 64.**

Constitutional human rights and freedoms shall not be restricted, except in cases anticipated by the Constitution of Ukraine. During martial law or a state of emergency, specific restrictions on rights and freedoms may be established with an indication of the period of effectiveness for these restrictions. The rights and freedoms envisaged 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.**

The defence, independence and territorial indivisibility of Ukraine, and the respect for *State* symbols, is part of a citizens duty. Citizens perform military service in accordance with the law.

**Article 66.**

Everyone is obliged to safe-keep and to compensate for any damages caused to nature and cultural heritage.

**Article 67.**

Everyone is obliged to pay taxes and levies in accordance with law. All citizens must file annual tax deductions with their local tax inspection body declaring their property status and income for the previous tax year as required by law.

**Article 68.**

Everyone is obliged to strictly abide by the Constitution of Ukraine and the laws of Ukraine, and not to encroach upon the rights and freedoms, honour and dignity of other persons. Ignorance of the law shall not exempt any person from legal liability.

**PART III. ELECTIONS & REFERENDUMS****Article 69.**

The will of the people is exercised through elections, referendums and other forms of direct democracy.

**Article 70.**

Citizens of Ukraine who have attained the age of eighteen on the day of a given election and or referendum, have the right to vote. Citizens deemed by a court to be mentally incapable do not have the right to vote.

**Article 71.**

Elections to positions within *State* organisations and *Local Self-Government* are by free and secret universal suffrage ballots. Voters are guaranteed the right to free expression.

**Article 72.**

An All-Ukrainian referendum is called by the *Verkhovna Rada* or by the President of Ukraine, in accordance with Constitutional authority. An All-Ukrainian referendum may be proposed by popular initiative on the request of no less than three million voting citizens- on the condition that signatures in favour of a referendum have been

collected in no less than two-thirds of the *Oblasts*, and that a minimum of 100,000 signatures per *Oblast* is attained.

**Article 73.**

Issues that may alter Ukrainian territory are to be resolved exclusively by an All-Ukrainian referendum.

**Article 74.**

A referendum shall not be permitted with regard to draft laws on issues of taxes, State Budgets or amnesty.

## **PART IV. VERKHOVNA RADA OF UKRAINE**

**Article 75.**

The sole body of legislative power in Ukraine is *Parliament* — the *Verkhovna Rada*.

**Article 76.**

The constitutional composition of the *Verkhovna Rada* consists of 450 *National Deputies* (*Members of Parliament –MP’s*) of Ukraine who are elected for a four-year term on the basis of universal suffrage by secret ballot. A citizen of Ukraine with the right to vote, who is aged twenty-one or over on the day of a general election and has resided in Ukraine for the past five years, may become a *National Deputy* of Ukraine. A citizen who has a criminal record for committing an intentional crime cannot be elected to the *Verkhovna Rada* if this record has not been annulled as required by law. The Constitution and the laws of Ukraine pre-determine *National Deputy* authority.

**Article 77.**

General elections for the *Verkhovna Rada* take place on the last Sunday in March every fourth year of a term of government. Special elections for the *Verkhovna Rada* are called by the President and are held within sixty days from the published date of the decision on the pre-term termination of authority of the *Verkhovna Rada*. The procedure for conducting elections for *National Deputies* is established by law.

**Article 78.**

*National Deputies* exercise their authority on a permanent basis. *National Deputies* shall not have another representative *State* mandate or be in the civil service. Law establishes requirements concerning the incompatibility of a *Deputy’s* mandate with other types of activity. Whenever an incompatibility issues arises, a *National Deputy* shall terminate this activity and or put in a personal statement of resignation within twenty days from when the circumstances become ostensible.

**Article 79.**

Before accepting office, *National Deputies* take the following oath before the *Verkhovna Rada*:

*"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 and welfare of Ukraine and her people. I swear to abide by the Constitution and the Laws of Ukraine and to carry out my duties in the interests of all my fellow citizens."*

The oath is read out by the eldest *National Deputy* before the first session of the newly-elected *Verkhovna Rada* opens, after which all other *Deputies* affirm the oath with their signatures. A refusal to take the oath results in the loss of a *Deputy's* mandate. The authority of a *National Deputy* commences from the moment of taking the oath.

**Article 80.**

*National Deputies* are guaranteed Parliamentary immunity. *National Deputies* are not liable for the results of voting or for statements made in Parliament (or related organisations) with the exception of liability for slander or defamation. *National Deputies* of Ukraine shall not be held criminally liable, detained or arrested without the consent of the *Verkhovna Rada*.

**Article 81.**

The authority of *National Deputies* terminates simultaneously with the dissolving of Parliament. The authority of a *National Deputy* terminates prior to the expiration of a term in the event of:

1. a resignation through a personal *Statement*;
2. a guilty verdict for a personal criminal proceeding;
3. a court declaring him or her mentally unfit or officially missing;
4. a termination of citizenship or departure from Ukraine for permanent residence abroad;
5. death.

The decision on the pre-term termination of authority of a *National Deputy* is effected by a majority vote in Parliament. In the event a requirement concerning the incompatibility of a *Deputy's* mandate with other activity is not fulfilled, the *National Deputy's* authority terminates prior to the official expiry as defined by law and pursuant to a court decision.

**Article 82.**

The *Verkhovna Rada* works in sessions. The *Verkhovna Rada* of Ukraine is workable and functional provided two-thirds of its parliamentary chamber has been elected. The *Verkhovna Rada* assembles for its first session no later than the thirtieth day from the official announcement of general election results. The eldest *National Deputy* opens the first meeting of the *Verkhovna Rada*. The Constitution and Laws of Ukraine on the "*Rules of Procedure of the Verkhovna Rada of Ukraine*" establish the operational procedures of the *Verkhovna Rada*.

**Article 83.**

Regular sessions of the *Verkhovna Rada* commence on the first Tuesday of February until the first Tuesday of September each year. Special *agendum* sessions of the *Verkhovna Rada* are called by the *Chairman* of the *Verkhovna Rada*, at the request of no less than a third of the elected *National Deputies* in Parliament, or by Presidential request. In the event of the introduction of martial law or of a state of emergency, the *Verkhovna Rada* assembles within a period of two days. In the event the term of authority of the *Verkhovna Rada* of Ukraine expires while martial law or a state of emergency is in effect, its authority is extended up to the day of the first meeting of the first session of the

*Verkhovna Rada* that is elected after the termination of martial law or a state of emergency.

**Article 84.**

Meetings of the *Verkhovna Rada* are conducted openly. A closed meeting is conducted by a majority agreement in Parliament. Decisions made at *Verkhovna Rada* meetings are adopted exclusively by a fully attended (*by National Deputies*) chamber session. A *National Deputy* must vote in person at *Verkhovna Rada* meetings.

**Article 85.**

The authority of the *Verkhovna Rada* of Ukraine comprises:

1. introducing amendments to the Constitution of Ukraine within the limits and procedures stated in *Chapter XIII* of this Constitution;
2. calling an All-Ukrainian referendum on issues determined by *Article 73* of this Constitution;
3. enacting laws;
4. approving, amending and implementing the *State Budget*;
5. determining the principles of domestic and foreign policy;
6. approving national programmes of economic, scientific, technical, social, national and cultural development, as well as environmental protection;
7. calling Presidential elections within the confines of this Constitution;
8. considering annual and special Presidential messages on the domestic and foreign situation of Ukraine;
9. declaring war on request of the President of Ukraine and concluding peace, as well as approving the Presidential decision to use the *Armed Forces* and other *State Military Organisations* in the event of armed aggression against Ukraine;
10. removing the President of Ukraine from office in accordance with the special impeachment procedures established by *Article 111* of this Constitution;
11. considering, approving and implementing the "*Programme of Activity of the Cabinet Ministers of Ukraine*";
12. giving the President consent to the appointment a Prime Minister of Ukraine;
13. exercising control over the activity of the Cabinet Ministers of Ukraine in accordance with this Constitution;
14. confirming decisions on granting loans and economic aid to foreign States and international organisations, as well as controlling and deciding on Ukraine receiving extra-budgetary loans from foreign States, banks and international finance organisations;
15. granting consent, appointing to or dismissing from office of persons in cases pre-determined by this Constitution;
16. appointing to and dismissing from office the *Chairman* and other members of the *Chamber of Accounting*;
17. appointing to and dismissing from office the "*Authorised Human Rights Representative of the Verkhovna Rada*"; considering annual reports (*made by this Representative*) on the observance and protection of human rights and freedoms in Ukraine;
18. appointing to and dismissing from office the *Chairman of the National Bank of Ukraine* on the recommendation of the President;

19. appointing and dismissing half of the composition of *the Council of the National Bank of Ukraine*;
20. appointing half of the composition of the *National Council of Ukraine on Television and Radio Broadcasting*;
21. appointing to office and terminating the authority of the members of the *Central Electoral Commission* on the recommendation of the President;
22. confirming the general structure, numerical strength, and functions of the *Armed Forces* and *Security Services* of Ukraine as well as other *State Military Organisations* created in accordance with the laws of Ukraine and approved by the Ministry of Internal Affairs;
23. approving decisions on providing military assistance to other States including the commissioning of *Armed Forces* units and or on the admission of foreign *armed forces* on Ukrainian territory;
24. granting consent for the appointment to or dismissal from office (on Presidential recommendation) the *Chairman of the Antimonopoly Committee of Ukraine*, the *Chairman of the State Property Fund of Ukraine* and the *Chairman of the State Committee on Television and Radio Broadcasting of Ukraine*;
25. granting consent for the appointment to or dismissal from office (on Presidential recommendation) the *Procurator General of Ukraine*; declaring a *no confidence* motion in the *Procurator General* resulting in his or her resignation from office;
26. appointing a third of the composition of the *Constitutional Court of Ukraine*;
27. electing judges on permanent terms;
28. terminating prior to the expiration of a term of the authority of the *Verkhovna Rada of the Autonomous Republic of Crimea* based on the opinion of the Constitutional Court of Ukraine that the Constitution and Laws of Ukraine have been violated by the *Verkhovna Rada of the Autonomous Republic of Crimea*; designating special elections for the *Verkhovna Rada of the Autonomous Republic of Crimea*;
29. establishing and abolishing districts, establishing and altering district and city boundaries, elevating populous localities to a *city* category, naming and renaming localities and districts;
30. calling regular and special elections for *Local Self-Government* organisations;
31. confirming within two days after a Presidential address decrees on the introduction of martial law or of a state of emergency (in full or in part) as well as the total or partial mobilisation of the *Armed Forces*, and on the announcement of special ecological emergency zones;
32. granting consent to bind Ukraine to ratified international treaties; and disapproving international treaties (if the case arises) within the established terms of the law;
33. exercising Parliamentary control within the limits determined by this Constitution;
34. adopting decisions and forwarding enquiries to the President of Ukraine on demand of a *National Deputy* of Ukraine, a group of *National Deputies* or a Committee of the *Verkhovna Rada* of Ukraine, supported by no less than a third of Parliament;
35. appointing to and dismissing from office the *Head of Staff* of the

36. *Verkhovna Rada*; approving the budget and staff structure of the *Verkhovna Rada*; confirming a list of *State Assets* that are not subject to privatisation; determines the legal principles for the expropriation of *State Assets* and the right to private property;

The *Verkhovna Rada* exercises other powers in accordance with the Constitution of Ukraine.

**Article 86.**

During a *Verkhovna Rada* session, a *National Deputy* has the right to present an enquiry to the related organisations including *Cabinet Ministers*, *Chief Officers of Local Self-Government*, as well as *Chief Executives* of enterprises, institutions and organisations irrespective of their type of ownership. All these aforementioned officials are obliged to notify a *National Deputy* of the results of any such enquiry.

**Article 87.**

The *Verkhovna Rada* on recommendation of at least a third of the *National Deputies* in Parliament may consider the responsibilities of the *Cabinet Ministers* and adopt a resolution of *no confidence* in the *Cabinet* through a majority vote held in the chamber of the *Verkhovna Rada*. A vote of “*no confidence*” cannot be considered by the *Verkhovna Rada* more than once during a regular session, or within a year after the approval of a “*Programme of Activity of the Cabinet Ministers of Ukraine*”.

**Article 88.**

The *Verkhovna Rada* elects from among its members the *Chairman of the Verkhovna Rada*, the *First Deputy Chairman* and the *Deputy Chairman* of the *Verkhovna Rada*.

The *Chairman of the Verkhovna Rada* of Ukraine:

1. presides at meetings;
2. organises the preparation of issues for consideration at the *Verkhovna Rada* meetings;
3. assents *Acts of Parliament* approved by the *Verkhovna Rada*;
4. represents the *Verkhovna Rada* when dealing with other *State* bodies and *International States*;
5. organises staff work structures and tasks;
6. The *Chairman of the Verkhovna Rada* exercises authority pre-determined by this Constitution, and through procedures established by Law on the “*Rules of Procedure of the Verkhovna Rada of Ukraine*”.

**Article 89.**

The *Verkhovna Rada* confirms a list of *Committees* and elects *Chairmen* to these *Committees*. The *Committees of the Verkhovna Rada* produce legislative drafting and conduct the preliminary considerations of issues ascribed to the authority of Parliament. The *Verkhovna Rada*, within the limits of its authority, may establish special commissions for the preparation and preliminary consideration of issues. To investigate issues of public interest, the *Verkhovna Rada* establishes temporary investigatory commissions provided no less than a third of Parliament has voted in favour of a motion. The conclusions and proposals of these commissions are not legally binding but are recommendatory. Law establishes the organisational and operational procedures for *Verkhovna Rada Committees* and special investigatory commissions.

**Article 90.**

The authority of the *Verkhovna Rada* is terminated on the opening day of a new convocation. The President of Ukraine may dissolve the authority of the *Verkhovna Rada* prior to the official expiration of a term, if within thirty days of a single regular session the plenary meetings fail to commence. The authority of the *Verkhovna Rada*, elected at special elections (conducted after the pre-term termination by the President of Parliamentary authority of the previous convocation), shall not be terminated within one year from the day of its election. The authority of the *Verkhovna Rada* shall not be terminated prior to the expiration of a term within the last six months of an outgoing President's time in office.

**Article 91.**

The *Verkhovna Rada* adopts laws, resolutions and other acts by a Parliamentary majority, except in cases prescribed by this Constitution.

**Article 92.**

The following are pre-determined exclusively by the Laws of Ukraine:

1. human rights and freedoms, the guarantees of these rights and freedoms; the key duties of a 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. the procedure for the use of languages;
5. the principles for the rational use of natural resources, the exclusive (maritime) economic zone and continental shelf zones, the exploration of outer space, the organisation and operation of power supply systems, transportation and communications;
6. the fundamentals of social protection, the types and forms of pension provisions; the principles of labour and employment regulations, marriage, family, family protection and child rearing as well as education, culture, health care and ecological safety;
7. property ownership laws;
8. the legal principles and guarantees of entrepreneurship; competition and antimonopoly regulations;
9. the principles of foreign relations, economic activity and customs;
10. the principles of the regulation of demographic and migration processes;
11. the principles of the establishment and activity of political parties, citizen associations and the mass media;
12. the organisation and activity of the *Executive*, the fundamentals of the civil service, the organisation of *State* statistics and information;
13. the territorial structure of Ukraine;
14. the judicial system, judicial proceedings, the status of judges, the principles of judicial expertise (*jurisprudence*), the organisation and operation of the Procurer, *State* bodies for enquiries and investigations, the notary system, penal institutions and the fundamentals and organisation of advocacy;
15. the principles of *Local Self-Government*;
16. the status of the capital of Ukraine and other special status cities;

17. the fundamentals of national security, the organisation of the *Armed Forces* and the assurances of public order;
18. the laws on *State* borders;
19. the laws on martial law, state of emergency and preparedness for anthropogenic disasters;
20. the organisation and procedures for conducting elections and referendums;
21. the organisation and operational procedures for the *Verkhovna Rada* and *National Deputies*;
22. the principles of civil, criminal, administrative and disciplinary liability;

The following issues are established exclusively by the laws of Ukraine:

1. the *State Budget*, taxation and levy system; the principles on the formation and operation of financial, monetary, credit and investment markets; the status of the national and foreign currency in Ukraine; the procedures for the formation and payments of domestic and foreign debt; the procedure for issuing and circulating *State* securities;
2. the procedure for deploying units of the *Armed Forces* to other States; the procedures and terms for admitting and stationing armed forces in Ukraine;
3. *State* standards for units of weights and mass, measurements and time;
4. the procedure for the use and protection of *State* symbols;
5. *State* awards;
6. military, diplomatic and other special ranks;
7. public holidays;
8. the procedure for the establishing free special economic and migration zones;

The law of Ukraine may declare an amnesty.

#### **Article 93.**

The President, *National Deputies* and the *National Bank of Ukraine* have the right of legislative initiative in the *Verkhovna Rada*. Draft laws defined by the President as *urgent* are given priority consideration (*and cannot be postponed*) by Parliament.

#### **Article 94.**

The Chairman of the *Verkhovna Rada* affirms a law and then forwards it to the President without delay. Within fifteen days of receipt of a law, the President also signs it, accepting it for execution, and officially promulgates the new law, or instead returns it to the *Verkhovna Rada* with substantiated and formulated amendments for further consideration by Parliament. In the event the President does not return a law for further consideration within the established time, the law is deemed to be approved by the President and shall be signed and officially promulgated. If no less than two-thirds of Parliament again approves a law during further considerations, the President is obliged to sign and officially promulgate the legislation within ten days. A law enters into force ten days from the day of its official promulgation, unless otherwise stated by the law.

**Article 95.**

The Ukrainian budget system is based on the principles of fair and impartial distribution of social wealth amongst its' citizens and communities. Exclusively the law on the *State Budget* determines all *State* expenditure needed for society's purposes. The *State* aspires to produce a balanced budget for Ukraine. Regular reports on the revenues and expenditures from the *State Budget* shall be made public.

**Article 96.**

The *State Budget* of Ukraine is approved annually by the *Verkhovna Rada* for the period between 1st January to 31st December, and under special circumstances may be calculated differently. The Cabinet Ministers submit the draft laws on the *State Budget* for the proceeding year to the *Verkhovna Rada* no later than 15<sup>th</sup> September each year. A report on the *State Budget* is tendered with the draft law.

**Article 97.**

The Cabinet Ministers submit a report on the implementation of the *State Budget* to the *Verkhovna Rada* in accordance with the law. This report shall be made public.

**Article 98.**

The *Chamber of Accounting* exercises control over the use of *State Budget* finances of Ukraine on behalf of the *Verkhovna Rada*.

**Article 99.**

The monetary unit of Ukraine is the *Hryvnia*. The National Bank of Ukraine's key function is to ensure the stability of the *Hryvnia*.

**Article 100.**

The *Council of the National Bank of Ukraine* promotes the basic principles of monetary and credit policy as well as controlling its implementation. Law determines the legal status of the *Council of the National Bank of Ukraine*.

**Article 101.**

The *Authorized Human Rights Representative* of the *Verkhovna Rada* exercises Parliamentary control over the observance of constitutional human rights and freedoms.

**PART V. THE PRESIDENT OF UKRAINE****Article 102.**

The President of Ukraine is the Head of State and acts in its name.

The President is the guarantor of Ukrainian *State* sovereignty and territorial indivisibility, the guardian of the Constitution and of human rights and freedoms.

**Article 103.**

The citizens of Ukraine elect the President for a five-year term, on the basis of universal suffrage conducted by secret ballot. A citizen of Ukraine who has reached the age of thirty-five, has the right to vote, and provided he or she has resided in Ukraine for the past ten years prior to the day of a general election, and is fluent in Ukrainian, may be elected to *President of Ukraine*.

A person shall not be permitted to be the President for more than two consecutive terms. The President of Ukraine shall not have another representative mandate, hold office in other *State* bodies or citizen associations or perform any other paid or entrepreneurial activity, be a member of an administrative body or on a board of supervisors of a profit making enterprise. Presidential elections are held on the last Sunday in October during the fifth year of a term of authority of the President. In the event of a pre-term termination of authority of the President, Presidential elections are held within ninety days from the day of termination of authority. Presidential election procedures are defined in law.

**Article 104.**

The newly-elected President of Ukraine assumes office no later than thirty days after an official election results announcement, simultaneous to taking an oath to the people during an inauguration ceremony held in Parliament. The *Chairman of the Constitutional Court of Ukraine* administers the oath to the President of Ukraine. The President of Ukraine takes 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 Ukraine and the welfare of the Ukrainian people, to protect the rights and freedoms of citizens, to abide by the Constitution of Ukraine and the 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 takes this oath within five days of an official announcement of election poll results.

**Article 105.**

The President of Ukraine enjoys the right of immunity during a term of authority. Persons guilty of offending the honour and dignity of the President are subject to legal liability. The title of *President of Ukraine* is protected by law and is reserved for the President for life, unless the President has been removed from office by impeachment.

**Article 106.**

The President of Ukraine:

1. ensures *State* independence, national security and legal succession of the *State*;
2. addresses the people and Parliament with annual and special messages on domestic and foreign issues relating to Ukraine;
3. represents the *State* in international relations, administers foreign political activity of the *State*, conducts negotiations and concludes international treaties on behalf of Ukraine;
4. adopts decisions on the recognition of foreign *States*;
5. appoints and dismisses Heads of diplomatic missions of Ukraine to other *States* and international organisations; accepts credentials and letters of recall of diplomatic representatives of foreign *States*;
6. holds All-Ukrainian referendums concerning amendments to the Constitution of Ukraine in accordance with *Article 156* of this Constitution, declares All-Ukrainian referendums based on popular initiatives;
7. holds special elections for the *Verkhovna Rada* within terms established by this Constitution;

8. terminates the authority of the *Verkhovna Rada*, if plenary meetings fail to commence within thirty days of a regular session;
9. appoints the Prime Minister of Ukraine with the consent of the *Verkhovna Rada*; terminates the authority of the Prime Minister of Ukraine and reviews decisions on his or her resignation;
10. appoints or dismisses on the recommendation of the Prime Minister, Cabinet Ministers, Chief Officers of the *Central Executive* as well as Heads of *Local State Administrations*;
11. appoints or dismisses the *Procurator General of Ukraine* to office with the consent of the *Verkhovna Rada*;
12. appoints half the composition of the *Council of the National Bank of Ukraine*;
13. appoints half the composition of the *National Council of Ukraine on Television and Radio Broadcasting*;
14. appoints to and dismisses from office, with the consent of the *Verkhovna Rada*, the *Chairman of the Antimonopoly Committee of Ukraine*, the *Chairman of the State Property Fund of Ukraine* and the *Chairman of the State Committee on Television and Radio Broadcasting of Ukraine*;
15. establishes, reorganises and dissolves, on the submission of the Prime Minister; Ministries and other *Central Executive* bodies acting within the limits of laws on funding and maintenance for these respective organisations;
16. revokes acts of the *Cabinet Ministers of Ukraine* and the *Council of Ministers of the Autonomous Republic of Crimea*;
17. is the Commander-in-Chief of the *Armed Forces*; appoints to and dismisses from office the high command of the *Armed Forces* and other *State Military Organisations*; administers *State* national security and defence;
18. heads the Council of National Security and Defence of Ukraine;
19. forwards submissions to the *Verkhovna Rada* on the declaration of a *State* of war, and adopts the decision to use the *Armed Forces* in the event of an armed aggression against Ukraine;
20. adopts a decision in accordance with the law on the general or partial mobilisation and the introduction of martial law in (*full or in part*) in the event of a threat of aggression that endangers the *State* independence of Ukraine;
21. adopts a decision in the event of necessity on the introduction of a *state of emergency* in full or in part and declares certain areas as special ecological emergency zones subject to confirmation by Parliament;
22. appoints a third of the composition of the Constitutional Courts of Ukraine;
23. establishes courts;
24. confers high military, diplomatic and other special ranks and class orders;
25. confers *State* awards; establishes and awards presidential distinctions;
26. adopts decisions on the acceptance and termination of citizenship of Ukraine as well as the granting of asylum;
27. grants pardons;
28. creates within financial limits of the *State Budget*, consultative, advisory and other subsidiary bodies for the indirect exercise of his or her authority;
29. signs and assents laws adopted by the *Verkhovna Rada*;
30. has the right to veto and request further considerations of draft laws

- tendered by *Verkhovna Rada*;
31. exercises sundry powers determined by the Constitution.
    - a. The President of Ukraine shall not transfer his or her powers to other persons or bodies.
    - b. The President of Ukraine, on the basis of the Constitution and the Laws of Ukraine, issues decrees and directives that are mandatory in Ukraine.
    - c. Acts of the President of Ukraine, issued within the limits of authority as stated in *Article 106, subparagraphs 3, 4, 5, 8, 10, 14, 15, 17, 18, 21, 22, 23 and 24*, are co-signed by the Prime Minister and the responsible Minister for an *Act* and its execution.

**Article 107.**

*The Council of National Security and Defence of Ukraine* is the co-ordinating body for the President of Ukraine on issues of national security and defence. The *Council of National Security and Defence of Ukraine* co-ordinates and controls the activity of bodies of the *Executive* assigned to national security and defence. The President is the *Chairman of the Council of National Security and Defence of Ukraine*. The President forms a personally elected composition for the *Council of National Security and Defence of Ukraine*. The Prime Minister, the Minister for Defence, the Head of the Security Services, the Minister of Internal Affairs and the Minister of Foreign Affairs, are *ex officio* members of the *Council of National Security and Defence of Ukraine*. The Chairman of the *Verkhovna Rada* may take part in the meetings of the *Council of National Security and Defence of Ukraine*. Decisions of the *Council of National Security and Defence of Ukraine* are enabled by Presidential decrees. Law pre-determines the powers and functions of the *Council of National Security and Defence of Ukraine*.

**Article 108.**

The President exercises his or her power until the newly-elected President of Ukraine assumes office. The powers of the President terminate prior to the expiration of a term in cases of:

- 1) resignation;
- 2) inability to exercise his or her for health reasons;
- 3) removal from office by impeachment;
- 4) death;

**Article 109.**

The resignation of the President enters into force from the moment he or she personally announces a statement of resignation in Parliament.

**Article 110.**

The inability of the President of Ukraine to exercise his or her powers for reasons of health shall be determined at a meeting of the *Verkhovna Rada* to be confirmed by a decision adopted by a majority of *National Deputies* on the basis of a petition of the *Supreme Court of Ukraine* and by request of the *Verkhovna Rada* for a medical opinion.

**Article 111.**

The President of Ukraine may be removed from office by impeachment, in the event that he or she has committed treason or another criminal offence. The removal of the President from office by the procedure of impeachment is initiated by a majority vote

in the *Verkhovna Rada*. The *Verkhovna Rada* establishes a special commission that includes a special procurator and investigators to conduct investigations into the activities of the President. The conclusions and proposals of the commission are considered by Parliament.

The *Verkhovna Rada* needs to vote with a majority (of at least two thirds) to accuse a President of any wrongdoing. The decision to remove a President from office by impeachment requires the support of no less than three-quarters of Parliament for the motion after a review and consideration of the case by the *Constitutional Court and Supreme Court of Ukraine* to decide whether or not the acts of what the President is accused of are tantamount to crimes and or treason.

**Article 112.**

In the event of a pre-term termination of Presidential authority in accordance with *Articles 108, 109, 110 and 111* of this Constitution, the execution of duties of the President for the period pending the elections and the assumption of office by a new President, is vested in the Prime Minister. During this period the Prime Minister executes the duties of the President with the exception of powers listed in *Article 106, subparagraphs 2, 6, 8, 10, 11, 12, 14, 15, 16, 22, 25 and 27* of the Constitution.

## **PART VI. CABINET MINISTERS OF UKRAINE & OTHER BODIES OF EXECUTIVE POWER**

**Article 113.**

The Cabinet of Ministers (*Cabinet*) is the premier body of the Executive. The Cabinet is responsible to the President and is under the control of and accountable to the *Verkhovna Rada* within the limits of *Articles 85 and 87* of the Constitution. Cabinet Ministers are guided by the Constitution and the Laws of Ukraine as well as by Presidential decrees.

**Article 114.**

The *Cabinet* is composed of the Prime Minister of Ukraine, the First Vice Prime Minister, three Vice Prime Ministers and other Ministers. The Prime Minister is appointed by the President of Ukraine with the required consent of half of Parliament. The President based on the submissions made by the Prime Minister appoints the personal composition of the *Cabinet*. The Prime Minister manages the work of the *Cabinet* and directs the implementation of the *Programme of Activity of the Cabinet Ministers of Ukraine* as approved by the *Verkhovna Rada*. The Prime Minister forwards a submission to the President on the establishment, reorganization, and dissolving of *Central Executive* bodies acting within the limits of laws on funding and maintenance for these respective organisations.

**Article 115.**

The outgoing *Cabinet* tenders their resignations to the newly-elected President. The Prime Minister and other Cabinet Ministers, have the right to announce their resignation to the President of Ukraine. The resignation of the Prime Minister results in the resignation of the entire *Cabinet*. The successful implementation of a resolution of a “*vote of no confidence*” in a government by the *Verkhovna Rada* results in the resignation of the *Cabinet*. The Cabinet Ministers, whose resignation is accepted by the President,

continue to exercise powers (for up to sixty days only) by commission of the President, until a newly-formed Cabinet commences its operation.

The Prime Minister is obliged to submit a statement of resignation from Cabinet Ministers to the President following a request by the President or in connection with the adoption of a resolution of *no confidence* by Parliament.

**Article 116.**

The *Cabinet Ministers* of Ukraine:

1. ensure the *State* sovereignty and economic independence of Ukraine, the implementation of *State* domestic and foreign policy, the execution of the Constitution, Laws and the decrees of the President;
2. takes measures to ensure human rights and freedoms;
3. ensures the implementation of financial, pricing, investment, taxation, labour and employment policy, social security, education, science, culture, environmental protection and ecological safety;
4. proposes and implements national programmes for economic, scientific, technical, social and cultural development of Ukraine;
5. ensures equal conditions for the development of all forms of ownership; administers the management of *State* assets in accordance with the law;
6. draft laws and submit reports on the *State Budget* and ensures its implementation after Parliamentary approval;
7. take measures to ensure the defence capability, national security, public order and prevention of crime;
8. organises and ensures the implementation of foreign economic activity and the proper operation of customs;
9. directs and co-ordinates the operations of *Ministries* and the *Executive*;
10. performs other functions determined by the Constitution, Law and Presidential decrees;

**Article 117.**

The *Cabinet* within its powers issues mandatory resolutions. The Prime Minister signs and approves *Acts* for Ministers. Normative legal acts of the Cabinet Ministers, Ministries and *the Central Executive* are subject to legal registration.

**Article 118.**

The *Executive* power in *Oblasts*, *Districts*, and in Kyiv (*Kiev*) and Sevastopol is exercised by *Local State Administrations*. Special laws regulate particular aspects in the exercise of *Executive* power in the cities of Kyiv and Sevastopol. The composition of *Local State Administrations* is formed internally. Heads of *Local State Administrations* are appointed to and dismissed from office by the President upon the recommendation of the Cabinet Ministers. Heads of *Local State Administrations* are responsible to the President and to the Cabinet Ministers, and are accountable to and controlled by higher bodies of the *Executive*.

*Local State Administrations* are accountable to and controlled by *Oblast* or District Councils. Decisions made by Heads of *Local State Administrations* that contravene the Constitution and the Laws of Ukraine as well as other acts of legislation, may be revoked by the President or by a Head of *Local State Administrations*. An *Oblast* or District Council may express a motion of “*no confidence*” in the Head of a respective *Local State Administrations* on grounds that the President adopts a decision and provides

a substantiated reply. If two-thirds of the members of a respective *Council* express *no confidence* in the Head of a District or Oblast *State Administration*, the President calls for the resignation of the respective Head.

**Article 119.**

*Local State Administrations* within their jurisdiction ensure:

1. the execution of the Constitution and the Laws of Ukraine, *acts* of the President, *acts* of *Cabinet* and the *Executive*;
2. legal order; as well as the observance of laws and freedoms of citizens;
3. the implementation of national and regional programmes for socio-economic, cultural development, environmental protection, as well as programmes for the national and cultural development of ethnic minorities and indigenous peoples;
4. the preparation and implementation of *Oblast* and District Council budgets;
5. a report on the implementation of respective budgets and programmes;
6. an interaction with *Local Self-Government* organisations;
7. the recognition of other powers vested by the *State* and delegated to the respective Councils.

**Article 120.**

Cabinet Ministers and Chief Officers of *Central and Local Executive* do not have the right to combine their official activity with other employment, except teaching, academic and creative activity outside their working hours, nor as members of an administrative body or board of supervisors for an enterprise that is profit making. The organisational and operational procedures for Cabinet Ministers and other *Executive* activity are pre-determined by the Constitution and the Laws of Ukraine.

## PART VII. PROCURACY

**Article 121.**

The Procurer of Ukraine constitutes a system that is entrusted with:

1. *State* prosecutions;
2. the representation of a citizen or *State* interests in court for cases pre-determined by law;
3. the regulation on the observance of laws by detective and pre-trial investigation bodies;
4. the regulation on the observance of laws in the execution of judicial decisions in criminal cases, and the application of measures of coercion related to the restraint of a citizen's personal liberty.

**Article 122.**

The *Procurer of Ukraine* is headed by the *Procurator General of Ukraine*, who is appointed to office with the consent of the *Verkhovna Rada*, and who may be dismissed from office by the President. The *Verkhovna Rada* may express “*no confidence*” in the *Procurator General* that results in a resignation. The term of authority for the *Procurator General* is five years.

**Article 123.**

Laws of Ukraine pre- determine the organisational and operational procedures for the Procurer

## PART VIII. JUSTICE

### Article 124.

Justice in Ukraine is administered exclusively by the courts. The delegation of the functions of the courts, or the appropriation of these functions by other bodies or officials, shall not be permitted. The jurisdiction of the courts extends to all legal matters that arise in the *State*. Judicial proceedings are performed by the *Constitutional Court of Ukraine* and the Courts of general jurisdiction. The people directly participate in the administration of justice through the auspices of people's assessors and jurors. Judicial decisions are adopted by the courts in the name of the *State* and are mandatory throughout the country.

### Article 125.

In Ukraine, the Courts of general jurisdiction are formed in accordance with the territorial and specialisation principle. The *Supreme Court of Ukraine* is the premier judicial body and Court of general jurisdiction. The Courts of Appeal and Local Courts operate in accordance with the law. The creation of extraordinary and special courts shall not be permitted.

### Article 126.

The Constitution and Laws of Ukraine guarantee the independence and immunity of judges. The attempt to influence judges in any manner is prohibited. A judge shall not be detained or arrested without the consent of the *Verkhovna Rada* or until a verdict of guilt is rendered by a court. Judges hold office on permanent terms, except judges of the *Constitutional Court of Ukraine*, or those appointed to the office for the first time.

A judge is dismissed from office by the body that elected or appointed him or her in the event of:

1. the expiration of the term for which he or she was elected or appointed for;
2. a judge's attainment of the age of sixty-five;
3. the impossibility to exercise his or her authority for health reasons;
4. the violation by the judge of requirements concerning impartiality;
5. the breach of oath by a judge;
6. the entry into legal force of a verdict of guilty against him or her;
7. the termination of his or her citizenship;
8. the declaration that he or she is missing, or on the pronouncement that he or she is dead;
9. the submission by a judge of a statement of resignation or of voluntary dismissal from office.

The authority of a judge terminates in the event of his or her death. The *State* ensures the personal security of judges and their families.

### Article 127.

Justice is administered by professional judges and, in cases determined by law, people's assessors and jurors. Professional judges shall not belong to any political party or trade union, nor take part in any political activity, nor hold a representative mandate, nor occupy any other paid position, nor perform other remunerated work except academic,

teaching or creative activity. A citizen of Ukraine, no younger than the age of twenty-five, who has a higher legal education and has work experience in legal practice for three or more years, who has resided in Ukraine for at least ten years and has a command of Ukrainian, may be recommended for a judgeship by the *Qualification Commission of Judges*. Persons with professional training in the issues of specialised courts jurisdiction may also become judges within these specific courts. These judges administer justice as members of a *collegium* of judges. Additional requirements for particular categories of judgeship in terms of experience, age and professional levels are established by law. The professional interests of judges are protected by law.

**Article 128.**

The first appointment of a professional judge to office is for a five-year term installed by the President. All other judges, except those of the *Constitutional Court of Ukraine*, are elected by the *Verkhovna Rada* on permanent terms established by law. The *Chairman of the Supreme Court of Ukraine* is elected to and dismissed from office by the *Plenary Assembly of the Supreme Court of Ukraine* by legally established secret ballot procedures.

**Article 129.**

In the administration of justice judges are independent and accountable to the law. Judicial proceedings are conducted by a single or panel of judges, or alternatively by a jury court.

The main principles of judicial proceedings are:

1. legality;
2. equality before the law and the court for all participants in a trial;
3. ensuring that guilt is proved;
4. adversarial procedures and freedoms of parties to tender evidence and to prove the worth of a case before a court;
5. *State* prosecutions by the *Procurator* in court;
6. ensuring the right of an accused person to a defence;
7. the openness of a trial and its complete recording by technical media;
8. guaranteeing that complaints and appeals of a court decision are heard, except in cases established by law;
9. the mandatory application of court decisions.

The law may also determine other principles of judicial proceedings in courts of specific jurisdiction. Persons guilty of contempt of court or of showing disrespect towards a judge are liable.

**Article 130.**

The *State* ensures the proper funding and conditions for the operation of courts and the activity of judges. Expenditure for the maintenance of courts is allocated in the *State Budget of Ukraine*. Judges' self-management operates to resolve issues relating to the internal affairs of courts.

**Article 131.**

The *High Council of Justice* operates in Ukraine and its powers comprise of:

1. forwarding submissions on the appointment of or on the dismissal of judges from office;

2. adopting decisions with regard to the violation by judges and procurators of their obligation of impartiality;
3. exercising disciplinary procedures in regard to judges of the *Supreme Court* and specialised courts, as well as the consideration of complaints regarding decisions on the disciplinary liability of judges of the Court of Appeal, Local Courts and Procurators.

The *High Council of Justice* consists of twenty members. The *Verkhovna Rada*, the President, the *Congress of Judges of Ukraine*, the *Congress of Advocates of Ukraine*, and the *Congress of Representatives of Higher Legal Educational Establishments and Scientific Institutions*, each appoint three members to the *High Council of Justice*. The *All-Ukrainian Conference of Employees of the Procurer* appoints two members to the *High Council of Justice*.

The Chairman of the Supreme Court of Ukraine, the Minister of Justice and the Procurator General are *ex officio* members of the *High Council of Justice*.

## PART IX. TERRITORIAL STRUCTURES OF UKRAINE

### Article 132.

The territorial structure of Ukraine is based on the principles of unity and the indivisibility of *State* territory, using a combination of centralized and decentralised *State* power, as well a balanced approach to socio-economic development of local regions that takes into account historical, economic, ecological, geographical, demographic characteristics, ethnic and cultural traditions.

### Article 133.

The administrative system and territorial structure of Ukraine is composed of the *Autonomous Republic of Crimea*, *Oblasts*, Districts, Cities, City Districts, Settlements and Villages. Ukraine is 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, Luhansk 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, and the Cities of Kyiv and Sevastopol.

The Cities of Kyiv and Sevastopol have a special status prescribed in the Laws of Ukraine.

## PART X. THE AUTONOMOUS REPUBLIC OF CRIMEA (*Crimea*)

### Article 134.

The *Autonomous Republic of Crimea (Crimea)* is an inseparable and constituent part of Ukraine that derives its administrative, authoritative and legal powers from the Constitution of Ukraine.

**Article 135.**

The *Crimea* is to have its own Constitution adopted by the *Verkhovna Rada of the Autonomous Republic of Crimea* and must be approved by at least half the composition of the *Verkhovna Rada of Ukraine*. Normative legal acts of the *Verkhovna Rada of Crimea* and decisions of the *Council of Ministers of the Autonomous Republic of Crimea* shall not contradict the Constitution and Laws of Ukraine as they are adopted in accordance with the Constitution, Laws, as well as the *acts* of the President of and of the Cabinet Ministers of *Ukraine*.

**Article 136.**

The *Verkhovna Rada of Crimea*, within the limits of its authority, is the representative body of the *Autonomous Republic of Crimea*. The *Verkhovna Rada of Crimea* adopts mandatory decisions for implementation in the *Crimea*. The *Council of Ministers of Crimea* is the Government of *Crimea*. The Head of the *Council of Ministers of Crimea* is appointed to and dismissed from office by the *Verkhovna Rada Crimea* with the consent of the President of Ukraine. The authoritative procedures for the formation and operation of the *Verkhovna Rada* and *Council of Ministers of Crimea*, are determined by the Constitution and the Laws of Ukraine, as well as by normative legal acts of the *Verkhovna Rada of Crimea* on issues within its powers. In the *Crimea*, justice is administered by courts that belong to the unified system of courts of Ukraine.

**Article 137.**

The *Autonomous Republic of Crimea* exercises normative regulation on the following issues:

1. agriculture and forestry;
2. land reclamation and mining;
3. public works, crafts, trades and charity;
4. city construction and housing management;
5. tourism, hotel businesses, trade fairs;
6. museums, libraries, theatres, cultural centres as well as other historical and cultural preserves;
7. public transportation, roadways, water supply;
8. hunting and fishing;
9. sanitary and hospital services.

The President of Ukraine may suspend normative legal acts of the *Verkhovna Rada of Crimea* (supported by an appeal to the *Constitutional Court of Ukraine*-to decide on the constitutionality) for reasons of non-conformity with the Constitution and Laws of Ukraine.

**Article 138.**

The competence of the *Autonomous Republic of Crimea* comprises:

1. designating elections of *Deputies* to the *Verkhovna Rada of Crimea* and approving the composition of the electoral commission for the *Crimea*;
2. organising and conducting local referendums;
3. managing *Crimean State Assets*;
4. developing, approving and implementing the Budget for the *Crimea* based on Ukrainian uniform taxation and *Budget policy*;

5. developing, approving and realising programmes for socio-economic and cultural development; the rational use of nature and environmental protection in accordance with national programmes;
6. recognising the status of localities as resorts while establishing sanitary protection zones;
7. ensuring the rights and freedoms of citizens, national harmony, the promotion and protection of legal order and public security;
8. ensuring the operation and development of the *State* language as well as the national languages and cultures of the *Crimea*; protection and use of historical monuments;
9. participating in the development and realisation of *State Programmes* for the repatriation of deported people;
10. initiating the introduction of a state of emergency and the establishment of ecological emergency zones in the *Crimea*;

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

**Article 139.**

The *Representative Office of the President of Ukraine* operates in the *Autonomous Republic of Crimea* by virtue of the law.

## **PART XI. LOCAL SELF-GOVERNMENT**

**Article 140.**

*Local Self-Government* is the right of a territorial community —namely residents of a village or a voluntary association of residents of several villages joined into one village community, residents of a settlement, and of a city — that independently resolve issues of a local nature within the limits of the Constitution and the Laws of Ukraine. The exercise of *Local Self-Government* in the Cities of Kyiv and Sevastopol is pre-determined by special laws of Ukraine. *Local Self-Government* is exercised directly by a territorial community through legal procedures and through the bodies of *Local Self-Government*.

The *Executive* of Village, Settlement, City, District and Oblast Councils are bodies of *Local Self-Government* that represent the common interests of these territorial communities. The organisation and administration of a *City District* falls under the competence of City Councils. Villages, Settlements and City Councils as well as other autonomous bodies may permit upon the initiative of residents, the building of houses, roads as well as assigning parts of their own powers relating to finance and property.

**Article 141.**

A Village, Settlement and City Council comprises of *Deputies* elected on a four-year term by residents on the basis of universal suffrage by secret ballot. Territorial communities elect a *Head* on a four-year-term on the basis of universal suffrage by secret ballot, who leads the *Executive* body of a respective *Council* and presides at its meetings. Law pre-determines the authority and status of *Heads*, *Deputies* and *Executive* bodies of a Council, as well as the procedures for their establishment, reorganisation and dismissal. The *Chairmen* of a District or *Oblast* Council are elected to lead the *Executive* staff of a respective Council.

**Article 142.**

The material and financial basis for *Local Self-Government* is fixed and immovable property, revenues for local budgets, other funds, land, natural resources owned by territorial communities of Villages, Settlements, Cities, City Districts, as well as common property that is managed by District and Oblast Councils.

On an agreed basis, territorial communities may join forces to finance, implement and maintain projects for communal enterprises, organisations and establishments and to create bodies and services for this mutual purpose. The *State* participates in forming revenues for *Local Self-Government* budgets. The State compensates *Local Self Government* for its' expenditure on public projects.

**Article 143.**

Territorial communities through established bodies of *Local Self-Government* manage communal property, approve and implement programmes of socio-economic and cultural development, and control their implementation; approve and implement budgets for respective administrative and territorial units, establish local taxes and levies in accordance with the law and ensure the proper conduct and result publishing for local referendums. These *Local Self Government* bodies establish, reorganise and dissolve communal enterprises, organisations and institutions, while exercising control over their activity and resolving other issues of local importance within their legal powers.

Oblast and District Councils approve and implement socio-economic and cultural development programmes, approve local budgets that are created from *State Budget* funds for the appropriate distribution among territorial communities or for the implementation of joint projects. Funds are also drawn on an agreed basis from local budgets for joint socio-economic and cultural programmes. The powers of control and implementation relating to these programmes are set in law.

Law may assign certain *Executive* power to *Local Self-Government* bodies. The *State* finances the exercise of these powers from the *State Budget* in full or through the allocation of specific national taxes in a local budget, by legal procedures, or by transferring the relevant *assets* of *State* property to *Local Self-Government* organisations. *Local Self-Government* may exercise these powers subject to the control of respective bodies of *Executive* power.

**Article 144.**

*Local Self-Government* organisations may within the limits of their legal authority, adopt decisions that are mandatory throughout a respective territory. Decisions made by *Local Self-Government*, that do not conform to the Constitution or the Laws of Ukraine are suspended by procedures established by law with a simultaneous appeal to a court.

**Article 145.**

The rights of *Local Self-Government* are protected by judicial procedures.

**Article 146.**

Law determines supplementary issues relating to the organisation of *Local Self-Government*, as well as the formation, operation and responsibility of *Local Self-Government* bodies.

## PART XII. CONSTITUTIONAL COURT OF UKRAINE

### Article 147.

The *Constitutional Court of Ukraine* is the sole body of constitutional jurisdiction in Ukraine. The Constitutional Court of Ukraine decides on legal conformity with the Constitution of Ukraine and provides an official interpretation of the Constitution and Laws of Ukraine.

### Article 148.

The Constitutional Court of Ukraine is comprised of eighteen judges.

The President, the *Verkhovna Rada* and the *Congress of Judges of Ukraine* each appoint six judges to the Constitutional Court of Ukraine. A citizen of Ukraine who has attained the age of forty on the day of appointment, who has a higher legal education and professional legal experience of no less than ten years, who has resided in Ukraine for the last twenty years, and has a command of Ukrainian, may become a judge of the Constitutional Court of Ukraine.

A judge of the Constitutional Court of Ukraine is appointed for nine years and does not have the right of re-appointment. The Chairman of the Constitutional Court of Ukraine is elected by secret ballot for a three-year term during a special plenary meeting of the Constitutional Court of Ukraine, from among resident judges of the Constitutional Court of Ukraine.

### Article 149.

Judges of the Constitutional Court of Ukraine are subject to the guarantees of independence and immunity and to the grounds for dismissal from office cited by *Article 126* of this Constitution, and the requirements regarding impartiality as pre-determined in *Article 127, paragraph two* of this Constitution.

### Article 150.

The authority of the Constitutional Court of Ukraine extends to:

1. deciding on conformity issues relating to the Constitution and the *constitutionality* of the following:
  - laws and other legal acts of the *Verkhovna Rada*;
  - the acts of the President;
  - the acts of Cabinet Ministers;
  - the legal acts of the *Verkhovna Rada of the Autonomous Republic of Crimea*.

These issues are considered on the appeal of the President supported by forty-five *National Deputies* or more, the Supreme Court of Ukraine; the *Authorised Human Rights Representative* of the *Verkhovna Rada* and the *Verkhovna Rada of the Autonomous Republic of Crimea*;

2. the official interpretation of the Constitution and Laws of Ukraine.  
The *Constitutional Court of Ukraine* adopts decisions that are mandatory for execution in Ukraine that are absolute and not subject to appeal as pre-determined in this *Article*.

**Article 151.**

The *Constitutional Court of Ukraine*, on the appeal from the President or Cabinet Ministers provides opinions on the conformity of international treaties with the Constitution of Ukraine that are in force, or pending international treaties submitted to the *Verkhovna Rada* for approval.

On the appeal of Parliament, the *Constitutional Court of Ukraine* provides an opinion on the observance of constitutional procedures regarding the investigation and consideration of a case to remove the President from office by impeachment.

**Article 152.**

Laws and other legal acts deemed to be unconstitutional by the *Constitutional Court of Ukraine (in whole or in part)*, in that these acts do not conform to the Constitution of Ukraine; or if a violation procedure is established by the Constitution of Ukraine are subject to review before any implementation process. Laws and other legal acts encompassing separate provisions deemed to be unconstitutional, lose all legal force from the day the *Constitutional Court of Ukraine* confirms its illegality.

Unconstitutional acts causing material or moral damages, inflicted on physical and or legal persons are to be compensated by the *State* as prescribed by law.

**Article 153.**

Law determines the organizational, operational and case review procedures for the *Constitutional Court of Ukraine*.

### **PART XIII. INTRODUCING AMENDMENTS TO THE CONSTITUTION OF UKRAINE**

**Article 154.**

A draft law introducing amendments to the Constitution of Ukraine may be submitted to the *Verkhovna Rada* by the President of Ukraine, or by at least a third of the *National Deputies* in Parliament.

**Article 155.**

A draft law introducing amendments to the Constitution of Ukraine, with the exception of *Chapter I — "General Principles," Chapter III — "Elections. Referendum," and Chapter XIII — "Introducing Amendments to the Constitution of Ukraine,"* previously approved by a majority of Parliament, is deemed to be accepted, if at the next regular session of the *Verkhovna Rada*, no less than two-thirds of Parliament have voted in its favour.

**Article 156.**

A draft law on introducing amendments to *Chapter I — "General Principles," Chapter III — "Elections. Referendum," and Chapter XIII — "Introducing Amendments to the Constitution of Ukraine,"* is submitted to the *Verkhovna Rada* by the President, or by no less than two-thirds of Parliament, and on the condition that it is adopted by no less than two-thirds of Parliament and or approved by an All-Ukrainian referendum called by the President.

The repeat submission of a draft law introducing amendments to *Chapters I, III and XIII* of this Constitution on the same issue is only available to the *Verkhovna Rada* during a proceeding convocation.

**Article 157.**

The Constitution of Ukraine shall not be amended, if the proposed amendments forecast the abolition or restriction of human rights and freedoms, or if they are oriented towards the dissolving of Ukrainian independence or a violation of territorial indivisibility. The Constitution of Ukraine shall not be amended under conditions of martial law or a state of emergency.

**Article 158.**

A draft law introducing amendments to the Constitution of Ukraine, for Parliamentary consideration may be submitted to the *Verkhovna Rada* no earlier than a year from the day an approval of the decision on a said draft law is effected. The *Verkhovna Rada* (*within its term of authority*) shall not amend the same provisions of the Constitution more than once.

**Article 159.**

A draft law introducing amendments to the Constitution of Ukraine is considered by the *Verkhovna Rada* subject to the availability of an opinion from the *Constitutional Court of Ukraine* on the conformity of a said draft law within the requirements of *Articles 157* and *158* of this Constitution.

**PART XIV. FINAL PROVISIONS****Article 160.**

The Constitution of Ukraine enters into force from its approval date in Parliament.

**Article 161.**

A national holiday-*Constitution Day*- is declared to commemorate the day the Constitution of Ukraine was inaugurated.

**PART XV. TRANSITIONAL PROVISIONS**

1. Laws and other normative acts enacted prior to this Constitution are applicable so long as none of its provisions contradict the Constitution of Ukraine.
2. After this Constitution is approved, the *Verkhovna Rada* exercises its authority guaranteed by this Constitution. General elections for the *Verkhovna Rada* are to be held in March 1998.
3. Presidential elections are to be held on the last Sunday of October 1999.
4. The President of Ukraine, within three years of the application of this Constitution has the right to issue decrees approved by *Cabinet* and signed by the Prime Minister relating to the unregulated economic issues coupled with simultaneous draft law submissions to Parliament, by the procedure established by *Article 93*.

A Presidential decree takes effect provided that within thirty calendar days from the date of a draft law submission (excluding days between sessions)-Parliament fails to adopt the law or reject a submitted draft by a majority of Parliament, and hence a decree remains effective until a law adopted by the *Verkhovna Rada* on the decreed issue enters into force.

5. The *Cabinet* is formed in accordance with this Constitution within three months of its application.
6. The Constitutional Court of Ukraine is formed in accordance with this Constitution, within three months after its entry into force. Prior to the creation of the Constitutional Court of Ukraine, the interpretation of laws is to be performed by the *Verkhovna Rada* of Ukraine.
7. Heads of *Local State Administrations* acquire the status of heads of *Local State Administrations* in accordance with *Article 118* of this Constitution, and after the election of *Chairmen* to the respective councils as when current *Chairmen* resign from office.
8. Chairmen of Villages, Settlement and City Councils (upon application of this Constitution) exercise their authority as pre-determined by the Constitution until the election for a new composition for these Councils in March 1998. District and Oblast Councils, elected prior to this Constitution, exercise their authority as pre-determined by the Constitution, until a new composition of these Councils is elected. City District Councils and their *Chairmen*, upon application of this Constitution, exercise their authority in accordance with the law.
9. The *Procurer* continues to exercise, in accordance with current laws a supervisory function over the observance and application of laws relating to preliminary investigations, until the laws regulating the activity of *State* bodies in this regard and the control over the observance of laws are put into force, and until a system of pre-trial investigation is formed and laws regulating its operation are put into effect.
10. Prior to the adoption of laws determining the particular aspects of *Executive* power exercise in the Cities of Kyiv and Sevastopol in accordance with *Article 118* of this Constitution, the *Executive* power in these cities is exercised by the respective *City Administrations*.
11. *Article 99*, paragraph one of this Constitution shall enter into force after the introduction of a national monetary unit — the Hryvnia.
12. The Supreme Court of Ukraine and the High Court of Arbitration of Ukraine exercise their authority in accordance with current legislation of Ukraine (*for up to five years*) until a system of courts of general jurisdiction is formed in accordance with *Article 125* of this Constitution. Judges in all Ukrainian courts are to be elected or appointed prior to the day of entry of this Constitution into force and are to continue to exercise their authority in accordance with current law, until the expiry of the term for which they are elected or appointed. Judges whose authority has terminated on the day this Constitution enters into force, continue to exercise their authority for a period of one year.
13. The current procedure for arrest, custody and detention of persons suspected of committing a crime, as well as for the examination and search of a dwelling place or other personal possessions, is preserved for five years after the enactment of this Constitution.
14. The use of existing military bases on Ukrainian territory and the temporary stationing of foreign military forces is possible on the terms of a lease, through pre-determined procedures ratified by international treaties and approved by the *Verkhovna Rada*.

# Law on Amendments to the Constitution of Ukraine

No 2222-IV dated December 8th 2004; (Bulletin of the *Verkhovna Rada* (BVR), 2005, No 2, p. 44)

The *Verkhovna Rada* of Ukraine decrees:

I. To introduce the following amendments to the Constitution of Ukraine (Bulletin of the *Verkhovna Rada*, 1996 No 30, p. 141):

1). *Articles 76, 78, 81-83, 85, 87, 89, 90, 93, 98, 112-115* shall be cited using the following wording:

## **Article 76.**

The constitutional composition of the *Verkhovna Rada* consists of 450 *National Deputies* (*Members of Parliament*) of Ukraine who are elected for a four-year term on the basis of universal suffrage by secret ballot. A citizen of Ukraine with the right to vote, who is twenty-one or over on the day of a general election and has resided in Ukraine for the past five years, may become a *National Deputy* of Ukraine. A citizen who has a criminal record for committing an intentional crime cannot be elected to the *Verkhovna Rada* if this record has not been annulled as required by law. The Constitution and the laws of Ukraine pre-determine *National Deputy* authority.

## **Article 77.**

(*Part 1*) shall be cited using the following wording: General elections for the *Verkhovna Rada* take place on the last Sunday of the last month in the fifth year of a term of government.

## **Article 78.**

*National Deputies* exercise their authority on a permanent basis. *National Deputies* shall not have another representative *State* mandate nor be in the civil service. Law establishes requirements relating to the incompatibility of a *Deputy's* mandate with other types of activity. Whenever an incompatibility issues arises, a *National Deputy* shall terminate this activity and or put in a personal statement of resignation within twenty days from when the circumstances become apparent.

## **Article 81.**

*National Deputy* authority terminates simultaneously with the dissolving of Parliament. The authority of a *National Deputy* of terminates prior to the expiration of a term in the event of:

1. a resignation through a personal statement;
2. a guilty verdict for a personal criminal proceeding;
3. a court declaring him or her mentally unfit or officially missing;
4. termination of citizenship or departure from Ukraine for permanent residence abroad;
5. a failure to declare a mandate incompatibility activity within the required twenty days from when the circumstances become apparent;
6. a *National Deputy* disassociating himself or herself from a Deputy Group or Political Party from that he or she was originally elected as a candidate for;

7. death;

Similarly the authority of a *National Deputy* terminates prior to the expiration of a term in accordance with the Constitution of Ukraine, as is the authority of the *Verkhovna Rada* terminated prior to the expiration of a term – on the day of the opening of the first meeting of a new convocation.

The decision on the pre-term termination of the authority of a *National Deputy* is covered by items 1, 4 of Part II of this *Article* effected by Parliament whereas events covered by item 5 of Part II of this *Article* are addressed by the courts.

In the event a guilty verdict is made against a *National Deputy* or if a court declares a *Deputy* incompetent or missing, his or her authority terminates on the day the verdict enters into force, whereas in the event of death the enforcement date is verified from a death certificate.

In the event a *National Deputy* elected from a political party (or an election bloc of political parties) disassociates herself or himself from this party; his or her authority as a *National Deputy* shall terminate prior to the expiration of a term according to the Law or by a ruling made by a respective party's governing body.

#### **Article 82.**

The *Verkhovna Rada* works in sessions. The *Verkhovna Rada* of Ukraine is workable and functional provided two-thirds of its Parliamentary chamber has been elected. The *Verkhovna Rada* assembles for its first session no later than the thirtieth day from the official announcement of general election results. The eldest *National Deputy* opens the first meeting of the *Verkhovna Rada*. The Constitution and Laws of Ukraine on the “*Rules of Procedure for the Verkhovna Rada of Ukraine*” establish the operational procedures for Parliament.

#### **Article 83.**

Regular sessions of the *Verkhovna Rada* commence on the first Tuesday of February until the first Tuesday of September each year. Special *agendum* sessions of the *Verkhovna Rada* are called by the *Chairman* of the *Verkhovna Rada*, or by no less than a third of the *National Deputies* in Parliament, or alternatively by Presidential request. In the event of the introduction of martial law or a state of emergency, the *Verkhovna Rada* assembles within a period of two days. In the event the term of authority of the *Verkhovna Rada* of Ukraine expires while martial law or a state of emergency is in effect, its authority is extended up to the day of the first meeting of the first session of the *Verkhovna Rada* that is elected after the termination of martial law or a state of emergency.

The operational procedures for the *Verkhovna Rada* are established by the Constitution of Ukraine and the *Rules of Procedure of the Verkhovna Rada of Ukraine*. A coalition of *Deputy Groups* shall be formed in the *Verkhovna Rada* according to election results and on the basis of political reconciliation policies. The *coalition* shall consist of a majority in Parliament.

The coalition of *Deputy Groups* shall be formed within one month of the first meeting of the *Verkhovna Rada* that takes place after general or special elections for the *Verkhovna Rada* or within a month from when a preceding *coalition* ceases to exist. This *coalition* in accordance with Constitutional rules introduces *Cabinet Minister* candidatures for the Prime Minister and President to consider.

The Constitution of Ukraine and the *Rules of Procedure for the Verkhovna Rada* pre-determine the development, activity and guiding principles for the dissolution of *Deputy Groups* in Parliament. A *Deputy Group* that holds a majority in Parliament has the right to form of a coalition in the *Verkhovna Rada* as prescribed by this Constitution.

**Article 85.**

The authority of the *Verkhovna Rada* of Ukraine comprises:

1. introducing amendments to the Constitution of Ukraine within the limits and procedures stated in *Chapter XIII* of this Constitution;
2. calling an All-Ukrainian referendum on issues determined by *Article 73* of this Constitution;
3. enacting laws;
4. approving, amending and implementing the *State Budget*;
5. determining the principles of domestic and foreign policy;
6. approving national programmes of economic, scientific, technical, social, national and cultural development, as well as environmental protection;
7. calling Presidential elections;
8. considering annual and special Presidential messages on Ukrainian domestic and foreign;
9. declaring war and concluding peace on request of the President of Ukraine, as well as approving the Presidential decision to use of the *Armed Forces* and other *State Military Organisations* in the event of an armed aggression against Ukraine;
10. removing the President of Ukraine from office in accordance with the special impeachment procedures established by *Article 111* of this Constitution;
11. considering, approving and implementing the “*Ukrainian Cabinet Ministers Programme of Activity*”
12. giving the President consent to the appointment a Prime Minister;
13. exercising control over the activity of the *Cabinet Ministers* in accordance with this Constitution;
14. confirming decisions on granting loans and economic aid to foreign *States* and international organisations, as well as controlling and deciding on the receipt of *extra-Budgetary* loans from foreign States, banks and international financial organisations;
15. adopting the *Rules of Procedure for the Verkhovna Rada of Ukraine*;
16. appointing to and dismissing from office the *Chairman* and other members of the *Chamber of Accounting*;
17. appointing to and dismissing from office the “*Authorised Human Rights Representative of the Verkhovna Rada*”; considering annual reports (*made by this Representative*) on the observance and protection of human rights and freedoms in Ukraine;
18. appointing to and dismissing from office the *Chairman of the National Bank of Ukraine* on the recommendation of the President;
19. appointing and dismissing half of the composition of *the Council of the National Bank of Ukraine*;
20. appointing and dismissing half of the composition of the *National Council of Ukraine on Television and Radio Broadcasting*;
21. appointing to office and terminating the authority of the members of the *Central Electoral Commission* on the recommendation of the President;

22. confirming the general structure, numerical strength, and functions of the *Armed Forces* and *Security Services* of Ukraine as well as other *State Military Organisations* created in accordance with the laws of Ukraine approved by the *Ministry of Internal Affairs*;
23. approving decisions on providing military assistance to other States including the commissioning of *Armed Forces* units and or on the admission of foreign *armed forces* on Ukrainian territory;
24. granting consent for the appointment to or dismissal from office (*on Presidential recommendation*) the *Chairman of the Antimonopoly Committee of Ukraine*, the *Chairman of the State Property Fund of Ukraine* and the *Chairman of the State Committee on Television and Radio Broadcasting of Ukraine*;
25. granting consent for the appointment to or dismissal from office (*on Presidential recommendation*) the *Procurator General of Ukraine*; declaring a *no confidence* motion in the *Procurator General* resulting in his or her resignation from office;
26. appointing a third of the composition of the *Constitutional Court of Ukraine*;
27. electing judges on permanent terms;
28. terminating prior to the expiration of a term of authority of the *Verkhovna Rada of the Autonomous Republic of Crimea* based on the opinion of the Constitutional Court of Ukraine that the Constitution and Laws of Ukraine have been violated by the *Verkhovna Rada of the Autonomous Republic of Crimea*; designating special elections for the *Verkhovna Rada of the Autonomous Republic of Crimea*;
29. establishing and abolishing Districts, establishing and altering District and City boundaries, elevating populous localities to a City category, naming and renaming Localities and Districts;
30. calling regular and special elections for *Local Self-Government* organisations;
31. confirming within two days after a Presidential address decrees on the introduction of martial law or of a state of emergency (in full or in part) as well as the total or partial mobilisation of the *Armed Forces*, and or on the announcement of special ecological emergency zones;
32. granting consent to bind Ukraine to ratified international treaties; and disapproving international treaties (*if the case arises*) within the terms established by law;
33. exercising Parliamentary control within the limits determined by this Constitution;
34. adopting decisions and forwarding enquiries to the President of Ukraine by demand of a *National Deputy* of Ukraine, a group of *National Deputies* or a Committee of the *Verkhovna Rada* of Ukraine, supported by no less than a third of Parliament;
35. appointing to and dismissing from office the *Head of Staff* of the *Verkhovna Rada*; approving the budget and staff structure for the *Verkhovna Rada*;
36. confirming a list of *State Assets* that are not subject to privatisation; determines the legal principles for the expropriation of *State Assets* and the right to private property;
37. approving the Constitution of the *Verkhovna Rada* of the *Autonomous Republic of Crimea*, and introducing changes to it by legal processes.

The *Verkhovna Rada* exercises other powers in accordance with the Constitution of Ukraine.

**Article 87.**

The *Verkhovna Rada* on the recommendation of at least a third of the *National Deputies* in Parliament may consider the responsibilities of the *Cabinet Ministers* and adopt a resolution of *no confidence* in the *Cabinet* through a majority vote. A *vote of no confidence* cannot be considered by the *Verkhovna Rada* more than once during a regular session, or within a year after the approval of a “*Ukrainian Cabinet Ministers Programme of Activity*”

**Article 88.**

*Part One* shall be cited using the following wording:

The *Verkhovna Rada* elects and dismisses from its members the *Chairman of the Verkhovna Rada*, the *First Deputy Chairman* and the *Deputy Chairman* of the *Verkhovna Rada*;

*The Chairman of the Verkhovna Rada:*

2). organises staff work structures and tasks of the *Verkhovna Rada*; and coordinates the activity of its bodies;

*Part Three* shall be cited using the following wording:

The Chairman of the *Verkhovna Rada* exercises authority pre-determined by this Constitution, and by the procedure established by Law on the “*Rules of Procedure for the Verkhovna Rada of Ukraine*”.

**Article 89.**

The *Verkhovna Rada* confirms a list of *Committees*, and elects Chairmen to these *Committees*. The *Committees* of the *Verkhovna Rada* produce legislative drafting and conduct the preliminary considerations of issues ascribed to the authority of the *Verkhovna Rada*. The *Verkhovna Rada*, within the limits of its authority, may establish *Special Commissions* for the preparation and preliminary consideration of particular issues. The *Verkhovna Rada* establishes temporary *Investigatory Commissions* provided no less than a third of Parliament has voted in favour to investigate issues of a public interest. The conclusions and proposals made by these *Commissions* are not decisive for court purposes. Law establishes the organisational and operational procedures for these *Committees* and *Special Investigatory Commissions*.

**Article 90.**

The authority of the *Verkhovna Rada* is terminated on the opening day of a new convocation.

The President may terminate the authority of the *Verkhovna Rada* prior to the expiration of term, if:

- 1) within a month the *Coalition of Deputy Groups* in the *Verkhovna Rada* of Ukraine is not formed in accordance with *Article 83* of this Constitution;
- 2) within sixty days after the resignation of the *Cabinet Ministers* the personal composition of the *Cabinet* is not formed;
- 3) within thirty days of a single regular session the plenary meetings fail to commence.

The decision to terminate the authority of the *Verkhovna Rada* prior to the expiration of a term shall be taken by the President of Ukraine after consultation with the *Chairman* and *Deputy-Chairmen* of the *Verkhovna Rada*, as well as the *Chairmen* of the *Deputy Groups* in Parliament.

The authority of the *Verkhovna Rada*, elected at special elections conducted after the pre-term termination by the President of Parliamentary authority (*of the previous convocation*) shall not be terminated within one year from the day of its election. The

authority of the *Verkhovna Rada* shall not be terminated prior to the expiration of a term within the last six months of an outgoing Presidential office.

**Article 93.**

The President, *National Deputies* and the *National Bank of Ukraine* have the right of legislative initiative in the *Verkhovna Rada*. Draft laws defined by the President as *urgent* are given priority consideration (*and cannot be postponed*) by the *Verkhovna Rada*.

**Article 94.**

*Part Four* shall be cited using the following wording:

If a law, after further consideration, is again adopted by the at least two-thirds of Parliament, the President is obliged to sign and officially promulgate the legislation within ten days. If the President does not sign this law, it is officially promulgated without delay by the *Chairman* of the *Verkhovna Rada* and published and signed by him or her?.

**Article 98.**

The *Chamber of Accounting* exercises control over the use of *State Budget* finances for the *Verkhovna Rada*.

**Article 103.**

*Part five* of this article shall be stated using the following wording:

Presidential elections are held on the last Sunday during the last month of the fifth year of a term of authority of the President. In the event of a pre-term termination of authority by the President, Presidential elections are held within ninety days from the day of this termination of authority.

**Article 106.**

*Subparagraphs 8-16, 19, 22 and 30 of Part One* shall be cited using the following wording:  
*The President of Ukraine.*

8. terminates the authority of the *Verkhovna Rada* in cases pre-determined by this Constitution;
9. forwards a submission to the *Verkhovna Rada* of Ukraine on the candidature for the office of Prime Minister upon the proposal of a *Deputy Group Coalition* in Parliament formed in accordance with *Article 83* of the Constitution within fifteen days;
10. forwards a submission to the *Verkhovna Rada* on the candidature for the offices of the Minister of Defence and Minister of Foreign Affairs of Ukraine;
11. appoints to and dismisses from office the *Procurator General of Ukraine*;
12. appoints half the composition of the *Council of the National Bank of Ukraine*;
13. appoints half the composition of the *National Council of Ukraine on Television and Radio Broadcasting*;
14. forwards the submission to the *Verkhovna Rada* on the candidature for the office for the *Head of the Security Services of Ukraine*;
15. suspends unconstitutional acts of Cabinet Ministers with a simultaneous appeal submission to the *Constitutional Court of Ukraine* for a constitutionality ruling;
16. revokes acts of the *Council of Ministers of the Autonomous Republic of Crimea*;

19. forwards submissions to the *Verkhovna Rada* on the declaration of a state of war, and adopts the decision to use the *Armed Forces* in the event of an armed aggression against Ukraine;
22. appoints and dismisses a third of the composition of the *Constitutional Courts of Ukraine*;
30. has the right to veto and request further considerations on laws adopted by the *Verkhovna Rada* (except for those on the introduction of amendments to the Constitution of Ukraine);

In *Part four* the following is to be cited using the following wording:

*Acts* of the President of Ukraine, issued within the limits of authority as stated in *subparagraphs 5, 8, 21 and 23* of this *Article*, are co-signed by the Prime Minister and the Minister responsible for the *act* and execution.

**Article 112.**

In the event of a pre-term termination of Presidential authority in accordance with *Articles 108, 109, 110 and 111* of this Constitution, the execution of duties of the President for the period pending the elections and the assumption of office by a new President, is vested in the Prime Minister. The Prime Minister during this period executes the duties of the President with the exception of powers listed in *Article 106, subparagraphs 2, 6, 8, 10, 11, 12, 14, 15, 16, 22, 25, 27 & 28* of the Constitution.

**Article 113.**

The *Cabinet Ministers* are the premier body of the *Executive*. The Cabinet Ministers are responsible to the President and are under the control of and accountable to the *Verkhovna Rada* within the limits of the Constitution. The *Cabinet Ministers* are guided by the Constitution and the Laws of Ukraine as well as by Presidential decrees.

**Article 114.**

The *Cabinet Ministers* are composed of the Prime Minister of Ukraine, the First Vice Prime Minister, three Vice Prime Ministers and other Ministers. The *Verkhovna Rada* upon the submission of the President appoints the Prime Minister of Ukraine. The candidature for the office of the Prime Minister is filed by the President upon the proposal of the *Deputy Groups Coalition*, formed in accordance with *Article 83* of the Constitution or by a *Deputy Group* whose composition includes a majority in Parliament.

The *Verkhovna Rada* on the submission of the President of Ukraine appoints the Minister of Defence and the Minister for Foreign Affairs of Ukraine. The *Verkhovna Rada* on the submission of the Prime Minister of Ukraine appoints other *Cabinet Ministers*. The Prime Minister manages the work of the *Cabinet Ministers* and directs the implementation processes for *Cabinet Minister's "Programmes of Activity"* for approval by Parliament.

**Article 115.**

The outgoing *Cabinet Ministers* tender their resignations to the newly-elected President. The Prime Minister and other members of the *Cabinet*, have the right to announce their resignations to the President of Ukraine. The resignation of the Prime Minister results in the resignation of the entire *Cabinet*. The successful espousal of a resolution of a "*vote of no confidence*" in the government by the *Verkhovna Rada* results in the resignation of the *Cabinet*. The *Cabinet Ministers*, whose resignations are accepted by the President,

continue to exercise their powers by commission of the President, until a newly-formed *Cabinet* commences its operation. The Prime Minister is obliged to submit a statement of resignation from the *Cabinet Ministers* to the President following a request by the President or in connection with the adoption of a resolution of *no confidence* by Parliament.

**Article 116.**

The addition of *sub paragraphs 9.1 and 9.2* shall have the following effect:

The Cabinet Ministers of Ukraine:

9.1) establish, reorganise and dissolve in accordance with the law Ministries and other *Central Executive* bodies of power, within the limits of funding allocated for their maintenance;

9.2) appoints to and dismisses from office on the request of the Prime Minister, *Chief Executive Officers* (from the *Executive*) -who are not part of *Cabinet*; *subparagraph 10* shall be cited using the following wording:

performs other functions determined by the Constitution, Laws of Ukraine and Presidential decrees;

**Article 120.**

*Part One* of *Article 120* shall be cited using the following wording:

*Cabinet Ministers* and *Chief Officers of Central and Local Executive* do not have the right to combine their official activity with other employment nor are they to be members of an administrative body or board of supervisors for an enterprise that is profit making *except* for teaching, academic and creative activity.

*Article 120* shall be supplemented with *subparagraph 5* with the following effect: supervision of the observance of human rights and freedoms, observance of the law on these matters by the bodies and officials of *Executive* power and *Local Self-Government*;

**Article 122.**

*Part One* shall be cited using the following wording:

The *Procurer of Ukraine* is headed by the *Procurator General of Ukraine*, who is appointed to office with the consent of the *Verkhovna Rada*, and dismissed from office by the President. The *Verkhovna Rada* may express “*no confidence*” in the *Procurator General* that results a resignation.

**Article 141.**

*Part One* shall be stated using the following wording:

A Village, Settlement and or City Council comprises of *Deputies* elected for a five-year term by residents on the basis of universal suffrage by secret ballot.

## II. FINAL AND TRANSITIONAL PROVISIONS

1. On the condition that the Law on introducing amendments to the Constitution of Ukraine for *Local Self-Government Development* is adopted by the *Verkhovna Rada* by September 1<sup>st</sup>, 2005, this law takes full effect on that day, with the exception of *Part five of Article 76, Part one of Article 77, Part two subparagraph 6 and Part six of Article 81, Parts six-ten of Article 83, Part two subparagraph one of Article 90 and Part one of Article 141* of the Constitution of Ukraine in the wording of this law, that takes effect

after the commencement of the authority of the *Verkhovna Rada* of Ukraine elected in the 2006.

If the *Verkhovna Rada* does not adopt the *Law on Local Self-Government Development* by September 1<sup>st</sup>, 2005, this law takes effect from January 1<sup>st</sup>, 2006, with the exception of *Article 76- part five, Article 77- part one, Article 81- part two subparagraph 6 and part six, Article 83 parts six-ten, Article 90 part two subparagraph 1 and Article 141 part one* of the Constitution of Ukraine in the wording of this law, that takes effect after the commencement of the authority of the *Verkhovna Rada* of Ukraine elected in the year 2006.

The *Verkhovna Rada* of Ukraine elected in 2002 exercises its constitutional authority until the commencement of a new Parliament to be elected in 2006.

The constitutional composition of the *Verkhovna Rada* consists of 450 *National Deputies* who are elected by secret ballot universal suffrage, on the principle of proportional voting in accordance with the law.



## **Part II**

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



## Commentary to Part II

Military development in Ukraine and the provision for national security is carried out on the basis of current legislation developed by constitutional methods that take into account fundamental national and global geo-political change.

The primary document is the 'Law on National Security' adopted by the *Verkhovna Rada* on 19th July 2003. In accordance with Constitutional requirements this Law pre-determines the fundamentals of Ukrainian State policy for the protection of national interests and the provision of individual, society and *State* security against external and internal threats in Ukraine.

According to legal definition: national security is the safeguarding of vital interests pertaining to the citizen and *State* of Ukraine that insures the sustainable development of society; through the timely detection, prevention and neutralization of implicit and explicit threats to national interests.

This Law pre-determines the priority of national interests, objects and the subjects of national security that are responsible for ensuring *State* security as well as providing for the main directions of State policy, including the main functions of the *Executive* assigned to *State* security.

In accordance with this Law, the President of Ukraine develops and approves the *National Security Strategy*, the *Military Doctrine of Ukraine*, other doctrines, concepts, strategies and programmes that determine the aims and provide the guiding principles of military development and the provisions for national security.

Presidential decree approved the new *Military Doctrine* on 15th June 2004. A further decree on 15th July 2004 introduced amendments to the *Military Doctrine*. The *Military Doctrine* is defensive. Though Ukraine does not consider any country to be its military enemy it will consider the consistent pursuit and non-amicable policies by a State or groups of States that threaten the military security of Ukraine as adversarial.

Ukraine does not have any territorial claims over other States and does not recognize any claims reciprocally. In contrast to the previous *Military Doctrine* approved by the *Verkhovna Rada* on 19th October 1993 (*now repealed*) the new *Military Doctrine* does not contain any reference to the intention of Ukraine to become a neutral, non-aligned *State* as stated in the *Declaration of State Sovereignty* approved by the *Verkhovna Rada of the Ukrainian Soviet Socialist Republic* on 16th July 1990, as referred to in the *Act of the Declaration of Independence of Ukraine* on 24th August 1991; approved in an all-Ukraine Referendum on 1st December 1991. Instead, the *new Military Doctrine* approves Ukraine's status as a *Distinctive Partner of NATO*; a course towards a considerable deepening of co-operation with *NATO* and the European Union declared in the *Strategy of Ukraine concerning the North Atlantic Treaty Organisation (NATO)* adopted by a decision of the *National Security and Defence Council* enacted by Presidential decree on 8th July 2002.

The Laws 'On Defence' from 5th October 2000 (repealing the prior Law 'On Defence' adopted by the *Verkhovna Rada* on 6th December 1991), 'On Defence Planning' (approved on 18th November 2004), 'On the Legal Regime of Martial Law' (6th April 2000), 'On the Regime of A State of Emergency' (16th March 2000) constitute the basic laws for defence and national security.

These laws define the legal arena in which all the components of the *State Military* and authorities can perform their functions pre-determined by the Constitution for defence and national security including a period of *martial law* and or a *state of emergency*.

The law '*On the National Security and Defence Council of Ukraine*' approved by the *Verkhovna Rada* on 5th March 1998 defines the authorities and main functions of the aforementioned Council created in accordance with *Article 107* of the Constitution of Ukraine.

The Law '*On the Democratic Civilian Control of State Military and Law Enforcement Organisations*' approved by the *Verkhovna Rada* on 19th June 2003 has special importance in the framework aimed at strengthening *State* democratic legal principles and social life in Ukraine based upon the *rule of law* in military-civil relations. This Law draws upon existing experiences in civil control exercises as well as developing the provisions of "*A Code of Conduct on Politico-Military Aspects of Security*" signed by Ukraine as part of the *Organisation for Security and Co-operation in Europe (OSCE)* framework. This *Code* regards *civil democratic and political control* over the *Armed Forces*, internal security organisations, intelligence bodies and the police as an integral element for stability and security.

Additional measures to ensure the democratic development of society and the strengthening of civilian control over the activities of Law-Enforcement and Intelligence Organisations were approved by *Presidential Decree* on 18th February 2004.

# The Law on National Security

N 964-IV, 19.06.2003; (Bulletin of the Verkhovna Rada, 2003, No 39, p.351)

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 neutralization of implicit and explicit threats to national interests;

**National Interests-** are natural resources, intellectual, cultural and sovereign property belonging to and recognized 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 hereafter*); 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-*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 *Strategy of National Security* and *The Military Doctrine*; to include

principles relating to the determining aims of military building as well as providing guidelines for agencies (under concrete circumstances), who with timely detection need to prevent and or neutralize implicit and explicit threats to the national interests of Ukraine.

The *Strategy of National Security 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 (Parliament)* 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;
- Local State Administrations and Local Self-Government Organisations;
- the Armed Forces of Ukraine, the National Security Service of Ukraine, the State Border Service of Ukraine and other Military Forces established in accordance with the Laws of Ukraine;
- 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 neutralize implicit and explicit threats to the national interests of Ukraine;
- the clear divisions of responsibility and coordination 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 elaborate 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 free 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 socio-economic, political and legal Union as well as into the Euro-NATO security zone in the pursuit of developing mutually equitable and favourable relationships with international 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 and bribery including the overlap of business, politics and organized 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 & 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 specialized 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 servicemen, ex- military servicemen 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, radicalization 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 program for the prevention of a financial crisis and the increase of credit risks;

- Lack of funding for problems affecting main industry and agricultural sectors including the much needed technical maintenance of nuclear power 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 added value 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;
- “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 innovatory activity;
- Ukrainian science and technology products are not competitive;
- There is a lack of infrastructure and exposure of the internal market for high-tech products to foreign interest 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 enterprise. Unsatisfactory levels of remuneration for work in the science and technology industry has caused a drop in appeal also aggravated by inadequate protection for intellectual property rights;
- There has been a “*brain drain*” of highly skilled manpower;

#### Ecological & Environmental Concerns:

- There is considerable anthropogenic damage to the ecology and environment in Ukraine;
- There has been unreasonable and exhaustive use of natural resources, raw materials and minerals (both renewable and unrenewable);
- 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;
- Anthropogenic deterioration of the hydraulic works at the Dnieper River reservoir;
- 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;
- Anthropogenic dangers including nuclear and bio terrorism;
- 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 of citizens to information;
- Mass media proliferation of violence, brutality and pornography;
- Cyber crime and terrorism;
- The leaking of confidential national security and State Secret Official documents;
- 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 neutralization of real and potential threats to national security to help protect the sovereignty and territorial integrity of Ukraine.

Border security, the improvement of the economy and the guaranteeing of civil security including the constitutional and human rights of the citizen 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;
- Participating in European and regional collective security systems, and becoming a member of the EU and NATO while maintaining good relations and strategic partnerships with the Russian Federation, CIS countries and other international states;
- 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 organizations;
- Participating in activities against international organized crime and terrorism groups, to counteract the proliferation and supply of nuclear and other weapons of mass destruction;
- Adapting Ukrainian Law to harmonise it with EU Law;

Internal State Security Directive:

- Reforming the law-enforcement system to increase its efficiency by optimizing and improving coordination between Law-Enforcement Agencies, while improving financial, material, technical, organizational, legal, and personnel support;
- Concentrating resources on strengthening coordination between Law-Enforcement and Counter-Intelligence Agencies to collectively fight organized crime and the drug trade;
- Participating in international cooperation 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 successfully react 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-servicemen 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 organized 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 cooperation 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 organizations;

#### 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 innovatory activity in Ukraine;
- Incrementally increasing budget expenditure 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;

#### 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 minimizing 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;
- Stabilizing 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 (*Greenhouse Effect*) problems on the Ukraine; while promoting Ukrainian participation in international ecological and environmental cooperation;

#### 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 the 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 Organizations and their representatives into the activities of the mass media;
- Preventing political propaganda and the harassment of journalists for their political views;
- 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 (Parliament), 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 mobilization, the definitions and structures relating to the dimensions and functions of the *Armed Forces*;

National Security and Defence Council of Ukraine coordinates 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, Security Services of Ukraine and other Central Executive Organizations within their constitutionally and legally defined, Presidential decreed 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 counteracting any internal military threats;

Law-enforcement Agencies fight criminal activity and counteract terrorism, as well as offer civil protection and rescue from anthropogenic and natural disasters;

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 Executive 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 the following:

- 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 neutralize threats to the national interests of Ukraine;
- To create a normative-legal basis that facilitates a more effective national security system;
- To improve the organizational 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 destabilizing 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 destabilizing threats and factors that encroach national interests;
- To localize, minimize and find resolutions for influential and potentially destabilizing conflicts;
- To assess and determine the cost effectiveness of activities relating to national security;
- To participate in bilateral and multilateral military security cooperation in the national interest of Ukraine;
- To assist regular and operational activities conducted by international organizations 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* (Parliament), 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**

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

# The Law On Defence

№ 1932-XII, 06.12.1991; (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

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, organizations, 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 UKRAINE 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, organizational 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 the 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 five-seven* 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 five-eight 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 organizations, that function from the moment when a decision to mobilize troops (*except for a special purpose mobilization*) is announced or brought to the attention of the persons subject to concealed mobilization or from the moment of the introduction of *martial law* in Ukraine. This period includes the time from mobilization 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 human 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 also to be provided.

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 the International Treaty ratified by Ukraine.

The military command constitutes the General Staff of the *Armed Forces*, 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 organizations, 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, mobilization and training.

### **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, the 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 legitimate security interests of other States.

National defence is funded exclusively 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*).

### **Article 3. Preparation for State Defence**

The preparation for *State* defence during peacetime includes *the*:

- prediction and assessment of military danger and threat;
- 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 mobilization 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;
- preparation of the national economy, the territory, the *Executive*, *Military Management* organs, *Local Self-Government* organs and the population for actions needed during a *special period*;
- creation of State materials and monetary funds reserves;
- 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, exercise legislative regulation for *State* defence.

### Article 6. The President of Ukraine

The President of Ukraine exercises authority for State defence in accordance with the Constitution of Ukraine.

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

### Article 7. The National Security and Defence Council of Ukraine

The National Security and Defence Council of Ukraine coordinates and controls the activities of the *Executive* for State defence within the authority defined in the Constitution of Ukraine and the Laws of Ukraine “*On the National Security and Defence Council of Ukraine*”.

### Article 8. The Supreme Commander-in-Chiefs Headquarters

The strategic management for the *Armed Forces*, *Law-Enforcement* and other *State Military Organisations* is 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 mobilization, 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 of fully compensate for private property alienated 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, ex-servicemen 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 utilization of armaments, military equipment, and other property belonging to the *Armed Forces*, *Law Enforcement Organisations* and other *State Military Organisations* utilization 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;
- 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 9 includes changes introduced by Law No 662-IV of 03.04.2003)*

**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, operation, combat and mobilization 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 the adequate combat efficiency, *manning system*, mobilization 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 mobilization training of local industries and controls over the preparation of enterprises, organizations and institutions (*both privately and publicly owned*) for the execution of mobilization 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 mobilization 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, organizations and institutions to the *MOD* for their control and management;
- organizes the accumulation of armaments, military equipment and other material resources for the *untouchable stocks* and mobilization 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 ready 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 servicemen and members of their families and employees of the *Armed Forces* including ex-servicemen 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 peacekeeping 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 organizations 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 of Ukraine upon submissions made by Cabinet approves *Regulations* for the *Ministry of Defence*.

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

(Article 10 includes changes introduced by Laws N 662-IV of 03.04.2003 and N 1003-IV of 19.06.2003)

#### **Article 10. 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 coordinating control over the Execution *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 pre-determines 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 organization and control of a communication system that prepares Ukraine for *State* defence,
- takes part in the development of *State* mobilization plans that controls the mobilization preparedness of the *Executive*, *Local Self-Government* organs, local industry, the economy, enterprises, institutions and organizations (*both public and private*) as well as executing mobilization 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 mobilization 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 the territorial defence tasks;
- organizes 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;
- organizes 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;
- organizes 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;
- organizes 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; organizes the use of these means in enterprises, institutions and organizations;

- 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 cooperation 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* organizes its activities in accordance with Regulations approved by the President of Ukraine.

(Article 11 includes changes introduced by Laws N 662-IV of 03.04.2003 and N 1003-IV of 19.06.2003)

**Article 12. The Tasks of other State Military and Law-Enforcement Organisations created in accordance with the Laws of Ukraine.**

The *State Border Service of Ukraine*, the *Security Service of Ukraine*, the *Ministry for Internal Affairs of Ukraine*, the *Civil Defence Forces* and other *State Military Organisations* established in accordance with the law all take part in *State* defence with the *Armed Forces*.

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 *State Military Organisations* 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-conscript 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 mobilization 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 12 includes changes introduced by Law N 662-IV of 03.04.2003)

### **Article 13. The activities of other Central Executive Organs for Defence**

*Ministries* and other organs of *Central 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, organize and control the execution of measures for the mobilization 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 pre-determined by the *Cabinet*;
- organize activities relating to military and patriotic education for citizens; provide assistance to public organizations 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 modernizing 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 the defence industry productions;
- 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 pre-determined 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 organizations (*both public and private*), officials and citizens:

- organise and execute territorial defence missions;
- make decisions on the organization 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 organizations 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 mobilization;
- organise mobilization training on a corresponding territory, including the control over the mobilization preparedness of enterprises, institutions and organizations 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 organizations that are involved in the implementation of mobilization activities in accordance with established procedure;
- ensure the rights to social, economic and legal protection for military servicemen and members of their families and employees of the *Armed Forces* including ex-servicemen 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 peacekeeping 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. *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 mobilization training, territorial and civil defence activities on the corresponding territory;
- the organisation of military reserves as well as reserves for a period of mobilization and wartime;
- the mobilization 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 the 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 organizations;
- 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 Organizations Relating to Defence**

Public and private enterprises, institutions and other organizations:

- 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 mobilization training and actual mobilization.

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

- 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 the regular military service, training and special exercises as well as during mobilization; 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 mobilization preparedness of enterprises, institutions and organizations, and the preservation of material resources for the mobilization 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 and fulfil their military duty as reserves in accordance with the legislation.

All citizens who carry out *State* military service in the *Armed Forces* shall wear 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 citizen property is permitted, provided subsequent and complete compensation is effected for its value in accordance with procedure and within time bars established by the *Cabinet*.

Ukrainian citizens are legally permitted to establish public organizations to promote the strengthening of the State defence.

### **PART III. TERRITORIAL AND CIVIL DEFENCE**

#### **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 organization and implementation of evacuation activities;
- the carrying out of rescue and other emergency operations in dangerous regions;
- 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 organized 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 *Deputy Minister for Defence*, who is also the *Commander of the Land Forces* of the *Armed Forces*, is responsible for the management of *State* territorial defence.

The *Armed Forces* and other *State Military Organisations* created in accordance with the law as well as *Internal Affairs*, *Civil Defence Management* organs, *Civil Defence Forces*, 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 Defence of Ukraine**

The *Civil Defence* of Ukraine is a State system of management organs, forces and means created with the objectives of organising and ensuring the protection of the population from the consequences of technogenic, ecologic, natural and military disasters.

The tasks and the structure of *Civil Defence* are defined by legislation.

### **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* have to 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*.

## **Presidential Decree on the Military Doctrine of Ukraine**

N 648/2004, 15.06.2004, to include changes made by the Decree of the President N 800/2004 of 15.07.2004

In accordance with *Article 2* of the Law of Ukraine on '*National Security of Ukraine*' I decree:

1. to approve the enclosed Military Doctrine of Ukraine.
2. That the Cabinet of Ministers of Ukraine will facilitate (as established by procedure) proposals to harmonise current legislation with this present Decree.

Approved by Decree of the President of Ukraine  
15<sup>th</sup> June 2004, N 648/2004

# The Military Doctrine of Ukraine

## PART I. GENERAL PROVISIONS

The *Military Doctrine* of Ukraine (hereinafter referred to as the *Military Doctrine*) is a set of guiding principles including military-political, military-strategic, military-economic and military-technical views on the provisions of military security of Ukraine.

The *Military Doctrine* is defensive. Though Ukraine does not consider any country its' adversary, any country or countries pursuing a consistent non amicable policy threatening its' military security will be considered an enemy.

The Constitution and Laws of Ukraine as well as international treaties and normative legislation subject to the agreement of parliament-*Verkhovna Rada*, bind and provide a guarantee for the legal basis of the *Military Doctrine* of Ukraine.

## PART II. MILITARY-POLITICAL PRINCIPLES OF THE MILITARY DOCTRINE

1. The military-political situation surrounding Ukraine is characterized by dynamism and the instability of events and processes that are the consequences of the following factors:
  - the aspiration of most states to reduce reliance on military force as a means to achieve political goals;
  - the reform of military organizations in most states aimed at the simultaneous reduction of the armed forces while enhancing its effectiveness;
  - the further development of international security systems as the ineffectiveness to resolve conflicts arises between states and within states;
  - nationalist and ethnic identity manifestations that can result in instability and conflict;
  - the increasing danger of the proliferation of nuclear and weapons of mass destruction coinciding with international terrorism;
  - the emergence of territorial disputes between states;
  - the aggravation of international rivalry over global political influence, control and ownership of raw material resource markets; and as a result the emergence of a dangerous use of military force to resolve economic and resources-related problems;
  - the emergence of new threats to international security and peace, including the spread of activities of extremist, separatist, radical religious and terrorist organizations, as well as extra judicial paramilitary groups;
  - the increase in illegal weapons and drugs trafficking, as well as illegal migration;
  - the emergence of new forms and systems of military hardware that use information technologies that alter traditional perceptions of conventional armed conflict;

2. The primary characteristics of contemporary Ukrainian military-political strategy is to enhance trust by improving international military cooperation, in minimising the probability of a large-scale war, (above all of a nuclear war), the existence of potential threats of armed conflicts, local or regional wars, and the escalation of Ukraine's involvement in them;
3. Military threats to Ukraine are a set of socio-political, economic, military and other external or internal factors that, under certain circumstances and conditions can lead to a military conflict that will threaten Ukrainian national interests;
4. Military Security of Ukraine is the state of protection of Ukraine's national interests, sovereignty, territorial integrity and protection from infractions with the use of military force. Military Security is a component of National Security. The main provision of military security is the elimination of external and internal threats to the national security of Ukraine and the creation of favourable conditions for guaranteeing the protection of national interests.
5. The actual and potential external military threats to the national security of Ukraine are the following:
  - the proliferation and supply of weapons of mass destruction;
  - the existing ineffective structures and mechanisms for ensuring international security and global stability;
  - the possibility of involvement of Ukraine in confrontations or regional wars with other states;
  - military-political instability and conflicts in neighbouring states, international terrorism; and the proliferation of illegal military hardware trafficking;
  - the building up of military troops and arsenals by closely bordering States of Ukraine, that could violate the current balance of forces;
  - the inconclusive legal status of Ukrainian State borders.
6. The actual and potential internal military threats to the national security of Ukraine are the following:
  - unlawful activities by extremist, separatist, radical religious and terrorist organizations as well as extra judicial paramilitary groups;
  - a dangerous decrease in the supply of military hardware and new generation specialized 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 surplus quantities of dated and ineffective military hardware;
  - unsatisfactory levels of social security benefits and protection for military servicemen, ex- servicemen and their families.
7. The provisions for Ukrainian military security are ensured by adherence to the following principal concepts:

- implementing well grounded military-political partnerships deliberately aimed at enhancing strategic stability in Central and Eastern Europe through political and economic endeavour assisting the reduction in threats to the national security of Ukraine;
  - preventing and containing possible armed aggression through the promise of a more formidable and destructive retaliation by Ukraine against any potential aggressor using military power against Ukraine;
  - repelling hostility using all necessary forms and methods of conflict management to stop enemy aggression at an early stage, to facilitate defeat of an aggressor and force it to cease further military action.
8. The provisions for Ukrainian military security are based upon the following principles:
- the rule of law;
  - defence competence;
  - that no territorial or non-recognition territorial claims exist from neighbouring states against the Ukraine and *vice versa*;
  - the priority of peaceful and negotiable conflict resolution;
  - the existence of timely and adequate measures that protect national military interests from external and internal threats;
  - the democratic *civil control* of *State Military and Law Enforcement Organizations*;
  - military capability, combat efficiency, training and the overall maintenance of the *Armed Forces* to facilitate the defence requirements of Ukraine while enhancing compatibility with the Armed Forces of NATO and EU member-states;
  - enhancing cooperation between State Organisations and the Executive, the Autonomous Republic of Crimea, Local Government and Military Organisations; while defining their individual responsibilities;
  - using collective international security systems and mechanisms for national interest;
9. Pre-existing conditions that ensure the military security of Ukraine are the following:
- enhancing trust among nations coupled with the consistent reduction of the use of threatening military force and encouraging a policy of Euro-Atlantic integration;
  - strengthening cooperation of global, European and regional structures of collective security;
  - implementing international treaties as part of Ukrainian national security and defence subject to approval by the *Verkhovna Rada*;
  - maintaining a suitable level of state defence and combat capability of the *Armed Forces*;
  - preventing possible armed aggression through containment by military and non-military means;
  - preventing socio-political, national and religious conflicts within the state through timely diffusion;

- state readiness for the protection of the people of Ukraine against the consequential use of conventional arms and weapons of mass destruction;
- finalising the legal status and equipment at Ukrainian state boarders.

*(Sub-item 9 includes changes made by Presidential Decree N 800/2004 of 15.07.2004)*

10. The basic components for military security provisions are the following:

a) In peace time:

- forecasting and evaluating threats to the national military security of Ukraine;
- fast tracking reform in the *Armed Forces* to maximise efficiency and the capability to successfully react 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;
- protecting state boarders including airspace and maritime territory as well as fighting organized local and international criminal groups, who operate in Ukraine and at crossing border points, exclusive continental and maritime economic zones;
- observing international military treaties ratified by Ukraine including the banning and non-proliferation of weapons of mass destruction to facilitate the building up of trust with foreign states;
- complying with agreements regarding the temporary stationing of the Russian Federation's Black Sea Fleet in Ukraine maritime zones;
- developing military science and technology to get military capability up to date;
- introducing civil democratic controls of the *Military and State Law Enforcement Agencies*;
- providing social protection for the military as well as ex- servicemen and members of their families; organizing military service in the *Armed Forces* for the youth;
- developing military-political partnerships and cooperation with NATO and the EU; participating in international peacekeeping activities.

(b) The basic components for military security provisions during periods of danger and in the case of war (armed conflict) are the following:

- using the capacities of the UN Security Council, OSCE, NATO, EU and other structures of collective security responsible for the maintenance of international peace and security in accordance with the *Memorandum on Security Guarantees* pursuant to Ukraine's accession to the Nuclear Non-Proliferation Treaty; using the crisis consultative mechanism under the provisions of the Charter on a Distinctive Partnership between Ukraine and the North-Atlantic Treaty Organization (NATO);
- introducing martial law with timely precision in full or part, mobilising partial or complete strategic deployment of the *Armed Forces* while preparing these components for the execution of their individual tasks;

- carrying out territorial and civil defence activities;
  - enhancing the protection and defence of Ukrainian state borders;
  - localising armed conflict to prevent its development into a regional war;
  - coordinating legislative activities to concentrate the efforts of State Organisations and the Executive, the Autonomous Republic of Crimea, Local Government and citizens to eliminate military conflict and armed aggression;
  - converting the national economy, industry, enterprise, transport and communications into functioning war-effort cogs;
  - repelling armed aggression by attacking vital enemy targets and troops with the purpose of forcing the aggressor to cease military (combat) activities at an earlier stage and to ultimately make peace on terms favourable to Ukrainian national interests;
11. In using its inalienable right to defend itself against armed aggression, the Ukraine does not preclude the possibility of obtaining military help from other states and international organizations.
  12. The formulation and implementation of military state policy is facilitated by State and Military Management Organisations responsible. The main bodies that provide for Ukraine's military security are: the *Verkhovna Rada*, the President, the National Security and Defence Council of Ukraine, the Headquarters of the Commander-in-Chief of the *Armed Forces* of Ukraine (*in case of its conception*), the Cabinet of Ministers of Ukraine, Central and Local Executive, other *State Organisations*, the *Armed Forces* of Ukraine, *Law-Enforcement Agencies*, the Autonomous Republic of Crimea, Local State Administrations and Autonomous Organisations, as well as enterprise, institutions and sundry organizations related to defence tasks.
  13. The Constitution and Laws of Ukraine-particularly "*On National Security of Ukraine*" and "*On Defence of Ukraine*" as well as additional laws sanctioned by Presidential and Ministerial decrees; determine the powers, primary functions and tasks for *State agencies /organisations* responsible for Ukraine's military security.
  14. The President of Ukraine, as the Head of State, guarantor of state sovereignty, territorial integrity, and guardian of the Constitution-rights and freedoms of a citizen, Commander-in-Chief of the *Armed Forces* and the Head of the National Security and Defence Council of Ukraine, performs the general management of national security and defence.
  15. The main principles of military security management include: the rule of law and centralised control based, on the common strategic and operational planning of the deployment of the *Armed Forces* in the interests of state defence as well as the coordination of political, diplomatic, military, economic and information activities of state organisations responsible for military control.

16. Ukraine aims to strengthen its external national security guarantees, and to counteract the emergence of new threats to stability in Central and Eastern Europe. The current political-military situation and national security interests of Ukraine requires a continuing profound relationship with NATO and the EU, who ultimately guarantee security and stability in Europe. The intensification of Ukrainian Euro-Atlantic integration through extensive state defence policy reform and the assimilation with current European defence standards remains at the highest priority.

*(Sub-item 16 includes changes made by Presidential decree N 800/2004 of 15.07.2004)*

17. Ukraine, as a member of the UN and the OSCE, a distinctive partner of NATO and a member of the Euro-Atlantic Partnership Council as well as the Partnership for Peace programme, is very conscious of its personal responsibility for maintaining international peace and security. Therefore, Ukraine takes an active part in the activities and operations of multinational forces created by the UN Security Council for conflict prevention and resolution. Ukraine considers its participation in international peacekeeping operations and the maintenance of regional military security as a key factor in its' foreign policy. The participation of Ukraine in international peacekeeping operations is facilitated by providing peacekeeping contingent, personnel, as well as the supply of material, technical resources and services that are required for such operations.

### **PART III. THE MILITARY-STRATEGIC COMPONENTS OF THE MILITARY DOCTRINE**

18. The purpose of the defence of Ukraine is to prepare the *State* in armed resistance, as well as to protect it from armed aggression or armed conflict. (war) At present, the possibility of the use of a large-scale military force against Ukraine is considered to be unlikely. However, the possibility of Ukraine's involvement in military conflicts of differing intensity is not excluded.
19. Military conflicts, as a means to settle disputes between states, involving the bilateral use of arms, or as a result of internal state armed clashes, for the purposes of this doctrine are defined as follows:
  - Regional war: (high-intensity conflict) is a war between states (or coalitions of states) using all available force and means, including weapons of mass destruction to achieve political goals;
  - Local war: (medium-intensity conflict) is a war of limited goals, scale and geographical effect between states using conventional arms;
  - Armed conflict: (low-intensity conflict) is a limited armed clash between two foreign states or an internal armed clash that involves military (combat) operations but does not develop into a war and where no legal act of declaration of war is made.
20. The characteristics of modern warfare are defined as follows:

- The wide use of state of the art weapons systems and military hardware, particularly high-precision, air attack, intelligence and radio-electronic weaponry;
  - The increasing role and importance of confrontation using information and media technologies;
  - Highly-manoeuverable (mobile) operations of troops (forces) in multiple directions with the extensive use of rapid reaction, airmobile, landing and special-purpose forces;
  - The extensive use of covert special operations (non-contact), long-range fire and electronic targeting warfare;
  - Concurrent intelligence activity including the targeting of troops (forces), economy assets and communication systems within potentially hostile states;
  - Extending the scale of armed conflict by involving multiple states into military conflict and by amplifying the use of military hardware to include weapons of mass destruction.
21. With the aim of improving national security, Ukraine shall implement reform of the *Armed Forces* in terms of character; size, management, education and training to meet armed forces standards maintained by NATO member-states. The nature of threats to Ukrainian military national security ascertains the need to maintain within the *Armed Forces*, specially assigned divisions namely *Joint Rapid Reaction*, *Main Defence* and *Strategic Reserve* forces. *Joint Rapid Reaction Forces* are selected for the prevention and initial military containment of any possible aggression against Ukraine as well as immediately responding to threats and armed conflicts in order to neutralize and prevent them spreading into a local (regional) war. In peacetime, *Joint Rapid Reaction Forces* provide protection against terrorist attacks on military assets, and are ready to participate in counter-terrorist operations at these military sites, as well as responding to the emergence of external terrorist threats to national security. These forces also participate in peacekeeping and the prevention and management of possible catastrophes and natural disasters. Mainstream defence forces are assigned for repelling aggression and defeating enemy forces as well as creating conditions for ending warfare in reaching a peace settlement. Furthermore, mainstream defence forces are elected to reinforce *Joint Rapid Reaction Forces* during high risk armed conflict and for operations in a local (regional) war. *Strategic Reserves* ensure Ukrainian defence endurance, by reinforcing and potentially substituting the main defence forces as well as possibly being deployed on the eve of or during an armed conflict (war).
22. The main military and strategic objectives for the deployment of the *Armed Forces* are the following:
- *during an armed conflict* – to ensure the inviolability of the state borders, the elimination of armed conflict and the establishment of necessary conditions for stabilising a conflict situation in accordance with the norms of international and Ukrainian law;
  - *during a local or regional war* – to protect the sovereignty and territorial integrity of Ukraine, repel aggression and to defeat aggressing and invading troops, and to provide a conclusive peace agreement on favourable terms;

- *during international peacekeeping operations* – to prevent the emergence of international and internal conflicts; to settle or create conditions for the resolution of international or internal conflicts with the consent of conflicting parties or by force in accordance with the decisions of UN Security Council; to take actions to ensure security and the protection of human rights; to eliminate any threat to peace or any other continuing aggression;
23. The main tasks of the *Armed Forces* in peacetime are the following:
- Carrying out intelligence and information analysis activities in the interests of state defence;
  - Maintaining permanent combat and mobilisation preparedness of the troops (forces);
  - Carrying out combat duties;
  - Ensuring operational, combat, mobilisation, and humanitarian training of troops (forces) to carry out designated missions;
  - Carrying out activities to provide for information security;
  - Implementing activities in preparation for territorial defence;
  - Implementing the creation, preparation and accumulation of mobilisation resources and “*untouchable stocks*”;
  - Implementing the accumulation of armaments, military equipment and other material resources for secure stocks (*untouchable stocks*) and mobilization reserve; the creation of a reserve of military-educated personnel;
  - Providing assistance to Central and Local Executive, the Executive of the Autonomous Republic of Crimea, Local Autonomous Government to carry out search and rescue operations during natural and anthropogenic emergency situations;
  - Participating in the implementation of international arms control agreements;
  - Participating in international cooperation agreements (*both bilaterally and multilaterally*) and in international peacekeeping operations.
24. The tasks of other *State Military and Law-Enforcement Organisations* in peacetime are to participate in the strategic planning on the deployment of the *Armed Forces* and joint defence readiness training.
25. The main tasks of the *Armed Forces* during the build up period before an armed conflict are the:
- intensifying of intelligence activity to afford timely warnings to the President, the Head of the *Verkhovna Rada* and the Prime-Minister of Ukraine on any possible aggression and the placing of the *Armed Forces* on full alert;
  - strengthening state borders and air space protection;
  - implementing troop build up in threatened sectors, including the strategic deployment (full or partial) of the *Armed Forces*.

26. The main tasks of other *State Military and Law-Enforcement Agencies and Organisations* during the *build up* to an armed conflict are the:
- participation in the screening of the strategic deployment of the *Armed Forces* and facilitating territorial defence of the State;
  - participation in the evacuation of the local population from borders and high risk areas;
27. The main tasks of the *Armed Forces* in case of an armed conflict is the:
- carrying out of strategic deployment and creating groups of troops to repel ensuing hostility;
  - repelling of enemy attacks from air, land and sea, and to prevent territory invasion by enemy forces;
  - execution of operations and combat missions to defeat enemy forces and to create conditions for a conclusive peace agreement;
  - elimination at an early stage (through localization and neutralization) armed conflicts to prevent its proliferation.
28. The main tasks of other *State Military and Law-Enforcement Organisations* during armed conflict include:
- participating in provisions for a legalised martial law state regime;
  - participating in activities for territorial defence preparation;
  - protecting the population, economic assets and infrastructure from enemy attack;
29. The deployment of the *Armed Forces* and other *State Military and Law-Enforcement Organisations* during military conflict is determined by the Constitution and Laws of Ukraine, embracing the principles and norms of international law on the prevention and repelling of armed aggression based on general principles of *military art*. When repelling an armed conflict, Ukraine considers the possibility to use all forms, methods and means of warfare to deal with the ensuing situation. Armed conflict against Ukraine does not preclude the *Armed Forces* to continue warfare on enemy territory to achieve overall defeat.
30. The deployment of the *Armed Forces* can be carried out in the following forms: through strategic operations of the *Armed Forces*, missions, combat operations, attacks, united, joint unit operations of the *Armed Forces* assisted by other *State Military Organisations* in regional, local and international armed conflict; this also applies to the operations of international peacekeeping contingents.
31. The forms of deployment of the *Armed Forces* are defined in accordance with the *Strategic Plan on Deployment of the Armed Forces of Ukraine* developed by the General Staff of the *Armed Forces* depending on the situation, forces and means of enemy warfare used, as well as the character and scale of military combat operations.
32. The main tasks of the *Armed Forces* and other *State Military and Law-Enforcement Organisations* after securing the end to an armed conflict includes the:
- restoration of the combat efficiency of the *Armed Forces*;

- demobilization of the *Armed Forces*;
  - providing of assistance to the population, Central and Local Executive, the Autonomous Republic of Crimea and Local Self-Government Organisations to eradicate the consequences of military combat operations;
33. The prerequisite conditions for Ukraine to terminate combat operations against the enemy are the following:
- obtaining cessation from the enemy of military (combat) operations, the abandonment of all hostile intentions towards Ukraine and the full restoration of Ukraine's territorial integrity;
  - securing enemy guarantees to compensate all losses inflicted on Ukraine as a result of the armed conflict.
34. The *Armed Forces* and other *State Military and Law-Enforcement Organisations* can also be involved in state of emergency activities as prescribed by law.
35. The *Armed Forces* and other *State Military and Law-Enforcement Organisations* can also be involved in counter-terrorist activities within parameters defined by law.
36. Ukraine provides peacekeeping services including personnel, material and technical resources for international peacekeeping operations. The Laws of Ukraine and international agreements determine the legal, organisational and financial basis for the participation of Ukraine in international peacekeeping operations, as well as the procedures for deploying Ukrainian peacekeeping contingents and personnel.
37. The main military assistance tasks provided by the *Armed Forces* to other states includes the following:
- the sharing of experiences regarding the development and reform of the *Armed Forces*, as well as providing expert advice on maintaining combat effectiveness and deployment;
  - air and sea transportation of troops and supplies;
  - training of experts and personnel for the *Armed Forces*;
  - the participation of the *Armed Forces* in combat, peacekeeping or humanitarian operations related to the protection of a civilian population during emergency situations as a consequence of both natural and anthropogenic disaster including radiation, chemical, biological threats and the use of weapons of mass destruction.
38. The *Armed Forces* are headed by the President of Ukraine, who is also Commander-in-Chief. During a conflict, the President carries out strategic directions for the *Armed Forces* and other *State Military and Law-Enforcement Organisations* under the auspices of the Commander-in-Chief Headquarters (*subject to its establishment*) and the working body of the General Staff of the *Armed Forces*.
39. The Commander-in-Chief of the *Armed Forces* directs the *Armed Forces* in peace and wartime.

40. The main objectives for the *Armed Forces* and other *State Military and Law-Enforcement Organisations* in peace and wartime are the following:
- definitions of perspective- by providing reform and development for the *Armed Forces* and other *State Military and Law-Enforcement Organisations*;
  - developing and adopting strategic decisions regarding the deployment of the *Armed Forces* and other *State Military and Law-Enforcement Organisations*;
  - strategic planning for the deployment of the *Armed Forces* and other *State Military and Law-Enforcement Organisations*;
  - coordination of operational and mobilisation training for the *Armed Forces* and other *State Military and Law-Enforcement Organisations*;
  - preparing for operations and directions of strategic deployment of the *Armed Forces* for military operations and the execution of territorial defence missions during armed conflict;
  - organising the overall support for strategic operations of the *Armed Forces*;
  - providing for the interaction between the components of the *Armed Forces* and other *State Military and Law-Enforcement Organisations*, Central and Local Executive, the Autonomous Republic of Crimea and Self-Government Organisations for the preparation of Ukrainian defence in to safeguard *her* sovereignty, territorial integrity and inviolability.
41. The General Staff of the *Armed Forces* are the principal military body responsible for defence planning, directing the deployment of the *Armed Forces*, the coordination and control over the execution of defence missions conducted by the *Armed Forces* and other *State Military and Law-Enforcement Organisations*, Executive and Self-Government Organisations within legal limits, decrees and sanctions of the President and the Cabinet of Ministers of Ukraine.

#### **PART IV. MILITARY-ECONOMIC AND MILITARY-TECHNICAL COMPONENTS OF THE MILITARY DOCTRINE**

42. Favourable conditions are to be created to guarantee the efficiency and functioning of the *Armed Forces* and other *State Military and Law-Enforcement Organisations* facilitated by the use of available human and *State Resources* as approved by law.
43. Through the medians of financial and economic potential the development of scientifically proven military-economic, military-technical and military-industrial policy will provide for improved Ukrainian military security.
44. Ultimately providing material provision for Ukrainian military security is to fulfil the needs of the *Armed Forces* and other *State Military and Law-Enforcement Organisations* in terms of financial and material resources within realistic limits of state defence expenditure.
45. The main principles of material provision for military security are the following:

- an symmetry between the character, scale, priorities and objectives of *State* military-economic activities, balanced with the objectives of military policy (military security needs) and the financial-economic capabilities of Ukraine;
  - the provision of financial, material, technical and intellectual resources;
  - the creation of favourable conditions for the functioning of enterprises, institutions and organizations that provide productive-technological and scientific-technical stability for the *Defence and Industrial Complex*;
  - the provisions of scientific, technological, information and resource potential for the development and production of core types of military equipment and weapons;
46. Key military provision directives for military security are the following:
- timely (within the limitations of *State Defence Budget* resources) execution of reform and development programmes as well as plans for the training and deployment of the *Armed Forces*;
  - optimisation and control over the use of defence resource expenditure;
  - development of scientific, technological and manufacturing bases as part of the *Defence and Industrial Complex*;
  - providing for the production and modernisation of armaments and military equipment;
  - reducing Ukraine's international dependence on the supply of military hardware and technology;
  - providing intellectual property rights for the development and production of defence technologies;
  - providing improvements in the national economy to facilitate mobilisation preparedness;
  - establishing the vigorous maintenance of *State Resources* and financial reserves;
  - establishing and pursuing mutually advantageous international military-political and military-technical cooperation through implementing international agreements to improve military-economics;
  - providing social and legal protection for the *Armed Forces* and other *State Military and Law-Enforcement Organisations* personnel, as well as ex- servicemen and members of their families;
  - carrying out environmental security provisions to eliminate the consequences of military operations, dangerous weapons disposal, and ageing military hardware;
  - developing a military-economic system to facilitate the analysis and forecast of financial and *State Resources* requirements for ensuring the defence capabilities;
47. Military-technical *State* policy focuses on the modernisation, maintenance, development and equipment of the *Armed Forces* that constitutes the basis of combat potential.
48. The following priority directives for providing the *Armed Forces* with military hardware include:

- the creation of effective and multifaceted models for the accumulation of military hardware for operations of the *Armed Forces* balanced against the actual economic capabilities of the state;
- the maintenance of available weapons and military equipment as part of combat readiness;
- the guaranteed provision for state of the art military hardware for the *Armed Forces*;
- the elimination of an existing military-technical and technological gap in the development of mainstream military equipment, to enhance the local manufacturing market in order to become a competitive participant in the world arms market;
- the creation of a scientific and technical basis for the fundamental military study and research including the development of dual-use technologies;
- the creation of favourable conditions for the development of the arms industry to facilitate sizeable production of armaments and military;
- carrying out sensible restructuring of the *Defence and Industrial Complex*;
- reducing Ukraine's international dependence on military technology;
- the development of military and technical cooperation through the balanced import and export of military and dual use products;
- the carrying out tests and quality control certification for armaments and military equipment.

## PART V. FINAL PROVISIONS

The implementation process of the *Military Doctrine* is achieved through a set of political, economic, social, military, information, legal and miscellaneous performances aimed at affording military security and defence for Ukraine.

The *Military Doctrine* is a basis for the development and adoption of military-political and military-strategic decisions and programmes. The implementation of *Military Doctrine* provisions are mandatory for all *State* Organisations, the Autonomous Republic of Crimea and Local Government within the limits of their powers as defined by the Constitution and the Laws of Ukraine.

*Military Doctrine* provisions can be clarified and amended during the development and implementation stage of *State* military security policy, taking into account changes in the military-political situation, the nature and substance of military threats to the national and military security of Ukraine and the general conditions of military development.

The President, the National Security and Defence Council and the Cabinet of Ministers of Ukraine within the limits of their powers as defined by the Constitution and the Laws of Ukraine will facilitate the implementation of *Military Doctrine* provisions.

# Decision of the National Security and Defence Council of Ukraine on the Strategy of Ukraine Concerning the North Atlantic Treaty Organisation (23<sup>rd</sup> May 2002)

Enacted by Presidential Decree on 8th July 2002 (reprinted in the wording of the text published in newspaper "Uryadoviy Kur'yer" on 10th August 2002, No 146)

On 8th July 2002, in accordance with *Article 107 of the Constitution of Ukraine* the President enacted by Decree a decision on the *National Security and Defence Council of Ukraine*, from 23rd May 2002- "*On the Strategy of Ukraine Concerning the North Atlantic Treaty Organization (NATO)*".

This document primarily states that the direction of Ukrainian *State* policy towards a full-scale integration into the European and Euro-Atlantic structures is determined by a necessity to take into account the objective realities of European and global politics, dictated by the national interests of Ukraine.

In order to effectively pursue this course, Ukrainian *North Atlantic Treaty Organization (NATO)* strategy was developed.

It defines the political, legal basis and ultimate aims of a *Euro-Atlantic* integration policy for Ukraine to include Ukraine's vision of an all-European security system, its national interests, aims and parameters of current and future relations with *NATO*.

Since gaining independence in 1991, Ukraine has begun to form a sovereign foreign policy based on an effort to strengthen *State* national security and a desire to participate in a more active role in the *European Community*. The main priorities of foreign policy were defined as: a full-scale integration into the European and Euro-Atlantic structures and attaining membership for Ukraine in the emerging all-European security system.

The legal basis for a Ukrainian Euro-Atlantic integration policy is incorporated in the following documents: "*The Main Directions of Ukraine's Foreign Policy*", "*The Concept (fundamentals of state policy) of National Security for Ukraine*", as well as normative acts of the President and *Cabinet Ministers*.

The "*Main Directions of Ukraine's Foreign Policy*", approved by the *Verkhovna Rada* of Ukraine on 2nd July 1993, states that "given the dissolving of an Eastern European bloc confrontation, the creation of an all-European security system based upon the following international institutions such as: *the Conference on Security and Co-operation in Europe (now the Organization for Security and Cooperation in Europe - OSCE)*, *the North Atlantic Cooperation Council (NACC) (now the Euro-Atlantic Partnership Council - EAPC)*, *NATO*, *Western European Union (WEU)* becomes a priority. Direct and full membership for Ukraine in this system will create the necessary external guarantees for its national security. In view of these fundamental changes that took place after the collapse of the *Soviet Union* that consequently determined the present geo-political position of Ukraine, the originally declared intention to become a neutral and non-aligned state in the future has now to be re-adjusted to accommodate new conditions to avoid obstacles to enable a full-scale participation of Ukraine in an all-European security structure".

Ukraine believes that an all-European security system has to be co-operative and must be formed on the basis of existing organizations and structures, including *NATO*,

the *OSCE*, the *European Union (EU)* and other political and military machinery. Ukraine supports the structuring of this system, particularly in the encouragement of accepting new members. The underpinning principles in this system should catalyse interaction among the existing European security structures based upon the principles of harmonisation, partnership and the creation of effective mechanisms that guarantee European security.

Given current geo-political realities, Ukraine considers *NATO* as a basis for an all-European security system and supports the process of *NATO's* enlargement.

Ukraine believes that *NATO's* enlargement has to be an evolutionary and transparent process, open to co-operation with other states that will help strengthen European stability and security in the context of an all-European integration process.

Ukraine considers *NATO* a military-political organization that unites democratic States of Europe and North America with a high level of social and economic development that does not threaten the national security of Ukraine.

Taking into consideration the role of *NATO* in the maintenance of European security and stability; in fostering co-operation between regional States; given the interrelation between the processes of *NATO* and *EU* enlargement and the close co-operation between these organizations on the development of a European security system; taking into account the military and political potential of *NATO* and the experience of its member states in the development of democratic society, effective economy and defence; subsequent Ukrainian membership of this *Euro-Atlantic Alliance* would enable the Ukraine:

- to obtain firm guarantees of state sovereignty, political independence, territorial integrity and inviolability of her state borders; the creation of favourable conditions for economic development as an integral part of the *European Economic Area*, that essentially strengthens regional and European stability and security;
- to guarantee national security through effective political, military, economic and financial means;
- to obtain firm guarantees to enshrine the irreversible establishment of principles on civil society, the rule of law and effective market economy;
- to improve *State* accountability and enhancing Ukraine's international image particularly amongst the community of developed democracies that will facilitate Ukraine's participation in crucial European geo-political processes;
- to facilitate Ukraine's accession to other European and international structures;
- to catalyse processes of European Union integration;
- to complete the reform of the *Armed Forces* including the creation of an effective system of civil democratic control over *State Military Organisations* including transparency in *State* defence budgets to ensure the rational use of allocated funds for State defence.

Currently, the relationship between Ukraine and *NATO* is developing into a framework of a *distinct partnership in a "19+1" format*, formalised in "*The Charter on a Distinctive Partnership between NATO and Ukraine*". An individual partnership is to be developed for defence, military co-operation and peacekeeping operations within the *P/P* framework as well as a mechanism of multilateral consultations and co-operation on political and security issues between the member states of *NATO* and members of the *Euro-Atlantic Partnership Council*. Regular review mechanisms for *State* co-operation and political

consultations within the framework of the *NATO-Ukraine Commission (NUC)* and the *NATO-Ukraine Military Committee* are important elements of a *NATO-Ukraine* partnership.

The Ukraine's participation in the *Planning and Review Process (PARP)* plays an important role towards defence reform of Ukraine and in the processes of aligning the national *Armed Forces* into conformity with the *Euro-Atlantic* model, including the achievement of a military interoperability with *NATO Allied Forces*. This co-operation will contribute towards an achievement of interoperability between the *Armed Forces* and other *Military Organisations* assigned for participation in the *PfP Programme* with *NATO Allied Forces*, including any participation in *NATO* or/and *OSCE* humanitarian and peacekeeping operations.

The development of a distinct partnership demands a deepening of Ukraine-*NATO* political, military and non-military co-operation.

In implementing *Euro-Atlantic* integration policy and continuing efforts to deepen a distinct partnership with *NATO*, Ukraine's position and ultimate aim for Euro-integration policy is the accession to *NATO* as the basis for a European security structure.

The strategy of Ukraine regarding *NATO* comprises of provisions on the intention of Ukraine to join the existing *NATO* mechanisms in order to achieve full accession and membership.

## **Decree of the President of Ukraine on the State Programme for Co-operation between Ukraine and the North Atlantic Treaty Organisation (NATO) 2001-2004**

58/2001 of 27.01.2001; Including changes introduced by Decrees of the President No 190/2002  
of 26.02.2002, No 586/2003 of 09.07.2003

In order to further implement the provisions of the *Charter on a Distinctive Partnership* between Ukraine and the *North Atlantic Treaty Organization* as signed on 9<sup>th</sup> July 1997 in Madrid, Spain and to promote *NATO-Ukraine* co-operation, according to *paragraphs 1 and 3 of Articles 106* of the *Constitution of Ukraine*, I decree:

1. to approve a *State Programme* of Ukrainian co-operation with the North Atlantic Treaty Organization (*NATO*) for 2001-2004 (*enclosed*).
2. that the *Cabinet Ministers* of Ukraine shall implement the abovementioned *State Programme*.
3. that the *State* interdepartmental commission on *NATO-Ukraine* co-operation shall inform the President on the status of the execution of this *State Programme*.

APPROVED  
by Decree of the President of Ukraine  
of 27th January, 2001 No 58/2001

# The State Programme for Co-operation between Ukraine and the North Atlantic Treaty Organisation (NATO) 2001-2004

## PART I. GENERAL PROVISIONS

Current approaches of Ukraine for the development of a security policy are based on the invariability of the *State's* strategic goal of full integration into the *European and Euro-Atlantic* structures and full participation in an all-European security system. In order to implement its' national security policy, Ukraine promotes constructive co-operation with the *North Atlantic Treaty Organization* (hereinafter referred to as *NATO*), the *European Union (EU)*, the *Western European Union (WEU)*, the *Euro-Atlantic Partnership Council (EAPC)*, the *Organization on Security and Cooperation in Europe (OSCE)* and the *Council of Europe (CE)* on the basis of which a new structure of European security for the 21st Century is to be formed.

The attitude of Ukraine towards *NATO*, as being the most effective structure of collective security in Europe, remains unchangeable. Taking into account the significant contribution of the *Alliance* to peace, stability and an atmosphere of trust in the *Euro-Atlantic* sphere, the creation of a new security structure in Europe, disarmament, and arms control and the non-proliferation of weapons of mass destruction, Ukraine aims to broaden its participation in *EAPC* and in the *Partnership for Peace (PfP) Programme*.

In developing its co-operation with *NATO*, Ukraine aims to ensure its independence, democratic development and territorial integrity, the strengthening of its national security, the prevention of new threats to stability and security on the European continent and to make use of the experience and help of member-states of the *Alliance* in reforming the defence and other connected spheres.

The *Charter on a Distinctive Partnership* between Ukraine and *NATO* signed on 9th July 1997 (hereafter - the *Charter*), determined new relationships and directions for the development of co-operation with the *Alliance*, including principles and mechanisms for implementation.

The adoption and implementation of a *NATO-Ukraine State Programme* of co-operation for the period up to 2001, created internal conditions for reaching the primary goals defined in the *Charter* and gave considerable impetus to cooperation with the *Alliance* in the political, defence, economic, scientific, ecological and other non-military sectors.

Contemporaneously, the President of Ukraine approved an updated *State Programme* for the reform and development of the *Armed Forces* for a period ending in 2005. Its main goal was to create a modern armed force in accordance with the *Euro-Atlantic* model.

Furthermore, during the last two years, the *North Atlantic Alliance* has taken important steps towards external adaptation and internal reorganisation that has catalysed further developments of co-operation between Ukraine and *NATO*.

The list of factors below helps determine the new documents necessary in order to bring the co-operation of Ukraine with the *Alliance* into accord, taking into consideration current trends.

The *State Programme* for NATO-Ukraine cooperation (*hereafter - the Programme*) is developed for 2001 – 2004 and follows on from a previous *Programme*. Its aim is to provide the fullest possible and qualitative implementation of the *Charter*. It is developed on the basis of corresponding provisions of the Constitution of Ukraine, the *Basic Directions of the Foreign Policy of Ukraine*, the *Concept (basis of State policy)* of *National Security*, the *Military Doctrine of Ukraine* and other normative-legal acts.

### **The *Programme* Objectives**

The objectives of the *programme* are:

- to determine the priority directions of co-operation with *NATO* for the period up to 2004;
- to strengthen *NATO*-Ukraine co-operation within *Charter*, *EAPC* and *PjP Programme* frameworks in order to achieve a new level of distinctive partnership relations;
- to broaden bilateral co-operation between Ukraine and *NATO* member and partner-states;
- to improve the mechanisms of co-operation with *NATO*, and the co-ordination and control over implementation;
- to create an *Annual Action Plan* on the *Charter* and the *Individual Programme of Partnership (IPP)*, and to assist implementation;
- to achieve the goals of partnership defined by Ukraine in the *Planning and Review Process (PARP)* within a *PjP* framework;
- to ensure the strengthening of relations within the *Central Executive* organs involved in the implementation of the *Charter* with corresponding *NATO* structures;
- to promote the effective use of results by the *Central Executive* organs and institutions from co-operation with *NATO*;
- to create an effective mechanism for information support and co-operation with *NATO*, to promote the disseminating of objective information on *NATO* activities within Ukrainian society;
- to attain by the end of 2004, the fulfilment of pre-determined *Programme* tasks.

### **The Mechanism for Implementation, Co-ordination and Control**

The *Central Executive* organs and institutions of Ukraine are responsible for the implementation of this *Programme* in accordance with the aforementioned list. Furthermore, the departments for the *National Security and Defence Council of Ukraine (NSDCU)*, the *Administration of the President of Ukraine and Cabinet Ministers of Ukraine* are involved in the implementation of this *Programme*, as well as approved departments from the *Verkhovna Rada* of Ukraine, non-governmental organizations (*NGO*'s) and other institutions.

*Programme* implementation is facilitated through the development by the relevant *Executive* organs, and the workings of annual departmental plans, the participation of the *Executive* organs in the activities stipulated by the *Work Plan on Charter, IPP*, and other bi- and multilateral *PjP* activities, as well as the work of joint working groups and joint *NATO* activities carried out by mutual agreement.

The President manages the execution of this *Programme*. General co-ordination and control of *Executive* organs activities for *Programme* implementation, formation and implementation of the *Work Plan on the Charter* and the *IPP*; achievement of the goals of partnership on *PARP* and the implementation of other activities on co-operation with *NATO* is carried out by *NSDCU* and, on the *Council's* behalf, the *State* interdepartmental commission on *NATO-Ukraine* co-operation (*SIC*).

A *Secretariat* created within the *NSDCU* is responsible for the organisational support of *SIC* activities.

Daily co-ordination and control over the activities of the *Executive* organs for planning and the implementation of *NATO* co-operation activities are carried out by the *Ministry of Foreign Affairs of Ukraine*.

*The Ministry of Foreign Affairs of Ukraine (MFA):*

- develops and submits to the President for consideration, proposals on the conceptual basis of relationships with *NATO*, develops recommendations on the development of co-operation of Ukraine with the *Alliance*, including the updating of the legal basis for co-operation;
- co-ordinates the work of the *Ministries* and other *Central Executive* organs on the formation of the *Work Plan on Charter Implementation* and the *IPP*, and assists the implementation process within its powers;
- facilitates the control and analysis of the *Ministries* and other *Central Executive* organs on the formation of implementation activities for the above-mentioned plans and *Programme* as well as annual departmental plans.

In order to ensure the implementation of these tasks, a standing *Interdepartmental Working Group (IWG)* consisting of experts on *Euro-Atlantic* co-operation, who are to advise the *Ministries* and other *Central Executive* organs, is to be created at the *Ministry of Foreign Affairs*.

Other *Central Executive* organs involved in the *Programme* framework for co-operation with *NATO*:

- develop proposals for the *Ministry of Foreign Affairs* on the broadening and strengthening of co-operation with *NATO* within their expertise in accordance with established procedure;
- develop annual plans for the implementation of a *Programme* with a list of activities, agree upon the level of financing with the *Ministry of Finance* during the drafting stage of the *State Budget* and annually submit proposals to the *MFA* by the 15<sup>th</sup> December;
- submit to the *MFA* in accordance with established deadlines a list of activities in which their representatives will take part to be included in a draft *Work Plan on Charter Implementation* and the *IPP* including estimated expenditure required from the *State Budget* and further financial help needed from *NATO*;
- to ensure the execution of activities stipulated in the *annual departmental plans* on the implementation of the *Programme*, the *Work Plan on Charter Implementation* and the *IPP* to be submitted twice a year (by 15<sup>th</sup> July and by 15<sup>th</sup> January respectively) -reports on implementation (*including reports on expenditures*) to the *MFA*; on the basis of received materials, the *MFA* then develops a combined report and submits this to *SIC* for consideration;
- to provide scientific and analytical support for the development of *annual departmental plans* for the implementation of the *Programme*, the *Work Plan on Charter Implementation* and the *IPP*;

- to control the implementation of the aforementioned *plans* and the assigned use of financial resources.

In order to ensure the co-ordination of activities and the fulfilment of various elements of the *Programme* as well as to enhance the efficiency of co-ordination on the implementation activities in varying directions of co-operation with *NATO*, the national co-ordinators for *NATO-Ukraine* co-operation are to be appointed. Their tasks, functions and procedures of appointment are to be determined by *Regulations* approved by the President.

*(Part I includes changes made by the Decree of the President No 190/2002 of 26.02.2002)*

## **PART II. CO-OPERATION IN THE POLITICAL SPHERE**

Ukraine also develops co-operation with *NATO* in the political sphere, proceeding from existing political realities, fundamental national security interests and current tendencies of development within the *Euro-Atlantic* sphere. The *Ministry of Foreign Affairs* is responsible for implementing activities for political co-operation.

Ukrainian political co-operation with *NATO* has the following objectives:

- ensuring the implementation of *State* policy on *European and Euro-Atlantic* integration;
- increasing the level of guarantees for independence, territorial integrity, the inviolability of Ukrainian borders and national security;
- support for the development of democratic principles, the observance of rights and freedom of citizens, and the rule of law;
- strengthening stability and security in *Central and Eastern Europe* and within the collective *Euro-Atlantic* zone;
- ensuring the fully-fledged participation of Ukraine in the processes of development for an *all-European* security structure.

### **Mechanisms For Co-operation**

The *Ministry of Foreign Affairs* facilitates political co-operation with *NATO* through the development and implementation of the relevant parts of the *Work Plan on Charter Implementation*, the use of the *EAPC* and the *Ukraine - NATO Commission administrative machinery*, high level visits, consultations, negotiations, symposiums, seminars, research, working groups and other sundry measures.

#### **1. Political Consultations**

Political consultations on issues taking place within the *Ukraine-NATO Commission* and *EAPC* frameworks are conducted:

- by the President- through his/her participation in the summits of the *Ukraine-NATO Commission* and *EAPC*, meetings with the *Secretary General of NATO*, participation in other high level activities mutually organized under the auspices of *NATO*;
- by the *Minister for Foreign Affairs*- through his/her participation in the sessions of the *Ukraine-NATO Commission* and *EAPC* at *Ministerial level (bi-annually for each format, and in addition upon request by the parties)*;

- by the *Head of the Mission of Ukraine to NATO* - through his/her participation in the sessions of the *Ukraine-NATO Commission* and *EAPC* at a diplomatic and expert level, within the session framework of the *NATO-Ukraine Political Committee* in a "19+1" format and during the relevant *EAPC* sessions within the *Political Committee*;

Political consultations can also be conducted by other authorized persons during their meetings with *NATO* officials and participation in other activities organized under the auspices of the *Alliance*.

## 2. Exchange of Visits and Contacts with NATO Structures

The following activities are pre-determined:

- the co-ordination of annual schedules with *NATO* for reciprocal visits of delegations and officials at different levels;
- supporting the organisation for the familiarizing and fact-finding visits of Ukrainian delegations to the *Alliance Headquarters*;
- developing a schedule of joint sessions, seminars and other activities (*defining subjects within a NATO framework*), with their subsequent inclusion into the annual *Work Plans on Charter Implementation*.

(Article 2 includes changes introduced by the Decree of the President of Ukraine N 190/2002 of 26.02.2002)

## 3. Participation in the Implementation Process for the European Security and Defence Identity within NATO Guidelines

Ukraine supports the efforts of *NATO*, aimed at strengthening the European dimension in the *Alliance* framework and aspires to play a more active and concrete role in the policy of the *European Security and Defence Identity (ESDI)*, including the execution of practical measures with the participation of *EU* representatives.

## 4. Co-operation on Regional Security

Ukraine places a great importance on co-operating with *NATO*, its member-and partner-states on regional security issues.

The objectives of co-operation, provide for the participation of Ukraine in the settlement of current problems in regional security; primarily within Europe, as well as the participation in regional mechanisms and *Programmes of Co-operation* created under the auspices of *NATO*, by conducting varying political consultations, organising training sessions, seminars, and expert meetings.

*Co-operation objectives include:*

- ensuring the participation of Ukraine in *NATO* mechanisms and *Programmes* intended for the development of regional co-operation and the strengthening of trust and security;
- the engagement of Ukraine in the sub-regional mechanisms of co-operation created to support *NATO* activities, including multi-national military subunits.

## 5. Co-operation with the NATO Parliamentary Assembly

The purpose of co-operation with the *Parliamentary Assembly of NATO (NATO PA)* is to broaden and strengthen the parliamentary dimensions of co-operation with the *Alliance*,

involving the *People's Deputies of Ukraine* and the administrative staff of the *Verkhovna Rada*.

This will promote the development of an agreed position of legislative and executive branches of government for issues concerning the development of relationships with *NATO* and will create conditions for a better understanding by society of the inevitability of such co-operation.

Co-operation is to be facilitated by the participation of the leadership of the *Verkhovna Rada*, the *Chairmen* of its *Committees*, the leaders of *Parliamentary Groups*, the *People's Deputies*, and employees of the joint monitoring group—namely the “*The Verkhovna Rada of Ukraine –the Parliamentary Assembly of NATO*” for activities organised by the *NATO PA*.

Participation in these inter-parliamentary sessions and seminars including its committees and sub-committees will be facilitated through a *Permanent Delegation* to the *NATO PA* created by the *Verkhovna Rada*. Concrete directions and activities of co-operation are to be determined by the *Verkhovna Rada* in harmonization with the *PA NATO*.

*SIC* and the *Central Executive* organs of Ukraine are obliged to provide full support for the implementation of these activities, to engage the representatives of the *Verkhovna Rada* for their participation in Alliance co-operation activities and to promote the activity of the *Parliamentary Group*—“*Ukraine - NATO: for cooperation, understanding and global security*”.

#### **6. Non-Governmental Dimensions of Co-operation with NATO**

The purpose of co-operation of *Ukrainian Non-Governmental Organisations and Institutions (NGO's)* with *NATO*, is to improve public awareness of the *Alliance's* activities and to disseminate objective information on the facts and advantages of co-operating with *NATO*.

The *Central Executive* organs of Ukraine, should activate this dimension of co-operation with the *Alliance*, in particular by engaging the representatives of *NGO's* with the activities of co-operation with *NATO*, including familiarisation visits to *Alliance Headquarters*, and to assist in the establishment of direct links with the *NATO Information and Documentation Centre* in Ukraine and other structures of the *Alliance* that lend support of joint activities for informative, educational and scientific seminars, conferences, and exhibitions.

*(Part II includes changes made by the Decree of the President No 190/2002 of 26.02.2002)*

### **PART III. CO-OPERATION IN THE SECURITY AND DEFENCE SPHERE**

Ukraine facilitates co-operation with *NATO* in the security and defence sphere, by taking into account its own national interests and the necessity to fulfil ratified International Treaties and Agreements.

Co-operation with *NATO* is a *Military Policy* priority. It includes civil-military relations, military-political and military co-operation, peacekeeping operations as well as the achievement of troop, telecommunications and arms systems, control and compatibility.

### 1. Co-operation on the Issues of Civil-Military Relations

Departments for the *Administration of the President of Ukraine*, the *NSDCU staff*, the *Secretariat for Cabinet Ministers*, the *National Institute for International Security Problems*, the *National Institute for Strategic Studies*, the *Central Executive* organs and public institutions that participate in the co-operation of civil-military relations; representatives of the *Verkhovna Rada*, organs of judicial power, civic organizations, NGO's, the mass media and independent experts may also be engaged in co-operation with *NATO*.

The *Secretariat for Cabinet Ministers* is responsible for the co-ordination and co-operation of these aforementioned issues.

The primary objective of co-operation with *NATO* in this sphere is to ensure a gradual introduction of democratic and civil control of the *Armed Forces* and other *State Military Organisations*, in order to control their activities.

#### Mechanisms For Co-operation

Co-operation on the issues of civil-military relations is made possible through the development and implementation of elements of the *IPP and the Work Plan on Charter Implementation*, the participation of the *NATO-Ukraine Joint Working Group on Defence Reform (JWGDR)*, as well as by the organisation of joint symposiums, seminars, courses, studies and other activities.

*Guidelines for Co-operation include:*

- familiarization of legislative, judicial, governmental and non-governmental institution practices; the mass-media from *NATO* member and partner-states in the creation and maintenance of appropriate civil-military relations;
- to make use of *NATO* member-states experience in the development of *Strategy* for the introduction of democratic and civil control over defence matters;
- improving national legislation on the issues of civil-military relations by engaging experts from *NATO* member and partner states;
- to make use of help from *NATO* member and partner states in creating structures for the civil management and control over the *Armed Forces*;
- with the assistance of *NATO* experts, developing mechanisms for the democratic civil control over the activities of *Law Enforcement Agencies* and the *Internal Security Forces*;
- to introduce the processes of development and control of the defence budget, into conformity with the mechanisms and procedures of *NATO* member states.

A separate direction for co-operation is the improvement of training and professionalism of the military and civil personnel within civil-military relations. This is to be achieved through:

- the participation of representatives of the *Central Executive* organs and the *Armed Forces* in *PjP* training activities;
- the training of civil servants as pre-determined in the *PjP Programme* framework;
- the invitation of *NATO* instructors to Ukraine to give lectures and seminars on the issues of civil-military relations;
- to exchange delegations of scientists and researchers in the *PjP Programme* framework;

- to introduce, with the help and experience of *NATO*, courses to improve the qualifications of civil servants on the issues of civil-military relations and democratic civil control over the *Armed Forces* and on the current national security and defence tasks at the *National Academy of Defence of Ukraine*.

## 2. Military-Political Co-operation

The *Ministry of Defence* and the *General Staff of the Armed Forces of Ukraine*, within the limits of their authority, are responsible for the implementation of military-political co-operation.

The *National Coordinator* for military-political co-operation and reform facilitates the co-ordination of this collaboration.

The objectives of co-operation with *NATO* in this sphere are:

- the strengthening of trust, mutual understanding and partner relationships with *NATO*, its member and partner states in the military sphere;
- the organisation, with the support of the *Alliance*, of a modern defence system for Ukraine, capable of adequately responding to external military challenges and threats;
- facilitating effective defence co-operation with neighbouring countries;
- to reform the *State Military Organisation*, primarily focusing on the *Armed Forces* and the defence industry;
- ensuring the participation of Ukraine in International peace, security and stability support efforts in Europe, including the prevention of military conflicts and crisis management.

### Mechanisms for Co-operation

The *Ministry of Defence* facilitates co-operation with *NATO* by the use of the *EAPC* and *Ukraine-NATO Commission* administrative machinery placed at the *Ministers of Defence* level, including *high level* visits, bilateral consultations and negotiations with the military-political management of the *NATO* member and partner states, the development and execution of specific elements of *the IPP and the Work Plan on Charter Implementation*, participation in joint symposiums, seminars, studies, working groups and other activities.

#### A. Military-Political Consultations

The *Minister for Defence* carries out consultations on the military-political issues during his/her participation in the *EAPC* and the *Ukraine-NATO Commission* sessions (*bi-annually*), and also during negotiations with the military-political management of *NATO* member and partner states according to the plans of bilateral co-operation.

#### B. The Non-proliferation of Weapons of Mass Destruction and Arms Control

The co-operation with *NATO* in the sphere of the non-proliferation of weapons of mass destruction (*WMD*) and arms control is directed at the support for efforts of the *Alliance* harmonized with the national interests of Ukraine.

These efforts include:

- the participation in the consultations on arms control, conducted by the *NATO Co-ordinating Committee* for the control over the fulfilment of agreements and the *NATO Weapons of Mass Destruction Centre*;
- the training of Ukrainian experts on the issues relating to arms control agreements.

### **C. The Activity of the NATO-Ukraine Joint Working Group for Defence Reform (JWGDR)**

*JWGDR* is an existing mechanism for consultations between Ukraine and *NATO* in the “19+1” format. Its aim is to provide *Alliance* support for Ukraine defence reform, primarily the reform of the *Armed Forces*; with the aim of creating conditions for the effective implementation of *State Programmes* for reform and the development of the *Armed Forces* until 2005.

*The Ukrainian division of JWGDR comprises:*

- A “high level” group – including *Cabinet Ministers*, the relevant departments of the *Administration of the President*, *NSDCU* staff, the *Ministry of Defence* of Ukraine, the *General Staff of the Armed Forces*, the *Ministry of Foreign Affairs*, the *Ministry of Finance*, the *Ministry of Internal Affairs*, the *Ministry of Ukraine on Emergencies and Protection of the Population from the Consequences of Chernobyl Disaster* and the *State Committee for the Protection of the State Borders of Ukraine*;
- a co-ordination (*key*) group –representatives from the *Ukraine Mission to NATO*;
- *expert commissions* -representatives from the relevant departments of the *Administration of the President*, *NSDCU* staff, profile committees from the *Verkhovna Rada*, the *Secretariat for Cabinet Ministers*, the *Ministry of Defence*, the *General Staff of the Armed Forces*, other *Central Executive* organs and institutions.

The workings of the *Ukrainian JWGDR* are co-ordinated by a deputy to the *NSDCU Secretary*.

### **Mechanisms of the JWGDR**

Co-operation within the *JWGDR* framework is carried out by:

- an organisation of sessions of the “high level” group, the “co-ordination (*key*) group” and the quarterly sessions at *NATO Headquarters* at the *experts level* on issues determined by the annual plans;
- the execution of common projects and research in the framework of bilateral co-operation financed by individual *NATO* member-states;
- an information exchange on agreed subjects;
- an implementation of other activities by mutual agreement.

*JWGDR activities include:*

- consultations on defence policy, military doctrine and the concept of national security;
- the development of recommendations for national defence planning, the development of defence budgets, and the management of defence resources;
- the development of approaches to legal support and to the activities of the *Armed Forces* and other *State Military Organisations*;

- the development of proposals relating to the management of the *Military* sphere and the *Armed Forces* within democratic society, the interaction between *Parliament*, the *Government* and the *Ministry of Defence* on defence issues, the introduction of democratic civil control over defence;
- the consolidation of *NATO* member-states experience in reforming the *Armed Forces* and other *State Military Organisations* and developing proposals for its introduction in Ukraine;
- the development of recommendations on the use of *PARP* during the implementation of a *State Programme* on reform and the development of the *Armed Forces* until 2005;
- the development of proposals for the professional transition of the *Armed Forces* and an improvement to the training system for *military personnel*;
- the study of proposals on improving the social protection for military servicemen;
- the harmonization of multilateral (*within a PJP Programme framework*) and bilateral activities for military co-operation and the execution of military reform to achieve the defined purposes of partnership.

#### **D. Scientific Research in the Military-Political Field**

The *National Institute for International Security Problems* is responsible for the execution and co-ordination for joint *NATO* activities for co-operation in scientific research for military-political issues. The *National Institute for Strategic Studies*, the *National Research Centre on Defence Technologies and Military Security* and other similar research institutions may also be involved in this co-operation.

The objective of co-operation for military-political research is to develop a theoretical basis for the military-political aspects of an *all-European* security structure, to study the experiences of military doctrines and strategy development, and the creation of civil-military relations mechanisms in *NATO* member and partner states.

#### **Mechanisms of Co-operation**

Scientific research in the military-political field is carried out through:

- the organisation of joint symposiums and seminars on current international security problems;
- the development and implementation of joint research projects with *NATO* member and partner states scientific research centres;
- the engagement of *NATO* experts for consultations on the implementation of scientific projects in Ukraine;
- the exchange of delegations of scientists;
- the organisation and help of the *NATO Information and Documentation Centre in Ukraine* for the regular exchanges of researchers and trainees.

#### *Directions of co-operation:*

- to review the progress, prospects and development of military-political *NATO-Ukraine* co-operation;
- to define the most favourable ways for the introduction of civil control over the *Armed Forces* and other *State Military Organisations*;

- to participate in the updating processes for the *Concept of National Security* and the *Military Doctrine of Ukraine*;
- to analyse the processes for the creation of a new *European Security* structure;
- to identify new challenges and threats to Ukrainian national security.

### 3. Military Co-operation

The *General Staff of the Armed Forces* is responsible for the planning activities for military co-operation and the control of its execution.

The objectives of *Military* co-operation are the following:

- to use the experience of and the help from *NATO* member and partner states for reform and development of the *Armed Forces*, including the improvement of social protection for servicemen, the normative-legal basis for military co-operation and peacekeeping operations, the creation of conditions for the introduction of civil management and control of the *Military*;
- to increase the compatibility between the management organs, subunits and units of the *Armed Forces*, primarily with those allocated by Ukraine for participation in the *PJP Programme*, with the *NATO Allied Armed Forces (AAF)*;
- to train the military contingents of the *Armed Forces* and to develop the necessary infrastructure for interaction with the *NATO AAF* in the carrying out of peacekeeping, antiterrorist, search and rescue as well as other missions and tasks;
- to achieve the national goals of *Military* reform in order to fulfil the objectives of the *State Programme* for the reform and development of the *Armed Forces* until 2005;
- to explore methods and mechanisms for the co-operation of the *Armed Forces* with *NATO* member states *forces* in response to the new types of threats to national security, including those of terrorist organisations potentially using *WMD*.

### Mechanisms for Co-operation

The *Armed Forces* enables co-operation with *NATO*, by developing and implementing the *IPP*, the *Work Plan on Charter Implementation*, plans and *programmes* on bilateral co-operation and by participating in the *PARP*.

Further mechanisms for co-operation include: the *Ukraine-NATO Military Committee* and *JWGDR*, *high level* visits, bilateral consultations and negotiations with the military management of the *NATO* member and partner states; direct connections between the *Ministry of Defence*, the *General Staff of the Armed Forces* and *NATO*; joint military exercises, training, symposiums, seminars, courses, working groups, research and other activities.

### A. Consultations on Military Issues

Consultations on military issues are carried out by:

- The *Head of the General Staff of the Armed Forces* during his/her participation at the sessions of the *NATO-Ukraine Military Committee (bi-annually)*, negotiations with the *Chairman of the NATO Military Committee*, visits to the headquarters of the *NATO AAF Supreme Commanders-in-Chief in Europe and in the Atlantic* area, and negotiations with the military management of *NATO* member and partner states;

- *Commanders of Ukrainian Armed Forces branches, Heads of the Rear and Armament Services*, other representatives from the management of the *Ministry of Defence* and the *General Staff of the Armed Forces of Ukraine* - during the sessions of relevant *NATO* committees in the *EAPC* format and negotiations with the main commanders and chief *NATO* officials.

### **B. Military Co-operation and Compatibility**

In order to enhance military co-operation and increase the level of compatibility between the *Armed Forces* of Ukraine and *NATO* the following activities are pre-determined:

- the organization of seminars in Ukraine for the management of the *Armed Forces* on the issues of military co-operation and compatibility;
- the strengthening of co-operation for defence planning to ensure the fulfilment of the *PARP* tasks on the *achievement of compatibility*;
- the expanded use of Ukrainian military infrastructure for jointly carrying out with *NATO* member and partner states military exercises and training;
- the improvement of the legal basis for co-operation in the military, taking into account the experience of *NATO* member and partner states;
- the continuation of consultations with *NATO* on the establishment and implementation of co-operation *programmes* for management, control, and *rear support*;
- the broadening, with the help of *NATO*, *programmes* for retraining and the social adaptation of military servicemen transferred to the reserve;
- the broadening of the consultations practice with the *NATO* member-states on the harmonization of the multilateral (*in the framework of the PjP programme*) and bilateral activities on military co-operation for the implementation of the national goals of military reform and the achievement of defined partnership goals.

### **C. Planning and Review Process**

The purpose of participation of Ukraine in the *PARP* is for the effective implementation of a *State Programme* on reform and development of the *Armed Forces* until 2005, the development of forces and facilities able to co-operate with the armed forces of the *NATO* member-states, the creation of mechanisms for information exchange on defence and budgetary planning issues within a *PjP* framework.

The following summarises priority directions for the implementation of the *PARP* tasks in Ukraine:

- a total use of the *PARP* opportunities for the achievement of the national goals for *Military and Armed Forces* reform;
- the achievement of compatibility in management, *rear* and technical support for the subunits allocated for participation in the *PjP Programme*;
- the language training of personnel for the subunits included in the list of forces and facilities allocated for participation in the *PjP* operations.

### **D. Participation in Multinational Joint Operational-Tactical Forces**

Ukrainian support and participation in *Multinational Joint Operational-Tactical Forces (MJOTF)* involves:

- the allocation of forces and facilities from the *Armed Forces*;
- the achievement of necessary compatibility with the respective forces and facilities of the *NATO AAF*;
- the engagement of *Armed Forces* sub units in *MJOTF* military training.

#### **E. Yavoriv PfP Training Centre**

In order to increase efficiency at the *Yavoriv PfP Training Centre*, the following activities are pre-determined:

- multinational field, command-staff and computer command-staff exercises;
- the training of commanders and army commands on troops deployment planning, and the management and assurance of their interaction while carrying out the following operations:
  - peacekeeping operations;
  - dissolving the consequences of natural disasters;
  - providing humanitarian help;
  - search and rescue operations;
  - antiterrorist operations.

#### **F. The Training of Personnel for Co-operation with NATO**

In order to ensure a high quality of preparation for military personnel and co-operation with NATO, the following activities are pre-determined:

- the raising of military education and training systems to NATO member states standards;
- the inclusion in commanders' and professional training *programmes*, issues relating to the co-operation in the *PfP Programme* framework and peace-keeping operations;
- the optimal use of language training opportunities for the military personnel involved in the *PfP Programme* and in the bilateral co-operation framework with *NATO* member states;
- the provision for foreign languages departments at *Higher Military Educational Institutions (HMEI)* as well as at the *Ministry of Defence* with language laboratories, video and audio equipment, modern manuals and methodological literature;
- sending *HMEI* foreign language teachers abroad to improve their professional skills;
- inviting foreign languages teachers from the *NATO* member and partner states to the Ukraine;
- creating an *Expert Language Testing Centre* using the *NATO* test "STANAG - 6001" standard;
- specialised training for military personnel who work with multinational army commands, in particular through courses provided for officers at the *National Academy of Defence of Ukraine*.

#### **4. Co-operation during Peacekeeping Operations**

The *Ministry of Defence* and the *General Staff of the Armed Forces* are responsible for the planning and execution of relevant activities.

The objectives of co-operation with *NATO* during peacekeeping include the following points:

- the training and participation of contingents and personnel of the *Armed Forces* in peace-keeping and peace-enforcement operations;
- the participation of subunits and representatives of the *Armed Forces* in *Multinational joint operational-tactical forces* and *joint multinational commands*;
- the enhancement of personnel training for the *Armed Forces* in order to fulfil peace-keeping tasks and to develop the necessary material resources.

#### **Mechanisms for Co-operation**

The *Ministry of Defence* and the *General Staff of the Armed Forces* carry out co-operation with *NATO* by developing and implementing their individual components of the *IPP*, the *Work Plan on Charter Implementation* and by participating in the *PARP*. Furthermore, the following measures are used:

- bi-lateral consultations and negotiations with *NATO* military management, its member and partner states;
- direct links between the structural subdivisions of the *Ministry of Defence*, the *General Staff of the Armed Forces* and *NATO* in order to establish co-ordination, information and experience exchange;
- joint military exercises, trainings, symposiums, seminars, courses, working groups, research and other activities.

#### **Directions Towards Co-operation**

- the participation in peacekeeping operations under *NATO* command, in particular in *KFOR*;
- the strengthening of co-operation within the framework of the *Ukrainian-Polish* peacekeeping battalion, the *Ukrainian-Romanian-Hungarian-Slovak* engineering battalion, and the joint military naval force “*on call*” at the Black Sea;
- the broadening of co-operation with *NATO* and its member states for the training and material provision of Ukrainian forces that participate in multinational peacekeeping formations;
- the improvement of the legislative basis for peacekeeping operations, taking into account the experience of the *NATO* member and partner states;
- the increasing of compatibility between peacekeeping subunits of the *Armed Forces* with the *NATO AAF*;
- the creation of a *National* system for the preparation of peacekeeping contingents, including the participation of *HMEI*'s using the training infrastructures of the *Armed Forces*.

### **5. Co-operation in Telecommunication and Information Systems**

The *Ministry of Defence* and the *State Committee on Communications and Information of Ukraine* are responsible for the implementation of activities on co-operation within this sector, in accordance with *NATO* terminology - “*C3*”. Representatives from *NSDCU* staff, the *Secretariat of the Cabinet Ministers of Ukraine*, the *Security Service of Ukraine*, the *National Space Agency of Ukraine*, the *National Institute for International Security Problems*, and the *National Institute for Strategic Studies* are involved in this co-operation within the limits of their authority.

The *Security Service* is responsible for taking measures to protect information. The *National Co-ordinator for Telecommunication and Information Systems* is responsible for co-ordinating this co-operation. The objective of co-operation with *NATO* is to ensure interaction during joint exercises and in crisis situations by introducing the relevant procedures of the *Alliance*, and also by using modern communication systems and information technologies.

### **Mechanisms for Co-operation**

The designated *Central Executive* and public institutions of Ukraine facilitate *C3* co-operation with *NATO* by establishing direct links between the corresponding structures of Ukraine and *NATO*, and by participating in the *PjP* and *IPP Programmes*.

Directions of co-operation include:

- the maintenance of a necessary level of compatibility in the field of telecommunication and information systems by implementing priority directions as defined in the section on *C3 co-operation in the IPP*;
- jointly defining with *NATO* Consultation, *Command and Control Agency (NC3A)* the priority directions for *NATO-Ukraine* co-operation in a *C3 arena*;
- defining common approaches through dialogue with the *NC3A* in the “19+1” format;
- improving national legislature by taking into account *NATO* requirements concerning *National* telecommunications and development, and if need be, normative documents establishing the procedures of providing telecommunication network services to *NATO*;
- studying requirements and approaches of *NATO* on planning and the management of telecommunication networks in crisis situations;
- organising information exchange with *NATO* member and partner states during joint activities, including peacekeeping, humanitarian as well as search and rescue operations;
- defining approaches on the use of modern systems of information protection taking into account the requirements of information security in Ukraine, providing for the protection of classified information in cases where unified information is produced and telecommunication systems with limited access to information;
- participating in the creation of modern systems for operative information exchange;
- participating in the *NATO Scientific programme*- (“*Research Infrastructure Support - computer networks*” programme);
- interacting to co-ordinate frequency spectrum, including frequency co-ordination in Europe.

### **6. Co-operation on Arms Standardization, Defence Research and Technologies**

The *Ministry of Defence*, the *State Committee on Standardisation, Metrology and Certification of Ukraine*, the *Ministry of Industrial Policy of Ukraine*, the *Ministry of Education and Science of Ukraine* and the *National Academy of Sciences of Ukraine* take part in the activities of co-operation for this sphere.

The *Ministry of Industrial Policy* facilitates the general co-ordination for this co-operation.

The objectives of co-operation with *NATO* in this sphere are the following:

- the accomplishment of a level of compatibility in arms and defence technology (*ADT*) sufficient for the proper interaction between the *Armed Forces* and the *Armed Forces* of the *NATO* member-states and partners during the execution of joint tasks;
- to develop co-operation with *NATO* member-states on *ADT* development and production;
- to apply the experience of the *NATO* member-states in planning *ADT* development, purchase and maintenance;
- to harmonise *National* standards with those of *NATO*.

### **Mechanisms for Co-operation**

The *Central Executive* and scientific institutes, referred to in the first paragraph of this *Part*, carry out co-operation with *NATO* by participating in the work of the *NATO Conference of National Directors on Armaments* and its groups, the *NATO Standardisation Committee*, by establishing direct links with the relevant subdivisions of *NATO*, in particular, with the *Directorate on Planning, Programmes and Policy on Arms of the International Secretariat* of *NATO*, the *NATO Agency on Material Support and Logistics*, the *NATO Research and Technologies Organization*, by developing and implementing the relevant parts of the *IPP* and the *Work Plan on Charter Implementation*, and by participating in other activities.

### **A. Co-operation on Armaments**

The *Ministry of Defence* and the *Ministry on Industrial Policy* within the limits of their authority are jointly responsible for carrying out activities of co-operation in this sector. The logistics for this co-operation is carried out by the *National Co-ordinator For Arms, Defence Research and Technologies*.

### **Co-operation Directions**

Directions for the co-operation are cited in the document “*The State and the Basic Directions of Development of NATO-Ukraine Cooperation in the Arms Field*”, that is annually updated. The *Ukraine-NATO Joint Working Group* on co-operation for arms is created with the following focus and participation:

- meetings held in the framework of the *NATO Conference of National Directors on Armaments* in “19+1” format;
- representatives from Ukraine and *NATO*, participate in *NATO groups* on armaments for land forces, the navy and air force, open partner-states groups at the *Conference of National Directors on Armaments*, and in the *NATO Advisory Group* on industrial issues.

### **B. Standardisation of Armaments**

The *State Committee on Standardisation, Metrology and Certification of Ukraine*, the *Ministry of Industrial Policy* and the *Ministry of Defence* within the limits of their authority are responsible for the implementation of activities on co-operation in this sector.

The *National Co-ordinator on Standardisation and Metrology* facilitates the general co-ordination of this co-operation.

**Co-operation Directions:**

- the creation and implementation of a *programme* for the harmonisation of *National* standards with those of *NATO*;
- the development of recommendations for the introduction of *NATO* standards in Ukraine;
- the translation into the Ukrainian language *NATO* standards that are being introduced;
- to participate in the work of *the Group of National Directors on Quality Control*, the *Group on Storage and Maintenance of Military Ammunition and Explosives* and the continuation of co-operation with the *Military Agency on Standardisation*;
- the training of experts in the field of standardisation, certification, audit and quality maintenance according to a system of *NATO* member-states standards;
- strengthening co-operation with the *NATO Group of National Directors on Codification* and the *NATO Agency on Material and Technical Supply*;
- continuing the work on the introduction of the basic elements of a *NATO* codification system;
- the creation of a *Bureau for Codification* for the military;
- participating in the activities for standardisation carried out under a *NATO* remit.

**C. Defence Research and Technologies**

The *Ministry of Defence*, the *Ministry of Industrial Policy*, the *Ministry of Education and Science* and the *National Academy of Sciences* within the limits of their authority are responsible for the implementation of activities in this sector.

The *National Co-ordinator for Arms, Defence Research and Technologies* facilitates the general co-ordination of this co-operation.

**Co-operation Directions**

- carrying out research on *ADT* by mutual agreement;
- exchanging scientific research results connected with disarmament technologies, defence technologies and dual-purpose technologies;
- enhancing a provision for scientific support to a security system for the control of storage and transportation of ammunition and explosives;
- developing *ADT* recommendations while considering cost assessments and marketing;
- studying the experiences and implementation of joint projects on the utilization of *ADT*;
- creating normative-laws for the protection of intellectual property rights during the transfer of technologies and information exchange on the development and production of *ADT*, in order to protect the *scientific* community.

(Section III includes changes introduced by Decrees of the President No 190/2002 of 26.02.2002 and No 586/2003 of 09.07.2003)

## PART IV. CO-OPERATION IN NON-MILITARY SECTORS

Ukraine also develops its co-operation with *NATO* in non-military sectors, proceeding from the necessity to support the development of its domestic industry and science, to use international experience and assistance in the processes of reform and the joint counter-action to current security challenges as well as to natural and technogenic disasters, international terrorism, organized crime, illegal weapons, radioactive substances and drugs trafficking.

Co-operation with the *Alliance* in this sphere includes civil emergencies, scientific research, the protection of the environment, the economic aspects of defence activities, the organization of air traffic, the use of space technical equipment and technologies, the struggle against international crime and terrorism, drugs trafficking, illegal migration, the illegal trafficking of weapons, double-purpose technologies and radioactive substances.

### 1. Civil Emergency Co-operation

The *Ministry on Emergency Situations and Protection of the Population from the Consequences of the Chernobyl Catastrophe (MES)* is responsible for the implementation of activities on co-operation during a civil emergency.

*The National Co-ordinator for Civil Emergencies* facilitates the general co-ordination of this co-operation.

The objectives of co-operation with *NATO* in this sector are the following:

- the utilization of world experience and the engagement of financial and technical resources to increase efficiency for the protection of the population and territory of Ukraine from emergency situations of a technogenic and or natural quality;
- to create the necessary prerequisites for the participation of *MES forces* and facilities in search and rescue, peacekeeping and humanitarian operations and in other required international activities;
- to assist the achievement by *MES forces* intended for the implementation of the *PfP Programme* tasks of compatibility and the ability to interact with *NATO and partner-states forces* during search and rescue missions and humanitarian operations;
- to improve the contractual basis of co-operation with *NATO*, its member and partner-states for the prevention of trans-boundary and trans-national emergencies and reaction to such situations.

### Co-operation Mechanisms

*MES* carries out co-operation with *NATO* in the civil emergencies field by implementing provisions of the *Memorandum of Mutual Understanding on Civil Emergency Planning and Disaster Preparedness between MES of Ukraine and NATO*, by developing and implementing the relevant parts of the *IPP and the Work Plan on Charter Implementation*, by holding sessions of the *Ukraine-NATO Joint Working Group on Cooperation in Civil Emergency Situations*, and the maintenance of relations with the *NATO Directorate on Civil Emergency Situations Planning*, the participation of *MES* representatives in the activities of the commissions and committees of the *Alliance on Civil Emergency Situations Planning*, and the participation in other activities.

### Co-operation Directions

- the involvement of specialized *MES* rescue forces in *NATO* operations for the dissolving of the consequences of emergency situations and the rendering of humanitarian help;
- performing joint exercises and trainings with involvement of *MES* forces, for crisis situation management, the dissolving of the consequences of emergency situations and the rendering of assistance to victims;
- participating with *MES* forces in training and educational activities in the *PfP* framework;
- planning the prevention, reaction and dissolving of the consequences of accidents, including the improvement of compatibility when dealing with the consequences of natural or technogenic emergency situations;
- planning civil-military co-operation in cases of civil emergency situations, including military support to operations;
- the development of plans on transport provisions during the dissolving of the consequences of accidents, in particular aero medical evacuation, according to *NATO* norms and principles;
- the planning of the dissolving of consequences of technogenic emergencies in agriculture, water supply and in other vital spheres;
- the achievement of compatibility of procedures and means of implementation for search and rescue, peacekeeping and humanitarian operations;
- the engagement of *MES* experts in *NATO* activities organised by the *Euro-Atlantic Coordination Centre on Reaction to Catastrophes*;
- the maintenance of a constant information exchange, the improvement of automatic systems of identification of natural and technogenic accidents for modelling estimated risk and the reduction of danger;
- the implementation of the *Ukraine-NATO pilot project* on the prevention and reaction to an emergency situation during flooding in the *Carpathian* region;
- the organisation by Ukraine, with the assistance of *NATO*, training courses for specialists and experts in the field of civil protection, and the development of relevant educational and methodological *programmes*;
- the exchange of experience on the dissolving of the consequences of the *Chernobyl* accident, the prevention and reaction to radioactive and chemical accidents;
- the organisation of the study of foreign languages by *MES* specialists and experts.

## **2. Co-operation in Science, Technologies and Environmental Protection**

The *Ministry of Education and Science*, the *Ministry of Ecology and Natural Resources* and the *Ministry of Defence* within the limits of their authority are responsible for the implementation of activities on co-operation in the sphere of science, technologies and environment protection.

The *Ministry of Education and Science* guides the activities of the *Central Executive* and the scientific institutes of Ukraine involved in the *Ukraine-NATO Joint Working Group on Science and Environment Protection* framework.

The objectives of co-operation with *NATO* in this sphere are the following:

- the strengthening of the scientific and technological potential of Ukraine by the participation of Ukrainian scientists in the *NATO Scientific Programme*,

- the engagement of help from *NATO* and its member-states in the fulfilment of state scientific and technical *programmes*;
- the broadening of scientific and technical opportunities for Ukraine in the field of environmental protection;
- the rational use and reproduction of natural resources in Ukraine.

### **Mechanisms for Co-operation**

The *Central Executive* organs, referred to in the *first paragraph* of this *Part*, carry out co-operation with *NATO* in science, technologies and environmental protection by developing and implementing the relevant parts of the *IPP and the Work Plan on Charter Implementation*, by participating in sessions of the *Joint Working Group on Science and Environment Protection*, in the activities of the *PjP* framework and the *NATO Scientific Programme*, for the maintenance of direct contact with the *NATO Directorate on Science*, and by the organisation of reciprocal visits.

### **A. Scientific Research and Technologies**

The *National Co-ordinator For Science and Technologies* facilitates the general co-ordination of this co-operation with *NATO* for this sector.

#### **Co-operation Directions**

- the participation of Ukrainian scientists in the *NATO Scientific Programme*;
- the performing of consultations with *NATO* on scientific and technical co-operation;
- the exchange of results from scientific research on:
  - the development of information science, science of materials, biotechnologies, energy supply and *non-nuclear* energy-saving;
  - human resources problems;
  - computer technologies;
- the exchange of experience on scientific policy, transfer of technologies, innovations and intellectual property rights;
- the performing of scientific research in the framework of joint projects;
- the receiving of *NATO* grants for Ukrainian scientists;
- the engagement of *NATO* experts in consultations and other help for the implementation of scientific projects in Ukraine;
- utilising *NATO* opportunities for the training of Ukrainian experts;
- the introduction, with *NATO* assistance, a *programme* for the development of the management personnel for *State* science and technology policy.

### **B. Environmental Protection**

The *National Co-ordinator for Ecology* facilitates the general co-ordination of this co-operation with *NATO* in this sector.

#### **Co-operation Directions**

- the exchange of scientific research results for environmental protection, the recultivation of land and water reservoirs contaminated as a result of military activity, the prevention of technogenic accidents and the dissolving of their consequences;

- maritime monitoring technologies;
- participation in current experimental studies and short-term projects of the *NATO Committee on the Problems of Modern Society*;
- the improvement of an information exchange system in the field of ecology and natural resources;
- the dissemination of information on the activity of the *NATO Committee on the Problems of Modern Society* and the *NATO Scientific Programme* by carrying out joint seminars, working meetings, visits of experts.

### 3. Economic Aspects of Defence Activity

The *Ministry of Economics and European Integration of Ukraine*, the *Ministry of Defence* and the *Ministry of Industrial Policy* within the limits of their authority are responsible for the implementation of activities of co-operation in the field of defence economy.

The *Departments of the Secretariat of the Cabinet* and the *Ministry of Finance* are also involved in co-operation for this sector.

The *National Co-ordinator for Economic Questions* facilitates the general co-ordination of this co-operation with NATO for this sector.

The objectives of co-operation with *NATO* in this sphere are the following:

- the strengthening of economic security for Ukraine;
- the introduction of global experience on the optimisation of defence budgets;
- the provision for the effective work of the Ukrainian defence industry;
- the assistance for the development of economic co-operation between Ukraine and the *NATO* member and partner-states.

### Mechanisms for Co-operation

The *Central Executive* mentioned in the *first paragraph* of this *Part*, perform co-operation with *NATO* in the field of defence economy by developing and implementing the relevant parts of the *IPP and the Work Plan on Charter Implementation*, providing for the effective work of the *Ukraine-NATO Working Groups on Economic Security and Restructuring of Defence Industry*, by establishing direct relations with the *NATO Economic Directorate*, by participating in the activities of the *PfP Programme* and of the *NATO Economic Committee*, including seminars, *colloquiums* and training.

### Co-operation Directions

- By studying and utilising the experiences of *NATO*, and its member and partner-states on:
  - the development and functioning of State economic security system;
  - the optimisation for defence planning and budgets;
  - the implementation of re-structuring and conversion of the defence industry;
  - the resolution of economic problems connected with the reduction of *ADT* production;
  - the disposal of surplus *ADT*;
  - the attraction of investments into the development of the defence industry enterprises of Ukraine, including *MOD enterprises*.

- the introduction (*on the basis of NATO experience*) of rules and principles applied in the *NATO* member and partner-states on the regulation of defence expenditures and the formation of defence budgets;
- the development and implementation of special *programmes* for the co-operation and joint pilot projects in the field of defence economy;
- the engagement of *NATO* and its member-states potential in the processes of conversion, re-structuring and technical re-equipment for the defence industry enterprises of Ukraine;
- jointly implementing with *NATO* member-states *pilot projects on conversions* in the defence industry;
- the improvement of the contractual basis for co-operation with *NATO*, its member and partner-states in the field of defence economy.

#### **4. Co-operation on Air Traffic Management**

The *Ministry of Transport* and the *Ministry of Defence* are responsible for the implementation of co-operation activities for air traffic management.

The *National Co-ordinator for Transport and Air Traffic Management* facilitates the general co-ordination of this co-operation with *NATO* for this sector.

The objectives of co-operation with *NATO* in this sphere are the following:

- the achievement of compatibility between the forces of the joint civil-military system on air traffic management of Ukraine and those of the neighbouring *NATO* member and partner-states for the fulfilment of common tasks;
- the application of experience and the use of assistance of the *NATO* member and partner-states for the development and improvement of the joint civil-military system on air traffic management, the training of its personnel for close interaction with *NATO* during peacekeeping, antiterrorist and search and rescue operations;
- the strengthening of regional co-operation with the relevant bodies of the *NATO* member and partner-states.

#### **Mechanisms for Co-operation**

The *Central Executive*, mentioned in the *first paragraph* of this *Part*, carry out co-operation with *NATO* in the field of air traffic management by establishing and strengthening direct relations with the *NATO Committee on Air Traffic Management*, the relevant institutions of the *NATO* member and partner-states, by developing and implementing the relevant parts of the *IPP and the Work Plan on Charter Implementation*, and by participating in other activities.

#### **Co-operation Directions**

- the implementation of activities in the *NATO Air Traffic Management Committee (NATMC)* framework with the purpose of strengthening co-operation;
- consulting assistance from *NATO* for the implementation of *National Air Traffic Management Programmes*;
- conducting international meetings-to engage *NATO* experts to define the priority directions of co-operation and development of concrete *programmes* for this sphere;

- the unification of rules and procedures on the provisions of plan information, including radar-location information, with its further automated processing, dissemination and exchange;
- the introduction of uniform formats for data transmission;
- dealing with questions regarding the installation onto Ukrainian aircraft of responders with a *RBS mode*;
- the creation of a system of translation, analysis in order to adequately use *NATO* normative documents on air traffic management;
- the application of experience of the *NATO* member-states while carrying out the tasks and functions of the *Joint civil-military system* on air traffic management for Ukraine during antiterrorist operations and crisis situations;
- the organisation and support of language and professional training at *NATO* education centres for air traffic personnel, on management issues.

### 5. Co-operation on Issues Relating to Space

The *National Space Agency of Ukraine* is responsible for the implementation of activities on co-operation in *space*.

The objectives of co-operation with *NATO* in this sphere are the carrying out of joint research and projects, and the exchange of experience between Ukraine and *NATO* and its member and partner states.

#### Co-operation Mechanisms

Co-operation in the *space* sphere is carried out by the maintaining and strengthening of direct relations with the relevant *NATO* structures and institutions of its member and partner states, by developing and implementing the parts of the *IPP and the Work Plan on Charter Implementation* devoted to space and related activity.

#### Co-operation Directions

- the participation at conferences, symposiums, seminars on *space* issues, and in *NATO* activities on the use of *space* equipment and technologies in emergency situations;
- the exchange of information received from Ukrainian and *NATO* member-states space-crafts for mutual use;
- the sharing of land-based *space* infrastructure in Ukraine and on *NATO* member-states territory.

### 6. Co-operation for the Fight against International Terrorism, Illegal Trafficking of Weapons, Dual-Purpose Technologies, Radioactive and Drug Substances

The *Security Service of Ukraine* is responsible for the implementation of activities on co-operation with *NATO* in this sphere. The *Ministry of Internal Affairs*, the *State Committee on Protection of the State Frontier of Ukraine* and the *State Customs Service of Ukraine* are also involved with this co-operation.

*The National Co-ordinator for the Fight against International Terrorism, Illegal Trafficking in Weapons, Dual-purpose technologies, and Radioactive and Drug substances* facilitates the general co-ordination of this co-operation with *NATO*.

The objectives for co-operation with *NATO* in this sphere are the joint activities with *NATO* member-states for the fight against international terrorism, drug

trafficking business, illegal trafficking in weapons, dual-purpose technologies, radioactive substances, the application of their experience, and expert support from NATO, its member and partner-states for the implementation of relevant national programmes to combat these problems.

### **Mechanisms for Co-operation**

The *central executive* organs, referred to in the *first paragraph* of this *Part*, carry out the co-operation with NATO by developing and implementing the parts of *the IPP and the Work Plan on Charter Implementation* for which they are responsible, by maintaining and improving direct relations with the relevant NATO structures and bodies of its member-states on a bi and multi-lateral basis, and by participating in related activities.

### **Co-operation Directions**

- an improvement of the mechanism of consultations with NATO in the fight against international terrorism, illegal trafficking in drugs, dual-purpose technologies, the proliferation of WMD and the means for their transportation;
- the continuation of work for the creation of the *Ukraine-NATO Joint Working Group on Coordination for the fight against international terrorism, illegal trafficking in weapons, dual-purpose technologies, radioactive and drug substances*;
- the participation in the sessions of the *NATO Security Bureau*, the *NATO Committee on Internal Security* and the *NATO Special Committee* for the exchange of experiences in these spheres;
- the regular information exchange with the above mentioned NATO structures for the fight against international terrorism, illegal trafficking in weapons, dual-purpose technologies, radioactive and drug substances;
- the improvement, with the assistance of the *NATO Security Bureau*, the normative-legal basis for bi-and multilateral co-operation with *special services* and NATO member-states *law enforcement agencies*;
- the participation in international conferences and seminars on the issues of law-enforcement activities organized under the auspices of NATO;
- expert and technical assistance from NATO, its member and partner-states to the *law enforcement bodies* of Ukraine.

### **7. The Reform of the Internal Security Forces**

The *Ministry of Internal Affairs of Ukraine* with its *internal troops (IT)*, and the *State Committee on Protection of the State Frontier of Ukraine* with its *frontier troops (FT)* are responsible for the implementation of activities on co-operation in this sphere.

*The National Co-ordinator for the Reform of Internal Security Forces* facilitates the general co-ordination of this co-operation with NATO for this sector.

The objectives of co-operation with NATO in this sphere are the application of the experience of NATO member and partner-states in reforming internal security forces, defining their status and the procedures for their deployment.

The *Central Executive* organs and *State Military Organisations* subordinate to it, mentioned in the *first paragraph of this Part*, carry out co-operation with NATO by participating in *JWGDR* work, by developing and implementing the parts of the *IPP and the Work Plan on Charter Implementation* for which they are responsible, by establishing direct relations with the relevant bodies of NATO member-states on a bi- and multilateral basis, and by participating in other activities.

**Co-operation Directions**

- the creation within a *JWGDR* framework of a separate structural subdivision for reform of the internal security forces, the use of the mechanism of this *Group* for the development of co-operation with interested *NATO* member and partner-states;
- the gaining of experience on the reform of internal security forces by organising exchange visits of delegations from the relevant structures of the *NATO* member and partner-states, including the visits of ships from *FT Naval Forces*;
- the training of teachers at *IT and FT* military educational institutions in *NATO* member and partner-states;
- the engagement of *IT and FT* subdivisions in military exercises within the spirit and framework of the *PJP Programme*;
- the participation in seminars, conferences and other activities carried out in the *programmes* of co-operation with *NATO*.

*(Part IV with changes introduced by Decree of the President No 190/2002 of 26.02.2002)*

## **PART V. THE IMPROVEMENT OF THE LEGAL BASIS FOR UKRAINE-NATO CO-OPERATION**

An improvement in the current legal basis for *Ukraine-NATO* co-operation is achieved by the continuation of a formalised relationship between the *Ministries*, other *Central Executive* organs of Ukraine and the relevant *NATO* structures by means of a conclusion of bi-lateral agreements in different spheres of co-operation in the form of memorandums of mutual understanding, agreements and an exchange of letters, that correspond to the spirit of a distinctive partnership between Ukraine and the *Alliance*.

## **PART VI. INFORMATION SUPPORT TO UKRAINE-NATO CO-OPERATION**

The *State Committee on Information Policy, TV and Radio Broadcasting of Ukraine* is responsible for the information support of *NATO-Ukraine* co-operation.

The *National Co-ordinator* in cooperation with *NATO* in the information sphere co-ordinates the activities of *Ministries*, other *central executive organs* and institutions of Ukraine involved in the implementation of this *Programme*, and provides the media and press services information on projects that are implemented in Ukraine or when Ukraine participates with *NATO* member-and partner-states.

The objectives of co-operation with *NATO* in this sphere is the formation in Ukrainian society of an unbiased attitude to the activities of *NATO*, provision of information on mutual activities and the dissemination of reliable information on purposes and achievements of Ukrainian co-operation with the *Alliance*.

### **Mechanisms of cooperation**

The information support of *NATO-Ukraine* co-operation is carried out by implementing complex activities directed at bringing to the public objective

information on *NATO* activities, on the conditions and the prospects of development of the relationships between Ukraine and *NATO*, reporting on the problems and achievements in co-operation with the *Alliance*, and by developing and implementing the *IPP and the Work Plan on Charter Implementation* and participation in related activity.

#### **Information Support Directions**

- the development of a *Programme* on information support of Ukraine-*NATO* co-operation;
- the creation of a public information centre that would help in the development of *NATO-Ukraine* co-operation;
- the participation of mass media representatives in the activities on *NATO-Ukraine* co-operation, their regular visits to the *Headquarters of the Alliance* and to the *Command of the Supreme Commander-in-Chief of the NATO AAF in Europe*;
- the effective utilization of resources of the *NATO Information and Documentation Centre in Ukraine* and the *NATO Liaison Office in Ukraine* for the dissemination in *Alliance's* member and partner-states of reliable information on Ukraine-and her *internal and foreign policy*;
- the organization of seminars and “*round tables*” for Ukrainian journalists, *Heads of press centres at the Ministries and other central executive organs*, and mass-media officials to brief them on *NATO-Ukraine* co-operation;
- the objective of informing the Ukrainian public on the activities of the *Alliance* and on the development of a distinctive partnership by using the resources of the Ukrainian national news agency “*Ukrinform*”;
- the introduction of a “*Ukraine-NATO*” rubric on *State TV and radio channels* and the development of a series of analytical *programmes* with the participation of officials from the *Administration of the President of Ukraine and the Secretariat for the Cabinet Ministers of Ukraine*, *NSDCU members*, *Heads of the central executive organs* and other *State institutions* involved in a co-operation with the *Alliance*;
- the explanation in *programmes* on Ukrainian radio for foreign listeners regarding Ukraine's relations with *NATO*;
- the setting up of an *Internet server* providing information on “*NATO-Ukraine co-operation*”.

*(Part VI includes changes introduced by the Decree of the President No 190/2002 of 26.02.2002)*

## **PART VII. FINAL PROVISIONS**

1. Provisions for this *Programme* are implemented by carrying out activities pre-determined in annual plans made by *the central executive organs* of Ukraine in the directions of co-operation with *NATO* for which they are responsible. The annual plans are formed on the basis of the *Work Plan on Charter Implementation and IPP*, and provisions of the relevant bi- and multilateral treaties and agreements.
2. This *Programme* is financed from the funds allocated from the *State Budget* for the *central executive organs* and *State institutions* involved in co-operation with the *Alliance*, and thorough financial help from *NATO*.
3. Taking into account the fact that *NATO-Ukraine* co-operation is in constant development, if resources are available and with *NATO's* consent, new

directions of co-operation, not originally included in this *Programme*, will be developed, while outdated directions will be amended. The contents of a *Programme* can be amended and updated. Changes are included in the form of an *appendix* to the *Programme*, adopted by a *SIC* decision and approved by *Presidential Decree*.

4. The provision for secrecy in *NATO-Ukraine* co-operation is based on an *Agreement on Security* between the *Government of Ukraine* and the *North Atlantic Treaty Organization* as of 13th March 1995 and corresponding Ukrainian legislation.

#### **APPENDIX to the *State Programme* for the Co-operation between Ukraine and the North Atlantic Treaty Organization (*NATO*) for the period 2001-2004**

##### **THE LIST**

All the below-mentioned *Central Executive* organs and institutions of Ukraine are responsible for the implementation of the *State programme of Cooperation between Ukraine and the North Atlantic Treaty Organization (NATO) for the period of 2001-2004*

- The Ministry of Internal Affairs of Ukraine
- The Ministry of Ecology and Natural Resources of Ukraine
- The Ministry of Economics and European Integration of Ukraine
- The Ministry for Foreign Affairs of Ukraine
- The Ministry of Ukraine on Emergency Situations and Protection of the Population from the Consequences of the Chernobyl Catastrophe
- The Ministry of Defence of Ukraine, including the General Staff of the Armed Forces of Ukraine
- The Ministry of Education and Science of Ukraine
- The Ministry of Industrial Policy of Ukraine
- The Ministry of Transport of Ukraine
- The State Committee on Communications and Information of Ukraine
- The State Committee on Information Policy, TV and Radio Broadcasting of Ukraine
- The State Committee on Protection of the State Frontier of Ukraine
- The State Committee on Standardisation, Metrology and Certification of Ukraine
- The Security Service of Ukraine
- The National Academy of Sciences of Ukraine
- The National Space Agency of Ukraine
- The National Institute for Strategic Studies
- The National Institute for International Security Problems.

*(The appendix includes changes introduced by Decrees of the President No 190/2002 of 26.02.2002 and No 586/2003 of 09.07.2003)*

# Law on Defence Planning

N 2198-IV, 18.11.2004 (Bulletin of the *Verkhovna Rada*, 2005, No 4, p.97)

This law defines the tasks, principles, contents and procedures of defence planning including the coordination of actions by State Organizations.

## Article 1. Definition of terms

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

**National Security Strategy of Ukraine** is a comprehensive long-term program 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;

**Military Security Strategy** is a component of the National Security Strategy of Ukraine, that determines ways of prevention and neutralization of real and potential threats to the national military security of Ukraine;

**Strategic Planning** is a function of government that determines the goals, tasks, priorities and actions required to fulfil military defence state policy;

**The Strategic Defence Bulletin** is chronological documentation on the reform and development of the Armed Forces and other Military Organizations of Ukraine (summarised as the *Armed Forces* hereafter);

**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;

**Defence Planning Directive** is a document that determines the main indices of defence planning;

**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 organizational and socio-economic activity taking into account the main indices of materials, finance and human resources (summarised hereafter as *State Resources*). *State Programs* can include multifactor target programs;

**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, coordination and approval;

**Defence Budget** is expenditure allocated by the State Budget of Ukraine for defence spending;

**Article 2. Subjects and Objects of Defence Planning**

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 manage 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;

The Objects of Defence Planning are:

- the *Armed Forces* of Ukraine;
- The Central Executive, as well as enterprises, institutions and organizations, whose activity can influence the defence capacity of the state;

**Article 3. Main Principles of Defence Planning**

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 organized 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**

Primary goals for Defence Planning are:

- the regular state policy based assessments of real and potential military threats; the defining of the interrelation 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;

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 Program* for the Development of *State Military Organizations*;
- the tasks of the *Armed Forces* of Ukraine;
- the Strategic Defence Bulletin;
- the *State Program* for the Development of Arms and Military Technical Equipment;
- the *State Program* for the Reform and Development of an Industrial Defence Complex;

#### **Article 5. Long-term Defence Planning**

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.

Long-term defence *State Programs* are structured on a period of twelve years.

In fulfilling long-term defence planning:

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.

The *Verkhovna Rada* further develops consequent legislative bills.

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.

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.

The Central Executive that manages the *Armed Forces*, also produce *State Program* 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**

Medium-term defence planning defines technical-organizational and socio-economic measures that facilitate the maintenance of a necessary level of state defence capacity at any given time.

Medium-term state defence programs are structured on a period of six years.

In fulfilling medium-term defence planning:

The Cabinet of Ministers of Ukraine approve 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.

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.

The Ministry of Defence joined with the Central Executive issue 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**

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.

In fulfilling short-term defence planning:

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.

The Council also submits proposals on *State Resources* and sundry actions relating to national security and defence to the President.

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.

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*.

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.

The Head of the resultant Central Executive organisation in charge approves short-term plans of maintenance and development for the *Armed Forces*.

#### **Article 8. Coordination of Actions and Control of Defence Planning**

Coordinated actions and control of defence planning are carried out by the National Security and Defence Council of Ukraine.

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*.

The Cabinet of Ministers produce, control and implement *State Programs* for the development for the *Armed Forces*.

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*.

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 coordination and partnerships between Central and Local Executive.

#### **Article 9. Defence Reviews**

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.

A decision to conduct a *Defence Review* is made by the National Security and Defence Council; sanctioned by Presidential decree.

The Cabinet of Ministers organize and control the processes of *Defence Reviews* carried out by the Central Executive and other relevant state authorities.

The National Security and Defence Council are 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.

# Law on the Legal Regime of Martial Law

N 1647-III, 06.04.2000; (Bulletin of the *Verkhovna Rada*, 2000, No 28, p.224), with changes introduced by Law N 662-IV of 03.04.2003, BVR, 2003, N 27, p. 209

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*, enterprises, institutions and organizations 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

*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, and the *Military Command* necessary powers to prevent threats and to guarantee national security.

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 Purpose for the Introduction of Martial Law

The purpose for the introduction of *Martial Law* is the creation of conditions permitting the *State Executive, Local Self Government* organs, and the *Military Command*, enterprises, institutions and organizations to exercise their authority in case of an armed aggression or a threat of an attack, a threat to state sovereignty and the territorial indivisibility of Ukraine.

### Article 3. The legal base of introduction of Martial Law

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 4. The Military Command

The present Law gives the *Military Command* together with the *State Executive*, 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 command of the Land and Naval *Armed Forces* of Ukraine;
- the operational commands, commands of joint units, the troops of the *Armed Forces* and other *State Military Organisations*, created in accordance with the Laws of Ukraine.

The *Military Command* exercises its powers both directly and through its representatives – military units and sub-units' Commanders, Heads of military institutions and organizations.

## **PART II. THE PROCEDURES FOR THE INTRODUCTION AND TERMINATION OF MARTIAL LAW**

### **Article 5. The Procedure for the Introduction of Martial Law**

*Martial Law* in Ukraine is introduced by *Presidential Decree* subject to approval of the *Verkhovna Rada* of Ukraine within two days from an address made by the President.

A *Presidential Decree* introducing *Martial Law*, approved by the *Verkhovna Rada* of Ukraine, is made public (without delay) through the mass media.

The *National Security and Defence Council of Ukraine* submits proposals to introduce *Martial Law* to the President of Ukraine.

### **Article 6. Presidential Decree for the Introduction of Martial Law**

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*, *State Executive* and *Local Self Government* organs regarding the introduction and execution of measures relating to *Martial Law*;
4. an exhaustive list of human and constitutional rights and freedoms that are to be provisionally restricted through the introduction of *Martial Law* as well as a list of provisional restrictions on the rights and legitimate interests of legal persons with an indication of the period of effectiveness of these restrictions;
5. other questions stipulated in the present Law.

### **Article 7. The Termination of Martial Law**

*Martial Law* in Ukraine is terminated by *Presidential Decree* at the proposal of the *National Security and Defence Council of Ukraine* after the elimination of armed attacks, threats to state sovereignty and or the territorial indivisibility of Ukraine, and this termination is to be made public without delay through the mass media.

A proposal to terminate *Martial Law* can be submitted to the President by the *Verkhovna Rada* of Ukraine.

## **PART III THE ACTIVITIES OF THE STATE EXECUTIVE ORGANS UNDER MARTIAL LAW**

### **Article 8. State Executive Powers under Martial Law**

Under *Martial Law*, the President of Ukraine, the *Verkhovna Rada*, the *State Executive*, the *Military Command* and its representatives (hereinafter referred to as– the *Military Command*), the *Verkhovna Rada of the Autonomous Republic of Crimea*, the *Council of Ministers of the Autonomous Republic of Crimea*, *Local Self Government*, enterprises, institutions and organizations whom exercise their respective powers provided for by the Constitution and the Laws of Ukraine ensure the implementation of the measures prescribed by the present Law.

**Article 9. The Management of the Armed Forces of Ukraine and Other State Military Organisations under Martial Law**

The President of Ukraine, as the Commander-in-Chief of the *Armed Forces* of Ukraine, carries out the management for the strategic planning for the deployment of the *Armed Forces* and other *State Military Organisations* created in accordance with the Laws of Ukraine, as well as introducing and implementing measures under *Martial Law* through the working body of the *General Staff of the Armed Forces of Ukraine*.

Under *Martial Law*, the Ministry of Defence for Ukraine acts in accordance with the *Regulations on the Ministry of Defence for Ukraine* approved by the President.

**Article 10. Illegality of the Termination of State Executive Authority under Martial Law**

During *Martial Law*, the authority of the *Verkhovna Rada*, the *Human Rights Ombudsman* to the *Verkhovna Rada*, the *Verkhovna Rada of the Autonomous Republic of Crimea*, *Ministries*, other *Central and Local State Executive Organisations*, *Local Self Government*, as well as the Courts, the Public Prosecutor's Office and *State Investigation and Prosecution Organs* cannot be terminated.

**Article 11. The Activities of the Verkhovna Rada of Ukraine under Martial Law**

In the event of the introduction of *Martial Law* in Ukraine, the *Verkhovna Rada* assembles within a period of two days without convocation and works in a session mode.

Heads of *State Executive* and *Local Self Government* organs, enterprises, institutions and organizations (*both publicly and privately owned*) 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.

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*.

Under *Martial Law*, the authorities of the *Verkhovna Rada* of Ukraine determined by the Constitution of Ukraine cannot be restricted.

**Article 12. Peculiarities Relating to the Enforcement of Normative-Legal Acts under Martial Law**

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 13. The Activities of the Military Command under Martial Law**

In Ukraine when *Martial Law* is effective, the provisions for defence, public order and security, the introduction of measures envisaged by *Article 15* of this Law, are carried out by the *Military Command* in close co-operation with the *State Executive*, the *Council of Ministers of the Autonomous Republic of Crimea* and *Local Self Government*.

In the areas where combat operations take place, *Martial Law* measures are introduced and carried out directly by the *Military Command*.

While *Martial Law* is effective, the *Military Command* takes every measure to ensure the security of the civilian population and *State* interests, and is responsible for the introduction of these measures wherever territorially relevant.

**Article 14. Legal Acts Under *Martial Law***

The organs mentioned in *Article 10* of the present Law and the *Military Command* have the right to issue, (within their authority), authoritative decisions, instructions, orders and directives (including joint ones) concerning the introduction and implementation of *Martial Law*.

**PART IV. THE MEASURES INTRODUCED UNDER MARTIAL LAW**

**Article 15. The Content of Measures Introduced under the Legal Regime of Martial Law**

The *Military Command* is empowered to introduce in Ukraine, (where *Martial Law* is effective), jointly with the *State Executive*, the *Council of Ministers of the Autonomous Republic of Crimea*, and *Local Self Government*, (or if the above joint venture is impossible), unilaterally the following *Martial Law* measures:

1. to introduce civilian duty provided by capable citizens, not involved in contemporaneous defence activities, defence support activities and not reserved for enterprises, institutions and organizations during a mobilization period and that of wartime. Furthermore, civilian duty is required for defence works, resolving the consequences of natural disasters, accidents, catastrophes, epidemics, epizootics, and other emergencies that emerged during *Martial Law*;
2. to use the capacities and manpower resources of enterprises, institutions and organizations (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;
3. to temporarily expropriate (for defence needs) the property and assets of *Ministries*, other *Central and Local State Executive* organs, territorial communities, enterprises, institutions and organizations (both publicly and privately owned) and private citizens, including; and in accordance with the *Regulations on the Military-Transport Duty*, vehicles, installations, machines, mechanisms, equipment and other objects related to transport maintenance. Corresponding legal documentation relating to these appropriations are to be issued at the time of legal confiscation;
4. to place guards at vitally important national economy installations;
5. to 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 *light screening* regime;
6. to introduce a special entry-departure procedure, to restrict the freedom of movement of citizens, foreigners, stateless persons as well as their vehicles;
7. to examine citizens' 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. in accordance with procedures pre-determined by the Constitution and Laws of Ukraine, to raise an issue on the prohibition of the activity of political parties,

- public organizations, if it threatens the sovereignty, national security, independence, territorial indivisibility and the life of the citizens of Ukraine;
9. to exercise control over the activity of communication, printing, TV-radio enterprises, publishing houses, theatre, concerts and other cultural enterprises, institutions and organizations; the use of local radio and TV broadcasting stations; usurping printing presses for military needs and the carrying out of educational work among the military and the population; to control the work of civil radio and TV broadcasting centres, to prohibit the activity of amateur transceiver radio stations of private or collective use and transmission of information over computer nets;
  10. 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 radio transmitters, TV, video, audio equipment, computers and if the need arises, other technical communication means from enterprises, organizations and institutions (both publicly and privately owned) as well as from private citizens;
  11. to prohibit the trade in arms, strong chemical and poisonous substances as well as alcoholic drinks and other substances produced with alcohol;
  12. to seize fire arms, ammunition, cold steel arms from citizens; to seize military and military-training equipment, explosive, radioactive substances and materials, strong chemical and poisonous substances from enterprises, organizations and institutions;
  13. to prohibit conscripts and citizens liable for military service to change their place of residence without informing the *Military Command*;
  14. to introduce a *military-billet duty system* that billets servicemen and facilitates the creation of quarter military units, sub-units and other related facilities;
  15. to establish procedures for the use of shelters and other installations for the protection of the civilian population and other defence needs;
  16. to evacuate the civilian population as well as the enterprises, organizations, institutions and material assets of national, economic and cultural importance from high risk areas;
  17. to provide the civilian population with basic food, non-food goods and medicines;
  18. to dismiss the Heads of the *State* owned enterprises, organizations and institutions for their failure to fulfil duties during a *special period*; and to appoint acting Heads for the abovementioned enterprises, organizations and institutions.

The procedures for the introduction of restrictions on human rights as well as the rights and legitimate interests of legal entities under *Martial Law* are pre-determined by the Laws of Ukraine.

#### **Article 16. Assisting the Activities of the Military Command**

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, organizations and institutions, citizen associations and private citizens are obliged to provide assistance to the *Military Command* during the introduction and execution of *Martial Law*.

**Article 17. Recruitment by State Military *Organisations* for Activities under Martial Law**

In accordance with the decisions of the *National Security and Defence Council of Ukraine*, enacted by Presidential Decree following established procedure, the *State Border Service of Ukraine* and other *State Military Organisations*, created in accordance with the Laws of Ukraine, are recruited for the introduction and execution of activities under *Martial Law* depending on their functions and specialization.

*(Article 17 includes changes made by Law N 662-IV of 03.04.2003)*

**Article 18. The Interaction of the Military Command with the State Executive under Martial Law**

While *Martial Law* is effective, the *Military Command* fulfils its tasks in close co-operation with the *Security Service of Ukraine*, other *State Military Organisations*, created in accordance with the Laws of Ukraine, and *Law-Enforcement* bodies. It may also take command or *operational* command over other *State Military Organisations* or their joint units, military units, institutions and organisations.

The procedure for the co-operation between the *Military Command*, *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 *State Military Organisations* or their joint units, military units, institutions and organizations are pre-determined by the *Commander-in-Chief of the Armed Forces of Ukraine*.

**PART V. GUARANTEES OF HUMAN RIGHTS AND FREEDOMS, AND THE LEGITIMATE INTERESTS OF LEGAL ENTITIES UNDER MARTIAL LAW**

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

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.

**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**

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 and other laws of Ukraine.

Under *Martial Law*, human rights and freedoms cited in *Part 2 of Article 64* of the Constitution of Ukraine cannot be restricted.

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

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 Human Rights and Freedoms, and or the Rights and Legitimate Interests of Legal Entities**

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**

Forced alienation of private citizen property and legal entities for the purposes of *Martial Law* are subject to subsequent and complete compensation for total value in accordance with the procedure pre-determined by law.

**Article 24. Informing the UN Secretary General and Foreign States of the Introduction of a Legal Regime of Martial Law**

In accordance with the *International Pact on Civil and Political Rights*, any introduction of *Martial Law* in the 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.

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*.

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.

**PART VI. THE LIABILITY FOR A VIOLATION OF THE REQUIREMENTS OR A FAILURE TO CARRY OUT MARTIAL LAW ORDERS**

**Article 25. Liability for Violation of the Legal Regime of *Martial Law***

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**

When *Martial Law* is effective, the courts still exclusively administer justice in Ukraine. Courts created in accordance with the Constitution of Ukraine continue to function and the introduction of extraordinary and special courts are not permitted.

The shortening or acceleration of judicial proceedings is strictly prohibited.

**Article 27. The Control over the Activity of the State Executive**

The control over the activities of the *State Executive* under *Martial Law* is carried out by the *National Security and Defence Council of Ukraine*.

**Article 28. Oversights over the Observance of Legislation under Martial Law**

Oversight over the observance of the laws of Ukraine under *Martial Law* is carried out 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.
2. Cabinet Ministers are obliged to prepare:
  - a submission to the *Verkhovna Rada* of Ukraine within six months a proposal on introduction of amendments to the legislative acts that follow from the present Law;
  - 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.

# Law 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 N 662-IV of 03.04.2003, BVR, 2003, N 27, p. 209; N 743-IV of 15.05.2003, BVR, 2003, N 29, p. 223

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 the 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, infernos for the use and means of mass destruction, pandemics, or epizootics that endanger the life and health of a significant percentage of the population;
- 2) a commitment to 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 human 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 predetermined by *Article 4, part II paragraphs 2-7* of this Law, the President through the mass media addresses groups of people, institutions, organizations 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 the loss of human lives, a *state of emergency* may be introduced without warning.

The *National Security and Defence Council* submit 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 the 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 the mass media or by other means, immediately after the issue of *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 – *Military Command*), enterprises, institutions and organizations 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 Internal Forces of the Ministry of Internal Affairs of Ukraine*;
- the *Security Service of Ukraine*;
- the *Central Command of Civil Defence Forces* of the *Central Executive* body for emergencies and the protection of the civilian population from the consequences of the *Chernobyl* accident and in the case of an introduction of a *state of emergency* on the grounds stipulated in paragraph 1 of part II of Article 4 of this Law;
- the *Military Law Enforcement* service in the *Armed Forces* of Ukraine.  
(Article 10 with changes made by Law N 743-IV of 15.05.2003)

#### **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 organizations 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* situation 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 and the protection of the population against the consequences of the *Chernobyl* accident, internal affairs bodies, the *Military Service of Law Enforcement* 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 14 includes changes made by Law N 743-IV of 15.05.2003)*

**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.

**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 mobilization and use of enterprises, institutions and organizations for the averting of 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 natural disasters or catastrophes 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 these 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 materials, 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 *Ministry of Internal Affairs of Ukraine*, including the internal forces, the civil defence forces, the *Security Service of Ukraine*, the *Military Service of Law Enforcement 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*.

(*Article 20 includes changes made by Laws N 743-IV of 15.05.2003; N 662-IV of 03.04.2003*)

## **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 performing tortures, 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, whose property and resources were used for the prevention or elimination of situations that brought about the introduction of a state of emergency, shall be fully reimbursed according to the procedures specified by law.

**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 the 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.

## CHAPTER 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).
- 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.

# Law on the National Security and Defence Council of Ukraine

N 183/98-BP, 15.03.1998; (Bulletin of the Verkhovna Rada, 1998, No 35, p.237)

This law defines the legal basis for the organization 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

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.

### Article 3. The Functions of the National Security and Defence Council of Ukraine

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 crisis';

### Article 4. The Powers of the National Security and Defence Council of Ukraine

In accordance with the functions defined by 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 *Concept (the fundamentals of State policy)*- of 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;
2. 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 organizations 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 crisis’.

## **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**

The *Head of the National Security and Defence Council of Ukraine* is the President of Ukraine.

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 fresh elections and the assumption of office by a new President.

### **Article 6. The Composition of the National Security and Defence Council of Ukraine**

The President forms the personal composition of 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*.

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**

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*”.

The *Secretary of the National Security and Defence Council* ensures the organisation and the execution *National Security and Defence Council* decisions.

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 servicemen 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 a 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*.

**Article 11. The Authority of the Head of the National Security and Defence Council of Ukraine**

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 form 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 Regulations for the *National Security and Defence Council* staff including structure and personnel arrangements;
7. executes other authority pre-determined by this Law.

**Article 12. The Authority of Members of the National Security and Defence Council of Ukraine**

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**

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 organizations, the mass media and international organizations.

The President determines the authority of the *National Security and Defence Council* Under-Secretaries.

**Article 14. The Working and Advisory Bodies of the National Security and Defence Council of Ukraine**

With the purpose of developing and solving complex inter-sectorial 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 ad hoc 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**

Financing for the activities of the *National Security and Defence Council* is specifically provided for by the *State Budget of Ukraine*.

# Law on Democratic Civilian Control of State Military and Law-Enforcement Organisations

N 975-IV, 19.06.2003; (Bulletin of the Verkhovna Rada, 2003, No 46, p.366)

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 organization and implementation of *Democratic Civilian Control* - (hereafter referred to as *Civil Control*) of the *Armed Forces* created in accordance with the Laws of Ukraine and State Law-Enforcement Organisations.

## PART I. BASIC GROUNDS FOR DEMOCRATIC CIVIL CONTROL OF STATE MILITARY AND LAW-ENFORCEMENT ORGANISATIONS

### Article 1. Definition of basic terms

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

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.

*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.

The Civil Control of State Military and Law Enforcement Organisations is a set of legal, organizational and information measures that enshrine the adherence to the rule of law and transparency in the activities of all components of these organisations. 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

*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

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 servicemen 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 organizations 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**

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**

*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

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**

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 servicemen in organising housing requirements; the conversion of former military installations; military-political and technical cooperation with other states and inter-governmental unions; the development and manufacture of new weapons and military hardware, the conversion of defence enterprises and factories; the amortization and realisation of military property; the privatization 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 servicemen, military servicemen transferred to the reserve and ex-servicemen 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 peace keeping and counter-terrorist operations, joint military exercises and sundry activities in the development of international military -technical cooperation;
- adhering to the Laws of Ukraine when deciding to permit the stationing of foreign Armed Forces on Ukraine soil;
- adhering to the Laws of Ukraine when considering complaints and appeals by military servicemen, ex-servicemen and members of their families made against *Military State Organisations* and its officials;

#### **Article 6. The Systems and Organisations Involved in Civil Control**

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;
- Control by civil society;

The organisations involved in the *Civil 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 of 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 Civil Control**

The bodies involved in *Civil 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;

Operational and mobilisation commands undertaken by military officials of the *Armed Forces* and other *State Military and Law-Enforcement Organisations* are exempt from *Civil Control*.

The activities of the *Security Service, Intelligence and Counterintelligence Services*, and its operational departments as well as inter department investigation activities and pre-judicial 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*

*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 *Civil Control*;

## PART II. PARLIAMENTARY CONTROL

### Article 8. Powers of the Verkhovna Rada in Exercising its Control of State Military and Law-Enforcement Organisations

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.

The *Verkhovna Rada*:

- determines the basic principles of domestic and foreign policy;
- determines the basis for national security, the organization 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 servicemen;
- 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 cooperation 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 boarders;
- 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**

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;

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 law, to investigate issues of public interest.

#### **Article 10. Powers of the People's Deputies of Ukraine in Exercising Civil Control**

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**

The Ombudsman of the *Verkhovna Rada* for *Human Rights* (hereafter referred to as 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 organization opines on the state of constitutional rights and freedoms observances for conscripts, military servicemen, military servicemen 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

- 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;

The appointment of the *Ombudsman* and of his/her representative for the protection of military servicemen'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*".

The *Ombudsman's* annual report envelops the observances of the constitutional rights and freedoms of military servicemen, 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.

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**

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.

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 Exercising of Control of the State Military and Other Law-Enforcement Organisations.**

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 peace keeping 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 cooperation 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*;

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**

The National Security and Defence Council of Ukraine (hereinafter - *NSCDU*) 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*”.

Decisions of *NSCDU* are enforced by Presidential Decrees.

The *NSCDU* informs the public on its activities through the media.

### **PART IV. CIVIL CONTROL EXERCISED BY THE EXECUTIVE AND LOCAL SELF-GOVERNING ORGANISATIONS**

#### **Article 15. Powers of the Cabinet of Ministers of Ukraine in Exercising Control**

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 organized 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 Programs* relating to defence, national security and techno-political military cooperation 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 amortization and realization 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**

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;

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**

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 Civil Control**

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 the military service;
- provide for the execution of legislation that enshrines the rights and social guarantees of conscripts, military servicemen and ex-military servicemen 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 servicemen, ex-servicemen, 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*;
- coordinate, (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 coordinated action in case of an emergency;

- inform the public through the media on matters relating to national security, defence and the fight against crime;

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. CIVIL CONTROL OF THE MILITARY AND LAW-ENFORCEMENT ORGANISATIONS OF THE STATE**

### **Article 19. Participation of Citizens in Exercising Civil Control**

Citizens of Ukraine participate in exercising *Civil 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 servicemen's rights)- determined by the Constitution and the Law of Ukraine "*On Citizens' Appeals*".

Civil organizations, 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 servicemen and members of their families;
- to familiarise themselves with the conditions of service and every day life of military servicemen;

By having legal powers, citizens are afforded the right to make legislative proposals concerning military development, law-enforcement activities, and social protection of military servicemen, pensioners and members of their families.

### **Article 20. The Role of the Mass Media in Exercising Civil Control**

As the mass media provides coverage on national security, defence and the fight against organised crime it also helps shape public opinion and subliminally promotes the kudos

of 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 every day life of military servicemen and events in the military life.

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 web sites) to provide updated information. Furthermore, the "*White Book*" on the activities of the *Armed Forces* is published annually.

## **PART VI. GUARANTEES FOR THE IMPLEMENT-ATION OF CIVIL 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 Civil Control**

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 *Civil 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 organizations, military servicemen 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 on the interactions between the *Armed Forces* and other *State Military and Law-Enforcement Organisations* with the *Verkhovna Rada*, civil organizations 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* 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 Civil Control**

Officials and citizens guilty of non-compliance or violations of the legislation relating to the “*Civil Control of the Military Organisation and Law-Enforcement Organisation’s* will be brought to account under the aforesaid legislation.

#### **Article 23. Legal Defences for Civil Control Issues**

Military courts that perform legal functions for *State Military Organisations* may take action against the illegal acts or inaction of State and Local Autonomous Governing organs and its officials that led to crimes by military servicemen and or violations of rights and the legal interests of citizens.

#### **Article 24. Supervision of the Adherence to Laws for Civil Control Exercises**

The Office of the Public Prosecutor of Ukraine carries out compliance supervision of the Laws regarding the exercise of “*Civil Control of State Military and Law-Enforcement Organisations*”.

### **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.

# Presidential Decree on Additional Measures to Further Guarantee the Democratisation of Society and the Strengthening of Civil Control over the Activities of Law-Enforcement and Intelligence Organisations of Ukraine

N 206/2004 of 18.02.2004

With a view to improving the conditions of exercising the *democratic and civil control* over the activities of *Law-Enforcement* and *Intelligence Organisations*, fulfilling International commitments regarding European Union integration, the implementation of *State* policy in these spheres, the further democratization of society, and the implementation of the Laws of Ukraine “*On Intelligence Organs of Ukraine*” and “*On Counter- Intelligence Activity*” and in accordance with *paragraph 17 of Article 106* of the Constitution of Ukraine, I decree:

1. that the *Security Service of Ukraine*, the *Ministry of Internal Affairs*, the *Administration of the State Border Service of Ukraine*, the *Department of the State Protection of Ukraine*, the bodies of the *State Tax Service of Ukraine*, bodies and institutions of the *State Department of Ukraine on Execution of Sentences*, and the *intelligence body of the Ministry of Defence*, whose departments are empowered to perform operational-investigative activities:
  - do not allow the appointment and recall, of servicemen and *Law-Enforcement Organizations* officers, deployed with the aim of performing such activities on the positions *Verkhovna Rada* staff, the *Administration of the President of Ukraine*, the *Secretariat of the Cabinet*
  - *Ministers of Ukraine*, the staff of the *General Procuracy of Ukraine*, the staff of the *National Security and Defence Council of Ukraine*, and *Central Executive* authorities, until 1<sup>st</sup> March, 2004 in accordance with established procedures;
  - prohibit the establishment of confidential co-operation with the servicemen and officers of the *Intelligence Organs* of Ukraine.
2. That the *Central Executive* authority, mentioned in *Article 1* of this *Decree*, within one month bring their normative-legislative acts into conformity with the present Decree.

## **Part III**

# **The Legal Framework for the Development and Reform of the Ukrainian Armed Forces**



## Commentary to Part III

The normative-legislative acts regulating the core activity of *State Military* and the processes for military reform are central place to this commentary. In order to conform to the Constitution of Ukraine, these acts create the necessary legal basis for the fulfilment by the *Armed Forces* and other *State Military Organisations* of their constitutional duties to defend Ukraine, and to protect her sovereignty, territorial indivisibility and inviolability.

The Law “*On the Armed Forces of Ukraine*” is fundamental. It was first adopted by the *Verkhovna Rada* on 6th December 1991. On 5th October 2000, the Law was published in a new revised form. Substantial amendments were introduced to it.

This law defines the functions and the structures of the *Armed Forces*, the legal principles of the organisation and its activity, management and direction, the legal basis of deployment to provide military assistance to other states, to take part in international peacekeeping operations and in international military co-operation.

The constitutional provisions, according to which the *Armed Forces* cannot be used for the restriction of citizens’ rights and freedoms or with the intent to overthrow the constitutional order, subvert the organs of *State* power or obstruct their activity, is embodied in this Law. In accordance with the Constitution of Ukraine, this Law introduces restrictions on political activity within the *Armed Forces*.

The procedure of management for the *Armed Forces* established by this Law pre-determines the preservation of a common system for peace and wartime regardless of whether the *Minister of Defence* is a civilian or an army officer.

This Law defines the authority of the President of Ukraine, the *Verkhovna Rada*, and *Cabinet* for the management of the *Armed Forces*, the control over its activity, the development and implementation of *National Programmes* for the *Armed Forces*, the provisions of the *Armed Forces* including military equipment, armament, resources and property, and the guarantees of social protection for military personnel and members of their families.

The strength of the *Armed Forces* is defined in the laws approved by the laws ‘*On the Numerical Strength of the Armed Forces of Ukraine 2000-2004*’ (7th June 2000) and on ‘*On the Numerical Strength of the Armed Forces of Ukraine 2005*’ with changes introduced on 22nd June 2004.

On 18th June 1999, the *Verkhovna Rada* adopted the Law ‘*On Universal Military Duty and Military Service*’ in a new revised form. Since then, a number of amendments have been introduced. This Law, is also fundamental in the military sphere, it regulates the fulfilment of military duty by citizens, the procedures for training and the carrying out of military service, the registration of soldiers and conscripts, it defines the liability of officials and citizens for infringements of the legislation on universal military duty and military service, and it establishes the procedures for financial and material support of the measures that assist the fulfilment of military duty and military service.

*Article 35* of The Constitution of Ukraine stipulates a possibility of substituting universal military duty with *alternative (non-military) service* in cases where the fulfilment of such a duty contradicts the religious beliefs of a citizen. The legal basis for this service and procedures is established by the Law ‘*On Alternative (Non-Military) Service*’ adopted on 18th February 1999, in a revised form.

The *State* statutorily regulates the issues of mobilisation preparedness and mobilisation. The Law 'On Mobilisation Preparation and Mobilisation' was adopted by the *Verkhovna Rada* on 13th May 1999 in a revised form. The Law defines the principles and the procedures for mobilisation preparedness, the organisational basis for mobilisation and demobilisation, issues of conscription and registration, the authorities and the procedures for co-operation among the legislative, executive and judicial authorities in this sphere.

A separate set of laws 'On the Legal Regime of Property in the *Armed Forces*' -21st September 1999, 'On Economic Activity in the *Armed Forces*' -21st September 1999, 'On the Particularities of Privatisation of Enterprises Under the Management of the Ministry of Defence'-18th May 2000- creates the legal basis for the organisational and functional use of *State* property assigned to the *Armed Forces*, its realisation, not to the detriment of the fulfilment of its basic functions of economic activity with the purpose of obtaining additional sources for strengthening the financial base of the *Armed Forces*, to help maintain a proper level of combat and mobilisation readiness. These laws establish the procedures for privatisation of *MOD enterprises* and the use of proceeds received from privatisation.

A number of legal acts devoted to the reform of the *Armed Forces* of Ukraine, are enveloped in the following directions:

- Transition to a system of a *civil Ministry of Defence* for Ukraine;
- Divisions of functions between the *Ministry of Defence* and the *General Staff of Ukraine*;
- Transition from a four-tier structure of the *Armed Forces*-the Land Forces, the Air Force, the Air Defence Force, and the Navy to a three-tier structure of Land Forces, the Air Force, and the Navy;
- Optimizing the numeric strength of the *Armed Forces* and introducing troop reductions;
- Optimizing military infrastructure from military units and joint units, as well as military educational institutions;
- Gradual transition to a *manning system* for the *Armed Forces* on a contractual basis;
- Strengthening social protection for military personnel and members of their families;
- Creating conditions for effective *civil control* over the *Armed Forces* and other *State Military Organisations*.

The *State Commission on Reform and Development of the Armed Forces* of and other *State Military Organisations for Armaments and Military Equipment* chaired by the *Prime Minister* and created by the Decree of the President, are responsible for the co-ordination of the activities of the *Executive* authorities for the reform of the *Armed Forces* and other *State Military Organisations*.

The implementation of military reform led to an introduction of amendments to the current legislation, in particular to the laws 'On Defence', 'On the *Armed Forces*', covering issues of the numeric strength of the *Armed Forces*, and to the laws that guarantee social protection for military personnel and members of their families.

The *Verkhovna Rada*, in executing its constitutional authorities, controls the implementation of the legislative acts for defence, and the processes of reform for the *Armed Forces*.

In November 1999, the Parliamentary hearings on 'Reform of the Armed Forces of Ukraine: Political, Legal, Social and Economic Aspects' took place. In 2002, *Government Day* was dedicated to the following themes 'On the Course of Reform of the Armed Forces of Ukraine' and 'On the Course of the Fulfilment of Requirements for the Current Legislation and Measures of Cabinet on Strengthening Social Protection for Military Personnel, Ex-Servicemen and Veterans of Military Service, Members of their families, and the Improvement of their Pensions, Housing, and Transport Requirements'. On 22nd June 2004, the *Verkhovna Rada* heard and discussed information from *Cabinet* on the realisation of its constitutional powers in defence. The decisions adopted by the *Verkhovna Rada* are included in this version.

*Presidential Decrees* have recently approved important decisions adopted by the *National Security and Defence Council of Ukraine*, on *The Strategic Defence Bulletin of Ukraine for the period till 2015*. This unique document, is in fact, the "*White Book of the Armed Forces of Ukraine*", that for the first time informs the general public on the condition of the *Armed Forces*, including existing problems in the forces, as well as the basic directions and stages of reform for *State Military Organisations*. It is available online at [http://www.mil.gov.ua/files/white\\_book\\_eng.pdf](http://www.mil.gov.ua/files/white_book_eng.pdf).

# Law on the Armed Forces of Ukraine

No 1934-XII of 06.12.1991; (Bulletin of the Verkhovna Rada (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; 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

Taking into account the necessity to ensure 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 jurisprudential *State* maintains its *Armed Forces* at an adequate level for combat alacrity and efficiency.

This Law defines the functions and structures of the *Armed Forces*, its legal organisational principles, activity, deployment, and management.

## PART I. GENERAL PROVISIONS

### Article 1. Functions of the Armed Forces

The *Armed Forces* are the military organisations 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 of armed aggressions against Ukraine, protecting its airspace and territorial maritime zones.

The joint military organisations, military units and subunits of the *Armed Forces*, including *orderly forces*, are entitled to use weapons and military equipment in peacetime with the purpose of:

- repelling air strikes aimed against important *State* infrastructure-this is handled directly by the *orderly forces*;
- stopping unlawful crossings of Ukrainian airspace by air forces of other states, that do not execute command signals sent by authorised planes-interceptors helicopters, or the use weapons over Ukrainian airspace;
- stopping the unlawful actions of aircrafts in Ukrainian airspace if they are used with the aim of carrying out a terrorist attack;
- obligating high-jacked aircraft to land in Ukraine;
- ensuring the execution by the *Armed Forces* of assigned missions to repel possible armed aggression against Ukraine, while providing for the inviolability of airspace and maritime zones, and to prevent terrorist attacks in cases pre-determined by other laws.

In accordance with the Law, the *Joint Military Organisations*, military units and subunits of the *Armed Forces*, within the confines pre-determined by Presidential Decree, subject to the approval by the *Verkhovna Rada*, can be deployed for the execution of tasks under *martial law* and or a *state of emergency*, for the strengthening and protection of the Ukrainian state border and exclusive maritime economic zones including the Ukrainian continental shelf, the dissolving of the consequences of natural and technogenic

disasters, for providing military assistance to other states as well as taking part in international military co-operation 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 Management* organs ensure the mandatory fulfilment of the requirements of the Constitution of Ukraine that the *Armed Forces* cannot be used to restrict citizens' rights and freedoms or used with the intent to overthrow the constitutional order, subvert the organs of *State* power or obstruct 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 and or the environment. Military personnel guilty of issuing or executing alleged criminal orders or instructions are criminally liable. This law envelops the rights and duties of conscripts for the execution of actions, pre-determined by *Part III* of this statute.

*(Article 1 includes changes introduced by Law N 2341-IV of 13.01.2005)*

### **Article 2. The Legal Basis for the Activity of the Armed Forces**

The legal basis for the activities of the *Armed Forces* is 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, that regulate the defence activities and relations.

## **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 management, 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 *Military Management*;
- The branches of the *Armed Forces* – the Land Forces, the Air Forces, and the Navy;
- Bodies of troops, joint military organisations, military units, military educational establishments, institutions and organisations that do not belong to the *Armed Forces*' branches.
- The *Armed Forces* consists of the organs of military management, bodies of troops, joint military organisations, military units, military educational establishments, institutions and organisations.

*(Article 3 includes changes introduced by Law N 1740-IV of 03.06.2004)*

### **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*. *Cabinet* approves the maximum numbers 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 soldiers and employees, who are citizens of Ukraine. Some positions in *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* 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 military ranks for life by the law. Law establishes the procedures for the awarding and stripping of military ranks. Labour relations for *Armed Forces* employees are regulated by Labour legislation.

#### **Article 6. The Deployment of the Armed Forces**

*Military Management*, bodies of troops, joint military organisations, military units, military educational establishments, institutions and organisations of the *Armed Forces* are deployed on *State* territory or temporarily abroad in accordance with defence missions, 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 deployment of the *Armed Forces* is developed by the *General Staff of the Armed Forces*. It is submitted by the *Ministry of Defence* to *Cabinet* for consensus and is ultimately approved by the President. The redeployment of military units as well as military educational establishments, institutions and *Armed Forces* organisations is carried out upon the decision of the *Ministry of Defence* with the consent of *Cabinet*. Redeployment of the joint military organisations and bodies of troops is carried out upon the decision of the President.

### **PART III. THE MANAGEMENT AND THE GUARANTEES OF THE ARMED FORCES 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 as the *Supreme Commander-in-Chief* within limits prescribed by the Constitution of Ukraine. During a *special period*, the President may carry out the management of the *Armed Forces* and other *State Military Organisations* 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 direct management of the *Armed Forces* in peace and wartime is carried out by the *Commander-in-Chief of the Armed Forces*. The *Commander-in-Chief of the Armed Forces* is *ex officio* the *Minister of Defence* in case he/she is a military officer. In cases where he/she is a civilian – *Head of the General Staff of the Armed Forces* is the preferred title.

#### **Article 9. The Authority of the Cabinet Ministers regarding the Armed Forces**

The *Cabinet Ministers* of Ukraine:

- organise 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 providing of services to the *Armed Forces*, the creation of *untouchable* and mobilisation reserves;

- ensure the provisions for the *Armed Forces* of weapons, defence equipment, energy, material and technical and other resources and property necessary for the effective execution of their assigned tasks and functions;
- ensures the *manning* of the *Armed Forces*, the mobilisation and operational deployment during a *special period*, makes arrangements for the preparation and conscription of citizens;
- establish the procedures for providing *State* property at the disposal of 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 and 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 by the *Armed Forces* of assigned tasks and functions both on a paid and free basis, pecuniary and all other forms of payment;
- establish the procedures for the use of weapons and defence equipment by the joint military organisations, military units and subunits of the *Armed Forces*, including the *orderly units*, in peacetime when executing the tasks pre-determined by *Parts III-IV of Article 1* of this Law;
- ensures the right to social and economic protection of the soldiers and ex-servicemen, members of their families, as well as the members of the families of soldiers, killed or who are *missing in action*, those who became invalids while on duty or were taken prisoners in the course of combat operations or during their participation in international peacekeeping operations;
- regulate the economic activity of the *Armed Forces*;
- control, in accordance with the Constitution and the Laws of Ukraine, the activity of the *Armed Forces*, exercise other authorities to ensure the combat readiness, mobilisation preparedness, battle efficiency and functioning of the *Armed Forces*.

(Article 9 includes changes introduced by Law N 2341-IV of 13.01.2005)

#### **Article 10. The Authority of the Ministry of Defence in Armed Forces Management**

The Ministry of Defence 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 for 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, defence equipment, material, financial and other resources and property in accordance with their needs defined by the *General Staff of the Armed Forces* and within the funds allocated by the *State Budget*, exercises control over the efficient use of resources and funding, organises the execution of works and the providing of services in the interests of 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 organizations, exercises control over the observance of laws in the *Armed Forces*;
- considers petitions and personal complaints on the issues that belong to the competence of the *Ministry of Defence*;
- pursues, within the limits of its powers, international co-operation on the military-political, military-technical and other issues, as well as on civil-military relations with the relevant bodies of other states and international organizations;
- exercises other authorities pre-determined by the law.

*MOD Enterprises* can carry out some types of *Armed Forces* activities in accordance with established procedure. 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*, that conducts intelligence and information-analytical activities in the interests of *State* defence and security, are managed by the *Regulations* approved by the President.  
(Article 10 includes changes introduced by Law N 1003-IV of 19.06.2003)

## PART IV. THE ACTIVITIES OF THE ARMED FORCES

### Article 11. Principles of 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, the respect of others and their constitutional rights and freedoms;
- the transparency and candidness to democratic civil control;
- the combination of undivided authority and collegiality in developing important decisions;
- conscription and a contractual *manning* system;
- constant combat readiness and mobilisation preparedness;
- the preservation of *State* and military secrets;
- the education of the military personnel in the patriotic and military traditions of Ukraine, the maintenance of military discipline;
- ensuring *State* funded social-economic and social-legal protection for citizens serving in the *Armed Forces*, as well as for members of their families;
- maintaining impartiality towards all political parties.

### Article 12. The Main Components of Armed Forces Activities

The preparation of the *Armed Forces* for the fulfilment of pre-determined tasks by the Constitution of Ukraine, organisation and support for the implementation of these tasks, the maintenance of adequate combat readiness, mobilisation preparedness and combat efficiency, education and training, the protection 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 allowed 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 *State* property, and belongs to the *Armed Forces* for operational management and is exempt from taxation.

**Article 15. Financing for the Armed Forces**

The *Armed Forces* are financed from the *State Budget*. The expenditure of the *Ministry of Defence* for the execution of tasks, that can be performed by the joint military organisations, military units and subunits of the *Armed Forces* determined in *Part III of Article 1* of this Law, are financed by *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 and Legal Protection for Military Personnel, Members of their Families and Armed Forces Employees**

The *State* ensures social and legal protection for military personnel, members of their families, *Armed Forces* employees, ex-servicemen (both transferred to the reserve and *honourably discharged*) and members of their families of soldiers, killed or who are *missing in action*, those who became invalids while on duty or were taken prisoner in the course of combat operations or during their participation in international peacekeeping operations.

Military personnel are guaranteed a provision at the expense of the *State* for housing, financial support, clothing, food, medical (*including sanatoria and health resorts*) and other types of support within the limits defined by the *Cabinet*, taking into account the nature and the conditions of their service, and to stimulate the interest of other citizens in performing military service. Depending on the nature and conditions of military service, soldiers from the *Armed Forces* can be given bonuses, approved by *Cabinet*, in addition to the support prescribed by this *Article*.

Members of the families of soldiers, ex-servicemen (*both transferred to the reserve and honourably discharged*), soldiers killed or who are *missing in action*, those who became invalids while on duty or were taken prisoners in the course of combat operations or during their participation in international peacekeeping operations, if these persons have served in the *Armed Forces* for a period of no less than 20 calendar years, have the right to medical care in *Ministry of Defence* institutions.

Soldiers on regular service have the right to free urban public transport, automobile transport for general use in the countryside and inter-city railway, as well as waterways and automobile transport. Officers, ensigns, warrant officers, contracted personnel, and members of their families have the right to subsidised health treatment at *sanatoria*, health resorts, and other tourist centres assigned by the *Ministry of Defence* as medical care institutions.

Soldiers on regular service, cadets at military educational institutions also have the right to free treatment at sanatoria and health resorts in medical emergency. Ex-

servicemen are to receive preferential treatment in the attaining of public service positions and education at the expense of the *State*. Social protection of *Armed Forces* employees is ensured on general conditions accorded in Labour legislation, if their individual work contracts do not provide for this in another way.

**Article 17. The Restriction on Political Activity in the Armed Forces**

Military personnel must withdraw from political party 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 they may take part in the activities of these organisations during their free time, when they are considered to be free of their service duties.

The organisation and participation in strikes by military personnel shall not be permitted. Soldiers and *Armed Forces* employees can have their freedom of movement, free choice of place of residence, right to freely leave the Ukraine, as well as their right to collect and disseminate information restricted, in accordance with the law. The employees of the *Ministry of Defence* shall withdraw from political parties membership for their period of 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 and participation in strikes by *Armed Forces* employees shall not be permitted. Soldiers may perform individual or collective religious rites and ceremonial rituals; and conduct religious activities in observance 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 the control over the implementation of this Law. Any oversight over the observance of these laws in the *Armed Forces* and 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 enters into force as of 2001.
2. The *Cabinet Ministers* must within six months after this Law enters into force:
  - a. submit to the *Verkhovna Rada* proposals on introducing amendments to the laws following on from this Law;
  - b. bring their normative-legislative acts into conformity with the present Law;
  - c. ensure that normative-legislative acts of the *Ministries* and other *central executive organs* conform to the present Law.

# Law on the Numerical Strength of the Armed Forces of Ukraine for 2000-2004

No 2128-III of 07.12.2000; (Bulletin of the Verkhovna Rada (BVR), 2001, No 4, p. 13); With changes introduced by the Law No 1449-IV of 05.02.2004, BVR, 2004, No 19, p. 269 and No 1825-IV of 22.06.2004, BVR, 2004, No 38, p. 472.

## **Article 1.**

To approve the following numerical strength of the *Armed Forces* of Ukraine:

- For the period of 30th December 2000-30th December 2001 – 400,000 military personnel, including 310,000 troops;
- By 30th December 2002 – 394,750 military personnel, including 307,500 troops;
- By 30th December 2003 – 390,000 military personnel, including 305,000 troops;
- By December 2004 – 285,000 military personnel, including 210,000 troops.

*(Article 1 includes changes introduced by Laws N 1449-IV of 05.02.2004 and 1825-IV of 22.06.2004)*

## **Article 2.**

The numerical strength of the military units of the *Armed Forces* of Ukraine sent for participation in international peacekeeping operations, including military units belonging to joint military formations created jointly with foreign states, are not included in the numerical strength, defined by *Article 1* of this Law.

## **Article 3.**

This Law enters into force from the date of publication.

# Law on the Numerical Strength of the Armed Forces of Ukraine for 2005

No 2489-IV of 17.03.2005; (Bulletin of the Verkhovna Rada (BVR), 2005, No 20, p. 275).

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

1. To approve the numerical strength of the *Armed Forces* of Ukraine by the 30th December 2005 to a total of 245,000 military personnel, including 180,000 troops.
2. Bringing the numerical strength of the *Armed Forces* of Ukraine into conformity with that approved by this Law shall be carried out observing the requirements of the Law of Ukraine “*On the State Guarantees of Social Protection of the Military Men Retired from the Military Service as a Result of Reform of the Armed Forces of Ukraine and Members of Their Families*”.

# Law on Universal Military Duty and Military Service

No 2232-XII of 25.03.1992; (Bulletin of the Verkhovna Rada (BVR), 1992, No 27, p. 385), Enacted by the Resolution of the Verkhovna Rada No 2233-XII of 25.03.1992, (Bulletin of the Verkhovna Rada (BVR), 1992, No 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 21.10.1993, BVR, 1993, No 44, p. 418; No 3546-XII of 21.10.1993, BVR, 1993, No 44, p. 419; No 3625-XII of 19.11.1993, BVR, 1993, No 49, p. 457; No 200/94-BP of 13.10.1994, BVR, 1994, No 45, p. 404; No 325/94-BP of 22.12.1994, BVR, 1995, No 1, p. 4; No 387/95-BP of 17.10.1995, BVR, 1995, No 38, p. 284; No 129/96-BP of 19.04.1996, BVR, 1996, No 26, p. 108; No 309/97-BP of 04.06.1997, BVR, 1997, No 29, p. 93; No 312-XIV of 11.12.1998, BVR, 1999, No 4, p. 35; No 651-XIV of 13.05.1999, BVR, 1999, No 28, p. 230; in the wording of Law No 766-XIV of 18.06.1999, BVR, 1999, No 33, p. 270; with amendments introduced by the Laws No 1325-XIV of 21.12.1999, 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, 2004, No 8, p. 67; No 744-IV of 15.05.2003, BVR, 2003, No 29, p. 234; No 1158-IV of 11.09.2003, BVR, 2004, No 7, 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 2490-IV of 17.03.2005, BVR, 2005, No 20, p. 276

This law facilitates the legal regulation for universal military duty and military service to be purposefully performed by the citizens as part of their constitutional duty to defend the Ukraine.

## PART I. GENERAL PROVISIONS

### Article 1. Universal Military Duty

1. Universal military duty is imposed with the purpose of ensuring the *manning* of the *Armed Forces* and other *State Military Organisations* created in accordance with the Laws of Ukraine (hereinafter - the *Armed Forces*), as well as for the preparation of the population for defence.
2. Universal military duty includes:
  - a. the preparation of citizens for military service;
  - b. the registration by citizens at enlistment offices;
  - c. the enlistment and conscription to the military service;
  - d.
  - e. the performing of military service under conscription or on a voluntary basis;
  - f. the performing of the military duty in reserve;
  - g. observing the rules of military registration.During wartime universal military duty also includes general compulsory military training of the citizens.
3. Citizens have the right to substitute the performance of universal military duty by *alternative service* in accordance with the Constitution of Ukraine and the Law of Ukraine “*On Alternative (Non-Military) Service*”.
4. Universal military duty does not apply to foreigners and stateless persons, who reside in Ukraine.
5. Universal military service is subdivided into the following categories:

- a. pre-conscripts – persons subject to registration with enlistment offices;
- b. conscripts - persons registered with enlistment offices;
- c. soldiers – persons carrying out military service;
- d. persons liable for military service – persons in reserve.

A corresponding mark is made in the passports of the citizens falling under these categories.

6. Healthy and fit *male* citizens are obliged to:
  - a. when summoned by the *military commissariat*, to show up at enlistment office for registration, for a medical examination, military professional training, or for other gatherings during conscription;
  - b. pass training for the military service, carry out military service and perform military duty in the reserve;
  - c. conform to the military registration regulations.
7. Women with medical education or training in a military-related specialty in accordance with the list of specialties prescribed by *Cabinet*, and are fit for military service are registered with enlistment offices. When summoned by the *military commissariat*, they are obliged to show up at an enlistment office for a medical examination and to carry out military registration regulations.
 

In peacetime, women-volunteers can join the military service on a contractual basis. In wartime, women registered with enlistment offices or who went through general military training, can be drafted into the military service by the decision of the President of Ukraine.
8. Citizens, the *Executive, Local Self-Government*, citizen associations, enterprises, institutions and organisations regardless of all forms of ownership and regardless of their influence and power, are responsible for the implementation of the Laws of Ukraine “*On the Universal Military Duty and Military Service*”.

## **Article 2. Military Service and Military Duty in the Reserve**

1. The military service in the *Armed Forces* and other *State Military Organisations* is a special state service that includes the professional activity of a healthy citizen fit to defend Ukraine. Time spent on duty counts towards a general and professional work *State* service record.
2. The procedure for performing military service by citizens of Ukraine, as well as their rights and duties are defined by this Law, regulations for military service in different categories are approved by the President, and by other normative-legislative acts.
3. There following types of military service are established:
  - regular military service;
  - military service on a contractual basis for soldiers, seamen, sergeants and sergeant-majors;
  - military service on a contractual basis for ensigns and warrant officers;
  - military service training on a contractual basis for cadets at higher military educational establishments as well as at higher educational establishments that have departments for military training (faculties of military training, departments for military training, institutes of military training) (hereinafter – *HEEMT*) with programmes for training officers;
  - military service for officers on a contractual basis;
  - military service for officers on conscription;

- regular military service for officers enlisted by the *Armed Forces* and other *State Military Organisations* before *contractual basis* military service was introduced.
4. Military duty in reserve during peacetime involves the observation of the procedures and the regulations of military registration, participation in periodical training, the preservation and accumulation of knowledge and skills necessary for the performance of military service in wartime in accordance with military or civilian specialties.
  5. Citizens conscripted into the army or who joined it on a voluntary basis take a military oath of allegiance to Ukraine.
  6. Citizens predisposed for military service, who have not taken a military oath, take it during periodical training or mobilisation.
  7. All citizens conscripted or enlisted into the army, carrying the military service in reserve undergo a compulsory medical examination in accordance with the procedures approved by the *Ministry of Defence* and in agreement with the *Central Executive* for health care.

### **Article 3. Legal Basis for Universal Military Duty and Military Service**

The legal basis of universal military duty and military service is the Constitution of Ukraine, this Law, other Laws of Ukraine, as well as normative-legislative acts ensuring defence capability of the state, on the performance of the universal military duty, military service and status of military men.

### **Article 4. Manning for the Armed Forces of Ukraine, the State Border Service, the Civil Defence Forces and other State Military Organisations**

1. The *Armed Forces*, the *State Border Service*, the *Civil Defence Forces* and other *State Military Organisations* are *manned* through *military commissariats* by means of:
  - conscription of citizens for military service on the grounds of universal military duty;
  - enlistment of citizens into the military service on a contractual basis.
1. With the purpose of *manning* for the *Armed Forces*, the *State Border Service*, the *Civil Defence Forces* and other *State Military Organisations*, during mobilisation regular military training is organised and the adequate quantity of military-trained citizens are transferred to the reserve.
2. The *General Staff of the Armed Forces of Ukraine* distribute the available conscription resources proportionally among the *Armed Forces* and other *State Military Organisations* depending on the degrees of limitation, the state of health and level of education.
3. The procedure for *manning* in the *Armed Forces*, the *State Border Service*, the *Civil Defence Forces* and other *State Military Organisations* is pre-determined by this Law and other legislation.

*(Article 4 includes changes introduced by Law N 662-IV of 03.04.2003)*

### **Article 5. The Ranks for Soldiers and Persons Predisposed for Military Service**

1. The soldiers and persons predisposed for military service are divided into the following ranks: private soldiers, sergeants and sergeant majors, ensigns, warrant officers and officers. The rank of officers is subdivided into junior, senior and

superior. Every soldier and person predisposed for military service is conferred a military rank.

The following military ranks are established:

| <b>ARMY</b>                                       | <b>NAVY</b>                  |
|---|------------------------------|
| The rank of <i>privates</i> - soldiers and seamen |                              |
| Soldier   | Seamen                       |
| Senior soldier                                    | Senior seaman                |
| The rank of <i>sergeants and sergeant majors</i>  |                              |
| Junior sergeant                                   | Sergeant-major-second rank   |
| Sergeant  | Sergeant-major of first rank |
| Senior sergeant                                   | Senior sergeant-major        |
| Sergeant-major                                    | Petty officer                |
| The rank of <i>ensigns and warrant officers</i>   |                              |
| Ensign  | Warrant Officer              |
| Senior ensign                                     | Senior Warrant Officer       |
| The rank of <i>junior officers</i>                |                              |
| Junior lieutenant                                 | Junior lieutenant            |
| Lieutenant  | Senior lieutenant            |
| Captain   | Captain-lieutenant           |
| The rank of <i>senior officers</i>                |                              |
| Major   | Captain of third rank        |
| Lieutenant-colonel                                | Captain of second rank       |
| Colonel   | Captain of first rank        |
| The rank of <i>superior officers</i>              |                              |
| Major-general                                     | Rear-admiral                 |
| Lieutenant-general                                | Vice-admiral                 |
| Colonel-general                                   | Admiral                      |
| General   |                              |

2. The words “*of medical service*”, or “*of justice*” are added to the military ranks of officers from the medical and legal services for the *Armed Forces* and other *State Military Organisations*, military courts and prosecuting offices, who have corresponding education.

The Words “*reserve*” and “*retired*” are added to the military ranks of citizens transferred to the reserve or retired.

3. Conferment or the stripping of military ranks, as well as a reduction and restoration to ranks are carried out in accordance with the procedure and the rules determined by the regulations on military service and the regulations for the *Armed Forces*.

(Article 5 includes changes introduced by Law N 2171-III of 21.12.2000)

**Article 6. Military Posts**

1. Military posts and corresponding military ranks are included on a list of members of staff of military units, ships, organs of military management, institutions, organisations, higher military educational establishments, and military departments of higher educational establishments.

The President approves a list of posts to be filled by *superior officers*, whereas the *Minister of Defence* deals with the posts of other military personnel. Individual military posts in peacetime (based on fixed contracts) can be filled by civilians in accordance with the procedure and the rules pre-determined by the regulations for military service and regulations of the *Armed Forces*.

2. The *Minister of Defence* is appointed and dismissed by the President on a submission from the Prime Minister. The President also appoints and dismisses *Deputy Ministers of Defence*, *Commanders* of the branches of the *Armed Forces*, forces of operational commands, separate armies, as well as the *Supreme Command* of other *State Military Organisations*. The *Minister of Defence* defines the procedures for the appointment to other military posts. Military personnel or civilians can fill the posts for the *Minister* and *Deputy Minister of Defence*.
3. Military personnel from the *Armed Forces* and other *State Military Organisations* can be attached, by their consent, to the organs of the *Executive*, enterprises and organisations that execute works in the interests of defence and security of the State. The list of posts in these organs and institutions filled in by the military, are approved by the President- for *superior officers positions* and by *Cabinet*- for other *military personnel*.

**Article 7. Military Uniform and Insignia for Military Personnel**

1. Military uniform and insignia are established for military personnel. Military personnel wear military uniform while on duty, and persons predisposed for military service - during periodical trainings.

Models of military uniform and insignia for the military and the dress code is developed and patented by the *Ministry of Defence* and other *State Military Organisations* approved by *Cabinet* in accordance with the established procedure. The President confers a special insignia for the *General of the Army of Ukraine*.

2. The introduction of a uniform or insignia for employees regardless of their place of work similar to the military uniform and insignia is prohibited.
3. In order to change an existing uniform and insignia for employees, who are not in military service, or to introduce new uniforms and insignia, the *Executive* submits relevant proposals to *Cabinet* after consensus with the *Ministry of Defence*.
4. The wearing of a military uniform and insignia by citizens, who are not entitled to do so, is prohibited and illegal.

**PART II. PREPARATION OF CITIZENS FOR MILITARY SERVICE****Article 8. Preparation of Pre-conscripts and Conscripts for Military Service**

1. The preparation of citizens for military service includes pre-conscription training, training in military and technical specialties, training in military orchestras, preparation for entering higher military educational establishments and higher educational establishments with military departments, military

- training of students of higher educational establishments following the officers in the reserve programme of training, physical training, health treatment, raising levels of education, the study of the state language, and patriotic education.
2. *Ministries* and other *central executive organs* are jointly with educational establishments under their jurisdiction, the *Council of Ministers of the Autonomous Republic of Crimea, Local State Administrations* and *Local Self-Government* responsible for organisation and fulfilment of pre-conscription training.
  3. The training of conscripts in military and technical specialities is carried out at the educational establishments of the *Society on Assistance to Defence of Ukraine* and vocational schools.
  4. The procedure for the organisation and execution of pre-conscription training and training of conscripts in military and technical specialities is pre-determined by the *Regulation on Pre-conscription Training and the Regulation on Training of Conscripts in Military and Technical Specialities*, which are approved by *Cabinet*. The *Ministry of Defence* establishes the procedures for military service training in orchestras.
  5. Control over the organisation, execution and results of pre-conscription training and training of conscripts in military and technical specialities, programmed and methodical support to this training is exercised by the *Ministry of Defence* as well as by other *Ministries* and *Central Executive organs*, the *Council of Ministers of the Autonomous Republic of Crimea, Local State Administrations* and *Local Self-Government* organs with educational establishments under their jurisdiction.

(Article 8 includes changes introduced by Law N 1179-IV of 18.09.2003)

#### **Article 9. Pre-conscription Training**

Pre-conscription training is included among compulsory *State* subjects taught at higher educational establishments that have a *grade I and II-* accreditation, as well as at vocational and general schools. This training is enabled according to the programmes developed in accordance with legislation and approved by the *Ministry of Defence*.

#### **Article 10. Training of Conscripts in Military and Technical Specialities**

1. The Training of conscripts in military and technical specialities is carried out:
  - for conscripts, who are students at vocational schools and are trained there in military specialities– directly in these educational establishments;
  - for conscripts, who work and are temporarily unemployed, as well as students of vocational schools trained in specialties not related to the military - in the *Society on Assistance to Defence of Ukraine* educational establishments and in vocational schools.
  - for conscripts, who are seventeen years old, and are fit for military service and are predisposed for conscription after graduation from educational establishments that are engaged in training.
  - 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* together with the specific *Ministries* and other *Central Executive* approved by *Cabinet*.

#### **Article 11. Military Training for Students at Higher Educational Establishments Following the Officers' in Reserve Programme of Training**

1. Citizens, who are students of higher educational establishments (enrolled in day programmes), who have not yet attained the age of twenty-five, and are fit for military service, receive military training following a programme of training for officers in the reserve.
2. Military training of students at higher educational establishments following the programme of training for officers in the reserve, (except for higher medical educational establishments), is carried out on a voluntary basis. This training is part of the core subjects, and is introduced as a separate subject programme at higher educational establishments.
3. The programme for military training of students at higher educational establishments are developed and approved by the *Ministry of Defence* of together with the relevant organs of the *Central Executive*.
4. Students, who have completed a full course of military training following the programme of training for officers in the reserve, and have passed the established exam and have been certified as officers, are conferred the ranks of officers in reserve.
5. Students, who have not been certified as officers after the completion of a course of military training following the programme of training for officers in the reserve and have not carried out regular military service, are predisposed for conscription to the regular military service taking into account, if possible, any military related speciality they have obtained at higher educational establishments.
6. A list of military specialties in which officers in the reserve are trained for and the procedure of training are defined by *Cabinet* upon the submission of the *Ministry of Defence*, in consensus with the *Ministry of Education of Ukraine*.
7. *Cabinet* defines a list of higher educational establishments where students undergo training following a programme of training for officers in the reserve upon a submission to the *Ministry of Defence*, in agreement with the relevant organs of the *Central Executive*.
8. The training of students following a programme of training for officers in the reserve is carried out in military departments of higher educational establishments or in higher military educational establishments.
9. Military departments are structural departments within these higher educational establishments. The procedure for establishment, reorganisation and the closing down of military educational establishments is defined by the *Cabinet* upon the submission of the *Ministry of Defence*, in agreement with the relevant organs of the *Central Executive* to which these higher educational establishments are answerable.
10. The *Ministry of Defence*, in agreement with higher educational establishments, carries out an enlistment of students and appoints military personnel to fill relevant posts in these military educational establishments as well as to execute control over the military training of students following a programme of training for officers in the reserve.
11. Students at higher educational establishments, who followed a programme of training for officers in the reserve, and are carrying out training in the *Armed Forces*, have their rights and duties established by the legislation for citizens predisposed for military service and called up for periodical training.

**Article 12. Preparation for Entering Higher Military Educational Establishments and Higher Educational Establishments with Military Departments**

1. Citizens, wishing to enter higher military educational establishments and higher educational establishments with military departments that train officers, undergo preliminary training in military *lyceums, lyceums* with intensive military and physical training, military orchestras, general educational establishments, educational establishments of the *Society on Assistance to Defence of Ukraine*, preparatory courses at higher military educational establishments and higher educational establishments with military departments or an individual basis.
2. Physical training of pre-conscripts and conscripts is organized by the organs of the *Central Executive* for education, physical culture and sports in higher, vocational, general and other educational establishments, as well as in sport societies and clubs following programmes of physical health culture.
3. Health treatment for citizens is carried out by organs and institutions of medical care at citizens' private homes, study or work place and at sanitary institutions with special departments for young people. Medical specialists hold medical examinations for 15-17 years old annually. Where necessary, citizens are prescribed with medical treatment.
4. *Central and Local Authorities* for education take measures to raise the standard of education and training of pre-conscripts and conscripts, by organising additional lessons to learn the state language for those citizens who have a poor command of it or have no command at all.
5. The *Cabinet, Ministries, the Central Executive, Local State Administrations, Local Self-Government* together with the *Armed Forces* of and other *State Military Organisations*, officials of organisations and citizen associations are obliged to carry out the patriotic education of citizens.

*(Article 12 includes changes introduced by Law N 1179-IV of 18.09.2003)*

**Article 13. Rights and Duties of Citizens Receiving Military Training**

1. Citizens, receiving training in military and technical specialities out of their work place in educational establishments of *the Society on Assistance to Defence of Ukraine* and in vocational schools, are guaranteed a place of employment, a position and average salary for their entire period of training, including return travel to and from their place of training. Expenditure for housing during a period of training and return travel costs to the place of training are covered by the *Ministry of Defence* and other *State Military Organisations* in accordance with the procedure established by *Cabinet*.
2. Attendance by citizens elected by pre-conscription and conscription *military commissariats* for military training, classes and related activity is compulsory.

**PART III. REGISTRATION OF CITIZENS WITH ENLISTMENT OFFICES, CONSCRIPTION AND ENLISTMENT TO THE MILITARY SERVICE**

**Article 14. Registration of Citizens with Enlistment Offices**

3. All enterprises, institutions and organisations shall annually submit to the relevant regional or city *military commissariats* within deadlines established by the

*Ministry of Defence* a list of all citizens predisposed for registration with enlistment offices.

4. In order to register with an enlistment office, citizens are obliged to report to a *military commissariat* by a date specified in call-up papers and present necessary documents.
5. In order to facilitate a registration of citizens with enlistment offices, registration commissions are established at regional and city *military commissariats*. Their composition is made up of the following:
  - A Chairman of the Commission – regional and or city *military commissar*;
  - members of the commission may include: doctors carrying out the medical examination of pre-conscripts and a secretary of the commission.
  - The personal composition of a regional or city *registration commission* and procedures for registration are approved annually by *the Head of the Local State Administration*.
6. Regional or city *registration commissions* are responsible for:
  - the organisation and carrying out of medical examinations for pre-conscripts who are summoned to the *commission* to establish if they are fit for military service;
  - the identification and preliminary selection of candidates for higher military educational establishments and higher educational establishments with military educational departments to be trained as officers;
  - the assignment of conscripts, fit for training in military-technical specialties in educational establishments of the *Society on Assistance to Defence of Ukraine* and vocational schools by virtue of either their physical and or mental abilities;
  - the provision of medical-prophylactic care of citizens, who were found to require medical care during registration, in their places of residence or study;
  - the enrolment of citizens with low standards of education, as well as with little or no command of the state language into corresponding educational establishments and onto courses;
  - gauging conscripts' personalities, their moral and professional qualities, family and property status;
  - taking citizens deemed unfit for military service off the registration.
7. Citizens, registered with enlistment offices, are considered conscripts. They are provided with registration certificates. Their rights and duties, the rules of their military registration, the procedure of training in military technical specialties and other relevant issues are explained to them.

#### **Article 15. Conscription Age and Regular Military Service**

1. Male citizens fit for military service are called up for regular military service during peacetime if they are 18 years old by the time they are sent to a military unit.
2. The conscription for regular military service is carried out within established deadlines on the basis of a Presidential Decree. A Presidential Decree is officially promulgated in the mass media no later than a month prior to the beginning of conscription. After the promulgation of a Presidential Decree:

- each conscript, including those registered temporarily, is obliged to report to a recruiting centre by the deadline specified by the *military commissariat* on their call-up papers;
  - if a call-up paper has not arrived under any circumstances, conscripts are obliged to report to the enlistment office within a month from the date of the promulgation of the Decree;
  - citizens of a call-up age, who have not carried out regular military service and are illegally not registered with an enlistment office, as well as the conscripts, who have changed their permanent place of residence and have not registered with an enlistment office their new place of residence, are obliged to report to a *military commissariat* in their place of residence within a seven-day period;
  - Heads of enterprises, institutions and organizations, including educational establishments, are obliged to recall conscripts from business trips to ensure their timely report to enlistment offices.
3. Changes of a place of military registration by conscripts, who are 18 years old and older, are allowed prior to the publication of a Decree for regular conscription. After the publication of a *Decree*, a change of registration place is only possible if a conscript submits documents confirming to the *military commissariat* that he:
- has been transferred to work in other areas;
  - has moved to a new place of residence;
  - has entered an educational establishment, leaves for the continuation of education, or has graduated from an educational establishment and has been assigned a place of work.
4. A citizen is legally responsible under this legislation for a failure to report to a *military commissariat* without a good explanation. A failure to report to an enlistment office by a specified deadline for a *good reason* can be evidenced by relevant documents to the *military commissariat*, for the following:
- an obstacle of an unpremeditated character, an illness of a conscript or other circumstances, which made it impossible for the conscript to report personally in the designated place by the designated deadline;
  - a death or serious illness of a close relative of the conscript.
5. In peacetime the following citizens are not predisposed for conscription into regular military service:
- those exempt from conscription in accordance with *Article 18* of this Law;
  - those subject to an inquiry or preliminary investigation, or if a criminal case against them is listed by a court –until a judicial decision is taken;
  - those sentenced to a term in prison.
6. Conscription for regular military service of male citizens temporarily residing abroad is carried out according to the procedure established by this Law.

#### **Article 16. The Conscription Commissions**

1. In order to carry out conscription of citizens for the regular military service in regions and cities, *Conscription Commissions* are formed. These *Commissions* have the following structure:

- Chairman of the Commission - the vice-Head of the *Local State Administration*
  - Members of the *Conscription Commission*:
    - regional or city *military commissar*;
    - the Deputy-Head of regional or city departments for internal affairs;
    - a Doctor, who organises medical personnel for the medical examination of conscripts;
    - an expert on physical culture and preparation;
    - representatives from the *Armed Forces* and other *State Military Organisations*, the *Society on Assistance to Defence of Ukraine*, enterprises, institutions and organisations in preliminary agreement with the *Chairman of the Commission*;
    - a Secretary of the commission.
2. The personal composition of a regional or city *Conscription Commission* and the schedule for the conscription of citizens for regular military service is approved by the *Head of Local State Administration*.
3. The regional or cities *Conscription Commissions* are responsible for:
- the organisation of medical examinations for conscripts;
  - the adoption of a decision on the conscription of citizens for regular military service and their assignment to the branches of the *Armed Forces* or *State Military Organisations*;
  - the postponement of a call-up or exemption from conscription for the regular military service;
  - the adoption of a decision allowing conscripts, who have expressed a desire to enter higher military educational establishments or higher educational establishments with military educational departments, to pass an entrance examination or to refuse these persons an entrance pass for reasons of health or an insufficient level of education;
  - the adoption of a decision to inform the relevant *law enforcement organs* of conscripts who prevaricate from conscription.
4. To manage and control the activities of the regional and city *Conscription Commissions* in the *Autonomous Republic of Crimea*, in the *Oblasts* and in cities of Kyiv and Sevastopol, that are formed accordingly.

The personal composition of the *Conscription Commissions* for the *Autonomous Republic of Crimea*, *Oblasts*, Kyiv and Sevastopol cities is approved by the *Head of the Council of Ministers of the Autonomous Republic of Crimea* and by the *Heads of Local State Administrations*, accordingly.

These *Conscription Commissions* are responsible for:

- the organisation and control of medical examinations for citizens recognised by *Conscription Commissions* as not to be fit (*or temporarily unfit*) for military service, or for citizens who have declared a disagreement with the results of a previous medical examination and with the decisions of a *Conscription Commissions*, as well as for citizens called up for regular military service before being sent out to military units;
- verifying the postponement of a call-up or exemptions from call-up;

- the control over the confirmation of the assignment of conscripts to branches of the *Armed Forces* or other *State Military Organisations* in view of their education, experience, skills, interests and personal abilities;
  - the consideration of complaints by citizens against the actions of regional *Conscription Commissions*.
  - The *Conscription Commissions* for the *Autonomous Republic of Crimea*, *Oblasts* and cities of Kyiv and Sevastopol have the right to cancel and change a decision of a relevant regional/city *Conscription Commission*.
5. The results of a medical examination, moral and professional qualities, material and the social status of a conscript are taken into consideration by a regional/city *Conscription Commission* when deciding on whether or not to declare a citizen a conscript. Declarations are formed using any of the following notions:
- general fitness for military service;
  - the call-up to military service with an assignment to the branches of the Armed Forces or other State Military Organisations;
  - a date for the commencement of service;
  - the temporary unfitness for military service and the postponement of call-up for health reasons;
  - the postponement of a call-up or exemption from conscription for the regular military service on the basis cited by *Articles 17 and 18* of this Law;
  - the unfitness for the military service in peacetime for reasons of health, limited fitness for the military service in wartime and transfer to the reserve;
  - the unfitness for military service with the consequent removal from the military register;
  - the removal from the military register of conscripts who have renounced Ukrainian citizenship.

A decision made by the *Conscription Commissions* can be appealed at the *Commission* or at a higher level or in a court according to the procedures established by the Law.

#### **Article 17. The Postponement of a Call-Up**

1. The postponement of a call-up for regular military service is granted to conscripts upon the decision of a *Conscription Commission* in cases prescribed by this Law.
2. The postponement of a call-up for extenuating family circumstances, at the request of conscripts, is granted to conscripts who have:
  - a. disabled or invalid parents incapable of employment, and therefore need to be taken care of, irrespective of whether they live together with a conscript. The invalidity of parents is determined according to the procedure established by legislation;
  - b. siblings under the age of 18, who do not work, or older siblings if they are (*group I or II*), irrespective of their age, and do not have any other person to look after them;
  - c. a single parent taking care of two or more minors,
 The postponement of a call-up for family circumstances, at the request of a conscript, is also granted to conscripts taking care of:

- a child younger than three years or a child more than three years old who is brought up without a mother because of her death or following a court decision;
- two or more children;
- an invalid child under 16 years of age;
- an invalid wife;
- invalid persons whose care, guardianship or support is provided by a conscript and there is no other capable working person, according to the legislation, to take care of them.

The postponement of a call-up is granted to conscripts for a period of care or guardianship, if the persons whom care or guardianship is established do not have other capable working persons according to the legislation, to take care of or support them.

If a family has only two sons, the postponement of a call-up for family circumstances can be granted to the conscript whose brother is carrying out regular military service. In cases where several sons from the same family are simultaneously called up for conscription, the postponement of a call-up can be granted to one of them at the request or suggestion of their parents.

3. The postponement of a call-up for health reasons for a period of up to one year is granted to conscripts recognised to be temporarily unfit for military service by the conclusions of a medical examination.
4. The postponement of a call-up for the continuation of education is granted to conscripts studying in general and or vocational educational establishments of all types that have (*I-II levels of accreditation*) before the termination of a conscript's full course of study. If a conscript turns 21 years old while still studying, the postponement of a call-up becomes invalid.

A call-up postponement is also granted:

- to conscripts, who are post-graduate students studying full-time or part-time – for their whole period of study;
- to graduates of higher educational establishments and postgraduates assigned to work in the institutions of the *National Academy of Sciences of Ukraine* - for their whole period of work;
- to full-time students who study at higher educational establishments with (*III and IV levels of accreditation*), including those studying for a Master's degree – until the completion of their studies;
- to students studying at higher and secondary religious educational establishments;
- to graduates of vocational schools - for one year under the condition of their employment in an *acquired* profession;
- to full-time students who study at higher educational establishments of all levels of accreditation, training specialists for the *Armed Forces* and other *State Military Organisations* who have concluded their contracts for the continuation of military service in officer positions after the completion of the course of studies.

The *Cabinet* upon the submissions of the *Ministry of Defence* schedules a list of educational establishments and the target number of specialists to be trained in them.

A call-up to regular military service for students studying at higher educational establishments, or at higher and secondary religious educational establishments, can be postponed only once during a whole period of study. Persons expelled from educational establishments for poor progress or a lack of discipline, lose their right to the postponement of a call-up.

5. The postponement of a call-up is granted to conscripts with a higher *pedagogical* education – including teachers, whose place of employment is in secondary educational establishments, for the whole period of their work by virtue of their profession, as well as to medical personnel for the period of their full-time work in the countryside by virtue of their professional expertise.
6. The postponement of a call-up is given to *People's Deputies* and the *Heads of Village and or City Administrations* for the period of their office.
7. The postponement of a call-up is also granted:
  - a. to conscripts who, in accordance with established procedure, resettled from the regions of natural disasters - for a period of no more than two years from the time of resettlement;
  - b. to conscripts who are involved in farming, both independently or with their parents, - for a period of no more than three years from the moment of reception of their land for this activity;
  - c. to conscripts who are priests and hold a post in one of the religious orders, registered in accordance with established procedure, - for a period of work as a clergyman;
  - d. to conscripts who are candidates for office as a *People's Deputy*– with a request for a period of election campaigning;
  - e. in other cases not pre-determined by this Law, according to the decisions of the *Conscription Commissions* for the *Autonomous Republic of Crimea, regional oblasts, Kyiv and Sevastopol*, upon submission of these respective *Commissions*.
8. Conscripts, who are granted a postponement of a call-up, are obliged to annually present to the *military commissariats* documents confirming their right to a postponement, by the 1<sup>st</sup> October.
9. Conscripts who no longer have reasons for a postponement of a call-up, as well as persons who do not have the right to a postponement of call-up or exemption from conscription envisaged by *Articles 17 and 18* of this Law and have not been called up for different reasons for military service by established deadlines, should be called up during the next conscription period.

(*Article 17 includes changes introduced by Law N 1325-XIV of 21.12.99, N 312-IV of 28.11.2002, N 744-IV of 15.05.2003, and N 1158-IV of 11.09.2003*)

#### **Article 18. An Exemption from the Conscription to Regular Military Service**

1. The following citizens are exempted from conscription to regular military service:
  - those recognised as not to be fit for military service in peace time for health reasons;

- those who turned 25 years old on the day of conscription for regular military service;
  - those whose immediate family perished, died or became invalid during military service. Conscripts, who have the right to this exemption *may not use it*;
  - those who carried out military service in other states.
2. A citizen, who has completed a training course to be an officer or ensign in educational establishments of the *Ministry of Internal Affairs of Ukraine*, the *Security Service of Ukraine* and other *State Military Organisations* and have military or special ranks, are also exempt from conscription.

(Article 18 includes changes introduced by Law N 1669-III of 20.04.2000)

#### **Article 19. The Call-up of Reserve Officers**

During peacetime, reserve officers younger than 30 years old and who have military specialities defined by *Cabinet* can be called up for military service as officers by an order of the *Minister of Defence*.

#### **Article 20. The Contractual Basis for Enlistment into the Armed Forces**

Citizens who meet the requirements of military service can be employed in the *Armed Forces* on a contractual basis:

- a. soldiers, seamen, sergeants and sergeant-majors on regular military service, who have served for no less than one year;
- b. persons predisposed for call-up and women, who do not have military ranks as officers, ensigns and or warrant officers, but have a relevant education and special preparation and are 19-30 years old – for military service as soldiers, seamen, sergeants and sergeant-majors;
- c. soldiers, seamen, sergeants and sergeant-majors on regular military service, who have served for no less than one year;
- d. soldiers with the rank of private, sergeant and sergeant-major who serve on a contractual basis; persons predisposed for call-up, who do not have a military rank as an officers and have not reached the age limit to serve as ensigns and or warrant officers;
- e. women who are 19-30 years old, with relevant education and special preparation - for military service as ensigns and warrant officers;
- f. citizens who are between 17-21 years old, including those who turn 17 in the year they begin their studies;
- g. military personnel and persons predisposed for military service younger than 23, who do not have a military rank as an officer and express a desire to study at higher military educational establishments or higher educational establishments with military educational departments - for military service study as cadets at higher military educational establishments or higher educational establishments with military educational departments;
- h. military personnel who have graduated from higher military educational establishments or higher educational establishments with military educational departments - for military service as officers;
- i. ensigns and warrant officers with higher education in specialities that correspond to the type of service and officer posts for no less than one year - for military service as officers in the *Armed Forces* and other *State Military*

*Organisations* (except for the *Security Service of Ukraine* and the *Department of the State Protection of Ukraine*;

- j. reserve officers who have not yet attained the age limit for military service - for military service as officers;
  - k. officers who are members of *cadres* for regular military service or are on military service by conscription.
  - l. citizens who have a higher level of education no lower than a bachelor's degree in a speciality that corresponds to the type of service and who have not attained the age limit for officer service;
  - m. soldiers, seamen, sergeants and sergeant-majors on the regular military service, who have served for no less than one year; military personnel with the rank of private, sergeant and sergeant-major who serve on a contractual basis;
  - n. ensigns, warrant officers, and persons predisposed for military service, as well as women younger than 30 years old, who can be employed as officers in the *Security Service of Ukraine* and the *Department of the State Protection of Ukraine* on a contractual basis.
2. The forms, procedures and rules of concluding a contract with a citizen, the termination of a contract and the consequences of a termination are defined by the regulations on *carrying out of military service by different categories of the military men*.  
(Article 20 includes changes introduced by Law N 313-IV of 28.11.2002)

#### **Article 21. The Material Support for Citizens Called-up or Enlisted for Military Service**

1. Citizens who have given up their job because of conscription or enlistment for military service on a contractual basis are granted *severance pay* that equals two months of an *average* salary.
2. Citizens, who have to leave their work to carry out military registration, conscription or enlistment for military service, as well as persons sent by *military commissariats* for medical care, treatment, or examination, are excused from work during the period of time necessary for the execution of these duties and for the period of stay in a medical establishment, retain their place of employment, their job position and average salary.
3. During the course of travel for citizens when responding to an associated conscription or enlistment registration for military service, on leaving their place of service or study, have their meals during this journey paid for by the *Ministry of Defence* and other *State Military Organisations*.

### **PART IV. CARRYING OUT MILITARY SERVICE**

#### **Article 22. The Age Limits for Military Service**

1. The established age limits for military service are:
  - i. for soldiers, seamen, sergeants and sergeant-majors on regular military service – is up to 27 years;
  - ii. for military personnel for the ranks of private, sergeant and sergeant-major who serve on a contractual basis – is up to 45 years;
  - iii. for ensigns and warrant officers – is up to 45 years;
  - iv. *for junior officers* – is up to 45 years;

- v. *for senior officers*: Majors (captains of the 3<sup>rd</sup> rank), Lieutenant- colonels (captains of the 2<sup>nd</sup> rank) – is up to 50 years; Colonels (captains of the 1<sup>st</sup> rank) – is up to 55 years;
  - vi. *for superior officers*: with military ranks ranging from the General-major or Rear admiral to the General of Army of Ukraine (inclusive) – is up to 60 years.
2. The officers of the *Armed Forces* and other *State Military Organisation*, with a high level of professional training, practical experience within their posts, recognised by the *military-medical commission* as fit for military service may at their request, be left in their posts by the *Minister of Defence* and the *Higher Command* of other *State Military Organisations*, irrespective of reaching the age limits, but for no more than 5 years, whereas *doctorate* scientists and professors – can do so for a further 10 years.
  3. Military personnel who have attained an age limit are subject to transfer to the reserve in accordance with the procedures established by the regulations on the performing of military service by different categories of personnel.
  4. Military personnel whose term of contract has expired and have attained an age limit, can be left in military service at their request for a new contract for a period of no more than 5 years, and for no more than 10 years in the *Security Service of Ukraine*.

# Law on Alternative (Non-Military) Service

1975-XII of 12.12.1991; (Bulletin of the Verkhovna Rada (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 and No 1720-IV of 18.05.2004, BVR, 2004, No 35, p. 420

This Law determines the organisational and legal basis for alternative (*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 instead of regular military service in order for a citizen to discharge 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 a period of duration for such restrictions.

**Article 2.** A right to an *alternative service* is granted to the citizens of Ukraine, if the performance of military duty contradicts their religious beliefs, and that these citizens belong to religious organisations operating in accordance with the legislation of Ukraine, whose system of belief disallows the use of weapons.

**Article 3.** A citizen of Ukraine who carries out *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 carries out *alternative service* has the right to the accommodation he occupied before a call-up to *alternative service*, the right to housing and employment in the place of work and post he held before a call-up to service, and in case of its absence - other equivalent employment with the consent of the enterprise, institution, or organisation. He has the priority right of retaining 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 an impossibility of carrying out military service because 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 exempt from regular military service according to legislation;
- those granted according to the legislation a postponement of a call-up for regular military service- (for a fixed period of postponement validity).

**Article 5.** Citizens may perform an *alternative service* at enterprises, institutions, organisations or enterprises, that are state or municipally owned or those that have a prevailing share of state or municipal ownership, and whose activity is connected primarily with the social, health, and environmental 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 *Cabinet*.  
(Article 5 includes changes introduced by Law N 1630-III of 06.04.2000 in the wording of the Law N 1720-IV of 18.05.2004)

**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 *State Military Organisations* created in accordance with the Laws of Ukraine. Any person with higher education (i.e. 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 for *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 to work no later than three calendar months after the completion of *alternative service*.

(Article 6 includes changes introduced by Law N 1720-IV of 18.05.2004)

**Article 7.** The regulation of issues relating to an *alternative service*, are conducted by the *Alternative Service Commissions* (hereinafter - *the Commissions*) of Ukraine, the *Autonomous Republic of Crimea*, the *Oblasts* of Kyiv and Sevastopol Cities, and, in case of necessity, by regional and city *Commissions*.

The regulations for *alternative service Commissions* are approved by the *Cabinet Ministers*.

The *Central Executive* organ for labour and social policy jointly with *territorial organs* is responsible for providing support to the *Commissions*.

**Article 8.** A citizen carrying out *alternative service* has no right:

- to evade a draft into *alternative service*;
- to take part in strikes;
- to carry out business activities;
- to study in educational establishments, except for secondary or higher educational establishments on evening or distance learning courses;
- to refuse to serve in a place defined by the *Commission*.

The following actions shall be considered as a breach of the proper performance of *alternative service*:

- the non-arrival without a valid reason at the place of *alternative service* specified in an *alternative service* assignment, or an arrival with a delay of more than three calendar days;
- an unauthorized termination of duties;
- the untimely (*more than five calendar days*) notification to a *Commission* regarding vacation granted on the initiative of an employer or of an authorised body, as well as the untimely notification by an employer or by an authorised body on

behalf of a citizen, relating to the dismissal in connection with insolvency, reorganisation or a change of profile of an enterprise, institution, or organisation.

In a case of breach of *alternative service* or the proper completion of other actions predetermined by *part one of this article*, the *Commission* can cancel an assignment to *alternative service* decision. The *Commission* shall notify the offending citizen and the military commissariat in writing on the decision to cancel, within five calendar days, where as a result an offending citizen will be subject to conscription to the regular military service in accordance with general practice.

(Article 8 includes changes introduced by Law N 1720-IV of 18.05.2004)

## **PART II. THE PROCEDURE FOR ASSIGNMENT TO ALTERNATIVE SERVICE**

**Article 9.** In order 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 the regular military service, established by the legislation, shall personally submit a request in writing to the *Commission* at their place of residence.

In case of a call up to the periodical military training of citizens who after carrying out regular military service have acquired religious beliefs and now belong to religious organisations operating according to the legislation of Ukraine and whose dogma does not allow the use of weapons, these citizens are obliged within seven calendar days from the date of receipt of a call-up for military periodical training, are to personally submit a request to the *Commission* for exemption.

**Article 10.** The *Commission* 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 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 *Commission* within one calendar month after receipt; and a request for exemption from the call up to periodical military training is to be considered within fourteen calendar days.

A citizen is released from their studies, as well as from work with the maintenance of their monthly average wages, when called before a *Commission* panel.

The following points may serve as a basis for refusing a citizen's request for *alternative service* or an exemption from a call up to periodical military training:

- a late submission of a request for assignment to *alternative service* or an exemption from the call up to periodical military training;
- an absence of confirmation on the verity of their professed religious beliefs;
- the failure of a citizen to report without a valid excuse for an appearance scheduled at a session of the *Commission*.

A refusal to assign to *alternative service* or grant an exemption to a citizen from the call up to periodical military training on other grounds other than that established by *part three of this Article* is forbidden.

The *Commission* notifies a citizen on the refusal to assign him to *alternative service* or to exempt him from a call up to periodical military training in writing.

(Article 11 includes changes introduced by Law N 1720-IV of 18.05.2004)

**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 *Commission* after the establishment of the verity of a citizen's professed religious beliefs.

Assignment papers to *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 this Law, the *Regulations on Alternative Service*, approved by the *Cabinet Ministers* and other normative-legal acts of Ukraine.

Citizens usually carry out *alternative service* in their area of residence or in a daily commutable zone. In cases where the performance of *alternative service* is not in an area close to a place of residence but in an area where a citizen 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 *Commission* determines a location for an *alternative service*.

The *Commission* 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 authorized body are obliged to provide a citizen with work specified in assignment papers for an *alternative service* and to report back to a *Commission* within five calendar days.

**Article 15.** Labour relations between a citizen carrying out *alternative service*, and an enterprise, establishment, or organisation are formed on the basis of a written work contract and regulated by Labour Legislation with exceptions pre-determined by this Law.

A citizen performing *alternative service* cannot be appointed to a post of *Executive power* or *Local Self-Government* with organisational or administrative duties.

**Article 16.** A term of *alternative service* starts on day a citizen begins work at an enterprise, establishment, or organisation.

In cases where a citizen carries out *alternative service* in an area far from his place of residence, and where a citizen does not have the possibility to commute daily, a term of *alternative service* is determined in view of 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 of an authorised body, a leave in connection with evening or distance studies in educational establishments, the time spent under administrative arrest, absence from work and a reduction of working time. A period of *alternative service* is extended for the duration of hours *not* worked.

The regime of work and rest defined in a work contract shall take into account, if possible, the peculiarities of *confession concerning* work 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*, without the maintenance of wages, can be given 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 without penalty for the time necessary for travel to the funeral place; or in a case where the abovementioned persons become terminally ill, the duration of leave is defined by a medical conclusion, but for no longer than thirty calendar days.  
(Article 16 includes changes introduced by Law N 1720-IV of 18.05.2004)

**Article 17.** Vocational training and retraining of citizens is conducted individually at an enterprise, establishment or organisation where *alternative service* is performed.

**Article 18.** During a performance of *alternative service* a citizen has the right to submit to the *Commission* a motivated request for a change of the place of service, as well as to ask for a pre-term conclusion of service on a basis pre-determined by this Law.

In case of an unauthorised termination or systemic failure to carry out official duties without a valid excuse, the owner of an enterprise, establishment, organisation or an authorized body has the right to submit to the *Commission* a request for a pre-term cancellation of the work contract of an under performing citizen.

The owner of an enterprise, establishment, organisation or an authorised body has no right to unilaterally cancel a citizen *alternative service* work contract prior to its termination.

(Article 18 includes changes introduced by Law N 1720-IV of 18.05.2004)

**Article 19.** In case of insolvency, reorganisation or a change of profile of enterprises, institutions, organisations where a citizen carries out *alternative service*, the owner of an enterprise, establishment, organisation or an authorised body is obliged to inform the *Commission* no later than two calendar months in advance on a pre-term cancellation of a work contract, and where necessary grant a holiday on the initiative of the administration or in some cases a reduction of working time - within five calendar days.  
(Article 19 includes changes introduced by Law N 1720-IV of 18.05.2004)

## **PART IV. THE TERMINATION OF ALTERNATIVE SERVICE**

**Article 20.** *Alternative service* is terminated when its term expires or prior to expiration by the express decision of the *Commission*. A decision by the *Commission* 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 the regular *military service* by his own initiative;
- a recognition that a citizen is unfit for health reasons for *military service* on the basis of a conclusion (*resolution*) made by the *Military-Medical Commission*;

- that the emergence of a right to postponement of a call-up owing to the change of family circumstances envisaged by this legislation on *Military Duty and Military Service*;
- when a citizen is sentenced to a term of imprisonment;

Infringement of these requirements are stipulated in *Article 8* of this Law.

**Article 22.** In case of conscription of a citizen to regular *military service* in connection with the prevarication from carrying out *alternative service*, any period served in *alternative service* is not included for any period of regular *military service*. In cases where a citizen volunteers for the regular *military service* by his own initiative, any term 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 within five calendar days after a termination of *alternative service* be registered at a *military commissariat* nearest to his place of residence. Registration is essential in case of a change of address.

*(Article 23 includes changes introduced by Law N 1720-IV of 18.05.2004)*

**Article 24.** Citizens who have terminated *alternative service* are not subject to a call up to periodical military training. If necessary, these citizens and those released by the *Commission* from a call up to periodical military training for reasons of religious beliefs, can however, be involved in assisting National emergency situations for the dissolving of consequences of catastrophes and or natural disasters, but for no more than three times within the age limit established for those who carry out military service in reserve (*each time for the period of up to six calendar months*). *Legislation on Military Duty and Military Service* regulates labour relations at a place of work for these cases.

**Article 25.** *Commission* decisions can be appealed to a higher-level Commission or in a Court of Law.

## **PART V. THE CONTROL OVER THE PERFORMANCE OF ALTERNATIVE SERVICE BY CITIZENS**

**Article 26.** *Alternative Service Commissions* conduct the control over the organisation of *alternative service*.

**Article 27.** The control over the observance by the owners of enterprises, institutions and organisations or by other authorised labour organs during *alternative service* carried out by citizens, is regulated by a specially authorised *Executive* organ for the *State* control of *Labour Legislation* observances.

*(Article 27 includes changes introduced by Law N 1720-IV of 18.05.2004)*

# Law on Mobilisation Preparation and Mobilisation

3543-XII of 21.10.1993; (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

This Law establishes the legal basis for mobilisation preparation and mobilisation in Ukraine, determines the principles for the organisation of this work, the *Executive, Local Self-Government* organs, 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 the Main Terms

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

1. 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 *State Military Organisations* created in accordance with the laws of Ukraine (hereinafter— the *Armed Forces*), the *Civil Defence* forces, enterprises, institutions and organisations, for the timely and organised mobilisation and satisfaction of the requirements of *State* defence during a *special period*;
2. Mobilisation in Ukraine is a complex set of actions, which are carried out with the purpose of the systematic transfer of the national economy activities to the organs of the *Executive, Local Self-Government*, the *Armed Forces*, and other *State Military Organisations*, the *Civil Defence* forces, enterprises, institutions and organisations to support a *special period* or *war effort*. Mobilisation can be general or partial, conducted openly or covertly.
3. 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 *State Military Organisations*, the *Civil Defence* forces, enterprises, institutions and organisations.

*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 *State Military Organisations*, the *Civil Defence* forces, enterprises, institutions and organisations. The decision on conducting open mobilisation is to be immediately promulgated through the mass media. The decision on conducting concealed mobilisation is brought to the attention of the *Council of Ministers of the Autonomous Republic of Crimea, Ministries* and the *Executive* through concealed channels in accordance with the procedures determined by the President.

With the purpose of rectifying the consequences of natural disasters, crashes and accidents in peacetime, targeted mobilisation can also be conducted.

The type, size, procedure and terms of mobilisation are determined by a Presidential decision.

4. 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 Defence* forces, enterprises, institutions and organisations begins.
5. 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 *Civil Defence Forces* continue to re-build and re-organise during this time.

### **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;
  - *territoriality*;
  - self-sufficiency;
  - scientific veracity.
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 for the *Executive, Local Self-Government, the Armed Forces*, and other *State Military Organisations, the Civil Defence* forces, enterprises, institutions and organisations, and long-term and annual programmes for mobilisation preparation;
- the preparation of the *Armed Forces* for mobilisation;
- the preparation of the national economy and its branches for the transfer and operation under *special period* conditions;
- the creation, development and maintenance of mobilisation capacities for the *State, the Armed Forces* and urgent needs of the population during a *special period*;
- the preparation of organs and forces for *Civil defence* and the transfer from peacetime to war;
- the creation and preparation for the deployment of *special formations*, that join the *Armed Forces* in case of a mobilisation; their deployment to ensure the functioning of the national economy and its branches under *special period* conditions;
- 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 armaments, military equipment, important technical production, construction and the restoration of the national economy;
- the preparation and maintenance of conditions for technical equipment and installations intended for the transfer in case of mobilisation to the *Armed Forces*;
- the creation and maintenance of *State* preparedness, management and communication systems for the *Executive, Local Self-Government, the Armed Forces, the Civil Defence* forces, enterprises, institutions and organisations during mobilisation and wartime;
- the planning and preparation of rationing for food and non-foods, 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 military-trained persons predisposed for military service and conscription and those with military specialities for *manning* the *Armed Forces* during mobilisation;
- the *reserving* of persons predisposed for military service for the *Executive, Local Self-Government, the Civil Defence* forces, enterprises, institutions and organisations for a period of mobilisation and war;
- the preparation of the administrative leadership of *Executive, Local Self-Government, 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*, enterprises, institutions and organisations, as well as the administrative and territorial units of Ukraine;
  - international co-operation for mobilisation preparation.
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 administrative control to the *Armed Forces and Civil Defence Forces* during wartime;
  - the transfer of the organs and forces of Civil defence from peacetime to wartime;
  - the preparation of the mass media for transfer to function during mobilisation and or a *special period*.

## **PART II. THE ORGANISATIONAL BASIS FOR MOBILISATION PREPARATION AND MOBILISATION**

### **Article 4. The Organisation and the Procedures for Conducting Mobilisation Preparation and Mobilisation**

1. The organisation and procedures for conducting mobilisation preparation and mobilisation for the *Executive, Local Self-Government*, the *Armed Forces*, the *Civil Defence* forces, enterprises, institutions and national economy industries, administrative and territorial units are pre-determined by this Law, Presidential Decrees and *Cabinet*.
2. 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*.
3. Functions for the co-ordination of planning, methodological, methodical, scientific support of mobilisation preparation and mobilisation in national economy industries is carried out by the *Executive* for economic policy, and in the *Armed Forces*– by the *Ministry of Defence*.
4. 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. The structure and staff for mobilisation organs are chosen in view of the character and volume of mobilisation work by the Heads of *Executive, Local Self-Government*, enterprises, institutions and organisations.
  3. 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.
  4. The procedure for the creation, the functions, rights and duties of mobilisation organs are pre-determined in accordance with the procedure, established by *Cabinet*.

#### **Article 6. Military Duty**

Military duty is introduced with the purpose of *manning* the *Armed Forces*, in case of mobilisation, as well as for the military training of persons predisposed for military service and conscription in peacetime. The procedures for carrying out military duty are pre-determined by the laws of Ukraine on military duty and military service.

#### **Article 7. Military Transport Duty**

1. Military transport duty is introduced with the purpose of satisfying the transport needs of the *Armed Forces*, during a *special period* for vehicles and technical equipment. This applies to the *Executive, Local Self-Government*, the *Armed Forces*, and other *State Military Organisations*, the *Civil Defence* 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, as well as the procedures of 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.

#### **Article 8. Financing Mobilisation Preparation and Mobilisation**

1. Mobilisation preparation is financed by the *State Budget*, the *Autonomous Republic of Crimea 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 a 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 means of enterprises, institutions and organisations.
5. The activities for mobilisation preparation and mobilisation are financed in accordance with the procedures established by *Cabinet* if not provided for by the law.

**Article 9. Stimulation of Mobilisation Preparation Activities**

1. Amortization 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 mobilisation preparation conducted by the *Executive, the laws of Ukraine establish Local Self-Government, enterprises, institutions and organisations and citizens.*

**Article 10. The Protection of Information for Mobilisation Preparation and Mobilisation**

The organisation of works and protection of information relating to mobilisation preparation and mobilisation is realized in accordance with the requirements of the Law of Ukraine “*On State Secrets*” and other normative-legal acts.

### **PART III. THE ACTIVITIES OF THE VERKHOVNA RADA OF UKRAINE, THE PRESIDENT AND THE CABINET MINISTERS IN THE SPHERE OF MOBILISATION PREPARATION AND MOBILISATION**

**Article 11. The Verkhovna Rada of Ukraine**

The *Verkhovna Rada* carries out legislative regulation of queries relating to mobilisation preparation and mobilisation.

**Article 12. The President of Ukraine**

According to the Constitution of Ukraine and this Law, the President of Ukraine:

1. Carries out the general management in the sphere of *State* mobilisation preparation and mobilisation;
2. Determines the purpose, tasks, type, volume, procedure and terms of conducting mobilisation preparation and mobilisation;
3. Co-ordinates the activities of the *Executive* and the *Armed Forces* in the sphere of mobilisation preparation and mobilisation;
4. 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*;
5. Grants or denies the right of release from a call up to military service in case of mobilisation and in war-time to citizens or particular categories of citizens;
6. Takes the decision on the introduction of general or partial mobilisation and on demobilisation, on introduction of *martial law* or a *state of emergency* in case of a threat of aggression or other threats to Ukrainian *State* independence;
7. Issues normative-legal acts concerning mobilisation preparation and mobilisation;
8. Establishes the work regime for the *Executive* during mobilisation and in war-time;

**Article 13. The Cabinet Ministers**

The *Cabinet*:

1. Directs mobilisation preparation and mobilisation within its competences, and issues acts on these queries;

2. Organises the development of a draft mobilisation plan for Ukraine during a *special period* and submits it for Presidential approval;
3. Organises scientific, methodological, methodical and informational support for mobilisation preparation and mobilisation;
4. Develops draft acts, that are to be introduced during mobilisation and war-time;
5. Approves the Regulations on mobilisation preparation for the national economy;
6. Determines and approves the basic parameters for the functioning of the national economy and the mobilisation tasks for the *Executive, Council of Ministers of the Autonomous Republic of Crimea*, and other *State organs* during a *special period*;
7. Determines the sources and procedures for financing mobilisation preparation and mobilisation;
8. Creates a mobilisation reserve of material, technical and raw resources, and defines the procedures for its creation, development, and maintenance;
9. Determines the tasks for the *Executive, the Council of Ministers of the Autonomous Republic of Crimea*, and other *State organs* relating to the creation of mobilisation reserves;
10. Establishes the procedures for the *de-reservation* of material assets from the mobilisation reserve, as well as the procedures for the use of resources from the *reserve* during a *special period*;
11. Organises the work connected to the creation of an insurance fund for the design, technological and project documentation to ensure the production of armaments, military equipment, important technical production, construction and the restoration of the national economy;
12. Approves the long-term *State* annual programmes for the mobilisation preparation of national industries and administrative territorial units of Ukraine;
13. Determines the procedure for the conclusion of contracts for the execution by enterprises, institutions and organisations of mobilisation task orders and ensures adequate provision for these orders with material and technical resources and financing;
14. Determines the limits and approves the norms for the alienation of vehicles and technical equipment from national and regional industries;
15. Organises work to prepare *Civil Defence* organs and forces for the transfer from peacetime to war;
16. During the introduction of mobilisation, carries out the control within the limits of its authority over the realisation of activities for the transfer to the *Armed Forces*;
17. During the introduction of mobilisation, organises the transfer of the national economy to the operations under *special period* conditions;
18. Organises the *reserve* of persons predisposed for military service from the *Executive, Local Self-Government* organs, enterprises, institutions and organisations for a period of mobilisation and war;
19. 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;
20. Carries out the control over mobilisation preparation in Ukraine within the limits of its authority; determines the procedures for control and assessment of mobilisation preparation for the industries of the national economy, the regions of Ukraine, enterprises, institutions and organisations;

21. 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;
22. Within its competences, decides upon granting privileges to enterprises, institutions and organisations that carry out mobilisation tasks;
23. Plans and conducts military and economic mobilisation exercises and training;
24. 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;
25. Ensures the observance of the laws of Ukraine, other normative-legal acts on mobilisation preparation and mobilisation;
26. Ensures the observance of obligations under ratified International Treaties co-operation in the sphere for mobilisation preparation.

#### **PART IV. THE POWERS AND FUNCTIONS OF THE CENTRAL EXECUTIVE, LOCAL SELF-GOVERNMENT ORGANS IN THE SPHERE OF MOBILISATION PREPARATION AND MOBILISATION**

##### **Article 14. Powers and Functions of the Central Executive for Economic Policy**

The *Central Executive* for economic policy:

- Provides methodological support for the mobilisation preparation of the national economy of Ukraine;
- Carries out the analysis of economic and military-economic potentials of the national economy;
- 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 national *State* 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, and update of the mobilisation reserve of materials, raw materials resources and mobilisation capacities;
- Organises scientific support for mobilisation preparation of the national economy and determines the directions of scientific research;
- Develops a draft mobilisation plan for the national economy of Ukraine;
- 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 *Cabinet*;
- Determines the needs of the *Executive* for the financing of mobilisation preparation from the *State Budget*;
- Develops the estimates for the levels and control over the condition of mobilisation preparedness by the *Executive*, enterprises, institutions and organisations;
- Determines the balance and economic analysis of the basic parameters needed for the development of the national economy for during a *special period*;

- 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 creation and preparation of special formations that join the *Armed Forces* during mobilisation;
- Carries out the control over the implementation of *programmes* for the mobilisation preparation by the national economy;
- Takes part in the general practice 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 *Cabinet*;
- Co-ordinates work relating to the preparation of proposals for the programmes on economic and social development in Ukraine for national security and defence.

#### **Article 15. The Powers and Functions of the Ministry of Defence**

The *Ministry of Defence*:

1. Develops and submits to *Cabinet* draft mobilisation plans for the *Armed Forces*;
2. Organises planning, methodological and scientific support for mobilisation preparation of the *Armed Forces*;
3. Plans the mobilisation deployment of the *Armed Forces* in wartime, as well as that of *special formations* intended to join the *Armed Forces* during mobilisation;
4. In peacetime organises the accumulation of *untouchable reserves* and 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 and maintenance of an insurance fund and creates a reserve of human resources for a period of mobilisation;
5. Defines the needs of the *Armed Forces* during wartime for armaments, military equipment, combustible and oil resources, food-stuffs, clothing and other property, *special formations* intended to join the *Armed Forces* during mobilisation, buildings, constructions, infrastructure, services, works and transportation, and submits these requirements to *Cabinet*;
6. Provides for the development of military-technical policy, the formulation of *State* orders for the creation, manufacture and repair of arms, military technical equipment and other materials;
7. Takes part in planning the mobilisation preparation of industries in the national economy and controls the preparedness of enterprises, institutions and organisations to carry out mobilisation orders to meet the needs of the *Armed Forces* and other military formations;
8. Plans and organises training and retraining of persons liable for military service;
9. Together with the *Executive* and *Local Self-Government* ensures the registration of citizens for military service;
10. Develops draft laws and other normative-legal acts on the mobilisation preparation and mobilisation in the *Armed Forces*;
11. Plans and carries out mobilisation and demobilisation of the *Armed Forces*;
12. Develops draft regulations on the mobilisation preparation for the *Armed Forces*, and on the procedures for performing mobilisation;

13. Develops the lists of staff and plans the equipping of *special purpose formations* intended to join to the *Armed Forces* during mobilisation with the material and technical means during mobilisation.

#### **Article 16. The Powers and Functions of the Executive**

The *Executive*:

- Develops mobilisation plans, long-term and annual programmes for mobilisation preparation of the national economy industries and regions of Ukraine;
- Provides methodological, methodical and scientific support for mobilisation preparation and mobilisation of national economy industries for which they are responsible;
- Plans, organises and exercises the control over mobilisation preparation for national economy industries, the regions of Ukraine and the transfer of operations under a *special period*;
- Supervises mobilisation preparation for enterprises, institutions and organisations belonging to or recruited for the execution of mobilisation tasks in relevant industries and regions;
- Determine ways to meet the needs of the *Armed Forces*, as well as the urgent needs of the national economy and population during a *special period*;
- Determine the needs for financing mobilisation preparation activities;
- Create mobilisation organs;
- Perform activities to ensure the implementation of mobilisation plans, and long-term annual programmes for mobilisation preparation;
- Conclude contracts for the execution of mobilisation orders with enterprises, institutions and organizations;
- Provide for the execution of mobilisation orders by enterprises, institutions and organizations;
- Submit to *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 organization, in the relevant sphere;
- Organise during mobilisation the realisation of a complex of activities concerning the transfer of enterprises, institutions and organisations to work under *special period* conditions;
- To jointly ensure with the *Ministry of Defence* the functioning of the military registration system for citizens; to organise *reservists* for military service during wartime; to ensure reporting on the processes of the *reserve* and of persons predisposed for military service in accordance with the procedures, defined by *Cabinet*;
- To provide the *military commissariats* information on registration, insolvency of enterprises, institutions, organizations;
- To support the *military commissariats* in their work during peacetime and during mobilisation;

- To organise and improve the professional skills of members of mobilisation organs;
- To support the creation and maintenance of installations and production for mobilisation purposes, an insurance fund for the design, technological and project documentation to ensure the production of armaments, military equipment, important technical production, construction and the restoration of the national economy;
- To bear responsibility for the creation and maintenance of the mobilisation reserve;
- To develop normative-legal acts concerning mobilisation preparation and mobilisation;
- To formulate the basic parameters of mobilisation plans for the industries of the national economy and regions of Ukraine;
- To duly organise the arrival of citizens called up for military service during mobilisation in accordance with the established procedure, to deliver military equipment in assembly points and military units, to allocate buildings, constructions, land areas, transport and other material and technical means and the providing of services to the *Armed Forces*, according to mobilisation plans;
- To provide for the observance of the laws of Ukraine and other normative-legal acts relating to mobilisation preparation and mobilisation;
- To submit to the ***central organ of executive power on economic policy*** 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 *Cabinet*.

Except for the powers and functions envisioned by *Part 1* of this *Article*:

The *Central Executive* and *Local Self-Government* organs are responsible for the mobilisation tasks of the enterprises, institutions, organizations, that are situated on their territory, with the aim of effective use of material and human resources and of ensuring execution of mobilisation tasks. They also ensure backup support for communication and management systems during mobilisation and a *special period*;

*The Council of Ministers of the Autonomous Republic of Crimea* and *Local Executive* ensure methodical support for the mobilisation preparation on the relevant territory and control the conditions of mobilisation preparation of enterprises, institutions, organizations, that belong to their sphere of management who recruited for execution of mobilisation orders.

#### **Article 17. Powers and Functions of Local Self-Government**

*Local Self-Government* within its powers:

1. Plans, organises and ensures mobilisation preparation and mobilisation on the relevant territory;
2. Takes part in the development of mobilisation plans, long-term and annual programmes for mobilisation preparation, carry out methodical and information support for this work;
3. Provide for the execution of mobilisation orders for enterprises, institutions and organisations on communal property in the relevant territory;

4. When mobilisation is introduced, perform activities to transfer the enterprises, institutions and organisations located on their territory to function under *special period* conditions;
5. Supervise mobilisation preparation of enterprises, institutions and organisations in communal property;
6. Create and maintain mobilisation organs;
7. In case of insolvency of enterprises, institutions and organisations recruited to carry out mobilisation orders, take measures to transfer these orders to other enterprises, institutions and organisations that are located on local territory;
8. To duly organise the arrival of citizens called up for military service during mobilisation in accordance with the established procedure, to deliver military equipment in assembly points and military units, to allocate buildings, constructions, land areas, transport and other material and technical means and the providing of services to the *Armed Forces*, according to mobilisation plans;
9. Provides military registration for persons predisposed for military service and conscription; organises the military service *reserve* for wartime and ensures that the reporting process for *reservists* is intact;
10. Provides *military commissariats* information on registration, the insolvency of enterprises, institutions, organisations that belong to their sphere of management;
11. Supports *military commissariats* in their work during peacetime and a mobilisation;
12. Receives from the *Local Executive* necessary information on the mobilisation 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 a *special period*;
13. To resolve the problems of management in enterprises, institutions and organisations and in case of a failure of communication during mobilisation and in wartime, jointly with the *Local Executive*;
14. To provide for the adherence of the laws of Ukraine and other normative-legal acts on the mobilisation preparation and mobilisation on relevant territory.

*Local Self-Government* for mobilisation preparation and mobilisation are accountable to the respective organs of the *Executive*.

## **PART V. DUTIES OF ENTERPRISES, INSTITUTIONS, ORGANISATIONS AND CITIZENS FOR MOBILISATION PREPARATION AND MOBILISATION**

### **Article 18. Duties of Enterprises, Institutions and Organisations**

Enterprises, institutions and organisations are obliged:

- To plan and take measures on the implementation of mobilisation orders for which they are responsible for during peacetime;
- To carry out mobilisation orders in accordance with concluded contracts and to submit reports on the implementation of these works 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, constructions and installations of infrastructure in proper condition, subject to the transfer in case of mobilisation to the *Armed Forces* intended for joint use during wartime;
  - To assist *military commissariats* in their work during peacetime and mobilisation;
  - To provide for workers who are called up to military service during mobilisation;
  - To provide for the delivery of military equipment to assembly places and military units in case of mobilisation according to orders;
  - To take measures to prepare the deployment of *special purpose formations* intended to join the *Armed Forces* during mobilisation and their transfer according to mobilisation plans;
  - To provide buildings, construction, communications, transport and other materials 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 according to mobilisation orders and an insurance fund of documentation;
  - To register conscripts and *reservists* from amongst employees for the military service during a period of mobilisation and wartime and to ensure reporting to the relevant *Executive*;
  - 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.
2. Enterprises, institutions and organisations cannot refuse to carry out mobilisation orders if their potential allows them to effectively execute these orders.

#### **Article 19. Duties of Citizens**

Citizens are obliged:

1. To report to *military commissariats* for military registration and to establish their wartime role;
2. To provide buildings, constructions, vehicles and other property at the disposal of the *Armed Forces* during wartime in accordance with established procedure, with subsequent compensation by the *State* for the cost in accordance with the procedure established by the *Cabinet*.
3. During mobilisation and wartime, citizens can be recruited according to the law for the execution of defence work, as well as being drafted into *special formations*.
4. In case of mobilisation, citizens predisposed for military service are obliged to report to assembly places within specified deadlines by order of mobilisation documents or by *military commissars*.
5. From the moment of an announcement of mobilisation, citizens are prohibited to change their place of residence without the consent of a *military commissar*.

### **PART VI. CALL UP OF CITIZENS TO MILITARY SERVICE DURING MOBILISATION**

**Article 20. The Procedure for the Call Up of Citizens to Military Service during Mobilisation**

- The call up of citizens to military service during mobilisation is carried out within deadlines determined by mobilisation plans for the *Armed Forces*.
- During mobilisation, citizens who are in the *reserve* and have not been *reserved* in accordance with the established procedure for the period of mobilisation are called up to military service.
- Citizens, who are in the *reserve* and have been not called up to military service during mobilisation, can be employed in the *Armed Forces* in accordance to the legislation of Ukraine.
- Military personnel, at the announcement of mobilisation continue to carry out military service, except for military women with children younger than 16 years old. These military women may continue to carry out military service voluntarily.

**Article 21. The Postponement of a Call-Up During Mobilisation**

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 *Cabinet*;
- Recognised temporarily unfit for military service on grounds of health - for a period of up to six months;
- Men with four or more children younger than 16 years old;
- Women with children younger than 16 years old-unless they voluntarily elect military service;
- Citizens who take care of persons requiring constant care according to the legislation of Ukraine;
- Citizens who are *Deputies* of the *Verkhovna Rada* 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.

**Article 20. The Organisation of a Call Up of Citizens for Military Service during Mobilisation**

1. Citizens who are in the *reserve* are registered with military units to carry out military service in wartime or are employed in the *Armed Forces*.
2. Citizens registered with the military units-or those assigned to *special formations* to carry out military service in wartime are called up to military service during mobilisation to help transfer the military units to which they are assigned to function during wartime.
3. The *Local Executive* through the *military commissariats* performs the call up of citizens to military service during mobilisation or those to be employed in the *Armed Forces*.
4. The Laws of Ukraine, the President and *Cabinet* determine the organisation and procedures for a call up of citizens to military service during mobilisation or to be employed in the *Armed Forces*.

## **PART VII. THE RESERVATION OF PERSONS PREDISPOSED FOR MILITARY SERVICE FOR A PERIOD MOBILISATION AND WAR**

### **Article 23. The Purpose for the Reservation of Persons Predisposed for Military Service in Peacetime and War**

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 24. The Organisation and Procedure for the Reservation of Persons Predisposed for Military Service during Mobilisation and in Wartime**

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*.
2. The organisation, procedure, volumes and lists of posts and professions of persons predisposed for military service, who are *subject to reservation* for a period of mobilisation and war, are pre-determined by this Law, the acts of the President and *Cabinet*.

## **PART VIII. THE RESPONSIBILITY FOR ANY INFRINGEMENTS OF LEGISLATION ON MOBILISATION PREPARATION AND MOBILISATION**

### **Article 25. 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*, 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 IX. 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* 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 *Cabinet*.

# Law on the Legal Regime of Property in the Armed Forces

1075-XIV of 21.09.1999; (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.

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 the 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* and 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 kinds of arms, military and other equipment, ammunition, combustible and oil 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

*Cabinet Ministers* take care of the military provisions for *the Armed Forces*, and establish the procedures for the appropriation and placement under the management of *Central or Local Executive*, as well as other organs authorised to administer *State* property including self-governing establishments and organisations. Transfers may be made to the municipal property of territorial communities of villages and cities or to their common property (with the consent of the concerned *Local Self-Government* organs with the observance of the requirements of the *Law of Ukraine "On Assignment of State and Municipal Property"*), taking into consideration the fact that arms and combat equipment can only be assigned to *State Military Organisations* created in accordance with the law.

The *Ministry of Defence*, as the *Central Management* organ of the *Armed Forces*, administers military property according to the law, and assigns military property to military units, taking decisions on the redistribution of this property among the military units of the *Armed Forces*, including cases of disbandment.

(Article 1 includes changes introduced by Law N 3046-III of 07.02.2002)

## 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, use and transfer of military property are carried out according to special procedures determined by *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 and evaluating the cost, classifying property into relevant services –i.e. food, clothing, housing, combustible and oil materials.

In accordance with 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 competences and procedures, established by the *Ministry of Defence*, carry out an 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, qualitative condition and efficient use of military property assigned to the military units of the *Armed Forces*, an inventory according to the *Regulations on Inventory of Military Property*, annually approved by the *Cabinet*, shall be produced.

The *Ministry of Defence* submits to *Cabinet* results of an inventory for the preceding year during the first quarter of a current year.

The form and procedure for reporting inventory results is established by the *State Committee of Statistics of Ukraine* with the consent of 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 carried out by the *Ministry of Defence* through *Cabinet* authorised enterprises and organisations, chosen from 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 to be used in the day-to-day activities of troops, surplus property, as well as integral property complexes including real estate is taken by *Cabinet* upon submissions by the *Ministry of Defence*.

The methodology used for the assessment of costs for military property, as well as the procedures for property realization are developed by the *Ministry of Defence*, in coordination with the concerned *Ministries* and other organs of *Central Executive* power, approved by *Cabinet*. *Cabinet* determines the procedures for the disposal of military property.

The proceeds received from the realization of military property, are transferred to the *State Budget* and are to be used exclusively for the needs of defence within the calculations of the *Ministry of Defence*.

**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**

1. This Law enters into force from the date of publication.

2. This Law applies to other *State Military Organisations* created in accordance with the Laws of Ukraine.
3. *Cabinet Ministers* must within three months from this law entering into force:
  - submit proposals to the *Verkhovna Rada* amendments to the Laws proceeding this Law;
  - bring normative-legislative acts into conformity with the present Law;
  - ensure the adoption by the *Ministries* and other organs of *Central Executive* power, according to their competences of normative-legal acts following from this Law.

# Law on Economic Activity in the Armed Forces

1076-XIV of 21.09.1999; (Bulletin of the Verkhovna Rada of Ukraine (BVR), 1999, No 48, p. 408)

With the changes introduced by the Law No 860-IV of 22.05.2003, BVR, 2003, No 37, p. 300.

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 the 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 with the everyday activities that include farming, manufacture and works, the service industry, rents payable by the military for mobile property and real estate (except for arms, ammunition, military and special equipment) within the limits and in accordance with procedure, pre-determined by this Law.

Economic activity in the *Armed Forces* is aimed at creating finance for the activities of troops, towards maintaining combat readiness and mobilisation preparedness. Economic activity in the *Armed Forces* should not affect combat readiness and fighting efficiency. The recruitment of military personnel for production works and the services industry that is not pre-determined by this Law is forbidden.

*Cabinet*, upon the submissions of the *Ministry of Defence*, in agreement with the *Central Executive for Economic Policy*, approves the types of military property that is not subject to privatization.

## 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 carry out 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.

*Cabinet* determines a list of permitted economic activities for the military.

Military units may perform economic activity that according to law, is subject to licensing after obtaining licences *free of charge* in accordance with established procedure.

## Article 4. The Registration of Military Units as Subjects of Economic Activity

*Cabinet* determines the procedures for the registration of military units as subjects of economic activity in the *Armed Forces*.

**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 the damages and losses caused to the environment, to the rights and interests of people, companies and the *State*.

A military unit as the subject of economic activity is responsible for its liabilities and accounting, namely where it derives its funding (except for protected means). In case of an insufficiency of means, 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**

Economic activity of a military unit can be limited or terminated by a decision of the *Ministry of Defence* in accordance with the procedure, established by *Cabinet*.

**Article 7. Particularities of Rent for Mobile Military Property and Real Estate for the Armed Forces**

Military units can rent movable property and real estate assigned to them either by personal individuals or companies without detriment to combat readiness and mobilisation preparedness. The procedure of authorisation to military units to rent movable property and real estate assigned to them is established by *Cabinet*. The leasing of arms, ammunition, military and special equipment is forbidden. The leasing of military property to either personal individuals or companies is carried out exclusively on a competitive basis, taking into account the necessity to maintain proper combat readiness and mobilisation preparedness. Conditions and procedures for tenders are determined by the *State Property Fund of Ukraine* with the consent of the *Ministry of Defence*.

Valuations of rental property are carried out 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 *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*.

**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 go back into the *State Budget of Ukraine* and are used exclusively for *National* defence within *Ministry of Defence* guidelines.

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*
3. created in accordance with the Laws of Ukraine.

*Cabinet* must within three months after this law enters into force:

- submit amendment proposals to the *Verkhovna Rada* of laws following on from this Law;
- bring all normative-legislative acts into conformity with the present Law;
- ensure the adoption by *Ministries* and other organs of *Central Executive* power according to their competences normative-legal acts following on from this Law.

# Law on the Particularities of Privatisation of Enterprises under the Management of the Ministry of Defence

1741-III from 18.05.2000; (Bulletin of the Verkhovna Rada of Ukraine (BVR), 2000, No 35, p. 279), With the changes made by Law No 860-IV of 22.05.2003, BVR, 2003, No 37, p. 300, (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 the 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 in the orb of *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 belonging to the orb of *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 approved by the *Verkhovna Rada*.

The privatisation of *MOD Enterprises* is carried out according to 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 financial/economic improvement and performance, the attraction of investments and the obtaining of additional funding for technical re-equipment and financing of *Armed Forces* activity, to increase its combat potential.

Changes to the profile of *MOD Enterprises* are carried out exclusively by the decision of *Cabinet*.

## Article 3. Principles of Privatisation

The privatisation of *MOD Enterprises* is carried out on the basis of the following principles with the priority of *State* interests and legality being paramount:

- the determination by the *Verkhovna Rada* upon the submission of the *Cabinet Ministers* to list *MOD Enterprises* that can be privatised;
- *State* regulation and control;
- the orientation of production of privatised enterprises towards a 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, military personnel, retired ex-employees of these enterprises, and to others according to the laws on privatisation;
- to compensate for *State* property appropriation;

- the compulsory safeguarding of at least *51 percent* 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 (*anti-trust*) law;
- the preservation of the mobilisation reserve determined by *Cabinet* and an improvement to the production capacities of privatised enterprises;
- the transparency and application of competitive ways 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 processes of privatisation of a *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**

The *Ministry of Defence* during the process of privatisation of *MOD Enterprises* within the limits of its powers:

- executes the powers as the founder of public corporations created during the process of privatisation of *MOD Enterprises*, as well as manages 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 with *the State Property Fund of Ukraine, Privatisation Commissions*.

#### **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 of the *State Property Fund of Ukraine* and the *central organ of executive power on economic policy*, determines a list of *MOD Enterprises* that are subject to privatisation and submits a schedule to *Cabinet*. *Cabinet* then submits this list of *MOD Enterprises* that can be privatised for approval by the *Verkhovna Rada*.

#### **Article 8. The Privatisation of Enterprises**

Privatisation of *MOD Enterprises* is achieved through their transformation into public corporations.

The founder of public corporations created according to this Law on behalf of the *State* is the *Ministry of Defence*.

#### **Article 9. Privatisation Commissions**

The *Ministry of Defence* upon the submission of enterprises' executives approves the personal composition of the *Commission for Privatisation* for a *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 conserved for them.

Within two months from the inception of its composition, a *Privatisation Commission* submits to the *Ministry of Defence* an assessment for the integral property complex of Ukraine 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"*, for approval.

The draft plan for a *stock floatation* should provide for the compulsory safeguarding of at least 51 percent of shares in *State* ownership which remain under the management of the *Ministry of Defence*, a preferential sale on the terms determined by the *Ministry of Defence* of 15 percent of shares to the a *MOD Enterprise's* staff members, 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 of staff.

#### **Article 10. Adoption of a Decision to Create a Public Corporation**

The *Ministry of Defence* and the *State Property Fund of Ukraine* jointly, within seven days consider and approve the act of assessment of the cost for the integral property complex of a *MOD enterprise* subject to privatisation. Within a month, the *Ministry of Defence* takes the decision to create a public corporation and approves its statutorily.

On behalf of the founder, the *Executive* of an enterprise under privatisation, within a week period after 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 of the rights and duties of the privatised enterprise.

#### **Article 12. Procedures for Privatisation**

After privatisation of a *MOD Enterprise* and the adoption of a decision on privatisation, the *Ministry of Defence* within a month transfers shares to the *State Property Fund of Ukraine* that are subject to sale according to the *plan on stock floatation*.

The *State Property Fund of Ukraine* carries out the sale of shares according to 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* comprising 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 work collective of the enterprise which is being privatised.*

The sale of shares on a competitive basis is carried out according to the 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 according to the requirements of *Part six of Article 9* of this Law, are 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 a *MOD Enterprise.*

### **Article 13. The Distribution of the Proceeds Received from a Sale of Shares**

The proceeds received from a sale of shares for a public corporation are distributed as follows:

- *98 percent* goes to the *State Budget* and is used for defence needs in conformity with a *Ministry of Defence* estimate, from which no less than *30 percent* is to be allocated for technical re-equipment for privatised enterprises;
- *2 percent* goes towards the reimbursement of expenditure connected to 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 shareholders control over the activity of the administration boards of *Public Corporations* created during the process of privatisation for *MOD Enterprises*, a supervisory board composed of the representatives of 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 the work collective of the enterprise subject to privatisation* is created.

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, after the approval of the statute of the corporation.

The powers of the supervisory board are determined by regulations approved by the *Ministry of Defence* and the *State Property Fund* and the *central executive organ on issues of economic policy.*

The *Verkebovna Rada* hears an annual report made by the *State Property Fund* and the *Ministry of Defence* on the issues relating to the operating 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 the privatisation of a *MOD Enterprises* is carried out by authorised persons appointed on a competitive basis according to the 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 of public corporations made during the process of the privatisation of *MOD Enterprises*, except for dividends on shares that belong to the *State in statutory funds of public corporations*, are used according to the legislation and statutes of corporations. A part of profit (*dividends*) on shares that belong to the *State* 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 above-mentioned profits are used exclusively for the needs of defence in conformity with the estimates of the *Ministry of Defence*. The *Ministry of Finance* and the *Ministry of Defence* determine the procedures for the paying out of dividends and carry out control over the accuracy of its calculation and timeliness of cash transfers to the *State Budget*.

**Article 17. Final provisions**

1. This Law enters into force from the date of publication.
2. The *Cabinet Ministers* are obliged to:
  - a. within three months after this Law enters into force, develop and submit proposals to the *Verkhovna Rada* amendments to the legislation following on from this Law;
  - b. ensure the development and adoption of normative-legislative acts necessary for the implementation of this law;
  - c. bring decisions into conformity with the current Law, as well as to ensure the revision by the *Ministries* and other *central organs of executive power* of normative-legislative acts contradicting this Law.
  - d. 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 cannot be privatised.

# Presidential Decree on Steps to Further Strengthen the Defence Capacity of the State

1195/2001 of 06.12.2001

In order to ensure the implementation of military reform, introduction of the democratic civil control over the Military organisation of the state, and to strengthen the management of the defence sphere, according to item 17 of Article 106 of the Constitution of Ukraine, I decree:

1. That the National Security and Defence Council of Ukraine:
  - a. Together with the Cabinet of Ministers of Ukraine, the Ministry of Defence of Ukraine, the Security Service of Ukraine:  
ensure coherence among the provisions of the draft Concept (the bases of policy) of National Security of Ukraine, the Military doctrine of Ukraine, the Concept of the Model of the Armed Forces of Ukraine in 2010 and the Bases of Training and Deployment of the Armed Forces of Ukraine, and determine in these documents the bases for the functioning of the Military organisation of Ukraine taking into account the peculiarities of the current international and internal situations, and economic possibilities of the state;  
submit within three months a proposal on the improvement of the system of operative, objective and exhaustive informing of the state organs about the state of affairs in the Armed Forces of Ukraine and in other military formations, first of all about emergency situations and events;
  - b. Together with the Cabinet of Ministers of Ukraine and the Ministry of Defence of Ukraine:  
take steps to improve the condition of arms and military equipment in the Armed Forces of Ukraine, determine which types and amount of arms and military equipment they require, and identify sources of additional financing for maintenance of arms and military equipment in technical working condition and for their modernization;  
take urgent steps to reduce the size of arsenals, bases and warehouses of ammunition, remove the ammunition located in inhabited areas and that pose a threat to the population, accelerate disposal of ammunitions that have expired, ensure adequate financing of the Programme on making durable and safe arsenals, bases and warehouses.
2. That the Cabinet of Ministers of Ukraine:
  - a. submits within three months proposals on introducing the changes into the legislation to define the new tasks of the Armed Forces of Ukraine and other military formations, improve their management system, ensure distribution of powers between the sphere of defence and fight against terrorism, bring the status, composition, structure and numeric strength of the Armed Forces of Ukraine and other military formations into conformity with their functions on providing for the national security and defence of the state;
  - b. increases annually expenditures from the State Budget of Ukraine on the national defence and reform of the Armed Forces of Ukraine proportionally to the growth of the gross domestic product;

- c. determines during the elaboration of the Law of Ukraine “On Civil Control over the Military Organisation of Ukraine” the following:
  - d. the mechanism of responsibility of the state organs for ensuring the defence capacity of Ukraine and activities of the Armed Forces of Ukraine and other military formations;
  - e. steps which would promote open and public debate and decision-making in the sphere of defence, improve the conditions of service and life of military men, strengthen their legal and social protection, regulate civil-military relations, and bring the activities of the Armed Forces of Ukraine and other military formations in conformity with the interests and needs of the society;
  - f. the ultimate goal of the civil control – to bring the Armed Forces of Ukraine in conformity with the European standards and strengthen the importance of human factor;
  - g. ensures implementation of governmental programmes on providing military men, including those transferred to the reserve or former military men, with housing both from the budgetary funds and other sources of financing - investments, means obtained from disposal of surplus arms, military equipment, scrap metal etc.;
  - h. improves the level of provision of the Armed Forces of Ukraine and other military formations with material resources, and ensures financing of the Programme on replenishment of untouchable reserves of material means of the Armed Forces of Ukraine for the period up to 2010;
  - i. intensifies the process of transfer of the military cantonments released as a result of the process of reform of the Armed Forces of Ukraine from the Ministry of Defence of Ukraine to the local organs of executive power and local self-government organs;
  - j. strengthens control over the efficiency of use of budgetary funds by the Armed Forces of Ukraine and other military formations.
3. That the Ministry of Defence of Ukraine:
- a. considers as priorities of the process of reform of the Armed Forces of Ukraine transition to small in number, mobile, equipped with the newest samples of arms, professional army; acceleration of the process of creation of a new kind of the Armed Forces on the basis of the existing Air forces and Air Defence Force; creation of the **Forward defence forces** as the prototype of the future national army;
  - b. accelerates the administrative reform in the Armed Forces of Ukraine, in particular the optimization of the structure and numeric strength of the central staff of the Ministry of Defence of Ukraine and the General Staff of the Armed Forces of Ukraine taking into account the universally accepted norms and standards; submits within three months draft regulations on the Ministry of Defence of Ukraine, the General Staff of the Armed Forces of Ukraine, the collegium of the Ministry of Defence of Ukraine, main commands of the branches of the Armed Forces of Ukraine and operational commands; eliminates parallelism and duplication in the activities of management organs, redefines their tasks and powers by delegating some of tasks and powers to the lower level of military management - to corps, divisions and brigades;

- c. in every possible way increases the significance of officer personnel, ensures effective personnel policy, and eradicates resolutely non-demanding attitudes, immorality and protectionism in the activities of the personnel;
- d. provides for the further consolidation of legality, legal order and military discipline in the army, and intensifies the fight against abuse of one's official position, plunder of military property, bribery and non-statutory relations;
- e. strengthens a humanitarian component of military service, and provides for further humanization of military education;
- f. increases the efficiency of economic activities of the Armed Forces of Ukraine, and the use of budgetary funds.

## **Presidential Decree on the Concept of Pre-Recruitment Training and Military-Patriotic Education of Youth**

948/2002 of 25.10.2002; with the changes made by the Decree of the President 1227/2003 of 29.10.2003

1. To approve the Concept of Pre-recruitment Training and Military-Patriotic Education of Youth (attached).
2. The Cabinet of Ministers of Ukraine, Ministries, other central and local organs of executive power shall provide for the implementation of the main provisions and tasks of the Concept during development of the state and area standards of education concerning pre-recruitment training of youth for higher educational establishments of I and II levels of accreditation, vocational and general schools, as well as for the development of the state and regional programmes of patriotic education of the population.

APPROVED

By Decree of the President of Ukraine  
25<sup>th</sup> October 2002, No 948/2002

# **The Concept of Pre-Recruitment Training and Military-Patriotic Education of Youth**

## **PART I. GENERAL PROVISIONS**

The purpose of the Concept of Pre-recruitment Training and Military-Patriotic Education of Youth (hereinafter - the Concept) is:

- Determination of the main directions of the improvement of pre-recruitment training and military-patriotic education of youth;
- Achievement of unity in training, education, development and psychological preparedness of youth for the defence of the Motherland;
- Development of uniform views on the problem of upbringing of a patriot and a citizen;
- Definition of the role of the state organs in the organisation and carrying out of pre-recruitment training and military-patriotic education of youth;
- Improvement of pedagogical forms and methods of teaching the fundamentals of military science to youth;
- Formation of high patriotic consciousness, national dignity, readiness for performance of civil and constitutional duty to protect the national interests of Ukraine among youth;
- Coordination of the activities of Ministries, other central and local organs of executive power, local self-government organs concerning preparation of youth for the defence of the Motherland;
- Creation of the system of patronage relations between military units and higher military educational establishments with educational establishments in which pre-recruitment training is carried out; interaction with veteran and other public organisations of patriotic orientation.

Pre-recruitment training and military-patriotic education of youth should be conducted according to the requirements of the Constitution and the laws of Ukraine, Decrees of the President of Ukraine and the Cabinet of Ministers of Ukraine and according to the following principles:

- state orientation;
- scientific character;
- priority of humanistic and democratic values, respect for constitutional rights and freedom of a person and a citizen;
- education of youth in patriotic, historical and fighting traditions of the Ukrainian people;
- interdependence and coordination of the content, forms and methods of pre-recruitment training and educational work.

## **PART II. BASES OF THE ORGANISATION OF PRE RECRUITMENT TRAINING OF YOUTH**

The primary goals of pre-recruitment training are:

- Acquaintance of youth with the provisions of the Constitution of Ukraine on the defence of the Motherland, Laws of Ukraine “On Defence of Ukraine”, “On Universal Military Duty and Military Service”, other normative-legal acts concerning defence, military development and military service;
- Consciousness of the duty in case of emergence of a threat to sovereignty and territorial integrity of Ukraine;
- Learning about functions of the Armed Forces of Ukraine and other military formations, and about their main features;
- Learning the fundamentals of military science, civil defence and medical aid;
- Psychological preparation for military service.

Pre-recruitment training should be conducted in following directions:

- 1) Studying the history of the Ukrainian army:  
The purpose, organizational structure, arms and tactics of military operations (decisive battles) by the troops of old times, the Cossack army, the military formations that fought for national statehood in 1917-1920, including the Ukrainian Riflemen, the armies of the Ukrainian National Republic, the Soviet Army, the Armed Forces of Ukraine and other military formations are studied. Formation in youth of an ideal of a person-patriot, the defender of the Motherland, by the examples of heroic struggle of the Ukrainian people for independence;
- 2) Acquaintance with the legislation on military issues:  
The provisions of the Constitution of Ukraine, the Laws of Ukraine “On Defence of Ukraine”, “On the Armed Forces of Ukraine”, “On the State Border Service of Ukraine”, “On Civil Defence of Ukraine”, “On Universal Military Duty and Military Service”, “On Social and Legal Protection of Military Men and Members of Their Families”, the Military Doctrine of Ukraine, the statutes of the Armed Forces of Ukraine, regulations on military service, especially regarding the rights, duties and responsibilities of the citizens for the infringement of the legislation on universal military duty and military service are studied. Formation of correct understanding about the origins of the Military oath, battle banner, military insignia and symbols of Ukraine, about the contents, meaning and procedure of administration of the Military oath. Distinctions between military and alternative (non-military) service are explained;
- 3) Acquaintance with the structure and tasks of the Armed Forces of Ukraine and other military formations:  
The functions, structure and tasks of the Armed Forces of Ukraine and other military formations, of branches of the Armed Forces of Ukraine, directions of their reform and development, basic types of arms and military equipment, and existing occupations in the forces are studied. The systems of military training and of organisation of internal and guard service that exist in Ukraine, and everyday activities of the troops are studied. Acquaintance with the basic norms of clothing, food and money allowance of military men is carried out;
- 4) Studying of the fundamentals of the Civil Defence of Ukraine:  
Taking into account the knowledge and skills acquired during the programme “Safety of the person”:

The fundamentals of the civil defence of Ukraine, in particular ways and means of protection of the population from the consequences of accidents, catastrophes, natural disasters and modern means of destruction, the action of dangerous chemical substances used in industry and agriculture, the procedure of notification of the population about civil defence activities, the fundamentals of rescue and other urgent operations during the liquidation of the consequences of catastrophes, accidents, natural disasters are studied;

Training concerning protection of the population during emergency situations of technogenic, natural and military character, the work with radiation and chemical inspection devices, radiation control, actions from the posts of radiation and chemical control are carried out;

Acquaintance with the main features of evacuation of the population, organisation of animal and plant protection, carrying out of decontamination and disinfection works, partial and full sanitary treatment of people, as well as acquaintance with damaging factors in case of the use of weapons of mass destruction is conducted;

- 5) Acquisition of practical skills in military science, including in different types of military training (fire arms, tactical, applied physical and medical aid trainings):

During fire arms training, the safety rules of handling weapons, the purpose, properties and principles of work of modern small arms and hand fragmentation grenades are studied. For practical exercises in shooting from small-calibre (pneumatic) rifles and submachine guns, the shooting galleries and ranges, rifle ranges of educational establishments and centres of pre-recruitment training in regions (cities), educational establishments of the Society on Assistance to Defence of Ukraine, military units and higher military educational establishments of the Armed Forces of Ukraine and other military formations, and in case if educational establishments are located far from military units – of law-enforcement organs, are used.

Tactical training should give youth the knowledge of the characteristics of military battles, types of fire and manoeuvres, organisation of the mechanized sections in troops, topography, teach ways of movement on the battlefield, how to choose and equip a firing position, to conduct observation in a given sector, to determine the position of targets relative to orientation points, and to use hand grenades.

Applied physical training is directed at the development of strength, stamina, speed, courage, and coordination of movements. Youth is involved in regular physical training and sport activities, acquires skills in surmounting of obstacles, throwing grenades, skiing, gymnastics, hand-to-hand fight, etc.

During medical aid training, students are taught to determine the reasons of a cardiac arrest and respiratory pause, develop skills in using syringe-tubes, applying sterile bandages on the head, forearm, elbow and humeral joints, applying improvised splints to immobilize broken bones, and in carrying out ventilation of lungs and closed-chest massage;

- 6) psychological training:

This training is directed at formation of a young man psychologically ready to act as a member of the military collective when carrying military service, as well as to act in extraordinary situations.

Pre-recruitment training is included into the determined by the state programme for higher educational establishments of I and II levels of accreditation,

vocational and general schools, and is conducted following the programmes approved according to the legislation and in coordination with the Ministry of Defence of Ukraine.

Pre-recruitment training is a compulsory subject. It is studied throughout the academic year. At the end of training, field exercises that last from 3 to 5 days are organized at military units, military commissariats, centres of pre-recruitment training or directly in educational establishments.

Pre-recruitment training classes should last 140 hours for in-class work, including from 18 to 30 hours for field exercises in educational establishments of all categories. At the same time it is necessary to take into account the planned gradual transition of the Armed Forces of Ukraine towards the contractual base manning, which will be accompanied by the gradual reduction of the number of the personnel, reduction of the period of regular service from 18 to 12 months and the period of training of junior specialists in educational military units, increase of the number of graduates of educational establishments, who, after the attainment of 25 years and without carrying out of regular military service, are registered as persons liable for military service and are reserved for manning military units in wartime, with only pre-recruitment training.

Field exercises are conducted in the form of complex training with the aim to assess, consolidate and improve the skills acquired by pupils (students) during the academic year; they include practical exercises in civil defence and military science with the use of weapons, including submachine gun (small-bore rifle) firing with live cartridges, of devices, equipment, engineering arms, individual protection equipment, sport equipment, etc. To prepare youth psychologically to military service, exercises are conducted in the form of a game, relay races, competition. Submachine gun (a small-bore rifle) firing with live cartridges is conducted in the properly equipped shooting ranges and shooting galleries according to the plans of military commissariats on the basis of the procedures determined in coordination with the garrison commander (the commander of military unit, the rector of a higher military educational establishment), management organs in the sphere of education and the head of an educational establishment.

The number of study hours spent on pre-recruitment training for general comprehensive schools is determined by the base educational plans, for vocational schools - typical educational plans for the preparation of qualified workers, and for higher educational establishments of I and II levels of accreditation – educational plans for training specialists.

Programmes of pre-recruitment training should include all directions of training, should define the number of hours allocated for the study of different elements of training, as well as should determine the needs of educational establishments in manuals, arms, military and other property. Besides this, the programmes should include the list of compulsory elements of the educational and material base, main standards in military science, the requirements on these standards, criteria for the assessment of knowledge and skills on pre-recruitment training.

To intensify pre-recruitment training, the number of study hours is increased, and the work of extracurricular study groups is organized. The students are given an opportunity to study in specialized schools, military schools, schools with intensive military-physical training, centres of pre-

recruitment training and educational establishments of the Society on Assistance to the Defence of Ukraine.

An opportunity to involve girls in pre-recruitment training at their own will and with consent of their parents or guardians is also provided for.

Pre-recruitment training of youth who do not study is organized by the decision of local state administrations and local self-government organs at city (region) military commissariats, centres of pre-recruitment training, defence and sport camps or military units depending on the conditions.

To develop the interest of pupils (students) in studying the military science, to increase the level of their physical fitness and psychological preparation, the all-Ukrainian and regional games, competitions in military kinds of sports, and defence and military-patriotic games are organized.

To improve pre-recruitment training and introduce new forms of training under the condition of transition of the Armed Forces of Ukraine towards manning on a contract basis, research work and cooperation of educational establishments with scientific institutes shall be carried out.

*(Part 2 includes changes introduced by the Decree of the President 1227/2003 of 29.10.2003)*

### **PART III. BASES OF THE ORGANISATION OF MILITARY PATRIOTIC EDUCATION OF YOUTH**

The goals of military-patriotic education of youth are:

- Development of patriotism, love to the Ukrainian people, its history, cultural and historical values;
- Development of civil consciousness, respect for the Constitution and laws of Ukraine, social activity and responsibility for the state and public matters;
- Development of abilities to analyze the external and internal political situation, the ability to use this analysis to adequately assess the events in the state and in the world, its own role and place in these events, as well as in the maintenance of appropriate defence capacity of the country;
- Creation of the normative-legal base and a complex of measures to develop patriotic consciousnesses of the citizens of Ukraine;
- Formation of aspiration to master military knowledge, achieve a proper level of physical fitness and stamina;
- Increase of the prestige of military service, military professional education of youth, formation and development of the motivation to protect the Ukrainian state and to serve in the Armed Forces of Ukraine and other military formations, competitive selection of candidates for admission to higher military educational establishments and candidates for military service on a contractual basis;
- Creation of the system of military-patriotic education.
- Military-patriotic education of youth is carried out in the following directions:
- State direction— is based on provision by the state of the system of military-patriotic education;
- Social direction— is based on studying the moral norms and their observance; it is oriented at comprehension of the priority of universal values and interests,

development of the respect to the culture, history, language, customs and traditions of the Ukrainian people;

- Military direction- involves studying of the military history of Ukraine, victorious battles of the Ukrainian army, the basic models of military equipment and arms of the Armed Forces of Ukraine, acquisition of initial skills in using them, improvement of physical condition to prepare for the defence of the Motherland;
- Psychological and pedagogical direction– is based on studying of psychological features of youth, taking them into account in the process of training of young men for military service, carrying out methodical work on generalization and implementation of the achievements in the sphere of military-patriotic education, improvement of forms and directions of this activity;
- Legal direction- involves acquisition of profound legal knowledge and inculcation of legal culture.

The methods of military-patriotic education of youth are the following:

- Confidence - confidence about public benefits from the activities aimed at the preparation for defence of the Motherland;
- Stimulation – is realized in various forms of encouragement and competition;
- Personal example - actions of the tutor, who should be the model for youth, should meet pedagogical requirements and be able to give a task and check its fulfilment;
- Self-preparation – the process of active formation and self-education of a young man, development of patriotism realized through self-obligation, self-training and self-control.
- Military-patriotic education is carried out in the form of lectures, conversations, narrations, excursions to museums of military units, establishments, enterprises, higher educational establishments, meetings with veterans, tours to the places of military glory, research work, participation in the work of military-patriotic clubs and hobby groups.
- One of the main forms of military-patriotic education is military-patronage work, which involves the establishment of links and communication between military units, higher military educational establishments and the organs of state power, local self-government organs, staffs, civil educational establishments, public organisations with the purpose of military-patriotic and civil education.
- With the purpose of organisation of military-patronage work, military professional counselling and patriotic education of youth, military units and military educational establishments, irrespective of their subordination, are assigned to civil educational establishments on the basis of the proposals of military commissariats in coordination with the management organs in education, orders of commanders-in-chief, operational commands (commanders of garrisons), with the aim of subsequent manning of these educational establishments of patronage military units with the graduates during the period of conscription for regular military service and military service on a contract basis.

The forms of military-patronage work are the following:

- Organisation of special days for visiting military units on the occasion of the state and military professional holidays, days of units, and days of administration of the Military oath;
- Invitation of representatives of patronage collectives as observers at tactical trainings, organisation of thematic debates, meetings with the staff of military units, and families of military men;
- Involvement of youth in taking care of memorial complexes, monuments, communal graves, other places of burial of the defenders of the Motherland;
- Rendering of assistance to local organs of executive power and local self-government organs in development of training and material resources necessary for pre-recruitment training for educational establishments;
- Organisation of competitions in military kinds of sports;
- Submachine gun (a small-bore rifle) firing with live cartridges.

The organisation of interaction between the organs of state power, local self-government organs, public organizations, heads of educational establishments, enterprises, establishments and military management organs, bodies of troops, military units, military educational establishments, organisations and establishments on the issues of military-patriotic education is carried out on the basis of contracts about cooperation, which are concluded, as a rule, for a year period and include the legal bases for mutual work, terms of co-operation of the parties, and their mutual obligations. In addition to the contract, a plan of mutual work for a year period, approved by officials who sign the contract, can be developed.

Joint actions are planned taking into account the interests of the parties and division of powers and responsibilities.

General management of military-patronage work is carried out by the organs on educational work in the Ministry of Defence of Ukraine, troops of the Civil defence of Ukraine, the State Border Service of Ukraine, *internal troops* of the Ministry of Internal Affairs of Ukraine; direct management is carried out by the organs on educational work of the branches of the Armed Forces of Ukraine, operational command departments, the relevant organs of other military formations through organs on educational work of military units, higher military educational establishments in interaction with local organs of executive power, local self-government organs, as well as with the public and other organizations.

*(Part 3 includes changes introduced by the Decree of the President 1227/2003 of 29.10.2003)*

#### **PART IV. PERSONNEL AND MATERIAL SUPPORT OF PRE-RECRUITMENT TRAINING AND MILITARY-PATRIOTIC EDUCATION OF YOUTH**

Pre-recruitment training and organisation of military-patriotic education of youth are conducted by pre-recruitment instructors (deputy heads of educational establishments on military-patriotic education, pedagogical work or physical training and sports) who belong to the staff of an educational establishment. Representatives of military units,

higher military educational establishments and military commissariats can also be involved in pre-recruitment training on a contract basis.

Graduates of higher pedagogical educational establishments, who are qualified as pre-recruitment instructors, as well as reserve officers or retired officers with higher education capable for the reasons of age and health to conduct pre-recruitment training can be appointed to the posts of pre-recruitment instructors.

Training of pre-recruitment instructors is carried out in military educational departments of higher pedagogical educational establishments. Selection of candidates for training is carried out by military units from among the military men who are subject to transfer to the reserve, as well as by military commissariats together with management organs on education from among civilian youth.

A pre-recruitment instructor should know the requirements concerning training of youth for military service and constantly develop professionally.

A pre-recruitment instructor (deputy head of an educational establishment on military-patriotic education, pedagogical work or physical training and sports):

- organizes and conducts lessons on pre-recruitment training;
- takes part in provision of training and material resources for pre-recruitment training;
- registers, stores and gives out arms, ammunition and military property, once a month checks their availability and technical condition;
- organizes together with the instructor of physical training competitions in military kinds of sports;
- takes part in the organisation and carrying out of regional (city) competitions in military kinds of sports and civil defence;
- uses the military-patronage help to increase the efficiency of pre-recruitment training lessons;
- conducts military-vocational counselling of youth, selection and preparation for admission into higher military educational establishments;
- takes part in giving references to the young men of pre-recruitment and call-up age, helps in registration of citizens with enlistment offices, as well as provides for duly arrival of summoned young men to military commissariats;
- organizes and, together with the teaching staff of an educational establishment, conducts the work on military-patriotic education of youth.

A pre-recruitment instructor improves his/her professional skills by participating in methodical periodical trainings, training at the departments of continuous education, other forms of professional development, as well as independently.

To ensure pre-recruitment training in educational establishments, training and material resources are provided. In case of absence in an educational establishment of certain types of training and material resources (shooting galleries, training zones with obstacles, etc.), by the decision of local executive power organ or local self-government organ the lessons are conducted in other educational establishments. In view of above, as well as to ensure effective pre-recruitment training and military vocational counselling in cities and regions, centres for pre-recruitment training, special educational establishments can be created. Also educational establishments of the Society on Assistance to Defence of Ukraine can be used.

With the purpose of pre-recruitment training and military-patriotic education of youth (especially during field exercises), the facilities of patronage military units and higher military educational establishments of the Armed Forces of Ukraine and other military formations are used as much as possible.

Educational establishments are provided with programmes, textbooks and manuals on pre-recruitment training in accordance with the established procedure.

The arms, ammunition and military property are given to educational establishments by the Ministry of Defence of Ukraine through the organs of supply of operational commands and military commissariats according to the norms, established by the programmes on pre-recruitment training in coordination with this Ministry.

According to the programmes on pre-recruitment training, management organs on civil defence and public health services provide educational establishments with property at the request of management organs in the sphere of education.

Financial support of pre-recruitment training is ensured within the limits of funds allocated for education, as envisaged by the Law of Ukraine on the State Budget.

Cultural establishments, museums, sites of battle and labour glory, military-patriotic clubs and so forth can be used for military-patriotic education. Taking care of memorial complexes, monuments, communal graves, other places of burial of the defenders of the Motherland can be organized.

## **PART V. THE ORGANISATION AND MANAGEMENT OF PRE-RECRUITMENT TRAINING AND MILITARY-PATRIOTIC EDUCATION OF YOUTH**

The Ministries, other central and local organs of executive power and local self-government organs are responsible within their powers for the organisation and carrying out of pre-recruitment training and military-patriotic education of youth.

The Ministry of Education and Science of Ukraine and other organs of executive power with subordinate educational establishments:

- manage pre-recruitment training and military-patriotic education of youth;
- elaborate and approve normative-legal acts concerning pre-recruitment training and military-patriotic education of youth;
- provide for methodical training of pre-recruitment instructors;
- plan and together with the Ministry of Defence of Ukraine organize orientation training for the persons appointed as pre-recruitment instructors for the first time;
- assist the management organs on education in the organisation and carrying out of pre-recruitment training, provision of training and material resources, storage of arms, ammunition and military property;
- study, conceptualize and spread good practices in pre-recruitment training and military-patriotic education of youth.

The Ministry of Defence of Ukraine with the assistance of other central organs of executive power:

- develops normative-legal acts on pre-recruitment training and military-patriotic education of youth;

- organizes and conducts methodical training together with the officials of military commissariats responsible for pre-recruitment training and military-patriotic education of youth;
- takes part in the development of programmes of pre-recruitment training;
- conceptualizes and spreads good practices in pre-recruitment training and military-patriotic education of youth.

Other management organs in the sphere of education:

- provide for implementation of measures concerning the organisation and carrying out of pre-recruitment training and military-patriotic education of youth;
- organize field exercises with the purpose of consolidation of knowledge and skills acquired during pre-recruitment training;
- provide for training and material resources and for creation of appropriate conditions for gaining theoretical knowledge and practical skills during lessons and field exercises;
- assist educational establishments in the establishment and development of patronage links with local military units, and higher military educational establishments;
- study, conceptualize and spread good practices in pre-recruitment training and military-patriotic education of youth.

Operational command departments:

- develop and carry out measures on the organisation of patronage work and military-patriotic education of youth by military units and higher military educational establishments located on the territory of operational command irrespective of their subordination;
- provide educational establishments with arms, ammunition and military property according to the norms determined by programmes on pre-recruitment training;
- render assistance to the local organs of executive power and local self-government organs in provision by training and material resources necessary for pre-recruitment training of educational establishments.
- Together with the management organs in the sphere of education, the military commissariats of the Autonomous Republic of Crimea, of regions (oblast), Kyiv and Sevastopol cities, regions (cities) take part in a daily management of pre-recruitment training and military-patriotic education of youth.

Military commissariats:

- select candidates for pre-recruitment instructors;
- organize and conduct methodical training of pre-recruitment instructors; plan and organize submachine gun (a small-bore rifle) firing with live cartridges during field periodical training with the youth who are doing pre-recruitment training; show military-patriotic popular and documentary films to youth;
- organize together with commanders of garrisons, military units and rectors of higher military educational establishments military-patronage work and military-patriotic education of youth;

- inform local organs of executive power and local self-government organs on the progress in pre-recruitment training.

Commanders of military units and heads of higher military educational establishments together with military commissariats render patronage assistance to the management organs in the sphere of education and educational establishments in the organisation of pre-recruitment training and military-patriotic education of youth.

Heads of educational establishments bear the responsibility for carrying out pre-recruitment training and for its progress, military-patriotic education, provision of training and material resources, preparation of youth for field periodical training, safe storage of arms, ammunition and military property.

Standards of pre-recruitment training, criteria for estimation of the quality of mastering by pupils of the pre-recruitment training programme and basic requirements to training and material resources are determined by the programmes on pre-recruitment training.

To organize pre-recruitment training and military-patriotic education of youth, in the Ministry of Defence of Ukraine, in the Ministry of Education and Science of Ukraine, other organs of executive power with subordinate educational establishments, as well as in operational command departments, military commissariats, departments(sections) of local organs of executive power and local self-government organs on management of education, civil defence, public health services, family and youth, physical training and sports, the structural departments or officials responsible for the progress in pre-recruitment training, for the organisation of co-ordination of actions between the central organs of executive power, their local organs, educational establishments, military units and higher military educational establishments are created or nominated in each of these organizations.

The control over the organization, carrying out and results of pre-recruitment training, its programme and methodical support are carried out by the Ministry of Defence of Ukraine, the Ministry of Education and Science of Ukraine, other organs of executive power with subordinate educational establishments, local organs of executive power and local self-government organs.

Quality check of mastering by pupils of programmes on pre-recruitment training, methodical preparation of teachers, provision of training and material resources and organisation of military-patriotic education of youth and rendering assistance in these questions is carried out by operational command departments, military commissariats together with the management organs in the sphere of education, organs on civil defence and public health services.

In case of need, committees (coordination councils) on pre-recruitment training and military-patriotic education of youth attached to the Council of Ministers of the Autonomous Republic of Crimea, local state administrations and local self-government organs, composed of teachers, physical training and sports instructors, culture and art officials, representatives of higher military educational establishments, military units and military commissariats, the Society on Assistance to Defence of Ukraine, as well as other public organisations with their consent are created. Committees (coordination councils) on pre-recruitment training and military-patriotic education of youth plan, organize and conduct their work according to the Regulations approved by the heads of local organs of executive power (local self-government organs).

**Presidential Decree on the State Programme of  
Transition of the Armed Forces Towards Manning on a  
Contract Basis**

348/2002 of 17.04.2002

1. To approve the enclosed State programme of transition of the Armed Forces of Ukraine towards manning on a contract basis.
2. The Cabinet of Ministers of Ukraine shall provide for the implementation of the abovementioned State programme.

APPROVED  
By Decree of the President of Ukraine  
17<sup>th</sup> April 2002, No 348/2002

# State Programme of Transition of the Armed Forces Towards Manning on a Contract Basis

348/2002 of 17.04.2002

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## PART I. GENERAL PROVISIONS

Transition of the Armed Forces of Ukraine (hereinafter - the Armed Forces) towards manning on a contract basis (hereinafter - contract military men) is determined by:

- Changes in the political-military situation in the world, reform of the Armed Forces in neighbouring states;
- The necessity to maintain adequate combat readiness of troops (forces) up by manning military units and departments with military and professionally trained personnel capable of effective execution of tasks under the condition of reduction of number of the Armed Forces;
- Deterioration of the state of health, entrepreneurial and moral qualities of the young men who are subject to conscription for regular military service, reduction of the number of persons called-up to military service;
- Deterioration of the level of preparation and accumulation of military-trained human resources subject to call up to military service during mobilisation.

Transition of the Armed Forces towards manning on a contract basis will help ensure that the structure and numeric strength of forces correspond to the economic possibilities of the state and defence tasks; it will also help raise the combat readiness and requirements to the personnel.

The programme covers the period of up to the year 2015, and will be realized in three stages: from 2002 to 2005, from 2006 to 2010 and from 2011 to 2015.

Through implementation of the Programme, it is planned to achieve the following primary goals:

- Reform of the existing system of manning of the formations, military units, military educational establishments, institutions, etc. (hereinafter - military units);
- Reform of military training units (centres), schools of ensigns and technicians (hereinafter - training units) and military colleges with the purpose of improvement of the system of vocational training of contract military men - sergeants (foremen) and qualified soldiers (seamen), as well as training and re-training of persons liable for military service (hereinafter - reservists);

- Improvement of the level of education and of military-patriotic education of the staff;
- Creation of a new structure of the military reserve of human resources, improvement of the mechanism of training and accumulation of reservists for manning the Armed Forces and other military formations during mobilisation;
- Optimization of the numeric strength and improvement of the qualitative characteristics of troops (forces) by introduction of organizational actions directed, first of all, at the professionalisation of the staff and introduction of new weapons systems;
- Improvement of the system of social protection of military men and members of their families by creation of appropriate conditions of life, achievement of an appropriate level of money allowance and social guarantees and privileges;
- Reform of local military management organs (military commissariats) with the purpose of optimization of their structure and number, redefinition of their tasks and the powers;
- Automation of the process of registration and distribution of the military reserve of human resources;
- Legal and scientific support of transition of the Armed Forces towards manning on a contract basis.

The programme also presupposes the improvement of planning, organizational, financial, economic, educational and other kinds of activities by the Armed Forces and the interested organs of executive power both during its implementation and after completion of professionalization of the Armed Forces.

General management over execution of the Programme is carried out by the President of Ukraine as the Supreme Commander-in-Chief of the Armed Forces of Ukraine.

Coordination and control over the activity of the organs of executive power on implementation of the Programme is carried out by the National Security and Defence Council of Ukraine.

The Cabinet of Ministers of Ukraine is responsible for implementation of the measures envisaged by this Programme.

The management of implementation of the Programme is carried out directly by the Minister of Defence of Ukraine.

To ensure the scientific support of the Programme, the relevant scientific institutes and experts are involved.

## **PART II. THE BASIC DIRECTIONS OF IMPLEMENTATION OF THE PROGRAMME**

### **The first stage**

1. The normative-legal base concerning the transfer of the Armed Forces towards manning on a contract basis, and the development of the procedure of military service on a contract basis is developed.
2. The system of selection, vocational training and the procedure of doing military service by contract military men is improved. The main attention is devoted to the development and creation of a new mechanism of training of contract

- military men, and development of a system of criteria for definition of fitness of citizens of Ukraine for professional military service for the reasons of health, physical development, level of education and moral-psychological qualities.
3. To improve the system of vocational training of contract military men, and of training and retraining of reservists, training units and military colleges are reformed.
  4. Reform of the system of training of ensigns (warrant officers), sergeants (foremen) and qualified soldiers (seamen) is carried out and of the procedure of doing military service by non-commissioned officers. This reform aims at the creation of the professional staff of non-commissioned officers capable of taking the responsibility for training of subordinates and of serving as a basis for the professional Armed Forces. It will enable to partially release officers from their functional duties connected with education and training of the staff.
  5. The structure of the local military management organs (military commissariats) is reorganized by transforming them into territorial centres of manning (in the Autonomous Republic of Crimea and regions), regional branches (in regions and cities) and by reducing the number of organs and by redefining their functions. For this purpose, in the Autonomous Republic of Crimea, regions, and the cities of Kyiv and Sevastopol, modern information technologies, which provide for automation of the process of registration of human resources, coordination of advertising of military service, selection of candidates for military service, are introduced.
  6. Automation of the processes of registration and distribution of the military reserve of human resources is carried out by installation in regional (city) military commissariats, mobilisation organs of operational commands and in the General Staff of the Armed Forces of local computer networks and workplaces equipped with a special software and their integration into the automated management systems "Dnipro" and "Karpaty".
  7. The new structure of the military reserve of human resources and the mechanism of training and accumulation of reservists for manning the Armed Forces and other military formations during mobilisation are developed.
  8. The system of military-patriotic education of military men is developed. The main objective of the system are: the formation of the responsible attitude to the performance of the constitutional duty on the defence of the Motherland, acquisition of high professional and moral qualities, development of a positive attitude of youth to military service on a contract basis. The system of propagation of military service on a contract basis is created.
  9. The period of regular military service is decreased to 12 months.
  10. Contract military men are used for manning of the majority of the posts for junior commanders and privates that ensure fighting efficiency of military units.
  11. By the completion of the first stage, the number of contract military men in the Armed Forces of Ukraine will be about 50 000 people.

**The second stage**

12. Development and adoption of the normative-legal acts regulating the procedure of military service on a contract basis is completed.
13. The system of the new criteria for objective appraisal of professional fitness, professional, moral and psychological qualities of non-commissioned officers, their conformity with the post, definition of the prospects of their use in service,

creation of the reserve of candidates for promotion and for training is developed and introduced.

14. Steps are taken to transfer ensigns and warrant officers from a separate category to the category of sergeants and sergeants-major; a new list of posts for sergeants and sergeants-major to be manned by contract military men and a list of corresponding military ranks are developed and introduced.
15. Optimization of the organizational structure of local military management organs (territorial manning centres and their branches) is completed taking into account the results of their fusion, potential to perform the tasks in the created staffs, of automation of processes of registration and distribution of the military reserve of human resources. The number of personnel of local military management organs is brought into conformity with their tasks.
16. A new structure of the military reserve of human resources for the satisfaction of the needs of the Armed Forces and other military formations in human resources for the period of mobilisation and in wartime is created.

The military reserve of human resources is divided into the first and second category of reservists, who, in their turn, are enlisted in the active or passive reserve of human resources.

The reservists of the first category are the persons who have done military service and have acquired a military speciality during military service, and the persons who have received a military speciality during military training in training units, military colleges, on departments of military training belonging to other higher educational establishments, in educational establishments of the Society on Assistance to Defence of Ukraine and in technical training colleges.

The reservists of the second category are the persons who do not have a military speciality and the reservists-woman.

Active reserve is a component of the military reserve of human resources, intended, according to the mobilisation plan, for manning the Armed Forces and other military formations during mobilisation. The reservists of the first category are enlisted in this reserve.

Passive reserve is a component of the military reserve of human resources, intended for manning strategic reserves, additional military formations needed during the special period and for replacement of the losses of the field army. The reservists of the first and second categories are enlisted in this reserve.

17. The system of social protection of military men and members of their families is improved; the necessary financial support and conditions of life are provided.
18. By the end of the second stage, the manning of all established military posts that determine the fighting efficiency of military units is completed on a contractual basis.
19. The number of contract military men makes up to 50 percent of the total number of the Armed Forces.

#### **The third stage**

20. The transfer of the Armed Forces to a hundred-percent manning on a contract basis is completed.
21. The money allowance for contract military men is set up at the level that would enable them to indemnify physical and moral efforts of doing military service and would promote the prestige of military service.

22. Creation of a new structure of the military reserve of human resources is completed.

### **PART III. FINANCIAL AND ECONOMIC SUPPORT OF THE MEASURES ON TRANSITION OF THE ARMED FORCES TOWARDS MANNING ON A CONTRACT BASIS**

Financial support of the measures on transition of the Armed Forces towards manning on a contract basis is carried out within the limits of the expenditures, determined to the Ministry of Defence of Ukraine, from the State budget of Ukraine for the relevant year.

Estimated expenditures on support of the staff of the Armed Forces are defined every year on the basis of amounts of expected financial resources which can be allocated on the implementation of the measures envisaged by this Programme.

### **PART IV. BASIC MEASURES DIRECTED AT THE IMPLEMENTATION OF THE PROGRAMME**

1. Development of normative-legal acts on removing the restrictions on manning of the posts of privates, sergeants and sergeants-major by the military men employed to the Armed Forces on a contract basis.
  - The Ministry of Defence, Ministry of Finance, Ministry of Economics, Ministry of Labour of Ukraine

**2002-2004**
2. Development of normative-legal acts on professional-psychological selection of candidates (by carrying out tests) for employment in the Armed Forces on a contract basis, which will determine the requirements of psycho-physiologic qualities, state of health, level of intellectual and physical development, as well as their fitness to fulfil the assigned duties.
  - Ministry of Defence, Ministry of Health, Ministry of Education and Science, Ministry of Justice of Ukraine

**2002-2005**
3. Development of the Law of Ukraine "On introducing amendments to the Law of Ukraine 'On universal military duty and military service'" regarding: Reduction of the term of regular military service, establishment of new conditions of employment of citizens to military service on a contract basis;
  - Ministry of Defence of Ukraine, other concerned central organs of executive power

**2004-2005**

Transfer of ensigns (warrant officers) staff from a separate category to the category of sergeants (sergeants-major);

Establishment of the new structure of the military reserve of human resources, the procedure of transfer to it, training (retraining), establishment of reserve age limit, the rights, duties, social protection of the persons serving in the active reserve on a contract basis (hereinafter - discharge of the duties of reservists).

  - Ministry of Defence, Ministry of Economics, Ministry of Education and Science Ukraine, other concerned central organs of executive power

- 2006**
4. Development of programmes of vocational training for ensigns (warrant officers), sergeants (foremen) and qualified soldiers (seamen), which enable to train military trained and professionally prepared staff. Establishment of the terms of training and the list of military specialities in which persons are trained.  
- Ministry of Defence, Ministry of Education and Science of Ukraine
- 2002-2004**
5. Reform of the system of vocational training of ensigns (warrant officers), sergeants (foremen) and qualified soldiers (sailors) with maximal use of an existing network of training units, military colleges.  
- Ministry of Defence, Ministry of Education and Science of Ukraine
- 2002-2005**
6. Reform of the system of training and the procedure of doing of military service by non-commissioned officers with the purpose of creation the staff of professional sergeants and sergeants-major.  
- Ministry of Defence of Ukraine
- 2003-2006**
7. Bringing of the material base of training units and military colleges in conformity with the nature of vocational training of contract military men, taking into account their practical training.  
- Ministry of Defence of Ukraine
- 2002-2005**
8. Development of a complex of actions, directed at the increase of the efficiency of educational work, improvement of the system of military-patriotic education of the staff of the Armed Forces.  
- Ministry of Defence of Ukraine
- 2002**
9. Creation in the branches of the Armed Forces and operational commands of non-staff coordination councils concerning improvement of military-patriotic education of the staff and civilian youth.  
- Ministry of Defence of Ukraine
- 2002**
10. Increase, taking into account the inflation, the norms of money allowance for contract military men.  
- Cabinet of Ministers of Ukraine
- From 2002**
11. Development of the procedure of selection, preparation and attraction of contract military men to participation in peace-keeping operations.  
- Ministry of Defence of Ukraine
- 2003**
12. Creation of interdepartmental working group on the issues of development of a new structure of the military reserve of human resources, the mechanism of preparation and accumulation of reservists intended for manning the Armed Forces, other military formations during mobilisation, and the procedure of formation of a uniform state procedure for their training.  
- Cabinet of Ministers of Ukraine
- 2002**

13. Rearrangement of regional and city military commissariats into regional branches of the territorial manning centres with simultaneous reduction of their number:  
The first stage - integration of military commissariats with the purpose of optimization of their number;  
- Ministry of Defence of Ukraine  
**2002-2005**  
The second stage - reform of the organizational structure of military commissariats, creation on the basis of regional branches of the territorial manning centres.  
- Ministry of Defence of Ukraine  
**2006-2008**
14. Formation in the military commissariat of the Autonomous Republic of Crimea, regional military commissariats of structural departments responsible for advertising and explanatory work, organisation of selection of candidates for service in the Armed Forces on a contract basis.  
- Ministry of Defence of Ukraine  
**2002-2005**
15. Establishment in military commissariats of rooms for visitors and equipping them with propaganda materials of military-patriotic character, distribution of advertising information concerning military service on a contract basis.  
- Ministry of Defence of Ukraine  
**2003-2004**
16. Development of special software in the framework of the programme “Stvol-M/1” with the purpose of automation of the processes of personal and quantitative registration, and distribution of the military reserve of human resources in region, city and regional (oblast) military commissariats, mobilisation organs of operational commands and the General Staff of the Armed Forces.  
- Ministry of Defence of Ukraine  
**2002-2005**
17. Provision of regional and city military commissariats with electronic computer facilities, relevant equipment, and creation of local computer networks and automated workplaces.  
- Ministry of Defence of Ukraine  
**2002-2005**
18. Rearrangement of the military commissariat of the Autonomous Republic of Crimea, regional, Kyiv and Sevastopol city military commissariats into the territorial manning centres with definition of their functions.  
- Ministry of Defence of Ukraine  
**2003-2008**
19. Carrying out of sociological research among military men to reveal the factors influencing the adoption of a decision about continuation of military service and the conclusion of new contracts. Preparation of proposals upon the results of research on the improvement of the procedure of military service on contract basis.  
- Ministry of Defence of Ukraine  
**2003-2005**

20. Creation of an electronic page on the official web-site of the Ministry of Defence of Ukraine in the Internet, where military service in the Armed Forces on a contract basis will be popularized.  
- Ministry of Defence of Ukraine  
**From 2002**
21. Increase the number of programmes in the military mass media on the state TV and radio channels.  
- Ministry of Defence, Central Committee of Information of Ukraine  
**From 2003**
22. Preparation and development of advertising printed materials and video films about military service in the Armed Forces on a contract basis.  
- Ministry of Defence of Ukraine  
**2002-2015**
23. Introduction of long-term programmes on international military cooperation to study the world experience on the transfer of armed forces to professional basis.  
- Ministry of Defence of Ukraine  
**2002-2010**
24. Development of proposals on introducing amendments to the Decree of the President of Ukraine of 7<sup>th</sup> of November, 2001 No 1053 “Regulations on military service of different categories of military men”.  
- Ministry of Defence, Ministry of Internal Affairs, State Border Committee, Ministry of Emergency, Department of the State Protection of Ukraine  
**2005**
25. Introducing necessary changes into the normative-legal acts regulating the procedure of military-medical examination and medical survey in the Armed Forces.  
- Ministry of Defence, Ministry of Health, Ministry of Justice of Ukraine  
**2004-2005**
26. Establishment of the procedure of the organisation and carrying out by the relevant officials of military units and military commissariats of selection and employment of citizens of Ukraine to the Armed Forces on a contract basis to the posts of soldiers, seamen, and non-commissioned officers.  
- Ministry of Defence of Ukraine  
**2004-2005**
27. Creation in training units of vocational training courses for contract military men of military units and departments, which make part of the forward defence forces of the Armed Forces.  
- Ministry of Defence of Ukraine  
**2004**
28. Development of proposals on the improvement of the system of provision of housing for contract military men and members of their families.  
- Ministry of Defence, Ministry of Finance, Ministry of Economics of Ukraine  
**2004**
29. Re-equipment of the barracks released after the reduction of the number of military men in regular military service into houses and hostels for contract military men.  
- Ministry of Defence of Ukraine  
**2004-2015**

30. Realization of transition to military service on a contract basis in military units and departments which make part of forward defence forces of the Armed Forces, and in military units and departments which train for the participation in the international peace-keeping operations.  
- Ministry of Defence of Ukraine  
**2005**
31. Definition of an optimum ratio of a number of personnel in wartime to a number of personnel in peacetime in the branches of the Armed Forces, their needs in military specialties.  
- Ministry of Defence of Ukraine  
**2005**
32. Development of a complex of action directed at the increase of prestige of military ranks of sergeants and sergeants-major. Revision of the periods of service in the military ranks of sergeant and sergeant-major, as well as definition of the procedure of conferring the ranks.  
- Ministry of Defence of Ukraine, other concerned central organs of executive power  
**2005-2006**
33. The organisation of training of sergeants (foremen) and qualified soldiers (seamen) in training units only from among contract military men.  
- Ministry of Defence of Ukraine  
**2005**
34. Definition of the list of military specialties in which the reservists are trained, and the demand for reservists with these military specialties for the Armed Forces, other military formations.  
- Ministry of Defence, Ministry of Education and science Ukraine, other concerned organs of executive power  
**2005**
35. Development and introduction of the system of criteria for objective appraisal of professional fitness, professional, moral and psychological qualities of sergeants (foremen), their conformity with the post, definition of the prospects of their use in service, creation of the reserve of candidates for promotion and for training.  
- Ministry of Defence of Ukraine  
**2006-2007**
36. Introduction of the basic training for privates, including those in the active service, following special programmes in training units with subsequent assignment for doing of military service to military units.  
- Ministry of Defence of Ukraine  
**2006-2007**
37. Improvement of the procedure of employment and professional promotion of sergeants and sergeants-major taking into account their professional qualities, state of health and ability to carry out of the assigned tasks.  
- Ministry of Defence of Ukraine  
**2006-2007**
38. Improvement of the existing system of social protection of military men and members of their families, creation for them of the necessary conditions of life and an appropriate level of money allowance. Definition and regulation at the legislative level of the list of social guarantees and privileges for contract military

men, taking into account the amount of the expected financial resources which can be allocated on their support.

- Cabinet of Ministers of Ukraine

**2006-2007**

39. An elaboration of measures to increase the intellectual potential of the staff of the Armed Forces.

- Ministry of Defence of Ukraine

**2006-2008**

40. Development and introduction of amendments to normative-legal acts on the issues of training, accumulation, support and use of reservists, intended for manning the Armed Forces and other military formations during mobilisation, their financial, material and other kinds of support.

- Ministry of Defence of Ukraine, other concerned organs of executive power

**2006-2009**

41. Development and introduction of amendments to normative-legal acts on the issues of definition of the rights, powers, duties and the procedure of cooperation between the Ministry of Education and Science of Ukraine, Ministry of Defence of Ukraine and other organs of executive power regarding the formation of the state order for training of reservists, improvement of the procedure of financial calculation and reporting, as well as definition of the list of higher educational establishments, vocational and general schools, training units and military colleges in which training of the reservists can be conducted.

- Ministry of Defence, Ministry of Education and Science Ukraine, other concerned central organs of executive power

**2006-2009**

42. Taking action on the transfer of ensigns (warrant officers) from a separate category to the category of sergeants and sergeants-major. Development of a new list of posts for sergeants and sergeants-major to be manned by contract military men and of a list of corresponding military ranks.

- Ministry of Defence of Ukraine, other concerned central organs of executive power

**2006-2010**

43. Development of programmes for training (retraining) of reservists.

- Ministry of Defence, Ministry of Education and Science of Ukraine, other concerned central organs of executive power

**2007-2009**

44. Formation of the military reserve of human resources for the satisfaction of the needs of the Armed Forces and other military formations in human resources for the period of mobilisation and in wartime according to their new structure.

- Ministry of Defence of Ukraine, other concerned central organs of executive power

**2007-2011**

45. Formation in the organs of military management starting with operational command and higher of structural departments which will fulfil the task of organisation of selection of reservists for manning military units of the Armed Forces and other military formations in wartime.

- Ministry of Defence of Ukraine, other concerned central organs of executive power

**2008**

46. Beginning of training of the persons selected for discharging the duties of reservists in training units, military colleges, on faculties of military training at other higher educational establishments, in educational establishments of the Society on Assistance to the Defence of Ukraine and technical training colleges, and conclusion with them of contracts about their enlistment to the active military reserve.  
- Ministry of Defence, Ministry of Education and Science of Ukraine, other concerned central organs of executive power  
**2008**
47. Introduction into the system of money allowance of military men of incentives and compensatory payments, which will stimulate the military service under special (extreme) conditions and indemnify life and health risks of military service.  
- Cabinet of Ministers of Ukraine  
**2010-2011**

# **Presidential Decree on the State Commission on Reform and Development of the Armed Forces of Ukraine, Other Military Formations, Arms and Military Equipment**

N 188/2003 of 04.03.2003; With changes introduced by the Decrees of the President N 859/2004 of 02.08.2004

With the purpose of reform and further development of the Armed Forces of Ukraine and other military formations, equipping them with the newest models of arms and military equipment, according to item 28 of Part 1 of Article 106 of the Constitution of Ukraine, I decree:

1. To form the State Commission on reform and development of the Armed Forces of Ukraine, other military formations, arms and military equipment attached to the President of Ukraine (hereinafter - the Commission).
2. To establish the following primary goals for the Commission:
  - Preparation of proposals on development, amendment and implementation of the state programs on reform and development of the Armed Forces of Ukraine, other military formations, arms and military equipment for consideration at sessions of the National Security and Defence Council of Ukraine;
  - Informing quarterly the President of Ukraine about the results of implementation of programs and requirements of the legislation concerning reform and development of the Armed Forces of Ukraine, other military formations, arms and military equipment;
  - Processing of the proposals on improvement of the legislative and other normative-legal acts concerning the procedure for transfer and realization of military property released as a result of reduction and reform of the Armed forces of Ukraine and other military formations, and concerning the expenditures from the State budget of Ukraine on military reform.
3. To appoint YANUKOVYCH Viktor Fedorovych - the Prime Minister of Ukraine - the Chairman of the Commission.
4. To approve the personal composition of the Commission (attached).
5. The Chairman of the Commission:
  - To submit within a month a draft of the Regulations on the State Commission on reform and development of the Armed Forces of Ukraine, other military formations, arms and military equipment;
  - To report quarterly to the President of Ukraine about the course of reform and development of the Armed Forces of Ukraine, other military formations, their equipment with arms and military equipment.
6. The Cabinet of Ministers of Ukraine to bring its decisions within two weeks in conformity with this Decree.

APPROVED

By the Decree of the President of Ukraine  
Of March, 4th, 2003 N 188/2003

**Composition Of the State Commission on Reform and Development of the Armed Forces of Ukraine, other Military Formations, Arms and Military Equipment**

YANUKOVYCH Viktor Fedorovych - the Prime Minister of Ukraine - the Chairman of the Commission

HORBULIN Volodymyr Pavlovych - the assistant to the President of Ukraine on national security - the Deputy Chairman of the Commission

MARCHUK Yevhen Kyrylovych – the Minister of Defence of Ukraine - the Deputy Chairman of the Commission

BIELOV Olexandr Fedorovych- the adviser to the Chairman of the Security Service of Ukraine

HAYDUK Oleh Vasylyovych - the Deputy Minister of Economy and European Integration of Ukraine

HRINCHENKO Olexandr Ivanovych - the Deputy Head of the Main Directorate on judicial reform, activity of military formations and law-enforcement bodies of the Administration of the President of Ukraine, the Head of administration on activity of military formations

HUSAROV Serhiy Mykolayovych - the First Deputy Minister of Internal Affairs of Ukraine, the chief of the General staff

ZAYETS Anatoliy Pavlovych - the First Deputy Minister of Justice of Ukraine, the Head of the Secretariat

KAZAKOV Valeriy Petrovych - the First Deputy Minister of Industrial Policy of Ukraine

KYRYCHENKO Serhiy Oleksandrovych - the Chief of the General Staff of the Armed Forces of Ukraine

KOVALENKO Valentyn Vasylyovych - the Deputy Head of the Administration of the President of Ukraine, the Head of the Main Directorate on judicial reform, activity of military formations and law-enforcement bodies of the Administration of the President of Ukraine

KRYUCHKOV Heorhiy Korniyovych – the Chairman of the Committee of the Verkhovna Rada of Ukraine on national security and defence (with his consent)

MARI Vladyslav Ihorovych - the Deputy Head of the Department on defence, defence-industrial policy and military-technical cooperation of the Secretariat of the Cabinet of Ministers of Ukraine

NEHODA Olexandr Oleksiyovych - the General Director of the National Space Agency of Ukraine

PROKOFIEV Yuriy Myhailovych - the Deputy Secretary of the National Security and Defence Council of Ukraine, the Chairman of the Committee on military-technical cooperation policy and export control attached to the President of Ukraine

SOLDATENKO Mykola Oleksiyovych - the First Deputy Minister of labour and social policy, the Head of the Secretariat

TUZ Serhiy Ivanovych - the Deputy Head of the Security Service of Ukraine

URUSKYY Oleh Semenovych – the Director of the Department on defence, defence-industrial policy and military-technical cooperation of the Secretariat of the Cabinet of Ministers of Ukraine

CHUCHKOVSKYY Vyacheslav Mykolayovych - the First Deputy Minister of Ukraine on emergency situations and on protection of the population from the consequences of the Chernobyl accident

SHAMSHUR Oleh Vladyslavovych - the Deputy Minister of Foreign Affairs of Ukraine

SHYKALOV Olexandr Stepanovych – the Chairman of the National coordination centre on adaptation of military men transferred to the reserve or discharged and on conversion of former military objects

SHYSHOLIN Pavlo Anatoliyevych - the First Deputy Head of the State Border Service of Ukraine, the Director of the Department on protection of the state border

SHNYPKO Olexandr Serhiyovych - the First Deputy Minister of the Cabinet Ministers of Ukraine

YAREMENKO Olexandr Stepanovych - the Deputy Minister of Finance of Ukraine.

(The composition of the Commission with changes introduced by the Decrees of the President N 859/2004 of 02.08.2004)

# **Presidential Decree on the Transformation of the Internal Force of the Ministry of Internal Affairs into a Non-Military Formation**

N 863/2003 of 18.08.2003; with changes introduced by the Decrees of the President N 1211/2003 of 25.10.2003, N 402/2004 of 08.04.2004 and N 1042/2004 of 04.09.2004

In order to relieve the Ministry of Internal Affairs of Ukraine from performance of some functions, I decree:

1. To form the Commission on the transformation of the internal forces of the Ministry of Internal Affairs of Ukraine into a non-military formation (hereinafter - the Commission).

2. To establish the following primary goals for the Commission:

Preparation of proposals concerning the transformation of the internal forces of the Ministry of Internal Affairs of Ukraine (hereinafter - internal forces) into a non-military formation with law-enforcement tasks and functions;

Consideration of draft laws, decrees of the President of Ukraine and the Cabinet Ministers of Ukraine and the programme on the transformation of the internal forces into a non-military formation.

3. To approve the personal composition of the Commission (attached).

To appoint as the chairman of the Commission - KOVALENKO Valentyn Vasylyovych - the Deputy Head of the Administration of the President of Ukraine, the Head of the Main Directorate on judicial reform, activity of military formations and law-enforcement bodies of the Administration of the President of Ukraine.

*(Article 3 with changes introduced by the Decree of the President N 1211/2003 of 25.10.2003)*

4. To grant to the Commission the right to question the heads of relevant bodies on issues which belong to their competence and to receive documents and materials necessary for its work.

5. The Chairman of the Commission shall report quarterly about the results of Commission's work to the President of Ukraine.

6. The Cabinet of Ministers of Ukraine:

To submit within two months draft legislative acts on introduction of amendments to the laws of Ukraine and corresponding programmes in connection with the transformation of internal forces into a non-military formation and on the name of this formation;

To deal in the IV quarter of 2003 with the issue of realization, according to the established procedure, of superfluous property, arms and military equipment of internal forces, improvement of their structure and management system, increase of their operational readiness, mobility and professionalism by equipping them with aviation, special-purpose and automobile equipment; to submit proposals about a new uniform and special ranks for privates and commanding staff of the non-military formation;

To ensure the transfer to the State department of Ukraine on Execution of Punishments of functions of the internal forces on the convoy of persons held under arrest, accused and convicted to deprivation of liberty and their guard during judicial proceedings;

To take steps concerning repayment of wage arrears to internal forces, provision of financial and material support to privates and commanding staff of the non-military formation at the rate not lower than the support provided for military men;

To complete the transformation of internal forces into a non-military formation by the end of 2005.

*(Article 6 with changes introduced by the Decree of the President N 402/2004 of 08.04.2004)*

APPROVED

By the decree of the President of Ukraine  
of August, 18th, 2003 N 863/2003

### **Composition of the Commission on Transformation of the Internal Force of the Ministry of Internal Affairs into a Non-Military Formation**

KOVALENKO Valentyn Vasylyovych - the Deputy Head of the Administration of the President of Ukraine, the Head of the Main Directorate on judicial reform, activity of military formations and law-enforcement bodies of the Administration of the President of Ukraine – the Chairman of the Commission.

HRYSHKO Valeriy Vitaliyevych - the Deputy Head of the Main Directorate on judicial reform, activity of military formations and law-enforcement bodies - the Head of administration, the Deputy Chairman of the Commission.

SHNYPKO Olexandr Serhiyovych - the First Deputy Minister of the Cabinet Ministers of Ukraine - the Deputy Chairman of the Commission.

BODNIA Olexandr Ivanovych - the state expert of the department on control and coordination of law-enforcement activity, directorate on state security of the Secretariat of the National Security and Defence Council of Ukraine.

HRINCHENKO Olexandr Ivanovych - the Deputy Head of the Main Directorate on judicial reform, activity of military formations and law-enforcement bodies of the Administration of the President of Ukraine - the Head of administration.

HUSAK Fedir Fedorovych - the Deputy Head of the Head of administration of the Main Directorate on judicial reform, activity of military formations and law-enforcement bodies of the Administration of the President of Ukraine.

HUSAROV Serhiy Mykolayovych - the First Deputy Minister of Internal Affairs of Ukraine - the chief of the General staff.

KIKHTENKO Olexandr Tymofiyovych - the First Deputy Commander-in-chief, the chief of the staff of internal forces of the Ministries of Internal Affairs of Ukraine

PTASHYNSKYY Olexandr Borysovych - the First Deputy Head of the State department of Ukraine on Execution of Punishments

URUSKYY Oleh Semenovych – the Director of the Department on defence, defence-industrial policy and military-technical cooperation of the Secretariat of the Cabinet of Ministers of Ukraine.

CHALYY Volodymyr Dmytrovych- the Deputy Minister of Finance of Ukraine.

SHELEST Yevhen Fedorovych - the Head of the Main Directorate on staff and organisation of mobilization work, the Deputy Chief of the General Staff of the Armed Forces of Ukraine.

*(The composition of the Commission with changes introduced by the Decrees of the President N 1211/2003 of 25.10.2003 and N 1042/2004 of 04.09.2004)*

# **Resolution of the Verkhovna Rada on the Approval of the Recommendations of Parliamentary Hearings on Reform of the Armed Forces of Ukraine**

931-XIV of 14.07.1999

The Verkhovna Rada of Ukraine decides:

1. To approve the recommendations of the parliamentary hearings “Reform of the Armed Forces of Ukraine. Political, legal, social and economic aspects” (attached).
2. The Cabinet of Ministers of Ukraine together with the Committee of the Verkhovna Rada of Ukraine on national security and defence shall provide for their realization.

The appendix to the Resolution of the Verkhovna Rada of Ukraine. 14<sup>th</sup> July, 1999 No 931-XIV

## **Recommendations of the Participants of the Parliamentary Hearing on 'Reform of the Armed Forces of Ukraine: Political, Legal, Social and Economic Aspects'**

Participants of the parliamentary hearing, which took place on 29 June 1999, consider enhancing the development of the Armed Forces of Ukraine, as the guarantor of Ukraine's defence and security, protection of its sovereignty, territorial integrity and inviolability, to be one of the most important goals for all state organs. This is due to the pressing problems in development and operation of the Military organisation of the state and its core - the Armed Forces - and deterioration of the political-military and strategic situation in Europe.

Development of the Armed Forces of Ukraine is carried out according to the State programme of development of the Armed Forces of Ukraine for the period of up to 2005 approved by the President of Ukraine. It is based on the need of transition from quantitative to qualitative indicators of fighting efficiency and combat readiness of the troops, improvement of their organizational structure, of the system of staffing and training of military men, and development of military education and science. The Ministry of Defence of Ukraine and the staff of the Armed Forces of Ukraine make all efforts to maintain combat readiness of the troops for performance of the constitutional duty concerning the defence of Ukraine.

This aim is being achieved under difficult conditions. The development of the Armed Forces is restrained by the national economic crisis, insufficient financing of defence needs, insufficient work for the enterprises of the defence industry, worsening social problems in the troops, lack of educational training and insufficient legal basis. Poor fulfilment of the needs of the Armed Forces of Ukraine and the Border troops of Ukraine has reached a critical point when it creates a real threat to the defence capacity of the state and generates discontent of military men and members of their families.

To eliminate these shortcomings and to resolve acute problems in the field of defence, to improve the state policy in the military sphere, and taking into account radical changes in the geopolitical situation close to the borders of Ukraine, first of all in the political-military situation in Europe, and an imperative need in this connection to maintain the military potential of the Armed Forces of Ukraine at an appropriate level under conditions of limited state resources, participants of the parliamentary hearing consider it necessary to update the Military doctrine of Ukraine, as the basis for further development of the Military organisation of the state, and to change radically the attitude of the Government of Ukraine and other state institutions to the national defence needs and protection of the state borders.

### **The Ministry of Defence of Ukraine:**

1. During the implementation of the State programme on development of the Armed Forces of Ukraine, shall concentrate its efforts on the development of the Armed Forces of Ukraine that are mobile, balanced, optimal in number, well-armed and professionally trained, materially supported but not overburdening the state budget, capable of ensuring the inviolability of the borders of Ukraine and repulsing a possible aggressor;

- Shall develop proposals on introducing necessary amendments to the State programme on development of the Armed Forces of Ukraine taking into account the current geopolitical tendencies that threaten the security of Ukraine.
2. Shall consider the following as priority directions in the development of the Armed Forces of Ukraine: improvement of the troops (forces) management system, training of the military staff for operation in the new organizational and staff structures and the use of modern and perspective models and systems of weapons and military equipment. It shall take measures to expand the training of the military staff for foreign states in military educational establishments of Ukraine, considering it to be an important possibility to increase the export of defence services and foreign currency payments.
  3. Together with the Ministry of Economics of Ukraine, the Ministry of Industrial Policy of Ukraine and the Ministry of Finance of Ukraine, shall complete the elaboration of the draft of the State programme on development of arms and military equipment and submit it by the end of 1999 to the Cabinet of Ministers of Ukraine, which in its turn submits it for the approval of the Verkhovna Rada of Ukraine in accordance with the established procedure;  
Shall ensure prioritization of research on the creation of modern military equipment and arms, modernization and extension of the service life of the existing arms and military equipment, first of all for the Air Forces and Air Defence and Missile Forces.
  4. Shall eliminate the shortcomings in educational work with the troops. It shall use the celebration of the 55<sup>th</sup> anniversary of the victory of the Soviet people in World War Two and the 55<sup>th</sup> anniversary of the liberation of the territory of Ukraine from fascist aggressors as a possibility to educate soldiers using the examples of heroic battle traditions of the Armed Forces and heroic deeds of the defenders of Ukraine and by explaining to them the strategic and tactical techniques of the winners.
  5. Shall continue to improve operational, technical, rear, medical, moral, psychological and other kinds of support, gradually moving to a unified system of support of the troops, irrespective of their subordination.
  6. Shall speed up the implementation of actions envisaged in the Concept on economical activity of the Armed Forces of Ukraine under current conditions approved by the Decree of the President of 19 April 1997. It would ensure strict observance of the current legislation during the realization of economical activity in the Armed Forces of Ukraine.

**The Cabinet of Ministers of Ukraine:**

1. During the development of the draft State Budget of Ukraine for 2000 and for the following years, shall ensure financing of the national defence in volumes sufficient for maintenance of fighting efficiency and combat readiness of the Armed Forces of Ukraine and the Border troops of Ukraine at an appropriate level and implementation of the national security and defence state programmes. As of 2000, shall ensure the development of both the draft State Budget of Ukraine and the State defence procurement order;  
To increase financial resources for better satisfaction of the defence needs, shall develop ways of receiving extra means to the State Budget of Ukraine from realization of surplus arms, military and special-purpose military equipment, other property of the Armed Forces of Ukraine, renting of the

capital stocks and property, as well as for performance of works and rendering of services;

Shall assist the State company "Ukrspetsexport" in realization of defence production and services, as well as of surplus arms, military and special-purpose military equipment with the purpose of building-up foreign currency reserves of the state and satisfaction of the defence needs;

Shall allocate sufficient funds for carrying out research on the most important defence problems, as well as for the replenishment of the untouchable reserve of the Ministry of Defence of Ukraine. These expenditures from the State Budget of Ukraine will be considered protected;

Shall take urgent actions to repay the arrears to the Armed Forces of Ukraine and the Border troops of Ukraine according to the provisions of the Law of Ukraine "On the State Budget of Ukraine for 1999";

Shall forbid the disconnection of military units, organisations and establishments of the Armed Forces of Ukraine and other armed formations from communication networks, energy and water supply. It shall examine the possibility to exempt them from fines for overdue payments for the abovementioned services;

Shall provide for financing of communication systems of all parts of the Military organisation of the state and integration of the abovementioned systems under the command of the General Staff of the Armed Forces of Ukraine.

2. Shall accelerate the formation of the domestic military-industrial complex to satisfy the needs of Ukraine in arms, military equipment, as well as build up the export potential of the state by increasing domestic production, fuller use of the capacities of defence enterprises and cooperation with enterprises and research institutions of the Russian Federation and other states. It shall consider as priority goals the creation of the closed cycles of development and production of military arms and military equipment (above all, tank-building, military-transport aviation, means of anti-raid defence, shipbuilding, artillery and small arms), creation of a wide range of modern complexes of arms, military equipment, high-precision weapons, control and communication facilities. It shall take all actions to ensure the efficient work of contractors that carry out state defence procurement orders, above all, of state factories;

Shall examine proposals on the creation of a Council of chief designers of military equipment and arms as an advisory body on these issues;

Shall provide for an increase of expenditures under the State defence procurement order to increase capacities of the military-industrial complex and develop special-purpose technologies;

Shall examine the issue of exemption of manufacturers from value added tax for defence goods produced under the State defence procurement order.

3. Shall radically improve organizational arrangements concerning mobilization in the state. It shall accelerate the development of the mobilization plan of Ukraine and creation of the legislative and normative-legal base for mobilization preparedness of the national economy and the Armed Forces of Ukraine. In particular, it shall approve the Regulations on redistribution of the human resources for the period of mobilization and wartime. After adoption of the Law of Ukraine "On the legal regime of martial law", it shall approve the Regulations on the military-transport duty. It shall determine the basic ways of optimization of the material resources of the mobilization reserve. It shall provide for raising

the level of reserves of combustible and oil materials, food and other resources for satisfaction of the needs of the Armed Forces of Ukraine and the Border troops of Ukraine during the special period. It shall also provide for the inclusion of the abovementioned reserves into a non-reducible reserve of material resources of the state material reserve.

4. With the purpose of raising the prestige of military service, it shall take actions to improve material and social support of military men, their families and veterans of military service;

Shall carry out annually the indexation of money allowances of military men and of wages of the employees of the Armed Forces of Ukraine and other structures of the Military organisation of the state;

Shall develop and submit for consideration by the Verkhovna Rada of Ukraine the draft laws on the introduction of amendments to the laws of Ukraine "On social and legal protection of military men and members of their families", "On pensions of military men, superiors and privates of law-enforcement organs". It shall ensure elimination of discrimination in provision of pensions for the military men dismissed from the Armed Forces of the Union of Soviet Socialist Republics (USSR), in comparison with pensioners of the Armed Forces of Ukraine. It shall develop the legislative and normative-legal acts which would ensure equal money allowances and privileges for military men and pensioners of the Armed Forces of Ukraine and other military formations of Ukraine;

To provide military men with housing in the shortest possible time, shall accelerate the development and adoption of the Complex programme of provision of military men and members of their families with housing for the period of 1999-2005 according to the instruction of the President of Ukraine of 20 April 1998 No 1-14/297. It shall consider granting to military men and pensioners privileges for the construction and acquisition of housing;

Shall submit for the consideration of the Verkhovna Rada of Ukraine the drafts laws and adopt necessary governmental resolutions on enhancing social protection of parents and members of families of the military men who perished in peacetime and persons who became invalids during military service.

5. Shall improve the system of pre-recruitment training, military education of youth and the practice of selection of conscripts into the Armed Forces according to the provisions of the Law of Ukraine "On universal military duty and military service". Taking into account the drastic deterioration of physical fitness and the level of education of young men called up into the Armed Forces, it shall take measures to engage youth in training and to improve their health care;

Shall considerably improve the patronage work. It shall develop the regulations on patronage links between the units of the Armed Forces of Ukraine, the Border troops of Ukraine, other military formations and regions of Ukraine, labour collectives and public organizations.

6. Shall accelerate the transfer to the local organs of executive power the housing resources which are located outside the closed territories and which do not satisfy the needs of the Armed Forces of Ukraine, as well as the military cantonments vacated during the process of reform of the Armed Forces of Ukraine. It shall in due course solve the financial and other issues that arise during the transfer.

7. Shall deal with the problem of utilization and safe storage of explosive materials - shells, bombs, mines, rockets, cartridges, which are removed from the Armed Forces of Ukraine, and of their export. It shall pay more attention to environmental problems in the military sphere of Ukraine.

**The Verkhovna Rada of Ukraine:**

1. Shall accelerate the process of bringing the normative-legal base on national security and defence in conformity with the provisions of the Constitution of Ukraine and current realities, first of all adoption of the acts necessary for the creation of the normative-legal base for the development and provision for vital needs of the Armed Forces of Ukraine, in particular the laws of Ukraine “On Defence of Ukraine” (new redaction), “On the Armed Forces of Ukraine” (new redaction), “On National Security of Ukraine”, “On the Legal Regime of Martial Law”, “On the Legal Regime of Property of the Armed Forces of Ukraine”, “On the Economical Activity of the Armed Forces of Ukraine”, “On the Features of Corporatisation and Privatisation of Enterprises of the Ministry of Defence of Ukraine”, “On the Procedure of Admittance and Conditions of Stay of the Armed Forces of other states in the territory of Ukraine”, “On the Procedure of Sending of the Armed Forces of Ukraine in other States”, “On the Basic Directions of Cooperation with other States in the Military Sphere”, “On the Export Potential of Defence Goods and Services”, “On the State Scientific and Technical Programmes”, “On Military-technical Cooperation and the State Programme on Development of Arms and Military Equipment” and “the Concept of International Cooperation of Ukraine in the Military Sphere”.

**Participants of the parliamentary hearing:**

1. Believe that development of the political-military situation in Europe and in the world, the state of the economy of Ukraine, its Armed Forces and other military formations created according to the laws of Ukraine, require improvement of the entire Military organisation of the state and integration of related, duplicating systems of provision. Recommend to the National Security and Defence Council of Ukraine to examine these questions and to make proposals to the President of Ukraine and submit, in cases envisaged by the Constitution of Ukraine, the relevant draft laws for consideration of the Verkhovna Rada of Ukraine;
2. Support the increase of a coordinating role of the Ministry of Defence of Ukraine and the General Staff of the Armed Forces of Ukraine in the system of the Military organisation of the state; support the creation of an independent state organ to coordinate the activity of all parts of the military-industrial complex and the institutions of executive power that deal with defence issues, and consider it necessary to enhance the work of relevant departments of the Ministries and other organs of executive power;
3. Emphasize the importance of effective civilian, first of all parliamentary, control over the activity of the Armed Forces of Ukraine, other power structures, and of adoption of the law which would regulate the realization of this important function;
4. Emphasize the necessity to observe the provisions of the Constitution of Ukraine about inadmissibility of the use of the Armed Forces of Ukraine by anyone for the restriction of the rights and freedoms of citizens or to overthrow

- the constitutional order, subvert the bodies of power or obstruct their activity. It applies also to the attempts to use the power structures in election campaigns;
5. Draw attention to the necessity to promote international cooperation in the defence sphere to strengthen the international position and authority of Ukraine, increase the fighting efficiency and combat readiness of its Armed Forces taking into account the non-aligned status of Ukraine;
  6. Call upon the mass media to objectively cover the life and problems of the Armed Forces of Ukraine.
  7. Participants of the parliamentary hearing especially emphasize that providing for the defence of Ukraine, strengthening the Armed Forces of Ukraine, improvement of the entire Military organisation of the state are among the most important tasks of the state, the prime duty of all state organs, public organisations and of each citizen of Ukraine.

## **Resolution of the Verkhovna Rada on Access to Information from the Cabinet of Ministers on the Course of Reform of the Armed Forces**

277-IV of 28.11.2002; (Bulletin of the Verkhovna Rada of Ukraine (BVR), 2003, No 1, p. 4)

Having heard and discussed the information from the Cabinet of Ministers of Ukraine on the course of reform the Armed Forces of Ukraine, the Verkhovna Rada of Ukraine notes the following: the measures carried out to reform and develop the Armed Forces of Ukraine do not fully ensure the fulfilment of the main task – creation of mobile, optimal in number, armed with modern arms and professionally trained, materially supported, but not overburdening the state budget Armed Forces of Ukraine, capable of performing the constitutional duty - to ensure the protection of the sovereignty and territorial integrity of Ukraine, its inviolability, and repulsion of a possible aggressor. The recommendations of the parliamentary hearing approved by the Verkhovna Rada of Ukraine in June 1999 on reform of the Armed Forces of Ukraine have not been carried out by the Cabinet of Ministers of Ukraine.

The organizational structure of the Armed Forces of Ukraine is being improved at a slow pace. During the last few years, only half of the minimal defence needs have been satisfied. Besides this, the funds allocated are not received in full. Thus the degradation of the military-technical potential of the Armed Forces of Ukraine looms. The army practically does not receive new models of military equipment and arms. A large part of military equipment and arms have become technically obsolete. This will result, in the nearest 3-5 years, in the loss of the fighting efficiency of the Armed Forces of Ukraine. It is particularly inadmissible because domestic scientists, designers, enterprises of the defence-industrial complex are capable of creating and producing modern aircrafts, armoured, rocket-artillery, navigation and other armaments, high-precision weapons, means of anti-aircraft defence, management and communication.

Many social problems, first of all a low level of money allowances, housing problems, unsatisfactory conditions of life of a considerable number of citizens who serve in the Armed Forces of Ukraine and members of their families, adoption by the Verkhovna Rada of Ukraine and by the Cabinet of Ministers of Ukraine of laws and normative-legal acts which, in violation of the Constitution of Ukraine, limit or cancel social guarantees established by the laws, and attempts to replace the guarantees by so-called one-off help negatively affect the prestige of military service and lead to a high officer staff turnover.

The educational level and physical fitness of the new conscripts decrease. The incidence of sickness among military men in active service and officer personnel grows. The level of wages of military men who serve on a contract basis is still very low. This discredits the system of staffing the Armed Forces of Ukraine on a contract basis.

A serious threat is posed by the great number of ammunitions in the country, which are not processed and utilized at a sufficient speed.

More vigorous efforts are necessary to dispose surplus reserves of military equipment and arms that shall become an important source of income for implementation of the programmes on reform and development of the Armed Forces of Ukraine.

Considering that the state of the Armed Forces of Ukraine demanded drastic measures to enhance defence capacity of the state, the Verkhovna Rada of Ukraine decrees:

1. To recognize the work of the Cabinet of Ministers of Ukraine on the implementation of the programmes on reform of the Armed Forces of Ukraine unsatisfactory. The Cabinet of Ministers of Ukraine shall ensure the fulfilment of the provisions of the Constitution of Ukraine concerning enhancement of defence capacity and national security of Ukraine, social protection of the citizens of Ukraine on service in the Armed Forces of Ukraine, other military formations and members of their families.
2. To improve the situation in the military sphere, it is necessary to reconsider the programmes on reform and development of the Armed Forces of Ukraine and the entire Military organisation of the state taking into account the key changes that occurred in the geopolitical situation, new challenges and threats, the current state of the Armed Forces of Ukraine, necessity to ensure protection of the national interests of Ukraine, its security and defence capacity. It is also necessary to streamline the structure, numeric strength of the Armed Forces of Ukraine and other military formations, define the terms of their reduction and transition to a staffing system on a contract basis.
3. The Cabinet of Ministers of Ukraine:  
During the implementation of the State Budget of Ukraine for the current year and for 2003 and during the elaboration of the draft State Budget of Ukraine for the next years, shall ensure full observance of the provisions of the legislation on financing of the defence needs, programmes on reform and development of the Armed Forces of Ukraine. It shall use more effectively the disposal of military equipment and arms produced by the enterprises of the defence and industrial complex of Ukraine and surplus military property to raise funds. It shall accelerate the adoption of the State programme on development of arms and military equipment and the development of the Mobilization plan of Ukraine;  
    Shall take all measures to restore in full the non-reducible reserve of the material resources necessary for the satisfaction of the defence needs of the country, appropriate combat readiness and mobilization preparedness of troops (forces);  
    Shall urgently examine the issue of the use of military stations, bases, arsenals, warehouses and resources, which are released during the process of reform of the Armed Forces of Ukraine. It shall take all measures to stop mismanagement, plundering of property and to ensure normal operation of former military stations.
4. The Cabinet of Ministers of Ukraine within two months shall examine the problems of military units disbanded as a result of the process of reform of the Armed Forces of Ukraine and approve the programme of provision of former military men with employment and housing.  
    Shall inform the Verkhovna Rada of Ukraine on the results of measures taken in January and July of 2003.
5. To consider the implementation of the provision stipulated in Article 17 of the Constitution of Ukraine that the state shall ensure social protection of the citizens of Ukraine who serve in the Armed Forces of Ukraine and other military formations, as well as members of their families, employment, social

and professional adaptation of military men who are discharged from military service during the process of reform of the Armed Forces of Ukraine to be the main task of the Cabinet of Ministers of Ukraine.

The Verkhovna Rada of Ukraine considers any attempts to limit or cancel, in violation of the Constitution of Ukraine, the social guarantees established by the legislation for military men, war and labour veterans, soldiers-internationalists and other categories of citizens to be inadmissible.

6. In connection with the transition of the Armed Forces of Ukraine to a staffing system on a contract basis, the Cabinet of Ministers of Ukraine shall provide training of young men for performance of the constitutional duty concerning defence of Ukraine according to the Concept of pre-recruitment training and military education of youth approved by the Decree of the President of Ukraine of 25 October 2002.
7. The Cabinet of Ministers of Ukraine, the Committee of the Verkhovna Rada of Ukraine on national security and defence together with other committees of the Verkhovna Rada of Ukraine shall submit for consideration by the Verkhovna Rada of Ukraine proposals on the issues which require legislative regulation according to the Constitution of Ukraine.

To consider the acceleration of adoption of the Law of Ukraine “On Democratic Civil Control over the Military Organisation and Law-Enforcement Organs of the State”.

8. The Committee of the Verkhovna Rada of Ukraine on national security and defence is responsible for the control over the implementation of this Resolution.

## **Resolution of Verkhovna Rada on the Exercise of Constitutional Powers by the Cabinet of Ministers in the Sphere of Defence**

1824-IV of 22.06.2004; (Bulletin of the Verkhovna Rada of Ukraine (BVR), 2004, No 45, p. 507)

Having heard and discussed the information from the Cabinet of Ministers of Ukraine, the Verkhovna Rada of Ukraine notes that the Government of Ukraine, exercising the powers determined by the Constitution of Ukraine, the laws of Ukraine and the Decrees of the President of Ukraine on provision of defence capacity of Ukraine, directs the activity of the Ministries and other organs of executive power on creation of modern Armed Forces of Ukraine, capable under any conditions of carrying out tasks assigned to them by the Constitution of Ukraine, on improvement of their management, on transformation of other parts of the Military organisation of the state (Civil defence troops, Border, Railway and Internal troops) into non-military structures, on introduction of democratic civil control over the Military organisation and law-enforcement organs of the state, and on gradual integration into the international security institutions.

The current state of the Military organisation of the state, first of all its Armed Forces, requires the acceleration of reform and elimination of the negative trends which have developed over the last years in the security sphere. Today the Armed Forces of Ukraine are equipped with military equipment and arms, which date back to the 1970-80s and have become outdated. For 13 years they have not been updated. Modernization and creation of new models and systems of weapons, especially high-precision and intellectual, were practically not carried out. At the same time, the arsenals, bases and warehouses are overloaded by 120-150 percent by the out-of-date models of arms, military equipment, rockets and ammunition, the maintenance of which demands significant means. Until now the State programme on development of arms and military equipment up to 2015 has not been approved, there is no international cooperation on the import of arms, military equipment, components, raw material and materials.

One of the most important social problems, which emerged already in the first years of existence of the Armed Forces of Ukraine, is the provision of military men with housing. More than 46 thousand families of officers and ensigns, more than 23 thousand families of pensioners from among former military men are waiting to get housing. Delays in legislative regulation of the reform of the Armed Forces of Ukraine, in particular concerning the reduction of their structure and number in conformity with the current situation, and in establishment of a system of social protection of the military men retiring from service, numerous cases of formalistic-bureaucratic approach in the personnel policy during the process of reform, have deteriorated the moral-psychological condition of the army and among veterans.

The development of the Armed Forces of Ukraine, their equipment with military equipment, increase of efficiency of military training, provision for safe storage and disposal of big quantities of ammunition, enhancing of social protection of military men, increase of the prestige of military service are negatively affected by uncoordinated actions of the organs of state power in their approach to reform the Military organisation of the state, their failure to fulfil the provisions of the Law of

Ukraine “On Defence of Ukraine”, as well as of the decisions of the National Security and Defence Council of Ukraine on financing of the defence needs approved by the decrees of the President of Ukraine. During all years of existence of the Armed Forces of Ukraine, their financing from the budget have not exceeded 60 percent of their minimal need. At that, 90 percent of means were used for maintenance of the Armed Forces of Ukraine. This led to a series of emergency situations with tragic consequences.

The army is one of the main state institutes. The mechanism of its social protection has turned out to be the least protected from the difficulties of the transformation period, creating a threat to the national security of Ukraine.

Legitimate discontent in society has been caused by the discrepancies in pensions of military men depending on the time of retirement.

The Verkhovna Rada of Ukraine is deeply concerned about the fact that although attention was drawn to these and other problems and shortcomings in the activity of the Cabinet of Ministers of Ukraine in the sphere of defence in the resolutions adopted as a result of the parliamentary hearing on “Reform of the Armed Forces of Ukraine. Political, legal, social and economic aspects ” (14 July 1999, No 931-XIV), during the Days of Government “On the information from the Cabinet of Ministers of Ukraine on the course of reform of the Armed Forces of Ukraine” and “On the information from the Cabinet of Ministers of Ukraine on the course of fulfilment of provisions of the current legislation and measures adopted by the Cabinet of Ministers of Ukraine to strengthen social protection of military men, pensioners of the Armed Forces and veterans of military service, members of their families and improve their pension, medical, housing, transport support” (28 November 2002, No 277-IV and No 278-IV), the Government of Ukraine has not drawn appropriate conclusions and taken the necessary measures to realize the provisions and recommendations of the Parliament.

The Verkhovna Rada of Ukraine decrees:

1. To recognize the work of the Cabinet of Ministers of Ukraine on fulfilment of its constitutional powers in the defence sphere insufficient. The Government of Ukraine shall take a systematic, complex approach to the radical reform of the Armed Forces of Ukraine and other components of the Military organisation of the state, carrying out this work in the legal framework.
2. To complete the development of, taking into account the current geopolitical situation, and approve the National Security Strategy of Ukraine and its components – the Military Security Strategy of Ukraine, the Programme on reform of the Military organisation of the state, the Concept of military-technical cooperation with foreign states and the State programme on development of arms and military equipment for the period up to 2015.
3. To propose to the Cabinet of Ministers of Ukraine:  
To determine, with the purpose of provision of reliable defence of the state on the basis of the provisions of the Military Doctrine and taking into account the world experience, the priority directions of financing and ways of optimization of budgetary expenditures on the maintenance and development of the components of the Military organisation of the state;

To provide, during the formation of the State Budget of Ukraine for 2005 and the following years, the expenditures on the defence needs according to the provisions of the Law of Ukraine “On Defence of Ukraine ” not below the estimated volumes determined for the period up to 2015; to provide for a

gradual increase of the amount of these expenditures from the State Budget, taking into account additional needs connected to reform and development of the Armed Forces of Ukraine;

Taking into account an extremely dangerous situation with the storage and utilization of rockets, ammunition and explosives, to allocate enough funds for maintenance of endurance and fire safety of arsenals, bases, warehouses, arms, ammunition, explosives, and for disposal of rockets, ammunition, poisonous substances unfit for further use and storage, making these expenditures protected expenditures from the State Budget of Ukraine;

To improve radically the management of the defence and industrial complex under conditions of its re-structuring and growing needs of the Armed Forces of Ukraine in modern military equipment and arms;

To complete the development of the mobilization plan of Ukraine for the special period with the definition of necessary volumes and ways of financing of mobilization preparedness of the state for planning and carrying out of mobilization under different conditions;

To take measures on the formation, placement, financing and fulfilment of the state defence procurement order for delivery (acquisition) of goods and services to cover the needs of the Armed Forces of Ukraine and other military formations;

To ensure operational condition of arms and military equipment of the Armed Forces of Ukraine;

To provide for observance of the provisions of the Law of Ukraine "On the State Guarantees of Social Protection of the Military Men Dismissed from the Armed Forces of Ukraine in Connection with their Reform and Members of their Families", paying special attention to provision of discharged military men with housing and their adaptation to civilian life. To resolve the housing problem, to introduce long-term credits on preferential conditions for building (acquisition) a home, and to create a fund of service housing for military men and conditions to attract investments for these purposes;

Taking into account the reduction of the numeric strength and revision of the infrastructure of the Armed Forces of Ukraine during their reform, to provide constant monitoring and control over liquidation of surplus military structures, over seizure and disposal of the out-of-date and surplus arms, military equipment and other military property. To regulate the problem of vacated military stations;

To provide for effective implementation of the provisions of the Law of Ukraine "On democratic civil control over the Military organisation and law-enforcement organs of the state";

To promulgate the Strategic Defence Bulletin developed as a result of the Defence review and to ensure its implementation.

4. The Cabinet of Ministers of Ukraine shall take immediate measures to define the procedure for elimination of discrepancies in pension allowances for military men depending on the time of their retirement from military service.

The Verkhovna Rada of Ukraine considers this important - as the act of restoration of social justice and as an indispensable condition of preservation of stability and peace in society.

5. The Ministry of Defence of Ukraine and other state organs dealing with defence and national security:

During the development and realization of the programmes on reform of the Military organisation of the state, shall proceed from the necessity to increase the efficiency of the Armed Forces of Ukraine and other military formations created in accordance with the laws of Ukraine. They shall provide for an optimal ratio between the number of the personnel of combat troops and support units of the Armed Forces of Ukraine, as well as the ratio between senior and junior officers. They shall eliminate a bureaucratic approach to the personnel policy during the process of reform of the Armed Forces of Ukraine;

Shall use, in accordance to the procedure established by the law, the financial resources released as a result of optimization of the structure and numeric strength of the Armed Forces of Ukraine and other military formations, of liquidation of excessive structures, of realization of surplus arms, military equipment and other property for military training of troops (forces), carrying out of research, acquisition of highly technological arms and military equipment of new generation;

Considering a special role of the Allied Rapid Response Forces of the Armed Forces of Ukraine as a prototype of the future Armed Forces of Ukraine, shall pay more attention to their training and constant build-up of fighting efficiency of their components;

Taking into account the world experience, as well as the difficulties that emerged during the process of reform the Armed Forces of Ukraine, shall prepare the proposals on updating the programme of transition towards staffing on a contract basis and other programmes in the sphere of defence and national security;

Shall take measures to increase the role of military science in research on important problems in the sphere of defence and national security and in development of practical recommendations. They shall reconsider, proceeding from the real and perspective needs, the system of training of military personnel in military educational establishments and on military faculties of civilian higher educational establishments;

Shall pay more attention to safety control, life and health protection of the military men of the Armed Forces of Ukraine who participate in international peace-keeping operations and ensure their social guarantees and adaptation;

While realizing programmes on international cooperation in the military sphere, the integration of Ukraine into international and regional security systems, in particular into the European and Euro-Atlantic structures, shall proceed first of all from the national interests of Ukraine, the necessity to strengthen its security and international position.

6. The Verkhovna Rada of Ukraine considers it necessary to enhance the role of the National Security and Defence Council of Ukraine in carrying out the tasks defined by the Constitution of Ukraine and the Law of Ukraine “On the National Security and Defence Council of Ukraine” on coordination and control over the activity of the organs of executive power in the sphere of defence and national security. First of all, this concerns the radical reform and creation of the optimal, modern Military organisation of the state, liquidation of duplicating structures, improvement of cooperation of all its parts in crisis situations both in the country and abroad, increase of efficiency of the fight against new external and internal threats, reaction to non-conventional challenges and threats which

can destabilize the internal situation and have a negative effect on the authority of Ukraine in the world and its international links, and strengthening of the efficiency of the state regulation of the military-technical cooperation of Ukraine with foreign states with the purpose of ensuring state support for the promotion of the military and dual-use production on foreign markets.

7. The Committee of the Verkhovna Rada of Ukraine on national security and defence together with other committees of the Verkhovna Rada of Ukraine shall provide duly development and preliminary consideration of draft laws on defence and national security issues, which are submitted for the consideration of the Verkhovna Rada of Ukraine.

**Presidential Decree on the Decision of the National  
Security Council ‘On the Storage Conditions of  
Ammunition and Explosives in Arsenals, Bases and  
Warehouses of the Armed Forces of Ukraine’  
(26<sup>th</sup> May 2004)**

609/2004 of 03.06.2004

In conformity with Article 107 of the Constitution of Ukraine, I decree:

To enact the decision of the National Security and Defence Council of Ukraine of 26 May 2004 “On the condition of storage of ammunition and explosives in arsenals, bases and warehouses of the Armed Forces of Ukraine”.

In connection with the decision of the National Security and Defence Council of Ukraine:

1. To recognize as unsatisfactory the provision of endurance and fire safety of arsenals, bases and warehouses of arms, rockets and ammunition of the Armed Forces of Ukraine and fulfilment of measures on the disposal of ammunition unfit for further use and storage.
2. The Cabinet of Ministers of Ukraine:
  - a. Shall take within two months measures on restoration of the material base of maternity and general schools, establishments of public health services, other establishments of social purpose, creation of new objects of this kind, ensure operation of telecommunication networks and transport in Melitipol’ and Mihaylivsky districts of Zaporizzhia oblast (region), where an emergency on the 275th artillery missile and ammunition base of the Armed Forces of Ukraine took place (hereinafter - emergency);
  - b. Shall provide summer recreation and medical care during the months of June - August 2004 for the children residing in Melitipol’ and Mihaylivsky districts of Zaporizzhia oblast (region) who suffered as a result of the emergency;
  - c. Shall elaborate within one month a mechanism of compensation for the damages caused to the population hit by the emergency;
  - d. Shall finish by 1 September 2004 the control of the conditions of storage of rockets, ammunition and explosives in the Armed Forces of Ukraine, other military formations and law enforcement organs and eliminate the identified defects;
  - e. Shall ensure the organization, in accordance with the established procedure, within one month the guard of arsenals, bases and warehouses of rockets, ammunition and explosives of the Armed Forces of Ukraine by the domestic troops of the Ministry of Internal Affairs of Ukraine, carrying out the relevant personnel, material and financial activities;
  - f. Within one month shall take measures to introduce the identification and declaration of safety and an obligatory insurance of civilian liability for damages which can be caused by fire and other emergencies in places of storage of rockets, ammunition and explosives;

- g. Shall determine within one month the procedure of disposal of rockets, ammunition and explosives;
  - h. Shall submit within one month the proposals on the creation of a unified state system of planning and control over realization of measures on maintenance of endurance and fire safety of the storage places of rockets, ammunition and explosives, as well as over disposal of arms, military equipment and ammunition;
  - i. Shall develop within three months organizational, economic and legal mechanisms ensuring the acceleration of disposal of surplus and unusable arms, military equipment, rockets, ammunition and explosives;
  - j. Shall review by 1 October 2004, taking into account the reform and reduction of the Armed Forces of Ukraine, measures on provision of endurance and fire safety of arsenals, bases and warehouses of arms, rockets and ammunition of the Armed Forces of Ukraine, providing for the equipment of such places with anti-terrorist devices, as well as for the development and manufacture of modern military equipment for identification, localization and liquidation of fire centres;
  - k. Shall complete by 1 January 2005 the creation of the monitoring system over the technical condition of rockets and ammunition;
  - l. Shall provide for, during the development of the draft State Budget of Ukraine for 2005 and the following years, the necessary expenditures on the maintenance of endurance and fire safety of arsenals, bases and warehouses of rockets, ammunition and explosives of the Armed Forces of Ukraine and for disposal of rockets and ammunition unfit for further use and storage, by putting these expenditures under protected expenditures from the budget;
  - m. Shall take, in accordance with the established procedure, measures to get the engineering and technical documentation from the Russian Federation on complex ammunition with is subject to disposal;
  - n. Shall develop and present within three months a draft of the national programme on elimination of threats to; ensure resolution of the problems in this sphere by providing for the measures on disposal of unusable and surplus arms, military equipment, rockets, ammunition and explosives, and on the development and introduction of technologies necessary for this and creation for these purposes of an industrial-financial group.
3. The Ministry of Defence of Ukraine:
- a. Shall forbid the disposal of rockets and ammunition in the places of their storage and shall exercise control over the condition of safety of arsenals, bases and warehouses, as well as strengthen the personal responsibility of the officials in this sphere;
  - b. Shall conclude within one month direct contracts with state enterprises on disposal of rockets and ammunition;
  - c. Shall optimize by 1 July 2004, taking into account the safety needs, the organizational structure and shall improve the provision with human resources of the relevant structural departments of the military management organs, arsenals, bases, warehouses of arms, military equipment, rockets and ammunition, having reviewed in case of need their personnel size;
  - d. Shall submit to the Cabinet of Ministers of Ukraine, in accordance with the established procedure, by 1 September 2004 the information on the

- nomenclature and quantities of surplus and unusable rockets and ammunition over years to settle the question of their disposal and utilization;
- e. Shall review by 1 June 2005 the normative-legal acts regulating the procedure of the organisation of activity and equipment of arsenals, bases and warehouses of rockets and ammunition; examine rockets and ammunition to improve the system of the maintenance of their endurance and fire safety.
4. The Ministry of Internal Affairs of Ukraine, the Ministry of Defence of Ukraine, the Ministry of Ukraine on emergency situations and protection of the population from the consequences of the Chernobyl accident, the Administration of the State Border Service of Ukraine, the Security Service of Ukraine, the State Tax Administration of Ukraine and the State Customs Service of Ukraine shall complete by 1 January 2005 the creation of the system of electronic registration of fire-arms.
  5. The Security Service of Ukraine and the Ministry of Internal Affairs of Ukraine shall take additional measures to identify and prevent abuses and infringements on arsenals, bases and warehouses of arms, military equipment, rockets and ammunition.
  6. The Council of Ministers of the Autonomous Republic of Crimea, regional, Kyiv and Sevastopol city state administrations together with the Ministry of Defence of Ukraine, the Ministry of Ukraine on emergency situations and protection of the population from the consequences of the Chernobyl accident, the Ministry of environmental protection of Ukraine with the assistance of the relevant local self-government organs shall develop within two months the plans of measures on prevention and liquidation of threats to the population, environment, industries, power and transport systems from emergencies at storage places of rockets and ammunition, as well as measures on response to such emergencies.
  7. To assign the control over the fulfilment of this Decree to the Secretary of National Security and Defence Council of Ukraine.

# Presidential Decree on the Defence Review

565/2003 of 04.07.2003

In order to implement the foreign policy course towards Euro-Atlantic integration, to improve the national system of defence planning and to redefine the tasks, structure and numeric strength of the Armed Forces of Ukraine and other military formations, I decree:

1. To conduct the defence review during the period of July 2003 - June 2004.
2. The Cabinet of Ministers of Ukraine shall provide for the organisation and carrying out of the defence review by involving experts from the Ministries and other organs of executive power who work on defence issues, within the limits of funds envisaged in the State Budget of Ukraine for the relevant year.
3. To assign the control over the implementation of this Decree to the Secretary of National Security and Defence Council of Ukraine.

**Presidential Decree on the Decision of the National  
Security and Defence Council ‘On the Strategic Defence  
Bulletin of Ukraine for the Period up to 2015’  
(17<sup>th</sup> June 2004)**

670/2004 of 22.06.2004

In conformity with Article 107 of the Constitution of Ukraine I decree:

To enact the decision of the National Security and Defence Council of Ukraine of 17 June 2004 “On the Strategic Defence Bulletin of Ukraine for the Period up to 2015”.

In connection with the decision of National Security and Defence Council of Ukraine:

1. To approve the Strategic Defence Bulletin of Ukraine for the period up to the year 2015.
2. The Cabinet of Ministers of Ukraine:  
Shall notify the organs of state power, local self-government organs, public organisations and citizens through the mass media about the materials of the Strategic Defence Bulletin of Ukraine for the period up to 2015;  
Shall develop and submit by 30 November 2004 a draft of the State complex programme on reform and development of the Armed Forces of Ukraine for 2005-2009, which would include the measures on improvement of the management system of the Armed Forces of Ukraine (taking into account their new structure), creation and training of their functional components, development of arms and military equipment, social protection of military men and members of their families.
3. The Ministry of Defence of Ukraine shall publish within two months the Strategic Defence Bulletin of Ukraine for the period up to 2015 in the Ukrainian and English languages.
4. Within one month of its publication, the Ministry of Foreign Affairs of Ukraine shall distribute the Strategic Defence Bulletin of Ukraine for the period up to 2015 among foreign policy agencies of foreign states and secretariats of international organizations.
5. To assign the control over the implementation of this Decree to the Secretary of the National Security and Defence Council of Ukraine.

## **Part IV**

# **The Legislative Framework for Defence Industry Activities**



## Commentary to Part IV

The creation of modernised Armed Forces, capable of providing secure defence, depends to a great extent on their equipment with the newest possible combat materiel and arms. A subject of special importance for the state is the formation of a domestic defence industry which can unite the enterprises available in Ukraine, such as scientific research establishments and design organizations, to ensure they are capable of creating munitions weapons' platforms, support leading branches of the defence industry, and create effectively operating systems in response to state procurement orders.

The following laws adopted by the Verkhovna Rada of Ukraine are directed at the accomplishment of these tasks:

*'The Law On State Defence Procurement';*

*'On Space Activity';*

*'On the Nation-wide (National) Space Programme of Ukraine for the Period 2003-2007';*

*'On State Support of Enterprises, Scientific Research Establishments and Organisations Developing and Producing Ammunition, Its Elements and Special Chemical Products';*

*'On Recognising the Armoured Vehicle Manufacturing Branch of the Armaments Industry as a Key Industrial Priority And Measures to Provide State Support';*

*'On the Nation-Wide Programme of Manufacturing AH-70 Military Transport Aircraft and Its Purchase Via State Defence Procurement Order'.*

The basic directions of the development and operation of defence industry are specified in the State programme of the development of arms and military equipment for the period up to 2015, approved by the Decree of the President of Ukraine; and also that developed under the framework of approved by the Cabinet of Ministers of Ukraine on the State development programmes of arms and military equipment of the Armed Forces of Ukraine for the period up to 2009 and special programme of preparation of the manufacture and creation of special technologies and materials for manufacturing new and modernization of the existing arms and military equipment for the period up to 2009.

# Law on State Defence Procurement

№ 464-XIV, 03.03.1999; (Bulletin of the Verkhovna Rada of Ukraine (BVR), 1999, No 17, p. 111); with changes introduced by the Laws No 670-IV of 03.04.2003, BVR, 2003, No 26, p. 200; N 762-IV of 15.05.2003, BVR, 2003, No 30, p. 247; N 2248-IV of 16.12.2004, BVR, 2005, No 5, p. 115.

This Law determines general legal and economic principles of formation, placement, financing and fulfilment of state defence procurement orders and regulates relationships in this field.

## Article 1. General provisions

1. A state defence procurement order (hereinafter - defence procurement order) is a means of intellectual and logistical provision for the needs of defence and national security of Ukraine. The Law determines the procedure of interaction between the Ministries, other central and local organs of executive power, state institutions, organisations and subjects of entrepreneurial activity of all forms of ownership during the process of development, placement and fulfilment of defence procurement orders. The Law also determines the actions concerning fulfilment of the international agreements signed by Ukraine on military-technical cooperation.
2. State procurement bodies (hereinafter – procurement bodies) are the Ministries, other central organs of executive power and the military formations created according to the legislation of Ukraine authorized by the Cabinet of Ministers of Ukraine to conclude state contracts concerning delivery (acquisition) of goods and services.

The Ministries, other central organs of executive power and the military formations created according to the legislation of Ukraine can be the only procurement bodies ordering scientific research, purchase of arms and military equipment, research and design works for development of arms and military equipment, and development of the newest military technologies.

3. Defence procurement contractors (hereinafter - contractors) are subjects of entrepreneurial activity of Ukraine of all forms of ownership hired by the procurement bodies for the production and delivery of goods and services.

State enterprises, institutions and organisations can be the only contractors carrying out development, production, modernization, realization and recycling of arms and munitions.

Contractors carrying out international deliveries of military goods, technologies and services can be the subjects of entrepreneurial activity of Ukraine authorized to carry out foreign-economic activity according to the legislation of Ukraine.

Suppliers of other military property can be enterprises, institutions and organisations of all forms of ownership in cases envisaged by the legislation of Ukraine who have permissions (licenses) to carry out the activities concerned.

4. Defence procurement subcontractors (hereinafter – subcontractors) are subjects of entrepreneurial activity of Ukraine of all forms of ownership that take part in the process of fulfilment of defence procurement orders on the basis of agreements (contracts) concluded with procurement bodies.

5. A state defence procurement contract (hereinafter - state contract) is a contract concluded between a procurement body and a contractor according to the procurement plan (on supply (acquisition) of goods and services, terms of order, etc.) approved by the Cabinet of Ministers of Ukraine, which stipulates the obligations of the parties and their liabilities under contract.
6. To following can belong to the defence procurement order:
  - research and design works on development, modernization, recycling and destruction of arms, military and special-purpose equipment, development of standards and technologies for military and special purposes, research for defence and national security needs;
  - design works for development of the industrial and technological base of enterprises and organisations which carry out the defence procurement order;
  - delivery (acquisition) of military arms, munitions, military and special-purpose equipment, units, spare parts, wares and medical goods, foodstuffs, combustive-lubricating materials (hereinafter - arms, military and special-purpose equipment, other military goods);
  - repair and modernization of arms, military and special-purpose equipment, other military goods;
  - works and services in connection with provision for the vital needs of the Armed Forces of Ukraine, other military formations and law-enforcement bodies, functioning and use of arms, military and special-purpose equipment, other military goods;
  - creation, replenishment and maintenance of the mobilization reserve;
  - actions in connection with mobilization preparation;
  - export-import deliveries (acquisition) of arms, military and special-purpose equipment, other military goods according to the international agreements signed by Ukraine on military-technical cooperation;
  - creation and maintenance of a stock of backup documentation on arms, military and special-purpose equipment, other military goods, and of installations for defence and special purposes;
  - construction of installations for defence and special purposes, houses for military men, private soldiers and officials of law-enforcement bodies;
  - creation of new and development of existing capacities in production of arms, military and special-purpose equipment, other military goods.

#### **Article 2. Formation of the procurement plan**

1. A procurement plan is a package of documents approved annually by the Cabinet of Ministers of Ukraine that includes a list of procurement bodies and contractors, enumeration and volumes of goods to be delivered (acquired), volumes of works, services, and their cost. The procurement plan is the basis for conclusion of relevant state contracts.
2. The Cabinet of Ministers of Ukraine determines the central organ of executive power responsible for development of a draft procurement plan, for coordination of activities of procurement bodies and contractors during the

- process of drafting of the procurement plan and for fulfilment of the state contracts (hereinafter – the authorized central organ of executive power).
3. A draft procurement plan is formed by the authorized central organ of executive power proceeding from the expenditures envisaged in the State Budget of Ukraine for the defence and national security needs of the state for the next fiscal year.
  4. Procurement bodies prepare proposals concerning the procurement plan on the basis of the submitted to them assessed expenditures, determined taking into account the military doctrine, nation-wide programmes on enhancement of defence and national security, mobilization plans, long-term and annual programmes of mobilization preparation.
  5. Procurement bodies submit proposals concerning development of new kinds of arms and military equipment, as well as concerning modernization of arms and military equipment or their components to the Ministry of Defence of Ukraine to avoid duplication of these works.
  6. After approval of the State Budget of Ukraine by the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, taking into account the relevant expenditures from State Budget of Ukraine, approves the procurement plan.
  7. The procedure for definition of the main parameters of a defence procurement order, placement of orders, making changes to the volumes of delivered (acquired) goods and services, modifications of the concluded state contracts, and the procedure for exercising control over fulfilment of the defence procurement order are determined by the Cabinet of Ministers of Ukraine according to this Law.

### **Article 3. Selection of contractors**

1. Selection of contractors for fulfilment of defence procurement orders is carried out by procurement bodies through the organisation of competitions (tenders) according to the procedure determined by the Cabinet of Ministers of Ukraine.
2. In case it is impossible to find a contractor on a competitive basis, the defence procurement order is obligatory for fulfilment if it does not inflict losses and is placed by the body authorized by the Cabinet of Ministers of Ukraine with:
  - public enterprises;
  - state enterprises and organizations;
  - joint-stock companies, controlling stock in which belongs to the state;
  - leased enterprises and organisations in state ownership;

Subjects of economic activity who are the only manufacturers or are recognized according to the legislation of Ukraine as occupying a monopolistic (dominating) position in the markets of the goods subject to the state defence procurement order. In case a monopoly position in a market is occupied by several subjects of economic activity or in case no one of the subjects of economic activity operating in this market is recognized as occupying a monopolistic (dominating) position, the defence procurement order is placed with a subject of economic activity whose market share is the greatest. Under equal conditions, preference is given a subject of economic activity with the greatest share of state ownership.

3. Particularities concerning definition of contractors for creation, maintenance and replenishment of the mobilization reserve and performance of actions in connection with mobilization preparation are established in the Laws of Ukraine “On mobilization preparation and mobilization”, “On the state material reserve” and other normative-legal acts.

*(Article 3 includes changes made by the Law N 670-IV of 03.04.2003)*

#### **Article 4. Placement of the defence procurement order**

1. Procurement bodies on the basis of the approved defence procurement plan conclude state contracts with contractors.
2. A defence procurement order is placed through the organs of executive power which coordinate activities of enterprises, establishments and organizations.
3. Subcontractors manufacturing production or performing works, which are especially important for defence and national security of the state, at the request of procurement bodies and in coordination with the authorized central organ of executive power can be nominated by the Cabinet of Ministers of Ukraine the contractors of the defence procurement order.
4. Conclusion on the basis of the international agreements on military-technical cooperation of state contracts on export-import delivery (acquisition) of arms, military and special-purpose equipment, other military goods and services is carried out according to the procedure determined by the Cabinet of Ministers of Ukraine.

#### **Article 5. Financing of the defence procurement order**

1. Financing of the defence procurement order is carried out from the State Budget of Ukraine for the relevant year. Allocation of means for defence procurement order, specified in Item 6 of Article 1 of this Law, is approved by the Cabinet of Ministers of Ukraine.
2. The Cabinet of Ministers of Ukraine takes actions to duly provide the procurement bodies with financial resources for realization of advance payments and payments for deliveries (acquisition) of goods and services during the procurement process.

*(Article 3 includes changes made by the Law N 670-IV of 03.04.2003)*

#### **Article 6. Fulfilment of the defence procurement order**

1. The fulfilment of the defence procurement order is carried out on the basis of the state contract concluded between procurement bodies and the contractor and is obligatory for contractors.
2. Payments for delivery(acquisition) of goods and services under procurement contract are carried out in accordance with the prices, conditions and terms stipulated in the state contracts.

In case the cost of raw materials, materials, component parts, energy resources changes for reasons not dependent on contractors and has an impact on production (services) cost, the prices determined by the state contracts are subject to changes according to the procedure determined by the Cabinet of Ministers of Ukraine in conformity with Item 7 of Article 2 of this Law.

3. The use of the research and design results received during fulfilment of the defence procurement order and of the developed military special-purpose

technologies is carried out in agreement with procurement bodies according to the legislation of Ukraine on industrial property.

4. Procurement bodies have the right to create their representations in contracted enterprises, establishments and organisations or to involve in this work existing representations of other state procurement bodies on a contractual basis. Activity of these representations is carried out according to the regulations approved by the Cabinet of Ministers of Ukraine.
5. Decisions on the termination (reduction) of development and production of arms, military and special-purpose equipment, other military goods are taken by the Cabinet of Ministers of Ukraine with compensation paid to the contractor for the losses, including for the expected and not received profit.

In case of the termination of a serial production of certain kinds of arms, military and special-purpose equipment, other military goods, conclusion of state contracts concerning manufacturing of spare and component parts is obligatory for the manufacturers during the period determined by the relevant normative-legislative acts, if otherwise is not stipulated in the legislation of Ukraine.

#### **Article 7. Economic incentives for fulfilment of defence procurement orders**

1. The following privileges can be granted to the contractors of the defence procurement order: taxation, grants, subsidies, credits on concessionary terms, customs and other privileges. The procedure for granting the privileges is determined by the laws of Ukraine.
2. In case of need, quotas can be established for obligatory sale to the contractors by enterprises and organisations of Ukraine of certain kinds of raw materials, materials and component parts in volumes and according to the list approved by the Cabinet Ministers of Ukraine.

#### **Article 8. Observance of the legislation on the state secret**

Actions connected to development, placement and fulfilment of the defence procurement order, which are the state secret, are carried out with observance of the legislation on the state secret.

#### **Article 9. Responsibility for failure to fulfil or inadequate fulfilment of the defence procurement order**

1. In case of failure to fulfil or inadequate fulfilment of the defence procurement order, the party guilty of infringement compensates the other party for the caused damages in accordance with the procedure envisaged by the legislation of Ukraine.

In case of an unfounded refusal by the contractor to conclude a state contract, which is compulsory in accordance with item 2 of Article 3 of this Law, and there are technical possibilities for its fulfilment, the contractor is liable in accordance with the procedure established by the legislation of Ukraine.

The payment of the penalty (fine) and the compensation of damages for failure to fulfil or inadequate fulfilment of the state contract do not exempt the contractor from the fulfilment of the contract.

In case of a breach of contract by procurement bodies, full or partial refusal to acquire goods produced under the state contract, compensation for the losses, including for the expected and not received profit, to the contractor

is carried out by procurement bodies, except for cases envisaged in Item 5 of Article 6 of this Law.

2. Disputes which arise between procurement bodies and contractors during conclusion, modification or abrogation of state contracts, as well as disputes concerning compensation of the caused losses are examined by economic courts in accordance with the procedure established by the legislation of Ukraine.

In case of court proceedings connected to consideration of disputes on defence procurement order, procurement bodies and contractors are exempted from payment of the state tax.

*(Article 9 includes changes made by the Law N 762-IV of 15.05.2003)*

#### **Article 10. Final provisions**

1. This Law enters into force from the date of publication.
2. The Cabinet of Ministers within six months after this Law enters into force is obliged to:
  - bring its normative-legislative acts into conformity with this Law;
  - develop the normative-legal acts envisaged in this Law;
  - submit proposals to the Verkhovna Rada of Ukraine on the introduction of amendments to the laws of Ukraine concerning economic incentives for the contractors of the defence procurement order in accordance with Item 1 of Article 7 of this Law.

# Law on Space Activity

No 502/96-BP of 15.11.1996; (Bulletin of the Verkhovna Rada of Ukraine (BVR), 1997, No 1, p. 2), Enacted by the resolution of the Verkhovna Rada No 503/96-BP of 15.11.1996, (Bulletin of the Verkhovna Rada of Ukraine of (BVR), 1997, No 1, p. 3), To include changes made by Law No 1559-III of 16.03.2000, BVR, 2000, No 22, p. 172.

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

The terms and concepts used in this law shall have the following meaning:

- **Space activity** is scientific space research, creation and application of space technology, use of space;
- **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;
- **Subjects of space activity** are enterprises, institutions and organizations, including international and foreign ones, carrying out space activity;
- **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;
- **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;
- **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;
- **Rules of space activity** are special rules, technical norms, standards regulating space activity and its security;
- The **personnel of objects of space activity** are workers of enterprises, institutions and organizations, 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;
- 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;
- **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 Nation-wide (National) 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 1 includes changes made by Law No 1559-III of 16.03.2000)*

#### **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 to 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 commercialization 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 cooperation, preservation and development of existing international contacts in the space sector taking into account national interests.

*(Article 4 includes changes made by Law No 1559-III of 16.03.2000)*

## **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 Nation-wide (National) 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 licence (allowing) procedure on such activity, as well as other rules and restrictions according to the current legislation;
- The central executive organ specifically authorized to implement the state policy in the field of space activity is the National Space Agency of Ukraine.

### **Article 6. The Competence of the National Space Agency of Ukraine**

The National Space Agency of Ukraine within the limits of its competence:

- Develops conceptual bases of 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 Nation-wide (National) Space Programme of Ukraine and provides its fulfilment;
- Carries out management in the sphere of management and coordination 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;
- 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;
- Organizes the development and operation of the System of Certification of Space Equipment of Ukraine (УкрСЦКТ - 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;

- Coordinates 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;
- Organizes Ukraine's cooperation 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;
- 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 6 includes changes made by Law No 1559-III of 16.03.2000)*

#### **Article 7. The Nation-wide (National) Space Programme of Ukraine**

Space activity in Ukraine is carried out on the basis of the Nation-wide (National) Space Programme of Ukraine which is developed for five years and approved by the Verkhovna Rada of Ukraine upon submission of the Cabinet of Ministers of Ukraine.

Development of the Nation-wide (National) Space Programme of Ukraine is carried out by the National Space Agency of Ukraine together with the relevant Central Executives and the National Academy of Sciences of Ukraine proceeding from the purpose and main principles of space activity in Ukraine.

The following is carried out on the basis of the Nation-wide (National) 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 (further - 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 cooperation in the space sector, including the participation of Ukraine in international space projects.

#### **Article 8. Rules of space activity in Ukraine**

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;
- Organization, 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.

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.

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**

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.

Space activity under the framework of a separate project which 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 National Space Agency of Ukraine.

The list of kinds of space activities which 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 Nation-wide (National) 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 defence expenditures of the State Budget of Ukraine.

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 organizations, 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 Nation-wide (National) Space Programme of Ukraine, are guaranteed by the state according to the current legislation of Ukraine.

*(Article 11 includes changes made by Law No 1559-III of 16.03.2000)*

### **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 (УкрСЕРПО - 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 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 cooperation with legal persons of other states or international organizations, 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 13 includes changes made by Law No 1559-III of 16.03.2000)*

**Article 14. Exemption of objects of space activity from the State register**

An object of space activity is exempted from the State register of objects of space activity of Ukraine by the National Space Agency of Ukraine in case of:

- Lay off;
- Physical destruction (wreck);
- Transfer in accordance with the established procedure to another state, international or foreign enterprise, establishment or organization;
- In case of exemption of an object of space activity 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 and is registered with the State register of objects of space activity of Ukraine.

The National Space Agency of Ukraine 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 COOPERATION 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 recognized 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 cooperation 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 National Space Agency of Ukraine, 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. Transportation of space equipment**

Special guarded transport should be used for the transportation of space equipment which 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 Cabinet of Ministers of Ukraine.

**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 National Space Agency of Ukraine, 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 authorized state organ, enterprises, institutions and organizations, 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 National Space Agency of Ukraine 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 Nation-wide (National) 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 National Space Agency of Ukraine in the sphere of space activity**

Co-operation between the Ministry of Defence of Ukraine and the National Space Agency of Ukraine 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 Nation-wide (National) Space Programme of Ukraine on issues of the creation and use of military space equipment, as well as together with the National Space Agency of Ukraine on the issue of dual-use space equipment;
- Forms and organizes the fulfilment of orders for the works connected with the creation and use of military space equipment, as well as together with National Space Agency of Ukraine concerning dual-use space equipment on the basis of the Nation-wide (National) Space Programme of Ukraine;
- Carries out the use of space equipment in the sphere of defence of Ukraine;
- Provides, together with the National Space Agency of Ukraine, 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.

# Law on the Nation-wide (National) Space Programme of Ukraine for the Period 2003-2007

No. 203-IV of 24.10.2002; (Bulletin of the Verkhovna Rada of Ukraine (BVR), 2002, No. 49, p. 364)

In conformity with Article 7 of the Law of Ukraine “On Space Activity” the Verkhovna Rada of Ukraine decrees:

**Article 1.** To approve the Nation-wide (National) Space Programme of Ukraine for the period of 2003-2007 (further - the National programme) (is enclosed).

**Article 2.** The National programme will determine the volume of financing for space activity under state procurement, taking into account the possibilities provided by the State Budget of Ukraine.

**Article 3.** That each year, during the elaboration of the bill on the State Budget of Ukraine, the Cabinet of Ministers of Ukraine will allocate the expenditures for the implementation of measures for the National programme.

**Article 4.** This Law enters into force on 1 January 2003.

APPROVED  
By the law of Ukraine  
of 24 October 2002 No. 203-IV

## **Nation-wide (National) Space Programme of Ukraine for the Period 2003-2007**

Ukraine entered the third millennium as one of the leading space states of the world. Space activity is ascribed as a state priority of Ukraine, which is an important factor of innovative development of the economy. Research and use of space is a necessary condition for scientific and technical development, technological and industrial potential, ensuring the interests of the state for the long term in the spheres of security and defence, increasing quality of life, and participation of Ukraine in the settlement of the common problems of mankind.

Space activity in Ukraine is carried out according to the Law of Ukraine “On space activity”, international treaties and other normative-legal acts.

Fulfilment of the State space programme for the period 1993-1997 and the Nation-wide (National) Space Programme for the period 1998-2002 promoted the development of the space sector and has allowed Ukraine to participate in international space programmes.

The Nation-wide (National) Space Programme for the period 2003-2007 (further - the Programme) determines the basic goals, tasks, priorities and ways of carrying out space activity in Ukraine for the specified period, and forms a unified approach to it as one of the major spheres of state policy. The Programme is closely connected with the Interdepartmental Programme of introduction of space technologies for the creation and manufacturing of advanced technology civil production for the period 2001-2005.

The goal of the Programme is the implementation of the unified state approach to space activity, an effective use of scientific, technical and industrial potential for ensuring a high level of space activity that meets the geopolitical and economic interests of Ukraine.

The major tasks of the Programme are:

- Development of a national system of space-based observation of the Earth for the national social and economic interests, and in the interests of national security and defence;
- Introduction into the telecommunication infrastructure of the state of satellite systems and communication facilities;
- Reception of new fundamental knowledge on circumterrestrial space, the Solar system, far space, biological and physical processes under conditions of microgravitation;
- Creation and development of means of access to space for fulfilment of national and international projects, maintenance of presence of domestic booster rockets in the world market of transport space services;
- Development of perspective space equipment;
- Support of innovative development of the branch on the basis of updating its experiment-exploratory base and manufacturing capabilities.

The tasks of the Programme will be carried out by fulfilment of target space programmes: “Scientific space research”, “Remote sounding of the Earth”, “Satellite systems of telecommunication”, “Development of a ground infrastructure of navigating

and special information systems”, “Space activity in the interests of national security and defence”, “Space complexes”, “Development of base elements and progressive technologies of space equipment”, “Development of experiment-exploratory base and manufacturing capabilities of the branch”.

The basic conceptual approaches to the implementation of special programmes are:

- Orientation on the consumer;
- Development and use of bursting technologies, newest methods of planning and designing, information technologies;
- Creation of conditions for the use of space technologies in other sectors of the economy, commercialization of space activity;
- Re-equipment of technical base, creation of the unified technological environment of the branch;
- Multiplan international cooperation;
- Engagement of additional extra-budgetary sources of financing.
- The state customer of the Programme is the National Space Agency of Ukraine.

## **PART I. THE SPECIAL PROGRAMMES “SCIENTIFIC SPACE RESEARCH”\***

Priority directions and projects of the special programme “Scientific space research” are such which improve the level of space research, provide international cooperation, development of unique devices and techniques and unite the scientific and space-rocket potential of Ukraine.

The special programme envisages studying the major questions of the origin and evolution of the Earth and Solar system, research into new aspects of solar-terrestrial contacts, studying their influence on the environment and technogenic safety, settlement of significant problems of influence of space factors on biological, physical and chemical processes.

Leading scientific establishments of Ukraine are involved in the implementation of the special programme; forward planning of works and conceptual approaches are developed together with the Council on space research on the National Academy of Sciences of Ukraine; international cooperation carries out the overwhelming majority of research.

The total amount of budgetary financing for scientific space research is 215 million grivnas (without taking into account the cost of spacecraft).

### **1. Research on the Earth and circumterrestrial space**

This direction presupposes the creation of a system of monitoring and forecasting of “space weather”, definition of the cause and effect relationships in the interplanetary environment system (a solar wind) - magnetosphere - ionosphere of the Earth. The Russian-Ukrainian project “Inter-prognoz” stipulates manufacturing high-apogee satellite and three low-orbital spacecrafts. Fulfilment of the International project “Variant” on research on the ionosphere will be brought about on a spacecraft “Sich-1M”. It is the first scientific space project in this branch and is developed under the direction of Ukrainian scientists. Under-satellite monitoring of the ionosphere by means of a ground radiophysical system for implementation of the specified projects is

envisaged by the project "Ionosphere". With the purpose of processing of space information a specialized centre (further - the project "Centre") is created. The project "Sounding" presupposes the development of techniques of use of space data for research on global and regional changes of the environment, use of space pictures for rational environment management. Development of advanced research equipment and techniques is presupposed by the project "Space".

The list of projects in the "Research on the Earth and circumterrestrial space" direction is given in appendix 1.

## **2. Extra-atmospheric astronomy and astrophysics**

The programme presupposes the continuation of scientific observation of the Sun, in particular under the framework of the international project "Coronas". The international earth-space radio-astronomical research with use of unique facilities of the National centre of space facilities management and testing (Evpatoria, Crimea, Ukraine) are envisaged by the project "Interferometer". This project, together with the project "Express" directed on the after-equipment of control facilities with the devices researching the installations of far space, is the basis for the organisation in Evpatoria of the International centre of space research. Carrying out of astrophysical research with the use of spacecraft "Spectrum" provides for the participation of Ukrainian scientists in the implementation of a complex of international research projects, in particular in the creation of space telescope T-170.

The list of projects in "Extra-atmospheric astronomy and astrophysics" direction is given in appendix 2.

## **3. Space biology, physics of weightlessness, technological research**

Research by which a complex of experiments under conditions of microgravitation are envisaged, are directed on the creation of perspective space technologies, studying of the influence of space factors on biological and physical and chemical processes. Earth development of perspective experiments is carried out with the purpose of their successful implementation at the International Space Station (further – ISS (ISS (MKC))). This direction provides for the transition to a new stage in the development of space biology and medicine - studying deep mechanisms of action of microgravitation on living beings, processes of vital activity, development and growth of organisms under conditions of microgravitation.

Projects in this direction will be carried out according to the Russian-Ukrainian programme of joint scientific research and technological experiments on the Russian segment of ISS (MKC) and American-Ukrainian agreement on cooperation.

The list of projects in the "Space biology, physics of weightlessness, technological research" direction is given in appendix 3.

## **4. Advanced space research**

Works in this direction are aimed at the creation of a scientific and technological basis for advanced space research. Development of scientific programmes, outline designing of spacecraft, creation of advanced research equipment orientated on the use of domestic spacecraft and booster rockets are provided for. In particular, basic research on the use of domestic microsatellites for fundamental space research and observation of the Earth (the project "Nature" - "Priroda"), as well as the designing of a system of research on the Moon (the project "Planeta"), will be conducted.

The list of projects in the “Advanced space research” direction is given in appendix 4.

#### **5. System research on space activity**

System research is aimed at the definition of perspective directions of the development of space activity in Ukraine taking into account the global developments, providing for administrative and design decisions on the modernization of the existing and development of new space systems, substantiation of strategic and tactical planning of space activity in Ukraine, analysis of efficiency and social consequences of space activity, methodological and information-analytical implementation of the Programme. A separate sub-item stipulates the development of space education and implementation of the youth space project.

The list of projects in the “System research on space activity” direction is given in appendix 5.

## **PART II. THE SPECIAL PROGRAMME “REMOTE SOUNDING OF THE EARTH”**

The special programme “Remote sounding of the Earth” is directed toward the fulfilment of the following major tasks:

- Provision of information for state power organs by means of satellites;
- Participation in the decision of nation-wide tasks on monitoring of resources of rational environment management, forecasting of technogenic and natural cataclysms;
- Development of international cooperation in the field of remote sounding of the Earth for the settlement of global and national problems through the exchange of satellite information, participation in international programmes of research on the Earth;
- Development of new hard- and software of remote sounding of the Earth, new information technologies, ground infrastructure with the purpose of ensuring access of Ukrainian enterprises to the international space services markets.

Total amount of budgetary financing of the special programme is 167, 7 million grivnas (without taking into account the cost of spacecraft).

### **1. Creation and operation of space system of observation of the Earth “Sich”**

The multisatellite system of observation of the Earth “Sich” is based on the consecutive creation of space systems “Sich-1M”, “Sich-2”, “Sich-3” which use spacecraft of “Sich” series, as well as microsatellites “MC-1-TK” and “MC-2-8”.

Implementation of the projects will ensure steady reception of information from national spacecraft, consecutively increase spatial and time characteristics of the vehicle-borne equipment, widening of spheres of application of scientifically-applied and commercial use of satellite data. International cooperation, in particular with Russia, will promote increases of performance attributes of the system and will provide for the possibility to exchange information with the aim of increasing the efficiency of the use of the “Sich” system.

The project in the “Creation and operation of the space system of observation of the Earth “Sich”” direction is given in appendix 6.

## **2. Modernization and operation of ground software-technical complexes**

Modernization and operation of ground complexes of reception, processing, archiving and distribution of space data will be brought about under the project "Monitoring" that will ensure the space data base is updated with information from national and foreign satellites and management of this information by means of the most modern information and telecommunication technologies.

The project in the "Modernization and operation of ground software-technical complexes" direction is given in appendix 7.

## **3. Creation and operation of the system of geoinformation space support**

The system of geoinformation space support will function as a component of the general geoinformation maintenance of the needs of the state and society. Creation of this system will provide the possibility to determine sources and degrees of danger to decision-making in crisis situations, as well as providing the conditions for the emergence and further increase in demand for services of remote sounding of the Earth, and finally - expansion of the market of these services.

During creation and operation of system of geoinformation space support the process of fulfilment of projects "Anticrisis", "YMAKC" and "Kosmocarta" will proceed.

The list of projects in the "Creation and operation of system of geoinformation space support" direction is given in appendix 8.

# **PART III. THE SPECIAL PROGRAMME "SATELLITE SYSTEMS OF TELECOMMUNICATION"**

Satellite systems of telecommunication are created in the interests of the ministries and other Central Executives, private and public enterprises and enter into the Uniform nation-wide communication system of Ukraine.

The primary intent of creation of satellite telecommunication systems is the satisfaction of the needs of the population in modern digital communication services, TV- and radio-broadcastings (shared and individual), including interactive and multimedia communication services, by means of a complex use of resources of space segment:

- Existing foreign geostationary communication systems (the first stage);
- National space communication and broadcasting apparatus "Lybid" (the second stage).
- Creation of satellite telecommunication systems provides for the organisation and development of space segment and a ground infrastructure.

The total cost of the creation of satellite telecommunication systems is 23,5 million grivnas of budgetary financing.

## **1. Creation of a national space segment of satellite communication systems and broadcastings**

Creation of a national space segment of satellite communication systems and broadcastings presupposes the fulfilment of the following works:

- Creation of space segment of a geostationary communication system in cooperation with global manufacturers of satellite equipment;
- Introduction of the state system of satellite broadcasting to foreign countries;
- Formation and international legal support of frequency resources of national satellite networks in the geostationary orbit.

The list of projects in the “Creation of a national space segment of satellite communication systems and broadcasting” direction is given in appendix 9.

## **2. Development of ground infrastructure of satellite communication systems, data transmission and tele-radio broadcasting**

Development of the ground infrastructure of satellite communication systems, data transmission and tele-radio broadcasting will be brought about on the basis of modern digital technologies in interaction with ground digital telecommunication networks of the nation-wide communication network and provides the cooperation with national operators of ground and satellite communication services.

For accomplishment of these aforementioned tasks, it is necessary to ensure:

- Direct, including interactive, high-quality and multiprogramme tele-radio broadcasting (shared and individual);
- Interactive high-speed access to the resources of the international information network of the Internet;
- Interaction of departmental, regional, corporate and other communication and broadcasting networks.
- Development of the ground infrastructure of satellite communication systems, data transmission and tele-radio broadcasting will provide the fulfilment of projects "Signal-TB" and "Syet'-B".

The list of projects in the “Development of ground infrastructure of satellite communication systems, data transmission and tele-radio broadcasting” direction is given in appendix 10.

## **PART IV. THE SPECIAL PROGRAMME “DEVELOPMENT OF THE GROUND INFRASTRUCTURE OF NAVIGATING AND SPECIAL INFORMATION SYSTEMS”**

Development of the ground infrastructure of navigating and special information systems presupposes the fulfilment of following works:

- Creation and commissioning of a system of space navigation-time support of Ukraine;
- Development of equipment and technologies of operative information maintenance of the security of mobile and remote stationary installations by means of space navigation systems and contacts;
- Creation and commissioning of the automated system of gathering and processing of geophysical information;
- Control and analysis of space conditions, ballistic support of spacecraft flights;
- Modernization of existing facilities of dual-use functional centres, complexes and systems for the fulfilment of tasks of special information supply.

Development of the ground infrastructure of navigating and special information systems will be provided by the fulfilment of the projects "Navigation", "Bezopasnost", "Geosyet", "Nablyudeniye" and "Modernization-C".

The total cost of the development of the ground infrastructure of navigating and special information systems is 28, 5 million grivnas of budgetary financing.

The list of projects in the "Development of a ground infrastructure of navigating and special information systems" direction is given in appendix 11.

## **PART V. THE SPECIAL PROGRAMME "SPACE ACTIVITY IN THE INTERESTS OF NATIONAL SECURITY AND DEFENCE"**

Carrying out space activity in the interests of national security and defence is one of the priorities of Ukraine that is determined by the need to sustain the state interests, increase the level of security and defence capability of the country.

The aim of the special programme is the increase in the level of security of the state and defence capability by the use of spacecraft or receiving information for:

- Preliminary revealing of the signs of military, economic, ecological, natural disaster and other kinds of threats to the security of Ukraine;
- Planning of measures on prevention, minimization or liquidation of consequences of the revealed threat;
- Estimation of consequences of the harm caused and the efficiency of the measures carried out;
- Control over the fulfilment of international treaties and agreements concerning ecologically harmful activities limitation. Control over the Armed Forces, arms, military activity, as well as environmental protection;
- Informing the state governing organs, command of the Armed Forces of Ukraine, the Security Service of Ukraine, other ministries and Central Executives;
- Information maintenance of day-to-day activity of units and departments of the Armed Forces of Ukraine, including their contingents in the structure of peace-keeping forces abroad.

The main tasks of the special programme are determined according to provisions of the Military doctrine of Ukraine and the Concept of national security of Ukraine taking into account regional and geopolitical interests. Formation of concrete directions, priorities and ways of carrying out space activity in the interests of defence and security is conducted according to the determined problems on the basis of international and domestic experience, available scientific technical and technological potential, taking into account real geopolitical, economic and resource restrictions.

State priority in this direction is the creation and operation of:

- Space systems of optic-electronic, radar and electronic observation;
- Space communication and data transmission systems (in the structure of geostationary or several high-elliptical spacecraft - retransmitters) and a complex of ground stations (on the basis of available park of stations of satellite communication);

- The ground automated complex of management and maintenance of target application of spacecraft and uniform ground complex of reception and data processing (on the basis of an available space infrastructure);
- Systems of space navigational-time support (with the use of national control facilities);
- Systems of electronic observation and information maintenance of counteraction to foreign means of space reconnaissance.

Implementation of the above-mentioned priorities is carried out on the basis of studying of international experiences of the use of spacecraft in the interests of national security, development of national research-and-production bases and use of the accumulated scientific and technological potential of Ukraine in space and related branches of industry, taking into account international legal rules in the research and use of space, as well as the availability in Ukraine of working elements of ground space infrastructure.

Under the framework of the special programme of space activity, in the interests of national security and defence, a number of projects of direct relevance to defence, totalling 41,45 million grivnas and comprising both dual-use projects and other sections of the programme, are envisaged. These projects presuppose the development of technologies of reception, processing and dissemination of information by means of space systems of remote sounding of the Earth, navigation and communication that will promote the technological and economic independence of the state.

At the same time the introduction of new space technologies developed for the purpose of national security and defence into other branches of the economy of Ukraine will accelerate economic growth that will also positively influence the equipment base and fighting efficiency of the Armed Forces of Ukraine.

## **PART VI. THE SPECIAL PROGRAMME “SPACE COMPLEXES”**

Manufacturing of booster rockets “Cyclon-3” (“Cyclon-3”) for spacecraft launches according to the Programme, as well as the modernization of existing and the creation of new booster rockets for spacecraft launches, including for commercial purposes, is envisaged.

To accomplish the main directions of space activity of Ukraine, the manufacturing of space platforms and vehicles “Sich-1M”, “MC-1-TR”, “MC-2-8”, “Sich-2” and “Sich-3” for scientific research and remote sounding of the Earth are envisaged.

Maintenance of capacity for work and modernization of the ground segment of space is brought about to create necessary conditions for the implementation of spacecraft launches by booster rockets of domestic manufacture from the space centres “Plesetsk” and “Baikonur”.

System research with the purpose to maintain the development and modernization of space complexes - the analysis of performance attributes and field-performance data specifications to perspective complexes, possible directions of updating of booster rockets, spacecraft and their systems are provided for.

Budgetary cost of the special programme is 867 million grivnas.

### 1. Means of spacecraft launch

The modern fleet of means to launch spacecraft in Ukraine are the following: booster rockets "Zenith-2", "Cyclone", the conversion space booster (launch vehicle) "Dnepr" developed on the basis of intercontinental ballistic missile PC-20, as well as a space missile complex "Zenith-3SL" created in cooperation with foreign partners. For accomplishment of national and international tasks, including commercial ones, on orbital spacecraft injection the fulfilment of works in three directions is envisaged: manufacturing of space boosters, creation of new light class space boosters, modernization of space missile complexes.

To ensure spacecraft launches according to the Programme, including for commercial use, the modernization of capacities of "Yuzhmash" production association is envisaged. This will provide an possibility, in case of necessity, to produce up to 10 booster rockets "Cyclone" per year. To launch spacecraft "Sich-1M" and "MC-1-TK", space booster 40L will be developed (the project "Cyclone-TE"), to launch other space vehicles spacecraft booster rockets No. 41, No. 42 and No. 43 (the project "Cyclone") will be produced.

To provide for further spacecraft launches the creation of new space missile complexes on the basis of light class booster rockets (projects "Ciclon-4", "Mayak") orientated on foreign space centres is envisaged. Booster rockets will be developed using modern technologies and element bases with engagement of the newest engineering and technological solutions worked through on space missile complexes "Cyclone" and "Zenith".

Improvement of operational performance of space booster "Dnepr" (the project "Dnepr-TH"), "Zenith-2" (the project "Zenith-TH") with the purpose to increase their competitiveness is envisaged.

The project "Ciclon-4" stipulates for the creation of a new, oriented on a foreign space centre, space missile complex with a booster rocket of light class on the basis of a light class booster rocket "Ciclon-3" with a new control system, whereas the project "Mayak" makes provision for the creation of a new light class booster rocket on the basis of ecologically pure components of fuel with the use of manufacturing capabilities, technological equipment and engineering solutions of booster rockets "Cyclone" and "Zenith". The launching complex of the booster rocket "Mayak" will be created by analogy with the launching complex of space missile complex "Zenith". The booster rocket should provide the launch of spacecraft weighting up to 3 tons in wide-ranging orbit inclinations, one firing launch of several spacecraft into different orbits.

Modernization of the third stage of the booster rocket "Dnepr" with the purpose to avoid the influence of atmospheric gases around the spacecraft and modernization (independent working through) of the control engine of the third stage to increase the energy potential of the booster rocket, development of a new nose fairing are provided for by the project "Dnepr-TH". At a later stage, the development of a new engine of the third stage to increase the energy potential of a booster rocket for solar-synchronous and higher orbits launches, in particular for ensuring small weight spacecraft launches into transitive to geostationary orbit and onto the Moon.

The project "Zenith-TH" makes provision for the modernization of the booster rocket "Zenith-2" to increase the energy potential of a booster rocket for spacecraft launches into orbits above 500 km (modernization of the control engine of the second stage for double start), supplementation of space missile complex with the system of transport thermostatic control of under-fairing area to ensure the temperature-humidity mode of spacecraft at the transportation of a booster rocket to the launching site. With

the purpose of increasing the operational performance and reliability of a booster rocket a number of technical measures on the control engine, pneudraulic system, fuel consumption control system will be conducted, so will the phased out and obsolete devices of control and measurement systems be replaced.

The list of projects in the "Means of spacecraft launch" direction is given in appendix 12.

## **2. Spacecraft**

To accomplish the aims of the basic directions of space activity in Ukraine the manufacturing of space platforms and spacecraft "Sich-1M", "MC-1-TK", "MC-2-8", "Sich-2" and "Sich-3" for scientific research and remote sounding of the Earth are envisaged.

Creation of spacecraft "Sich-1M" is based on the use of engineering, technological and industrial developments of the base platforms and vehicle-borne equipment developed before. Provisions for the continuation of the works commenced according to the Programme for the period of 1998-2002 on creation on the basis of the newest technologies of new universal multipurpose space platforms is made as well.

The list of projects in the "Spacecraft" direction is given in appendix 13.

## **3. Ground infrastructure of space complexes**

The special programme of support and development of ground infrastructure is directed toward the maintenance of operational reliability and modernization of a ground segment of space complexes and provides for the creation of necessary conditions for spacecraft launches by booster rockets of domestic manufacture.

Modernization, scheduled servicing, repair-and recovery works are directed toward the prolongation of service life of launching complexes and technical positions of booster rockets "Ciclon-3", "Dnepr" and "Zenith" on space centres "Plesetsk" and "Baikonur".

The programme stipulates for the implementation of the following projects: "Resource" ("Resurse"), "Start-D", "Start-3" and "Upravleniye".

The list of projects in the "Ground infrastructure of space complexes" direction is given in appendix 14.

## **4. Normative and technical support**

The normative and technical support is the following:

- Rules of space activity on creation and operation of space-rocket technology;
- The international, state and branch standards of development, manufacturing and certification of space-rocket technology, maintenance of quality and reliability of production engineering control;
- The international, state and regional regulations, classifiers, instructions, etc.
- Normative and technical support should regulate space activity both at the level of the state, and at the level of manufacturers, suppliers, experts of organs of certification, test centres, consumers etc.

Now a considerable proportion of normative and technical documents of the branch is in the stage of completing the development or branch test. Development, updating and introduction of the normative and technical documents regulating space activity will

proceed under the framework of four projects - "Standard", "Certificate", "Kachestvo" and "Soprovozhdeniye".

The list of projects in the "Normative and technical support" direction is given in appendix 15.

### **5. System research on development of space complexes**

Space complexes - booster rockets, spacecraft, infrastructure installations - form the material basis of Ukraine's space activity. System research provides for the analysis of performance attributes and field-performance data specifications of perspective complexes, possible directions of the development of booster rockets, spacecraft and their systems that will give the possibility to adequately estimate standards of the existing and created Ukrainian booster rockets and devices, to determine perspective directions of modernization, to increase their competitiveness taking into account international requirements, as well as to reveal and introduce into other branches and to offer on the world market competitive technologies, products, services of space sector of Ukraine.

System research on space complexes will be conducted in the following directions:

- Analysis of tendencies and prospects for the development of world fleet of booster rockets and the manufacture of Ukrainian booster rockets;
- Analysis of tendencies of the development of spacecraft, prospects of creation of the Ukrainian devices and platforms;
- Analysis of the state and forecast of the development of satellite services, transport space services, forecasting of cargo streams to orbits, development of the relevant methodical and informational support;
- Prevention of technogenic pollution of space.

System research on space missile complexes will be conducted under the framework of the project "Razvitiye", spacecraft - the project "Perspectiva", prevention of technogenic pollution of space - the project "Prostranstvo-3".

The list of projects in the "System research on development of space complexes" direction is given in appendix 16.

## **PART VII. SPECIAL PROGRAMME "DEVELOPMENT OF BASE ELEMENTS AND PROGRESSIVE TECHNOLOGIES OF SPACE EQUIPMENT"**

Scientific and technological research under the framework of the special programme are directed toward the development and introduction of perspective elements of space equipment for the accomplishment of the tasks of the special programme, bridging the gap between the level of scientific and technical developments and the technological level of enterprises, increasing the rates of technical and technological updating.

The major task of this special programme is to support the development of unique high technologies in the directions determining competitiveness of domestic space-rocket technology (instrument and engine manufacturing, materials science as well as applied scientific and technological research).

The total amount of budgetary financing of the special programme is 147, 8 million grivnas.

### **1. Space instrument manufacturing**

It is planned to create modern control systems of spacecraft and booster rockets, measuring instruments of booster rockets and spacecraft to ensure the launch and active operation, control over the condition of the vehicle-borne equipment, parameters of movement and reception of data.

The project "Volna" envisages the development of radio complexes and means for microsattellites, spacecraft of "Sich" space system, etc. There are provisions made for the creation of a universal spacecraft command-measuring control system, complexes of ground and vehicle-borne command-telemetry equipment and special information radio-line. The vehicle-borne equipment of satellite navigation will provide for the control of the parameters of movement of spacecraft at signals of satellite radio-navigating systems ГЛОНАСС (Russia), NAVSTAR (USA).

"PCA" project (radar with synthesized aperture) stipulates for the creation of a pre-production model of a vehicle-borne radar with synthesized aperture of antenna for the reception of radar pictures of terrestrial surface with high discrimination, the project "Pribor" – the implementation of new physical principles in the creation of miniature devices for the electronic equipment of space equipment.

The complex project "Izmereniye" presupposes the development of physical values sensor, vehicle-borne equipment, devices and equipment for ensuring booster rockets launches and operation of spacecraft in orbit.

According to the project "Ros-1", a perspective inertial-computing kernel of control systems of booster rockets is created.

The list of projects in the "Space instrument manufacturing" direction is given in appendix 17.

### **2. Space engine manufacturing**

Energy-mass and functional capabilities, reliability and active service life of space complexes in many respects are predetermined by the sophistication of engines and power units which are used in the stages of booster rockets and spacecraft.

For improvement of energy-mass capabilities and manoeuvrability of the top stages of booster rockets, acceleration (boost) blocks and spacecraft, development of their potential and increase of commercial value, the accomplishment of the tasks of fine orientation and correction of the orbit of low and mid-orbital spacecraft of small and middle class with active service life for no less than 10 years projects "Forsazh", "Ammiac" and "ЭРАV" (electrojet engine installation) will be developed.

The list of projects in the "Space engine manufacturing" direction is given in appendix 18.

### **3. Materials science and technologies for creation of space-rocket technology**

Development of new and updating of existing construction materials will be brought about with the purpose to decrease the weight of impellent devices and to increase or preserve the existing level of their operational reliability, increase the strength of tankage systems and dry compartments, joining and transitive units of space-rocket technology, lowering the cost and lowering of power-consumption of their production, ensuring the stability of functionality of materials within 10-15 years, temperature-control and heat-protection systems weight decrease, labour-output ration decrease.

Research on the development of the newest production methods of unique and import-substitute materials, and overcoming of damage caused by the conditions of space is envisaged.

Developments in this direction are conducted with the purpose of:

- Material-scientific and technological support of the manufacture and modernization of booster rockets ("Cyclone", "Zenith", "Dnepr", etc.) and updating of spacecraft, minimization of their mass characteristics due to the use of polymer composite materials, their use being planned during the creation of the main fairings, stable in size structures and panels of carbon plastic solar batteries (projects "Crona", "Tekhma", "Technolog");
- Creation of the automated technological processes of resistance-butt welding and technological process of welding by friction (the project "Ros'-4").

The list of projects in the "Materials science and technologies for creation of space-rocket technology" direction is given in appendix 19.

#### **4. Applied scientific technological research**

Applied scientific and technological research is directed toward the maintenance of competitiveness of existing space-rocket systems and the newest developments of booster rockets and spacecraft on a new element and material resources base. Development and introduction of new technological solutions of special tasks, searching of ways to achieve a high level of performance attributes and field-performance data of the elements of spacecraft, as well as ensuring the high technological level of their manufacture and reliability.

Research in the given direction is conducted with the purpose of:

- Theoretical and experimental accomplishment of tasks of creation of engine installation with the centre body, the fourth stage of a booster rocket by the principle of non-expendable energy carriers, reception of stereo images of the Earth by means of biostatic radar with the synthesized aperture (projects "Phakel", "Progress", "Stereo");
- Creation of scientific and technological developments for perspective space-rocket technology, including technologies of the automated designing of control systems of booster rockets and spacecraft, obtaining of indissoluble compounds of composite materials, as well as introduction of automated systems of designing and manufacturing of space-rocket technology (projects "Automatization", "Model", "Composite");
- Scientific and methodical support of the orbital segment of systems of remote sounding of the Earth (the project "Cluster");
- Development of projects of perspective power supplies of spacecraft on the basis of photo-electric converters and highly effective chemical current sources (the project "Energetica").

The list of projects in the "Applied scientific and technological research" direction is given in appendix 20.

### **PART VIII. SPECIAL PROGRAMME "DEVELOPMENT OF EXPERIMENT-EXPLORATORY BASE AND MANUFACTURING CAPABILITIES OF THE BRANCH"**

Creation of new space equipment predetermines the necessity of support of development of experimental base. Besides constant maintenance of the existing experimental base in a proper way, its duly equipment, modernization reorganisation of separate stands, new experimental means are created, the possibilities of automatic systems of measurement and management of experiments are extended. Special attention is given to the works connected with the environmental protection, repair of equipment, utilization of sub-standard fuel, neutralization and conservation of released systems.

One of the priorities of space activity of Ukraine for the period of 2003-2007 is the creation of conditions for the use of space technologies in the manufacture of competitive advanced technology civil production for the satisfaction of the needs of the domestic and foreign market, ensuring the connection of the Programme with the interdepartmental programmes of introduction of space technologies that give the possibility to preserve base space technologies, including critical, and to make an important contribution to the economic growth of the country.

The customer of the special programme is the National Space Agency of Ukraine, the National Academy of Sciences of Ukraine, ministries and other Central Executives.

The total amount of budgetary financing of the special programme is 91, 5 million grivnas.

### **1. Creation of base experiment-exploratory and production complexes in space mechanical engineering and instrument manufacturing**

Unique space activity installations are the national patrimony of Ukraine. According to the Law of Ukraine "On space activity" and the Decision of the Cabinet of Ministers of Ukraine dated 26 February, 2000 No. 404 "On measures on maintenance of operation, preservation and further development of unique installations of space activity " the State register of unique installations having exclusive value for the space sector is created. With the purpose to implement the measures on the development of unique installations for the space sector of Ukraine, the Programme makes provisions for the implementation of special project "Basa-P".

Space-rocket technology Earth Development technical support essentially influences the cost of the works determined by the Programme, and the loading (usage) of Earth experimental the base. Fulfilment of the special project "Basa-P" is directed on the modernisation and development of experimental base of the development of the space-rocket technology, in particular new and modernised booster rockets "Zenith", "Cyclone", "Mayak", "Dnepr", spacecraft (including microsatellites) and base space platforms of the new generation competitive in the international market of space services.

Ensuring a high degree of quality and reliability of booster rockets and spacecraft, achievement of their competitiveness in the world market, successful implementation of state and international projects are brought about due to the maintenance of the necessary technological level of production, introduction of systems of quality, new methods, facilities and equipment of quality control of products of space-rocket technology, application of means of automation in the production and updating of the equipment necessary for full-scale independent and complex development of units and systems of products of space-rocket technology. These measures are ensured by the implementation of the Project "Basa-B".

The list of projects in the “Creation of base experiment-exploratory base and production complexes in space mechanical engineering and instrument manufacturing” direction is given in appendix 21.

## **2. Introduction of space technologies in other branches of the economy**

The space sector has a powerful potential for innovative development. It provides the possibility to satisfy the needs of the domestic market for advanced technology production in the interaction with other branches. Use of the newest dual-use space technologies is conducted under the project "Adaptation".

The project in the “Introduction of space technologies in other branches of economy” direction is given in appendix 22.

## **3. Creation of organizational-legal bases for commercialization of the space services and technologies**

The need to grant commercial space services and technologies has increased due to the requirements of the market economy, efforts to compensate for high expenditures for space activity, as well as the essential reduction of the state procurement order on space-rocket technology. Therefore under existing circumstances commercialization is the conditions defining the successful development of space activity in Ukraine. It applies especially to such key directions, as means of spacecraft launch, space telecommunication, remote sounding of the Earth, introduction of space technologies in other branches, as well as export of these technologies.

The main state policy in the commercialization of space services and technologies is the protection of domestic manufacturers and exporters, as well as the implementation of measures on the stimulation of export orientation of advanced technology manufactures.

An important component of state regulation is the implementation of state support to the commercialization of space activity. First of all, normative-legal support of the branch, legislative consolidation of the state guarantees of foreign investments, carrying out marketing activity, including advertising campaigns, participation in international exhibitions and fairs, etc. The complex of works on the creation of organizational-legal bases of commercialization of space services and technologies will be carried out according to the project “Commercialization”.

The project in the “Creation of organizational-legal bases commercialization space services and technologies” direction is given in appendix 23.

## **4. System research on productive efficiency and patterns of production of space-rocket technology by the enterprises of the branch**

Research in this direction is aimed at the definition of optimum pattern of production of space-rocket technology installations by enterprises of the branch with the purpose of the creation of base technological complexes in space mechanical engineering and instrument manufacturing, rational use of industrial capacities and specialized manufactures. The specified purpose will be provided with implementation of the Project "Effectivnist". The project in the “System research on efficiency and patterns of production of space-rocket technology by enterprises of the branch” direction is given in appendix 24.

## **PART IX. FINANCIAL RESOURCES AND EXPECTED RESULTS OF THE FULFILLMENT OF THE PROGRAMMES**

### **1. Financial resources**

State support of space activity gives an possibility to consistently realize the unique research-and-production potential of the space sector. Financial provisions of the Programme are carried out at the expense of the State Budget of Ukraine.

Total amount of budgetary financing is given in appendix 25. The specified amounts correspond to minimally necessary financing of space activity of Ukraine which will satisfy the needs of the state and society for space services and will promote the retaining of Ukraine's active role in global space activity.

State financing is supplemented with other sources of means. Production of space and civil products will be brought about according to the Nation-wide (National) Space Programme of Ukraine for the periods of 2003-2007 and the Interdepartmental programme of introduction of space technologies in the creation and manufacturing of civil advanced technology production for the needs of the domestic market and export for the period of 2001-2005.

Executors of the Programme are leading enterprises, design offices and institutes of the space sector. Fulfilment of the drafts of the programme will be brought about by the purchase of goods (works) and services at one executor (supplier).

### **2. Expected results**

Implementation of the Programme will provide an possibility to provide for:

- Development of national satellite telecommunication systems for increases in volumes of services of satellite telecommunication and tele-radio broadcasting, given to the population of Ukraine;
- Expansion and modernization of the national space system of observation of the Earth "Sich" which will ensure the receipt of information of remote sounding of the Earth for control over environmental conditions with the purpose of rational use of natural resources, detecting natural and technogenic crises;
- Research on the most significant problems of space science, as well as acquisition of new knowledge of the surface of the Earth, circumterrestrial space, Solar system, far space, biological and physical processes under microgravitation;
- Improve the defence potential of the country;
- Preservation and further development of the manufacture of existing booster rockets ("Zenith", "Cyclone", "Dnepr"), creation of a new light class launch vehicle, increasing the share of Ukrainian products in the global market of transport space services;
- Creation of a new generation of competitive small spacecraft (microsatellites) with application advanced technologies for satisfaction of the needs of Ukraine and for it to enter the global market;
- Modernization and use in national and international projects of a unique ground space infrastructure;
- Creation of a system of navigation-time support for defence needs and for increasing the efficiency and safety of transport, industries and agriculture;

- Creation of conditions for the use of space technologies in the manufacture of competitive civil production for the satisfaction of the needs of the domestic market and export;
- Commercialization of space activity and creation of conditions for introduction of space technologies in other branches of the national economy.

The following shall be manufactured:

- Spacecraft “Sich-1M”, “MC-1-TK”, “MC-2-8”, “Sich-2” and “Sich-3” for scientific research and remote sounding of the Earth;
- Booster rockets “Ciclon-3” - four sets;
- Booster rocket “Ciclon-4” - one set for ground tests;
- New booster rocket of light class “Mayak” - one set for ground tests;
- Space ultra-violet telescope T-170 and spacecraft control system for the complex “Spectr-UF”; Pre-production models of space equipment and scientific equipment – twenty two seats.

The created samples of space equipment will have the characteristics at the level of world analogues, and their costs will be considerably lower.

Manufacture of import-replacing products created on the basis of the transfer of space technologies, will provide an possibility for the state to save currency annually.

Updating the national system of observation of the Earth “Sich” is a decisive step in the maintenance of ecological safety, raising environment management, agriculture, forecasting of weather, geological prospecting, monitoring of large-scale processes on the dry land and seas at a qualitatively new level. In particular, possibilities will be expanded on:

- Satellite information support of state power organs necessary for decision-making in crises;
- Providing pictures of the Earth surface for customers;
- Ecological monitoring of the environment;
- Estimation of the condition of land resources.

Development of space science is one of the necessary prerequisites for the maintenance of the scientific and technical level of the state, and international cooperation in research and use of space. As a result of the fulfilment of scientific projects of the Programme, new fundamental knowledge of the influence of space factors on the biosphere of the Earth, ionosphere, magnetosphere and atmosphere (the problem of “space weather”) will be obtained; new possibilities for research on the processes of formation and evolution of the Universe, laws of biological, physical and chemical processes under space conditions will emerge. To accomplish the scientific tasks of the programme, new unique space and ground devices and techniques of research, used for the accomplishment of the applied tasks as well (monitoring of the influence of space factors on technological systems, solution of problems of asteroid danger, development of biotechnologies and manufacturing techniques of new materials), will be created.

Use of spacecraft will increase the level of security and defence capability, namely: reveal preliminary signs of natural disasters, military and ecological threats to the security of Ukraine; an operative appraisal of damage caused by potential threats; planning measures of prevention, minimization or liquidation of possible consequences

of the revealed threats; operative notice and management of the relevant military formations for countering the threats to national security; appraisal of the damage caused and maintenance of efficiency of protective measures that have been carried out; control over the execution of contracts and the Armed Forces, arms, military activity, technogenic and ecologically dangerous kinds of activity and conditions of the environment limitation agreements; reception of the necessary information by the state governing organs, organs of investigation, security, command of the Armed Forces and other military formations.

Enterprises of the branch take part in the international commercial projects "Sea launch", "Dnepr" and work at the elaboration of new international contracts. It refers first of all to the use of the Ukrainian booster rockets, microsattellites, unique simulators of space factors, devices for magnetic and electric measurements that give a possibility for the enterprises of the branch to enter the international markets.

Carrying out of special space projects promotes the innovative development of space and other key economic branches of the domestic industry, provides for the development of new designs, materials, devices which ensure the stable development not only of the space sector, but also of other advanced technology branches. In such a way, the space technologies introduced into the enterprises of the branch, are already used in mechanical and power engineering, the medical industry and shipbuilding (the relevant developments are reflected in the Interdepartmental programme of introduction of space technologies into the creation and manufacturing of advanced technology civil production for the needs of the domestic market and export for the period of 2001-2005).

The economization of the means of the State Budget of Ukraine (in the intermediate term) is made possible due to the introduction of space technologies into telecommunications and navigation development projects. Creation of a satellite distributive data ware network will reduce the charges on the organisation of the additional ground retransmitters necessary for the reliable rendering of quality information services to the population of remote regions. Commissioning of satellite reception stations will give a possibility to considerably expand the tele-radio broadcasting cover zone, increase volumes of the transmitted information. Economic efficiency of these projects is predicted for the nearest 4-5 years.

Space activity is one of spheres where Ukraine has high authority and an image of a developed, advanced technology state. This is shown not only by the number of concluded international agreements on cooperation in this field, but also by our state's joining of prestigious international organisations (in particular the Committee on the use of space, the International working group on space biology and medicine, Committee on research on the Earth from space, the Forum of space executive organs, the International Academy of Astronautics, etc.). Ukraine has begun stable, mutually advantageous cooperation in space activity with many countries, first of all with the USA, Russia and the Peoples' Republic of China. The successful implementation of the Programme will promote further increases of the international authority of Ukraine, settlement of social problems; preservation of highly skilled personnel potential of the enterprises of the space sector; creation of new job opportunities; improvement of the quality of life of citizens by expanding information, advertising, entertaining and other services connected with the use of e-mail, satellite communication systems, tele-radio broadcasting, the Internet, etc.

Increase of the educational level of youth is determined to a great extent by consecutive distribution of scientific knowledge, implementation of space educational

programmes, holding scientific youth conferences on space subjects and competitions of scientific works. It is promoted also by the engagement of leading educational establishments as co-authors of draft research programmes.

# Law on State Support of Enterprises, Scientific Research Establishments and Organisations Developing and Producing Ammunition, Its Elements and Special Chemical Products

1991-III of 21.09.2000; (Bulletin of the Verkhovna Rada of Ukraine (BVR), 2000, No. 48, p. 406), Includes changes made by the Law No. 762-IV of 15.05.2003, BVR, 2003, No. 30, p. 247

With the purpose of prevention of loss of scientific and technical, intellectual, technological and industrial potential of enterprises, scientific research establishments and organisations developing and producing ammunition, its elements and special chemistry products, updating and restoration of mobilization capacities for ensuring the national security of the state, improvement of the financial position of the specified subjects this Law stipulates for the procedure of tax debt amortization and re-structurisation, granting privileges.

## Article 1. Definition of terms and concepts

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

- **Tax and duties** (compulsory payments) **payers** (hereinafter referred to as taxpayers) are the enterprises, scientific research establishments and organisations (their list is given in Article 3 of this Law) developing and producing ammunition, its elements and special chemistry products assigned according to the legislation of Ukraine to pay taxes and duties (compulsory payments);
- **Tax debt** is the amount of taxes and duties (compulsory payments enlisted in Article 2 of this Law), fines, penalty and financial provisions added on this debts according to the legislation of Ukraine, not paid in the budgets and state funds-in-trust on the results of economical activity for the period of up to the 1<sup>st</sup> January 2000;
- **Payment claims** are the relevant bank document on the basis of which tax debt are recovered;
- **Controlling organs** are the state organs which, within the limits of their competence determined by the law, carry out control over timeliness, authenticity and completeness of charge of taxes and duties (compulsory payments) and discharge of tax liabilities or tax debt;
- **Ammunition** is the kind of arms intended for the defeat of enemy manpower, destruction of its combat materiel, destruction of fortifications, installations, accomplishment of other tasks (illumination of area, scattering of the propaganda literature, etc.);
- **Elements of ammunition** are separate details and units used at manufacturing of ammunition;
- **Special chemistry products** are explosives of industrial and military purpose, gunpowder, initiating and pyrotechnic mixtures, blended rocket propellants and product on their basis.

**Article 2. Application of the Law to the kinds of debts**

Taxes and duties (compulsory payments), amortization and restructuring of tax debt are applied to, are the debts emerging as a result of non-payment of the following:

- Tax on company profits;
- Value added tax;
- Citizens' income tax;
- Fund for implementation of activities on liquidation of consequences of Chernobyl accident and social protection of the population duty;
- Compulsory social security fund duty;
- Compulsory state pension security fund duty;
- State innovative fund duty;
- Assessments and duties on construction, re-construction, repair and maintenance of roads of shared use;
- The amounts of fines, penalty and financial provisions levied on the debts on payment of taxes and duties specified in this Article (compulsory payments).

**Article 3. Taxpayers this Law is applied to**

This Law is applied to the following enterprises, scientific research establishments and organisations which develop and produce ammunition, its elements and special chemistry products:

- Donetsk state factory of chemical products (Donetsk);
- Donetsk public corporation "Tochmash" (Donetsk);
- Gorlovka state chemical plant (Donetsk region);
- State chemical association named after Petrovskiy (Petrovskoye, Lugansk region);
- Production association "Lugansk machine-tool plant" (Lugansk);
- Rubezhnoye state chemical plant "Zorya" (Rubezhnoye, Lugansk region);
- Cherkassy instrument-making factory (Cherkassy);
- State factory "Impulse" (Shostka, Sumy region);
- State factory "Zirka" (Shostka, Sumy region);
- Chemical association "Pavlograd chemical plant" (Pavlograd, Dniepropetrovsk region);
- Public corporation "T.G. Shevchenko Factory" (Vol'nyansk, Zaporozhye region);
- Cherkassy research-and-production complex "Photopribor" (Cherkassy);
- State scientific research establishment of chemical goods (Shostka, Sumy region);
- Makeyevka design and engineering establishment (Makeyevka, Donetsk region).

**Article 4. Tax debt amortization**

According to this Law the amounts of tax debt on fines, penalty and financial provisions levied according to the legislation of Ukraine and not paid on results of the economical activity for the period of up to 1 January 2000 are subject to amortization as bad debts.

**Article 5. Tax debt re-structuring**

Taxpayers who have tax debt on payment of economical activity for the period of up to 1 January 2000 taxes and duties (compulsory payments) determined in Article 2 of this Law have the right to re-structuring of such debts according to the procedure established by this Law.

In case of mutual debts of the taxpayer and the relevant budgets offset of such debts in accordance with the procedure, established by the Cabinet of Ministers of Ukraine, takes place.

This debts offset is conducted within two months from the date of this Law coming into force.

The tax debt of taxpayers remained after such offset is subject to re-structuring on terms determined by this Article.

**Article 6. The Procedure of tax debt amortization**

Tax debt amortization is conducted by means of withdrawal by the relevant controlling organ from banking establishments of payment claims and other documents, being the basis for charging the amount of debts by banks, to the sum subject to amortization according to this Law.

The withdrawal of payment claims is conducted within a month from the date.

Settlement by the authorized banks of payment claims of controlling organs issued on the basis of decisions on tax debt levying is suspended from the date of this Law coming into force.

In case of infringement by a controlling organ of this term the taxpayer has the right to appeal to economic court with the claim for cancelling the decision of controlling organ regarding the part this Law applies to.

*(Article 6 includes changes made by the Law No. 762-IV of 15.05.2003)*

**Article 7. The Procedure of adoption of the decision on re-structuring and amortization of tax debt**

Taxpayers in a three-month term from the date of this Law coming into force take the decision on re-structuring the tax debt specified in Article 2 of this Law, and in week term from the date of acceptance of this decision inform in the written form on it the controlling organ they are registered with.

The controlling organ the taxpayer is registered with is obliged to register in a two weeks term from the date of the receipt of the notification of the taxpayer about the decision on re-structuring of tax debt and set up the record card of the restructured tax debt.

Such notification of the taxpayer should contain:

- The full name of the taxpayer or duty (compulsory payment), its legal address, statistical code and tax number;
- The bank account (accounts) of the taxpayer;
- Balance of financial and economic activity of the taxpayer for the periods the re-structuring of tax debt is carried out;
- Calculation of the relevant tax debt which are subject to re-structuring, and the schedule of its repayment.
- The specified notification should be signed by the chief executive and the accountant general of the taxpayer or officials acting for them and having financial and economic documents signatory authority.

If the specified notification contains errors in calculations or slips, the relevant controlling organ is obliged to correct these errors and slips independently and in a fortnight term from the date of its reception to inform the taxpayer on such corrections and the registration of the notification.

At occurrence of points at issue concerning the right of the taxpayer to amortization and re-structuring of such debts, calculations of this debt or if the taxpayer does not agree with the errors and slips corrections introduced by the relevant controlling organ to the notification on the adoption of the decision on re-structuring of debts, such disputes are resolved according to the procedure established by the law.

#### **Article 8. Special conditions of debts amortization**

If the taxes and duties (compulsory payments) for the period of the year 2000 (financial year) are completely paid in the State Budget of Ukraine and state funds-in-trust and their amounts equal or exceed the sums of taxes and duties (compulsory payments) levied according to the legislation for the payment in 1998, the taxpayers have all the sum of tax debt to the State Budget of Ukraine and state funds-in-trust on the results of economical activity for the period up to 1 January 2000 amortized.

On the results of economical activity in the year 2000 the taxpayers who meet the requirements, envisaged in this Article, submit to the relevant controlling organs the application for tax debt amortization.

The relevant controlling organs in a fortnight term take the decision on this debt amortization.

In case of the default of the conditions determined by this Article, the re-structuring applies to the sums of the taxes not paid by payers on the results of the economical activity for the period up to 1 January 2000, except for the sums envisaged by Article 4 of this Law, and is conducted subject to terms determined by this Law.

#### **Article 9. Procedure of re-structuring of tax debt**

The restructured tax debt of taxpayers specified in Article 3 of this Law is not subject to indexation, tax credit interest does not accrue to it, the fine cannot be charged, as well as penalty and financial provisions envisaged by the legislation of Ukraine cannot be applied.

The sums of tax debt restructured in accordance with the procedure, defined by this Law, in case of non-payment by the taxpayer within the terms established by this Law are collected by the relevant controlling organs in the indisputable procedure.

The sums of tax debt on compulsory payments without taking into registration levied according to the legislation of Ukraine sums of fines, penalty and financial provisions are restructured by indulgence and instalment of date.

The instalment of date is granted for the period of 60 months. Payment of the restructured tax debt begins on the 1<sup>st</sup> of January 2003 and is carried out in equal shares up to the 15<sup>th</sup> of each month.

The limitation period determined by the civil legislation of Ukraine does not apply to the claims arising from the payment of restructured tax debt.

Before adoption by a controlling organ of the decision on the re-structuring tax debt the collecting of this debt by the authorized banks is suspended.

#### **Article 10. Procedure of amortization and re-structuring of tax debt on payment of local taxes and duties**

The decision on amortization and re-structuring of tax debt of taxpayers determined by this Law, on payment of local taxes and duties, as well as fines, penalty and financial provisions levied according to the legislation of Ukraine on this debt, are adopted by the relevant local council within a month from the date of this Law coming into force according to the terms determined by this Law.

**Article 11. Liability for non-payment of restructured tax debt**

Non-payment by the taxpayer of the restructured tax debt on terms of this Law within three months through the executive of the taxpayer fault is the basis for cancellation of the contract with the executive of such taxpayer.

**Article 12. Final provisions**

1. This Law enters into force from the date of its publication, except for sub-items 1-4 of Part 6 of this Article which enter into force since 1 January 2001.
2. Since 1 January 2001 the enterprises, scientific research establishments and organisations specified in Article 3 of this Law, are exempt from the payment of the State innovative fund duty.
3. Annually, beginning from 2001, the financing of charges on capital construction, re-construction, technical re-equipment of enterprises, scientific research establishments and organisations according to Article 3 of this Law, on the disposition of ammunition, maintenance and creation of mobilization capacities are allocated as a separate line in the State Budget of Ukraine.
4. The Cabinet of Ministers of Ukraine and the State Property Fund of Ukraine shall provide for immediate transfer up to January, 1st, 2001 to the municipal property of the state property (the installations of social infrastructure appertain to state enterprises, scientific research establishments and organisations determined in Article 3 of this Law, or else not included in their statutory fund at their creation during privatization (corporation).
5. The Cabinet of Ministers within six months after this law entering into force are obliged to:
  - bring about their normative-legislative acts into conformity with the current Law;
  - ensure the adoption and fulfilment by the ministries and other Central Executives of the normative-legal acts envisaged by this Law.
6. To introduce changes to following acts of Ukraine:
  - a) Article 19 of the Law of Ukraine “On the single customs-tariff” (Bulletin of the Verkhovna Rada of Ukraine, 1992, No. 19, p. 259; 1993, No. 24, p. 270; 1996, No. 41, p. 192; 1999, No. 31, p. 253; 2000, No. 3, p. 20, No. 21, p. 163, No. 38, p. 318) shall be supplemented with item “n” to the following effect:
    - “n) goods (except for excise goods), imported with the purpose of manufacturing of ammunition, its elements and special chemistry products. Volumes of import of such goods are determined by the Cabinet of Ministers of Ukraine”;
  - b) Part 1 of Article 12 of the Law of Ukraine “On the land charge” (Bulletin of the Verkhovna Rada of Ukraine, 1996, No. 45, p. 238; 1997, No. 47, p. 294; 1999, No. 15, p. 83, No. 18, p. 140, No. 32, p. 264, No. 38, p. 352, No. 39, p. 356; 2000, No. 2, p. 16, No. 32, p. 260, No. 45, p. 375) shall be supplemented with item 17 to the following effect:

“17) enterprises, scientific research establishments and organisations determined by Article 3 of the Law of Ukraine “On state support of enterprises, scientific research establishments and organisations developing and producing ammunition, its elements and special chemistry products”;

c) Article 11 of the Law of Ukraine “On value added tax” (Bulletin of the Verkhovna Rada of Ukraine, 1997, No. 21, p. 156, No. 37, p. 239, No. 38, p. 250, No. 47, p. 294, No. 51, p. 305, p. 307; 1998, No. 10, p. 37, No. 17, p. 83, No. 18, p. 95, No. 20, p. 100, No. 33, p. 224; 1999, No. 4, p. 33, No. 7, p. 53, p. 54, No. 15, p. 83, p. 88, No. 18, p. 140, p. 142, No. 26, p. 214, p. 216, No. 31, p. 250, No. 32, p. 264, No. 35, p. 302, No. 38, p. 338, p. 341, p. 343, p. 352, No. 39, p. 356, p. 357, No. 51, p. 446; 2000, No. 2, p. 16, No. 3, p. 20, No. 10, p. 78, No. 22, p. 172, No. 40, p. 339) ) shall be supplemented with item 11.30 to the following effect:

“11.30. The following are exempted from taxation until 1 January 2010: operations on import (transfer) on the customs territory of Ukraine of the goods (except for excise goods) which are used for expanding the manufacture and production activity of enterprises on manufacturing ammunition, its elements, and special chemistry products. Volumes of import of this goods are established by the Cabinet of Ministers of Ukraine; operations on sale of ammunition, its elements and special chemistry products under the state procurement orders and works, services and operations with the materials received from disposition of ammunition and special chemistry products with the expired period of storage”;

d) Article 7 of the Law of Ukraine “On taxation of profit of enterprises ” (Bulletin of the Verkhovna Rada of Ukraine, 1997, No. 27, p. 181; 1998, No. 2, p. 7, No. 10, p. 35; 1999, No. 2-3, p. 21, No. 4, p. 33, No. 32, p. 264, No. 38, p. 338, No. 39, p. 357; 2000, No. 5, p. 34, No. 38, p. 318) shall be supplemented with item 7.18 to the following effect:

“7.18. The gross diversions of the taxpayer shall include the sums directed on re-investment or investment of the development of manufacture of ammunition, its elements and special chemistry products. This sum cannot exceed the sum of profit which would be received by the taxpayer not including this sum of re-investment, investment into the gross diversions”;

e) item 3 of Article 6 of the Law of Ukraine “On amortization and restructuring of tax debt of taxpayers in a state of 31 March 1997” (Bulletin of the Verkhovna Rada of Ukraine, 1997, No. 34, p. 209; 1998, No. 52, p. 323) after words “the mining enterprises on underground extraction of raw material” shall be supplemented with the words “and enterprises developing and producing ammunition, its elements and special chemistry products”.

# **Law on Recognising the Armoured Vehicle Manufacturing Branch of the Armaments Industry as a Key Industrial Priority and Measures to Provide State Support**

No. 2211-III of 11.01.2001; (Bulletin of the Verkhovna Rada of Ukraine (BVR), 2001, No. 11, p. 46)

This Law is directed on the effective realization of the industrial, scientific and technical, export potential of the armoured industry of Ukraine and increase of its competitiveness, creation of favourable conditions for engagement of investments, reduction of costs on the manufacture armoured combat vehicles for the needs of the Armed Forces of Ukraine and foreign customers and increasing of circulating assets of the enterprises “Bronyetechnika Ukrainy” concern - executors of the state defence procurement order and the international contracts of armoured combat vehicles sale.

## **Article 1. Armoured vehicle manufacturing branch of the armaments industry priority identification**

To recognize the armoured vehicle manufacturing branch of the armaments industry as one of the priority-driven branches of the industry of Ukraine and to give the right to the Cabinet of Ministers of Ukraine to act on behalf of the state as the guarantor of fulfilment of the liabilities of the enterprises of “Bronyetechnika Ukrainy” concern to foreign customers of armoured combat vehicles under foreign-economic contracts.

## **Article 2. Measures on the state support of armoured vehicle manufacturing branch of the armaments industry of the industry of Ukraine**

For the period from 1 January 2001 until 1 January 2006 the following measures of the state support of the armoured industry of Ukraine are introduced:

The sums of advance payments and prepayments under the state defence procurement orders and international contracts for the sale of armoured combat vehicles of the enterprises of the “Bronyetechnika Ukrainy” concern, determined according to Part two of this Article, received from customers of armoured combat vehicles, enter into separate accounts of these enterprises, are not subject to indisputable amortization and are liable to the end use according to contractual obligations of the specified enterprises. These sums are included into gross revenues of such enterprises with the purpose of definition of the profit which is subject to taxation according to the Law of Ukraine “On taxation of profit of enterprises” at the time of the transfer of armoured combat vehicles to the customer, whereas the costs these enterprises covered at the expense of advance payments and prepayments according to their end use, are included into the gross revenues with the purpose of definition of profit which is subject to taxation, in the tax period comprising the date of the increase of the gross revenues to the sum of the abovementioned payments;

“Bronyetechnika Ukrainy” are granted payment by instalments for the period of 60 months on the payment of debt to the State Budget of Ukraine and state funds-in-trust on nation-wide taxes and duties (compulsory payments) in a state of 1 January

2001; installed debt is subject to monthly repayment by equal shares beginning from 1 January 2002.

The list of enterprises of “Bronyetechnika Ukrainy” concern, the abovementioned measures are introduced for, is approved by the Cabinet of Ministers of Ukraine.

### Article 3. Final provisions

1. This Law enters into force since 1 January 2001.
2. The Cabinet of Ministers of Ukraine are obliged to:
  - Within a month from the date of this Law coming into force submit proposals on bringing about the legislation of Ukraine into conformity with the current Law;
  - bring about their normative-legislative acts into conformity with the current Law;
  - ensure bringing about by the Ministries, other central executives their normative-legislative acts into conformity with the current Law.
3. To introduce amendments to the following laws of Ukraine on issues of taxation:
  - a) Article 19 of the Law of Ukraine “On single customs-tariff” (Bulletin of the Verkhovna Rada of Ukraine, 1992, No. 19, p. 259; 1993, No. 24, p. 270; 1996, No. 41, p. 192; 1999, No. 31, p. 253; 2000, No. 3, p. 20, No. 21, p. 163, No. 38, p. 318 shall be supplemented with item “o” to the following effect:
 

“o) for the period since 1 January 2001 until 1 January 2006 at the importation on the customs territory of Ukraine of materials, equipment and component equipment (further - goods), except for excise ones, which are used for the manufacture of armoured combat vehicles and components to them by the enterprises of “Bronyetechnika Ukrainy” concern if such goods are not produced by enterprises in the territory of Ukraine or the made do not meet the requirements of the customers of armoured combat vehicles, defined by conditions of contracts. The list and volumes of such goods are annually approved by the Cabinet of Ministers of Ukraine according to the contracts concluded by these enterprises.

In case of infringement of requirements on the target use of the specified goods the taxpayer is obliged to pay the import customs duty in accordance with the procedure and at the rate established by the law”.
  - b) Part 1 of Article 12 of the Law of Ukraine “On the land charge” (Bulletin of the Verkhovna Rada of Ukraine, 1996, No. 45, p. 238; 1997, No. 47, p. 294; 1999, No. 15, p. 83, No. 18, p. 140, No. 32, p. 264, No. 38, p. 352, No. 39, p. 356; 2000, No. 2, p. 16, No. 32, p. 260, No. 48, p. 406) shall be supplemented with item “19” to the following effect:
 

“19) for the period since 1 January 2001 until 1 January 2006 the enterprises of “Bronyetechnika Ukrainy” concern according to the list approved by the Cabinet of Ministers of Ukraine”.

- c) Article 11 of the Law of Ukraine “On the value added tax” (Bulletin of the Verkhovna Rada of Ukraine, 1997, No. 21, p. 156, No. 37, p. 239, No. 38, p. 250, No. 47, p. 294, No. 51, p. 305, p. 307; 1998, No. 10, p. 37, No. 17, p. 83, No. 18, p. 95, No. 20, p. 100, No. 33, p. 224; 1999, No. 4, p. 33, No. 7, p. 53, p. 54, No. 15, p. 83, p. 88, No. 18, p. 140, p. 142, No. 26, p. 214, p. 216, No. 31, p. 250, No. 32, p. 264, No. 35, p. 302, No. 38, p. 338, p. 341, p. 343, p. 352, No. 39, p. 356, p. 357, No. 51, p. 446; 2000, No. 2, p. 16, No. 3, p. 20, No. 10, p. 78, No. 22, p. 172, No. 40, p. 339, No. 48, p. 406) shall be supplemented with items 11.31 and 11.32 to the following effect:

“11.31. For the period since 1 January 2001 until 1 January 2006 the operations on import on the customs territory of Ukraine of materials, equipment and components (further - goods), except for excise ones, which are used for the manufacture of armoured combat vehicles and components to them by the enterprises of “Bronyetechnika Ukrainy” concern if such goods are not produced by enterprises in the territory of Ukraine or the made do not meet the requirements of the customers of armoured combat vehicles, defined by conditions of contracts. The list and volumes of such goods are annually approved by the Cabinet of Ministers of Ukraine according to the contracts concluded by these enterprises.

In case of infringement of the requirements on the target use of the specified materials, equipment and components the taxpayer is obliged to increase tax liabilities for the results of the activity during the tax period such infringement took place in, by the sum of the value added tax which should be paid at the moment of their import (transfer) on the customs territory of Ukraine, as well as pay the fine, accrued according to the law.

11.32. For the period since 1 January 2001 until 1 January 2006 the operations on the sale of goods (works, services) which are used by the enterprises of “Bronyetechnika Ukrainy” concern - executors of the state defence procurement order and international contracts for manufacturing and modernization of armoured combat vehicles, as well as on sale of armoured combat vehicles and components to them which are sold to the state customer or the customer under the international contract, are levied value added tax at the zero rate.

The list of the enterprises of “Bronyetechnika Ukrainy” concern, taking part in manufacturing products (works, services) under the state defence procurement order and international contracts for the manufacture and modernization of armoured combat vehicles, the nomenclature and volumes of the goods paragraphs one, two of this item apply to is approved by the Cabinet of Ministers of Ukraine according to the contracts concluded by these enterprises.

Operations on the fulfilment of research and development work by domestic development contractors against the contracts of the specified enterprises of “Bronyetechnika Ukrainy” concern on sales of armoured combat vehicles are exempt from taxation ”.

- d) Article 22 of the Law of Ukraine “On taxation of the profit of enterprises” (Bulletin of the Verkhovna Rada of Ukraine, 1997, No. 27, p. 181, No. 47, p. 294; 1998, No. 10, p. 35, No. 18, p. 94, No. 26, p. 151; 1999, No. 1, p. 1,

No. 2-3, p. 22, No. 8, p. 55, No. 15, p. 83, No. 17, p. 114, No. 18, p. 140, No. 28, p. 229, No. 32, p. 264, No. 38, p. 338, p. 352, No. 39, p. 356, No. 50, p. 435; 2000, No. 2, p. 16, No. 10, p. 78, No. 20, p. 149, No. 22, p. 172, No. 25, p. 197, No. 26, p. 209, No. 32, p. 254, p. 260, No. 38, p. 319, No. 43, p. 370) after item 22.27 shall be supplemented with item 22.28 to the following effect:

“22.28. To establish that for the period from 1 January 2001 until 1 January 2006 the profits tax from subjects of entrepreneurial activity - enterprises of “Bronyetechnika Ukrainy” concern is levied taking into account the features established by the Law of Ukraine “On recognition of the armoured vehicle manufacturing branch of the armaments industry as one of the priority-driven branches of the industry of Ukraine and measures on providing it the state support”.

In this connection item 22.28 shall be item 22.29.

# **Law on the Nation-wide Programme of Manufacturing AH-70 Military Transport Aircraft and Its Purchase via State Defence Procurement Order**

1462-IV of 05.02.2004; (Bulletin of the Verkhovna Rada of Ukraine (BVR), 2004, No. 19, p. 274).

The Verkhovna Rada of Ukraine decrees:

1. To approve the Nation-wide programme of creation of military transport aircraft AH-70 and its state defence procurement order purchasing (enclosed).
2. That the Cabinet of Ministers of Ukraine within a three-months term shall bring their normative-legal acts into conformity with this Law.
3. This Law enters into force from the date of its publication.

APPROVED  
The law of Ukraine  
of 5 February 2004 No. 1462-IV

# **The Nation-wide Programme of Manufacturing AH-70 Military Transport Aircraft and Its Purchase via State Defence Procurement Order**

The nation-wide programme of creation of military transport aircraft AH-70 and its state defence procurement order purchasing (further - the Programme) is directed on the creation of the military transport aircraft of a new type, the organisation of its batch production and purchase.

## **PART I. THE PURPOSE AND THE MAJOR TASKS OF THE PROGRAMME**

The purpose of the Programme is concentration at a nation-wide level of financial, material and other resources for ensuring the creation of a new type of military transport aircraft AH-70 (further - the plane), the organisation of its batch production and state defence procurement order purchasing.

The major tasks of the Programme are the following:

- Completion of development projects on the development of the plane, including its state tests and adoption for service;
- Preparation and development of the manufacture of the plane;
- Batch production and purchase of planes.

## **PART II. THE BASIC STAGES OF FULFILLMENT**

The implementation of the Programme is envisaged to be ensured for the period since 2004 to 2022 in two stages.

The first stage (2004-2006) is the completion of the development of the plane, carrying out of its state tests, fulfilment of a complex of the works connected with adoption of the plane for services, preparation and development of its manufacture, as well as purchasing two planes against the state defence procurement order.

The second stage (2007-2022) is the completion of the work on the preparation and development of the manufacture of the plane, including updating of the available and creation of new capacities, organisation of batch production and purchase of the required quantity of planes against the state defence procurement order.

## **PART III. FINANCIAL PROVISION**

Financial provision of the creation and purchase of the plane is carried out within the limits of budgetary assignments which are allocated in the State Budget of Ukraine for the relevant year under the separate budgetary programme in addition to the expenditures on national defence, as well as at the expense of other sources of financing not forbidden by the legislation.

Approximate amount of financing of works at the first stage is 1 006,509 million grivnas, in particular for completion of the development of the plane - 128,216 million,

preparation and development of its manufacture - 450,933 million, manufacture and purchase of two planes - 427,36 million grivnas.

Amount of financing of works of the second stage shall be determined upon the results of the fulfilment of the first stage of the Programme.

#### **PART IV. ORGANISATION AND CONTROL OVER THE IMPLEMENTATION OF THE PROGRAMME**

The main state customer of the Programme is the Ministry of Defence of Ukraine responsible for the organisation and control over its fulfilment.

The state customer - the co-author of the Programme on preparation, development and batch production of planes is the central executive organ on issues of industrial policy.

The basic executors of the Programme:

- The state enterprise “Aviation scientific and technical complex named after O.K. Antonov” (Kyiv) - development of the plane;
- The state enterprise “Kyiv state aircraft factory “Aviant” - manufacturing of planes;
- The state enterprise “Zaporozhye machine-building design office “Progress” - development of the engine;
- Public corporation “Motor Sich” (Zaporozhye) - manufacturing of engines;
- State aviation centre of science-test of the Armed Forces of Ukraine - test of the plane;
- Scientific Centre of the Air Forces and the Central scientific research establishment of arms and military equipment of the Armed Forces of Ukraine - scientific and military-technical support.

The choice of other executors of the Programme is carried out according to the legislation.

The main state customer coordinates the activity of the state customer - a co-author and executors of the Programme.

#### **PART V. EXPECTED RESULTS**

The implementation of the activities of the Programme provides for the creation and batch production of a competitive in the world market of arms new type of the military transport aircraft.

Implementation of the Programme will give an opportunity to:

- Equip the Armed Forces of Ukraine with modern military transport aircraft which will provide for an appropriate level of their mobility;
- Accelerate the development of high technologies in the aviation and engine-building branch;
- Provide with a long-term order of domestic enterprises aviation-, engine-building and allied industries, to use free and to create new capacities with additional workplaces;
- Increase the volumes of export of production of the aviation-building industry.

## **Part V**

# **The Legislative Framework for Ensuring State Security**



## Commentary to Part V

The adoption by the Verkhovna Rada of Ukraine of the acts regulating activity in the sphere of state security have a special value for strengthening of the legal bases not only of state life but also the legality of state authorities' activities'.

The law 'On the Security Service of Ukraine', adopted in 1992, occupies a special place. It is applicable in the part not contradicting the Constitution of Ukraine and, taking into account the changes that have taken place since that time in the state and public life of Ukraine, it demands considerable updating.

The adoption by the Verkhovna Rada of Ukraine and promulgation of the laws 'On the Intelligence Services of Ukraine' (22 March 2001) and 'On Counter-Intelligence Activity' (26 December 2002) regulating the legislative procedure of the activity in these specific spheres, determining the powers of intelligence and counter-intelligence organs and guaranteeing legal and social protection of their employees, as well as of the persons cooperating on a confidential basis with these organs had a positive response.

A growing threat of international terrorism and terrorist activity has caused the necessity of legislative regulation of antiterrorist activity. The Law of Ukraine 'On the Fight Against Terrorism' adopted by the Verkhovna Rada of Ukraine on 20 March 2003 regulates it. It sets up, taking into account the provisions of the international conventions ratified by the Verkhovna Rada of Ukraine, the principles, organisational and coordination mechanisms of fight against terrorism, determines powers of the relevant state organs, procedure of compensation for the damages caused by the acts of terrorism, social rehabilitation of the persons who have suffered thereof, guarantees of legal and social protection of the persons participating in antiterrorist operations, as well as the basis for cooperation, including with the relevant structures of other states, in the struggle against terrorism.

The law 'On the State Protection of Organs of State Power and Their Officials', adopted by the Verkhovna Rada of Ukraine on 4 March 1998, determines a number of measures directed at the provision for the activity of the organs of state power and security of officials. The law provides an exhaustive list of these organs and officials, determines the tasks and powers of the Administration of state protection of Ukraine – a law-enforcement organ of special purpose, ways of execution of the protection, the procedure of financial and logistical support of security organs, as well as guarantees of legal and social protection of its employees.

The laws 'On Information', 'On the State Secret', 'On the National System of Confidential Communication', 'On the Insurance Fund of State Documentation' were adopted by the Verkhovna Rada of Ukraine to ensure information security of Ukraine and protect its vital interests, which is the constitutional duty of the state organs. Later, some amendments and additions have been introduced to these laws. These laws create legal guarantees of protection of the data constituting the state secret. At the same time, to avoid violation of the constitutional right of citizens to information, they specify the data that cannot be rendered secret.

In connection with the aggravation in Ukraine of technogenic and natural security, this question has been repeatedly considered by the National Security and Defence Council of Ukraine; based on its conclusion, the President of Ukraine issued decrees which outline a detailed plan of activities aimed at the resolution of urgent problems and improvement of the management in the sphere of prevention and reaction to natural and technogenic emergencies.

# Law on the Security Service

2229-XII of 25.03.1992 ; (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), Includes changes made by 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; 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

## 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 accountable to the President of Ukraine and the Verkhovna Rada 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 the state secret.

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 organized crime in the sphere of management and economy, and other unlawful acts that pose a threat to the vital interests of Ukraine.

*(Article 2 includes changes made by the Law No. 1703-IV of 11.05.2004)*

### **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 recognized 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 a humane treatment, avoid disclosure of the data on private life of the person. In exceptional cases, with the purpose of suppression and detection of treasons, 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 in a month period 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 Services 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, 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.

Information, which is the state, military, official or trade secret, as well as confidential information, divulging of which will do harm to the national security of Ukraine, to honour and dignity of the person, or will violate his/her legitimate rights, cannot be disclosed, except for the cases envisaged by the legislation in the interests of justice.

#### **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 cooperates with state organs, enterprises, institutions, organisations and officials, which assist in the fulfilment of its tasks.

Citizens of Ukraine and their associations, 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, the Security Service of the Republic of the Crimea, organs of military counter-intelligence, 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, accounts in banks, including currency accounts.

To organize and carry out antiterrorist operations and to coordinate 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 9 includes changes made by the No. Law 965-IV of 19.06.2003)*

### **Article 10. The Central administration of the Security Service of Ukraine**

The central administration of the Security Service of Ukraine is responsible for the state security; it coordinates 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: intelligence, counter-intelligence, military counter-intelligence, protection of state sovereignty, struggle against corruption and organized crime, information-analytical, operational-technical, documentation, investigatory, governmental communications, human resources, administrative, financial, military-medical and other according to the organisational structure of the Security Service of Ukraine.

The functional subdivisions in the structure of the Central administration of the Security Service of Ukraine have the status of an intelligence organ 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 anti-constitutional 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 the state secret, obligatory for performance by the state organs, enterprises, institutions, organisations and citizens.

*(Article 10 includes changes made by the No. Law 3111-III of 07.03.2002)*

**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 the 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 counter-intelligence**

Military counter-intelligence services are created for counter-intelligence support of the Armed Forces of Ukraine, the State Border Service of Ukraine and other military formations deployed on the territory of Ukraine.

*(Article 12 includes changes made by the Laws No. 2171-III of 21.12.2000, No. 662-IV of 03.04.2003)*

**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 by the Verkhovna Rada of Ukraine upon the submission of the President of Ukraine. The Head of the Security Service of Ukraine has deputies appointed upon his submission by the President of Ukraine.

**Article 14. College of the Security Service of Ukraine**

A collective advisory organ – the college - is created in the Security Service of Ukraine. It determines ways of accomplishment of the Security Service of Ukraine tasks, takes 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, the Head of the Security Service of the Republic of Crimea and other persons, except for the People's Deputies of Ukraine, appointed by the President of Ukraine with the consent of the Verkhovna Rada of Ukraine. Membership in parties, movements, other public associations pursuing political goals by the members of the college is suspended in accordance with Article 6 of this Law.

The Regulations on the college 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: intelligence, counter-intelligence, military counter-intelligence,

protection of state sovereignty, struggle against corruption and organized crime, information-analytical, operational-technical, documentation, investigatory, governmental communications, human resources, as well as the heads of regional organs - regional administrations of the Security Service of Ukraine - are appointed by the President of Ukraine upon the submission of the Head of the Security Service of Ukraine.

The Head of the Security Service of the Republic of Crimea is appointed to office according to the legislation of the Republic of Crimea with consent of the Head of the Security Service 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 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 cooperate 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 cooperates with the Directorate 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 and the acts of the Security Service of Ukraine.

*(Article 17 includes changes made by the Law No. 2171-III of 21.12.2000)*

**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 includes: employees-military men, employees who have concluded work contracts with the Security Service of Ukraine and military men on regular military 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 numerical strength of the Security Service of Ukraine servicemen 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.

#### **Article 20. Security Service of Ukraine servicemen**

Conditions and the procedure of performance of the duties by the Security Service of Ukraine servicemen are determined in the concluded agreement (contract). They and military men on regular military service follow the same procedure of doing military service in the Armed Forces of Ukraine, defined by the legislation. The Security Service of Ukraine servicemen administer the Military oath of allegiance to the people of Ukraine.

The Security Service of Ukraine servicemen are given service identity cards; they wear the uniform approved by the President of Ukraine.

The use of military ranks, insignia, uniform, service identity cards of the Security Service of Ukraine servicemen 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 men, who have completed the term of service in the Security Service of Ukraine, as well as of other persons liable for military service, who have been enlisted with their consent to the reserve of the Security Service of Ukraine.

These persons are registered with the regional organs of the Security Service of Ukraine and do training 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;

- 1.1) carry out intelligence activity according to the law;
- 2) provide counter-intelligence 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) identify, suppress and disclose crimes, investigation of which is in the competence of the Security Service of Ukraine in accordance with the legislation; carry out investigations and inquiries on these matters; search persons who abscond in connection with commitment of the specified crimes;
- 4) carry out counter-intelligence 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 counter-intelligence 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 the state secret and confidential information belonging to the state according to the Law of Ukraine “On the state secret” and other acts of the legislation, 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 the legislation;
- 9) within the limits of its competences, determined by the 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 internal affairs, other law-enforcement organs in their fight against crimes;
- 13) take part in the elaboration of measures concerning arrival to and departure from Ukraine, the stay on its territory of foreigners and persons without citizenship, border regime and customs rules;
- 14) provide the state organs of Ukraine and officials according to the list established by the Cabinet of Ministers of Ukraine with secret and encoded communication facilities; carry out cryptographic and technical protection of classified information;

- 15) carry out scientific research activities and implement their results into the work of the Security Service of Ukraine;
- 16) carry out tasks concerning the provision of internal and external security of the state on behalf of the Verkhovna Rada of Ukraine or the President of Ukraine other;
- 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 24 includes changes made by the Laws No. 1381-XIV of 13.01.2000, No. 3111-III of 07.03.2002, No. 662-IV of 03.04.2003, No. 747-IV of 15.05.2003, No. 1703-IV of 11.05.2004)*

#### **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; 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 proofs of criminal activity;
- 2) 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 the state secret;
- 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 secret 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 with 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, of belongings, to seize things and documents, and to take other measures envisaged by the law on administrative offences;
- 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 commitment of 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 operational-investigation activity”;
  - 9) to carry out cooperation 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 servicemen to work in other establishments, enterprises and organisations during fulfilment of concrete tasks in the interests of intelligence, counter-intelligence, fight against corruption and organized crime; in some cases, in accordance with the procedure determined by the college of the Security Service of Ukraine, such servicemen can be sent to institutions, enterprises and organisations at the request of their heads;
  - 12) in the interests of investigation, counter-intelligence 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 about business trip;
  - 15) to travel free-of-charge by all means of public transport (except for 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-terrorism 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, date, 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 the 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 check points, 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 things or documents that can be used in investigation of criminal activity, for the period of up to 10 days to seal up archives, cash registers, premises (except for inhabited) or other storehouses, to put them under protection, to sequester money 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.

Organs and departments of the Security Service of Ukraine that carry out fight against terrorism, have the powers of an inquiry organ.

*(Article 25 includes changes made by the Laws No. 1381-XIV of 13.01.2000, No. 2922-III of 10.01.2002, No. 3111-III of 07.03.2002, No. 488-IV of 06.02.2003, No. 965-IV of 19.06.2003, No. 1703-IV of 11.05.2004)*

#### **Article 26. Bases and procedure of the use of weapons and special means**

The Security Service of Ukraine servicemen 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 militia", military statutes of the Armed Forces of Ukraine and other acts of legislation.

## **PART V. SOCIAL AND LEGAL PROTECTION OF MILITARY MEN AND EMPLOYEES OF THE SECURITY SERVICE OF UKRAINE**

### **Article 27. Social and legal protection of military men and employees of the Security Services of Ukraine**

The state provides for social and legal protection of military men and employees of the Security Service of Ukraine.

The Security Service of Ukraine servicemen 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 men and members of their families”, this Law, and other acts of legislation.

The right to privileges is guaranteed to the Security Service of Ukraine servicemen 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 servicemen 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 servicemen are also under state protection. Offences against close relatives of the Security Service of Ukraine servicemen committed in connection with performance of the duties assigned to these servicemen 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 servicemen.

Disclosure of the fact about belonging of Security Service of Ukraine employees to operational departments is not allowed.

*(Article 28 includes changes made by the Law No. 1381-XIV of 13.01.2000)*

### **Article 29. Indemnifications and payments 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 dependants are paid a lump sum at the rate of ten-year money allowance at the last post, and a pension for the loss of the bread-winner at the rate of the monthly official salary is provided.

In case of mutilation 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 but owing to the disease or accident during the service, he/she is paid a lump sum at the rate from three-year to five-year money allowance (depending on the degree of disability) and is provided with a disability pension.

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 Security Service of Ukraine servicemen**

The forms and amounts of money allowances for the Security Service of Ukraine servicemen are established by the President of Ukraine 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.

### **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 Commission of the Verkhovna Rada of Ukraine on defence and state security.

The Head of the Security Service of Ukraine informs on a regular basis the Verkhovna Rada of Ukraine, the Presidium of the Verkhovna Rada of Ukraine and the Commission of the Verkhovna Rada of Ukraine on defence and state security about the activity of the Security Service of Ukraine, the condition of the state security, observance of the current legislation, the guarantees of human rights and freedoms and about other questions.

The Security Service of Ukraine, in accordance with the procedure established by the legislation, is obliged to answer the inquiries from standing and temporary commissions of the Verkhovna Rada of Ukraine and People's Deputies 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 authorized state organs.

Constant control over the observance of constitutional rights of citizens and legislation in operational-investigation activity and in activity in the sphere of the state secret protection by the organs and departments of the Security Service of Ukraine, as well as control over the conformity of the issued by the Security Service of Ukraine of 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 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 32 includes changes made by the Law No. 1703-IV of 11.05.2004)*

#### **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**

Higher oversight over observance and application of the laws by the Security Service of Ukraine is carried out by the Prosecutor General of Ukraine and public prosecutors authorized by him/her.

### **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

# Law on the Intelligence Services

2331-IV of 22.03.2001; (Bulletin of the Verkhovna Rada of Ukraine (BVR), 2001, No. 19, p. 94)

This Law determines the legal bases for the organisation and activity of the special organs of state power which 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

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

- **Intelligence activity** is the activity of special organs of state power directed at the protection of national interests of Ukraine from external threats, assistance to formation and implementation of the state policy in the national security and defence sphere;
- **Intelligence information** is the data obtained on real or potential possibilities, 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 the special departments of the central organs of executive power carrying out intelligence activity with the purpose of protection of the national interests of Ukraine from external threats.

### 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 coordination 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:

- Get, analytically process and provide intelligence information to the determined by the law state organs of power;
- By taking special measures, help implement the state policy of Ukraine in the economic, political, military, military-technical, ecological and information spheres and strengthen defence capability, economic, scientific and technical development;
- 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 know the information which is the state secret;
- Participate in the fight against international organized crime, including terrorism, illegal drugs trafficking, illegal traffic in arms and arms technologies and illegal migration.

#### **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 its employees, 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 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. Intelligence services of Ukraine**

Intelligence activity in the interests of national security of Ukraine, protection of its sovereignty, territorial integrity and national interests from external threats is carried out by the following intelligence services within the limits of their authority determined by the law:

- The Security Services of Ukraine ensures the interests of the state in the political, economic, military-technical, scientifically-technological, information and ecological spheres;
- The Ministry of Defence of Ukraine determines the level of military threat, ensures defence and the interests of the state in the following spheres: military,

military-political, military-technical, military-economic, information and ecological;

- A specially authorized organ of executive power on protection of the border of Ukraine ensures the interests of the state in border and immigration spheres, as well as protection of the border of Ukraine and Ukraine's sovereign rights in an exclusive (sea) economic area and continental shelf.

Creation, reorganisation and liquidation of intelligence services are carried out by the President of Ukraine according to his/her constitutional powers.

Intelligence activity to get information in the national security and defence spheres carried out by other organs of state power, enterprises, institutions and organisations irrespective of form of ownership not envisaged in this Law, as well as by physical persons, is forbidden.

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.

#### **Article 7. Management of intelligence services of Ukraine and coordination 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.

Coordination 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 which operates according to the Law of Ukraine "On the National Security and Defence Council of Ukraine".

The procedure of coordination 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 cooperation with adult persons on a confidential basis who have voluntarily given their consent to it;
- To receive the necessary for intelligence purposes information 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, etc., in accordance with the procedure determined by the law;
- To use the services, including paid ones, 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 bank accounts in banks and other financial institutions in accordance with the procedure determined by the law;  
To use documents which cover affiliation of employees, departments, organisations, premises and vehicles to the intelligence services of Ukraine;
- To create with the purpose of conspiracy the organisational structures (departments, establishments and organisations) necessary for fulfilment of the tasks of intelligence services of Ukraine and for cover of their employees;
- To commission research and other works for development and production of special means necessary for fulfilment of intelligence activity, to create and apply technical means of intelligence;
- 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 organize 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.

**Article 10. Provision of intelligence information**

Information obtained and processed by intelligence services of Ukraine is provided to the President of Ukraine, the Chairman of the Verkhovna Rada of Ukraine and the Prime Minister of Ukraine in accordance with the procedure determined in the Regulations on Intelligence Services, with observance of the stipulations of the laws of Ukraine “On the state secret”, “On information”, “On protection of information in electronic systems” and other.

**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, with law-enforcement organs of Ukraine is determined by the laws and other normative-legal acts adopted according to them.

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 agreements, with observance of the requirements of the legislation of Ukraine.

In cases of long-term cooperation 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 cooperate 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 the 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 the state secret”.

**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 cooperate or cooperated 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 the state secret”.

**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 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.

Intelligence services of Ukraine have the right to import into the territory of Ukraine armaments, special technical and other means, fire-arms and ammunition 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.

### **PART III. LEGAL STATUS OF EMPLOYEES OF INTELLIGENCE SERVICES OF UKRAINE, PERSONS COOPERATING 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 men and permanent personnel of intelligence departments of the relevant central organs of executive power, as well as military men and employees who do not belong to the permanent personnel of these organs.

Permanent personnel of intelligence services of Ukraine are state employees. Categories of state employees as well as the procedure of employment in intelligence services are determined in the Regulations on Intelligence Services.

The legislation of Ukraine on military service is applicable to military men who serve in intelligence services, including those not belonging to the permanent personnel of intelligence services, taking into account the peculiarities of their tasks.

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 men 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.

To perform their functional duties, members of 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 (wife, husband, parents, children, 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 fire-arms**

Only to exercise the rights determined in paragraphs 11 and 13 of Part 1 of Article 9 of this Law, 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 men besides that can keep, carry, use and apply fire-arms according to the procedure established by the Law of Ukraine “On militia”.

Abuse by an employee of an intelligence organ of Ukraine of his/her right to use force, special means and fire-arms entails 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 discipline regulations.

In case of detention of a member of permanent personnel of 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 should be unified for employees of intelligence services irrespective of their departmental affiliation.

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 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.

Military men 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, amount of which is determined the Cabinet of Ministers of Ukraine.

Pension allowance of military men who are discharged from intelligence services of Ukraine is calculated on the basis of money allowance paid to them on the day of release, or according to pension amounts established for relevant categories of military men.

**Article 22. Rights and duties of the persons cooperating with intelligence services of Ukraine on a confidential basis**

Confidential cooperation 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 cooperate or have cooperated 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 cooperating with intelligence services of Ukraine on a confidential basis**

The persons cooperating 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 the state secret". It is forbidden to 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 authorized by him/her according to the Constitution and laws of Ukraine.

The data on the persons who cooperate or have cooperated 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**

1. This Law enters into force from the date of its publication.
2. 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.
3. 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.

# Law on Counter-Intelligence Activity

374-IV of 26.12.2002 ; (Bulletin of the Verkhovna Rada of Ukraine (BVR), 2003, No. 12, p. 89);  
Includes changes made by the Law No. 662-IV of 03.04.2003, BVR, 2003, No. 27, p. 209

This Law determines the concept and legal bases for the organisation and fulfilment of counter-intelligence activity.

## **Article 1. The concept of counter-intelligence activity**

Counter-intelligence activity is a special kind of activity to ensure state security which is carried out with the use of a system of intelligence, counter-intelligence, 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 counter-intelligence activity**

The goal of counter-intelligence activity is the prevention, timely identification and repulsion of external and internal threats to security of Ukraine, suppression of intelligence, terrorist and other illegal actions of special services of foreign states, organisations, groups and persons against state security of Ukraine, and elimination of favourable conditions that help the activity of the above groups and persons and the reasons of their emergence.

The tasks of counter-intelligence 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 neutralization of threats to the interests of the state, society and rights of citizens.

## **Article 3. The Legal basis for counter-intelligence activity**

The legal basis for counter-intelligence 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 counter-intelligence activity**

The main principles of counter-intelligence 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;

- 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 counter-intelligence activity**

The Security Service of Ukraine is a special representative organ of state power in the sphere of counter-intelligence activity.

Some counter-intelligence 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 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 operational search 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 counter-intelligence activity in the interests of state security.

Carrying out of counter-intelligence measures by other than determined by this Law subjects is forbidden.

**Article 6. The Bases for carrying out of counter-intelligence activity**

The bases for carrying out of counter-intelligence activity are the following:

- 1) availability of sufficient information that needs to be verified using special forms, methods and means, about:
  - a) intelligence activity against Ukraine by special services of foreign states, organisations, groups and persons;
  - b) encroachment on the state sovereignty, constitutional order and territorial integrity of Ukraine;
  - c) 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:
  - a) counter-intelligence 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 cooperation, observance of international non-proliferation norms, as well as diplomatic establishments of Ukraine and security of the citizens of Ukraine abroad;
  - b) counter-intelligence protection of the organs of state power, law-enforcement, intelligence organs and of the state secret;
  - c) protection of embassies and representative offices of foreign states in Ukraine and their employees from terrorist attempts;

- d) checking and clearing persons who get an access to the state secret, work with nuclear materials and on nuclear installations or are involved in confidential cooperation;
  - e) provision of own security, including of employees of organs and departments carrying out counter-intelligence activity, members of their families and persons assisting in implementation of counter-intelligence activity;
  - f) 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 bases for carrying out counter-intelligence activity by intelligence services 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 bases specified in this Article: declarations and statements from citizens, persons involved in confidential cooperation, officials, service persons, 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 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 authorized by the Cabinet of Ministers of Ukraine state organs, establishments and organisations about granting access to persons to the state secret, 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 counter-intelligence activity**

Functions of organs, departments and employees of the Security Service of Ukraine carrying out counter-intelligence 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 counter-intelligence activity the organs and employees of the Security Service of Ukraine have the right:

- 1) to carry out counter-intelligence search, intelligence and 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 counter-intelligence 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 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 counter-intelligence 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 size 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 intelligence information in the interests of counter-intelligence in cases determined by Part 2 of Article 8 of the Law of Ukraine “On operational search 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:
    - a) 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;
    - b) persons who have penetrated into 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 seventy two hours, notifying the court about the fact of detention within 24 hours from the moment of detention;
    - c) 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 the 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 check points through the border and in the territorial sea of Ukraine for carrying out of counter-intelligence measures;
  - 10) in emergency cases during fulfilment of counter-intelligence measures, to use without restraint communication facilities belonging to enterprises, institutions

- and organisations, and communication facilities belonging to citizens – with their consent, with the subsequent reimbursement at their request;
- 11) in order to ensure state security and fulfilment of the tasks of counter-intelligence activity, to organize, coordinate 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 coordination 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 the State Secret” and other laws of Ukraine.

The provided rights cannot be used by employees of organs and departments carrying out counter-intelligence activity for illegal purposes. In case of failure to meet these requirements, they are legally liable.

*(Article 7 includes changes made by the Law No. 662-IV of 03.04.2003)*

### **Article 8. Main principles of organisation of counter-intelligence activity**

The organisation and coordination of counter-intelligence activity are assigned to the Central administration of the Security Service of Ukraine.

The procedure of the organisation and implementation of counter-intelligence 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.

Counter-intelligence activity is carried out publicly and secretly.

Public counter-intelligence measures involve the use of open (official) forms and methods of work to ensure state security.

Secret counter-intelligence measures are carried out with the engagement of persons who cooperate on a confidential basis with counter-intelligence 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 counter-intelligence activity is determined by normative-legal acts of the Security Service of Ukraine on the basis for this Law.

For organisation and implementation of counter-intelligence activity, systematization 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 counter-intelligence activity open counter-intelligence cases.

A counter-intelligence case is opened in the presence of the bases determined by this Law for carrying out of counter-intelligence 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 counter-intelligence activity, heads of regional organs, organs of military counter-intelligence of the Security Service of Ukraine or their deputies.

Exclusively with the purpose of carrying out of counter-intelligence activities, systematization and documentary recording of the received results, according to the rights and tasks determined by the law concerning protection of the state border of Ukraine, counter-intelligence cases can be led by departments of the border intelligence service

with permission of the head of the intelligence organ of the specially authorized central executive organ on protection of the state border of Ukraine or his/her deputies with consent of the Security Service of Ukraine and in interaction with it.

A counter-intelligence case should be closed at:

- 1) completion of counter-intelligence activities or exhaustion of possibilities for their fulfilment;
- 2) disproof of information which served as the bases for the fulfilment of counter-intelligence activity;
- 3) suppression of intelligence, terrorist or other illegal activity threatening the state security of Ukraine;
- 4) departure of the person for a permanent place of residence outside Ukraine, and impossibility to carry out counter-intelligence activity against him/her;
- 5) opening of an operational search case based on the materials of counter-intelligence activity;
- 6) bringing the person to criminal account, including abroad, for activities which served as the bases for opening of a counter-intelligence case;
- 7) death of the person against whom a counter-intelligence case has been opened.

With the purpose of prevention, timely identification and suppression of intelligence, terrorist and other illegal acts against state security of Ukraine, the organs and departments of the Security Service of Ukraine carrying out counter-intelligence activity based on the results of the counter-intelligence 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 counter-intelligence activity. Coverage of the results of counter-intelligence activity is carried out with observance of the requirements of the legislation of Ukraine.

*(Article 8 includes changes made by the No. Law 662-IV of 03.04.2003)*

#### **Article 9. Protection of data about counter-intelligence activity**

The data about the organisation, plans, contents, forms, methods, facilities, financing, logistical support, results of counter-intelligence activity, scientific and technical research on state security, as well as about persons who cooperate or have cooperated on a confidential basis with organs and departments of the Security Service of Ukraine carrying out counter-intelligence 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 the State Secret”. Access to this data can be given in cases and in accordance with the procedure defined by the Security Service of Ukraine, according to the requirements of the law.

#### **Article 10. Social and legal guarantees of employees of organs and departments of the Security Service of Ukraine carrying out counter-intelligence activity**

Employees of organs and departments of the Security Service of Ukraine carrying out counter-intelligence 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 men and members of their families” and other laws of Ukraine.

During performance by the employees of counter-intelligence 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 authorized 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 counter-intelligence 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 counter-intelligence activity**

The state guarantees the observance of constitutional rights and freedoms of the person and the citizen during the implementation of counter-intelligence 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 counter-intelligence 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 counter-intelligence activity bear disciplinary, administrative, material or criminal responsibility according to the law.

The information on private life, honour and dignity of a person, which became known during counter-intelligence activity, cannot be disclosed.

The citizens have the right to receive according to the procedure established by the law written explanations in case of restriction of their rights and freedoms during the implementation of counter-intelligence activity and appeal against these activities.

#### **Article 12. Control over counter-intelligence activity, oversight over the observance of legality by the organs and departments carrying counter-intelligence activity**

Control over counter-intelligence 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**

1. This Law enters into force from the date of its publication.
2. 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.
3. 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;
4. 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.

# Law on the Fight Against Terrorism

638-IV of 20.03.2003; (Bulletin of the Verkhovna Rada of Ukraine (BVR), 2003, No. 25, p. 180)

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 coordinate 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 basic terms

In this Law the terms given below shall have the following meaning:

Terrorism is an act dangerous to the public which consists of conscious, purposeful use of violence by reprisal, arson, murder, torture, 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 liability is envisaged by Article 258 of the Criminal Code of Ukraine. 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 to the Criminal code of Ukraine;

Technological terrorism are 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 installations which directly or indirectly pose a threat or threaten the occurrence of threat to then emergency owing to these activities and pose a threat to the personnel, the population 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 physical persons or organisations, destruction of material installations with a terrorist purpose;
- Organisation of unlawful armed formations, criminal groupings (criminal organisations), organized 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 of existing terrorist groups (organisations) or other assistance to them;

International terrorism is carried out globally or regionally by terrorist organisations, groupings, 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, murder of innocent people or threat of 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 a group of 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 recognized 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 all the organisation;

Fight against terrorism are the activities to prevent, reveal, suppress, and minimize the consequences of terrorist activity;

Antiterrorist operation is the complex of the coordinated special measures directed toward the prevention, aversion and suppression of the criminal activities committed with a terrorist purpose, liberation of hostages, neutralization of terrorists, minimization of consequences acts of terrorism or other crimes committed with a terrorist purpose;

The area in which the antiterrorist operation is carried out is defined by the governing body of the antiterrorist operation as the land or water areas, 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 power organs, 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**

Legal basis for 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 fight against terrorism**

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;
- Cooperation 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 FIGHT AGAINST TERRORISM**

### **Article 4. Subjects of fight against terrorism**

The organisation of the fight against terrorism in Ukraine and its provision with necessary forces, means and resources are brought about by the Cabinet of Ministers of Ukraine within the limits of its competence.

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;
- The Ministry of Defence of Ukraine;
- The Ministry of Ukraine on issues of emergencies and protection of the population from the consequences of the Chernobyl accident;
- The state committee dealing with the protection of the border of Ukraine;
- The state department of Ukraine dealing with the implementation of punishments;
- The State Guard Administration of Ukraine.
- The following are also involved in the implementation of activities connected with the prevention, disclosure and suppression of terrorist activity:
- The Ministry of Foreign Affairs of Ukraine;
- The Ministry of Health of Ukraine;

- The Ministry of fuel and power systems of Ukraine;
- The Ministry of industrial policy of Ukraine;
- The Ministry of transport of Ukraine;
- The Ministry of Finance of Ukraine;
- The Ministry of ecology and natural resources of Ukraine;
- The Ministry of agrarian policy of Ukraine;
- The state customs service of Ukraine;
- The state tax administration of Ukraine.

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 on to their successors if it is envisaged by the relevant decree 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.

Coordination 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 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 present 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 of antiterrorist operation, conducting the detective-technical search activities on systems and channels of telecommunications which 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, coordination 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 inquiry of cases of the crimes connected with terrorist activity; ensures security against terrorist attacks on Ukrainian establishments, their employees and members of their families abroad.

The Ministry of Internal Affairs of Ukraine carries out the fight against terrorism by preventing, revealing and suppressing crimes committed with a terrorist purpose, the investigation which is conducted according to the legislation of Ukraine by the competent law-enforcement organs; gives to the Antiterrorist Centre attached to the Security Service of Ukraine the necessary forces and means; ensures their effective use at carrying out antiterrorist operations.

The Ministry of Defence of Ukraine, military management organs, bodies of troops, military units of the Armed Forces of Ukraine provide protection against terrorist attacks on installations of the Armed Forces of Ukraine, weapons of mass destruction, missile and small arms, ammunition, explosive and poison gases which are in military units or are stored in certain places; organize training and deployment of forces and means of the Land Forces, Air Forces and Air Defence Troops, the Navy of

the Armed Forces of Ukraine in case of the commitment of acts of terrorism in air space, in the territorial waters of Ukraine; take part in antiterrorist operations on military installations and in case of terrorist threats to security of the state outside the limits of Ukraine.

The Ministry of Ukraine on issues of emergencies and protection of the population from consequences of the Chernobyl accident, the management organs subordinated to it on the issues of civil defence and specialized 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 minimize and alleviate the consequences of such situations by carrying out antiterrorist operations, as well as carrying out educational and practically-educational activities with the purpose of training the population how to respond in case an act of terrorism is committed.

The state committee in issues of protection of the border of Ukraine, regional management organs and organs of the state border protection of the Border troops of Ukraine carry out 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 which can be used to commit terrorist acts; ensure the security of sea navigation within the limits of territorial waters and 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 to carry out antiterrorist operations at check points in the border of Ukraine and other installations arranged on border or in the frontier.

The state department of Ukraine on issues of implementation of punishments carries out measures on the prevention and suppression of terrorist acts against penitentiary installations.

The State Guard Administration of Ukraine participates in operations on the suppression of terrorist acts directed against officials and installations which are protected by its subordinates.

#### **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 precautionary, 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 fight against terrorism, recommendations directed toward the increase of efficiency of measures to reveal and eliminate the causes and conditions contributing to the commitment of acts of terrorism and other crimes committed with a terrorist purpose;

- Collection - in accordance with the established procedure - generalization, analysis and estimation of information on the condition and tendencies of the spread of terrorism in Ukraine and abroad;
- Organisation and carrying out of antiterrorist operations and coordination of the activity of subjects combating terrorism or involved in concrete antiterrorist operations;
- Organisation and carrying out of command-staff and tactics-special periodical trainings and trainings;
- Participation in the drafting of international treaties, development and presentation in accordance with the established procedure of the proposals on updating of the legislation of Ukraine in the field of the fight against terrorism, financing of 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 coordination commission and operational staff, as well as coordination groups and their operational staff attached to regional organs of the Security Service of Ukraine.

The composition of the Interdepartmental coordination commission of the Antiterrorist Centre attached to the Security Service of Ukraine includes the chief of the Antiterrorist Centre and his assistants; assistants to the state secretaries of the Ministry of Internal Affairs of Ukraine, the Ministry of Ukraine on issues of emergencies and protection of the population from consequences of Chernobyl accident; the deputy chief of the General Staff of the Armed Forces of Ukraine; assistants to chiefs of the state committee in issues of protection of the border of Ukraine, the State Guard Administration of Ukraine, the state department of Ukraine on issues of administration of the punishment; the assistant to the State secretary of the Ministry of Internal Affairs of Ukraine - the Head of the Central administrative board of the Ministry of Internal Affairs of Ukraine in the city of Kyiv; the commander of Internal troops of the Ministry of Internal Affairs of Ukraine; the Head of department of the Security Service of Ukraine in the city of Kiev, the vice-head of the Kiev city state administration; assistants to heads of other Central Executives.

The regulation on the Antiterrorist Centre attached to the Security Service of Ukraine and the composition of the Interdepartmental coordination commission are approved by the President of Ukraine upon submission of the Cabinet of Ministers 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 organized by its operational staff.

The composition of the coordination 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 administrative boards (boards) of the Ministry of Internal Affairs of Ukraine in regions (oblasts), the cities of Kiev and Sevastopol, the relevant organs on emergencies and civil defence of the population of the Autonomous Republic of Crimea, regional, Kiev, Sevastopol city

state administrations, in regions where departments of Border troops of Ukraine are deployed, the State Guard Administration - their commanders, chiefs, as well as representatives of other local executive organs, enterprises, institutions, organisations.

Coordination 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 chief of department of the Security Service of Ukraine in the region (oblast), the cities of Kiev and Sevastopol.

The composition of coordination 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 Kiev or Sevastopol city council.

The organisation of the work of the coordination 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 cooperate 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:
  - a) Capture or threat of capture by terrorist groups (terrorist organisations) of weapons, explosives, other means of mass destruction;
  - b) Crossing of the Ukrainian border by its citizens, foreigners and persons without citizenship seeking to commit acts of terrorism;
  - c) Long-distance and international travel documents revealed by passengers which appear fake;
  - d) Use or threat of use by terrorists, terrorist groups or terrorist organisations of communication facilities and communication technologies.
- 3) to promote the maintenance of the 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 the commitment of 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 power organs of Ukraine, local self-government organs, associations of citizens, organisations, their officials are obliged to assist the organs carrying out the fight against terrorism, to report data which becomes known to them on terrorist activity or

any other circumstances which can assist the prevention, disclosure and suppression of terrorist activity, as well as the minimization of its consequences.

### **PART III. CARRYING OUT AN ANTITERRORIST OPERATION**

#### **Article 10. Conditions of carrying out of 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 accept to carry out an antiterrorist operation is contingent on the degree of public danger of the terrorist act 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 coordination 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, coordinated with the Head of the Security Service of Ukraine. The President is immediately informed on the decision to carry out an antiterrorist operation in Ukraine. Antiterrorist operation is conducted by the Antiterrorist Centre attached to the Security Service of Ukraine in case:

- 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 on issues 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 coordination group of the relevant regional organ of the Security Service of Ukraine or executive authority according to their competence.

#### **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 Antiterrorist Centre attached to the Security Service of Ukraine (coordination group of the relevant regional organ of the Security Service of Ukraine) or by the person replacing him/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 which 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 antiterrorist operation**

During the carrying out of 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, 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.

Employees of law enforcement organs, military men 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 organized and the surroundings are set.

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 the operational staff.

With the consent of the management of enterprises, institutions and organisations located in the region where the antiterrorist operation is carried out, their work 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 the established procedure, by their consent, be involved in the fulfilment of separate tasks.

#### **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 law-enforcement organs persons who committed offences or other activities which interfere with the fulfilment of the legitimate requirements of the persons involved in the antiterrorist operation, or activities connected with the unauthorized attempt to penetrate into the region where the antiterrorist operation is carried out and obstruction to it;

- 3) to check citizens and officials' identification documents and at the absence of documents - to detain them for identification;
- 4) in the region where the antiterrorist operation is carried out, to examine citizens, their belongings and their vehicles and things 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, to tow vehicles;
- 6) to enter (to penetrate) into living and other quarters and ground areas 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 one, 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 are where the antiterrorist operation is carried out, contacts with representatives of the mass 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 16. Conditions of negotiating with terrorists**

During the antiterrorist operation, in order to save peoples' lives and health and material assets, dissuading terrorists from committing unlawful acts, restraining them, finding ways to suppress the act of terrorism, and negotiating 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 neutralization 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 neutralized by instructions of the chief of the operational staff without warning.

During negotiations, the granting to terrorists of persons, subjects and substances which 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 on an act of terrorism**

Informing the public on the commitment of the act of terrorism is carried out by the chief of the operational staff or by the persons authorized by him to maintain public relations.

It is forbidden to give, through the mass media or through a different way, information which:

- 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 which resist or call for the resistance of the antiterrorist operation;
- Contains data about subjects and substances which 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 which 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 its region has ended.

The decision on the termination of the antiterrorist operation is taken by the chief of the operational staff managing the operation.

In carrying out the antiterrorist operation, the chief of the operational staff together with the relevant executive organs and local self-government organs organizes the provision of assistance to victims, determines measures on the elimination and minimization of consequences of the act of terrorism, and organizes their implementation.

### **PART IV. REPARATION OF THE DAMAGES CAUSED BY THE ACT OF TERRORISM. SOCIAL 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 of 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**

The persons participating in the fight against terrorism are under protection of the state. The following are subject to legal and social protection:

- 1) military men, employees and officials of central and local executive organs taking (having taken) direct participation in antiterrorist operations;
- 2) persons who assist on a continuing or temporary basis organs carrying out the fight against terrorism through the prevention, revealing, suppression of terrorist activity and minimization of its consequences;
- 3) family members of the persons specified in items 1 and 2 of this part 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 fight against terrorism is carried out in accordance with the procedure determined by law.

If a person who participated in fight against terrorism is killed during the antiterrorist operation, the members of his/her family and the persons dependent on him/her for support are paid an extraordinary grant amounting to twenty living wages at the expense of the State Budget of Ukraine; they are refunded on the burial of the victim, the bread-winner loss pension is granted, and privileges which the victim had on reception of housing, payment of housing-and-municipal services, etc. are kept.

In case the person who participated in the fight against terrorism became invalid owing to a mutilation 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 which has not entailed invalidity, 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 men 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 men, 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 upon decision by court is subject to liquidation and its property subject to confiscation.

In case the 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), cities of Kiev 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 is directly or indirectly belonging to or 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 COOPERATION OF UKRAINE IN THE FIGHT AGAINST TERRORISM**

### **Article 26. Bases for international cooperation in the fight against terrorism**

Ukraine, according to the international treaties concluded by it, cooperates 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 the 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 departments of the Armed Forces of Ukraine to other states” and “On the procedure of admittance and conditions of stay of the departments of the Armed Forces of other states in 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 Fight against 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 authorized by him/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.

# **Law On State Protection of the Organs of State Power and Their Officials**

160/98-BP of 04.03.1998; (Bulletin of the Verkhovna Rada of Ukraine (BVR), 1998, No. 35, p. 236), Includes changes made by the Law No. 662-IV of 03.04.2003, BVR, 2003, No. 27, p. 209; 2249-IV of 16.12.2004, BVR, 2005, No. 5, p. 116

## **PART I. GENERAL PRINCIPLES**

### **Article 1. The concept of state protection of organs of state power of Ukraine and their officials**

The 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 authorized 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**

The 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 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**

The state protection is provided for the citizens registered as presidential candidates of Ukraine - for the period of pre-election campaign and elections.

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 authorized to act on behalf of the relevant organs of state power or upon the submission of the Head of the Department of the 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 to 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 temporary in the written form from 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 location 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 Ministry of Internal Affairs of Ukraine, a special authorized 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 10 includes changes made by the Law No. 662-IV of 03.04.2003)*

#### **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, organizes 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.

**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 authorized:

- To give its consent to the admission of citizens on installations subject to the 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 clothes and documents which hide the identity of a person or his/her departmental affiliation to military men 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 search 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 the state protection;
- To involve with the consent of the heads of law-enforcement and other state organs their military men, employees, technical and other means;
- To carry out on the installations subject to the 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 servicemen of the Administration of state protection of Ukraine in the execution of the 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 men 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 cooperates 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 cooperate 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 staff of the Administration of state protection of Ukraine consists of the military men who carry out military service at the Administration of state protection of Ukraine on a contractual basis, military men on the 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 and who according to the requirements of the current legislation cannot be granted access to the state secret, cannot be employed in the Administration of state protection of Ukraine.

The legislation of Ukraine on the general procedure and conditions of military service is applicable to the servicemen who serve in the Administration of state protection of Ukraine.

The servicemen who serve in the Administration of state protection of Ukraine do not have the right to be members of political parties.

The servicemen who serve in the Administration of state protection of Ukraine receive service identity cards and wear the uniform 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 17. The Duties of the military men who serve in the Administration of state protection of Ukraine**

The servicemen 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 servicemen 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 men who serve in the Administration of state protection of Ukraine**

The servicemen 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 into the installations subject to the state protection, to check their identity documents, to carry out according to the procedure established by the law the personal check of detained persons and examination of their belongings and vehicles and to transfer them to other law-enforcement organs;
- 3) during implementation of security activities to limit temporarily or forbid the movement of vehicles and pedestrians on the streets and roads according to the law, 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 fire-arms and special means on the basis of and according to the procedure established by the Law of Ukraine “On militia”, 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 18 includes changes made by the Law No. 2249-IV of 16.12.2004)*

**Article 19. Appeals against wrongful acts of the Administration of state protection of Ukraine**

The acts of the servicemen 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 servicemen 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 men of the Armed Forces of Ukraine are applicable to the servicemen who serve in the Administration of state protection of Ukraine.

The servicemen 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 fire-arms.

Nobody, except for their immediate chiefs, has the right to interfere with the service activity of the servicemen 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 servicemen 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 servicemen 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 authorized 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 servicemen 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 servicemen who serve in the Administration of state protection of Ukraine are applied to them.

The servicemen who serve in the Administration of state protection of Ukraine, except for military men on regular military service, have the right to an out of turn installation of a home phone.

Pensions for the servicemen who serve in the Administration of state protection of Ukraine are granted according to the Law of Ukraine "On pensions of military men, commanding personnel and privates of law-enforcement organs".

**Article 21. Indemnities and payments in case of mutilation or death of the servicemen 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 mutilation or death of a serviceman who serves in the Administration of state protection of Ukraine in connection with performance of official duties, he, the family of the deceased or his/her dependents are paid indemnity and other payments in accordance with the procedure and the amounts envisaged for the Security Service of Ukraine servicemen.

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 servicemen and employees of the Administration of state protection of Ukraine**

Medical aid to the servicemen 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, 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 1<sup>st</sup> 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**

Control over the activity of the Administration of state protection of Ukraine is carried out by the President 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.

# Law on Information

2657-XII of 02.10.1992; (Bulletin of the Verkhovna Rada of Ukraine (BVR), 1992, No. 48, p. 650), Enacted by the resolution of the Verkhovna Rada No. 2658-XII of 02.10.1992, (Bulletin of the Verkhovna Rada of Ukraine (BVR), 1992, No. 48, p. 651); Includes changes made by Laws No. 1642-III of 06.04.2000, BVR, 2000, No. 27, p. 213; No. 3047-III of 07.02.2002, BVR, 2002, No. 29, p. 194; No. 676-IV of 03.04.2003, BVR, 2003, No. 28, p. 214; No. 1268-IV of 18.11.2003, BVR, 2004, No. 11, p. 141; No. 1703-IV of 11.05.2004, BVR, 2004, No. 32, p. 394.; See the statutory interpretation of the Law in the Decision of the Constitutional Court of Ukraine No. 5-ZP of 30.10.97

This Law asserts the right of the citizens of Ukraine to information, establishes legal bases for information activity.

Based on the Declaration of State Sovereignty of Ukraine and its Act of Declaration of Independence, the Law confirms the information sovereignty of Ukraine and determines legal forms of international cooperation in the field of information.

## PART I. GENERAL PROVISIONS

### Article 1. Definition of information

Information shall have the following meaning in this Law: documentary or publicly announced data on events and phenomena occurring in society, the state and the environment.

### Article 2. Purpose and tasks of the Law

The law establishes the general legal bases for the reception, use, distribution and storage of information, asserts the right of the person to information in all spheres of public and state life of Ukraine, as well as the system of information, its sources, determines the status of participants in information relations, regulates the access to information and provides protection, defends the person and society from false information.

### Article 3. Scope of the Law

This Law is applicable to information relations taking place in all spheres of life and activities of society and the state when receiving, using, distributing and storing information.

### Article 4. Legislation on information

The legislation of Ukraine on information is the Constitution of Ukraine, this Law, legislative acts relating to certain branches, types, forms and means of information, international treaties and agreements ratified by Ukraine, and principles and norms of international law.

### Article 5. Main principles of information relations

Main principles of information relations are the following:

- Guarantee of the right to information;
- Openness, availability of information and freedom of its exchange;

- Objectivity, reliability of information;
- Completeness and accuracy of information;
- Legality of reception, use, distribution and storage of information.

**Article 6. State information policy**

The state information policy consists of the major directions and ways of the activity of the state concerning the reception, use, distribution and storage of information.

The main directions and ways of the state information policy are the following:

- Providing citizens access to information;
- Creation of national systems and networks of information;
- Strengthening of material, financial, organisational, legal and scientific bases of information activity;
- Maintenance of the effective use of information;
- Assistance to the periodic updating, enrichment and storage of national information resources;
- Creation of a generalized system of information protection;
- Assistance to international cooperation in the field of information and to guarantee the information sovereignty of Ukraine;
- Assistance to satisfy the information needs of Ukrainians abroad.
- The state information policy is developed and carried out by the state power organs of general competence, as well as the relevant organs of special competence.

*(Article 6 includes changes made by Law No. 2707-IV of 23.06.2005)*

**Article 7. Subjects of information relations**

Subjects of information relations are the following:

- Citizens of Ukraine;
- Legal persons;
- The state.
- Subjects of information relations according to this Law can also be other states, their citizens and legal persons, international organisations and persons without citizenship.

**Article 8. Objects of information relations**

Objects of information relations are documentary or publicly disclosed information on events and phenomena in the fields of politics, economy, culture, public health services, as well as in social, ecological, international and other areas.

*(Article 8 includes changes made by Law No. 1642-III of 06.04.2000)*

**Article 9. Right to the information**

All citizens of Ukraine, legal persons and state organs have the right to information, providing for the opportunity of free reception, use, distribution and storage of the data necessary for them to exercise their rights, freedoms and legitimate interests, and the accomplishment of tasks and functions.

Exercise of the right to information by citizens, legal persons and the state should not break public, political, economic, social, spiritual, ecological and other

rights, freedoms and legitimate interests of other citizens, the rights and interests of legal persons.

Each citizen is given easy access to information on issues related to that citizen, except in cases envisaged by laws of Ukraine.

#### **Article 10. Guarantees of the right to information**

The right to information is ensured by:

- Duty of state power organs, as well as organs of local and regional self-government to inform on their activity and take decisions;
- Creation in the state organs of special information services or systems providing information in accordance with the established procedure for access to information;
- Easy access of subjects of information relations to statistical data, archival, library and museum funds; restrictions of this access are caused only by the specificity of valuables and special conditions of their safekeeping determined by legislation;
- Creation of the mechanism of exercise of the right to information;
- State control over observance of legislation on information;
- Establishment of liability for infringement of legislation on information.

#### **Article 11. Language of information**

Language of information is determined by the Law “On languages in Ukraine”, other acts of Ukraine in this sphere, the international treaties and agreements ratified by Ukraine.

## **PART II. INFORMATION ACTIVITY**

#### **Article 12. Definition of information activity**

Information activity is a set of activities directed toward the satisfaction of the information needs of citizens, legal persons and states.

With the purpose of the satisfaction of these needs, state power organs and organs of local and regional self-government create information services, systems, networks, bases and databanks.

The procedure for their creation, structure, rights and duties are determined by the Cabinet of Ministers of Ukraine or other state power organs, as well as by organs of local and regional self-government.

#### **Article 13. Major directions of information activity**

Major directions of information activity are the following: political, economic, social, spiritual, ecological, scientific and technical, international, etc.

The state is obliged to care constantly for the duly creation, appropriate operation and development of information systems, networks, banks and databases in all directions of information activity.

The state guarantees freedom of information activity in these directions to all citizens and legal persons within the limits of their rights and freedoms, functions and powers.

**Article 14. The Basic kinds of information activity**

The basic kinds of information activity are reception, use, distribution and storage of information.

Reception of information is understood as the purchase, accumulation of documentary or publicly disclosed information by citizens, legal persons or the state according to the current legislation of Ukraine.

Use of information is understood as the satisfaction of information needs of citizens, legal persons and the state.

Dissemination of information is understood as the promulgation, circulation of documentary or publicly disclosed information according to the established law procedure.

Storage of information is understood as the maintenance of information and its material objects in proper condition.

Reception, use, distribution and storage of documentary or publicly disclosed information is carried out according to the procedure established by this Law and other acts in the field of information.

**Article 15. Vocational training in the field of information activity**

In Ukraine the conditions for the reception of vocational training in the field of information activity is provided through its system of educational establishments.

The procedure for the creation of educational establishments in the field of information (journalism, statistics, library and archival science, scientific-information activity, computer science, computer facilities etc.) and their operating principles are determined by the Law of Ukraine "On education" and other acts.

**Article 16. Organisation of scientific research in the field of information activity**

Pioneering fundamental and applied scientific research in the field of information activity has been conducted to ensure the successful operation and development of national systems of information in Ukraine.

Toward this end scientific establishments, research-and-production departments, associations, centres of new information technologies and other formations are created, including with the assistance of foreign partners.

Financing of intelligence and fundamental scientific research, scientific programmes, projects of the state importance in research and educational establishments is carried out at the expense to budgetary appropriations, own means and means of customers.

Financing of applied research and developments is carried out, as a rule, on a contractual basis, and their results can be object of commodity relations.

**PART III. AREAS, TYPES, SOURCES OF INFORMATION AND MODE OF ACCESS TO IT****Article 17. Information areas**

Information areas is understood as a set of documentary or publicly announced data on relatively independent spheres of life and activity of society and the state.

The basic areas of information are the following: political, economic, spiritual, scientific and technical, social, ecological, international.

**Article 18. Kinds of information**

The basic kinds of information are the following:

- Statistical information;
- Administrative information (data);
- Mass information;
- Information on the activity of state government organs and organs of local and regional self-government;
- Legal information;
- Information on persons;
- Reference-encyclopaedic information;
- Sociological information.

*(Article 18 includes changes made by Law No. 3047-III of 07.02.2002)*

**Article 19. Statistical information**

Statistical information is official documentary state information providing the quantitative characteristics of mass phenomena and processes occurring in economic, social, cultural and other spheres of life.

State statistical information is made public regularly. Citizens, scientific establishments, and interested organisations shall have easy access to the statistical data not made public but which do not fall under restrictions, established by this Law, as well as the Law of Ukraine “On state statistics”.

The system of statistical information, its sources and mode are determined by the Law of Ukraine “On state statistics” and other legal acts in this area.

*(Article 19 includes changes made by Law No. 3047-III of 07.02.2002)*

**Article 19-1. Administrative information (data)**

Administrative information (data) are official documentary data providing quantitative characteristics of phenomena and processes occurring in economic, social, cultural, other spheres of life and collected, used, distributed and stored by state power organs (except for organs of state statistics), local self-government organs, legal persons according to the legislation with the purpose to fulfil administrative duties and the tasks within their competence.

The system of administrative information (data), the powers of the organs engaged in the activity connected with collection and use of administrative data, their sources and mode are established according to legislation.

*(The law is supplemented with Article 19.1 according to Law No. 3047-III of 07.02.2002)*

**Article 20. Mass information and media**

Mass information is publicly distributed printed and audiovisual information.

Printed mass media are understood as periodic printed editions - newspapers, magazines, bulletins, etc., and single editions with certain circulation.

Audiovisual mass media are understood as the following: broadcasting, TV, cinema, sound recording, video recording, etc.

The procedure of creation (establishment) and organisation of the activity of individual mass media are determined by the acts on these media.

**Article 21. Information of state organs and organs of local and regional self-government**

The information of state organs and organs of local and regional self-government is understood as the official documentary information which is created during current activity of legislative, executive and judicial authority, organs of local and regional self-government.

The basic sources of this information are acts of Ukraine, other acts adopted by the Verkhovna Rada of Ukraine and its organs, Decrees of the President of Ukraine, by-law statutory acts, non-normative acts of state organs, acts of organs of local and regional self-government.

Information of state organs and organs of local and regional self-government is brought to the attention of interested persons by means of:

- Its publication in official printed editions or distribution by information services of relevant state organs and organisations;
- Its publication in printed mass media or public announcement through audio- and audiovisual mass media;
- Brought to the attention of interested persons directly (orally, in written form or in a different way);
- Granting of access to archival materials;
- Its announcements during officials appearances.

Sources and procedure of reception, use, distribution and storage of official information of state organs and organs of local and regional self-government are determined by the acts on these organs.

Legislative and other statutory acts on issues of the rights, freedoms and legitimate interests of citizens, not brought to the attention of the public have no validity.

**Article 22. Legal information**

Legal information is understood as a set of documentary or publicly announced information about laws, the legal system, sources, implementations, legal facts, juridical relation, legal order, transgressions and ways to combat and prevent them.

Sources of legal information is the Constitution of Ukraine, others legislative and by-law, normative-legislative acts, international treaties and agreements, norms and principles of international law, as well as non-normative legal acts, mass media accounts, appearances, other sources of information on legal issues.

With the purpose to provide access to legislative and other statutory acts for all citizens, the state provides mass publishing of these acts in the shortest time after their entering into force.

**Article 23. Information on the person**

The information on the person is understood as a set of documentary or publicly announced data on the person.

The main data on the person (personal data) are the following: nationality, education, marital status, religion, state of health, as well as address, date and place of birth.

Sources of documentary information on the person are the documents given out in his/her name, the documents signed by him/her, as well as data on the person,

collected by state government organs and organs of local and regional self-government within the limits of their authority.

The collection of information about the person without its preliminary consent is forbidden, except for cases envisaged by law.

Each person has the right to learn about the information collected about him/her.

The information on the person is protected by law.

#### **Article 24. Reference-encyclopaedic information**

Reference-encyclopaedic information is understood as systematized, documentary or publicly announced data on the public, state life and the environment.

The basic sources of this information are the following: encyclopaedias, dictionaries, directories, advertising messages and announcements, guidebooks, map, etc., as well as references by the authorized state organs and organs of local and regional self-government, associations of citizens, organisations, their employees and automated information systems.

This information system, and access to it are regulated by library, archival and other branch legislation.

#### **Article 25. Sociological information**

Sociological information is understood as documentary or publicly announced data on the attitude of individual citizens and social groups to public events and phenomena, processes, factors.

The basic sources of sociological information are documentary or publicly announced data containing the results of polls, observations and other sociological research.

Sociological research are conducted by state organs, associations of citizens registered in accordance with the established procedure.

#### **Article 26. Sources of information**

Sources of information are material objects envisaged or established by the Law: documents and other data objects representing material objects containing information, as well as mass media accounts, appearances.

#### **Article 27. The Document in information relations**

The document is understood as envisaged by the law material form of reception, storage, use and dissemination of information by its fixing on paper, magnetic, film-, video-, or other material object.

The primary document is understood as the document containing the source information.

The secondary document is understood as the document representing the result of analytic-synthetic and other processing of one or several documents.

#### **Article 28. The Mode of access to information**

The mode of access to information is understood as the legal procedure of obtaining, use, distribution and storage of information.

In accordance with the mode of access the information is classified as open information and information with limited access.

The state controls the mode of access to information.

The task of control over the mode of access to information is the maintenance of the observance of the requirements of the legislation on information by all state organs, enterprises, institutions and organisations, and to prevent the unreasonable ascribing of data to the category of information with limited access.

State control over the observance of the established mode is carried out by special organs which are determined by the Verkhovna Rada of Ukraine and the Cabinet of Ministers of Ukraine.

In the course of control, the Verkhovna Rada of Ukraine can demand from government executive organs, ministries, departments the reports containing data on their activity to provide information to interested persons (the number of cases of refusal to grant access to information with the indication of the reasons of such refusals; number and substantiations of application of the mode of the limited access to individual kinds of information; number of complaints to wrongful acts of the officials who refused the access to information, and measures applied to them, etc.).

#### **Article 29. Access to open information**

Access to open information is provided by:

- Its regular publication in official printed editions (bulletins, collections);
- Distributions by mass media;
- Its direct granting to the interested citizens, state organs and legal persons.
- The procedure and conditions of granting information to citizens, state organs, legal persons and representatives of the public are established by this Law, or by agreement if information is granted on a contractual basis.
- Restriction of the right on reception of open information is forbidden by law.
- Citizens who need information for the performance of their profession have the right of priority to the reception of information.

#### **Article 30. Information with limited access**

In accordance with its legal regime, information with limited access is divided into confidential and classified information.

Confidential information is understood as data in the possession, use or disposal of individual physical or legal persons and disclosed at their discretion according to the conditions envisaged by them.

The limited access to information needs to be established for information belonging to the state and being used by state power organs or local self-government organs, enterprises, institutions and organisations of all forms of ownership, thus the status confidential is given. The procedure of the registration, storage and use of documents and other material objects containing the specified information is determined by the Cabinet of Ministers of Ukraine.

The following cannot be ascribed to confidential information belonging to the state and used by state power organs or local self-government organs, enterprises, institutions and organisations of all forms of ownership:

- Condition of the environment, quality of food and households;
- Accidents, catastrophes, dangerous natural phenomena and other emergencies which have occurred or can occur and endanger the security of citizens;
- The state of health of the population, its standard of life, including food, clothes, habitation, health services and social security, as well as social-

demographic parameters, the condition of legal order, education and culture of the population;

- Issues of human and citizens' rights and freedoms, as well as the facts of their infringements;
- Unlawful acts of state power organs, local self-government organs, their officials and service persons;
- Other information access which cannot be limited according to the laws of Ukraine and the international treaties agreed to be binding by the Verkhovna Rada of Ukraine.

Citizens, legal persons possessing professional, business, industrial, bank, commercial and other information received by their own means, or being the subject of their professional, business, industrial, bank, commercial and other interest and not breaking secrets envisaged by the law, independently determine the mode of access to it, including its ascription to the category of confidentiality, and establish for it the system (way) of protection.

Exception is commercial and bank information, as well as information for which the legal regime is established by the Verkhovna Rada of Ukraine upon submission of the Cabinet of Ministers of Ukraine (on issues of statistics, ecology, bank operations, taxes, etc.), and the concealment of information which poses a threat to the life and health of people.

Classified information is the information containing data constituting the state and other secrets envisaged by the law divulging of which damages the person, society and the state.

Ascribing information to the category of classified information constituting state secret, and access of citizens to it is carried out according to the law on this information.

The procedure of circulation of classified information and its protection is determined by the relevant state organs, provided observance of the requirements established by this Law.

The procedure and terms of making public classified information are determined by the relevant law.

Information with limited access can be spread without the consent of its owner if this information is socially significant, i.e. it is the subject of public interest and if the right of the public to have this information prevails over the right of its owner to its protection.

*(Article 30 includes changes made by Laws No. 676-IV of 03.04.2003, No. 1703-IV of 11.05.2004)*

### **Article 31. Access by citizens to information on them**

Citizens have the right to:

Know during the collection of information, what data on them and for what purpose are collected, how, who and for what purpose they are used;

Access information about them, challenge its reliability, completeness, relevance of information.

The state organs and organisations, organs of local and regional self-government information systems which contain the information on citizens are obliged to give it free and gratis on demand to the persons it concerns, except for the cases envisaged by law, as well as to take measures on prevention of unauthorized access to it. In cases of

infringement of these requirements, the Law guarantees protection of citizens against harm caused by the use of such information.

Access of unauthorized persons to data on other persons, collected according to current legislation by state organs, organisations and officials is forbidden.

Storage of information on citizens should not be longer than it is necessary for lawfully established purposes.

All the organisations collecting information on citizens should, prior to the beginning of work on it, register according to the then established procedure of the relevant databases by the Cabinet of Ministers of Ukraine.

The necessary amount of data about citizens which can be received lawfully should be limited as much as possible and can be used only for lawfully established purpose.

Refusal to access such information, its concealment or unlawful collection, use, storage or distribution can be appealed in court.

### **Article 32. Information inquiry about access to official documents and inquiry about granting written or oral information**

The information inquiry (further - inquiry) about access to official documents is understood in this Law as the reference with the requirement to grant access to official documents. The inquiry can be individual or collective. It is lodged in written form.

The citizen has the right to address the state organs and to demand granting any official document irrespective of whether this document concerns him personally or not, except for the cases of restriction of access, envisaged by this Law.

The inquiry about granting written or oral information is understood in this Law as the reference with the requirement to give written or oral information on the activity of organs of legislative, executive and judicial authority of Ukraine, their officials on individual matters.

Citizens of Ukraine, state organs, organisations and associations of citizens (further – requesters) submit inquiries to the relevant officials of legislative, executive and judicial authority.

The inquiry should contain the surname, name and patronymic of the requester, the document, the written or oral information he/she is interested in and the address he/she prefers to receive an answer to.

The officials of organs of legislative, executive and judicial authority of Ukraine are obliged to give the information on issues of their activity in written form, orally, by phone or using appearances of the officials.

### **Article 33. Term of consideration of inquiry about access to official documents**

Term of consideration of the inquiry should not exceed ten calendar days.

During the specified term the official organ brings to the notice of the requester in written form whether his/her inquiry will be honoured or whether the requested document is not subject to insight.

The satisfaction of inquiry is carried out within a month if not otherwise envisaged by the law.

Similar term of consideration is established for the inquiry about granting of written information as well.

**Article 34. Refusal and postponement in satisfaction of the inquiry about access to official documents**

Refusal to satisfy the inquiry is brought to the notice of the requester in written form with the explanation of the procedure of appeal.

The refusal should specify:

- 1) the official of the official organ refusing to satisfy the inquiry;
- 2) date of refusal;
- 3) motivated grounds for the refusal.

The postponement in satisfaction of the inquiry is permitted in case the required document cannot be given for insight within a month. The notice on the postponement is brought to the attention of the requester in written form with the explanation of the procedure of appeal.

The notice on the postponement should specify:

- 1) the official of the official organ refusing to satisfy the inquiry in the established monthly term;
- 2) date of posting or issuing of the notice on the postponement;
- 3) the reasons why the required document cannot be given out in the term established by this Law;
- 4) term in which the inquiry will be satisfied.

Refusal and postponement in satisfaction of the inquiry about granting the written information are brought about according to a similar procedure.

**Article 35. Appeal against the refusal and postponement in satisfaction of the inquiry about access to official documents**

Refusal or postponement in satisfaction of the inquiry can be appealed against.

In case of refusal to grant the document for insight or postponement in satisfaction of inquiry the requester has the right to appeal against the refusal or postponement to the organ of the highest level.

If the complaint lodged to the organ of the highest level was not satisfied, the requester has the right to appeal against this refusal in court.

In cases where the requester goes to court, the official body has to prove the legality of refusal or postponement.

To ensure the completeness and objectivity of legal investigation the court has the right to request official documents of which access has been refused, and, having considered them, to take the decision on the validity (or inconsistency) of the actions of the officials of the official organ.

If refusal or postponement is declared inconsistent, the court obligates the official organ to give the requester the opportunity to have insight into the official document and pass a separate ruling regarding the officials who refused the applicant.

Unreasonable refusal to grant the opportunity to have insight into official documents or infringement of the determined term of its granting without valid excuse entails discipline or other liability of the officials of official organs in accordance with the procedure established by the laws of Ukraine.

Official documents given on inquiry by the organs of legislative, executive and judicial authority of Ukraine can be published.

Requester has the right to abstract the official documents given for insight, to photograph them, to record the text on a magnetic film, etc. The proprietor of

documents has the right to make, for the relevant payment, at the request of requester the copies of the required documents.

The search of official documents is not subject to payment.

The appeal against the refusal and postponement in satisfaction of the inquiry about granting written information is carried out according to a similar procedure.

**Article 36. Fee for the inquiries about access to official documents and granting written information**

The requester should refund in full or in part the expenses connected with the satisfaction of inquiries about access to official documents and granting of written information.

The procedure of payment for the copies of the required documents is established by official organs.

The Cabinet of Ministers of Ukraine or other official organs determine the procedure and amount of payment of works on collection, search, preparing, creation and granting the required written information, which should not exceed the real charges connected with the satisfaction of inquiries.

**Article 37. Documents and information not subject to insight upon inquiries**

The following official documents are not subject for obligatory granting of access upon inquiries:

- The information recognized as state secret;
- Confidential information;
- The information on detective and investigatory work of organs of Procurement, the Ministry of Internal Affairs, the Security Service of Ukraine, organs of investigation and court when its divulgation can damage the detective measures, investigation or inquiry, infringe on human rights to have a fair and objective judicial trial, to pose threat to the life or health of any person;
- The information on the private life of citizens;
- Interdepartmental service correspondence (reports, correspondence between departments and other), if they are connected with the development of the direction of the activity of an establishment, decision-making process and precede their adoption;
- Information not to be disclosed according to other legislative or statutory acts. The establishment to which the inquiry is addressed cannot grant access to the document if it contains information not to be disclosed on the basis of a statutory act of another official organ, and the official organ which considers the inquiry has no right to determine its disclosure;
- The information on financial establishments prepared for supervisory financial departments.

**Article 38. Information proprietorship**

Information proprietorship is understood as regulated by the law relations of society on possession, using and disposal of information.

Information is the property of citizens, organisations (legal persons) and the state. Information can be property in full, as well as object of possession, using or disposal.

The proprietor of information has the right to carry out any lawful acts towards his/her property.

The bases for accrual of information proprietorship are the following:

- Creation of information by own efforts and funds;
- A contract on creation of information;
- A contract containing conditions of transition of information proprietorship to another person.

The information created by several citizens or legal persons is the collective property of its creators. The procedure and rules of the use of such property are determined by the contract concluded between co-proprietors.

The information created by organisations (legal persons) or obtained by them in other legal way is the property of these organisations.

The information created with the support of the State Budget is state property. The information created as the individual property can be transferred to state ownership in cases of its transfer to storage in relevant databanks, funds or archives on a contractual basis.

The proprietor of information has the right to appoint the person who shall possess, use and dispose the information, and to determine the rules of data processing and access to them, as well as to establish other conditions on issues of information.

#### **Article 39. Information as commodity**

Information production and information services of citizens and legal persons engaged in information activity can be objects of commodity relations regulated by current civil and other legislation.

The prices and pricing in the sphere of information production and information services are established by contracts, except for the cases envisaged by the Law.

#### **Article 40. Information product**

Information product is a materialized result of information activity intended for the satisfaction of information needs of citizens, state organs, enterprises, institutions and organisations.

#### **Article 41. Information service**

Information service is understood as information activities carried out in the form determined by the law to provide information products to consumers with the purpose of satisfaction of their information needs.

### **PART IV. PARTICIPANTS OF INFORMATION RELATIONS, THEIR RIGHTS AND DUTIES**

#### **Article 42. Participants of information relations**

Participants of information relations is understood as citizens, legal persons or the state, gaining the rights and duties envisaged by the law during information activity.

The main participants of these relationships are the following: authors, consumers, distributors, custodians of information.

**Article 43. Rights of participants of information relations**

Participants of information relations have the right to receive (to produce, obtain), use, distribute and store information in any form with the use of any means, except for the cases envisaged by law.

Each participant of information relations to ensure his/her rights, freedoms and legitimate interests has the right to receive information about:

- Activity of state power organs;
- Activity of People's Deputies;
- Activity of organs of local and regional self-government and local administration;
- Information concerning him/her personally.

**Article 44. Duties of participants of information relations**

Participants of information relations are obliged:

- To respect information rights of other subjects;
- To use information according to the law or the contract (agreement);
- To provide observance of principles of information relations envisaged by Article 5 of this Law;
- To provide access to information to all consumers on terms envisaged by the law or the agreement;
- To store it in proper condition during the set time and to give it to other citizens, legal persons or state organs according to the procedure envisaged by the law;
- To offset the disadvantage caused by the infringement of the legislation on information.

## **PART V. FORMATION PROTECTION. LIABILITY FOR INFRINGEMENT OF LEGISLATION ON INFORMATION**

**Article 45. Protection of the right to information**

The right to information is protected by law. The state guarantees all participants of information relations equal rights and opportunities of access to information.

No one can limit the right of a person to choose the forms and sources of reception of information, except for the cases envisaged by law.

The subject having the right to information can demand elimination of any infringements of his/her right.

Seizure of printed editions, exhibits, information banks, documents from archival, library, museum funds and their destruction for ideological or political reasons is forbidden.

**Article 45.1. Prohibition of censorship and prohibition of interference with the professional activity of journalists and the mass media from the direction of state power organs or organs of local self-government, their officials**

Censorship by state power organs, local self-government organs and their officials of a mass medium, journalist, editor-in-chief, mass media organisation, its founder (co-founder), publisher, distributor to coordinate the distributed information (except for cases, when such a requirement is established by the author of this information or other

subject of the copyright and (or) allied rights), and/or as imposing of an interdiction (except for the cases when such interdiction is imposed by court) or preclusion in any other form to duplication or dissemination of information is forbidden.

It is forbidden to interfere in forms not envisaged by the legislation of Ukraine or the contract concluded between founder (co-founders) and editorial staff of a mass medium with the professional work of journalists. It is forbidden to control the contents of the distributed information of the founders (co-founders) of a mass medium, state power organs or local self-government organs, officials of these organs, in particular with the purpose of distribution or non-distribution of the determined information, ignoring socially significant information, imposing of an interdiction on featuring (screening) of individual persons or dissemination of information about them, interdiction to criticize state power organs or local self-government organs or their officials.

It is forbidden to create state power organs, establishments, introduction of posts entrusted with the powers to control over the information distributed by mass media.

To deliberately prevent journalists from carrying out their lawful profession and/or prosecution of journalists for performance of professional duties, criticism carried out by the official or group of persons on previous concert results in criminal liability according to the Criminal code of Ukraine.

The powers of state power organs on issues of activity of mass media are determined exclusively by the Constitution and laws of Ukraine.

*(The law is supplemented with Article 45.1 according to Law No. 676-IV of 03.04.2003)*

#### **Article 46. Inadmissibility of abuses to the right to information**

Information cannot be used to call for the overthrow of the constitutional order, infringe on the territorial integrity of Ukraine, propagation of war, violence, cruelty, fermentation of racial, national, religious hatred, commitment of the act of terrorism, infringement of human rights and freedoms.

The data considered state or other secret envisaged by legislation are not to be made public.

Correspondences, telephone conversations and cable notifications on issues of medical secrecy, monetary contributions, profits on entrepreneurial activity, adoption of children, except for the cases envisaged by the law, are not subject for divulgation.

*(Article 46 includes changes made by Law No. 1268-IV of 18.11.2003)*

#### **Article 47. Liability for infringement of the legislation on information**

Infringement of the legislation of Ukraine on information entails disciplinary, civil, administrative or criminal liability according to the legislation of Ukraine.

The persons guilty of commitment of the following infringements of the legislation on information are brought to account:

- Unreasonable refusal of granting of relevant information;
- Granting of information not representing the facts;
- Untimely granting of information;
- Deliberate concealment of information;
- Compulsion to distribution or preclusion to distribution of certain information, as well as censorship;

- Distribution of data not representing the facts, discrediting honour and dignity of the person;
- Groundless refusal to spread certain information;
- Use and dissemination of information about private life of the citizen without his/her consent by the person being the proprietor of the relevant information by virtue of performance of his/her official duties;
- Publication of state or other secret protected by the law by a person which should protect this secret;
- Infringement upon the procedure of storing information;
- Deliberate destruction of information;
- Unreasonable ascribing of separate kinds of information to the category of data with limited access;
- Infringement upon the procedure of registration, storage and use of documents and other material objects containing confidential information being the property of the state.

*(Article 47 includes changes made by Laws No. 676-IV of 03.04.2003, No. 1703-IV of 11.05.2004)*

#### **Article 47-1. Reprieve from liability**

No one can be brought to account for making appraisals.

Appraisals, except for insult or slander, are opinions not containing the facts, in particular criticism, estimation of actions, as well as opinions that cannot be interpreted as containing the facts considering the character of use of language means, in particular the use of hyperboles, allegories, satires. Appraisals are not subject to refutation and proof to their credibility.

The person is reprieved from liability for the publication of information with limited access if the court establishes that this information is socially significant.

The additional bases for reprieve from liability of mass media and journalists are determined by laws “On printed mass media (the press) in Ukraine”, “On TV and broadcasting”, “On news agencies” and “On the state support of mass media and social protection of journalists”.

*(The law is supplemented with Article 471 according to Law No. 676-IV of 03.04.2003)*

#### **Article 48. Procedure of appeal against unlawful acts**

In case of commitment by state organs, organs of local and regional self-government and their officials, as well as political parties, other associations of citizens, mass media, state organisations being legal persons and separate citizens of the unlawful acts envisaged by this Law, these actions are subject to appeal to the organs of a highest level or the court.

Complaints about unlawful acts of officials are filed with organs of a higher level than those officials.

In case the complaint submitted to the organ of a highest level is not allowed, the interested citizen or legal person has the right to appeal against unlawful acts of the officials in court.

**Article 49. Reparation of material and mental damage**

If an offence committed by the subject of information activity causes material or mental damage to physical or legal persons, guilty persons repair it voluntarily or on the basis of a court decision.

State power organs, local self-government organs as plaintiffs in protection of honour, dignity and business reputation have the right to take only the refutation of unreliable information to court and have no right to demand reparation of moral (non-property) damage. It does not deprive the official of an organ of state power or local self-government the right to protect the honour, dignity and business reputation in court.

*(Article 49 in the wording of Law No. 676-IV of 03.04.2003)*

**PART VI INTERNATIONAL INFORMATION ACTIVITY.  
COOPERATION WITH OTHER STATES, FOREIGN AND  
INTERNATIONAL ORGANISATIONS IN THE FIELD OF  
INFORMATION****Article 50. International information activity**

International information activity is understood as supplying citizens, state organs, enterprises, institutions and organisations with official documentary or public information on Ukrainian foreign policy activity, about events and phenomena in other countries, as well as in the purposeful distribution of comprehensive information on Ukraine abroad by state organs and citizens' associations, mass media and citizens.

Citizens of Ukraine have the right on free and unimpeded access to information through foreign sources, including direct television broadcasting, radio broadcasting and the press.

The legal status and professional work of foreign correspondents accredited in Ukraine and other representatives of foreign mass media, as well as information activity of diplomatic, consular and other official representatives of foreign states in Ukraine are regulated by the legislation of Ukraine, the relevant international treaties concluded by Ukraine.

Creation and activity of joint organisations in the field of information with the assistance of domestic and foreign legal persons and citizens are regulated by the legislation of Ukraine.

If an international contract establishes rules other than those laid down by the legislation of Ukraine regulating the relations in the field of information, the norms of the international treaty (contract) concluded by Ukraine are applied.

**Article 51. International treaties**

International cooperation in the field of information on issues representing mutual interest is carried out on the basis of the international treaties concluded by Ukraine and legal persons engaged in information activity.

The state organs and other legal persons engaged in information activity can directly carry out foreign trade activities in their own interests, as well as in the interests of individual and collective consumers which they serve and guarantee the reception of foreign information.

**Article 52. Export and import of information product (services)**

Export and import of information product (services) are brought about according to the legislation of Ukraine on foreign trade activities.

**Article 53. Information sovereignty**

National information resources form the basis for the information sovereignty of Ukraine.

The information resources of Ukraine consist of all the information belonging to it irrespective of the content, forms, time and place of creation.

Ukraine independently forms information resources in the territory and freely administrates them, except for the cases envisaged by law and international treaties.

**Article 54. Guarantees of information sovereignty of Ukraine**

The information sovereignty of Ukraine is provided by:

- The exclusive proprietorship of Ukraine on information resources formed at the expense of the State Budget;
- Creation of national systems of information;
- Establishment of the regime of access of other states to information resources of Ukraine;
- Use of information resources on the basis of equal cooperation with other states.

# Law on the State Secret

3855-XII of 21.01.1994; (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.

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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 recognized 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 degree of their secrecy 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 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, authorized 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 power organs, local self-government organs, enterprises, institutions and organisations;

**Cryptographic protection** of classified information is protection, which is realized 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, etc.;

**Material objects of classified information** are material objects, including physical fields, which contain the data constituting 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 to 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;

**Specialized expert examination** to determine the conditions for the implementation of the activity connected with state secret is the examination which is conducted with the purpose of definition in state power 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”, 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 power 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 (further - state power 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 power 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 Council of National Security and Defence of Ukraine coordinates and manages the activity of executive organs in the sphere of state secret protection.

The Cabinet of Ministers of Ukraine directs and coordinates 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 authorized 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 power 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 which 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:
  - a) On the content of strategic and operational plans and other documents of battle management, training and carrying out of military operations, strategic and mobilization deployment of troops, as well as about other major parameters describing the organisation, numeric strength, location, combat readiness and mobilization preparedness, military and other training, arms and logistical support of the Armed Forces of Ukraine and other military formations;
  - b) 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 modernization, as well as

- about other works which are planned or carried out in the interests of national defence;
- c) 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 under emergencies;
  - d) About geodesic, gravimetric, cartographic and hydrometeorological data and characteristics important for national defence;
- 2) In the sphere of economy, science and military equipment:
- a) About mobilization plans and mobilization capacities of the economy of Ukraine, 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 reserve;
  - b) About the use of transport, communication, capacities of other branches and infrastructure installations of the state in the interests of maintenance of its security;
  - c) About plans, nature, volume, financing and fulfilment of the state procurement order for defence and security;
  - d) About plans, volumes and other major characteristics of extraction, manufacture and disposal of certain strategic kinds of raw material and production;
  - e) 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 demonetization, as well as about other special measures of financial activity of the state;
  - f) 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:
- a) 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;
  - b) About military, scientific and technical, other cooperation of Ukraine with foreign states if dissemination of these data causes damage to the national security of Ukraine;
  - c) 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:
- a) About the staff of the organs carrying out detective-investigation activity;
  - b) About means, nature, plans, organisation, financing and logistical support, forms, methods and results of detective-investigation activity; about the persons cooperating or cooperated 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 activity;

- c) 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 guard over state power organs of Ukraine and officials”;
- d) About the system of governmental and special communication facilities;
- e) 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;
- f) About systems and means of cryptographic protection of classified information, their development, manufacture, manufacturing techniques and use;
- g) About the state codes, their development, manufacture, manufacturing techniques and use;
- h) About the organisation of the secrecy regime in state power organs, local self-government organs, enterprises, institutions and organisations, the state programmes, plans and other measures in the sphere of state secret protection;
- i) About the organisation, nature, condition and plans for the development of technical protection of classified information;
- j) About the results of the checks carried out according to the 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;
- k) About other means, form and methods of state secret protection.
- l) 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.
- m) 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.
- n) The information not pertaining to state secret:
  - o) About the condition of the environment, quality of food and households;
  - p) About accidents, catastrophes, dangerous natural phenomena and other emergencies which have occurred or can occur and endanger the security of citizens;
  - q) 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;
  - r) Facts concerning violations of the rights and freedom of the person and the citizen;
  - s) About unlawful actions of state power organs, local self-government organs and their officials;
  - t) Other information which according to the laws and the international treaties agreed to be binding by the Verkhovna Rada of Ukraine cannot constitute secrets.

### **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:
  - a) The grounds for classifying information as a state secret;
  - b) 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;
  - c) 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);
  - d) Degree of the secrecy of information classified as a state secret;
  - e) 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 dissemination of the concrete classified 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 power 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:
- a) In the development of criteria of definition of damage which can be caused to the national security of Ukraine in case of dissemination of classified information;
  - b) In carrying out of examination defining the importance of classified information based on the facts of its dissemination 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 coordinate 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 in ten days from the moment of signing, the decision on classifying data to the state secret and the conclusion about cancelling of 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, carrying out of the examination with the purpose to define the degree of secrecy of data, decision-making in connection with expiry of the term of action of the decision on classifying of information as a state secret;
- 4) to grant the relevant secrecy stamp to the decisions on classifying of information to the state secret and the conclusions 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.

The state expert on issues of secrets has the right:

- 1) to freely inspect the fulfilment by state power organs, local self-government organs, enterprises, institutions and organisations in sphere of his/her activity of the decisions on classifying of information as a state secret, the conclusions about cancelling of these decisions, observance of the procedure of classification of information and, upon the revelation of infringements, to give instructions obligatory for their elimination;
- 2) to create commissions of experts from among experts and scientists having admission to the state secret for development of drafts of decisions on classifying information as a state secret, decreasing the degree of its secrecy and cancellation of the specified decisions;
- 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 legislation.

The state expert on issues of secrets bears personal liability 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 disseminated.

*(Article 9 includes changes made by the Law No. 971-IV of 19.06.2003)*

#### **Article 10. The Procedure of classifying information as a state secret**

Classifying information as a state secret is carried out by the motivated decision of the state expert on issues of secrets upon his/her own initiative, upon the address of the heads of the relevant state power 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 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 specifies:

- The information which can constitute the state secret, and its conformity to the categories and requirements envisaged by Article 8 of this Law;
- 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 on force.

The decision to classify information 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.

The decision of the state expert on issues of secrets to classify information as a state secret is subject to registration with the Security Service of Ukraine in the Corpus of the data constituting the state secret.

The conclusion of the state expert on issues of secrets on cancelling of the decision to classify information as a state secret is the basis for withdrawal of the information from the Corpus of the data constituting the state secret. This conclusion enters into force from the moment of introduction by the Security Service of Ukraine of changes into the Corpus of the data constituting the state secret.

The decision (conclusion) of the state expert (experts) on issues of the secrets granted within the limits of his/her (their) powers and registered with the Security Service of Ukraine in the Corpus of the data constituting the state secret is obligatory for fulfilment in the territory of Ukraine.

#### **Article 12. The Corpus of the data constituting state secret**

The corpus of the data constituting state secret is formed and published in official editions by the Security Service of Ukraine on the basis of the decisions of the state experts on issues of secrets.

Amendments into the Corpus of the data constituting state secret are published no later than within three months from the date of reception of the relevant decision by the Security Service of Ukraine or the conclusion of 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 concretization and sorting out of the data about classified information, the state power organs create the branch or departmental detailed lists of the data constituting state secret, as well as creating the inter-branch or interdepartmental 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 state secret. Such lists are coordinated 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 secret.

At inclusion into the Corpus of the data constituting state secret or in the detailed lists of these data of information, 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 secret, 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**

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 degree of secrecy 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 power 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.

**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 degree 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 the 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 material objects of information**

The classification of material objects of information is carried out by granting the relevant document, product or other material object of information a secrecy stamp.

Prerequisites of each material object of classified information should contain a secrecy stamp which corresponds to the degree of secrecy of information established by the decision of the state expert on issues of secrets - “special importance”, “top secret”, “strictly confidential”, date and term of classification of the material object of the classified information which is established, taking into account the envisaged terms of validity of the decision about classifying information as a state secret by Article 13 of this Law, the signature, its decoding and the post of the person who has given the specified stamp, as well as the reference to the relevant item (article) of the Corpus of the data constituting the state secret.

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 organ of the state power, institution of local self-government, enterprise, establishment, and the organisation carrying out activity connected with the state secret.

Degrees of secrecy of research, developmental and design works carried out in the interests of maintenance of national security and defence of the state are established by the state expert on issues of secrets which 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 power organs, local self-government organs, enterprises, institutions and organisations where the material objects of information classified, or the heads of state power 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 power 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 motivated 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 manufacturing, using, preservation, transfer, transportation and registration of material objects of classified information;
- The procedure of licensing state power 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 power organs of their functions towards state power organs, local self-government organs, enterprises, institutions and organisations whose activity is connected with the state secret;
- Secrecy regime of state power 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 power 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 specialized 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 power organs, local self-government organs, enterprises, institutions and organisations with consent of their heads. Results of specialized expert examination to determine the presence of conditions for carrying out of the activity connected with the state secret are legalized by the relevant act.

The authority to implementation of the activity connected with the state secret is given to state power organs, local self-government organs, enterprises, institutions and organisations by results of a specialized 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 which meet the requirements on maintenance of secrecy of the specified works, exclude the opportunity of access to them of unauthorized 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 of admittance of persons to the state secret, reception of foreign citizens, use of state codes and cryptographic means, etc.;

Have regime-confidential organ if another is not envisaged by this Law.

Heads of state power 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 authority to engage in activity connected with the state secret is established by the Security Service of Ukraine and cannot exceed 5 years. Its duration depends on the amount of works (activity) carried out by the organ of the state power, institution of local self-government, enterprise, establishment and organisation, degrees of secrecy and volume of the data connected with these works (activity) constituting the state secret.

The authority to engage in activity connected with the state secret can be cancelled by the Security Service of Ukraine if it is 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 power 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 state secret by the results of specialized expert examination of the relevant categories of secrecy regime which are specified by the Security Service of Ukraine.

State power 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 power organs authorized 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 power 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 authority to engage in activity connected with the state secret, the form of the act of the specialized expert examination about the presence of conditions for carrying out of the activity connected with the state secret, the form of the authority to engage in activity connected with the state secret, and categories of secrecy regime are established by the Cabinet of Ministers of Ukraine.

#### **Article 21. Regime-confidential organs**

In state power 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 secrecy regime, and

constant control over their observance, the regime-confidential organs (further - RCO) are created as individual structural departments.

Creation, reorganisation or liquidation RCO are brought about as agreed with the Security Service of Ukraine. In its work RCO cooperates with organs of the Security Service of Ukraine.

Structure of RSO includes departments of regime, confidential office-work and other departments directly providing state secret protection depending on the specificity of the activity of the organ of the state power, institution of local self-government, enterprise, establishment and organisation.

In state power 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 power 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 authorized by the order of the head official after the creation of the necessary conditions maintaining 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 organs of the state power, local self-government organs, enterprises, institutions and organisations.

RCO are staffed with experts who are granted admission to the state secret with the degree 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". Taking on temporary employees for the work in RCO is not allowed.

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 power 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 power organs, local self-government organs, enterprises, institutions and organisations;
- e. Maintenance of introduction of measures of secrecy regime at the fulfilment of all kinds of works connected with state secret, and at implementation of external relations;
- f. The organisation of confidential office-work;

- g. Control over the condition of secrecy regime in state power 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 the visitors on business, to stick 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 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, etc.), presence of documents, products and other material objects of classified information;
- g. To bring up in front of 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 from citizens whose papers on the admission to the state secret are legalized their biographical particulars;
  - 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 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 degree of secrecy 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 - 10 years;
  - For form 3 - 15 years.

The admission to state secrets with the degrees of secrecy of "special importance", "top secret" and "strictly confidential" is given to capable citizens of Ukraine from 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 order or written direction of the head of the organ of the state power, local self-government, enterprise, establishment or organisation where the citizen works, is in the service or is trained.

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".

The admission to state secret is given to the head of the organ of the state power, local self-government, enterprise, establishment or organisation by the order or written direction of the official appointing him/her to office, and in case when the organ of the state power, local self-government, enterprise, establishment and organisation is not subordinated to another organ of the state power, local self-government, enterprise, establishment and organisation or does not belong to the sphere of their management, the admission to the state secret is given to the specified head by the order or written direction of the head of the organ of the state power, local

self-government, enterprise, establishment and organisation which is the customer of the works connected with the state secret.

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;
- Check 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.
- The decision on the admission of the citizen to the state secret is accepted not later than 5 days after the receipt in the organ of the state power, local self-government, enterprise, establishment and organisation of the conclusions on the materials of his/her check in connection with the admission to the state secret.

### **Article 23. Refusal to grant admission to state secret**

The admission to state secret is not given in case:

- 1) the citizen has not proved the necessity to work with classified information;
- 2) assistance by the citizen to activity of 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;
- 3) refusal of the citizen to take the written obligation on preservation of the state secret which 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;
- 4) previous conviction of the person for serious crimes, not overturned or cancelled in accordance with the established procedure;
- 5) mental diseases of the citizen which 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:

- 1) The citizen provided inadequate information at registration of the admission;
- 2) permanent residence of the citizen abroad or official registration of documents by him/her on departure for permanent residence abroad;
- 3) defaults by the citizen on the duties on preservation of the state secret which was entrusted to him/her earlier.

### **Article 24. Check of citizens in connection with their admission to state secret**

Check of citizens in connection with their admission to the state secret is carried out by the organs of the Security Service of Ukraine within a month in accordance with the procedure established by this Law and the Law of Ukraine “On detective-investigation activity”.

During the check by the organs of the Security Service of Ukraine the presence or absence of the circumstances envisaged by items 2 and 4 units of Part 1 and Part 2 of Article 23 of this Law are established.

Presence or absence of the circumstances envisaged by items 1, 3 and 5 units of Part 1 of Article 23 of this Law is established by the organ of the state power, local self-government, enterprise, establishment or the organisation which is registering the admission.

Motivated conclusion of the organ of the Security Service of Ukraine, which carried out the check, about the impossibility of granting the citizen admission to the state secret is obligatory for fulfilment by the officials, authorized to take the decision on granting the admission to the state secret, but does not exclude a repeated inquiry in case of changed circumstances.

#### **Article 25. Appeal against the refusal to grant admission to the state secret**

The officials authorized to take the decision on granting admission to the state secret are obliged to inform, in written form within a five-day term, the citizen on the reasons and bases of refusal to grant the admission.

The citizen has the right to appeal against this refusal in accordance with the procedure of subordination to the official of a higher level or in court.

#### **Article 26. Renewal and cancelling of the admission to the state secret**

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 increase the form of admission to the citizen should work with classified information of a higher degree of secrecy be necessary;
- 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 2 of Article 23 of this Law.

The cancelling of the previously given admission to the state secret is possible 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.

At the request of the citizen his admission to the state secret is cancelled within three days from the date of the reference in occasion of cancelling of the admission.

The decision on renewal or cancelling of the admission is accepted by the officials, authorized to take the decision about granting it. This decision can be appealed against according to the procedure established by Part 2 of Article 25 of this 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 the concrete classified information and its material objects are accepted in the form of the order or written direction by the heads of state power 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.

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, 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, 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 27 includes changes made by the Law No. 1519-IV of 19.02.2004)*

#### **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 the 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 other circumstances interfering with the preservation of the state secret entrusted to him/her, as well as 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 power 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”, 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 power organs of their functions towards state power organs, organs of local self-government, enterprises, institutions and organisations carrying out the activity connected with the state secret**

State power 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 power organs, local self-government organs, enterprises, institutions and organisations carrying out activity connected with the state secret.

State power 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 power 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-investigation measures on state secret protection**

Detective-investigation measures on state secret protection are brought about according to the Law of Ukraine “On detective-investigation 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 power organs, local self-government organs, enterprises, institutions and organisations are obliged to carry out constant control over the maintenance of state secret protection.

State power 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 power 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 power 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 which 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 power 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 the 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;
- 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 works, accomplishment of mobilization tasks connected with the state secret with state power 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 cooperation, 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.

# Law on the National System of Confidential Communication

2919 II I of 10.01.2002; (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

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 system (network) of communication is a system (network) of communication intended for exchange of limited access information;

Special system (network) of communication of double use is a special system (network) of communication for ensuring communication in the interests of organs of state power 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 communication of double use which with the help of cryptographic and/or technical means provide an exchange of confidential information in the interests of organs of state power and local self-government organs, create appropriate conditions for their interaction in peace time and in case of 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 communication”.

## 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 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 the State Secret”, “On protection of information in electronic systems”, “On communication”, “On entrepreneurial activity”, “On licensing of certain kinds of economical 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 of the National system of confidential communication**

The state support of 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 is a part of the Unified national communication system of Ukraine.

The National system of confidential communication consists of special systems (networks) of communication, their stationary and mobile components, centralized systems of protection of information and operational-technical management.

The structure of the organisation of the National system of confidential communication should provide for protection of the confidential 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 special representative of the central executive organ in the sphere of confidential communication according to the legislation.

The centralized systems of information protection and of operational-technical management are in the state ownership and are not subject to privatization.

The subjects of economical 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 cooperation**

The special representative of the central executive organ 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 cooperation 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**

1. This Law enters into force from the date of its publication.
2. 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.

*(Article 11 includes changes made by the Law No. 1280-IV of 18.11.2003)*

# **Presidential Decree on the Decision of the National Security and Defence Council of Ukraine of ‘On the Condition of Technogenic and Natural Security in Ukraine’ (11<sup>th</sup> November 2002)**

76/2003 of 04.02.2003

In conformity with Article 107 of the Constitution of Ukraine, I decree:

To enact the decision of the National Security and Defence Council of Ukraine of 11 November 2002 “On the condition of technogenic and natural security in Ukraine”.

In order to implement the decision of the National Security and Defence Council of Ukraine:

1. To form the National Council on sustainable development of Ukraine subordinate to the President of Ukraine.

The Secretary of the National Security and Defence Council of Ukraine shall submit within a two month period the proposal on personal composition of the specified Council and a draft of its Regulations.

2. The Cabinet of Ministers of Ukraine:  
Shall provide the development in a six month period of the drafts of the following laws:

- a. On ecological insurance;
- b. On the National ecological fund;
- c. On introducing amendments to the Law of Ukraine “On licensing of certain kinds of economical activity” regarding the introduction of licensing of the activity connected with design, construction and operation of potentially dangerous installations;
- d. On introducing amendments to the Law of Ukraine “On ecological expertise” to update the procedure and to increase ecological requirements regarding design, construction and operation of installations and other potentially dangerous activities, to involve the departments of the Ministry of Ukraine on emergency situations and protection of the population from the consequences of the Chernobyl accident in carrying out of the state ecological expertise;

Shall provide for the development during the year 2003 of the draft code of Ukraine on the civil defence of the population;

Shall promote the acceleration of consideration by the Verkhovna Rada of Ukraine of the draft Laws of Ukraine:

- a. “On ecological audit”;
- b. “On introducing amendments to certain legislative acts of Ukraine with the purpose of taking into account the ecological requirements during privatization”;
- c. “On introducing amendments to the Code of Ukraine on administrative offences” to increase the responsibility for violation of rules on transportation of dangerous cargoes and things by means of transport;

Shall analyse within a two month period the problems of operation of the state system of prevention and liquidation of the consequences of natural and technogenic emergencies and to make proposals on improvement of its structure, identify additional sources of financing of the relevant measures, regulate activity and improve interaction of the organs of state control and of militarized rescue formations by creation in the system of the Ministry of Ukraine on emergency situations and protection of the population from the consequences of the Chernobyl accident of a unified public service with state fire service, rescue formations and other departments engaged in prevention and liquidation of the consequences of natural and technogenic emergencies subordinated to it;

Shall update the system of subordination and financing of territorial departments of the Ministry of Ukraine on emergency situations and protection of the population from the consequences of the Chernobyl accident;

Shall approve in 2003 a complex programme on development of the communication and notification system and informing the Ministry of Ukraine on emergency situations and protection of the population from the consequences of the Chernobyl accident for the period of 2004-2010;

Shall provide for the development within a five-month period of:

- a. Measures on prevention of ecological catastrophes in the zone of activity of the Yavoriv state mining-chemical enterprise "Sirka" and the Stebnytskiy state mining-chemical enterprise "Polimineral" in the Lviv region and shall provide for their urgent implementation;
- b. The state programme on elimination between 2003 and 2012 of dangerous installations of the "Prydniprovskyy chemical plant" enterprise;
- c. Shall provide for the introduction between 2003 and 2005 of the Governmental information-analytical system on emergencies;
- d. Shall ensure as of 2004 annual allocation of funds for the reconstruction and maintenance in the operational state of the technical-engineering means of protection at the enterprises of the military-industrial complex under protection of the internal troops of the Ministry of Internal Affairs of Ukraine;
- e. Shall provide financing in full of the Program of measures on creation of the State register of sources of ionizing radiation, as well as financing of the activity of rescue departments and of measures determined by the state programmes and plans on prevention and liquidation of consequences of natural and technogenic emergencies; shall submit within a month period in accordance with the established procedure the proposals on the transfer of the expenditures on the above measures to the category of protected expenditures of the State Budget of Ukraine;
- f. Shall check within a three-month period the execution by the central and local organs of executive power, local self-government organs, as well as by enterprises, institutions and organisations of the requirements of the Law of Ukraine "On protection of the population and territories against natural and technogenic emergencies" regarding creation and maintenance of the material reserves necessary for the prevention of natural and technogenic emergencies and liquidation of their consequences; shall inform within a three-month period about the results of the check, about the measures taken and make proposals on the improvement of activity in this sphere;



- b) Shall develop in a three-month period a plan of actions on gradual replacement of the industrial oil and gas equipment, as well as of automatic systems which have worked out their resources and are not safe anymore for operation of such equipment.
8. The Ministry of industrial policy of Ukraine in 2003:
- a) Shall assess the technical condition of the equipment of chemical enterprises, the period of operation of which has expired or is expiring;
  - b) Shall take measures to increase the safety and the normative level of security of big stores of liquid ammonia and ethylene;
  - c) Shall ensure constant readiness of the means of emergency protection on the chemical factories working under conditions of minimal loading of technological processes;
  - d) Shall provide an appropriate level of security during disposal and processing of conventional weapons storage period of which has expired;
  - e) Shall ensure identification and provision of security of potentially dangerous installations by subjects of economical activity according to the requirements of the Law of Ukraine «On potentially dangerous installations»;
  - f) Shall provide financial and organisational support to the development and introduction into production of modern trotyl-free explosives.
9. The State committee of Ukraine on oversight over labour safety in 2003:
- a) Shall carry out special examination of awareness about security measures by employees and technical personnel on potentially dangerous installations;
  - b) Shall provide, together with the National Academy of Sciences of Ukraine, for the creation of a specialized laboratory for systematic monitoring of the level of seismic influence of the technological explosions carried out by mining enterprises on the environment.
10. The Ministry of Health of Ukraine, the Ministry of Education and Sciences of Ukraine and the Ministry of Ukraine on emergency situations and protection of the population from the consequences of the Chernobyl accident shall develop within a six-month period and ensure the implementation of measures on organisation of special training on rendering of medical aid to the population for the rescuers and other persons participating in liquidation of consequences of natural and technogenic emergencies, who do not have medical education and deliver certificates after completion of the training.
11. The Ministry of Internal Affairs of Ukraine, the Security Service of Ukraine, the state committee on protection of the state border of Ukraine and the State customs service of Ukraine shall develop in a three-month period a plan of joint activities on the prevention of unlawful transit through the territory of Ukraine or of selling in its territory of the radioactive materials, strong and poisonous substances.
12. The Ministry of Foreign Affairs of Ukraine and the state committee on protection of the state border of Ukraine to strengthen the control and prevent illegal transfer through the state border of drugs, weapons, radioactive materials, strong and poisonous substances, toxic waste and other dangerous for the environment and health of people substances and penetration on the territory of Ukraine of terrorist groupings, shall provide for acceleration of conclusion of treaties with the Russian Federation on the Ukrainian-Russian border, as well as

shall enhance efforts to demarcate together with Byelorussia the delimitation lines of the Ukrainian-Belarus border.

13. The Council of Ministers of the Autonomous Republic of Crimea, regional, Kyiv and Sevastopol city state administrations:
  - a) Shall assess within a three-month period the state of fulfilment of the Law of Ukraine "On fire security" and take necessary measures for liquidation of the revealed violations;
  - b) Shall provide for the restoration during the year 2003 of the systems of fire-security in the multi-storied buildings;
  - c) Shall take over the period of 2003-2004 the relevant measures for the development of emergency rescue services at the local level and on installations, renewal of the liquidated earlier local fire-fighting brigades and creation of appropriate conditions for their activity;
  - d) Shall allocate annually in the draft local budgets the means for creation and operation of local fire prevention services, purchase of military equipment for extinguishing of fire and evacuations of people from buildings;
  - e) Shall provide for the implementation of effective monitoring of potentially dangerous installations and control over unconditional implementation of the planned precautionary measures to decrease the level of insecurity;
  - f) Shall provide for the development of annual programmes of financial support to enterprises irrespective of the form of ownership owning or using potentially dangerous installations;
  - g) Shall eliminate during the year 2003 the revealed violations of the operation of security zones of the main pipelines transporting dangerous substances;
  - h) Shall pay attention to the necessity of duly implementation of the technical activities to ensure fire safety of peat places, including by watering them, maintaining in a constant wet condition or by returning them in their natural condition in other ways;
  - i) Shall provide timely formation of regional and local funds of the material-technical reserve, other special funds for the needs connected with the prevention of natural and technogenic emergencies and liquidation of their consequences;
  - j) Shall regularly inform the population on the condition of potentially dangerous installations and possible dangerous events on them;
  - k) Shall provide for constant maintenance in the operational condition of emergency warning systems of the population about natural and technogenic emergencies and provision of recommendations on behaviour of the population in case of emergence of potential threats and emergencies;
  - l) Shall check the implementation by owners and heads of potentially dangerous installations according to the requirements of the legislation of the measures on:
    - a. Maintenance of enterprises and other installations in the safe condition of operation;
    - b. Development of instruction manuals and training of the personnel on the issues of prevention and liquidation of possible emergencies on installations;
    - c. Bringing of the system of maintenance and operation of technical equipment and instructions on handling dangerous and toxic substances in

- conformity with the requirements of normative documents on technogenic security;
- d. Provision of the personnel with the means of individual protection;
  - e. Creation on installations of the material reserve in case of technogenic or natural emergencies.
14. The Ministry of Ukraine on emergency situations and protection of the population from the consequences of the Chernobyl accident, the Ministry of ecology and natural resources of Ukraine and the National Academy of Sciences of Ukraine shall annually as of 2003 prepare, submit to the organs of state power and provide for the promulgation of the National report on the condition of technogenic and natural security in Ukraine.
15. To assign the control over the implementation of this Decree to the Secretary of the National Security and Defence Council of Ukraine.

# Presidential Decree on Improvement of the Management in the Sphere of Prevention and Response to Technogenic and Natural Emergencies

1328/2003 of 21.11.2003

With the purpose of further improvement of the management in the sphere of prevention and response to natural and technogenic emergencies, I decree:

1. To agree with the proposal of the Cabinet of Ministers of Ukraine on the creation of the State special (militarized) emergency rescue service of the Ministry of Ukraine on emergency situations and protection of the population from the consequences of the Chernobyl accident that substitutes the State militarized mountain-rescue service, the State specialized emergency tourist search and rescue service, the State search and rescue water service, the State special (militarized) emergency rescue service and the State enterprise “Central specialized (militarized) rescue group”, which belong to the sphere of management of this Ministry and are liquidated.
2. To determine the following main tasks of the State special (militarized) emergency rescue service:
  - a) Search and rescue people on destructed installations and territories, water bodies, in mountains, forest and speleological regions, recreation places, etc.;
  - b) Carry out rescue and other urgent operations in case of emergencies on installations and territories;
  - c) Liquidate emergencies and their consequences and protect the population and territories against them;
  - d) Localize the zone of influence of damaging and dangerous factors that emerge during accidents and catastrophes, search and neutralize ammunitions and poisonous substances;
  - e) Monitor the condition of technogenic security on potentially dangerous installations and territories;
  - f) Participate in expertise examination of design works concerning anti-accident protection of potentially dangerous installations;
  - g) Carry out on a contractual basis preventive control of enterprises, institutions, organisations irrespective of the form of ownership, as well as territories with a possibility of emergence of natural and technogenic emergencies;
  - h) Give methodical recommendations to emergency rescue services and the formations created according to the legislation, and ensure their fulfilment.
3. The Cabinet of Ministers of Ukraine is obliged to:
  - a) Submit within a three month period in accordance with the established procedure proposals on introducing amendments to the acts apparent from this Decree;
  - b) Provide within a six month period the adoption of the programme on technical equipping of the State special (militarized) emergency rescue service with the means and equipment necessary for the accomplishment of the designed tasks;
  - c) Bring its decisions into conformity with this Decree.

# Law on the Insurance Fund of Documentation

2332-III of 22.03.2001; (Bulletin of the Verkhovna Rada of Ukraine (BVR), 2001, No. 20, p. 101), Includes changes made by the Law No. 2310-IV of 11.01.2005, BVR, 2005, No. 9, p. 175

This Law determines the legal, economic and organisational principles of creation, formation, conducting and use of the insurance fund of the documentation of Ukraine, as well as operation of the state system of the insurance fund of the documentation.

## PART I. GENERAL PROVISIONS

### Article 1. Definition of terms

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

- The state system of the insurance fund of the documentation is the organisational-legal structure implementing the state policy and coordinating the works on creation, formation, conducting and use of the insurance fund of the documentation of Ukraine and being a set of subjects of the system of the insurance fund of the documentation, insurance fund of the documentation of Ukraine, the means, the personnel serving them, normative-legal acts, organisational-technical activities;
- Insurance fund of the documentation of Ukraine is the ordered bank of the documents recorded on micrographic film or other compact material object of information, officially (state) registered and accepted in long-term reliable deposit;
- Branch insurance fund of the documentation is the bank of documents of the insurance fund of the documentation created by the relevant ministries and other Central organs of executive power and being a component of the insurance fund of the documentation of Ukraine;
- Oblast (regional) insurance fund of the documentation is the bank of documents of the insurance fund of the documentation created accordingly by the Council of Ministers of the Autonomous Republic of Crimea, local state administrations and local self-government organs and being a component of the insurance fund of the documentation of Ukraine;
- The document of the insurance fund (documentation) is the document which is officially (state) registered with the insurance fund of the documentation of Ukraine and necessary to launch the manufacture, operation and repair of production of defence, mobilization and economic purpose for
- carrying out of construction (reconstruction), emergency rescue and emergency reconstruction works during the liquidation of emergencies and during the special period, as well as for preservation of cultural heritage in case of loss or damage to the original document;
- Formation of the insurance fund of the documentation of Ukraine is the complex of activities necessary for manufacturing of documents of the insurance fund of the documentation, registration and storage arrangements according to the procedure determined by the legislation allowing to carry out their operative search;

- Maintenance of the insurance fund of the documentation of Ukraine is the complex of activities providing conformity of documents of the insurance fund of the documentation with the level of production, their long-term storage, transfer to archival storage or cancellation;
- The supplier of documents is legal and physical persons carry out collection and supply of documents for formation and maintenance of the insurance fund of the documentation Ukraine;
- The user documents of the insurance fund of the documentation is central and local executive organs, government organs of the Autonomous Republic of Crimea, local self-government organs, suppliers of documents, other legal and physical persons using insurance fund of the documentation of Ukraine;
- Reserve base of the insurance fund of the documentation of Ukraine is the special establishment carrying out accumulation of documents of the insurance fund of the documentation, their registration, keeping and reproduction.

*(Article 1 includes changes made by the Law No. 2310-IV of 11.01.2005)*

### **Article 2. Principles of operation of the state system of the insurance fund of documentation**

Operation of the state system of the insurance fund of documentation is based on the following principles:

- Compulsion of inclusion of the documentation necessary for the needs of the defence of Ukraine, launch of the manufacture, operation and repair of production of defence, mobilization and economic purpose, carrying out of construction (reconstruction), emergency rescue and emergency reconstruction works during the liquidation of emergencies and the special period, as well as in the sphere of preservation of information on cultural values into the insurance fund of the documentation of Ukraine;
- Preservations of state and other secret envisaged by the law;
- Observance of the legislation of Ukraine about copyrights.

The insurance fund of the documentation of Ukraine created with support of the State Budget is the property of the state. The insurance fund of the documentation of Ukraine created at the expense of the means of legal persons can be transferred to the state ownership if this is envisaged by the contract.

*(Article 2 includes changes made by the Law No. 2310-IV of 11.01.2005)*

### **Article 3. Legal basis for operation of the state system of the insurance fund of the documentation**

Legal basis for operation of the state system of the insurance fund of the documentation is the Constitution of Ukraine, this and other laws of Ukraine, Decrees of the President of Ukraine, the Cabinet of Ministers of Ukraine, normative-legal acts of the central executive organ on issues of emergencies and protection of the population from consequences of Chernobyl accident, international treaties of Ukraine on issues of the insurance fund of the documentation of Ukraine ratified by the Verkhovna Rada of Ukraine.

If the international treaty of Ukraine agreed to be binding by the Verkhovna Rada of Ukraine establishes norms other than envisaged by the legislation of Ukraine

on the insurance fund of the documentation of Ukraine the norms of the international treaty shall be applied.

## **PART II. THE STATE SYSTEM OF THE INSURANCE FUND OF THE DOCUMENTATION**

### **Article 4. Subjects of the state system of the insurance fund of documentation**

Implementation of the state policy in the sphere of creation and operation of the state system of the insurance fund of documentation is carried out by the subjects of the state system of the insurance fund of documentation within the limits of their authority determined by the legislation of Ukraine.

Subjects of the state system of the insurance fund of documentation are the following:

- The central executive organ on issues of emergencies and protection of the population from consequences of Chernobyl accident;
- The state department of the insurance fund of documentation;
- The ministries, other central and local executive organs and local self-government organs having, if necessary, the relevant services (subdivision) on issues of creation and maintenance of the insurance fund of documentation in their structure;
- The research establishments, special establishments, enterprises and organisations subordinated to the State department of the insurance fund of documentation and carrying out the tasks of formation, keeping and storage of the insurance fund of the documentation of Ukraine;
- The suppliers of documents forming and using the insurance fund of the documentation of Ukraine.

*(Article 4 includes changes made by the Law No. 2310-IV of 11.01.2005)*

### **Article 5. The powers of the central executive organ on issues of emergencies and protection of the population from consequences of Chernobyl accident**

The central executive organ on issues of emergencies and protection of the population from consequences of Chernobyl accident is the principal organ of the executive authority on maintenance of the implementation of the state policy in the sphere of creation and operation of the state system of the insurance fund of documentation.

### **Article 6. The powers of the State department of the insurance fund of documentation**

The state department of the insurance fund of documentation is the governmental organ of the government in the structure of the central executive organ on issues of emergencies and protection of the population from consequences of Chernobyl accident, subordinate to it and within the limits of its competence realizing the policy in the sphere of creation and operation of the state system of the insurance fund of documentation.

The major tasks of the State department of the insurance fund of the documentation are the following:

- Coordination and control over the formation of the insurance fund of the documentation of Ukraine, its keeping, maintenance and delivery to users of the documents of the insurance fund of documentation;
- Keeping of the State register of documents of the insurance fund of the documentation of Ukraine;
- Keeping the State register technogenic and ecologically dangerous installations of Ukraine;
- Organisation of research works in the sphere of formation and storage of the insurance fund of the documentation of Ukraine.
- The state department of the insurance fund of the documentation according to the tasks assigned to it:
- Summarizes the practice of application of the legislation on issues of belonging to its competence, develops proposals on its updating and submits them for consideration to the central executive organ to which it is subordinated to;
- Within the limits of its authority organizes the performance of acts of the legislation and carries out regular control over their implementation;
- Participates in the development of the prognosis and projects of the programmes of development of the state system of the insurance fund of documentation, as well as the activities directed on implementation of these programmes;
- Submits to the central executive organ to which it is subordinate the proposals on the drafts of the State programme of economic and social development of Ukraine, the State Budget of Ukraine;
- Carries out regulatory and licensing-registration functions towards legal persons in the sphere of creation of the insurance fund of the documentation of Ukraine;
- Carries out methodical management on issues of creation and use of the insurance fund of documentation of Ukraine by the central and local executive organs, local self-government organs, relevant suppliers of documents forming and using the insurance fund of the documentation of Ukraine;
- Coordinates the work and carries out its methodical management on issues of creation of the insurance fund of the documentation on technogenic and ecologically dangerous installations of Ukraine according to the State register of technogenic and ecologically dangerous installations of Ukraine;
- Ensures the introduction of the achievements of science and technology, the best practices of creation and long-term storage of the insurance fund of the documentation of Ukraine;
- Controls over the fulfilment by the central and local executive organs, the Council of Ministers of the Autonomous Republic of Crimea, local self-government organs, suppliers of documents of the requirements of the legislation on creation and maintenance of the insurance fund of the documentation of Ukraine;
- Organizes the fulfilment of scientific and technical programmes and plans of research, developmental and design works on the maintenance of steady operation of the state system of the insurance fund of documentation;
- Solves the tasks of maintenance of the readiness of operation of the state system of the insurance fund of documentation under special period and emergencies conditions;

- Develops the drafts of normative-legal acts on issues of operation of the state system of the insurance fund of the documentation;
- Participates in elaboration of the international treaties of Ukraine within the limits of its competence;
- Organizes training of experts for ensuring of operation of the state system of the insurance fund of documentation;
- Ensures within the limits of its authority the fulfilment of the tasks of mobilization training and mobilization in the sphere of the state system of the insurance fund of documentation;
- Ensures and carries out control within the limits of its competence over the observance of intellectual property copyrights, preservation of the state and other secrets envisaged by the law.

The state department of the insurance fund of the documentation during accomplishment of the tasks assigned to it cooperates with the central and local executive organs, the Council of Ministers of the Autonomous Republic of Crimea, local self-government organs, as well as with the relevant organs of other states.

*(Article 6 includes changes made by the Law No. 2310-IV of 11.01.2005)*

#### **Article 7. Bases of the insurance fund of the documentation of Ukraine storage**

Bases of the insurance fund of the documentation of Ukraine storage ensure the accumulation of documents of the insurance fund of documentation, their registration, keeping and reproduction with the purpose of operative maintenance of users of documents.

Bases of the insurance fund of the documentation of Ukraine storage should be placed in the installations with redoubled protection. Works on the registration, storage, use, transfer, transportation of material objects of information should be carried out with the observance of the requirements of the current legislation about state and other secrets, as well as the requirements on technical protection of information.

For urgent operative provision of users with the necessary documents the control posts of storage bases are equipped with the relevant communication systems.

Bases of the insurance fund of the documentation of Ukraine storage are subordinated to the State department of the insurance fund of documentation and act on the basis of the Charter approved by the Chairman of the State department of the insurance fund of documentation.

#### **Article 8. Research establishments of the insurance fund of the documentation of Ukraine**

Research establishments of the insurance fund of the documentation of Ukraine within the limits of their authority create prognoses and develop the conceptual bases and drafts of the state development programmes of the state system of the insurance fund of documentation, normative-legal acts, give the methodical help to the ministries, other central and local executive organs in the development of the branch and oblast (regional) programmes of creation of the insurance fund of the documentation of Ukraine, solve scientific and technical problems on formation, keeping and use of the insurance fund of the documentation of Ukraine.

Research establishments of the insurance fund of the documentation of Ukraine are subordinated to the State department of the insurance fund of the documentation

and act on the basis of the Charter (Regulations) approved by the Chairman of the State department of the insurance fund of documentation.

**Article 9. Enterprises of the insurance fund of the documentation of Ukraine**

Enterprises of the insurance fund of the documentation of Ukraine manufacture documents of the insurance fund, manufacture of the technical means of data processing and technological equipment which should meet the requirements of technical protection of information with the limited access and be brought about in the presence of the relevant sanction.

Enterprises of the insurance fund of the documentation of Ukraine act on the basis of the Charter approved by the Chairman of the State department of the insurance fund of the documentation.

**PART III. FORMATION, KEEPING AND USE OF THE INSURANCE FUND OF DOCUMENTATION OF UKRAINE**

**Article 10. Procedure and rules of formation, keeping and use of the insurance fund of the documentation of Ukraine**

The insurance fund of the documentation of Ukraine is formed by suppliers of the documents, special establishments, enterprises of the insurance fund of documentation being the subjects of the state system of the insurance fund of documentation.

The procedure and rules of formation, keeping and use of the insurance fund of the documentation of Ukraine are established by the regulations, other normative-legal acts and state standards of Ukraine.

Branch, oblast (regional) insurance funds of documentation are subject to obligatory state registration with the State department of the insurance fund of documentation.

Formation, keeping and use of the insurance fund of documentation of Ukraine in the sphere of preservation of information on cultural values is carried out according to this Law taking into account the features determined by the central executive organ in the sphere of culture and arts.

The procedure and rules of formation, keeping and use of the insurance fund of the documentation of Ukraine containing state and other secret envisaged by the law are brought about according to the requirements of the legislation on the state secret and technical protection of information.

*(Article 10 includes changes made by the Law No. 2310-IV of 11.01.2005)*

**Article 11. Formation of the insurance fund of the documentation of Ukraine**

According to the purpose the insurance fund of the documentation of Ukraine is subdivided into:

- Insurance fund of the documentation for the organisation of manufacture of defence, mobilization and economic purpose;
- Insurance fund of the documentation for carrying out of emergency rescue and emergency reconstruction works during liquidation of emergencies;
- Insurance fund of the documentation for reconstruction of installations of life-support systems of the population and transport connections;
- Insurance fund of the documentation for storage of documents on installations of cultural heritage.

Formation of the insurance fund of the documentation of Ukraine is conducted on a plan basis by development and implementation of the branch and oblast (regional) programmes of creation of the insurance fund of documentation.

Basis for scheduling of works on formation of the insurance fund of the documentation on arms and military equipment, products and installations are mobilization plans, state defence procurement order; listed products; lists of installations and organisations of life-support systems, transport connections, enterprises having strategic importance for economy and security of the state; registers of technogenic and ecologically dangerous installations, developed by the relevant Central organs of executive power.

Basis for scheduling the works on formation of the insurance fund of the documentation on installations of cultural heritage are the State register of immovable monuments of Ukraine, descriptions, schemes, lists and catalogues of historical monuments and other installations constituting cultural value, etc.

Launch of a product manufacture and commissioning of the installations completed by construction (reconstruction) are brought about only providing that the technical and design working documentation is given to the insurance fund of the documentation of Ukraine which is confirmed by the relevant acts which are given out by the State department of the insurance fund of documentation.

Delivery of the documentation for formation of the insurance fund of the documentation of Ukraine is carried out by suppliers of documents, according to the approved branch and oblast (branch) programmes of creation of the insurance fund of documentation, other suppliers or holders of the originals of documents.

*(Article 11 includes changes made by the Law No. 2310-IV of 11.01.2005)*

#### **Article 12. Maintenance of the insurance fund of the documentation of Ukraine**

Maintenance of the insurance fund of the documentation of Ukraine provides for the conformity of documents of the insurance fund of documentation to the originals of the operating documentation, their long-term storage, transfer to archival storage or cancellation.

With the purpose of fulfilment of function of maintenance of the insurance fund of the documentation of Ukraine suppliers of documents together with special establishments of the insurance fund of documentation ensure duly introducing of the amendments to the documents of the insurance fund of documentation.

Depending on the prospect of the further use of documents of the insurance fund of documentation the suppliers and the State department of the insurance fund of documentation take the decision on cancellation of material object of information.

*(Article 12 includes changes made by the Law No. 2310-IV of 11.01.2005)*

#### **Article 13. State register of documents of the insurance fund of the documentation of Ukraine**

Documents of the insurance fund of the documentation of Ukraine are registered with the State register of documents of the insurance fund of the documentation of Ukraine. Keeping the State register of documents of the insurance fund of the documentation of Ukraine is carried out by the State department of the insurance fund of the documentation.

The regulations about keeping the State register of documents of the insurance fund of the documentation of Ukraine is approved by the Cabinet of Ministers of Ukraine.

**Article 14. Control over formation and maintenance of the insurance fund of documentation of Ukraine**

Control over observance of the legislation of Ukraine in the sphere of formation and maintenance of the insurance fund of the documentation of Ukraine by the subjects of the state system of the insurance fund of documentation is carried out by the State technical inspection of the State department of the insurance fund of documentation.

The state technical inspection of the State department of the insurance fund of the documentation operates in the structure of the State department of the insurance fund of documentation. The Chairman of the State department of the insurance fund of documentation is the Main state inspector on issues of formation and maintenance of the insurance fund of the documentation of Ukraine.

The procedure of carrying out of inspection checks is determined by the relevant normative-legal acts.

The regulations about the State technical inspection of the State department of the insurance fund of documentation are approved by the Cabinet of Ministers of Ukraine.

**Article 15. Use of the insurance fund of the documentation of Ukraine**

The following can be the users of documents of the insurance fund of the documentation of Ukraine:

- The Central organs of executive power ;
- Government organs of the Autonomous Republic of Crimea;
- Local executive organs;
- Local self-government organs;
- Suppliers of documents, other legal and physical persons.
- Use of the insurance fund of the documentation of Ukraine is carried out:
  - Under special period conditions - according to mobilization plans;
  - During liquidation of emergencies - by inquiries of the relevant central and local executive organs, government organs of the Autonomous Republic of Crimea, local self-government organs;
  - In the peace time - by inquiries of the relevant central and local executive organs, government organs of the Autonomous Republic of Crimea, local self-government organs, suppliers of documents, other legal and physical persons.

Inquiries about the documentation containing the state secret are satisfied only if the user has the special sanction to the activity connected with the state secret.

*(Article 15 includes changes made by the Law No. 2310-IV of 11.01.2005)*

**PART IV. DUTIES AND RIGHTS OF SUPPLIERS OF DOCUMENTS ON FORMATION OF THE INSURANCE FUND OF THE DOCUMENTATION OF UKRAINE AND**

## **USERS OF DOCUMENTS OF THE INSURANCE FUND OF DOCUMENTATION OF UKRAINE**

### **Article 16. Duties of suppliers of documents**

The supplier of documents with the purpose of formation of the insurance fund of the documentation of Ukraine is obliged to deliver documents according to the requirements of the current legislation of Ukraine, the state standards of Ukraine determining and regulating the questions of formation and conducting of the insurance fund of the documentation of Ukraine.

The supplier determines the sufficient complete set of the documentation on a product, object, a monument of history and culture and is subject to liability for its completeness.

### **Article 17. The Rights of suppliers of documents**

The supplier of the documents and their development contractor (author) have the right to the guarantee of the protection of the rights of intellectual property, state and other secret envisaged by the law, legitimate rights and interests of the proprietor and the manufacturer during formation, conducting and use of the insurance fund of the documentation of Ukraine according to the legislation of Ukraine.

### **Article 18. Duties of users of documents of the insurance fund of documentation of Ukraine**

Users of documents of the insurance fund of the documentation of Ukraine are obliged to observe the legislation of Ukraine in the sphere of protection of rights on intellectual property and protection of state or other secret envisaged by the law, as well as to fulfil the requirements of current legislation of Ukraine, the state standards of Ukraine determining and regulating the questions of the use of the insurance fund of the documentation of Ukraine.

### **Article 19. The Rights of the users of documents of the insurance fund of the documentation of Ukraine**

Users of documents of the insurance fund of the documentation of Ukraine have the right provided that they meet the requirements envisaged by Article 18 of this Law to receive and use the documents of the insurance fund of the documentation of Ukraine in accordance with the procedure defined by Article 15 of this Law.

## **PART V. THE POWERS OF THE VERKHOVNA RADA OF UKRAINE, CENTRAL AND LOCAL EXECUTIVE ORGANS, ORGANS LOCAL SELF-GOVERNMENT ON ISSUES OF CREATION AND OPERATION OF THE STATE SYSTEM OF THE INSURANCE FUND OF THE DOCUMENTATION OF UKRAINE**

### **Article 20. The Verkhovna Rada of Ukraine**

The Verkhovna Rada of Ukraine:

- Carries out the legislative regulation of the questions of creation and operation of the state system of the insurance fund of documentation;

- Approves the state development programmes of the state system of the insurance fund of the documentation;
- Approves budgetary assignments for creation of the insurance fund of the documentation of Ukraine and operation of the state system of the insurance fund of the documentation;
- Controls the spending of the budgetary funds allocated for creation and maintenance of the insurance fund of the documentation of Ukraine and operation of the state system of the insurance fund of documentation.

**Article 21. The Cabinet of Ministers of Ukraine**

The Cabinet of Ministers of Ukraine:

- Submits to the Verkhovna Rada of Ukraine the proposal on budgetary appropriations for creation, operations and developments of the state system of the insurance fund of documentation;
- Determines the procedure of financing of the works on formation, keeping and use of the insurance fund of the documentation of Ukraine;
- Approves regulations and adopts the normative-legal acts determining and regulating formation, keeping and use of the insurance fund of the documentation of Ukraine, branch and oblast (regional) insurance funds of the documentation;
- Carries out control over creation and operation of the state system of the insurance fund of documentation;
- Commission the Chairman of the State department of the insurance fund of the documentation.

**Article 22. The Ministries and other Central organs of executive power**

The ministries and other Central organs of executive power within the limits of their competence:

- Determine and approve the list of products and production, lists of technogenic and ecologically dangerous installations and other installations of the branch, the documentation subject to transfer and storage in the branch insurance funds of documentation;
- Develop and with consent of the State department of the insurance fund of the documentation approve the branch programmes of formation of the insurance fund of documentation and control their fulfilment;
- Plan, coordinate, provide financing and fulfilment of the works on formation, conducting and use of the branch insurance funds of the documentation according to the approved programmes;
- Provide a reliable control system of formation, keeping and use of the insurance fund of the documentation of Ukraine.

*(Article 22 in the wording of the Law No. 2310-IV of 11.01.2005)*

**Article 23. Local executive organs, government organs of the Autonomous Republic of Crimea, local self-government organs**

Local executive organs, government organs of the Autonomous Republic of Crimea, local self-government organs within the limits of their competence:

- Create oblast (regional) insurance funds of the documentation;

- Determine and with consent of the State department of the insurance fund of documentation approve the list of products and production, lists of installations and organisations of life-support systems, transport contacts, installations of organisation of industrial and civil purpose, installations of cultural heritage and unique documentary monuments, lists of technogenic and ecologically dangerous installations of a region and other installations, the documentation on which is subject to transfer and storage in the oblast (regional) insurance funds of the documentation;
- Plan, coordinate, provide financing and fulfilment of works on formation, conducting and use of oblast (regional) insurance funds of documentation according to the approved programmes of formation of the insurance fund of documentation;
- Provide a reliable control system on formation, keeping and use of the insurance fund of the documentation of Ukraine.

*(Article 23 includes changes made by the Law No. 2310-IV of 11.01.2005)*

## **PART VI. FINANCING AND LOGISTICAL SUPPORT OF THE WORKS ON FORMATION, KEEPING AND USE OF THE INSURANCE FUND OF DOCUMENTATION OF UKRAINE**

### **Article 24. Financing works on formation, keeping and use of the insurance fund of the documentation of Ukraine**

Sources of financing of works on formation, conducting and use of the insurance fund of the documentation of Ukraine are the following:

- Means within the limits allocated on these purposes by the law of Ukraine on the State Budget of Ukraine;
- Other sources envisaged by the law.

Financing of the State department of the insurance fund of documentation, research establishments, special establishments, enterprises and organisations subordinated to it and fulfilling the task on formation, keeping and storage of the insurance fund of the documentation of Ukraine is carried out at the expense of the State Budget within the limits of the means allocated on maintenance of the insurance fund of the documentation of Ukraine.

Financing of works on formation of the insurance fund of the documentation of Ukraine is carried out annually:

- At the expense of the ministries and other Central organs of executive power, own means of suppliers of documents within the limits envisaged by branch programmes of creation of the insurance fund of documentation;
- From the budget of the Autonomous Republic of Crimea, local budgets, own means of suppliers of documents within the limits envisaged by oblast (regional) programmes.

Formation of the insurance fund of the documentation of Ukraine for the organisation of defence and mobilization production is financed at the expense of the State Budget.

The central and local executive organs, the Council of Ministers of the Autonomous Republic of Crimea, local self-government organs at elaboration of the budgets allocate charges on financing of creation of the relevant insurance funds of the documentation.

Charges of suppliers of documents, on formation of the insurance fund of the documentation of Ukraine are included into the cost price of production (works, services).

*(Article 24 includes changes made by the Law No. 2310-IV of 11.01.2005)*

**Article 25. Paid services of the subjects of the state system of insurance fund of documentation**

Enterprises, institutions and organisations, subordinated to the State department of the insurance fund of documentation render suppliers of documents, other legal and physical persons according to the legislation paid services in the sphere of creation, formation, keeping and use of the insurance fund of documentation. Payment for services is made on the basis of contracts or other forms of agreements envisaged by the legislation of Ukraine.

The procedure of rendering of services is determined by the Cabinet of Ministers of Ukraine.

*(Article 25 includes changes made by the Law No. 2310-V of 11.01.2005)*

**Article 26. Logistical support of works on formation, keeping and use of the insurance fund of the documentation of Ukraine**

With the purpose of maintenance of material equipment of works on formation, keeping and use of the insurance fund of the documentation of Ukraine the enterprises of the state system of the insurance fund of documentation have the right:

- To create, use communication systems and telecommunications, including those providing confidentiality of the transmission of information;
- To own and use, including on terms of lease, cable, a satellite, radio-relay communication facilities and radio channels;
- To have militarized departmental guard of installations;
- To maintain specialized transport for transportation of complete sets of documentation in the territory of Ukraine without its examination.

**PART VII. INTERNATIONAL COOPERATION ON ISSUES OF FORMATION, KEEPING AND USE OF THE INSURANCE OF THE FUND OF THE DOCUMENTATION OF UKRAINE**

**Article 27. International cooperation on issues of formation, keeping and use of the insurance fund of the documentation of Ukraine**

Cooperation of Ukraine with other states on issues of formation, keeping and use of the insurance fund of the documentation of Ukraine is carried out by an exchange of documents of the insurance fund of documentation, scientific, methodical information and reciprocal delivery of technologies, equipment according to the international agreements ratified by the Verkhovna Rada of Ukraine.

## **PART VIII. LIABILITY FOR INFRINGEMENT OF LEGISLATION OF UKRAINE ABOUT THE INSURANCE FUND OF DOCUMENTATION OF UKRAINE**

### **Article 28. Liability for infringement of the legislation of Ukraine about insurance fund of the documentation of Ukraine**

Infringement of the legislation of Ukraine about insurance fund of the documentation of Ukraine entails liability of the subjects of the state system of the insurance fund of documentation and other legal and physical persons established by the laws of Ukraine currently in force.

## **PART IX. FINAL PROVISIONS**

1. This Law enters into force from the date of its publication.
2. To the Cabinet of Ministers of Ukraine within three-month term from the date this Law coming into force is obliged to:
  - To prepare and submit for consideration of the Verkhovna Rada of Ukraine the proposal on bringing the laws of Ukraine into conformity with this Law;
  - To bring its normative-legal acts into conformity with this Law;
  - To ensure revision and cancelling by executive organs of their normative-legal acts contradicting this Law;
  - to provide adoption of the normative-legal acts necessary for the implementation of this Law.

## **Part VI**

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



## Commentary to Part VI

Reform of the Military organisation involves reform practically of all its components and of all security forces of the state. Demilitarisation and democratisation, carried out taking into account the specific character of this sphere, transformation of the individual armed formations into non-military structures in order to strengthen the protection of the constitutional rights and freedoms of citizens, are at the core of the process of reform.

The first step in this direction was the transformation of the Border troops of Ukraine into a law-enforcement organ of special purpose - the State Border Service. The legal basis for its activity is the Law 'On the State Border Service' adopted on 3 April 2003. The Law establishes the functions, general structure, numeric strength, organisation, powers, procedure of operational activity of the State Border Service and liability of its personnel for commitment of unlawful acts or failure to act. The law is a basic, unified legal act in the sphere of defence and protection of the state border of Ukraine, it determines the contents and character of the activity of the Border Service, makes it transparent to the society and provides for civilian control over it. Together with the Law 'On the State Border of Ukraine' adopted on 4 November 1991, the Law 'On an Exclusive (Sea) Economic Zone of Ukraine' and other legal acts, the Law 'On the State Border Service of Ukraine' creates modern, effective system that provides for fulfilment of the constitutional duty on protection of the state border of Ukraine and defence of its territorial integrity, water and air space.

According to the Presidential Decree of 27 January, 2003 the Railway Troops of the Armed Forces of Ukraine were subordinated to the Ministry of Transport and Communications. The Verkhovna Rada considered it inexpedient to have an armed formation in the structure of a civilian ministry such as the Ministry of Transport and Communications and adopted on 5 July, 2004 the Law 'On the Special State Transport Service' according to which the railway troops are transformed into a non-military structure – a special service in the system of the Ministry of transport and communication of Ukraine. The purpose of this reform is to ensure stable functioning of transport, including in emergency situations and during the special period, to agree the strategy on development of the national transport system with the Military doctrine of Ukraine, to increase the endurance of transport means and to have the transport system meet defence needs taking into account modern challenges. The implementation of the law has allowed to keep the human resources potential of railway troops, to considerably increase the efficiency of their use and to provide legal and social protection of their personnel.

The state management system in the sphere of civil defence is undergoing a profound reform. According to the decrees of the President of Ukraine of 27 January, 2003 and of 15 September, 2003 the Civil Defence troops and the State Fire Control Service are excluded from the system of the Ministry of Internal Affairs of Ukraine and transformed into a separate non-military civil defence service in the structure of the Ministry of Emergency Situations and Protection of the Population from the consequences of the Chernobyl accident. On 23 June, 2004 the Verkhovna Rada of Ukraine adopted the Law 'On the Legal Bases of Civil Defence' which determined the status, structure, powers, duties of these services, measures of legal and social protection of their personnel.

Back in 2000, the Law 'On Disbanding the National Guard' was adopted. Its functions were transferred to the Internal troops of the Ministry of Internal Affairs of Ukraine. According to the Presidential Decree of 18 August, 2003 the Internal Troops of the Ministry of Internal Affairs will be transformed into a non-military formation in the system of this Ministry. The structure, numeric strength, main goals, legal and social protection of the personnel of this formation will be determined in the law, the draft of which have been submitted for consideration of the Verkhovna Rada of Ukraine.

# Law on the State Border Service

661-IV of 03.04.2003; (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

This Law according to the Constitution of Ukraine determines the legal bases for the organisation and activity of the State Border Service of Ukraine, its general structure, numeric 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 to maintain the inviolability of the state borders and protect 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 the land, sea, river, lake and other water border of Ukraine with the purpose of preclusion of its unlawful crossing, observance of the border regime and border zone regime;
- Carrying out in accordance with the established procedure of border control and admission across the border of Ukraine of persons, vehicles, cargoes and other property, as well as revealing and suppression of cases of unlawful crossing of the border;
- 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;
- Conducting intelligence, information-search and investigation activities in the interests of protection of the border of Ukraine according to laws of Ukraine “On intelligence organs of Ukraine” and “On the investigation activity”;
- Participation in the fight against organized crime and counteraction to unlawful migration across the border of Ukraine and within the limits of controlled border regions;
- Participation in provision of the state protection of the places of permanent and temporary stay of the President of Ukraine and officials 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 connected with the protection of the border of Ukraine, as well as activity of the state organs carrying out various types of control over crossing of the border of Ukraine or participating in provision of the border regime, the border zone regime and regime in the border check points.

Fulfilment of the functions specified in Part 1 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 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 in political parties;
- Continuity;
- Combination of public, private and secret forms and methods of activity;
- Undivided authority; collective approach to development of important decisions;
- Interaction with state organs of power, local self-government organs and public organisations during implementation of the tasks assigned to the State Border Service of Ukraine;
- Openness to the democratic civil control.

### **Article 4. Legal basis for activity of the State Border Service of Ukraine**

The legal bases for the activity of the State Border Service of Ukraine are 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 to the laws, as well as international treaties of Ukraine agreed to be 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 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 the person and to have a human attitude towards him/her.

Unlawful restriction of human rights and freedoms is inadmissible and entails liability according to the law.

## **PART II. THE GENERAL STRUCTURE, NUMERIC STRENGTH AND ORGANISATION OF THE ACTIVITY OF THE STATE BORDER SERVICE OF UKRAINE**

### **Article 6. General structure and numeric 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 authorized central organ of executive power on protection of the state border;
- Territorial organs of the specially authorized central organ of executive power on protection of the state border;
- Sea guard consisting of detachments of sea guard;
- Organs of protection of the state border - the border detachments, individual check-points and aviation units;

- Intelligence organ of the specially authorized central organ of executive power on protection of the state border.

The total numeric strength of the State Border Service of Ukraine is 50000 persons, including 42000 servicemen.

The specially authorized central organ of executive power on protection of the state border, territorial organs of the specially authorized central organ of executive power on 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 on it, other seals and stamps, bank accounts in 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 authorized central organ of executive power on protection of the state border**

The specially authorized central organ of executive power on protection of the state border implements the state policy in the sphere of protection of the state border of Ukraine, manages the State Border Service of Ukraine, participates in development and implementation of the general principles of legalisation and provision of inviolability of the state border and protection of the sovereign rights of Ukraine in its exclusive (sea) economic zone.

The specially authorized central organ of executive power on protection of the state border generalizes the practice of application of the legislation on the issues that belong to the competence of the State Border Service of Ukraine, develops proposals on updating the legislation and in accordance with the established procedure submits them for consideration of the President of Ukraine or the Cabinet of Ministers of Ukraine.

With the purpose of effective fulfilment of the tasks assigned to the State Border Service of Ukraine, the specially authorized central organ of executive power on protection of the state border forms territorial organs - 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 to office 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 authorized central organ of executive power on protection of the state border is carried out by the Head of the State Border Service of Ukraine. The Head of the State Border Service of Ukraine bears personal responsibility for fulfilment of the tasks assigned to the State Border Service of Ukraine.

The Head of the State Border Service of Ukraine is appointed to office 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 carries out the following functions: protection of the state border in the 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 and stay in them; protection of the sovereign rights of Ukraine in its exclusive (sea) economic zone and control over 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 a sea guard detachment includes ships, motor-boats and supporting vessels.

**Article 10. Organs of protection of the State border of the State Border Service of Ukraine**

Organs of protection of the border carry out the tasks assigned to the State Border Service of Ukraine concerning provision of 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 protection of a segment of the border independently or together with other organs of protection of the state border and the Sea guard, for ensuring of observance of the border regime and the border zone regime, as well as for carrying out in accordance with the established procedure of border control and admission across the state border of Ukraine of persons, vehicles, cargoes and other property.

The structure of a border detachment can include border commandant's offices, border posts, check-points and departments of border control.

An individual check-point is an operational part of the State Border Service of Ukraine responsible for carrying out in accordance with the established procedure of border control and admission across the border of Ukraine of persons, vehicles, cargoes and other property.

The structure of an individual check-point can include other check-points subordinate to it, departments of border control and control posts.

An aviation unit is an operational part of the State Border Service of Ukraine responsible for protection of the state border together with other organs of protection of the border and the Sea guard, for provision of observance of the border regime and the border zone regime, as well as for protection of 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 authorized central organ of executive power on protection of the state border**

The intelligence organ of the specially authorized central organ of executive power on protection of the state border carries out its activity according to the Law of Ukraine "On intelligence organs of Ukraine".

**Article 12. Special purpose units**

The structures of the specially authorized central organ of executive power on protection of the state border, territorial organs of the specially authorized central

organ of executive power on protection of the state border and organs of protection of the border include the following special purpose units: on operational documentation, technical, on internal security and own security.

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 of the State Border Service of Ukraine are enterprises, establishments, as well as departments of technical, material, medical and other kinds of support functioning both independently and in the structure of the specially authorized central organ of executive power on 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 consists of the servicemen and employees of the State Border Service of Ukraine.

Staffing of the State Border Service of Ukraine with servicemen and their military service are carried out on the basis of the Law of Ukraine “On universal military duty and military service”. The authorized officials of the State Border Service of Ukraine examine conscripts and select them in military commissariats.

Labour relations between employees of the State Border Service of Ukraine are regulated by the legislation on labour, on state service and by 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.

**Article 15. Restriction of political activity in the State Border Service of Ukraine**

Servicemen and employees of the State Border Service of Ukraine for the period of military service and work have to suspend membership in political parties.

Servicemen and employees of the State Border Service of Ukraine can be members of public organisations whose statutes do not contradict principles of activity of the State Border Service of Ukraine and can participate in their work in free from performance of official duties time.

Organisation by servicemen and employees of the State Border Service of Ukraine of strikes and participation in them are not allowed.

**Article 16. Monetary allowance of servicemen and remuneration of labour of employees of the State Border Service of Ukraine**

The terms of monetary allowance of servicemen and remuneration of labour of employees of the State Border Service of Ukraine are determined by the 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 carried out 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 reserve**

Servicemen of the State Border Service of Ukraine discharged from military service are enlisted to 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**

The State Border Service of Ukraine according to the tasks determined by the law 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 repulsion of invasion or attack on the territory of Ukraine by the armed forces of a state or a group of states;
4. participation in the territorial defence efforts, as well as in the 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 the legislation belongs to the competence of the State Border Service of Ukraine, their identification, suppression, carrying out of investigation and of legal procedure on administrative offences according to the laws;
6. after customs and, if necessary, other types of control, carrying out of border control and admission in accordance with the established procedure of persons, vehicles, cargoes and other property in case the documents for admission are in order; registration of foreigners and persons without citizenship who in accordance with the established procedure arrive to Ukraine and registration of their passports in border check points;
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 the legislation are refused entry to Ukraine or who are temporarily not allowed to leave Ukraine, including according to orders of law-enforcement organs; search in border check points for persons absconding from the organs of investigation and the court, evading criminal punishment; 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 taking measures within the limits of their competence on their elimination;

10. carrying out of intelligence, information-search and investigation activity and of counter-intelligence measures in the interests of 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 the refugee who with an intention receive such a status have illegally crossed the state border of Ukraine;
13. establishment in agreement with the State customs service of Ukraine and the Ministry of transport of Ukraine of the regime of crossing through border check points and control over its observance;
14. control over 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 expulsion from Ukraine of foreigners and persons without citizenship, who have been detained in the controlled border regions attempting to cross or illegally crossing the state border of Ukraine; expulsion of these persons;
16. carrying out independently or together with law-enforcement organs and organs of the Security Service of Ukraine of the 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, convoy and detain the persons and water-crafts before transferring them the border guards, other authorized organs of a neighbouring state, other law-enforcement organs of Ukraine or the court;
18. carrying out according to the legislation of special measures on protection of servicemen and employees of the State Border Service of Ukraine from illegal acts against their life, health, honour, property in connection with their service activity, as well as of their close relatives;
19. counteraction to and prevention of corruption and crimes in service activity of the personnel of the State Border Service of Ukraine;
20. participation within the limits of their competence in cooperation with the organs of the Security Service of Ukraine, organs of internal affairs and other law-enforcement organs in the fight against terrorism and accomplishment of other tasks assigned to them;
21. representative work and participation of the representatives border services in the work of joint international commissions on consideration of border disputes, incidents and conflicts;
22. carrying out independently or in cooperation with the specially authorized executive organs and officials of control in the regions where they serve over the preservation of natural resources, observance of norms of industrial and other activity and environment protection;
23. informing of the relevant state organs and citizens about accidents, fires, catastrophes, natural disasters and other emergencies on the state border of Ukraine, border zone and controlled border regions;
24. protection of foreign diplomatic establishments of Ukraine;
25. participation within the limits of their competence in provision of the state protection in the places of permanent and temporary stay of the President of

Ukraine and officials determined 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 protection of the border of Ukraine with the relevant organs of foreign states in accordance with the procedure established by the international treaties agreed to be binding by the Verkhovna Rada of Ukraine.

#### **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 the 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 while on duty to any place in the area, to enter the land areas, inhabited and other premises that belong to individuals with their consent or without their consent in emergency cases connected with the rescue of the life of people and property or with pursuit of persons suspected of commitment of a crime, with a notification about it within twenty four hours of the public prosecutor, as well as to enter the territory and premises of enterprises, institutions and organisations irrespective of form of ownership with notification about it of their administration;
2. according to the laws and other normative-legal acts, exclusively in the interests of criminal legal proceedings and international cooperation on the fight against organized crime, as well as to ensure national security of Ukraine, to carry out controlled (under operational control) admission across the state border of Ukraine of persons in check points or outside them. The decision on such admissions is taken by the Head of the State Border Service of Ukraine;
3. to check documents of the persons who cross the state border of Ukraine if they have the right to enter Ukraine or departure from Ukraine, to make special notes in the documents and in cases envisaged by the legislation to temporarily detain or withdraw them;
4. by interrogating persons, to find out the bases of entry into Ukraine or departure from Ukraine; to refuse the crossing of the state border of Ukraine to the persons without valid documents confirming their right to cross it, persons who deliberately provided false data during reception of the documents, persons who have been refused the right to enter Ukraine or who are temporarily not allowed to departure from Ukraine by the State Border Service of Ukraine for violation of the legislation on border issues and on the legal status of foreigners or by a motivated written decision of the court and law-enforcement organs; to make special notes in the documents of these persons;
5. according to the legislation, to take the decision on granting the right of a simplified crossing of the state border;
6. independently or together with customs organs, to conduct according to the legislation the examination and, if necessary, convoy of the vehicles, goods and other things that cross the state border of Ukraine;
7. to carry out according to the orders of law-enforcement organs of Ukraine the detention in check points of persons who cross the border of Ukraine and are searched on suspicion of commitment of a crime, abscond from organs of investigation and the court, evade criminal punishment and in other cases envisaged by the legislation of Ukraine;
8. to grant with consent of the customs organs of Ukraine and competent organs of the neighbouring states the permission to persons to enter Ukraine or departure

- from Ukraine, for vehicles, cargoes and other property to cross the state border of Ukraine outside check points under emergency circumstances connected to the alleviation of natural and technogenic emergencies and their consequences, threats to human life and to national security of Ukraine;
9. with consent of the State customs service of Ukraine, the Ministry of transport of Ukraine and the Ministry of Defence of Ukraine to allow the take-off and landing of aircrafts at the airports (airdromes) which do not have border check points;
  10. to create and use in the interests of investigation, counter-intelligence protection of the state border of Ukraine, investigation activity, fight against the organized crime and counteraction to unlawful migration the information systems, including databases, on the persons who have crossed the border of Ukraine, the persons who have committed offences counteraction to which is relegated to the competence of the State Border Service of Ukraine, persons who have been refused according to the legislation the entry to Ukraine or who are temporarily not allowed to departure from Ukraine, on invalid, stolen and lost travel documents and in other cases envisaged by the laws of Ukraine;
  11. to determine together with the interested enterprises, institutions and organisations of all forms of ownership the place and duration of stops of the vehicles carrying out international transportation of passengers and cargoes in check points across the border of Ukraine;
  12. to demand from physical persons to stop offences and actions that prevent the implementation of the powers of the State Border Service of Ukraine;
  13. in cases and according to the procedure established by the laws of Ukraine, to consider cases about offences, to impose penalties or transfer materials about offences to other authorized executive organs or courts;
  14. to carry out administrative detention of persons on the bases and for the terms determined by the laws, including foreigners and persons without citizenship who have illegally crossed the state border of Ukraine for the period of time necessary for 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 bases and in accordance with the procedure established by the laws personal examination of detained persons, as well as to examine and if necessary to withdraw things which can serve as exhibits or be dangerous for the health of 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 expertise of passports which according to the legislation are used to cross the border of Ukraine;
  18. in conformity with their competence to limit or temporarily forbid in cases connected to protection of the border of Ukraine and carrying out of trainings and battle firing exercises, fulfilment of various works, dislocation of vehicles and water-crafts, access of persons to individual sites or installations in the border zone and in the controlled border regions, except for the works on construction sites carried out according to the international treaties, on construction sites of state importance and the works connected with alleviation of consequences of natural disasters and especially dangerous infectious diseases;
  19. to stop and examine in the border zone and controlled border regions independently and beyond border zone - together with organs of the State automobile inspection of the Ministry of Internal Affairs of Ukraine - vehicles, as

- well as to check the documents identifying the driver and passengers with the purpose of fulfilment of the tasks on fight against the organized crime and unlawful migration across the border of Ukraine. The cargo which is transported by vehicles through customs control is subject to such examination only together with the organs of the State customs service of Ukraine;
20. to use in accordance with the procedure established by the legislation the water and air space of Ukraine, sea and river ports, airports and airdromes (airfields) in the territory of Ukraine irrespective of their departmental affiliation and purpose, to receive navigating, meteorological, hydrographic and other information necessary to support flights and navigation;
  21. according to the procedure established by the legislation to fly aircrafts of the State Border Service of Ukraine on air routes and outside air routes, as well as on the established routes in the border zone, controlled border regions and an exclusive (sea) economic zone of Ukraine;
  22. to navigate ships, boats and support vessels in the internal waters, territorial sea and exclusive (sea) economic zone of Ukraine, to approach the coast, the quays and to carry out there debarkation of the personnel of the State Border Service of Ukraine;
  23. to allow the foreign military ships to enter in the internal waters, roads and ports of Ukraine including according to the decisions taken in accordance with the established procedure on admission of the units of the armed forces of other states on the territory of Ukraine 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 which have committed violations of the legislation during navigation and stay in the territorial sea, internal waters, as well as during anchorage of vessels in the ports of Ukraine, to convoy them with the ships and boats of the State Border Service of Ukraine to ports or outside territorial waters of Ukraine;
  25. to stop and examine in accordance with the established procedure vessels and water-crafts which are fishing or extracting other sea resources; to carry out search, research and operations connected with this activity, perform other works in the exclusive (sea) economic zone of Ukraine and the territorial sea; to check documents of persons engaged in fishing and fulfilment of other works;
  26. to suspend or stop fishing, sea scientific research and other works in the territorial sea, an exclusive (sea) economic zone and internal waters of Ukraine in case of absence of the relevant permission or in case of violation of the rules established by the legislation;
  27. to visit, examine and be on artificial islands, installations and constructions located in the exclusive (sea) economic zone, territorial sea and internal waters of Ukraine, as well as to check the documents confirming the right to work, construction of artificial islands, installations, constructions and establishment of security zones around of them;
  28. to detain the vessels that violate the legislation on the exclusive (sea) economic zone of Ukraine or norms of international law and bring them in to one of open for entry of foreign non-military vessels ports of Ukraine;
  29. to temporarily limit navigation and forbid to put to sea for the national non-military vessels and water-crafts irrespective of the form of ownership which violated the established procedure of navigation and stay in the territorial sea and internal waters of Ukraine;

30. to forbid the embarkation and stay on the coast of members of crews of foreign non-military vessels and other persons on the vessels, which have committed offences during navigation and stay in the territorial sea, internal waters, as well as during anchorage in the ports of Ukraine;
31. to carry out intelligence, counter-intelligence and investigation measures according to laws of Ukraine;
32. to carry out at the foreign airports in agreement with air operators the preliminary check of the legal grounds for entry into Ukraine of foreigners and persons without citizenship;
33. together with customs and other state organs, to carry out measures on preclusion of unlawful crossing of the state border of Ukraine of cargoes and other property subject to interdictions and restrictions according to the legislation, to withdraw such cargoes and other property during an attempt to move them across the state border of Ukraine or withdraw them independently in the course of investigation measures and to transfer them 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 find out the circumstances of unlawful crossing the state border of Ukraine, violation of the border regime, the border zone regime or the border check points regime, 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 contractual basis the offices of enterprises, institutions and organisations of all forms of ownership, military units of military formations, as well as inhabited and other premises of individuals;
37. to use in accordance with the established procedure vehicles, water-crafts of individuals, enterprises, institutions and organisations of all forms of ownership (except for vehicles and water-crafts of diplomatic and other representative offices of foreign states and organisations) for travel to the place of unlawful crossing of the state border of Ukraine, suppression of the crime and delivery of the persons requiring urgent medical aid in medical establishments, with subsequent reimbursement to these individuals, enterprises, institutions and organisations according to the legislation;
38. to use the means of electric communication of the central and local executive organs, local self-government organs, enterprises, institutions and organisations of all forms of ownership during suppression of armed conflicts and other provocations on the state border of Ukraine, repulsion of invasion of the territory of Ukraine by the armed formations, alleviation of subversive-intelligence groups, as well as in other cases on terms determined in accordance with the established procedure with subsequent reimbursement according to the legislation;
39. to submit to executive organs and local self-government organs obligatory for consideration proposals about prevention of violations of the legislation on the issues of protection of the state border of Ukraine and elimination of the preconditions of their commitment;
40. to receive according to the procedure established by the law at a written demand of the heads of investigation departments or intelligence organs of the data from the

electronic information and reference systems and the 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 organs of Ukraine;

41. to encourage financially and morally the persons rendering help to the State Border Service of Ukraine in the accomplishment of the tasks assigned to it;
42. to cooperate according to the legislation with foreign diplomatic and consular establishments on the issues within the limits of the competence of the State Border Service of Ukraine and on the issues of restriction or restoration of the rights of foreigners and persons without citizenship;
43. to cooperate on the issues of protection of the state border of Ukraine, counteraction to unlawful migration, illegal trafficking of drugs and psychotropic substances, trans-boundary criminality and smuggling with the competent organs and military formations of foreign states, international organisations in accordance with the procedure and on the bases established by the legislation;
44. during fulfilment of the tasks on protection of the state border in the structure of border detachments or implementation of investigation activity, to use free of charge all kinds of city public transport (except for taxi), local railway, water transport and incidental transport;
45. according to the procedure established by the legislation to receive and use the land areas for placement of stationary means and engineering installations on the state border of Ukraine, for stationing of organs, departments, educational establishments, enterprises, institutions and organisations of the State Border Service of Ukraine, places of temporary detainment of persons, anchorage of ships and boats, aviation departments, shooting ranges and training fields, etc.

In cases envisaged by the law, the officials and service persons of the State Border Service of Ukraine exercise other powers as well.

*(Article 20 includes changes made by the Law No. 965-IV of 19.06.2003)*

**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 fulfilment of the tasks on protection of the state border and the sovereign rights of Ukraine in its exclusive (sea) economic zone within the limits of their authority 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 in accordance with the procedure and in cases envisaged by the Law of Ukraine "On militia", the military statutes of the Armed Forces of Ukraine and other normative-legal acts to use force, service dogs, as well as to keep, carry special means and weapons, to use and apply them independently or in the structure of units.

The use of weapons in the direction of the territory of the neighbouring state, except for the cases of repulsion of an armed attack and invasion on the territory of Ukraine by the armed military detachments and criminal groups, suppression of the armed provocations, as well as for repulsion of an attack or suppression of armed resistance of persons who are illegally crossing or trying to cross the state border of Ukraine, is not allowed.

**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**

Executive organs and local self-government organs, their employees and officials within the limits of their authority assist the State Border Service of Ukraine in protection of the state border and the sovereign rights of Ukraine in its exclusive (sea) economic zone.

The State Border Service of Ukraine has the right to involve for accomplishment of the tasks assigned to it on a paid and free-of-charge basis persons with their consent, as well as civil formations on protection of public order and of the state border in accordance with the procedure established by the laws regulating investigation activity and participation of citizens in 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 with the relevant 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, are obligatory for fulfilment by the citizens of Ukraine, foreigners, persons without citizenship and officials.

Servicemen and employees of the State Border Service of Ukraine during fulfilment of the duties assigned to them are guided only by the laws, act on the basis, within the limits of their authority and by the means envisaged by the Constitution and the laws of Ukraine. Nobody, except for the authorized officials of the state organs in cases envisaged by the Constitution and laws of Ukraine, has the right to interfere with lawful activity of servicemen and employees of the State Border Service of Ukraine.

Nobody has the right to assign to the personnel of the State Border Service of Ukraine the fulfilment of the tasks and duties not envisaged by the laws of Ukraine.

Interference with activity of the State Border Service of Ukraine entails liability envisaged by the law.

Servicemen of the State Border Service of Ukraine have the right to wear uniform with insignia developed according to the Law of Ukraine “On the universal 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 envisaged by the law.

**Article 24. Legal protection of the personnel of the State Border Service of Ukraine**

Servicemen and employees of the State Border Service of Ukraine during performance of the duties assigned to them are representatives of the state authority; their personal immunity, honour and dignity are protected by the law.

The personal immunity of the servicemen and employees of the State Border Service of Ukraine, who according to their service powers are involved in operational activity, their honour and dignity are protected by the law.

Commitment of crimes and administrative offences against members of the families of servicemen and employees of the State Border Service of Ukraine in connection with performance of official duties entails liability envisaged by the law.

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 protection of the state border of Ukraine and members of his/her family entails liability envisaged by the law.

Servicemen and employees of the State Border Service of Ukraine carrying out the tasks abroad are under protection of Ukraine.

**Article 25. Social protection of the personnel of the State Border Service of Ukraine**

The state provides for social protection of the personnel of the State Border Service of Ukraine according to the Constitution of Ukraine, this Law and other acts of the legislation.

Pensions to the servicemen of the State Border Service of Ukraine are granted in accordance with the procedure and in the amount 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 acts of the legislation.

Social protection of employees of the State Border Service of Ukraine is provided in accordance with general practice according to the legislation on labour if other is not envisaged by the work contract.

The personnel of the State Border Service of Ukraine are guaranteed free-of-charge medical care carried out in medical and prophylactic institutions of the State Border Service of Ukraine.

Children of the 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 in educational establishments of the State Border Service of Ukraine without having to pass the entry examinations.

**Article 26. Entitlement payment in case of loss (death) or mutilation of servicemen of the State Border Service of Ukraine and damage to the property of servicemen and employees of the State Border Service of Ukraine**

In case of injury (contusion, trauma or mutilation) or disease suffered by servicemen of the State Border Service of Ukraine during performance of official duties, or in case of invalidity due to the above reasons, as well as the invalidity developed during service or no later than three months after retirement or after this period but due to the disease or

accident which took place during service, he/she is granted entitlement payment at the rate of up to ten years' monetary allowance on the last post he/she held; in case of his/her loss or death the entitlement payment is given to the members of the family - at the rate of twenty years' monetary allowance in accordance with the procedure and on terms determined by the Cabinet of Ministers of Ukraine. The right to receive housing is preserved for the family of the victim.

The damages caused to the property of a serviceman or employee of the State Border Service of Ukraine or his/her close relatives in connection with performance of official duties are compensated 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**

Financing of the activity of the State Border Service of Ukraine is carried out from the State Budget of Ukraine and other sources envisaged by the legislation.

### **Article 28. Support of the activity of the State Border Service of Ukraine**

Support of the activity of the organs of the State Border Service of Ukraine is carried out by the specially authorized central organ of executive power on protection of the state border by means of the state defence procurement order and acquisition of goods and services for state funds.

Local executive organs and local self-government organs assist the State Border Service of Ukraine, its organs in resolution of housing and other social problems, provision with vehicles and communication facilities. The State Border Service of Ukraine is exempt from the transfer to local state administrations or local self-government organs of a part of housing constructed by target state capital investments and other means. A housing from the state housing fund which is vacated by servicemen of the State Border Service of Ukraine is transferred in accordance with the established procedure to the relevant organs for new occupation.

The State Border Service of Ukraine has offices and other installations, public health services, educational, research, economic and social-cultural purpose buildings and a housing fund.

The property allocated for the specially authorized central organ of executive power on protection of the state border, organs of the State Border Service of Ukraine, its educational institutions, establishments and organisations is in state ownership and belongs to them on 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 the tasks assigned to him/her by the State Border

Service of Ukraine, observance of the legislation, guarantees of human rights and freedoms and other questions.

The Head of the State Border Service of Ukraine annually submits to the Verkhovna Rada of Ukraine a written report on the activity of the State Border Service 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 carried out 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, the National Security and Defence Council of Ukraine on major issues in the activity of the State Border Service of Ukraine, as well as annually submits to the President of Ukraine a written report on the activity of the State Border Service of Ukraine.

**Article 31. Control over economic and financial activity of the State Border Service of Ukraine**

Control over 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 independently take decisions within the limits of their authority guided by the Constitution, the laws of Ukraine, other normative-legal acts and orders of immediate superiors. Explicit criminal orders shall not be performed. Officials who gave such an order are accountable for it and compensate for the damages caused as a result of its performance according to the law.

Servicemen and employees of the State Border Service of Ukraine are accountable for unlawful acts or failure to act according to the law.

Servicemen and employees of the State Border Service of Ukraine, performing duties according to the powers given by this Law, are not responsible for damages caused to other persons' property if this happened not on their fault. In case 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 legitimate requirements of servicemen and employees of the State Border Service of Ukraine, unlawful interference with their lawful activity entail liability envisaged by the law.

**PART IX. FINAL PROVISIONS**

1. This Law enters into force as of 1 August 2003, except for Part 2 of Article 6 of this Law which enters into force as of 1 January 2005. Before the law enters into force, the total numeric strength of the State Border Service of Ukraine shall be:
  - a. Before 1 January 2004 - 45000 persons, including 42000 servicemen;
  - b. As of 1 January 2004 - 48000 persons, including 42000 servicemen.
2. When this Law comes into force, the following laws 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 a legal successor of the Border troops of Ukraine, is created on their basis, including their material and technical base, regular personnel and financing on 1 January 2003.
4. Before bringing them into conformity with the Law of Ukraine “On the State Border Service of Ukraine”, the laws and other normative-legal acts are applied in the part not contradicting this Law.
5. The Cabinet of Ministers of Ukraine within six months after this Law comes into force is obliged to bring its normative-legal acts into conformity with this Law.

# Law On the State Border

1777-XII of 04.11.1991; (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), Includes changes made by  
the Laws No. 245/96-BP of 18.06.96, BVR, 1996, No. 37, p.167; No. 662-IV of 03.04.2003,  
BVR, 2003, No. 27, p. 209.

Ukraine, guided by the Constitution of Ukraine, the Declaration of the State Sovereignty of Ukraine and the Act of Declaration of Independence of Ukraine, steadily pursues a peaceful policy, supports strengthening of the security of the peoples of Ukraine proceeding from the principles of inviolability of the state borders which are reflected in 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 and the vertical surface bounded by this line that determine the limits of the territory of Ukraine - the land, water, the interior of the Earth and air space.

### **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 by the international treaties of Ukraine agreed to be binding by the Verkhovna Rada of Ukraine.

Protection of the state border of Ukraine is an integral part of the nation-wide system of provision of national security and involves a coordinated activity of military formations and law-enforcement organs of the state, the organisation and procedure of activity of which is determined by the law. This activity is conducted within the limits of their authority by carrying out of a complex of political, legal, diplomatic, economic, military, border, immigration, intelligence, counter-intelligence, investigative, environmental, sanitary-quarantine, ecological, technical and other measures.

Coordination of activity of military formations and law-enforcement organs of the state on protection of the state border is carried out by the State Border Service of Ukraine.

The protection of the state border of Ukraine is an integral part of the nation-wide system of protection of the state border and involves implementation by the State Border Service of Ukraine of measures to ensure the inviolability of the state borders of Ukraine on the land, sea, river, lake and other bodies of water, as well as by the Armed Forces of Ukraine in the air and underwater space according to their powers.

The Cabinet of Ministers of Ukraine within the limits of its authority takes measures to ensure the guard and protection of the border and territory of Ukraine.

*(Article 2 includes changes made by the Law No. 245/96-BP of 18.06.96; in the wording of the Law No. 662-IV of 03.04.2003)*

**Article 3. The delimitation of the state border of Ukraine**

The state border of Ukraine, if other is not envisaged by the international treaties of Ukraine, is established:

1. on the land - on the characteristic points and lines of the 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 the 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 and the shores or banks of the lake or other body of water. The state border of Ukraine on the river (stream), lake or other body of water does not move as a result of the change of a line of their coasts, banks or water level or 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 a reservoir;
5. on railway and road bridges, dams and other installations running across 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, the form, size and procedure of establishment of which are determined by the legislation of Ukraine and the international treaties of Ukraine.

**Article 5. The Territorial sea of Ukraine**

The territorial sea of Ukraine consists of the coastal sea waters 12 sea miles in width counted from the line of the greatest ebb of water both on the continent and on islands belonging 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 some 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 the generally recognized principles and norms of international law.

**Article 6. Territorial waters of Ukraine**

The following belong to the territorial waters of Ukraine:

1. the sea waters located on the side of the coast from straight base lines, accepted for calculation of the width of the territorial sea of Ukraine;
2. waters of ports of Ukraine, limited by a line going through permanent port installations located the most far in the sea;
3. waters of gulfs, bays, inlets, estuaries, harbours and roads, the coasts of which entirely belong to Ukraine, up to the straight line going from coast to coast in the place on the sea where for the first time one or several passes are formed if the width of each of these passes does not exceed 24 sea miles;
4. waters of gulfs, bays, inlets, estuaries and seas historically belonging Ukraine;
5. limited by the line of the state border, the waters of rivers, lakes and other bodies of water whose coasts belong to Ukraine.

*(Article 6 includes changes made by the Law 245/96-BP of 18.06.96)*

**Article 7. Mutual relations with the neighbouring states on the border issues**

Border issues with the neighbouring states are solved by Ukraine on the basis of principles of mutuality and good neighbourhood according to this Law, other legislative act 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 state border of Ukraine regime is the procedure of crossing of the state border of Ukraine, navigation and stay of national and foreign non-military and military ships in the territorial sea and territorial waters of Ukraine, entry of foreign non-military and military ships in the territorial waters and ports of Ukraine and stay in them, maintenance of the state border of Ukraine, various works, trade and other activity on the state border of Ukraine and is determined by this Law, other legislative act of Ukraine and the international treaties of Ukraine.

**Article 9. Crossing of the state border of Ukraine**

Crossing of the state border of Ukraine is carried out by the means of communication across the border with the observance of the established procedure.

The crossing of the state border of Ukraine on railway, automobile, sea, river, ferry, air transport and on foot is carried out in the check points established by the Cabinet of Ministers of Ukraine according to the legislation and the international treaties of Ukraine.

A check point on the state border of Ukraine is a specially allocated territory at the railway and automobile stations, sea and river ports, airports (aerodromes) with a complex of buildings, installations and means where border, customs and other kinds of control and admission across the border of persons, vehicles, cargoes and other property take place.

Sea and river non-military and military ships cross the state border of Ukraine according to this Law, other acts of the legislation, as well as the rules issued by the specially authorized state organs of Ukraine in accordance with the established procedure.

Foreign non-military and military ships which entered the territorial sea or territorial waters of Ukraine with violation of the established rules of entry in these waters are considered trespassers of the border regime (trespassers of the state border of Ukraine). Foreign submarines and other underwater crafts are considered the 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.

Aircrafts cross the state border of Ukraine in specially allocated air corridors according to this Law, other acts of the legislation, as well as the rules issued by the specially authorized state organs of Ukraine in accordance with the established procedure. Flights across the state border of Ukraine outside the air corridors are allowed only by the specially authorized state organs of Ukraine.

Trespassers of the procedure of crossing of the state border of Ukraine in air space (trespassers of the state border of Ukraine) are the planes and other aircrafts which have crossed the state border of Ukraine without the relevant permission of

competent organs of Ukraine or have committed other violations of the rules of flights across the state border of Ukraine.

A violation of the state border of Ukraine is also the crossing of it by any technical or other means without the relevant permission or with violation of the established procedure.

Forced crossing of the border by persons, vehicles on the land, entry of foreign non-military and military ships in the territorial sea and territorial waters of Ukraine, forced flying of an air plane and other aircrafts under emergency circumstances, as well as other forced circumstances are not considered as violations of the rules of crossing of the state border of Ukraine.

During the emergency situations caused by big accidents, catastrophes and natural disasters, rescue formations cross the state border of Ukraine for localisation and alleviation of such situations in accordance with the procedure determined by the Cabinet of Ministers of Ukraine according to the international treaties of Ukraine.

*(Article 9 in the wording of Laws 245/96-BP of 18.06.96, 662-IV of 03.04.2003)*

#### **Article 10. Take-off and landing of an aircraft**

Take-off of national and foreign aircrafts from the territory of Ukraine, as well as their landing on the territory of Ukraine are carried out at airports (airdromes) open for international flights, with check-points of organs of the State Border Service of Ukraine and customs services. Other procedures of take-off and landing of an aircraft are allowed only by competent organs of Ukraine.

*(Article 10 includes changes made by the Law 662-IV of 03.04.2003)*

#### **Article 11. Control over crossing of the state border of Ukraine**

Persons, vehicles, cargoes and other property crossing the state border of Ukraine are subject to border and customs control. In some cases the sanitary-quarantine, veterinary, phyto-sanitary control, control over export from Ukraine of cultural values and other controls are carried out. Controls are organized and carried out according to the established by legislative acts of Ukraine procedure.

#### **Article 12. The Admission of persons, vehicles, cargoes and other property across the state border of Ukraine**

The admission of the persons crossing the state border of Ukraine is carried out by the organs of the State Border Service of Ukraine upon presentation of valid documents that confirm the right of entry on the territory of Ukraine or departure from Ukraine. The admission of vehicles, cargoes 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 of admission of persons, vehicles, cargoes and other property across the state border of Ukraine.

*(Article 12 includes changes made by the Law 662-IV of 03.04.2003)*

#### **Article 13. Peaceful passage of the territorial sea of Ukraine**

Peaceful passage of the territorial sea of Ukraine is carried out with the purpose of crossing it without entry in the territorial waters of Ukraine or with the purpose of entry in territorial waters and ports of Ukraine or going 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 the territorial sea of Ukraine according to the legislation of Ukraine and the international treaties of Ukraine.

Foreign non-military vessels passing peacefully should follow a usual navigating route or a route 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 the sea maps issued in accordance with the established procedure. The captain of a foreign non-military vessel that violated the rules of a peaceful passage is brought to account according to the legislation of Ukraine.

Foreign military ships, as well as underwater crafts, carry out peaceful passage through the territorial sea of Ukraine in accordance with the procedure established by the Cabinet of Ministers of Ukraine. At that, submarines and other underwater crafts should be located on the water surface and fly their flags. In case of non-observance of the legislation of Ukraine during the passage by a foreign non-military or military ship (a submarine) through the territorial sea of Ukraine and neglect of the requirement to observe the legislation, the competent organs of Ukraine have the right to demand from the vessel or submarine to 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 can go to the roads and ports of Ukraine opened for entry of such vessels. The list of roads and ports of Ukraine open for entry of foreign non-military, the procedure of entry and stay, cargo and passenger operations, communication of vessels with the coast, embarkation of the members of the crew of the vessel, visits of vessels by the persons not being members of the crew of the vessel and other rules connected with entry of foreign non-military ships in territorial waters and ports of Ukraine, in waters of the border rivers, lakes and other bodies of water belonging Ukraine, and stay in these waters are established by the legislation of Ukraine and the rules issued in accordance with the established procedure. Foreign submarines and other underwater crafts during their entry in the territorial waters, roads and ports of Ukraine should be located on the water surface and fly their flags.

Foreign military ships, if other procedure is not envisaged, enter in the territorial waters and ports of Ukraine according to the rules issued in accordance with the established procedure.

*(Article 14 includes changes made by the Law 662-IV of 03.04.2003)*

**Article 15. The Duty of foreign non-military and military ships to observe navigating and other rules in the waters of Ukraine**

Foreign non-military and military ships during navigation and stay in the territorial sea and territorial waters of Ukraine are obliged to observe rules of radio communication, navigating, port, customs, sanitary and other rules. Foreign non-military and military ships in case of a forced entry in the territorial sea, territorial waters of Ukraine or in case of forced non-observance of rules of navigation and stay in these waters are obliged to inform immediately about this 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 and intelligence activity of foreign non-military and military ships in the territorial sea and territorial waters of Ukraine is forbidden, except for the cases when such activity is carried out by 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**

According to the decision of competent organs of Ukraine the areas where navigation and stay of national and foreign non-military and military ships in the territorial sea of Ukraine and territorial waters of Ukraine is temporarily forbidden can be established.

The establishment of such areas is promulgated in accordance with the established procedure.

**Article 18. The Procedure of carrying out of economical activity on the state border of Ukraine**

Navigation, using water installations for the needs of timber rafting and other ways of the use of water, construction of various hydro installations, other works in the territorial waters of Ukraine, using the land, forests, fauna, conducting mining, geological research and other economical activity on the state border of Ukraine are carried out according to the legislation of Ukraine and the international treaties of Ukraine. The above activities have to be carried out with preservation of order on the state border of Ukraine. Competent organs of Ukraine with consent of organs of the State Border Service of Ukraine, taking into account local conditions, establish the procedure for all kinds of economical activity on the state border of Ukraine.

*(Article 18 includes changes made by the Law 662-IV of 03.04.2003)*

**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 a threat of spread of especially dangerous infectious diseases on the territory of Ukraine or foreign states, communication across the state border of Ukraine in the especially dangerous regions can be temporarily limited or stopped by the decision of the Cabinet of Ministers of Ukraine, or a quarantine on people, animal, cargoes, seeds, animals and plants crossing the state border of Ukraine can be introduced.

**Article 20.** *Excluded on the basis of the Law 662-IV of 03.04.2003*

**Article 21. Border representatives of Ukraine**

For solving the problems connected with maintenance of the border regime of Ukraine, fulfilment of the international treaties on this question, creation of conditions for the peaceful resolution of frontier conflicts and incidents on a certain part 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.

Border representatives of Ukraine and their deputies are guided in their activity by the Constitution and laws of Ukraine and the international treaties of Ukraine agreed to be binding by the Verkhovna Rada of Ukraine, as well as by other acts of the legislation.

Border representatives of Ukraine or their deputies for performance of their duties 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 the determined period of time.

Crossing of the state border of Ukraine by border representatives of Ukraine or their deputies is carried out according to the legislation and the international treaties of Ukraine.

Questions not settled by border representatives of Ukraine or their deputies are solved in accordance with the diplomatic procedure.

*(Article 21 includes changes made by the Law 662-IV of 03.04.2003)*

### **PART III. THE BORDER REGIME**

#### **Article 22. The Border zone and controlled border regions**

With the purpose of maintenance of the appropriate procedure on 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 the border rivers, lakes and other bodies of water taking into account the district features of the area and the conditions determined by the Cabinet of Ministers of Ukraine. Settlements and places for recreation of the population are not included to the border zone.

Controlled border regions are established, as a rule, on the territory of a region, city, settlement, village 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 of Ukraine and the islands located in these waters.

*(Article 22 in the wording of the Law 245/96-BP of 18.06.96; includes changes made by the Law 662-IV of 03.04.2003)*

#### **Article 23. The Border regime**

In the border zone and controlled border region in accordance with the procedure determined the Cabinet of Ministers of Ukraine the border zone regime regulating according to this Law and other legislative acts of Ukraine the rules of entry, temporary stay, residence, movement of the citizens of Ukraine and other persons, carrying out of works, registration and keeping of self-propelled and not self-propelled vessels in quays, moorings and bases, their navigation and movement in the territorial waters of Ukraine is established.

Envisaged by Part 1 of this Article procedure of registration and keeping of self-propelled and not self-propelled vessels in quays, moorings and bases, their navigation and movement in the territorial sea and territorial waters of Ukraine is applied to the territory of a region, city, settlement, village community adjacent to the state border of Ukraine or to protected by organs of the State Border Service of Ukraine coast of the sea where the border zone and controlled border region are not established.

It is forbidden to keep self-propelled and not self-propelled vessels outside the established quays, moorings and bases or in them, but with violation of the rules of keeping, as well as to depart from the coast or to moor to the coast outside designated quays, moorings and bases.

*(Article 23 includes changes made by Laws 245/96-BP of 18.06.96, 662-IV of 03.04.2003)*

**Article 24. Entry into the border zone. Carrying out of works**

A permission of entry, temporary stay, residence, carrying out of works and admission in the border zone is given and carried out by the State Border Service of Ukraine. If need be, the State Border Service of Ukraine can introduce additional temporary regime restrictions on entry and carrying out of works in the border zone.

*(Article 24 includes changes made by the Law 662-IV of 03.04.2003)*

**Article 25. Particularities of the border regime in the territorial waters of Ukraine**

A part of the territorial waters of Ukraine and the islands located in it are under the control of organs of the State Border Service of Ukraine.

Movement on the coast and ice of 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 25 includes changes made by the Law 662-IV of 03.04.2003)*

**Article 26. The Regime in check points across the state border of Ukraine**

The regime in check points of the state border of Ukraine is the procedure of stay and movement of all persons and vehicles through the territory of the border railway 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, cargoes and other property and is determined according to the legislation of Ukraine by the State Border Service of Ukraine together with competent organs. In the premises and places where border control is carried out, the State Border Service of Ukraine establishes additional regime rules regulating the procedure of admittance of persons passing the control and of providing services to passengers and vehicles leaving Ukraine, regulating departure through the check points of vehicles leaving abroad and arriving in Ukraine, as well as other restrictions for prevention of unlawful crossing of the state border of Ukraine.

*(Article 26 includes changes made by the Law 662-IV of 03.04.2003)*

**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 the land, sea, river, lake 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. The State Border Service of Ukraine and the Armed Forces of Ukraine during fulfilment of the tasks related to protection of the state border 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”, other normative-legal acts and the international treaties agreed to be binding by the Verkhovna Rada of Ukraine.

*(Article 27 includes changes made by the Law 245/96-BP of 18.06.96; in the wording of the Law 662-IV of 03.04.2003)*

**Article 27.1. Interaction during protection of the state border**

The State Border Service of Ukraine within the limits of its authority established by the legislation coordinates the activity of the state organs carrying out different kinds of control over crossing of the state border of Ukraine or participating in maintenance of the border regime, the border zone regime and the check points regime.

Orders of the specially authorized central organ of executive power on protection of the state border of Ukraine on the issues of observance of regimes on the state border issued within the limits of its competence are obligatory for the state organs specified in Part 1 this Article.

*(The law is supplemented with Article 27.1 according to the Law 245/96-BP of 18.06.96; includes changes made by the Law 662-IV of 03.04.2003)*

**Article 28. The Rights of organs of the State Border Service of Ukraine towards foreign and national non-military ships**

In the territorial sea and territorial waters of Ukraine, the organs of the State Border Service of Ukraine during accomplishment of the tasks assigned to them 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 about the purposes of entry of a vessel in the waters of Ukraine;
2. to request a vessel to change its course if it heads for the area closed for navigation;
3. to stop a vessel and to examine it if it does not respond to a signal of interrogation, is in the region closed for navigation, breaks other rules of entry in the waters of Ukraine, navigation and stay in them, as well as carries out trade and other activity violating the legislation of Ukraine, international treaties of Ukraine. Inspection of a vessel includes the check of the ship and navigating documents, documents of members of the crew and passengers, documents on cargoes, and in case of need - the ship premises. After inspection of a vessel, it can be authorized to continue navigation in the waters of Ukraine with the observance of the established rules, offered to leave the waters of Ukraine, or it can be detained according to the current legislation;
4. to place a border patrol on a vessel in case of need to convoy the vessel in the port or from the port to the state border of Ukraine;
5. to remove from a vessel and to detain persons who have committed a crime and are subject to criminal liability according to the legislation of Ukraine, to transfer these persons to organs of investigation if other is not envisaged by the international treaties of Ukraine;
6. to pursue and detain in the high sea a vessel which has entered the territorial sea or territorial waters and ports of Ukraine with violation of established rules or a vessel which has broken the laws or rules of navigation and stay in the waters of Ukraine before its entry in the territorial sea of its native country or a third state in case the pursuit began in the territorial sea or territorial waters of Ukraine and was carried out continuously.

*(Article 28 includes changes made by the Law 662-IV of 03.04.2003)*

**Article 29. Bases 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 case of:

1. the vessel collects information or commits other acts hostile to Ukraine and its security;
2. the vessel is in the area declared by the competent organs of Ukraine in accordance with the established procedure temporarily closed for navigation;
3. the vessel is illegally engaged in any trade, research or intelligence activity, dumping of substances, waste and materials hazardous to people or to water fauna;
4. the vessel carries embarkation or disembarkation of people, unloading or loading of cargoes in the places not established for this or in the established places but without the permission of the competent organs of Ukraine;
5. the vessel without the permission of competent organs of Ukraine takes off or takes onboard aircrafts;
6. members of crew or other persons on a vessel make damage to border signs, means of navigation protection, cables of communication, other underwater or surface installations belonging to Ukraine;
7. the captain of a vessel has not presented necessary ship and shipping documents;
8. the vessel does not obey to the orders of representatives of organs of the State Border Service of Ukraine or other competent organs of Ukraine;
9. the vessel is in the territorial sea of Ukraine, territorial waters of Ukraine violating the rules established by this Law, the international treaties of Ukraine or generally recognized principles and norms of international law.

The decision on detention of a foreign non-military ship is adopted by the State Border Service of Ukraine after its examination. At that, the vessel which has committed violations stipulated in items 2-9 of Part 1 of this Article is detained by the organs of the State Border Service of Ukraine if the fact of deliberate violation is established or if the vessel threatens the security or other 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 1 of this Article and to convoy them to the nearest port or other relevant place.

*(Article 29 includes changes made by the Law 662-IV of 03.04.2003)*

#### **Article 30. Report on inspection or detention of a non-military ship**

The inspection or detention of a non-military ship is officially registered in the form of a report which is signed by the representative of organs of the State Border Service of Ukraine and the captain of the examined or detained vessel. The report is drafted in the Ukrainian and English languages. In case of detention of a vessel, ship and cargo documents are withdrawn from the captain and are 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/she can express reservations in any language in the report itself or in a separate document attached to the report. The refusal of the captain to sign the report is officially registered in the report.

*(Article 30 includes changes made by the Law 662-IV of 03.04.2003)*

#### **Article 31. Consequences of detention of a foreign non-military ship**

Detained foreign non-military ships are transferred in accordance with the established procedure to the authorized representatives of the relevant foreign states or taken outside 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 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**

The state organs, public organisations, officials are obliged to render the all-round help to organs of the State Border Service of Ukraine in protection of the state border of Ukraine. The protection of the state border of Ukraine is carried out by active participation of the citizens of Ukraine. The state organs and public organisations assist the organs of the State Border Service of Ukraine in engagement of citizens of Ukraine on a voluntary basis in protection of the state border of Ukraine.

The citizens of Ukraine participating in protection of the state border of Ukraine are guaranteed protection of their life and health against criminal actions.

The procedure of participation of the citizens of Ukraine in protection of the border and their social protection are determined by the relevant acts of the legislation.

*(Article 33 includes changes made by Laws 245/96-BP of 18.06.96, 662-IV of 03.04.2003)*

**Article 34. Duties of the state organs, public organisations, officials, the citizens on the guard of the state border of Ukraine**

The state organs, public organisations, officials, as well as the citizens are obliged to observe the border regime of Ukraine, to fulfil the requirements the border zone regime and the check-points 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**

The persons guilty of violation or attempt of violation of the border regime of Ukraine, border zone regime or regime in check points on the state border of Ukraine, of unlawful transfer or attempt of unlawful transfer across the state border of Ukraine of cargoes, materials, documents and other things, as well as of other violations of the legislation on the state border of Ukraine, bear criminal, administrative or other liability according to the legislation of Ukraine.

*(Article 35 includes changes made by the Law 662-IV of 03.04.2003)*

## **Law on an Exclusive (Sea) Economic Zone of Ukraine**

162/95-BP of 16.05.1995; (Bulletin of the Verkhovna Rada of Ukraine (BVR), 1995, No. 21, p. 152), Enacted by the Resolution of the Verkhovna Rada 163/95-BP of 16.05.1995, (Bulletin of the Verkhovna Rada of Ukraine (BVR), 1995, No. 21, p. 153), Includes changes made by Laws 81/96-BP of 06.03.96, BVR, 1996, No. 15, p. 70; No. 607/96-BP of 17.12.96, BVR, 1997, No. 6, p. 49; No. 662-IV of 03.04.2003, BVR, 2003, No. 27, p. 209.

Considering the corresponding provisions of the United Nations Convention on the Law of the Sea of 1982, Ukraine adopts this Law determining 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 which regulate the issues of the legal regime of an exclusive (sea) economic zone of Ukraine.

### **Article 2. Definition of an exclusive (sea) economic zone of Ukraine**

The 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 200 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 conclusion of agreements on the basis of principles and criteria in conventional international law, with the purpose of achievement of equitable solution of this question.

### **Article 4. The Sovereign rights and jurisdiction of Ukraine in the exclusive (sea) economic zone of Ukraine**

Ukraine in its exclusive (sea) economic zone has:

- The sovereign rights on issues of investigation, development and preservation of natural resources in both live and lifeless waters covering sea bottom, on sea bottom and in its bowels, as well as with the purpose of management of these resources and implementation of other kinds of activity on economic intelligence and 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 norms of international law on issues of creation and use of artificial islands, installations and constructions, sea scientific 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.

The sovereign rights and jurisdiction of Ukraine on issues of sea bottom of an exclusive (sea) economic zone and its bowels are realized 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 its live resources in the exclusive (sea) economic zone, their preservation, investigation and optimum use, carrying out of scientific research, protection and preservations 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 obligations in an exclusive (sea) economic zone, Ukraine properly considers the rights and obligations of other states.

In an exclusive (sea) economic zone of Ukraine, all the states, both coastal and land-locked, enjoy, provided the observance of provisions of this Law, other legislative acts of Ukraine, as well as the conventional norms of international law, the freedom of navigation and flights, linings of underwater cables and pipelines, other international lawful uses of the sea from the point of view of international law.

**Article 7. Preservation and use of fish and other live resources**

Ukraine provides optimum use of fish and other live resources in the exclusive (sea) economic zone accepting relevant measures for their preservation and management.

The 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.

The foreign legal and physical persons fishing in an exclusive (sea) economic zone of Ukraine according to this Article should observe requirements on 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**

Ukraine, having in its rivers anadromous fish stocks, exercises the rights proceeding from the prime interest in such reserves and bears the prime responsibility for them.

Specially authorized organs of Ukraine provide preservation of anadromous fish stocks by taking relevant measures and the establishment of regulations on fishing in an exclusive (sea) economic zone, in particular by definition of the total amount admissible for catching, and cooperate toward this end with the relevant organs of other interested states if these kinds of fish migrate outside the limits of an exclusive (sea) economic zone of Ukraine.

**Article 9. Enforcement of observance of the legislation of Ukraine on an exclusive (sea) economic zone**

Ukraine, with the purpose of maintenance of the sovereign rights to investigation, operation, preservation of live resources and their management in the exclusive (sea) economic zone takes measures (including examination, inspection, arrest and legal proceedings) to ensure the enforcement of the legislation of Ukraine.

The procedure and conditions of the use of fish and other live resources of an exclusive (sea) economic zone are established by the Cabinet of Ministers of Ukraine.

**Article 10. Artificial islands, installations and constructions**

Ukraine in the exclusive (sea) economic zone 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 sea scientific research, investigation and 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**

Ukraine in the exclusive (sea) economic zone has exclusive jurisdiction over artificial islands, installations and constructions, including customs, tax, sanitary and immigration laws and rules, as well as laws and rules on its security.

Ukraine can establish a security zone around artificial islands, installations and constructions and carry out in these zones the relevant measures for warranting security of navigation as well as artificial islands, installations and constructions. The width of security zones should not exceed 500 meters counted from each point of their external edge, except for cases when a zone is authorized by the 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, international organisations responsible for the maintenance and operation of artificial islands, installations and constructions and are obliged to provide for the proper working conditions of permanent means for providing an indication of their presence.

Any abandoned or unused installations and constructions should be removed in the shortest term so as not to create disadvantages to navigation and fishery or threat of pollution of the sea environment.

The creation of artificial islands, installations and constructions, establishment of security zones around them, as well as full or partial liquidation of these installations and constructions, are 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 authorized organs of Ukraine according to the legislation of Ukraine and the international treaties of Ukraine.

Sea scientific research in an exclusive (sea) economic zone of Ukraine can be conducted by all the states, irrespective of their geographical position, their legal and physical persons, as well as international organisations under condition of observance of the legislation of Ukraine.

Ukraine implementing its jurisdiction has the right to regulate and permit to carry out sea scientific research in the exclusive (sea) economic zone. Specially authorized organs of Ukraine give their consent on carrying out sea scientific research in an exclusive (sea) economic zone provided that this research is conducted only for

peaceful purposes, for expanding knowledge of the sea environment to advance mankind and does not threaten the environment.

Ukraine can refuse to allow other states, their legal and physical persons, international organisations to carry out a sea scientific project in its exclusive (sea) economic zone, if this project:

1. is directly connected with prospecting and extraction of live and lifeless natural resources;
2. provides drilling sea bottom, use of explosives or dumping deleterious substances in the sea environment;
3. envisages construction, operation or use of artificial islands, installations and constructions.

Foreign states, their legal and physical persons, as well as the international organisations going to carry out sea scientific research in an exclusive (sea) economic zone of Ukraine, shall present to specially authorized organs of Ukraine six months prior to a prospective date of commencing the sea scientific project, the full information on the character and the purposes of the project, method and means which will be used, exact geographical coordinates of regions in which the project will be brought about, and other data.

If the presented information is imperfect or foreign states, its legal and physical persons or the relevant international organisation carrying out the project has outstanding obligations towards Ukraine on a scientific project carried out earlier, specially authorized organs of Ukraine can refuse to sanction the carrying out of the sea research.

#### **Article 14. Conditions of carrying out of sea scientific research**

In carrying out sea scientific research in an exclusive (sea) economic zone of Ukraine foreign states, their legal and physical persons, international organisations which have received the sanction of specially authorized organs of Ukraine, are obliged to observe the following conditions:

1. to provide participation of representatives of Ukraine in sea scientific research, in particular on board of research vessels and on other research installations, to give to specially authorized organs of Ukraine upon request preliminary reports, as well as other materials and the conclusions of research;
2. to give specially authorized organs of Ukraine upon request the opportunity to access all data and the samples received during sea scientific research, transfer to them the materials which can be photocopied, and samples that can be divided without causing damage to their scientific value, as well as to give the information containing an estimation of such data, samples and results of research, or to assist in their estimation and interpretation;
3. not to 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 authorized 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 agreed upon officially.

**Article 15. Prohibition (temporary suspension) of sea scientific research**

Sea scientific research in an exclusive (sea) economic zone which infringe upon the requirements of Articles 13 and 14 of this Laws, can be temporarily prohibited (suspended) by specially authorized organs of Ukraine. The decision on temporary prohibition (suspension) can be cancelled by these organs and research can continue as soon as another state, its legal or physical person or international organisation which is carrying out research eliminate the infringement and give the guarantee of observance of the procedure established by this Law.

Sea scientific research in an exclusive (sea) economic zone of Ukraine which is conducted without permission of specially authorized organs of Ukraine or with deviation from provisions of Article 13 of this Law, or with essential differences from the original project of research are subject to immediate termination.

**Article 16. Prevention of pollution of the sea environment**

Prevention of pollution of the sea environment, connected with the activity in an exclusive (sea) economic zone, is carried out according to the legislation of Ukraine and the international treaties of Ukraine.

Specially authorized organs of Ukraine in accordance with the procedure determined by the legislation of Ukraine establish rules of prevention of pollution of the sea environment and security rules of navigation, provide their observance in the regions with special natural characteristics where pollution of the sea environment can cause significant damage to ecological balance or break it irreversibly.

**Article 17. Competence of the authorized organs of Ukraine on prevention of pollution of the sea environment**

When there are sufficient grounds to consider that the vessel which is carrying out navigation 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 authorized organs of Ukraine have the right to demand from this vessel the information necessary to establish whether the infringement has been actually committed, and to examine this vessel in case of refusal to give an explanation or if the received explanations contradict the obvious 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 norms of international law specified in Part 1 of this Article and has dumped contaminating substances and therefore damaged or threatened the coast or the interests of Ukraine connected with this coast or any resources of an exclusive (sea) economic zone, proceeding can be instituted against this vessel, including its detention according to the legislation of Ukraine.

When a foreign vessel enters into one of the Ukrainian ports, the specially authorized organs of Ukraine can institute proceeding against any infringement of the legislation of Ukraine or norms of international law committed by this vessel in an exclusive (sea) economic zone of Ukraine.

When in an exclusive (sea) economic zone of Ukraine a crash of vessels occurs, or a vessel strands or other sea accident takes place, or else actions connected with such an accident which can lead to serious negative consequences for the coast and the interests of Ukraine (including fishery) took place, specially authorized organs of Ukraine have the right according to norms of international law to take measures on the

protection against pollution or threat of its pollution, taking into account the sizes of actual or possible damage.

**Article 18. Dumping waste or other materials and subjects**

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**

In the presence of sufficient grounds to consider that any foreign vessel has infringed the requirements of this Law or other relevant acts of Ukraine and attempts to flee, the right to pursuit with the purpose of detention of the vessel and the subsequently bringing the infringer to account is carried out in accordance with the procedure, established by the Cabinet of Ministers of Ukraine. Pursuit begins the moment an infringer vessel or one of its boats is within the limits of exclusive (sea) economic zone of Ukraine after the signal "stop" has been given and ceases as soon as 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 caused by the circumstances necessary for suppression of infringement and detention of infringers in accordance with the procedure established by the Cabinet of Ministers of Ukraine are taken against vessels breaking 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 taking of the measures and on the applied sanctions. The detained vessel and its crew are immediately released after granting the 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 infringement of the legislation on 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.

The establishment of the liability of the offender according to this Law does not free them from the duty to compensate according to the current legislation of Ukraine 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 of an exclusive (sea) economic zone of Ukraine and creation of artificial islands, building of installations and constructions, establishment of security zones around them without the permission of the special representative of organ of Ukraine, -

Entails penalty from four hundred forty to thousand four hundred of non-taxable minimum monthly income of citizens or confiscation of means and instruments of the commitment of infringement.

The same activities, if they are committed repeatedly within a year or have ensued accident, destruction of vessels, loss of property or significant pollution of the sea environment -

Entails penalty from thousand four hundred to four thousand four hundred of non-taxable minimum monthly income of citizens with confiscation of means and instruments of the commitment of the infringement.

*(Article 22 includes changes made by Law 607/96-BP of 17.12.96)*

### **Article 23. Infringement of rules of safe operation of constructions**

Failure to provide the installations or other constructions of an exclusive (sea) economic zone of Ukraine with permanent means of indication of their presence, infringement of the rules of maintenance of these means in proper condition or infringement of the rules of liquidation of constructions no longer used, -

Entails penalty from two hundred seventy to eight hundred eighty of non-taxable minimum monthly income of citizens.

The same activities if they are committed repeatedly within a year or have ensued accident or destruction of vessels,-

Entails the penalty from thousand four hundred to four thousand four hundred of non-taxable minimum monthly income of citizens.

*(Article 23 includes changes made by Law 607/96-BP of 17.12.96)*

### **Article 24. Unlawful operation of natural resources**

Unlawful extraction of natural resources within the limits of an exclusive (sea) economic zone of Ukraine-

Entails penalty from four hundred forty to one thousand four hundred of non-taxable minimum monthly income of citizens or confiscation of means and instruments of commitment of the infringement with gratuitous seizure of illegally obtained resources.

The same actions, if they are committed repeatedly within a year or at the large rate, or else if they have ensued significant deterioration of conditions of reproduction of fish or other live resources of the sea,-

Entail penalty from thousand four hundred to six thousand six hundred non-taxable minimum monthly income of citizens with confiscation of means and instruments of commitment of the infringement, or without those, with gratuitous seizure of illegally obtained resources.

*(Article 24 includes changes made by the Law 607/96-BP of 17.12.96)*

### **Article 25. Unlawful conducting of sea scientific research**

Unlawful conducting in an exclusive (sea) economic zone of Ukraine of sea scientific research-

Entails penalty from ninety to four hundred fifty non-taxable minimum monthly income of citizens.

The same activities, if they are committed repeatedly within a year or if they caused damage to the state interests of Ukraine,-

Entail penalty from thousand four hundred to two thousand six hundred non-taxable minimum monthly income of citizens.

*(Article 25 includes changes made by Law 607/96-BP of 17.12.96)*

**Article 26. Pollution of the sea environment**

Unlawful pollution in any way of the sea environment of 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 infringement of the rules of prevention of pollution of the sea environment-

Entails penalty from six hundred sixty to thousand four hundred non-taxable minimum monthly income of citizens or confiscation of a sea, air vessel or construction of committing 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,-

Entail penalty from thousand four hundred to six thousand six hundred non-taxable minimum monthly income of citizens with confiscation of a sea, air vessel or the construction of committing the pollution.

*(Article 26 includes changes made by Law 607/96-BP of 17.12.96)*

**Article 27. Organs and officials authorized to apply sanction**

The right to impose penalties envisaged by this Law is given:

- For the infringements envisaged by Part 1 of Article 22, Part 1 of Article 24, Articles 23 and 25, Part 1 of Article 26, - to the organs of the Ministry of protection of the environment and nuclear security of Ukraine in the person of the state inspectors on the protection of the environment;
- For the infringements envisaged by Part 1 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 protection and reproduction of fish reserves and regulation of fishery;
- For the 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 1 of Article 22, Part 1 of Article 24, Articles 23 and 25, Part 1 of Article 26 can be collected on the spot by the officials of organs entrusted according to Part 1 of this Article with the right to impose penalties if the infringer is detained far from the shore and has voluntarily shown readiness to pay the penalty immediately.

The right to impose the penalties established by Part 2 of Articles 22, 24, 26 as well as to confiscate envisaged by Articles 22, 24 and 26 of this Law is given to regional (city) court in the place where the infringer is detained.

The decision on gratuitous seizure of illegally obtained resources is taken by the organ, authorized to impose the penalty for the corresponding infringement.

*(Article 27 includes changes made by Laws 81/96-BP of 06.03.96, 662-IV from 03.04.2003)*

**Article 28. The Procedure and terms of bringing to account**

The officials of Sea guard of the State Border Service of Ukraine, within three days from the date of detention of the infringer, issue a report about the infringement committed, which together with other relevant documents goes to the organ, authorized to apply the sanction. In case when confiscation is recognized expedient, the

specified documents are transferred for consideration to the regional (city) court in the place where the infringer is detained.

The organs, authorized to apply the sanction, take the decision on the imposition of penalties within five days after the receipt of the documents specified in Part 1 of this Article. The decision is legalized by the resolution of the relevant organ or official.

In the cases envisaged by Part 2 of Article 27 imposing and collecting of the penalty can take place directly on the place of infringement.

Court examination of the infringements envisaged by this Law is conducted in the presence of representatives of the infringer and the organs guarding an exclusive (sea) economic zone of Ukraine.

*(Article 28 includes changes made by Law 662-IV of 03.04.2003)*

#### **Article 29. Appeal against the decisions on sanctions**

Decisions on the imposition of penalties taken by the officials specified in Parts 1 and 2 of Article 27 can be appealed against within 10 days from the date of reception of the decision by the infringer in regional (city) court of the relevant official.

Decisions about imposing penalties and confiscations taken by regional (city) court can be appealed against within 10 days after their announcement in the relevant regional, Kiev and Sevastopol city courts.

#### **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 in free convertible currency recalculation at the rate of exchange of the National bank of Ukraine at the date of infringement.

The penalty is paid by the infringer voluntarily within one month from the date of imposing the penalty, and in case of the appeal - within a month from the date of refusal of court in satisfaction of the complaint.

In case of non-payment of the penalty in time established by Part 3 of this Article, it is collected through the court in accordance with the procedure established by the current legislation of Ukraine for performance of the judgments which have entered validity.

In case of non-payment of the penalty in accordance with the established procedure by a foreign legal person, the regional (city) court upon the application of the relevant organ carrying out guard of an exclusive (sea) economic zone can take the decision to impose, instead of the penalty, the full or partial confiscation of the property detained or taken as bail or confiscate financial resources of the legal person (the infringer).

The confiscation of property envisaged by this Law is carried out in accordance with the procedure established by the current legislation.

#### **Article 31. Guard 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 the appropriate consideration of the interests of other states envisaged by norms of international law.

*(Article 31 includes changes made by Law 662-IV of 03.04.2003)*

**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.

# **Presidential Decree on the Transfer of the Railway Troops of the Ukrainian Armed Forces to the Ministry of Transport**

46/2003 of 27.01.2003

With the purpose of approaching of the railway troops to the objects of their work, maintenance of their use according to their destination and improvement of their management, I decree:

1. To expediently remove the railway troops from the structure of the Armed Forces of Ukraine and to place them under the authority of the Ministry of transport of Ukraine.
2. To establish, that the major tasks of the railway troops in the structure of the Ministry of transport of Ukraine are the alleviation of consequences of natural and technogenic emergencies, accidents and catastrophes on transport communications, technical support, restoration, demining, protection, construction of new and increase of durability and carrying capacity of working installations on transport as well as other tasks according to the legislation and international treaties of Ukraine.
3. That the Cabinet of Ministers of Ukraine:  
Shall submit, within a month, the law on creation in the structure of the Ministry of transport of Ukraine a military formation - railway troops - for consideration by the Verkhovna Rada of Ukraine;  
In a three-month term after the specified law comes into force:
  - a. shall solve, in accordance with the established procedure, a question on the direction of servicemen of railway troops of the Armed Forces of Ukraine to a similar military formation of the Ministry of transport of Ukraine and transfer to this Ministry property complexes of military units, arms, military equipment and other material means of railway troops;
  - b. To provide, according to the requirements of the Budgetary code of Ukraine, the redistribution of budgetary assignments of the State Budget of Ukraine for 2003 on provision of railway troops between the main managers of means.

# Law on the Special State Transport Service

1449-IV of 05.02.2004; (Bulletin of the Verkhovna Rada of Ukraine (BVR), 2004, No. 19, p. 269)

This Law determines the status, legal bases of the organisation, the major tasks and functions of the State special service of transport in the structure of the Ministry of transport of Ukraine, as well as the measures on legal and social protection of its personnel.

## PART I. GENERAL PROVISIONS

### Article 1. Tasks of the State special service of transport

The state special service of transport is a specialized state organ of transport in the structure of the Ministry of transport of Ukraine intended for ensuring the steady operation of transport in peace time and under conditions of martial law and state of emergency (further - during the special period).

The major tasks of the State special service of transport are the following:

- Technical support, restoration, establishment of barrages on installations of the National transport system of Ukraine with the purpose of support of the activity of the Armed Forces of Ukraine and other military formations formed according to laws of Ukraine;
- Construction and repair in peace time 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 the transport communications damaged as a result of natural and technogenic emergencies, accidents and catastrophes;
- Guard of installations of the National transport system of Ukraine in peace time and during the special period;
- Accomplishment of other tasks connected with the maintenance of 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 versions of vehicles and wide infrastructure for rendering the entire complex of transport services.

### Article 2. Main functions of the State special service of transport

The main functions of the State special service of transport are the following:

In peace time:

- The organisation and work on the technical support and restoration of installations of the National transport system of Ukraine;
- Carrying out the planning on construction of new working installations of the National transport system of Ukraine and increasing their terms of operation and carrying capacity;
- Participation in alleviation of consequences of catastrophes, accidents, fires, natural disasters on transport communications, carrying out, if necessary, rescue and other urgent works in dangerous regions as a result of emergencies of a technogenic, natural and ecological character;

- Maintenance in the condition of constant readiness of the potential of the State special service of transport to fulfil tasks during the special period, including preservation, accumulation and duly replacement of special military equipment and other material resources in the reserve funds and mobilisation reserve, creation of the reserve of trained human resources for the special period and with the purpose of fulfilment of works on alleviation of accidents and catastrophes, during natural and technogenic emergencies, as well as the solving of other problems in the sphere of defence connected with the use of the installations of the National transport system of Ukraine;
- Carrying out the demining of explosive ordinances on installations of the National transport system of Ukraine with engagement in case of need of the departments of the Armed Forces of Ukraine and the Ministry of Ukraine on emergency situations and protection of the population from the consequences of the Chernobyl accident;

During the special period:

- Maintenance of constant readiness of departments of the State special service of transport to accomplish the tasks assigned to them;
- Technical support, restoration and establishment of barrages on the major installations of railways;
- Demining of explosive ordinances on installations of the National transport system of Ukraine with engagement, in case of need, the departments of the Armed Forces of Ukraine and maintenance of operation of the main sites of restored railway directions;
- Constructing, operation and repair (reconstruction) pontoon railway bridges;
- Increase of carrying capacity of working and construction of new roads, tracks, detours, units, tunnels and bridges;
- Carrying out of measures on territorial defence, as well as the measures directed on the observance of the legal regime of martial law and state of emergency.

### **Article 3. Legal bases of the activity of the State Special Service of transport**

Legal bases of the activity of the State special service of transport are the Constitution of Ukraine, this and other laws of Ukraine, international treaties of Ukraine agreed to be 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 the relations in the sphere of transport and its operation in peace time and during the special period.

Activity of the State special service of transport is carried out on the basis of the principles of legality, undivided authority and centralisation of management, the coordination of activities with the General Staff of the Armed Forces of Ukraine.

Functions and powers of the State special service of transport are determined by Regulations which are approved by the President of Ukraine.

## **PART II. ORGANISATIONAL BASES OF THE OPERATION OF THE STATE SPECIAL SERVICE OF TRANSPORT**

### **Article 4. Structure and numeric strength of the State special service of transport, location of its departments**

The state special service of transport has the following general structure:

- Management organ of the State special service of transport in the structure of the Ministry of transport of Ukraine;
- The joint detachments, detachments, separate detachments;
- Guard elements;
- Organs of support;
- Educational centre;
- Institutions, enterprises and establishments.

The total numeric strength of the State special service of transport is determined by the amount of works carried out and training of the reserve of the trained human resources for the special period and is approved by the Cabinet of Ministers of Ukraine upon submission of the Ministry of transport of Ukraine coordinated with the General Staff of the Armed Forces of Ukraine.

The location in the territory of Ukraine of all structural departments of the State special service of transport are determined by the Cabinet of Ministers of Ukraine upon submission of the Ministry of transport of Ukraine, coordinated with the General Staff of the Armed Forces of Ukraine and the relevant local self-government organs.

The maximum numeric strength of the personnel of the management organs of the State special service of transport is approved by the Cabinet of Ministers of Ukraine upon submission of the Ministry of transport of Ukraine coordinated with the General Staff of the Armed Forces of Ukraine.

Management organs of the State special service of the transport, joint detachments, detachments, separate detachments, guard elements, organs of support, educational centre, institutions, enterprises and establishments which are a part of the State special service of transport are legal persons, have seal with the image of the State Emblem of Ukraine and the name, other seals and stamps, bank accounts in banks including currency ones.

### **Article 5. Staffing of the State special Service of transport**

The personnel of the State special service of transport consist of employees and servicemen.

Servicemen of the State special service of transport enter service on a voluntary basis, either on a contractual basis or as permanent personnel.

The list of the posts which are subject to replacement by employees and servicemen is approved by the Cabinet of Ministers of Ukraine upon submission of the head of the Ministry of transport of Ukraine coordinated with the General Staff of the Armed Forces of Ukraine.

The relations connected with the employment of citizens, fulfilment of official duties, retirement from work in the State special service of transport are regulated by the legislation of Ukraine.

The procedure of service of the State special service of transport personnel, promoting and reducing to the rank, establishment of the uniform and insignia are determined by the Regulations which are represented by the Ministry of transport of Ukraine and approved by the Presidential Decree of Ukraine.

In peace time the personnel of the State special service of transport (except for guard elements) have no right to carry weapons.

**Article 6. Training of the personnel of the State special service of Transport**

Training, retraining and improvement of professional skill of the personnel of the State special service of transport are conducted in educational establishments of the Ministry of transport of Ukraine, other educational establishments of Ukraine and other states.

**Article 7. The Procedure of mobilisation deployment of the State Special service of transport**

Mobilisation deployment and bringing to readiness of the State special service of transport for operation during the special period are brought about according to the procedure established by the plans developed by the State special service of transport, coordinated with the General Staff of the Armed Forces of Ukraine and approved by the Cabinet of Ministers of Ukraine upon submission of the Ministry of transport of Ukraine.

**PART III. MANAGEMENT OF THE STATE SPECIAL SERVICE OF TRANSPORT**

**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 service of transport and control over its operation and maintenance of constant readiness for fulfilment of the tasks in peace time and the special period;
- Organizes elaboration and fulfilment of nation-wide development programmes of the State special service of transport and controls them;
- Provides delivery to the State special service of transport of material means and necessary military equipment, other resources, property, as well as rendering of services and their financing in the volumes necessary for fulfilment of the tasks assigned to it;
- Gives the state procurement order for the fulfilment of works, rendering of services, as well as on delivery of products for its needs, creation of untouchable and mobilisation reserves;
- Establishes the procedure of transfer to the State special service of transport of installations administration of state property, communication facilities and radio-frequency resources, communications, infrastructure installations, topographical and geodesic, meteorological, hydrographic and other information, the services of the geodetic and cartographical support necessary for the fulfilment of the assigned to the State special service of transport tasks both on a paid and free basis;

- Provides exercise of the right on social and legal protection of the personnel of the State special service of transport, the persons retired from railway troops and the State special service of transport, members of their families, as well as families of the servicemen and employees of the State special service of the transport, died at service;
- According to the legislation of Ukraine regulates economical activity of the State special service of transport;
- Carries out other powers envisaged by the law.

**Article 9. The powers of the Ministry of transport of Ukraine in interrelations with the State special service of transport**

The Ministry of transport of Ukraine coordinating the activity of the State special service of transport:

- Provides the organisation of its activity, development and constant readiness for fulfilment of tasks both in peace time and during the special period;
- Takes the decision on creation, reorganisation, alleviation and location of departments of the State special service of transport;
- Organizes the delivery to the State special service of transport of special military equipment, material, financial and other resources and property, carries out control over their efficient use and duly amortisation;
- Provides implementation of interrelations of the State special service of transport with state power organs of all levels, local self-government organs, public organisations, as well as international cooperation;
- Controls the observance of the legislation by the personnel of the State special service of transport;
- Together with the General Staff of the Armed Forces of Ukraine determines the needs of the State special service of transport for arms, military equipment, material, power resources necessary for appropriate fulfilment of the task assigned to the State special service of transport during the special period, controls their quality, timeliness and completeness;
- Carries out other powers established by the law.

**Article 10. The powers of the General Staff of the Armed Forces of Ukraine in interrelations with the State special service of Transport**

The General Staff of the Armed Forces of Ukraine:

- Brings to the notice of the State special service of transport the instructions and orders of the Supreme Commander-in-Chief of the Armed Forces of Ukraine, organizes their performance by the State special service of transport during the special period;
- Participates in staffing of the State special service of transport in peace time and during the special period and organizes the deployment of its departments;
- Organizes the selection of qualified experts for the use by the State special service of transport during the special period, as well as their training and retraining;

- Coordinates the decision on creation, reorganisation and disbanding of departments of the State special service of transport as well as their location;
- Carries out other powers envisaged by the law.

During the special period (with the introduction of martial law or state of emergency established according to the Constitution of Ukraine) the State special service of transport is transformed to the martial law and re-subordinated to the General Staff of the Armed Forces of Ukraine established by the Presidential Decree on introduction of martial law or state of emergency approved by the Verkhovna Rada of Ukraine.

**Article 11. Direct management of the State special Service of transport**

The direct management of the State special service of transport in peace time and during the special period is carried out by a management organ of the State special service of transport in the structure of the Ministry of transport of Ukraine.

The head of the management organ of the State special service of transport is appointed by the President of Ukraine upon submission of the Minister of transport of Ukraine coordinated with the Prime minister of Ukraine.

Functions and powers of the management organ and its head are determined by the Regulations about to the State special service of transport.

**PART IV. THE POWERS OF THE PERSONNEL OF THE STATE SPECIAL SERVICE OF TRANSPORT**

**Article 12. The Basic duties of the personnel of the State Special service of transport**

The personnel of the State special service of transport during fulfilment of the designed tasks are obliged:

- To take part in the activities on organisation of technical support of the National transport system of Ukraine and the prevention of emergencies, accidents and catastrophes on transport;
- To prepare forces and the means intended for temporary and short-term reconstruction of destroyed installations of transport both in peace time and during the special period;
- To take urgent measures on short-term and temporary reconstruction of the ruined installations of transport with the purpose of recovery of flow of transport, including in territories of the states with which the relevant agreements are concluded;
- To provide security of installations of the National transport system and cargoes, support of cargoes by transportation during emergencies and during the special period;
- To take part in the carrying out of research and development projects, as well as development of the relevant technologies connected with creation, test and introduction of new means and designs, as well as modern methods of the works necessary for organisation, short-term and temporary reconstruction of installations of transport, barrages and their demining.

It is forbidden to use departments and personnel of the State special service of transport for the fulfilment of functions they are not designed for. No one has the right to assign to the personnel of the State special service of transport the fulfilment of the tasks and duties not envisaged by the laws of Ukraine.

**Article 13. Rights of the personnel of the State special service of Transport**

For fulfilment of the designed duties the following rights are given to the personnel of the State special service of transport:

- To demand from citizens and officials on transport to refrain from obstructing the personnel of the State special service of transport carry out the designed tasks on alleviation of consequences of emergencies, accidents and catastrophes on transport and to restoration of installations;
- Cordon off and guard the determined territories, individual buildings, organisations and installations during their reconstruction with consent of the relevant local self-government organs and local state administrations;
- To temporarily forbid or limit the flow of railway transportation with consent of railways nearby and within the limits of the zone of reconstruction of buildings, organisations and installations;
- To use during the special period the communication facilities of enterprises, institutions and organisations irrespective of the forms of ownership and subordination;
- To use, with priority, all kinds of passenger transport of local and long-distance communications if necessary.

**PART V. LEGAL AND SOCIAL PROTECTION OF THE PERSONNEL OF THE STATE SPECIAL SERVICE OF TRANSPORT**

**Article 14. Social and legal protection of servicemen of the State Special service of transport**

Servicemen of the State special service of transport on duty are under protection of the state. It is forbidden to interfere with their service activity, except for the organs, services and officials specially authorized by law.

Legitimate demands made by servicemen of the State special service of transport during fulfilment of service tasks must be obeyed by citizens of Ukraine, foreigners and persons without the citizenship staying in Ukraine, as well as services and officials.

Social and legal protection of servicemen of the State special service of transport and members of their families is carried out according to laws of Ukraine.

**Article 15. Liability of servicemen of the State special Service of transport**

Servicemen of the State special service of transport 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 service of transport**

Clothing, monetary, food and other kinds of allowance of servicemen of the State special service of transport is 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 provision - according to the Law of Ukraine “On pensions of military men, command and privates of law-enforcement organs and other persons”.

Employees of the State special service of transport are subject to the labour legislation of Ukraine.

**PART VI. FINANCING AND LOGISTICAL SUPPORT OF THE ACTIVITY OF THE STATE SPECIAL SERVICE OF TRANSPORT****Article 17. Financing of the State special service of transport**

Financing of the State special service of transport is carried out at the expense of the State Budget of Ukraine within the limits of the budgetary assignments determined to the main manager - the Ministry of transport of Ukraine and allocated 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 service of Transport**

Logistical support of the State special service of transport with material means, special military equipment, other property, as well as housing, medical, financial and other support are brought about at the rates and in accordance with the procedure established by the legislation of Ukraine.

Provision with special railway, road-building and automobile military equipment in peace time is carried out at the rates determined by the Ministry of transport of Ukraine, during the special period – by the General Staff of the Armed Forces of Ukraine.

Executive organs and local self-government organs assist the State special service of transport and its organs in the solving of housing and other social problems, and with the provision of vehicles and communication facilities.

The state special service of transport has office accommodations and other buildings, installations of public health services, educational, research, economic and welfare purpose, available housing fund.

If necessary the support of the State special service of transport can be conducted by enterprises of the Ministry of transport of Ukraine, as well as according to individual agreements including those with foreign organisations provided the observance of the norms and rules of the use of means determined by the legislation of Ukraine.

**Article 19. Legal regime of property of the State special service of Transport**

The property assigned to the State special service of transport is the state property administrated by the Ministry of transport of Ukraine and belongs to it on terms of operative management.

The status of property is determined by the laws of Ukraine.

**Article 20. Economical activity of the State special service of transport**

Economical activity of the legal persons belonging to the State special service of transport 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 service of transport**

The control of the Verkhovna Rada of Ukraine over the activity of the State special service of transport is carried out according to the Constitution and laws of Ukraine.

The President of Ukraine carries out control over the activity of the State special service of transport in conformity with the powers determined by the Constitution of Ukraine.

**Article 22. The Control of the Ministry of transport of Ukraine and the General Staff of the Armed Forces of Ukraine over the activity of the State Special service of transport**

The General Staff of the Armed Forces of Ukraine together with the Ministry of transport of Ukraine carries out control over the condition of the ability and readiness of the State special service of transport to perform the duties assigned to it during the 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 in the activity of the State special service of transport is carried out 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 27 January 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” to transfer the railway troops of the Armed Forces of Ukraine from subordination to the Ministry of Defence of Ukraine to subordination of the Ministry of transport of Ukraine, determine the stages and terms of their reform, including transition to staffing of the State special service of transport on a contractual basis;
  - b. Within a three-month term from the date of this Law coming into force:
    - i. To submit to the Verkhovna Rada of Ukraine proposals on introducing amendments to acts of Ukraine apparent from this Law;
    - ii. To bring their normative-legal acts in conformity with this Law;
    - iii. To bring to conformity with this Law the normative-legal acts of the relevant ministries and other Central Executives.

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 service of transport to reduce, from 2004, the numeric strength of the Armed Forces of Ukraine established by Article 1 of the Law of Ukraine “On numeric strength of the Armed Forces of Ukraine for the period 2000-2005” by 5000 persons.
4. The servicemen of railway troops of the Armed Forces of Ukraine transferred to the State special service of transport have their military ranks retained.

# Presidential Decree on the Transformation of the Civil Defence Troops and State Fire Prevention Service into Non-Military Services

1040/2003 of 15.09.2003; Includes changes made by the Presidential Decree No. 649/2004 of 15.06.2004

With the purpose of removing from the Ministry of Ukraine on emergency situations and protection of the population from the consequences of the Chernobyl accident tasks which are outside its mandate, I decree:

1. To form the Commission on transformation of the troops of Civil defence of Ukraine and the state fire prevention service into a separate non-military service (further - the Commission).
2. To determine, that the major tasks of the Commission are the following:
  - a. Elaboration of proposals on transformation of the military formation - troops of the Civil defence of Ukraine and the state fire prevention service of the Ministry of Ukraine on emergency situations and protection of the population from the consequences of the Chernobyl accident into a non-military formation with special fire-rescue tasks and functions;
  - b. Consideration of the drafts of laws, Decrees of the President of Ukraine, Cabinet of Ministers of Ukraine, programmes of support of the transformation of troops of the Civil defence of Ukraine and the state fire prevention service into a separate non-military service.
3. To approve the composition of the Commission (attached).
  - a. To appoint KOVALENKO Valentine Vasilevich - the assistant to the Head of the Administration of the President of Ukraine, the Head of the Central administrative board on issues of judicial reform, activity of military formations and law-enforcement organs - the chairman of the Commission.
4. To grant the Commissions the right to hear the heads of the relevant organs within the limits of their competence and to receive documents and materials necessary for its work.

## **Article 2. Measures on the state support of armoured vehicle manufacturing**

That the Head of the Commissioner shall quarterly report to the President of Ukraine on results of its activity.

That the Cabinet of Ministers of Ukraine:

Shall present within a two-month term the drafts of the acts on introducing amendments to the laws of Ukraine and the relevant programmes in connection with the transformation of the troops of Civil defence of Ukraine and the state fire prevention service into a separate non-military service and about the name of this service;

Shall solve, within a month term, the question on disposal of excessive property, arms and military equipment of the troops of the Civil defence of Ukraine, an improvement of the structure and the system of control of the organs, increase of their operative readiness, mobility and professionalism by means of their supply with the relevant special and automobile military equipment, shall make proposals on the new

uniform and special ranks for privates and command personnel of the separate non-military service;

To complete the formation of the specified service up to the end of 2004.

APPROVED

The Presidential Decree of Ukraine  
15 September, 2003 No. 1040/2003

### **Composition of the Commission on the Transformation of the Civil Defence Troops and State Fire Prevention Service into Non-Military Services**

KOVALENKO Valentyn Vasylyovych - the assistant to the Head of the Administration of the President of Ukraine - the Head of Central administrative board on issues of judicial reform, activity of military formations and law-enforcement organs, presiding commissioner

SHNIPKO Olexandr Serhiyovych - the first deputy minister of the Cabinet of Ministers of Ukraine, the vice-head of the Commission.

HRINENKO Olexandr Ivanovych - deputy head of the Central administrative board on issues of judicial reform, activity of military formations and law-enforcement organs of the Administration of the President of Ukraine - the head of the Department on issues of activity of military formations.

MARCHENKO Grygoriy Borysovych - the commander of the forces of the Ministry of Ukraine on emergency situations and protection of the population from the consequences of the Chernobyl accident.

CHUCHKOVSKYY Vyacheslav Mykolayevych - the first deputy minister of Ukraine on emergency situations and protection of the population from the consequences of the Chernobyl accident.

BONDARENKO Serhiy Petrovych - deputy head of the Department - the head of the Department on work of the Security Service, law-enforcement organs and punishment administration of the department on issues of the activity of law-enforcement organs of the Central administrative board on issues of judicial reform, activity of military formations and law-enforcement organs of the Administration of the President of Ukraine.

DRAHAN Mykola Hryhorovych - deputy head of the Department - the head of the Department on the work of the Ministry of Defence of Ukraine and other military formations of the Department on issues of the activity of military formations of the Central administrative board on issues of judicial reform, activity of military formations and law-enforcement organs of the Administration of the President of Ukraine, the secretary of the Commission.

*(Composition includes changes made by the Presidential Decree No. 649/2004 of 15.06.2004)*

# **Presidential Decree on the Measures to Update State Management in the Spheres of Fire Prevention and the Protection of People and Territories from the Consequences of Emergencies**

47/2003 of 27.01.2003

With the purpose of updating the government in the sphere of fire security, protection of the population and territories from consequences of natural and technogenic emergencies, integration of forces and means for alleviation of fires, accidents and catastrophes, according to items 15 and 17 of Part 1 of Article 106 of the Constitution of Ukraine, I decree:

1. To transfer the Ministry of Ukraine on emergency situations and protection of the population from the consequences of the Chernobyl accident and the State department of fire security into a governmental organ of state management, having removed it from the structure of the Ministry of Internal Affairs of Ukraine and to subordinate to the Department of management organs, institutions, establishments and departments according to the list (attached).
2. That the Ministry of Ukraine on emergency situations and protection of the population from the consequences of the Chernobyl accident and the Ministry of Internal Affairs of Ukraine shall approve within a month the procedure of transfer of management organs, institutions, establishments and departments of the state fire prevention service of the Ministry of Internal Affairs of Ukraine to the Ministry of Ukraine on emergency situations and protection of the population from the consequences of the Chernobyl accident.
3. That the Cabinet of Ministers of Ukraine:
  - a) within a two month term:
    - Shall submit for consideration by the Verkhovna Rada of Ukraine the drafts of the acts on updating the state management in the sphere of fire security, protection of the population and territories from consequences of natural and technogenic emergencies, taking into account the provisions of the Decree;
    - To settle the question on transfer according to the state of 1 November, 2002 in accordance with the established procedure in the sphere of the management of the Ministry of Ukraine on emergency situations and protection of the population from the consequences of the Chernobyl accident of management organs, institutions, establishments, departments, other installations (including not completed ones), military equipment and other material means of the state fire prevention service of the Ministry of Internal Affairs of Ukraine and other organisational, financial and material questions connected with such transfer;
  - b) within a three month term:
    - To carry out measures on reform of the structure of the Ministry of Ukraine on issues of emergencies and protection of the population from consequences of Chernobyl accident, management organs, other organs, institutions and establishments belonging to the sphere of its management;
    - To submit proposals on introducing amendments apparent from this Decree, to the Acts of the President of Ukraine;

- To bring their decisions in conformity with this Decree.
4. That the Ministry of Finance of Ukraine, according to the requirements of the Budgetary code of Ukraine and taking into account the stepwise character of carrying out of organisational activities, shall settle the question on redistribution between the main managers of means of budgetary assignments of the State Budget of Ukraine for 2003 on maintenance of the state fire prevention service of the Ministry of Internal Affairs of Ukraine.
5. To establish, that before the adoption of legislative and other normative-legal acts:
- The procedure of service of privates and command personnel of the state fire prevention service of the Ministry of Ukraine on emergency situations and protection of the population from the consequences of the Chernobyl accident is regulated by the Regulations about service of privates and command personnel of law-enforcement organs;
  - The privates and command personnel, members of their families, employees of the state fire prevention service of the Ministry of Ukraine on emergency situations and protection of the population from the consequences of the Chernobyl accident shall have their monetary allowance and endowment, wages, privileges and other social guarantees (including health services, sanatorium treatment and pension) established according to the legislation for employees of law-enforcement organs and members of their families preserved.

APPROVED

The Presidential Decree of Ukraine  
27 January, 2003 No. 47/2003

### **List of Management Organs, Institutions, Establishments and Departments of the State Fire Prevention Service of the Ministry of Internal Affairs Ukraine which are transferred to the Ministry of Ukraine on Emergency Situations and Protection of the Population from the Consequences of the Chernobyl Accident**

The state department of fire security; Department of support of the activity of the State department of fire security; Territorial management organs in the Autonomous Republic of Crimea, areas, the cities of Kiev and Sevastopol;

The departments subordinated to the territorial management organs: fire extinguishing staff; educational centre (element), sport complex, sports team; the centre of operative communication facilities and information; test fire laboratory, range; centre of fire-prevention propagation; detachments, units, individual posts, vessels and boats of the state (professional) fire guard, service of the state fire prevention; departments, branches on the closed installations; a registration-calculation unit; departments on guard of warehouses and maintenance of material means of the reserve funds;

Specialized detachment (Kiev);

The state centre of certification of products of fire-prevention purpose (Kiev);

Fire-technical educational establishments: Academy of fire security of Ukraine (Kharkov), the Cherkassy institute of fire security named after the Heroes of Chernobyl, Lvov institute of fire security, Vinnitsa school of vocational training of employees of the state fire prevention service;

The Ukrainian scientific research establishment of fire security (Kiev).

# Presidential Decree on Measures to Update State Management in the Sphere of Overcoming the Consequences of the Chernobyl Disaster

755/2004 of 06.07.2004

With the purpose of improvement of the organisation of settlement of questions of protection of the population and territories from consequences of Chernobyl accident, as well as prevention of natural and technogenic emergencies, updating of the system of the state management in these spheres and according to item 15 of Part 1 of Article 106 of the Constitution of Ukraine, I decree:

1. To reorganize the Ministry of Ukraine on emergency situations and protection of the population from the consequences of the Chernobyl accident into the Ministry of Ukraine on emergencies and the State committee of Ukraine on issues of overcoming the consequences of Chernobyl accident.
2. To establish, that:
  - The Ministry of Ukraine on emergencies is the specially authorized central organ of executive power on issues of protection of the population and territories against natural and technogenic emergencies, rescuing, fire security, etc.;
  - The state committee of Ukraine on issues of overcoming the consequences of the Chernobyl accident is the specially authorized central organ of executive power on issues of protection of the population and territories against consequences of the Chernobyl accident, including on issues of social protection of the citizens injured as a result of the Chernobyl accident, transformation of “Ukryttya” installation to ecologically safe system, rehabilitation of the territories contaminated due to the Chernobyl accident;
  - Activity of the State committee of Ukraine on issues of overcoming of the consequences of Chernobyl accident is guided and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Ukraine on emergencies.
3. That the Cabinet of Ministers of Ukraine:
  - Shall determine the list of enterprises, institutions and organisations of public sector of economy which are transferred to the management of the Ministry of Ukraine on emergencies and the State committee of Ukraine on issues of overcoming the consequences of the Chernobyl accident, and to take measures to transfer them;
  - To take measures to transfer to the Ministry of Ukraine on emergencies and to the State committee of Ukraine on issues of overcoming the consequences of the Chernobyl accident the relevant property to ensure the activity of these organs;
  - To approve the maximum numeric strength of the Ministry of Ukraine on emergencies and the State committee of Ukraine on issues of overcoming the consequences of the Chernobyl accident;
  - To present, in accordance with the established procedure, drafts of regulations on the Ministry of Ukraine on emergencies and the State committee of Ukraine on issues of overcoming of the consequences of Chernobyl accident;

- To submit in accordance with the established procedure the proposals on introducing amendments to the normative-legal acts apparent from this Decree;
- To bring their decisions in conformity with this Decree.

4. To introduce the following amendments to Decrees of the President of Ukraine:

a) in Part 4 of Article 3 of the Presidential Decree of 15 December, 1999 No. 1572 “On the system of the Central Executives” (includes changes made by the Decrees of 14 April, 2003 No. 324, of 26 May, 2003 No. 434, of 3 June, 2003 No. 464, of 19 June, 2003 No. 540 and of 29 October, 2003 No. 1227) to replace the words “of the Ministry of Ukraine on issues of emergencies and protection of the population of consequences of Chernobyl accident” with the words “of the Ministry of Ukraine on emergencies”;

b) in the Presidential Decree of 15 December, 1999 No. 1573 “On changes in the structure of the Central Executives” (includes changes made by the Decrees of 3 April, 2000 No. 556, of 27 June, 2000 No. 827, of 14 July, 2000 No. 902, of 27 August, 2000 No. 1031, of 5 April, 2001 No. 233, of 5 June, 2001 No. 405, of 11 July, 2001 No. 510, of 7 August, 2001 No. 603, of 21 August, 2001 No. 724, of 13 September, 2001 No. 836, of 8 November, 2001 No. 1056, of 22 November, 2001 No. 1132, of 14 December, 2001 No. 1213, of 27 December, 2001 No. 1265, of 3 January, 2002 No. 10, of 5 March, 2002 No. 212, of 16 March, 2002 No. 259, of 18 September, 2002 No. 834, of 1 October, 2002 No. 887, of 31 January, 2003 No. 54, of 31 July, 2003 No. 772, of 15 September, 2003 No. 1039, of 19 January, 2004 No. 60 and of 6 February, 2004 No. 166):

In paragraph 20 of item “b (b)” of Article 1 to replace the words “the Ministry of Ukraine on issues of emergencies and protection of the population from consequences of Chernobyl accident” with the words “the Ministry of Ukraine on emergencies”;

In the Scheme of organisation and interaction of the Central Executives, approved by this Decree:

In section I to replace the paragraph “the Ministry of Ukraine on emergency situations and protection of the population from the consequences of the Chernobyl accident” with the paragraph to the following effect:

“The Ministry of Ukraine on emergencies”;

To supplement Section II after the paragraph “the State committee of Ukraine on ground resources” with the paragraph to the following effect:

“The state committee of Ukraine on issues of overcoming of the consequences of Chernobyl accident”;

To supplement Section IV after the sub item “through the Minister of Economics and on issues of European integration of Ukraine” with the sub item to the following effect:

“Through the Minister of Ukraine on emergencies:

The state committee of Ukraine on issues of overcoming of the consequences of Chernobyl accident”;

c) in Article 1 of the Presidential Decree of 15 December, 1999 No. 1574 “On composition of the Cabinet of Ministers of Ukraine ” (includes changes made by the Decrees of 5 June, 2001 No. 405, of 21 August, 2001 No. 724, of 25 March, 2003 No. 267, of 3 June, 2003 No. 464 and of 6 February, 2004 No. 166) to replace the paragraph “the Ministry of Ukraine on emergency situations and protection of the population from the consequences of the Chernobyl accident” with the paragraph to the following effect:

“the Minister of Ukraine on emergencies”.

# Law on the Legal Bases of Civil Defence

1859-IV of 24.06.2004; (Bulletin of the Verkhovna Rada of Ukraine (BVR), 2004, No. 39, p. 488)

This Law determines the legal and organisational bases in the sphere of civil defence of the population and territories from emergencies of a technogenic, natural and military character, the powers of executive organs and other management organs, the procedure of creation and deployment of Forces, their staffing, service, as well as the guarantee of social and legal protection of the personnel of organs and departments of civil defence.

## PART I. GENERAL PROVISIONS

### Article 1. Definition of terms

In this Law the terms given below shall have the following meaning:

- Civil defence is the system organisational, technical-engineer, sanitary-and-hygienic, anti-epidemic and other measures carried out by the central and local executive organs, local self-government organs subordinated to them, forces and means, enterprises, institutions and organisations irrespective of their form of ownership, and voluntary rescue formations providing fulfilment of these measures with the purpose of the prevention and alleviation of emergencies threatening the life and health of the people, inflicting a loss of property in peace time and during the special period;
- A uniform state system of civil defence of the population and territories (further - uniform system of civil defence) is a set of management organs, forces and means of the central and local executive organs, local self-government organs entrusted with the task of the implementation of the state policy in the sphere of civil defence;
- Subsystems of the uniform system of civil defence are a set of functional and territorial management organs subordinated to the specially authorized central organ of executive power, which are entrusted with tasks in concrete spheres of civil defence determined by law;
- Civil defence service is the public service of special character connected with the maintenance of fire security, prevention and response to other emergencies of technogenic, natural and military character, alleviation of their consequences, protection of the population and territories from their negative influence;
- Operatively-rescue civil defence service is a special militarized unit entrusted with the task of protection of the population and territories against emergencies of technogenic, natural and military character, participation in the activities of territorial defence, as well as international rescue and other humanitarian operations;
- Forces and means of civil defence are the personnel and employees of organs and departments of civil defence, voluntary rescue formations, fire and rescue military equipment, fire-technical and rescue equipment, fire extinguishing means and individual protective equipment, other property intended for extinguishing of fires, alleviation of consequences of catastrophes, flooding, earthquakes and other accidents of technogenic, biological, radiological, chemical or ecological and military character and minimisation of consequences of Chernobyl accident;

- Zone of possible damage is a separate territory or object on which, as a result of an emergency of technogenic, natural or military character, a threat to the life or health of people or infliction of material losses has occurred;
- Alleviation of consequences of emergencies is the carrying out of a complex of measures, including rescue and other urgent works, which are carried out in case of emergencies of a technogenic, natural and military character (further - emergencies), and directed toward the elimination of dangerous factors, rescuing of the life and preservation of health of people, as well as on the localisation of the zones of emergencies;
- Rescue works are the works directed on search, rescue and protection of people (including urgent medical aid), protection of stocks of materials and capital equipment, cultural valuables, the environment during the alleviation of consequences of emergencies with engagement of the employees having special training, means of individual protection and equipment;
- Prime measures on the alleviation of consequences of an emergency are operative implementation of the organisational-technical and other urgent measures directed on maintenance of the minimal needs of life-support of the population suffering from an emergency;
- Technogenic security is the condition of protectability of the population, territories, and installations from negative consequences of emergencies of a technogenic character;
- Civilian emergencies or non-standard situations are situations occurring in the public sphere which are less damaging than the abovementioned emergencies but which pose a threat to the life and health of people or inflict a loss of property.

#### **Article 2. Legal basis for civil defence**

Legal basis for civil defence is the Constitution of Ukraine, this Law, laws of Ukraine “On protection of the population and territories against natural and technogenic emergencies”, “On the Civil defence of Ukraine”, “On the legal regime of state of emergency”, “On the legal regime of martial law”, “On emergency rescue services”, “On fire security”, “On installations of grave danger”, “On the use of nuclear energy and radiological security”, “On maintenance of sanitary and well-being of the population”, “On the legal regime of territory of radioactive pollution as a result of Chernobyl accident”, international treaties of Ukraine agreed to be binding by the Verkhovna Rada of Ukraine, and other acts of the legislation.

#### **Article 3. The Purpose of civil defence**

Civil defence is carried out with the purpose of:

Implementation of the state policy directed to ensure the security and protection of the population and territories, stocks of materials and capital equipment, cultural valuables, and the environment from negative consequences of emergencies in peace time and during the special period;

Overcoming the consequences of emergencies, including consequences of emergencies in territories of foreign states according to the international treaties of Ukraine agreed to be binding by the Verkhovna Rada of Ukraine.

#### **Article 4. Principles of civil defence**

Civil defence is based on the following principles:

- State guarantee to citizens of their constitutional rights on protection of their life, health and property, and to legal persons - the right to safe functioning;
- Voluntariness for people to implement measures in the sphere of civil defence connected with risk for life and health;
- Complex approach to the accomplishment of tasks of civil defence;
- Creation of system of rational preventive security with the purpose of the greatest possible, economically proved reduction of probability of occurrence of emergencies and minimisation of their consequences;
- Territorial and functional approach to the uniform system of civil defence;
- Minimisation of damage to the environment;
- Publicity, easy access by the population to the information in the sphere of civil defence according to the legislation.

#### **Article 5. Tasks of civil defence**

The major tasks of civil defence are the following:

- Collection and analytical processing of the data about emergencies;
- Forecasting and estimation of social and economic consequences of emergencies;
- Implementation of supervision and control over the sphere of civil defence;
- Development and performance of legislative and other normative-legal acts, observance of norms and standards in the sphere of civil defence;
- Development and implementation of preventive measures in the sphere of civil defence;
- Creation, preservation and rational use of the material resources necessary for prevention of emergencies;
- Development and fulfilment of the scientific and technical programmes directed toward the prevention of emergencies;
- Operative notice of the population about occurrence or threat of occurrence of an emergency, reliable informing on developing conditions and the measures taken for prevention of emergencies and overcoming of their consequences; organisation of protection of the population and territories from emergencies, rendering of urgent psychological, medical and other assistance to the casualties;
- Carrying out of urgent works on the alleviation of consequences of emergencies and organisation of life-support of the suffering population;
- Maintenance of constant readiness of forces and means of civil defence to prevent emergencies and alleviate their consequences;
- Rendering, with the use of means of civil defence, operative help to the population in case of occurrence of civilian emergencies or non-standard situations;
- Training of the population in ways of protection in case of emergencies, civilian emergencies or non-standard situations and the organisation of trainings;
- International cooperation in the sphere of civil defence.

## **PART II. BASIC MEASURES IN THE SPHERE OF CIVIL DEFENCE**

### **Article 6. Basic measures in the sphere of civil defence**

With the purpose of effective implementation of the tasks of civil defence, reduction of material losses and avoidance of damage to installations, stocks of materials and capital equipment, cultural values and the environment in case of emergencies, the central and local executive organs, local self-government organs, force and means subordinated to them, enterprises, establishments and organisations irrespective of the form of ownership, and voluntary rescue formations inform the people of the emergency, supervise, provide laboratory control and shelter in protective installations, evacuate, and engineer, medical, psychological, biological, ecological, radiological and chemical protection.

### **Article 7. Notice and informing**

Notice and informing in the sphere of civil defence include:

- Alerting the population of the occurrence or possible threat of occurrence of emergencies, including through nation-wide, territorial and local automated systems of centralized notice;
- Preliminary creation and organisational-technical integration of standing local systems of notice and informing the population with special systems of supervision and control over zones of possible damage;
- Centralized use of communication networks, broadcastings, TV and other mass media irrespective of form of ownership and subordination in case of emergencies.

### **Article 8. Supervision and laboratory control**

Supervision and laboratory control include:

- Creation and maintenance in constant readiness of nation-wide and territorial networks of supervision and laboratory control;
- Organisation of collection, processing and transmission of information about the condition of the environment, and pollution of food, fodder, and water with radioactive, chemical substances and infectious micro-organisms.

### **Article 9. Sheltering in protective installations**

1. To shelter the population the fund of protective installations is created in cities, villages, and settlements by means of:

- Complex development of underground space of settlements for mutually coordinated accommodation in it of installations and premises of social, industrial and economic purpose, taking into account the necessity of adaptation and use of a part of these premises for sheltering of the population in case of emergencies;
- Inspections and registration of underground and ground buildings and installations meeting the requirements of protection, installations of underground space of settlements, excavations and natural spaces;
- Additional equipping, taking into account the requirements of protection of basement and other underground premises;

- Construction of underground installations, and other immovable installations adapted for fulfilment of the tasks of civil defence;
  - Construction of elementary warehouses and shelters during the threat of emergencies;
  - Organisations of individual warehouses and anti-radiation shelters.
2. The fund of protective installations in peace time is used for economic, cultural and household needs in accordance with the procedure determined by the specially authorized central organ of executive power on issues of civil defence.

**Article 10. Implementation of measures on evacuation of the population**

1. When there are not enough protective installations in the settlements where dangerous installations are located, as well as during the special period, the major way of protection of the population is its evacuation and accommodation in zones safe for residence.
2. The population residing in settlements which are in zones of possible catastrophic inundation, dangerous radioactive pollution, chemical damage, in regions of natural disasters, accidents and catastrophes are subject to evacuation if there is a direct threat to the life and health of people.
3. In case of emergency the full or partial evacuation of the population of a temporary or irrevocable character is conducted.
4. The full evacuation of the population during the special period is conducted in individual regions upon the decision of the Cabinet of Ministers of Ukraine in case of:
  - a. Dangers of radioactive pollution around nuclear power stations (if there is a direct threat to the life and health of the population living in zone around it);
  - b. Threats of a catastrophic inundation of the district with less than a four-hour reach of debacle waves;
  - c. Occurrence of threat to the life and health of the population living in the zone of occurrence of the emergency of military character.
5. Partial evacuation of the population in case of occurrence or threat of occurrence of an emergency in the relevant territory is conducted upon the decision of the Cabinet of Ministers of Ukraine if another is not established by law.
6. When carrying out the partial or full evacuation, the population not involved in manufacture and services, students, pupils of educational establishments, children of orphanages, pensioners and invalids of nursing houses, together with teachers and tutors, service personnel and members of their families are evacuated first.
7. Evacuation of the population from dangerous regions is conducted on foot and by available transport.
8. To prevent panic and loss of life, the following are provided at evacuation:
  - a. Planning of evacuation of the population;
  - b. Determining of zones, fit for accommodation of the evacuated population from potentially dangerous zones;
  - c. Notify the administrative board of central and local executive organs, local self-government organs, enterprises, institutions and organisations (irrespective of the form of ownership) and the population about the beginning of the evacuation;

- d. Management of evacuation;
- e. Creation of minimally necessary conditions for vital activity of the evacuated population;
- f. Training the population to carry out evacuations.

#### **Article 11. Engineering protection of territory**

With the purpose of creation of conditions of safe residence for the population in territories with an increased technogenic loading and risk of occurrence of emergencies, the following measures are taken to protect the territory:

- Taking into account during the development of general plans of building of settlements and conducting town-planning in areas of increased risk, the possibility of emergencies in individual territories and in regions;
- Control over rational arrangement of potentially dangerous installations taking into account possible consequences of emergencies for security of the population and the environment in case of occurrence of such situations;
- Construction of installations, buildings, engineering networks and transport communications with the set levels of security and reliability;
- Development and introduction of measures on accident-free operation of potentially dangerous installations;
- Creation of complex schemes to protect settlements and installations from dangerous natural processes by the construction of installations against landslides, floods, avalanches, erosion and other engineering installations of special purpose.

#### **Article 12. Medical protection of the population and maintenance of well-being in regions of emergencies**

For the prevention or reduction damage to the population, duly rendering of the assistance to the lost and their treatment and maintenance of well-being in the regions of emergencies, the following activities are undertaken:

- Planning and use of existing forces and means of establishments of public health services irrespective of the forms of ownership and managing;
- Deployment, under conditions of emergencies, of additional medical establishments;
- Duly application of preventive medicines and sanitary-and-epidemiologic measures;
- Quality control of food, drinking water and sources of water supply;
- Preliminary creation and training of special medical formations;
- Accumulation of medical means of protection, medical and other special property and military equipment;
- Control over the condition of the environment, sanitary-and-hygienic and epidemic situation;
- Training of the population to provide first medical aid and observance of the relevant sanitary rules;
- Preventing harmful factors of the environment and consequences of emergencies from affecting the health of people, as well as preventing conditions for the occurrence and spread of infectious diseases;
- Sanitary guard of territories and installations in the zone of emergency.

**Article 13. Psychological protection**

Prevention or reduction of negative psychological influence on the population and duly rendering of effective psychological help are provided by the implementation of the following activities:

- Planning of activity and use of the existing forces and means of departments of psychological help of the specially authorized central organ of executive power on issues of civil defence;
- Duly application of psycho-prophylactic methods;
- Revealing by means of psychological and sociological methods of the factors promoting socially-psychological disturbance;
- Use of modern techniques of psychological counselling for neutralisation of negative influence on the population.

**Article 14. Biological protection**

Protection against biological contamination includes:

- Revealing of the centre of biological contamination;
- Forecasting of scales of development of consequences of biological contamination;
- Use of shared and individual means of protection;
- Introduction of regimes of quarantine and observation;
- Disinfecting of the centre of biological contamination;
- Implementation of measures of emergency and specific preventive support;
- Observance anti-epidemic regime by the subjects of economical activity, medical establishments and the population.

**Article 15. Ecological protection**

Ecological protection includes implementation of environmental protection measures directed on:

- Protection of deposits (gas, oil, coal, peat) from fires, inundations and landslides;
- Extinguishing/removing of forest fires, wind- and snow breaks, technogenic influences on deforestation, as well as their consequences.

**Article 16. Radiological and chemical protection**

1. Radiological and chemical protection includes revealing of the centres of radiological and chemical pollution and estimating their impact, organising and implementing dosimetric and chemical control, development and introduction of standard regimes of radiological protection, provision with means of radiological and chemical protection, organisation and carrying out of special and sanitary processing.

2. Radiological and chemical protection is provided by implementation of the following measures:

- Preliminary accumulation and maintenance in constant readiness of means of radiological and chemical protection, amounts and places of storage of which are determined according to the zones of possible damage;
- Duly introduction of means, ways and methods of revealing and estimating the scale and consequences of catastrophes, destruction of radiation and chemically dangerous installations;

- Creation of unified means of protection, and devices of radiological, chemical investigation and radiation control;
- Giving the population the opportunity to purchase means of radiological and chemical protection;
- Development of standard regimes of radiological protection of the population and operation of installations under conditions of radioactive pollution of the district;
- Preliminary equipment of radiation and chemically dangerous installations with the means for carrying out of special processing of clothes, property and vehicles, as well as sanitary processing of the injured population;
- Development of the common criteria, methods and techniques of supervision of radiological and chemical conditions.

**Article 17. Protection of the population from civilian emergencies or non-standard situations**

Protection of the population against civilian emergencies or non-standard situations includes:

- Implementation of measures on revealing and estimation of such situations;
- Organisation and rendering of assistance to the population;
- Development of standard recommendations on issues of actions in case of civilian emergencies or non-standard situations;
- Carrying out of special rescue works.

### **PART III. UNIFORM SYSTEM OF CIVIL DEFENCE**

**Article 18. Structure of uniform system of civil defence**

The structure of uniform system of civil defence includes central and local executive organs, local self-government organs and functional and territorial subsystems of the uniform system of civil defence created by them.

**Article 19. Functional subsystems of uniform system of civil defence**

1. Functional subsystems of the uniform system of civil defence are created by the Central Executives for the organisation of the work connected with prevention of emergencies and protection of the population and territories in case of their occurrence.

2. The organisation, tasks, structure of forces and means, the procedure of activity of functional subsystems of the uniform system of civil defence are determined by regulations about these subsystems approved by the relevant Central Executives as agreed with the specially authorized central organ of executive power on issues of civil defence.

**Article 20. Territorial subsystems of uniform system of civil defence**

1. Territorial subsystems of uniform system of civil defence are created in the Autonomous Republic of Crimea, oblasts, the cities of Kiev and Sevastopol for the prevention and alleviation of consequences of emergencies of a technogenic, natural and military character within the limits of the relevant territories and include territorial management organs of the specially authorized central organ of executive power on

issues of civil defence and the relevant commissions of technogenic-ecological security and emergencies.

2. The organisation, tasks, structure of forces and means, and the procedure of activity of territorial subsystems of uniform system of civil defence are determined by positions which is approved by the specially authorized central organ of executive power on issues of civil defence with the consent of the Council of Ministers of the Autonomous Republic of Crimea, the relevant oblast, Kiev and Sevastopol city state administrations.

**Article 21. Modes of operation of uniform system of civil defence**

1. The uniform system of civil defence can function under modes of daily operation and increased readiness, and under emergency mode, and during a state of emergency or martial law.

2. The mode of operation of the uniform system of civil defence within the limits of concrete territory is established depending on the existing or predicted conditions, scale of emergency upon the decision of the Cabinet of Ministers of Ukraine, Ministerial council of the Autonomous Republic of Crimea, oblast, Kiev and Sevastopol city, district state administration, city council.

**Article 22. The Regime of daily operation**

1. The mode of daily operation of the uniform system of civil defence is established under conditions of normal industrial, radiological, chemical, biological (including bacteriological), seismic, hydro-geological and hydrometeorological conditions, at the absence of epidemics, epizootic and epiphytopic diseases.

2. During the mode of daily operation, the management organs, forces and means of uniform system of civil defence:

- a. Provide supervision and control over the conditions on potentially dangerous installations and territories adjacent to them, as well as duty of operation personnel;
- b. Develop and carry out scientific and technical programmes of prevention of emergencies and reduction of possible losses;
- c. Carry out measures on ensuring the security and protection of the population during the emergency;
- d. Provide training for management organs on how to react in case of emergencies, civilian emergencies or non-standard situations, organize training for the population on the use of means of protection in such situations;
- e. Create and restore material reserves for alleviation of consequences of emergencies;
- f. Conduct constant forecasting of the conditions on their deterioration which can entail occurrence of emergencies.

**Article 23. The Mode of increased readiness**

1. The mode of increased readiness of the uniform system of civil defence is established in case of essential deterioration of industrial, radiological, chemical, biological (including bacteriological), seismic, hydro-geological and hydrometeorological conditions, in the presence of threat of occurrence of an emergency.

2. In the mode of increased readiness the management organs of the uniform system of civil defence:

- a. Render the operative help to organs and structures involved in maintenance of civil defence in case of occurrence of civilian emergencies or non-standard situations;
- b. Form commissions for revealing the reasons of deterioration of the situation directly in the region of possible occurrence of an emergency, and develop proposals on its normalisation;
- c. Increase supervision and control over the situation on potentially dangerous installations and territories adjacent to them, carry out forecasting of the possibility of occurrence of emergencies and their scales;
- d. Develop measures on protection of the population and territories under conditions of emergency;
- e. Bring during conditions of increased readiness the available forces and means of response, involve additional forces and means, specify plans of their activities and direct them in case of need to the region of threat of occurrence of an emergency;
- f. Carry out measures to prevent the occurrence of emergencies.

**Article 24. Mode of emergency**

1. The emergency mode of the uniform system of civil defence is activated in case of occurrence and during the alleviation of consequences of an emergency.
2. During the emergency mode, the management organs of the uniform system of civil defence:
  - a. Determine the limits of the territory of the emergency;
  - b. Organize protection of the population and territories under conditions of emergency;
  - c. Organize works on localisation or alleviation of consequences of an emergency, involve necessary forces and means;
  - d. Carry out continuous control over development of an emergency, situation on emergency installations and territories adjacent to them;
  - e. Operatively report to the supreme organs of management on the development of the emergency, measures carried out, and notify the population.

**Article 25. Mode of state of emergency**

The mode of operation of the uniform system of civil defence under conditions of a state of emergency is established according to the requirements of the Law of Ukraine "On the legal regime of state of emergency".

**Article 26. Martial law**

Mode of operation of the uniform system of civil defence under conditions of martial law, procedure of its subordination to the military command are determined according to the Law of Ukraine "On the legal regime of martial law".

**PART IV. MANAGEMENT OF UNIFORM SYSTEM OF CIVIL DEFENCE****Article 27. System of management organs of civil defence**

1. The general management of the uniform system of civil defence is carried out by the Cabinet of Ministers of Ukraine. The Head of civil defence of Ukraine is the Prime minister of Ukraine.

2. The direct management of activity of uniform system of civil defence is assigned to the specially authorized central organ of executive power on issues of civil defence. The head of this organ is the deputy Head of civil defence of Ukraine.

3. The management of territorial subsystems of uniform system of civil defence in the Autonomous Republic of Crimea, oblasts, the cities of Kiev and Sevastopol is carried out accordingly by the Council of Ministers of the Autonomous Republic of Crimea, regional, Kiev and Sevastopol city state administrations. Heads of territorial subsystems of the uniform system of civil defence are ex officio the Chairman of the Council of Ministers of the Autonomous Republic of Crimea and the head of the relevant state administrations accordingly. Heads of territorial organs of the specially authorized central organ of executive power on issues of civil defence are ex officio assistants to the Heads of territorial subsystems of uniform system of civil defence.

#### **Article 28. Specially authorized central organ of executive power on issues of civil defence**

1. The structure of the specially authorized central organ of executive power on issues of civil defence include:

- Governmental organ of state supervision in the sphere of civil defence;
- Organs of operative response to emergencies in the sphere of civil defence;
- Organs of minimisation of consequences of Chernobyl accident and other emergencies.

2. The Specially authorized central organ of executive power on issues of civil defence:

- Provides implementation of the state policy and carries out the state supervision of the observance of the laws and other normative-legal acts in the sphere of civil defence;
- Provides activity of the uniform system of civil defence;
- Controls the organisation of the fulfilment of measures directed on the protection of the population and territories from emergencies by the central and local executive organs, local self-government organs, enterprises, institutions and organisations irrespective of form of ownership;
- Checks the condition of readiness of the territorial organs, forces and means of civil defence functioning under the emergency mode;
- Provides supervision of observance of requirements of standards, specifications and rules in the sphere of civil defence;
- Controls accumulation, preservation and target use of the material resources intended for alleviation of consequences of emergencies by central and local executive organs, local self-government organs, enterprises, institutions and organisations irrespective of form of ownership;
- Checks the condition of planning and readiness for implementation of measures on evacuation of the population in case of emergencies;
- At the sight of potentially dangerous installations, checks the availability and readiness of local systems to announce the occurrence of threats of emergencies and local systems to warn the population, first of all the population residing in the zones of possible damage and the personnel of these installations;

- Checks the availability and readiness for use, in case of emergency, of collective and individual protective equipment of the population, property of civil defence, and their maintenance and registration;
  - Conducts random inspections of training for actions under conditions of emergencies at enterprises, institutions and organisations irrespective of the form of ownership;
  - Finds out why emergencies occurred, what preventive measures are missing, and estimates the actions of management organs, forces and means of civil defence during the fulfilment of rescue and other urgent works;
  - Together with the organs carrying out the state supervision in the relevant sphere, participates in checks of maintenance of conditions of storage, transportation, neutralisation, utilisation and dumping of dangerous substances and the products containing such substances;
  - Carries out, within the limits determined by the legislation, the normative-regulation in the sphere of civil defence, including technogenic and fire security, develops and approves with the participation of interested ministries and other Central Executives, the state rules and norms of civil defence obligatory for fulfilment by executive organs, local self-government organs, enterprises, institutions, organisations;
  - Carries out other measures envisaged by the law.
3. The head of the specially authorized central organ of executive power on issues of civil defence is appointed to office by the President of Ukraine upon submission of the Prime minister of Ukraine.
4. The head of the specially authorized central organ of executive power on issues of civil defence:
- Carries out direct management of the uniform system of civil defence, management organs, forces and means of uniform system of civil defence, provides the organisation of their activity;
  - Appoints the heads of territorial organs and structural departments of the specially authorized central organ of executive power on issues of civil defence, other management organs and forces of civil defence, enterprises, establishments and organisations belonging to the sphere of management of the specially authorized central organ of executive power on issues of civil defence;
  - Issues orders of an organisational-administrative character on issues of activity of management organs and forces of civil defence;
  - Promotes privates and command personnel to the next ranks up to the rank of colonel of civil defence service;
  - Submits proposals on promoting to higher special ranks, according to the legislation;
  - Manages budgetary funds;
  - Carries out other powers established by the present and other laws of Ukraine.
5. The Specially authorized central organ of executive power on issues of civil defence exercises its powers through territorial organs according to the administrative-territorial division up to and including the district.

**Article 29. Governmental organ of the state supervision in the sphere of civil defence in the structure of the specially authorized central organ of executive power on issues of civil defence**

1. The composition of the governmental organ of the state supervision in the sphere of civil defence in the structure of the specially authorized central organ of executive power on issues of civil defence includes departments of the state supervision in the sphere of technogenic and fire security accordingly, territorial and local organs of the state supervision in the sphere of civil defence.
2. The head of the governmental organ of state supervision in the sphere of civil defence in the structure of the specially authorized central organ of executive power on issues of civil defence is *ex officio* the main state inspector of Ukraine on supervision in the sphere of civil defence.
3. Territorial and local organs of state supervision in the sphere of civil defence of the Autonomous Republic of Crimea, oblasts, cities of Kiev and Sevastopol, regions, cities, districts in cities are subordinated to the governmental organ of state supervision in the sphere of civil defence in the structure of the specially authorized central organ of executive power on issues of civil defence.
4. Territorial and local organs of state supervision in the sphere of civil defence of the Autonomous Republic of Crimea, oblasts, cities of Kiev and Sevastopol are headed by the main state inspectors on supervision in the sphere of civil defence of the Autonomous Republic of Crimea, oblasts, cities of Kiev and Sevastopol which are accordingly *ex officio* assistants to the heads of territorial and local management organs of the specially authorized central organ of executive power on issues of civil defence.
5. Local organs of state supervision in the sphere of civil defence of regions, cities and districts in cities are subordinated to regional organs of state supervision in the sphere of civil defence.
6. Local organs of state supervision in the sphere of civil defence of regions, cities and districts in cities are headed accordingly by state inspectors on supervision in the sphere of civil defence in regions, cities and districts in cities.

**Article 30. The powers and liability of officials of the governmental organ of state supervision in the sphere of civil defence in the structure of the specially authorized central organ of executive power on issues of civil defence**

1. Officials of the governmental organ of state supervision in the sphere of civil defence in the structure of the specially authorized central organ of executive power on issues of civil defence have the right:
  - a) in the sphere of technogenic security:
    - To require from citizens, enterprises, institutions and organisations irrespective of form of ownership, foreigners and foreign legal persons the implementation of the measures envisaged by the legislation in the sphere of civil defence, to give obligatory instructions within the limits of their competence;
    - To suspend until the elimination of violations of the requirements of the legislation in the sphere of civil defence the operation of enterprises, installations, individual manufactures, workshops, sites, devices, mechanisms, equipment, vehicles, as well as works if these violations create a threat to the life or health of people;

- To submit, in accordance with the established procedure, proposals on the suspension of sanctions to operation of dangerous installations in case of non-observance of conditions of these sanctions or violations of the legislation in the sphere of civil defence and to give obligatory instructions for elimination of such violations ;
  - To issue acts of checks, instructions and reports in case of non-compliance with legitimate requirements of the officials of the specially authorized central organ of executive power on issues of civil defence;
  - To institute legal proceedings according to the procedure established by law against the violation of requirements of the legislation in the sphere of civil defence for settlement of the question about bringing of guilty persons to account;
  - To limit and stop, according to the procedure established by the legislation, of works on construction, reconstruction and extension of installations which violate the requirements of the legislation in the sphere of civil defence;
  - To involve in checks representatives of central and local executive organs, local self-government organs, public organisations (with consent of their heads), experts of research, developmental and design establishments;
  - To receive, in accordance with the established procedure, from the central and local executive organs, local self-government organs, enterprises, institutions and organisations irrespective of form of ownership the information necessary for fulfilment of the tasks assigned to them; to carry out, if necessary, audio, film- and video recording to assist in the prevention and disclosing of offences in the sphere of civil defence;
  - To convoke, in accordance with the established procedure, meetings on issues of their competence;
  - To impose, according to the law, penalties on enterprises, institutions and organisations for violations in the sphere of civil defence;
  - To call officials and citizens guilty of violation of laws and other normative-legal acts in the sphere of civil defence to account for administrative offences;
  - To conduct, in accordance with the established procedure, investigation of circumstances and reasons of catastrophes, natural and technogenic emergencies, to take upon the results of investigations decisions obligatory for fulfilment on issues of the competence of the governmental organ of the state supervision of sphere of civil defence;
  - To carry out according to the law, within the limits of their competence, control over activity of emergency rescue services;
  - To carry out other powers envisaged by the law;
- b) in the sphere of fire security to exercise the powers of the state fire prevention service envisaged by the Law of Ukraine “On fire security”.
2. Officials of the governmental organ of state supervision in the sphere of civil defence in the structure of the specially authorized central organ of executive power on issues of civil defence are obliged:

- To issue checks, instructions and reports in case of non-compliance with legitimate requirements of the officials of the specially authorized central organ of executive power on issues of civil defence;
- To send in, according to the procedure established by law, to the relevant organs the materials about violation of requirements of legislation in the sphere of civil defence for settlement of the question about bringing the guilty persons to account for administrative or criminal offences;
- To limit and suspend, in accordance with the procedure established by the legislation, the works on construction, reconstruction and extension of installations conducted with the violation of requirements of the legislation in the sphere of civil defence;
- To check the condition of readiness of management organs and forces and means of civil defence in case of emergencies.

3. Officials of the governmental organ of state supervision in the sphere of civil defence in the structure of the specially authorized central organ of executive power on issues of civil defence are accountable for default on or inadequate performance of the duties assigned to them according to the law.

4. The losses to physical or legal persons caused by officials of the governmental organ of state supervision in the sphere of civil defence in the structure of the specially authorized central organ of executive power on issues of civil defence, as a result of the lawful exercise of their powers envisaged by this Article are compensated according to the procedure established by the legislation at the expense of the State Budget of Ukraine, except for cases when the damage is caused to property of physical or legal persons by actions of the owners of this property.

### **Article 31. Organs of operative response to emergencies in the sphere of civil defence**

1. Organs of operative response to emergencies in the sphere of civil defence include management organs, forces and means of operative response to emergencies in the structure of the specially authorized central executive organ in the sphere of civil defence, management organs, forces and means of civil defence in the Autonomous Republic of Crimea, oblasts, the cities of Kiev and Sevastopol, regions, cities and districts in cities.

2. The management of the organs of operative response to emergencies in the sphere of civil defence is entrusted with the tasks of:

- Maintenance of readiness of forces and means intended for response to emergencies;
- Implementation of a complex of measures of response to emergencies and alleviation of their consequences;
- Management of the subordinated Forces of the response special and specialized formations;
- Co-ordination of action of management organs, Forces and means of civil defence of the central and local executive organs and local self-government organs in response to emergencies.
- Forces of operative response to emergencies are entrusted with the functions of localisation of emergencies and alleviations of their consequences.

**Article 32. The powers and liability of officials of organs of operative response to emergencies in the sphere of civil defence**

1. Officials of organs of operative response to emergencies in the sphere of civil defence have the right:

- to freely receive the information on territories and installations where fire-rescue and other urgent works are conducted necessary for the performance of their duties;
- To demand from officials the implementation of measures on alleviation of emergencies, protection of the population and territories from consequences of emergencies, to suppress the actions obstructing the accomplishment of the designed tasks by the organs of operative response to emergencies;
- to involve in case of need the special and engineering military equipment of enterprises, institutions and organisations irrespective of the form of ownership and to use their communication facilities;
- to conduct during the alleviation of consequences of emergencies documenting, audio-, film- and video recording and photographing;
- to cordon off or block in a different way individual territories, buildings, constructions and installations in the zone of emergencies;
- to forbid temporarily or to limit the flow of vehicles and pedestrians close and with-in the limits of the zones of emergencies, as well as access of citizens on individual installations and territories, and to oblige them to leave such installations and territories.

2. The procedure of recovery of losses connected with engagement of special and engineering military equipment of enterprises and organisations, use of communication facilities, audio-, film- and video recording, photographing at overcoming of the consequences of emergencies is determined by the Cabinet of Ministers of Ukraine.

**Article 33. Organs of minimisation of consequences of the Chernobyl accident and other emergencies**

1. The organs of minimisation of consequences of the Chernobyl accident and other emergencies are considered to be the following:

- The specially authorized state organ in the sphere of implementation of measures in territories of radioactive contamination as a result of Chernobyl accident, in system of the specially authorized central organ of executive power on issues of civil defence;
- Enterprises, institutions and organisations involved in accordance with the established procedure in the implementation of measures on territories of radioactive contamination with the purpose of minimisation of harmful influence of these territories on the health of citizens and the environment and radioactive waste management;
- Departments of civil defence and maintenance of the special regime and observance of rules of stay on the territories of radioactive contamination.

2. Tasks of organs of minimisation of consequences of Chernobyl accident and other emergencies are the following:

- Implementation of the state policy in the sphere of alleviation of consequences of the Chernobyl accident on the territories of radioactive contamination and in the sphere of radioactive waste managements;

- The organisation, coordination and control over the activity of enterprises, institutions and organisations involved in the implementation of measures on the territories of radioactive contamination, and radioactive waste management;
- Revival, and social and economic rehabilitation of the territories contaminated as a result of radiological catastrophes;
- The organisation of civil defence measures in 30-kilometer zones of nuclear power stations and training of the population living in them to activities in case of radiological catastrophes;
- Carrying out of scientific research into long-term consequences of the accident on the Chernobyl nuclear power station and other radiological catastrophes.

**Article 34. Management organs and forces of civil defence carrying out the tasks of civil defence**

The following belong to the forces of civil defence:

- Operatively-rescue civil defence service;
- The special (militarized) and specialized rescue formations and their departments;
- Emergency-reconstruction formations, special services of central and other executive organs entrusted with the tasks of civil defence;
- Special period formations;
- Aviation and pyrotechnic departments;
- Technical services and their departments;
- Logistical support and material reserve departments.

**Article 35. Regional and local management organs and forces of civil defence**

1. The following belong to the regional and local management organs of civil defence:

- The Council of Ministers of the Autonomous Republic of Crimea, regional, Kiev and Sevastopol city state administrations, regional state administrations, local self-government organs, structural departments on issues of civil defence of these state administrations and executive organs of Councils;
- Territorial management organs of the specially authorized central organ of executive power on issues of civil defence.

2. The following belong to the regional and local forces of civil defence:

- Rescue formations and departments;
- Specialized emergency rescue services;
- Forces and means of local executive organs and local self-government organs;
- Forces and means of territorial subsystems of uniform system of civil defence;
- Forces and means of enterprises, institutions and organisations irrespective of the forms of ownership and subordination involved in the relevant procedure to implement civil defence measures;
- Voluntary rescue formations.

**PART V. COORDINATION OF ACTIVITY OF CENTRAL AND LOCAL EXECUTIVE ORGANS AND LOCAL SELF-**

## **GOVERNMENT ORGANS IN THE SPHERE OF CIVIL DEFENCE**

### **Article 36. Coordination of activity of the central and local organs of executive power and local self-government organs in the sphere of civil defence**

1. Coordination of activity of the central and local executive organs and local self-government organs in the sphere of civil defence is carried out by:

- The Council of National Security and Defence of Ukraine within the limits envisaged by the Law of Ukraine “On the Council of National Security and Defence of Ukraine”;
- The Cabinet of Ministers of Ukraine.
- For coordination of the activity of state government organs on issues of civil defence the Cabinet of Ministers of Ukraine forms the relevant commissions (councils).
- If necessary, for alleviation of consequences of an emergency, the Cabinet of Ministers of Ukraine forms the special nation-wide, regional, local and concrete object commissions.

2. The procedure of activity maintenance of the State commission on issues of technogenic-ecological security and emergencies is determined by the Cabinet of Ministers of Ukraine.

3. Activity of nation-wide, regional, local and concrete object commissions on issues of technogenic-ecological security and emergencies is carried out according to the regulations about such commissions approved by the Cabinet of Ministers of Ukraine.

## **PART VI. STANDARDISATION, STATE EXPERT APPRAISAL AND LICENSING IN THE SPHERE OF CIVIL DEFENCE**

### **Article 37. Standardisation in the sphere of civil defence**

1. Standardisation on issues of security in emergencies is carried out according to the law.

2. The specially authorized central organ of executive power on issues of civil defence exercising the powers given by this Law:

a) on issues of standardisation:

- Develops the programme of works on standardisation in the sphere of civil defence and coordinates and controls their fulfilment;
- Takes decisions on the creation and termination of activity of technical committees of standardisation in the sphere of civil defence, and determines their powers and procedure of activity;
- Participates in the development and coordination of technical rules and other normative-legal acts on issues of standardisation;

b) on issues of accreditation:

- Participates in the work of the Council and technical committees on accreditation of the National organ on accreditation of Ukraine;

c) on issues of confirmation of compliance in the sphere of civil defence:

- Participates in the development and coordination of technical rules of confirmation of compliance and other normative-legal acts in the sphere of civil defence;

- Develops the proposals on authorisation of organs on certification on work on confirmation of compliance in the sphere of civil defence;
- Organizes the training and improvement of professional skills of experts on confirmation of compliance in the sphere of civil defence.

**Article 38. State expert examination in the sphere of civil defence**

State expert examination of projects and decisions on issues of technogenic security of installations of industrial and social purpose which can cause natural and technogenic emergencies and influences the condition of protection of the population and territories from their consequences, is organized by the governmental organ of state supervision in the sphere of civil defence and conducted according to the law in accordance with the procedure determined by the Cabinet of Ministers of Ukraine.

**Article 39. Licensing of individual kinds of economic activity in the sphere of civil defence**

Licensing of individual kinds of economical activity in the sphere of civil defence is carried out according to the law.

**PART VII. THE PROCEDURE OF STAFFING OF ORGANS AND DEPARTMENTS OF CIVIL DEFENCE AND CARRYING OUT CIVIL DEFENCE SERVICE**

**Article 40. The Procedure of staffing of organs and departments of civil defence**

1. The personnel of organs and departments of civil defence (the specially authorized central organ of executive power on issues of civil defence, territorial management organs, operatively-rescue civil defence service, the State aviation search and rescue service, governmental organ of state supervision in the sphere of civil defence, educational establishments, research and other establishments, logistical support departments of the specially authorized central organ of executive power on issues of civil defence) includes privates and command personnel, students and cadets.
2. The list of the posts which are subject to replacement by privates and command personnel of organs and departments of civil defence is approved by the head of the specially authorized central organ of executive power on issues of civil defence.
3. The list of posts which are subject to replacement by persons of higher command personnel of organs and departments of civil defence is approved by the President of Ukraine.

**Article 41. Numeric strength of organs and departments of civil defence**

Numeric strength of organs and departments of civil defence is approved by the Cabinet of Ministers of Ukraine upon submission of the specially authorized central organ of executive power on issues of civil defence.

**Article 42. The Procedure of service in organs and departments of civil defence**

1. The procedure of service in organs and departments of civil defence is determined by this Law and the Regulations about civil defence service of privates and command personnel of organs and departments of civil defence approved by the Cabinet of Ministers of Ukraine.

2. Disciplinary Regulations approved by the law are applicable to the personnel of organs and departments of civil defence.
3. Labour relations of employees of organs and departments of civil defence are regulated by the labour legislation.
4. The term of duty in organs and departments of civil defence is included in the general record of service, the record of service on the specialty, as well as in the record of public service according to the law.
5. The persons enrolled for service in organs and departments of civil defence, including students and cadets of higher educational establishments, of the specially authorized central organ of executive power on issues of civil defence for the period of service are struck off the military registration and registered with the specially authorized central organ of executive power on issues of civil defence.

**Article 43. Service certificates of staff and employees of organs and departments of civil defence**

To personnel and employees of organs and departments of civil defence are granted service certificates. Samples of service certificates and the procedure of their issuance are established by the specially authorized central organ of executive power on issues of civil defence.

**Article 44. Special ranks of privates and command personnel of organs and departments of civil defence**

1. The persons serving in organs and departments of civil defence are promoted to the following special ranks:

- Privates - private of civil defence;
- Junior command personnel - junior sergeant of civil defence service, sergeant of civil defence service, senior sergeant of civil defence service, foreman of civil defence service, ensign of civil defence service, senior ensign of civil defence service;
- Field command personnel - junior lieutenant of civil defence service, lieutenant of civil defence service, senior lieutenant of civil defence service, captain of civil defence service;
- Senior command personnel - major of civil defence service, lieutenant colonel of civil defence service, colonel of civil defence service;
- Supreme command personnel - general-major of civil defence service, general-lieutenant of civil defence service, general-colonel of civil defence service, general of civil defence service of Ukraine.

2. The procedure of promotion to the next special rank is established by the Regulations about civil defence service of privates and command personnel of organs and departments of civil defence.

**Article 45. Conditions of service in organs and departments of civil defence**

1. The organs and departments of civil defence are staffed on a contractual basis. The standard form of the contract is approved by the specially authorized central organ of executive power on issues of civil defence.
2. Duties and rights of the personnel of organs and departments of civil defence are established by conditions of the contract and duty regulations.

3. Students and cadets of educational establishments of the specially authorized central organ of executive power on issues of civil defence upon completion of training, should serve in organs and departments of civil defence for no less than three years if not otherwise envisaged by the law.

**Article 46. Enrolment for service in organs and departments of civil defence**

1. The citizens of Ukraine which have attained 18-years of age and have sound personal, business and moral qualities, a good educational and professional level, and fit state of health to carry out the relevant official duties, are enrolled for service in organs and departments of civil defence on a competitive and contract basis.
2. Qualifying requirements for the persons enrolled in organs and departments of civil defence are approved by the specially authorized central organ of executive power on issues of civil defence with the consent of the central organ of executive power on labour protection supervision and with the central organ of executive power on issues of education and science.
3. The persons who are subject to conscription to the Armed Forces for a fixed period and other military formations created according to the laws of Ukraine, as well as persons who have previously been convicted for the commitment of a deliberate crime, if this conviction was not overturned and cancelled according to the procedure established by the law, cannot be enrolled for service.

**Article 47. The Oath of the personnel of organs and departments of civil defence**

The citizens of Ukraine enrolled for service in organs and departments of civil defence administer the oath to the following effect:

1. “I, the citizen of Ukraine (surname, name and patronymic) entering the civil defence service, take the Oath and solemnly swear to always remain devoted to the Ukrainian people,
2. to observe the Constitution and laws of Ukraine, to be fair, diligent and disciplined.
3. I swear to execute the service duty, requirements of service regulations and orders, to constantly improve professional skill and in every possible way assist with the strengthening of authority of the civil defence service.
4. I swear courageously and decisively to defend the life and health of citizens, national values of Ukraine, and its environment from emergencies.
5. If I break this Oath I may be brought to account according to the law”.

**Article 48. Uniform and insignia of the personnel of organs and departments of civil defence**

1. The personnel of organs and departments of civil defence are provided with uniform, as well as the relevant insignia, at the expense of the means allocated for their maintenance from the State Budget of Ukraine.
2. The description and samples of uniform and the relevant insignia of the personnel of organs and departments of civil defence and norm of provision with uniform are approved by the Cabinet of Ministers of Ukraine.
3. Use of uniform and insignias of the personnel of organs and departments of civil defence by other persons entails liability according to the law.

**Article 49. Provision of the personnel of organs and departments of civil defence with special clothes, equipment and means of individual protection**

The personnel of organs and departments of civil defence are provided with special clothes, equipment and means of individual protection for work on the alleviation of emergencies at the expense of the State Budget of Ukraine.

**Article 50. Age limit of stay on service in organs and departments of civil defence**

1. The age limit of stay on service in organs and departments of civil defence is established:

- For privates, junior and field command personnel - up to 50 years;
- For persons of senior command personnel - up to 55 years;
- For persons of supreme command personnel - up to 60 years.

2. In case of need, privates and command personnel of organs and departments of civil defence having a high vocational training, experience of practical work on the posts and recognized fit for reasons of health for service can be left on service by their request over the age limit for up to five years.

**Article 51. Retirement from service in organs and departments of civil defence**

1. Retirement from service by privates and command personnel of organs and departments of civil defence is conducted:

- a. to the reserve of the Armed Forces of Ukraine (with military registration) if the retired persons have not attained the age limit of stay in the reserve established by the Law of Ukraine "On universal military duty and military service" and for reasons of health are fit for military service;
- b. at the resignation, if the retired persons have attained the age limit of stay in the reserve established by the Law of Ukraine "On universal military duty and military service", or are recognized by the military-medical commissions as unfit for reasons of health to do military service with then being stricken off the military registration.

2. The contract is terminated (cancelled) and privates and command personnel in the service on a contractual basis go into retirement:

- a. on the expiry of the term of the contract;
- b. in age - at attainment of the age limit of stay on service;
- c. for reasons of health - on the basis of the conclusion (decision) of the military-medical commission on unfitness or limited fitness for service;
- d. in connection with staff reduction - in case of impossibility of use on service in connection with staff reduction or carrying out of organisational measures;
- e. on family circumstances or other valid reasons determined by the Cabinet of Ministers of Ukraine;
- f. in connection with regular disregard of conditions of the contract by privates and command personnel;
- g. in connection with regular disregard of conditions of the contract by the management of the relevant organ or subdivision of civil defence;
- h. in connection with a guilty verdict coming into force.

3. The persons of field, senior and supreme command personnel on regular service, go into retirement:

- a. in age - at attainment of the age limit of stay on service;

- b. for reasons of health - on the basis of the conclusion (decision) of the military-medical commission on unfitness or limited fitness for service;
- c. in connection with staff reduction - at impossibility to use on service in connection with staff reduction or carrying out of organisational measures;
- d. on family circumstances or other valid reasons determined by the Cabinet of Ministers of Ukraine;
- e. on service inadequacy;
- f. in connection with a guilty verdict coming into force.

**Article 52. Vocational training, improvement of professional skill and retraining of personnel for civil defence service**

1. The persons enrolled for the posts of privates and command personnel of organs and departments of civil defence, do primary vocational training in educational establishments of the specially authorized central organ of executive power on issues of civil defence.
2. Training of persons for filling of posts of field, senior and supreme command personnel of organs and departments of civil defence is carried out, as a rule, in higher educational establishments of the specially authorized central organ of executive power on issues of civil defence.
3. The procedure and terms of improvement of professional skill and retraining of the personnel for civil defence service are determined by the specially authorized central organ of executive power on issues of civil defence.
4. Privates and command personnel and employees of organs and departments of civil defence are not allowed to organize or take part in the organisation and carrying out of strikes.

**PART VIII. SOCIAL AND LEGAL PROTECTION OF PRIVATES AND COMMAND PERSONNEL AND EMPLOYEES OF ORGANS AND DEPARTMENTS OF CIVIL DEFENCE AND THEIR PENSIONS**

**Article 53. Fundamentals of social and legal protection of privates and command personnel and employees of organs and departments of civil defence**

1. The state provides social and legal protection to privates and command personnel of organs and departments of civil defence and to members of their families according to the Constitution of Ukraine, this Law and other acts of the legislation.
2. Privates and command personnel and employees of organs and departments of civil defence have the right to increase the level of theoretical knowledge, practical skills, and professional skill during working hours.

**Article 54. Working hours in organs and departments of civil defence**

40-hour working week is established for privates and command personnel of organs and departments of civil defence. If necessary, they do service over the established duration of working hours, as well as on days off and holidays with remuneration according to the labour legislation.

**Article 55. Medical and sanatorium support for privates and command personnel of organs and departments of civil defence and members of their families**

1. The necessary sanitary-and-hygienic and socially-psychological conditions are created for privates and command personnel of organs and departments of civil defence. The specified persons are provided with free qualified medical aid in medical institutions of the Ministry of Defence of Ukraine, the Ministry of Internal Affairs of Ukraine and Ministry of Health of Ukraine at the expense of the budgetary funds envisaged on support of the specially authorized central organ of executive power on issues of civil defence and upon the agreements concluded by this organ with the specified ministries. At the absence of a place of service or residence for privates and command personnel of organs and departments of civil defence in medical institutions of the Ministry of Defence of Ukraine, the Ministry of Internal Affairs of Ukraine, or Ministry of Health of Ukraine medical aid is provided according to the legislation in other state or municipal establishments of public health services. The charges on treatment of privates and command personnel of organs and departments of civil defence are paid at the expense of the budgetary funds envisaged on support of the specially authorized central organ of executive power on issues of civil defence.
2. Privates and command personnel of organs and departments of civil defence and members of their families have the right to sanatorium treatment and the organized rest in the relevant establishments of the specially authorized central organ of executive power on issues of civil defence, as well as in sanatorium establishments of the Ministry of Defence of Ukraine, the Ministry of Internal Affairs of Ukraine and Ministry of Health of Ukraine at the expense of the budgetary funds envisaged on support of the specially authorized central organ of executive power on issues of civil defence on the basis of the concluded agreements according to the legislation.
3. Women from among privates and command personnel of organs and departments of civil defence enjoy all privileges envisaged by the legislation on social protection of women, guard of motherhood and childhood. The specified privileges are also applied to parents from among privates and command personnel of organs and the departments of civil defence bringing up children without mother (in case of her death, annulment, for the period of stay in medical establishment and in other cases of absence of parental care).

**Article 56. State insurance and reparation of damage in case of loss (death), injuries (contusions, traumas or mutilation), diseases or invalidity**

1. Privates and command personnel of organs and departments of civil defence are subject to obligatory state personal insurance at the expense of the State Budget of Ukraine for the case of loss or death for the sum of a ten years' monetary allowance on the last post they filled, and in case of injury (contusion, trauma or mutilation), diseases or invalidity received at service, - at the rate of a monetary allowance from six-month up to five years on last post held (depending on the degree of invalidity). The procedure and conditions of insurance of privates and command personnel of organs and departments of civil defence are established by the Cabinet of Ministers of Ukraine.
2. In case of loss of the person from among privates and command personnel of organs and departments of civil defence in connection with performance of official duties, the family or his/her dependents are paid an extraordinary grant

at the rate of ten years monetary allowance of the disadvantaged on the last post at the expense of the State Budget of Ukraine with the subsequent collecting this sum from guilty persons in accordance with the procedure established by the law.

3. Premium payments are made at the expense of the means envisaged in the relevant budgets on support of organs and departments of civil defence.

**Article 57. Travel of privates and command personnel and employees of organs and departments of civil defence**

During business trips, the privates and command personnel and employees of organs and departments of civil defence have the right to priority booking for tickets for all types of transport and accommodation in hotels upon presentation of the service certificate and the certificate of business trip. During urgent service trips, privates and command personnel of organs and departments of civil defence are provided with tickets for travel irrespective of the availability of places upon presentation of the service certificate and the certificate of business trip.

**Article 58. Provision with housing for privates and command personnel of organs and departments of civil defence**

1. Privates and command personnel of organs and departments of civil defence and members of their families are provided with state housing.
2. The housing for privates and command personnel of organs and departments of civil defence requiring improvement of housing conditions is at their disposal by central and local executive organs, local self-government organs first of all.
3. Before reception of premises for permanent residence, service housing or accommodation in a hostel is given to privates and command personnel of organs and departments of civil defence. In the absence of such housing at organs and departments of civil defence, the relevant organ or subdivision of civil defence rents housing for privates and command personnel of organs and departments of civil defence or at the request of these persons, pays them compensation for rent of premises in accordance with the procedure, at the rate and on terms determined by the Cabinet of Ministers of Ukraine. They have their right to accommodation which they held before enrolment for civil defence service safeguarded. They cannot be struck off the housing waiting lists. At service over five years the provision of the specified persons with housing in a place of service is conducted in accordance with general practice.
4. Privates and command personnel of organs and departments of civil defence, and members of their families living together with them, are given accommodation which should meet the requirements of Article 50 of the Housing Code of the Ukrainian SSR.
5. Privates and command personnel of organs and departments of civil defence, those who stayed in service for no less than 20 years and the persons equated to them dismissed from service for reasons of health, age or staff reduction, are provided with accommodation by central and local executive organs first, but no later than within a three-month term from the date of arrival of this person to the place of selected residence, taking into account the established procedure.
6. To privates and command personnel of organs and departments of the civil defence dismissed from service in connection with invalidity owing to injury,

contusion, mutilation or disease contracted at service, are first of all provided with accommodation at the place of residence selected taking into account the established procedure.

7. Those cadets and students of higher educational establishments of the specially authorized central executive organ on issues of civil defence who have family are given accommodation in family hostels. In the absence of family hostels, compensation for temporary renting of housing in the place of service is paid at the rate determined by the Cabinet of Ministers of Ukraine.
8. The privates and command personnel of organs and departments of the civil defence having no less than 20 years of service have the accommodation occupied by them and members of their families reserved if they are transferred for service outside Ukraine or transferred for service to the district of intensive radioactive pollution as a result of the Chernobyl accident for the entire duration of their stay outside Ukraine or in the specified district.
9. Privates and command personnel of organs and departments of civil defence, having a general record of service no less than 17 years, including military or internal service, and requiring improvement of living conditions, have the right to join building (housing) cooperative society with priority, as well as to free-of-charge granting by local self-government organs of the ground area for construction and service of a house, household buildings and constructions (homestead land), individual country and garage building, gardening, truck farming in the settlements selected by them for residence in accordance with the established procedure. The specified persons and members of their families pay for the ground area at the rate of 50 percent of the established rates.
10. Local self-government organs, within the limits of their authority determined by law, allocate the ground areas and can assist in the building of an individual apartment and purchase of building materials to the personnel of organs and departments of civil defence, parents of privates and command personnel of organs and departments of civil defence lost (died) or reported missing during service, as well as to privates and command personnel of organs and departments of civil defence who became invalid during service if they want to construct a individual apartment.
11. Privates and command personnel of organs and departments of civil defence not having premises for permanent residence have the right to get bank credit on preferential terms for individual and cooperative house-building or for purchase of an individual apartment house (apartment) for the term of up to 20 years with repayment at the expense of the means intended in the State Budget of Ukraine on support of the specially authorized central organ of executive power on issues of civil defence: for having the general record of service, including military or internal service, more than 15 years - 50 percent, more than 20 years - 75 percent, more than 25 years - 100 percent of the credit of bank. The specified credit is given to privates or command personnel of organs and departments of civil defence only once during the entire term of duty.
12. Privates and command personnel of organs and departments of civil defence having term of duty no less than 20 years at retirement from service for the reasons of health, age, in connection with reduction of numeric strength or staff, as well as the persons who became invalids of group I or II, members of families of privates and command personnel of organs and departments of civil defence, lost (died) or reported missing doing service, have the right to carry over free-of-

- charge the premises which they hold in houses of the state available housing fund.
13. Families of the privates and command personnel of organs and departments of civil defence who died during service, requiring improvement of living conditions are provided within three months with premises for permanent residence.
  14. Families of the employees of organs and departments of civil defence who died on duty, are the first to be provided with housing.

**Article 59. Payment of public utilities**

The privates and command personnel of organs and departments of civil defence and their dependants and parents, and members of families of privates and command personnel of organs and departments of civil defence lost (died), reported missing or having become invalid at service, are granted 50 percent discount on housing and public utilities (water supply, gas, electric, thermal energy and other services) charges within the limits of the norms envisaged by the legislation.

**Article 60. Installation of home phones**

Privates and command personnel of organs and departments of civil defence have home phones installed with priority.

**Article 61. Social guarantees to privates and command personnel and employees of organs and departments of civil defence fulfilling service duties under special conditions**

Privates, command personnel and employees of organs and departments of civil defence working with harmful objects and in dangerous conditions, enjoy the right to labour protection envisaged according to labour protection legislation for employees of these objects.

**Article 62. Additional guarantees for social protection of the personnel and employees of organs and departments of civil defence**

Executive organs of the relevant local councils can establish, at the expense of own means and charitable receipts, guarantees of social protection for the personnel and employees of organs and departments of civil defence, which supplement those established by this Law.

**Article 63. Social protection of members of families of privates and commanding personnel of organs and departments of civil defence**

Children of privates and command personnel of organs and departments of civil defence lost at service, have the right to enter educational establishments of the specially authorized central organ of executive power on issues of civil defence *hors concours*.

**Article 63.1. Pensions of persons of privates and commanding personnel of organs and departments of civil defence**

Persons of commanding and ordinary structure of organs and departments of civil defence are granted pensions in accordance with the procedure and at the rate established by the Law of Ukraine "On pensions of military men, command and privates of law-enforcement organs and other persons".

*(Section VIII is supplemented with Article 63.1 according to the Law No. 2505 of 25.03.2005)*

## **PART IX.**

*Excluded on the basis of the Law 2505 of 25.03.2005*

## **PART X. FINANCIAL AND LOGISTICAL SUPPORT**

### **Article 88. Financing of measures in the sphere of civil defence**

Financing of measures in the sphere of civil defence is carried out by the State Budget of Ukraine, local budgets, other sources envisaged by the law.

### **Article 89. Use of special financial and material reserves during the alleviation of consequences of emergencies**

1. Material reserves for alleviation of consequences of natural and technogenic emergencies are created in advance with the purpose of their emergency use in case of occurrence of emergencies.
2. The specified reserves are created by central and local executive organs, as well as by local self-government organs.
3. The procedure of creation and use of material reserves for alleviation of consequences of emergencies is determined by the Cabinet of Ministers of Ukraine.

### **Article 90. Monetary allowance for privates and command personnel of organs and departments of civil defence**

1. The state guarantees remuneration for labour carried out by privates and command personnel of organs and departments of civil defence with the purpose of the creation of sufficient material conditions for independent and diligent performance of official duties by them.
2. The monetary allowance of privates and command personnel of organs and departments of civil defence includes cash allowance (official salary and monthly special rank, long service increments) and increments and additional payments to monetary allowance, as well as other kinds of additional payments.
3. Privates and command personnel of organs and departments of civil defence, whose official duties are connected with risk for life or health, are paid the increment at the rate determined by the Cabinet of Ministers of Ukraine.

## **PART XI. INTERNATIONAL COOPERATION IN THE SPHERE OF CIVIL DEFENCE**

### **Article 91. Rendering assistance to foreign states on issues of civil defence**

Conditions of rendering to foreign states help in the alleviation of consequences of emergencies and the procedure of engagement of organs and departments of civil defence to rendering such help to foreign states are determined by the international treaties of Ukraine agreed to be binding by the Verkhovna Rada of Ukraine.

**Article 92. Receiving help from Ukraine for the alleviation of emergencies**

Conditions for receiving help from Ukraine for the alleviation of emergencies are determined by the international treaties of Ukraine, agreed to be binding by the Verkhovna Rada of Ukraine.

**Article 93. Sending of representatives to international organisations on issues of civil defence**

Sending of Ukrainian representatives to the international organisations on issues of civil defence, carrying out of rescue works, as well as works on the prevention and alleviation of emergencies in the cases envisaged by the law are carried out by the specially authorized central organ of executive power on issues of civil defence.

**PART XII. CONTROL AND SUPERVISION OF ACTIVITY IN THE SPHERE OF CIVIL DEFENCE****Article 94. Control over activity of organs and departments of civil defence**

Control over activity of organs and departments of civil defence is carried out by the Verkhovna Rada of Ukraine, the President of Ukraine, the Council of National Security and Defence of Ukraine, and the Cabinet of Ministers of Ukraine, according to their powers determined by the Constitution and laws of Ukraine.

**Article 95. Supervision of the observance of legality in the sphere of civil defence**

Supervision of the observance of legality in the sphere of civil defence is carried out by the organs of Procurer of Ukraine.

**PART XIII. LIABILITY FOR VIOLATION OF LEGISLATION IN THE SPHERE OF CIVIL DEFENCE****Article 96. Liability for violation of legislation in the sphere of civil defence**

Violation of legislation in the sphere of civil defence and obstruction of the activity of officials in this sphere entails disciplinary, administrative, civil and criminal liability according to the law.

**PART XIV. FINAL AND TRANSITIONAL PROVISIONS**

1. This Law enters into force from the date of its publication.
2. To establish, that the organs and departments of civil defence are assignees of the organs and departments of the state fire prevention service and troops of the Civil defence of Ukraine and are formed on their base.
3. The Cabinet of Ministers of Ukraine is obliged to provide implementation of the State programme of transformation of troops of the Civil defence of Ukraine, and organs and departments of the state fire prevention service into the Operatively-rescue civil defence service for the period up to 2005 approved by the Presidential Decree of 19 December, 2003 No. 1467, and within a six-month term from the date of this Law coming into force:
  - a. To elaborate and submit for consideration by the Verkhovna Rada of Ukraine the proposals on introducing amendments to the acts of Ukraine apparent from this Law;

- b. To bring their normative-legal acts in conformity with this Law;
  - c. To bring the normative-legal acts of Central Executives in conformity with this Law.
4. To apply the Law of Ukraine “On the state guarantees of social protection of the servicemen dismissed from service in connection with reforming of the Armed Forces of Ukraine and members of their families” to servicemen of troops of the Civil defence of Ukraine who have been dismissed from service in connection with its reform.
  5. Privates and command personnel of the internal service and servicemen, upon their enrolment for service in organs and departments of civil defence, are promoted to the next special rank of civil defence service equivalent to the rank which they held in the internal or military service. The term of internal and military service is included in the time of service of civil defence.

# Law on Disbanding the National Guard

1363-XIV of 11.01.2000; (Bulletin of the Verkhovna Rada of Ukraine (BVR), 2000, No.8, p. 48)

**Article 1.** To disband the National guard of Ukraine as a military formation.

**Article 2.** To transfer, in accordance with the established procedure, the personnel, military equipment, arms, funds and other property of troop formations, units, institutions and establishments of the National guard of Ukraine to the internal troops of the Ministry of Internal Affairs of Ukraine and the Armed Forces of Ukraine without increase of their numeric strength.

**Article 3.** To assign the protection of diplomatic representatives and consular establishments of foreign states on the territory of Ukraine to the Ministry of Internal Affairs of Ukraine.

**Article 4.** The Cabinet of Ministers of Ukraine and the Committee of the Verkhovna Rada of Ukraine on issues of the budget are obliged, at final elaboration of the Law of Ukraine on the State Budget of Ukraine for 2000, to provide the relevant redistribution of budgetary appropriations on support of internal troops of the Ministry of Internal Affairs of Ukraine and the Armed Forces of Ukraine, taking into account the activities on disbandment of the National guard of Ukraine.

## **Article 5. Final provisions**

1. This Law enters into force from the date of its publication.

2. The following shall lose force:

- The Law of Ukraine “On the National guard of Ukraine” (Bulletin of the Verkhovna Rada of Ukraine, 1992, No. 1, p. 1, No. 32, p. 460; 1993, No. 12, p. 99);
- The Resolution of the Verkhovna Rada of Ukraine of 4 November, 1991 “On the procedure of implementation of the Law of Ukraine “On the National guard of Ukraine ” (Bulletin of the Verkhovna Rada of Ukraine, 1992, No. 1, p. 2);
- The Resolution of the Verkhovna Rada of Ukraine of 4 November, 1991 “On the procedure of staffing, military, material and financial support of the National guard of Ukraine ” (Bulletin of the Verkhovna Rada of Ukraine, 1992, No. 1, p. 3, No. 32, p. 467; 1993, No. 26, p. 277);
- The Resolution of the Verkhovna Rada of Ukraine of 19 May, 1992 “On duties and rights of the personnel of the National Guard of Ukraine” (Bulletin of the Verkhovna Rada of Ukraine, 1992, No. 32, p. 466; 1993, No. 12, p. 102).

3. The Cabinet of Ministers of Ukraine within three-month term after this Law coming into force is obliged to:

- To submit for consideration by the Verkhovna Rada of Ukraine the proposal on introducing amendments to the laws of Ukraine apparent from this Law;
- To bring their normative-legislative acts in conformity with this Law;
- To bring the normative-legal acts of the ministries and other Central Executives, within the limits of their competence, in conformity with this Law

## **Presidential Decree on the Transformation of the Internal Forces of the Ministry of Internal Affairs of Ukraine into a Non-Military Formation**

N 863/2003 of 18.08.2003; With changes introduced by the Decrees of the President  
N 1211/2003 of 25.10.2003, N 402/2004 of 08.04.2004 and N 1042/2004 of  
04.09.2004

In order to relieve the Ministry of Internal Affairs of Ukraine from performance of some functions, I decree:

1. To form the Commission on the transformation of the internal forces of the Ministry of Internal Affairs of Ukraine into a non-military formation (hereinafter - the Commission).

2. To establish the following primary goals for the Commission:

Preparation of proposals concerning the transformation of the internal forces of the Ministry of Internal Affairs of Ukraine (hereinafter - internal forces) into a non-military formation with law-enforcement tasks and functions;

Consideration of draft laws, decrees of the President of Ukraine and the Cabinet Ministers of Ukraine and the programme on the transformation of the internal forces into a non-military formation.

3. To approve the personal composition of the Commission (attached).

To appoint as the chairman of the Commission - KOVALENKO Valentyn Vasylyovych - the Deputy Head of the Administration of the President of Ukraine, the Head of the Main Directorate on judicial reform, activity of military formations and law-enforcement bodies of the Administration of the President of Ukraine.

*(Article 3 with changes introduced by the Decree of the President N 1211/2003 of 25.10.2003)*

4. To grant to the Commission the right to question the heads of relevant bodies on issues which belong to their competence and to receive documents and materials necessary for its work.

5. The Chairman of the Commission shall report quarterly about the results of Commission's work to the President of Ukraine.

6. The Cabinet of Ministers of Ukraine:

To submit within two months draft legislative acts on introduction of amendments to the laws of Ukraine and corresponding programmes in connection with the transformation of internal forces into a non-military formation and on the name of this formation;

To deal in the IV quarter of 2003 with the issue of realization, according to the established procedure, of superfluous property, arms and military equipment of internal forces, improvement of their structure and management system, increase of their operational readiness, mobility and professionalism by equipping them with aviation, special-purpose and automobile equipment; to submit proposals about a new uniform and special ranks for privates and commanding staff of the non-military formation;

To ensure the transfer to the State Department of Ukraine on Execution of Punishments of functions of the internal forces on the convoy of persons held under arrest, accused and convicted to deprivation of liberty and their guard during judicial proceedings;

To take steps concerning repayment of wage arrears to internal forces, provision of financial and material support to privates and commanding staff of the non-military formation at the rate not lower than the support provided for military men;

To complete the transformation of internal forces into a non-military formation by the end of 2005.

*(Article 6 with changes introduced by the Decree of the President N 402/2004 of 08.04.2004)*

APPROVED

By the decree of the President of Ukraine  
of August, 18th, 2003 N 863/2003

**Composition of the Commission on the Transformation of the Internal Forces of the Ministry of Internal Affairs of Ukraine into a Non-Military Formation**

KOVALENKO Valentyn Vasylyovych - the Deputy Head of the Administration of the President of Ukraine, the Head of the Main Directorate on judicial reform, activity of military formations and law-enforcement bodies of the Administration of the President of Ukraine – the Chairman of the Commission

HRYSHTKO Valeriy Vitaliyevych - the Deputy Head of the Main Directorate on judicial reform, activity of military formations and law-enforcement bodies - the Head of administration, the Deputy Chairman of the Commission

SHNYPKO Olexandr Serhiyovych - the First Deputy Minister of the Cabinet Ministers of Ukraine - the Deputy Chairman of the Commission

BODNIA Olexandr Ivanovych - the state expert of the department on control and coordination of law-enforcement activity, directorate on state security of the Secretariat of the National Security and Defence Council of Ukraine

HRINCHENKO Olexandr Ivanovych - the Deputy Head of the Main Directorate on judicial reform, activity of military formations and law-enforcement bodies of the Administration of the President of Ukraine - the Head of administration

HUSAK Fedir Fedorovych - the Deputy Head of the Head of administration of the Main Directorate on judicial reform, activity of military formations and law-enforcement bodies of the Administration of the President of Ukraine

HUSAROV Serhiy Mykolayovych - the First Deputy Minister of Internal Affairs of Ukraine - the chief of the General staff

KIKHTENKO Olexandr Tymofiyovych - the First Deputy Commander-in-chief, the chief of the staff of internal forces of the Ministries of Internal Affairs of Ukraine

PTASHYNSKYY Olexandr Borysovych - the First Deputy Head of the State department of Ukraine on Execution of Punishments

URUSKYY Oleh Semenovych – the Director of the Department on defence, defence-industrial policy and military-technical cooperation of the Secretariat of the Cabinet of Ministers of Ukraine

CHALYY Volodymyr Dmytrovych- the Deputy Minister of Finance of Ukraine

SHELEST Yevhen Fedorovych - the Head of the Main Directorate on staff and organisation of mobilization work, the Deputy Chief of the General Staff of the Armed Forces of Ukraine.

*(The composition of the Commission with changes introduced by the Decrees of the President N 1211/2003 of 25.10.2003 and N 1042/2004 of 04.09.2004)*

## **Part VII**

# **The Legislative Framework for Participation in International Peacekeeping Activities, Military and Military Technical-Cooperation**



## Commentary to Part VII

The active participation of Ukraine in international peace-keeping activities, as well as the expansion of international cooperation in military and military-technical spheres have led to the adoption of legal acts directed at safeguarding the national interests of Ukraine and protecting its state sovereignty.

The laws of Ukraine '*On Participation in International Peacekeeping Operations*', '*On the Procedure of Sending of Armed Forces Units to Other States*', '*On the Procedure for the Reception of Foreign Armed Forces Units in Ukraine and the Conditions of Stay*' serve this purpose. According to these laws, decisions of the National Security and Defence Council of Ukraine and Presidential decrees regarding the sending of units of the Armed Forces of Ukraine to other states, as well as dealing with the reception of units from foreign Armed Forces on Ukrainian territory, are subject - according to the Constitution - to obligatory approval by the Verkhovna Rada. The necessary conditions of the reception and stay of the foreign units in Ukraine are well-defined in terms of the restrictions of their terms of stay, observance and respect for the laws of Ukraine, and non-interference to its internal affairs.

The expansion of peace-keeping activities since 1993 has resulted in 25 thousand servicemen of the Armed Forces of Ukraine taking part. The demonstration of their discipline, professionalism, and moral qualities on such operations conducted upon UN mandates has strengthened the international authority of Ukraine.

Legal principles, the main directions of military and military-technical cooperation of Ukraine with other states, procedure of distribution of powers of organs of central executive authority in this area, and the operation of export control systems are all determined by a number of Presidential decrees. The procedure of control over international transfers of military and dual-use goods, and any liabilities committed are established by the Law of Ukraine "On State Control Over International Military Transfers and Dual Use Goods" (20 February 2003) whose adoption was approved by the international community.

# Law on Participation in International Peacekeeping Operations

613-XIV of 23.04.1999; (Bulletin of the Verkhovna Rada of Ukraine (BVR), 1999, No. 22-23, p. 202) Includes changes made by Law No. 1106-IV of 10.07.2003, BVR, 2004, No. 7, p. 50

Being fully aware of the responsibility for international peace and security, taking into account the obligations of Ukraine as a state party to the United Nations (further - 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 (further - the OSCE) to cooperate efficiently in the use of the full range of opportunities of the OSCE for the prevention and resolution of conflicts, Ukraine considers the participation in international peace-keeping operations to be an important component of its external policy.

This Law determines the legal, organisational and financial bases of the participation of Ukraine in international peace-keeping operations, and also the procedure for sending Ukrainian military and civilian personnel abroad, the organisation of their training, and support for their participation in international peace and security support and reconstruction.

## Article 1. Definition of terms

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

International peace-keeping operations are international activities or activities carried out in accordance with resolutions of the UN Security Council, according to the Charter of the UN, the OSCE, other regional organisations responsible for international peace and security support according to provisions of Chapter VIII of the Charter of the UN, as well as activities and measures of the Combined Joint Forces created by consent of the UN Security Council carried out under the general control of the Security Council with the purpose of:

- Prevention of international or internal conflicts;
- Regulation or creation of conditions for the regulation of intergovernmental as well as internal conflicts by consent of the parties to 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 cease-fire and other hostile activities, cessation agreements, separation of belligerents, demobilisation and disarmament of their units, and the performance of engineering and other works;
- Provision of humanitarian assistance to people suffering from intergovernmental or internal conflicts;
- Carrying out police functions to ensure security and observance of human rights;
- Providing assistance to post-conflict reconstruction;
- Elimination of the danger to the peace, breaches of peace or acts of aggression;
- Peace-keeping 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-keeping operations, including military units of the Armed Forces of Ukraine, other military formations belonging to the allied military units created together with

other states for the participation in international peace-keeping operations (joint battalions, etc.);

- The peace-keepers are understood as individual servicemen and employees of the Armed Forces of Ukraine, other military formations, privates and commanding personnel of law-enforcement organs and other state organs and civilian establishments of Ukraine sent by Ukraine for the participation in international peace-keeping operations and not belonging to the peace-keeping contingent;
- Logistical resources and services are understood as the logistical resources and services provided by Ukraine for use in international peace-keeping operations, including military and special equipment, arms, communication facilities, vehicles with crews, food, medical supplies, etc.

### **Article 2. Conditions for Ukraine to participate in international peace-keeping operations**

Ukraine participates in international peace-keeping operations exclusively on terms 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. The peace-keeping 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 the consent of the UN Security Council, of which the actions and measures are brought about under the general control of the Security Council.

Participation of Ukraine in international peace-keeping operations is carried out by placing the peace-keeping contingent, peace-keeping personnel, and also logistical resources and services at the disposal of the relevant organs determined by the decision on carrying out such operations.

### **Article 3. Submission of the proposal on participation of Ukraine in an international peace-keeping operation**

The proposal for Ukraine to participate in an international peace-keeping 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 about the area of the peace-keeping contingent or peace-keeping personnel operation, their tasks, numeric strength, type and composition of arms, military equipment, subordination, terms of stay and procedure of their prolongation, 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, 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 participation of Ukraine in the international peace-keeping operation.

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, taking into account the opportunities for financing and logistical support, level of security of citizens of Ukraine who will take part in the peace-keeping operation in the structure of the peace-keeping contingent or peace-keeping personnel, submits the proposal on the participation of Ukraine in the international peace-keeping operation for the consideration of the President of Ukraine.

*(Article 3 includes changes made by Law 1106-IV of 10.07.2003)*

**Article 4. Decision-making on participation of Ukraine in an international peace-keeping operation**

The decision to send a Ukrainian peace-keeping contingent or peace-keeping personnel for the international peace-keeping operation, and the decision to grant logistical resources and services 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 peace-keeping contingent. Together with the bill the information specified in Part 1 of Article 3 of this Law is submitted.

The decision of the President of Ukraine to send the peace-keeping contingent to another state for participation in an international peace-keeping operation signed by the Prime Minister of Ukraine and the minister responsible for the fulfilment of this decision is subject to approval of the Verkhovna Rada of Ukraine according to item 23 of Article 85 of the Constitution of Ukraine. The bill of approval of the decision to send Ukrainian peace-keeping contingent to another state presented by the President of Ukraine is considered by the Verkhovna Rada of Ukraine as urgent.

The decision by Ukraine to grant logistical resources and services for use in the international peace-keeping operation is adopted by the Cabinet of ministers of Ukraine according to the decision of the President of Ukraine on participation of Ukraine in the international peace-keeping operation.

**Article 5. Staffing of the peace-keeping contingent and peace-keeping personnel**

The peace-keeping contingent and peace-keeping personnel are staffed with citizens of Ukraine - servicemen and employees of the Armed Forces of Ukraine, privates and commanding personnel of law-enforcement organs, other military formations and other state organs and civilian establishments of Ukraine who have the necessary professional and psychological training.

Enrolment of Ukrainian citizens for the peace-keeping contingent or peace-keeping personnel takes place exclusively on a voluntary basis.

**Article 6. Training of Ukrainian citizens for participation in international peace-keeping operation**

Citizens of Ukraine joining the peace-keeping contingent or sent for participation in the international peace-keeping operation as the peace-keeping personnel first undergo special training in the relevant educational centres.

**Article 7. Returning and recall of the peace-keeping contingent and peace-keeping personnel taking part in an international peace-keeping operation**

The peace-keeping contingent and peace-keeping personnel sent to another country for participation in an international peace-keeping operation return to Ukraine after the termination of the operation. They can also be withdrawn before the termination of

peace-keeping operation in case their continued participation in the specified operation is inexpedient, taking into account the essential change of international military-political conditions or circumstances in the region, end of financing and other reasons. The decision to recall the peace-keeping contingent and peace-keeping 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-keeping operations and members of their families**

Social protection of participants of international peace-keeping operations and members of their families is provided according to the laws of Ukraine.

If the international treaties or agreements Ukraine participates in establish higher guarantees of protection of participants of international peace-keeping 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 peace-keeping contingent, one month of service abroad by Ukrainian citizens is recalculated as being three months of service in the record of service.

**Article 9. Financial provision of participation of Ukraine in international peace-keeping operations**

Reimbursement of expenses connected with participation of Ukraine in international peace-keeping 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, the OSCE or other regional organisation financing the international peace-keeping operation;

At the expense of the State Budget;

By means provided by the UN, the OSCE or other regional organisation financing the international peace-keeping operation.

The procedure and sources of financing are determined at the approval of the decision by the Verkhovna Rada of Ukraine about participation of Ukraine in the international peace-keeping operation.

*(Article 9 in the wording of Law 1106-IV of 10.07.2003)*

**Article 10. Informing the Verkhovna Rada of Ukraine on participation of Ukraine in the international peace-keeping operation**

The Cabinet of Ministers of Ukraine annually presents to the Verkhovna Rada of Ukraine the report on participation of Ukraine in international peace and security support or reconstruction.

# Law on the Procedure of Sending Armed Forces' Units to Other States

1518-III of 02.03.2000; (Bulletin of the Verkhovna Rada of Ukraine (BVR), 2000, No. 19, p. 144)  
Includes changes made by the Law 686-IV of 03.04.2003, BVR, 2003, No. 28, p. 215.

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, principles of formation, organisation of training of the specified units and guarantees of social protection of their military and civilian personnel, and of members of their families.

## Article 1. Definition of terms

In this Law the terms shall have the following meaning:

- The unit of the Armed Forces of Ukraine is a military unit belonging to the Land Forces (troops of ground defence), Forces of air defence, Air Force, Navy or special Forces (troops) of the Armed Forces of Ukraine, standing (regular) or provisional, equipped with light weapons or heavy combat materiel falling under the Treaty on Conventional Armed Forces in Europe, under command of the person responsible to Ukraine and other state for behaviour of the subordinates who are obliged to observe internal discipline, norms of international law, and is sent to other states with the purpose of the fulfilment of combat, peace-keeping or humanitarian missions to protect civilians from radiological, chemical, biological danger and alleviation of consequences of the use of weapons of mass destruction;
- Persons of the military personnel are the servicemen doing military service in units of the Armed Forces of Ukraine and being sent to other states;
- Persons of the civil personnel are the persons working under contract in the units of the Armed Forces of Ukraine and being citizens of Ukraine.

*(Article 1 includes changes made by Law 686-IV of 03.04.2003)*

## Article 2. Grounds for sending of the 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 stay in the territory of these states only temporarily on the basis of international treaties of Ukraine and according to the procedure and on terms determined by the legislation of Ukraine.

## Article 3. Contents of the international contract for sending of the 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 of the 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;
- Kinds of activity and subordination of the units of the Armed Forces of Ukraine;

- Place and limits of location of the units of the Armed Forces of Ukraine;
- Composition and structure of the units of the Armed Forces of Ukraine, and also the types and amount of arms and military equipment;
- Numeric strength of the military and civilian personnel;
- Legal status of the military and civilian personnel;
- The procedure of entrance (departure) in (from) the host country;
- Routes of movement on the territory of the host country;
- The procedure for customs and border control, 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;
- Issue of payment of compensation to the military and civilian personnel who became invalid due to injury, contusion, mutilation or disease inflicted during performance of the duties of military service (official duties) connected with participation in military assistance to other states, 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, and reported missing at the performance of duties of military service (official duties);
- Issues of jurisdiction connected with 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;
- Conditions for the denunciation of the international treaty of Ukraine;
- Financial, material and other issues connected with the support of stay of the units of the Armed Forces of Ukraine in the territory of other states apparent from the international obligations of the parties of the international treaties agreed to be 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 with the observance of the established procedure for customs and border control, transportation of weapons, military equipment, and other property necessary for the fulfilment of the tasks assigned to them.

**Article 5. Transit of the units of the Armed Forces of Ukraine through the territory of other states**

The procedure and conditions of transit of 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 the sending of units of the Armed Forces of Ukraine to other states**

The proposal on the sending of 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 for Foreign Affairs of Ukraine together with the Ministry of Defence of Ukraine upon

agreement with other interested Central Executives. The proposal should, at the moment of its introduction, include all data available about the area of the peace-keeping contingent or peace-keeping personnel operation, their tasks, total numeric strength, type and composition of arms, military equipment, subordination, terms of stay and procedure of their prolongation, 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, employees of law-enforcement organs, other state organs and civil establishments of Ukraine and members of their families, as well as the information on the procedure of reimbursement of expenses connected with participation of Ukraine in the international peace-keeping 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, taking into account the opportunities of financing and logistical support, level of security of citizens of Ukraine who will take part in the peace-keeping operation in the structure of the peace-keeping contingent or peace-keeping personnel, submits the proposal on the participation of Ukraine in the international peace-keeping operation for the consideration of the President of Ukraine.

**Article 7. Decision-making on sending of the units of the Armed Forces of Ukraine to other states**

The decision on sending of the 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 sending of the peace-keeping contingent. Together with the bill the information specified in Part 1 of Article 6 of this Law is submitted.

The decision of the President of Ukraine on sending of the units of the Armed Forces of Ukraine is subject to approval of the Verkhovna Rada of Ukraine according to item 23 of Article 85 of the Constitution of Ukraine. The bill of approval of the decision on the sending of the Ukrainian peace-keeping contingent to other states presented by the President of Ukraine is considered by the Verkhovna Rada of Ukraine as urgent.

**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 further stay in the territory of other states no longer corresponds to the national interests of Ukraine or violates conditions of their stay specified in the international treaty agreed to be binding by the Verkhovna Rada of Ukraine. The decision on recall of the units of the Armed Forces of Ukraine is adopted by the President of Ukraine on representation of the Ministry for Foreign Affairs of Ukraine, coordinated with the Ministry of Defence of Ukraine, taking into account the international obligations of Ukraine.

**Article 9. The Procedure of manning of the units of the Armed Forces of Ukraine sent to other states**

Manning with the military and civilian personnel of the units of the Armed Forces of Ukraine sent to other states by their request with the purpose of military assistance is carried out exclusively on a voluntary basis.

Contracts for manning of the units of the Armed Forces of Ukraine sent to other states are concluded with:

- Officers, ensigns and warrant officers doing contractual military service;
- The officers doing military service for a fixed period;
- The officers doing regular service enlisted in the Armed Forces of Ukraine before introduction of contractual military service;
- The servicemen doing contractual military service as soldiers and sailors, sergeants and foremen;
- The servicemen in service for a fixed period who have served no less than one year and have the relevant training.

Duration of continuous service of military personnel and the work of civilian personnel in the structure of the 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**

Training and special training of the military and civilian personnel of the units of the Armed Forces of Ukraine sent to other states are conducted in the relevant educational centres and military educational institutions.

Technical, administrative, medical, financial and other kinds of support of the units of the Armed Forces of Ukraine sent to other states are brought about according to the law and international treaty of Ukraine.

**Article 11. Guarantees of social protection of the military and civilian personnel of the units of the Armed Forces of Ukraine sent to other states, and members of their families**

The military and civilian personnel of the units of the Armed Forces of Ukraine who directly participated in operations or in the alleviation of consequences of 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. Calculation of the term of duty and record of service for granting of pensions to these persons according to the law is carried out according to the procedure established by the Cabinet of ministers of Ukraine.

The military and civilian personnel of the units of the Armed Forces of Ukraine who were sent to other states and became invalids at 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 to members of the families of the specified persons lost or reported missing persons at the performance of duties of military service (official duties) or died of injury owing to the performance of these duties, contusion, trauma or mutilation are paid compensatory and insurance payments according to the procedure established by the Cabinet of ministers of Ukraine.

*(Article 11 includes changes made by Law 686-IV of 03.04.2003)*

**Article 12. Financial provision of the activities connected with the sending of the units of the Armed Forces of Ukraine to other states**

Reimbursement of expenses connected with the sending of the units of the Armed Forces of Ukraine to other states and their stay in the territory of these states is carried out 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 discipline, life and health of the 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 at sending of the units of the Armed Forces of Ukraine to other states**

The officials who committed the infringement of the requirements of the Constitution of Ukraine and the laws of Ukraine about 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 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 to be binding by the Verkhovna Rada of Ukraine of Ukraine.

**Article 16. Informing the Verkhovna Rada of Ukraine on the sending of the 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 the report on the sending of the units of the Armed Forces of Ukraine to other states and about the results of their activity in the territory of these states.

## **FINAL PROVISIONS**

This Law enters into force from the date of its publication.

# **Law on the Procedure for the Reception of Foreign Armed Forces Units in Ukraine and the Conditions of Stay**

1479-III of 22.02.2000 (Bulletin of the Verkhovna Rada of Ukraine (BVR), 2000, No. 17, p. 122)

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, and also the procedure of control over their activity during their stay in the territory of Ukraine.

## **PART I. GENERAL PROVISIONS**

### **Article 1. Definition of terms**

In this Law the terms shall have the following meaning:

- The unit of the Armed Forces of another state (further - 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 falling under the Treaty on Conventional Armed Forces in Europe, under command of the person responsible to Ukraine and another state for the behaviour of the subordinates which are obliged to observe internal discipline, norms of international law and which are sent to Ukraine with the specific mission determined by the international treaty of Ukraine;
- The military personnel are the servicemen doing military service in the units of the Armed Forces of another state sent to Ukraine;
- The civilian personnel are the persons working in units of the Armed Forces of another state sent to Ukraine, and who are not citizens of Ukraine;
- Members of families of the military and civilian personnel are members of families of servicemen or the 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;
- Place of location of the units of the Armed Forces of another state is the territory, and water area designated in the treaty where the units are placed.

### **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 carried out 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:

1. 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 on updating of combat preparedness of the troops and exchange 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;
2. 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 10 days if not otherwise stipulated by the international treaty of Ukraine;
3. Granting to Ukraine, at its request, military assistance in rebuff (prevention, suppression) of armed aggression from a third country (third countries);
4. Granting to Ukraine, at its request, help in the alleviation of consequences of emergencies caused by natural and technogenic consequences;
5. Service of the military units temporarily placed in the territory of Ukraine according to the international treaties of Ukraine.

**Article 4. Restriction of 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 and other kinds of weapons of mass destruction, and also weapons having components of nuclear, chemical, bacteriological arms, and other weapons of mass destruction is forbidden.
2. Potential carriers of nuclear weapons, 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 stipulation that appropriate reorganisation is made which is certified by the relevant document.
3. The reception and stay in the territory of Ukraine of submarines and surface vessels equipped with nuclear energy installations, which form potential sources of contamination of the Black and Azov Seas is forbidden.
4. The reception on the territory of Ukraine of the units of the Armed Forces of states which have not recognized its independence and territorial integrity or having territorial claims against it is forbidden.
5. In case of the introduction in Ukraine or in its particular areas a state of emergency or martial law in the interests of the national security, additional restrictions or prohibitions on the reception of the 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 precise definiteness and limitation of the time of such stay;
  - b. Conformity of such stay with the national interests of Ukraine;

- c. Not impeding the relations of Ukraine with third states and strengthening international collective security;
  - d. Observance by the units of the Armed Forces of other states, the military and civilian personnel in their structure, and also members of their families of laws of Ukraine, abstention from any political activity in Ukraine, and also from other activities not complying with its national interests;
  - e. Non-use of the units of the Armed Forces of other states contrary to military-political and other interests of Ukraine, requirements of the Charter of the United Nations on issues of activities on peace and security support, and 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 to be 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, kinds of activity and subordination;
  - b. Composition and structure of the units of the Armed Forces of other states (other state), numeric strength of the military and civilian personnel, and also types and quantity of arms and military equipment;
  - c. Place and limits of location of the units and restrictions on movement of their military and civilian personnel;
  - d. The procedure of entrance in the territory of Ukraine and departure from Ukraine of the units, and also of their military and civilian personnel not in the structure of these units;
  - e. Routes of transit of the units of the Armed Forces of other states through the territory of Ukraine;
  - f. The procedure of the use of the units of the Armed Forces of other states during their stay in Ukraine;
  - g. Conditions and procedure for the use by the units of the Armed Forces of other states of bases, educational centres, ranges and other installations in the territory of Ukraine;
  - h. Requirements on environment protection, recycling and disposition of wastes;
  - i. The rate and procedure of paying rent for the use of ground areas and other real estate (including inhabited and other premises) and payments for using water, air space of Ukraine, for aeronautical, navigational-hydrographic and data ware of the units, 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 states or other physical or legal persons in the territory of Ukraine as a result of the activities or acts of omission of the units, their military and civilian personnel;
  - k. The procedure for the right of the military personnel of the units to carry weapons and use them;
  - l. Conditions of use in the territory of Ukraine of the state symbols of the states of the units of the Armed Forces 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 carrying out sudden checks of observance by the units of the Armed Forces of other states of the treaty provisions;
  - n. The question of jurisdiction connected with the stay of the units in the territory of Ukraine,

- o. 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 bases for denunciation of the international treaty of Ukraine;
- q. Conditions and procedure of 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 in Ukraine of the units of the Armed Forces of other states.

**Article 6. Grounds for the denunciation of the 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 case of:

- If the further 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 defined by the international treaty of Ukraine is achieved;
- 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;
- Intervention or threats of intervention of the units of the Armed Forces of other states in the internal affairs of Ukraine;
- 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;
- Threat to lose control over the units of its Armed Forces in the territory of Ukraine by the other state;
- The state, of which the units of the Armed Forces are staying in the territory of Ukraine, has come into military conflict with a third state, and there is therefore a threat to 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 the units of the Armed Forces of other states on the territory of Ukraine 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 necessary agreement with other interested Central Executives. The proposal should, at the moment of its submission, include all data available on the area of the deployment, tasks, total numeric strength, types and composition of arms, military equipment, subordination, terms of stay and procedure of their prolongation, procedure of replacement and conditions of withdrawal, as well as the information on the procedure of reimbursement of expenses connected with participation of Ukraine in the international peace-keeping operation..

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, taking into account the opportunities of financing and logistical support, level of the security of citizens of Ukraine who will take part in the peace-keeping operation in the structure of the peace-keeping contingent or peace-keeping personnel, submits the proposal on the participation of Ukraine in the international peace-keeping 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 of specified in Part 2 of Article 7 of this Law proposal, adopts the decision on the reception of the units of the Armed Forces of other states on the territory of Ukraine.
2. 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 according to item 23 of Article 85 of the Constitution of Ukraine is subject to consideration by the Verkhovna Rada of Ukraine as urgent.  
The decision on the reception of the units of the Armed Forces of other states on the territory of Ukraine is not submitted for approval by the Verkhovna Rada of Ukraine if such reception is stipulated by the international treaty agreed to be binding by the Verkhovna Rada of Ukraine.
3. Proposals on the reception and stay in the territory of Ukraine of the units of the Armed Forces of other states under the framework of military cooperation can be submitted on the basis of coordination with the relevant states and approval by the President of Ukraine of the plans of military cooperation according to the international treaties of Ukraine for a year or other period. They are considered, coordinated and approved according to the procedure determined by Article 7 of this Law and this Article.
4. 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 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 realized by executive organs of Ukraine after denunciation by Ukraine of the relevant international treaty in accordance with the established by the 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 of entrance in the territory of Ukraine and departure from it of the units of the Armed Forces of other states**

1. Units of the Armed Forces of other states, their military and civilian personnel can arrive to Ukraine by automobile or railway vehicles, sea and river vessels and

- military ships or aircraft and stay in Ukraine or transit through its territory according to this Law and 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 have with them:  
Valid national passports or replacing documents;  
Official identification cards with a photo if entrance is carried out under the general (common) list, and the commander of the unit can confirm the person with the valid national passport or the document substituting it.
  3. Servicemen crossing the border should wear military uniform and have the established insignia.
  4. The military and civilian personnel of the units of the Armed Forces of other states, their personal things and the weapons of the units of the Armed Forces of other states during the crossing of the state border of Ukraine are subject to border and customs control. When the specified units cross the state border of Ukraine for rendering to Ukraine, at its request, help in the alleviation of consequences of emergencies they are subject to simplified border and customs control determined by the Cabinet of ministers of Ukraine. The foreign military ships (vessels), battle and military-transport, aircraft, and also military equipment which arrive to Ukraine or leave it are not subject to customs. Peaceful passing through the territorial sea of Ukraine of the foreign military ships (vessels) 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 the bases determined by Article 2 of this Law and the military and civilian personnel in the structure of these units are obliged to fulfil the sanitary norms and rules established in Ukraine.
  6. The 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 obligatory registration of the National passports or documents substituting them in 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 location of these units.
  7. Departure from Ukraine of the units of the Armed Forces of other states and transportation of military property and military equipment are brought about in accordance to the same procedure which is established for their entrance to Ukraine.
  8. Members of families 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 fill in official certificates of the 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 national interests of Ukraine, not infringe upon rights, freedoms and legitimate interests of the citizens of Ukraine, and also foreigners and persons without citizenship staying in Ukraine legally.

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 to gain the rights 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 and freedoms, and also the same duties, as the citizens of Ukraine, apart from the exceptions established by the Constitution of Ukraine, the law or the international treaties of Ukraine.
2. In case a person of the military or civilian personnel of a unit of the Armed Forces of other states is suspected of committing a crime in the territory of Ukraine stays outside 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 military uniform of the state, to carry and use weapons at performance of the duties of military service within the location of these units, and also in the places of military exercises and training of the units according to the purpose of their stay in Ukraine. In case of infringement of the specified requirements, the weapons and ammunition belonging to the military personnel are withdrawn by the relevant organs of Ukraine according to the established procedure.

**Article 13. Sanitary and epidemiologic inspection, state veterinary control and medical support of the units of the Armed Forces of other states**

1. Measures on the prevention of the spread of diseases, and people, animals, plants and pests in the units of the Armed Forces of other states and control over this is brought about according to the legislation of Ukraine.
2. Sanitary and epidemiologic supervision, state veterinary control over the location of the units of the Armed Forces of other states is carried out by the relevant organs of the state power of Ukraine and their officials according to the laws of Ukraine.
3. When it is impossible for foreign states to provide sufficient health services for the military and civilian personnel and members of their families during their stay in Ukraine, health care 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. Environment protection**

1. Units of the Armed Forces of other states should observe the requirement on environment protection, maintenance of ecological security, and the prevention of the pollution of the environment and deterioration of natural resources established by the law of Ukraine.

2. During military exercises and the use of training installations, it is prohibited to violate the operating rules of arms, military and other military equipment.
3. Fuel, combustible and oil materials, and also other substances necessary for the operation 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 with the observance of the requirements of the legislation of Ukraine on environmental protection.
4. Destruction of ammunition not used by the units of the Armed Forces of other states during their stay in Ukraine is carried out according to the norms and rules established in Ukraine at the expense of the states owning this ammunition if not otherwise established by the international treaty.
5. Radioactive substances and sources of ionizing radiation intended for the 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 case of pollution of the environment and deterioration of natural resources caused by the units of the Armed Forces of the other state, this state, according to the relevant international treaty of Ukraine, is obliged to take measures to restore to the former state the environment 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 of the units of the Armed Forces of other states are registered with the relevant organs of Ukraine and used with the observance of the requirements of normative-legal acts, including the restriction of noise level, deleterious substances content in the water, gas, etc.
2. Transport routes for moving the units of the Armed Forces of other states, arms, heavy military equipment, dangerous materials, types of transport and other essential conditions of transportation are coordinated with the relevant executive organs of Ukraine.
3. Both civilian permits and military driving permits meeting the Convention on traffic and issued by the relevant state organs of other state units of the Armed Forces staying in the territory of Ukraine are admitted 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 regulation on accident sites and regulation of movement of transport with dangerous cargo.

**Article 16. Communication facilities and electronic means of the units the Armed Forces of other states**

1. Assignment of radio frequencies and call signs, registration of permits to use electronic means in the territory of Ukraine, and also on their import by the units of the Armed Forces of other states to the territory of Ukraine and the state supervision of the work of these means, are brought about according to the legislation of Ukraine.
2. Units of the Armed Forces of other states use the assigned radio frequencies for electronic means in the presence of the relevant permits. Issues of change of radio frequencies are settled according to the procedure determined by the Cabinet of ministers of Ukraine.
3. The term of use of the assigned radio frequencies cannot exceed the term of stay of the units of the Armed Forces of other states in the territory of Ukraine.

After expiration of the term of stay the relevant permits to use radio frequencies are cancelled.

4. Units of the Armed Forces of other states take all necessary measures to prevent the obstruction of the work of communication facilities and electronic means of 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), their permit which is given according to the procedure determined by the Cabinet of ministers of Ukraine.

**Article 17. Restriction of the right of property on individual kinds of property and on using bowels of 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 by citizens, public associations, international organisations and legal persons of other states in the territory of Ukraine, if not otherwise stipulated by this Law or relevant international treaty of Ukraine, cannot be in the possession and disposal of the units of the Armed Forces of other states staying in the territory of Ukraine, and the military and civilian personnel of these units and members of their families.
2. Units of the Armed Forces of other states in the territory of Ukraine are not allowed to conduct geological prospecting of bowels and work deposits of minerals. The military and civilian personnel of the units of the Armed Forces of other states should immediately inform local executive organs about treasures, archaeological values, precious metals, stones, etc. found in the territory (in water) of their stay and transfer them to the specially authorized state organs.
3. Installations and means of water and energy supply systems, national navigation-hydrographic of security of navigation support in territorial waters of Ukraine and the State system of geodetic signs are not subject to rent. Rendering by Ukraine of 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.

**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 and members of their families in the territory of Ukraine enjoy the right to the same insurance protection as the citizens of Ukraine.
2. Any kind of insurance connected with the stay of the units of the Armed Forces of other states in the territory of Ukraine is carried out 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 carried out in the territory of Ukraine according to the laws of Ukraine.

**Article 21. Duties of other states to Ukraine**

1. Other states, in connection with their stay in the territory of Ukraine according to the international treaties of Ukraine, are obliged:
  - To inform beforehand 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 in the territory of Ukraine no later than within three days after such an appointment to office and dismissal from office;
  - To provide reparation according to the procedure determined by the international treaty of Ukraine of 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 of the duties assigned to them;
  - To withdraw by the date established by the international treaty the unit of the Armed Forces from the territory of Ukraine at the expiry of the period of validity of the relevant international treaty or its denunciation by Ukraine.
2. The states of which the units of their Armed Forces are received in Ukraine can also have other duties to Ukraine 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. Command of the units of the Armed Forces of other states staying in the territory of Ukraine is obliged:
  - i) to coordinate beforehand with the Ministry of Defence of Ukraine according to the established procedure the plans of manoeuvres and military exercises of the units;
  - ii) To inform quarterly the Ministry of Defence of Ukraine on the actual numeric strength of the military and civilian personnel, type and quantity of arms and military equipment, and also about the amount of other material means in the territory of Ukraine (according to the list determined by the Ministry of Defence of Ukraine);
  - iii) To be informed about the location of the military and civilian personnel, arms, military, special and other military equipment the relevant units of the Armed Forces of other states are armed with;
  - iv) With the purpose of keeping order and discipline within the limits of authority, to take the necessary disciplinary measures towards military and civilian personnel for offences committed by them. The command has no right to execute disciplinary powers toward the servicemen of the Armed Forces of Ukraine and other military formations of Ukraine, and also toward the military and civilian personnel of the third state.
2. The command of the units of the Armed Forces of other states staying in the territory of Ukraine assists the relevant executive organs of Ukraine with the implementation of control over location and moving of the specified units,

- carrying out of military exercises, 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 and other acts contradicting the laws and the international treaties of Ukraine.
  4. In case military or civilian personnel of unit of the Armed Forces of other states is suspected of committing a crime in the territory of Ukraine, the command of unit is obliged to assist the law enforcement organs of Ukraine carry out detective-investigation activities and investigatory activities according to the laws of Ukraine and to provide, if necessary, the participation in these actions (activities) of the military and civilian personnel.

#### **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 of their observance of the laws of Ukraine**

1. Control over the activity of the units of the Armed Forces of other states in the territory of Ukraine is carried out within the limits of the authority by 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, laws and international treaties of Ukraine.
2. Supervision of observance of laws of Ukraine and international treaties agreed to be binding by the Verkhovna Rada of Ukraine by the units of the Armed Forces of other states is carried out by the Procurer General of Ukraine, the Offices of Public Prosecutor of other levels subordinated to it, Office of military Prosecutor of Ukraine.

##### **Article 24. Resolution of disputes**

Disputes arising in connection with the temporary stay in the territory of Ukraine of the units of the Armed Forces of other states are resolved by negotiations between Ukraine and other states according to the procedure and terms determined by the relevant international treaties. In the absence of such treaties other mutually acceptable procedures of dispute resolution 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**

The 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 brought 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 to the President of Ukraine and the Verkhovna Rada of Ukraine information on the stay in the territory of Ukraine of units of the Armed Forces of other states.

**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 applied in part so as not to contradict this Law.
3. The Cabinet of ministers of Ukraine within a six months term is obliged to:
  - Submit for consideration by the Verkhovna Rada of Ukraine the proposal to bring the acts of Ukraine in conformity with this Law;
  - Bring its normative-legal acts in conformity with this Law;
  - Ensure the cancellation by the ministries, other central and local executive organs of the normative-legal acts contradicting this Law.

# Law on State Control Over International Military Transfers and Dual Use Goods

549-IV of 20.02.2003; (Bulletin of the Verkhovna Rada of Ukraine (BVR), 2003, No. 23, p. 148)

This Law regulates the activity connected with the 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, observance of its international obligations on issues of non-proliferation of weapons of mass destruction, means of their delivery, restriction of transfers of conventional arms, and also the implementation of measures to prevent the use of the specified goods for terrorist and other illegal purposes.

## PART I. GENERAL PROVISIONS

### Article 1. Definition of terms

In this Law the terms given below shall have the following meaning:

- International transfers of goods are understood as their export, import and re-export, their temporary export outside Ukraine or their temporary import to its territory, the transit of goods through the territory of Ukraine, and also any other transfers of goods which are brought about outside Ukraine under the stipulation of the participation in them of the subjects of international transfers of the goods;
- Export is understood as a sale or transfer on other legal bases 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, including:
- Sale or transfer of the goods in Ukraine to an embassy or a representative of any legal person of foreign states, foreigner or person without citizenship;
- Sale or transfer in Ukraine or outside it of the right of management (control) of the goods to a legal person of foreign states 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 moving outside Ukraine;
- Embargo (full or partial) is understood as the prohibition or restriction of the export of goods to states determined by international organisations Ukraine belongs to or to states subject to the corresponding national policy;
- Import is the purchase or obtaining on other legal bases 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 it, and also diplomatic representatives and consular establishments of Ukraine abroad;

- Re-export is the sale or transfer on other legal bases to foreign subjects of economic or other activity with or without the export outside Ukraine of the goods earlier imported to Ukraine;
- 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 check point across the state border of Ukraine, except for cases when the right of property or the right of possession and use of the goods at such transportation on the territory of Ukraine lapses 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 Ukraine;
- The goods are understood as the military and dual-use goods;
- The military and dual-use goods in aggregate or individually are:
  - Products with a military purpose - arms, ammunition, military and special military equipment, special components for their manufacture, explosives, and also materials and equipment specially intended for development, manufacture or use of the specified products;
  - Services of military purpose are services rendered to foreign legal or physical persons in Ukraine or outside it, including intermediary (broker) ones, in the sphere of development, manufacture, construction, assembly, test, repair, maintenance service, updating, modernization, operation, management, demilitarization, 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 are the special information, in any form (except for mass information), necessary for the development, manufacture or use of products of military purpose and 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 and instructions;
    - Technical help is the carrying out of instructing, consultations and implementation of measures with the purpose of the improvement of professional skill, training, practical development of methods of work;
  - Base technologies are the technologies determining the principle of work and use of military equipment, and elements of technologies without which the military equipment cannot be created and used;
- Dual-use goods are products, equipment, materials, software and technologies not designed for military use, including the work and services connected with them which, except for civilian use, can also be used for military or terrorist purposes or for the development, manufacture, and use for military purpose, weapons of mass destruction, means of transportation of the specified weapons or nuclear explosives, including certain kinds of nuclear materials, chemical

substances, bacteriological, biological and toxic preparations, the list of which is determined by the Cabinet of ministers of Ukraine;

- Ultimate consumers are subjects of entrepreneurial 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 the goods imported to Ukraine or exported from Ukraine;
- Military ultimate use is the use of any goods with the purpose of the development, manufacture, assembly, test, repair, maintenance service, updating, modernization, operation, storage, revealing, identification, 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 and technologies or rendering services;
  - Inclusion of such goods in the structure of products of military purpose;
- The subject of entrepreneurial activity of Ukraine having the intention to carry out or carrying out international transfers of the goods, including intermediary (broker) activity, is registered by the specially authorized organ of executive power on issues of state export control;
- The permit is the document issued by the specially authorized organ of executive power on issues of state export control, which enables the subject of international transfers of goods to export or import the goods. The permit can be single, general or open;
- The findings is the document issued by the specially authorized organ of executive power on issues of state export control, which enables the subject of international transfers of goods to temporarily import or export the goods or transit them, conduct negotiations on issues of findings of foreign economic contracts for international transfers of the military goods or export dual-use goods and other goods in the states subject to partial embargo on 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 to conduct the relevant negotiations or carry out the concrete international transfer of the goods to the determined ultimate consumer with the indication of their name, amount, costs, special conditions of delivery, name of the foreign subject of economic or other activity, the state of 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 carry out international transfers of the goods to the determined ultimate consumer with the indication of their name, special conditions of delivery, the name of the foreign subject of economic or other activity, the state of 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 carry out international transfers of the goods with the indication of their names, special conditions of delivery and the name of the state of purpose or origin of the goods only;

- The state export control is a complex of measures to control international transfers of goods, their use by legal or physical persons carried out by the specially authorized organ of executive power on issues of state export control and other state organs with the purpose of the protection of the interests of national security and according to the international obligations of Ukraine;
- System of in-house export control is a complex of organisational, legal, informative and other measures carried out by the subject of international transfers of the goods with the purpose of 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 promoting the implementation of international transfers of military goods, including activities on the financing, transportation of cargoes 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) of the specially authorized 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, certificate of receipt or other document containing such obligation (confirmation), and also the Commitment Letter of the ultimate consumer issued in the form of the certificate of ultimate consumer;
- The international import certificate is the document issued by the specially authorized 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, not to send them to other place and without the permission of the specified state organ;
- The certificate of perception is the document issued by the specially authorized state organ of the state-importer confirming that the goods specified in it are delivered in the state;
- The certificate of ultimate consumer is the document by 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, transferred to other subjects of entrepreneurial activity on the territory of the state or re-exported without the permission of the relevant state organ, and also takes up other guarantees (obligations) on the imported goods stipulated by conditions of the foreign economic agreement (contract) or requirements of the state-exporter of the goods.

#### **Article 2. Applicability of the Law**

This Law is applicable to the activity connected with the international transfers of the goods, including rendering of intermediary (broker) services, industrial, scientific and technical and other cooperation, demonstration of the goods at international exhibitions and fairs with the purpose of advertising, carrying out of tests, trade and operations on their exchange carried out according to the established procedure by the subjects of the international transfers of the goods.

This Law is not applicable to:

- The handling of goods in connection with measures conducted by the Armed Forces of Ukraine and other military formations of Ukraine outside of it or military formations of foreign states in the territory of Ukraine under the framework of international treaties providing for the relevant mechanisms of state control;
- International transfers of gas, sport or hunting weapons, their components, patrons to gas and ammunition for sport or hunting weapons, and also the export and import, according to the international treaties, of the organic and service-regular weapons belonging the servicemen, privates and command personnel of law-enforcement organs and other persons who according to the legislation have the right to bear such weapons.

### **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 also international treaties of Ukraine agreed to be binding by the Verkhovna Rada of Ukraine.

### **Article 4. Principles of state policy in the sphere of state export control**

The state policy in the sphere of state export control is formed in conformity with the following main principles:

- Priority of the national interests of Ukraine - political, economic and military protection which is necessary for ensuring of national security;
- The aim to fulfil the international obligations of Ukraine on the non-proliferation of weapons of mass destruction, means of their delivery and establishment of state control over international transfers of military and dual-use goods, and also the maintenance of the implementation of measures on exclusion of use of specified goods for terrorist and other illegal purposes;
- Legality;
- Implementation of export control only within reasonable limits necessary for the achievement of its purposes;
- Coordination of procedures and rules of state export control with international law and 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 to ensure the non-proliferation of weapons of mass destruction and means of their transportation.

### **Article 5. Methods of implementation of state export control**

Methods of implementation of state export control are the following:

- Identification of the concrete goods meant for international transfers, and matching 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 conducting negotiations to effectuate such transfers;
- Implementation of customs control and customs registration of the goods according to legislation;

- Imposing of permits on the subjects of foreign trade activity who have broken 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**

Legislative bases for state policy in the sphere of state export control are determined by the Verkhovna Rada of Ukraine.

The general management of state policy in the sphere of state export control in accordance with the Constitution of Ukraine is carried out by the President of Ukraine.

The Council of National Security and Defence of Ukraine coordinates the activity and carries out control over the activities of executive organs in the sphere of the state export control.

The Cabinet of Ministers of Ukraine ensures implementation of the state policy in the sphere of state export control.

State policy in the sphere of state export control is implemented by the specially authorized organ of executive power on issues of state export control, and also the ministries, other Central Executives authorized according to legislation to carry out measures in the sphere of state export control. The specified executive organs can also engage other Central Executives, representative offices of Ukraine abroad and legal persons whose activity is not directly connected with state export control by consent of their supervisors to participate in the implementation of measures of state export control.

The specially authorized organ of executive power on issues of state export control directly, or together with other Central Executives, assists the implementation of activities connected with the international transfer of goods when it is 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 in case when it contradicts the national interest of Ukraine, its international obligations, impedes the fight against terrorism, and also in case when there are reasons to believe that the specified goods are weapons of mass destruction or are intended for the creation of such weapons, means of their transportation, or in the absence thereof of appropriate guarantees (obligations) of the ultimate use of the goods.

**Article 7. Information exchange during the implementation of state export control**

The specially authorized organ of executive power on issues of state export control has the right to receive (free of charge) from other executive organs and subjects of international transfers of goods information necessary for the implementation of the powers in the sphere of state export control, to use it and to carry out the international exchange of information.

The information on international transfers of goods received by the organs carrying out the 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 protection of national interests.

The 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 and 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 international transfers of goods is established by the Cabinet of ministers of Ukraine according to this and other laws of Ukraine, Decrees of the President of Ukraine depending on the concrete groups of goods.

### **Article 9. Lists of goods subject to state export control**

The names and descriptions of goods meant for international transfers and subject to state export control are put on the lists of goods subject to state export control (further - lists).

Lists are made on the relevant groups of goods by the specially authorized organ of executive power on issues of state export control with the participation of 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, means of their transportation and conventional armaments**

Upon receipt by the Central Executives carrying out state export control of information on the intentions or probability of the use of any goods not put on the lists in the states being their ultimate consumers for development, manufacture, assembly, test, repair, maintenance service, updating, modernization, operation, management, storage, revealing, identifications or proliferation of weapons mass destruction or means of their transportation the specified organs are obliged to inform the specially authorized 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 carried out over the export or temporary export of goods which are not put on the lists in cases when:

- Such goods are imported to the territory of Ukraine with the granting of the international import certificate on 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 of other international organisations Ukraine participates in, 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 authorized organ of executive power on issues of state export control or it comes to be known by other means about the probability of the full or partial use of any goods suggested for export or temporary export to other states for the development, manufacture, assembly, test, repair, maintenance service, updating, modernization, 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 Security Council of the United Nations, other international organisations Ukraine participate in, or when national legislation has established a full or partial embargo on the delivery of the military goods, this subject is obliged to address the specially authorized organ on

issues of state export control for permission to export these goods, irrespective whether they have been put on the lists or not.

**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 authorized organ of executive power on issues of state export control to determine the granting to subjects of international transfers of the goods the relevant permits, findings or international import certificates, registration of subjects of foreign trade activity in the specially authorized 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 constitute state secret.

The major tasks of the 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 international obligations of Ukraine connected with the non-proliferation of weapons of mass destruction, means of their transportation and restriction of transfers of conventional armaments, and estimation of measures on the prevention of the use of the specified goods for terrorist and other illegal purposes;
- Evaluation whether the goods to be exported can potentially be used by the ultimate consumer to create weapons of mass destruction or means of their transportation, conventional arms and military equipment or purchase of any goods which can be used in creation of weapons of mass destruction or means of their transportation;
- Determination of whether 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;
- Checking the guarantees on the delivery of goods to the declared ultimate consumer and the declared purposes for their use;
- Estimation of the condition 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 the subjects of international transfers of the goods the permits on the right to export and import the goods or findings on the right to transit the goods or conduct negotiations to conclude foreign economic contracts for international transfers of the goods, and also the expediency of cancelling or upholding of these permits (findings) at infringement by such subjects of legislation in the sphere of state export control;
- Definition of the potential to grant to the subjects of international transfers of the goods import certificates, and also expediency of cancelling or upholding of these documents at infringement by such subjects of legislation in the sphere of state export control;
- Definition of the potential to register subjects of entrepreneurial activity having the intention 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 authorized organ of executive power on issues of state export control;

- Definition of the potential to submit to the Cabinet of ministers of Ukraine the proposal on granting subjects of foreign trade activity the right to export and import of military goods and goods containing data constituting the state secret;
- Definition of the affiliation of the goods to the material objects of information constituting state secret, and degrees of secrecy of these goods;
- Definition of other factors which can promote the motivated decision-making in the sphere of state export control.

The representatives of firms or organisations interested in a decision by a commission of experts cannot be appointed experts. Duration of expert examination should not exceed 30 days from the date of submission of all the necessary documents to the specially authorized organ of executive power on issues of state export control, and in case when additional interdepartmental coordination is necessary, - on completion of such coordination.

The procedure of the examination in the sphere of export control is determined by the Cabinet of ministers of Ukraine.

#### **Article 12. Registration of subjects of international transfers of the goods**

Subjects of entrepreneurial activity of Ukraine having the intention 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 authorized organ of executive power on issues of the state export control. Toward this end the specified subjects submit data and documents necessary to carry out a preliminary expert examination of the goods to the specially authorized organ of executive power on issues of state export control. Using the results of the expert examination, the specially authorized organ of executive power on issues of the state export control identifies the goods, determines the conditions of their international transfers to the concrete states and grants the specified subjects the certificate on their registration as subjects of international transfers of the goods together with the relevant explanations of features of the implementation of such transfers.

Preliminary identification of the goods, and also implementation of the necessary measures connected with the reception of licensing documents on international transfers of such goods or findings on their export from Ukraine without licensing documents, is the duty of the subject of entrepreneurial activity.

The subject of entrepreneurial activity has the right to charge the organisation which has received, according to the established procedure, such a right with the preliminary identification of the goods. The procedure to grant such the rights is determined by the Cabinet of ministers of Ukraine.

#### **Article 13. The right for international transfers of goods**

For implementation of the export and import of military goods and goods containing data constituting state secret, subjects of foreign trade activity should receive the relevant powers from the Cabinet of ministers of Ukraine.

The procedure of reception and cancelling of the powers on the right to export, import the goods of military purpose and the goods containing data constituting the state secret is established by the Cabinet of ministers of Ukraine.

**Article 14. System of in-house export control**

With the purpose of maintenance of the fulfilment of requirements of legislation in the sphere of state export control over all stages of international transfers of goods, the subject of international transfers of the goods creates the system of in-house export control, according to the recommendations of the specially authorized organ of executive power on issues of state export control which assists the creation of such a system and renders this subject the information-methodical help.

Creation of the system of in-house export control is compulsory for the subject of international transfers of the goods who intends to receive from the Cabinet of ministers of Ukraine the powers on the right to export and import military goods and goods containing data constituting state secret, or in case this subject intends to receive a general or open permit or findings.

The specially authorized organ of executive power on issues of state export control carries out the certification of the systems of in-house export control created by the subjects of international transfers of the goods, and issues to such subjects the relevant certificates on such certification.

The procedure of certification is determined by the Cabinet of ministers of Ukraine.

**Article 15. Permit and findings**

The permit or findings are issued by the specially authorized organ of executive power on issues of state export control as single, general or open permits or findings.

The single permit or findings are given to the subject of international transfers of the goods for conducting negotiations connected with the conclusion of concrete foreign economic agreements (contracts) for international transfers of the goods, or for concrete transfers of the goods according to the specified contracts and is valid during the set time, but no longer than one year. This term can be prolonged by the specially authorized 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).

The general permit or findings can be granted to the subject of international transfers of the goods for multiple contract negotiations, or multiple transfers to concrete ultimate consumers under the foreign economic contracts which are concluded during the term of validity of the permit or findings and are valid during the set time, but 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 multiple transfers to different ultimate consumers of the concrete country of consignment against such contracts which are concluded during the term of validity of such a permit or findings under the framework of the relevant international treaties, or with transfers with the states being participants of the international regimes of export control or subject to the corresponding state policy, and are valid during the set time, but 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 a system of in-house export

control which fulfils the requirements of state export control over the concrete international transfers of the goods, maintains appropriate storage of the documents connected with such transfers, and submits to the specially authorized organ of executive power on issues of state export control the report on the actual use of the specified permit or findings.

Term of consideration of applications when the question concerning the granting of permits or findings does not demand additional interdepartmental coordination depends on the category of goods but cannot exceed the following term calculated from the date of receipt of all necessary documents:

- 45 days - on export (re-export) of military goods;
- 30 days - on export (re-export) of dual-use goods and temporary export (import) of any goods;
- 15 days - on import and transit of goods, and also temporary export or import of goods for demonstration at exhibitions, fairs, goods with the purpose of advertising, carrying out of tests and with other similar purposes if it does not envisage the transfer of property rights of the goods.

The term of consideration of applications does not include the time necessary for the reception of additional information from the subject of international transfers.

In case the additional information has not been submitted within two months, the application is dismissed and is not considered.

In case 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 certificate**

The decision to grant the permit, findings or international import certificate is adopted by the specially authorized organ of executive power on issues of state export control based on the results of the expert examination in the sphere of export control.

To obtain the permit, findings or international import certificate the subject of international transfers of the goods or the foreign subject of economic or other activity should address the specially authorized organ of executive power on issues of state export control with a written application and present the documents necessary for the expert examination and adoption of the decision about the application. These documents should contain authentic data on the subjects of international transfers of the goods and on the goods and procedure of their international transfer. Together with the originals of the application documents on the guarantees are submitted.

Consideration of applications for granting permits, findings or international import certificates is conducted by the specially authorized organ of executive power on issues of state export control with the participation, if necessary, of other state organs, enterprises, establishments and organisations of any form of ownership by consent of the respective department head considering questions within their competence.

The application for granting the permit, findings or international import certificate is not considered if:

- It is not submitted (signed) by the authorised person;
- Documents are not presented in full or infringe upon the requirements of this Article.

If the application for the permit, findings or international import certificate is not considered or if it is refused, the specially authorized organ of executive power on issues of state export control informs the applicant, and informs the central executive organ if the applicant falls under its management, within three days after the adoption of the decision with substantiation of the reasons.

The permit, findings or international import certificate can be cancelled or suspended by the specially authorized organ of executive power on issues of state export control at:

- Occurrence of need to safeguard the national interests or observe the international obligations of Ukraine;
- The termination, according to the procedure established by legislation, of the activity of the legal person – the subject of international transfers of the goods;
- Declaration, according to the procedure established by legislation, of the bankruptcy of the subject of international transfers of the goods;
- It is necessary for the specially authorized organ of executive power on issues of state export control to carry out additional examinations of the documents given by the subject of international transfers of the goods seeking to receive the permit, findings or international import certificate;
- Infringement of legislation by the subject of international transfers of the goods, including the infringements stipulated by Article 24 of this Law.

The specially authorized organ of executive power on issues of state export control ensures stores the applications of subjects of international transfers of goods or foreign subjects of economic or other activity and the documents connected with them for five years from the date of granting 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 the 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, taking into account the requirements to such transfers established by the Cabinet of ministers of Ukraine.

It is forbidden for the subject of foreign trade activity of Ukraine to conclude foreign economic contracts for international transfers of any goods or to take part in their execution in any way, other than stipulated by this Law, if they came to know that such goods can be used by foreign states or foreign subjects of economical activity to create weapons of mass destruction or means of their 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 comes to know that the goods will be used for the purposes or by the ultimate consumer other than 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**

The subject of foreign trade activity can conduct negotiations with the foreign subject of economic or other activity to conclude foreign economic contracts for the export of military goods, and also for the export of dual-use goods subject to partial embargo established by foreign state if the specially authorized organ of executive power on issues of the state export control authorises it.

The procedure of state export control over conducting negotiations specified in Part 1 of this Article is established by the Cabinet of ministers of Ukraine.

**Article 19. State export control over ultimate use of the goods**

The subject of international transfers of the goods is obliged to give to the specially authorized organ of executive power on issues of the state export control full and trustworthy information about the ultimate use of the goods of the prospective international transfer, and also the originals of documents on the guarantees confirming the use of the goods exclusively for the declared purposes and by the ultimate consumer.

The subject of international transfers of the goods should take measures to check the delivery and ultimate use of the goods at their export and give this information to the specially authorized organ of executive power on issues of state export control, and also assist the specially authorized organ of executive power of Ukraine in carrying out such checks by them.

The specially authorized organs of executive power on issues of the state export control and other specially authorized state organs of Ukraine have the right to conduct according to the procedure stipulated by the units 4-6 of this Article the check of delivery or ultimate use of the goods at any stage of their international transfer and after actual delivery of the goods to the ultimate consumer.

State export control over fulfilment by ultimate consumers in Ukraine of obligations on the use of the imported goods for the declared purposes is carried out on the basis of the results of the analysis of reports of subjects of entrepreneurial activity - ultimate consumers about actual use of the goods, and also by carrying out planned random inspections of actual use of the goods by their ultimate consumers. Such checks can be conducted by the authorized officials of the specialised authorized organ of executive power on issues of state export control or by interdepartmental supervisory commissions.

Check with the assistance of representatives of foreign exporters and/or competent state organs of the state-exporter of the actual use by the ultimate consumers in Ukraine of the goods imported with granting of the state guarantees on their use for the declared purposes; the check can only be conducted if it is stipulated by the foreign economic contracts or if it is stipulated by the international treaties the corresponding state and Ukraine participate in.

The check conducted by the state organs of Ukraine over the use by foreign ultimate consumers of the goods imported from Ukraine with granting of the written state guarantees by the specially authorized state organs of the foreign state on their use for the declared purposes, can be conducted if it is stipulated by foreign economic contracts according to which the goods are imported from Ukraine or if it is envisaged by the international treaties the corresponding state and Ukraine participate in.

The procedure of granting guarantees and implementation of state control over the carrying out of the obligations to use the goods subject to state export control for the declared purposes as well as issuance of the 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 rendering of services on development or creation of technologies) is carried out under the framework of intergovernmental contracts of Ukraine envisaging such a transfer, the specially authorized organ of executive power on issues of state export control applies the simplified procedure for consideration of documents on granting the corresponding permit or findings.

The basis for the application of such a procedure is the definition in the intergovernmental contract of the concrete names of the goods, and also their exporters and ultimate consumers.

The decision to grant the permit or findings on international transfer is adopted by the specially authorized organ of executive power on issues of state export control within 15 days after the reception of the documents from the subject of international transfers.

**Article 21. Customs control**

Customs registration and customs control of the goods are brought about according to 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 the fact 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**

The subject of international transfers of goods, who obtained the permit, findings or international import certificate, submits to the specially authorized organ of executive power on issues of state export control the written reports on the international transfers of the goods determined in these documents actually carried out, and on the use of these goods for the declared purposes. The form of the report and terms of its submission are determined by the specially authorized organ of executive power on issues of state export control.

The subject of international transfers of the goods is obliged to submit, on demand of the specially authorized organ of executive power on issues of state export control, the documents and information necessary for export control, including documents on guarantees, technical information and other documents 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 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 authorized organ of executive power on issues of state export control and also the Central Executives within their competence have the right to conduct investigations connected with the infringements of legislation in the sphere of state export control, including to check the delivery to the ultimate consumers of the goods, conformity of their actual use with the declared purposes and conformity with the legislation of the documentation on the basis of which the international transfer of the goods was carried out.

When having revealed infringements of legislation in the sphere of state export control stipulated by Article 24 of this Law, the specified Central Executives inform the specially authorized 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 authorized 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 are the following:

- Carrying out of activity connected with international transfers of goods without reception according to the established procedure of permits, findings or document about guarantees;
- Implementation of international transfers of goods on the basis of permits, findings or documents on the guarantees received by means of submission of counterfeited documents or documents containing doubtful data;
- Conclusion of foreign economic contracts for international transfers of any goods or participation in their execution in any way other than stipulated by this Law if the subject of foreign trade activity came to know that such goods can be used by foreign states or the foreign subject of economical activity to create weapons of mass destruction or means of their transportation;
- Implementation of international transfer of goods in spite of the fact that the subject of foreign trade activity came to know that the goods would be used for purposes or by an ultimate consumer other than the one stated in the foreign economic contract or the documents on the basis of which the permit, findings or international import certificate has been received;
- Deliberate concealment of data important for the determination whether to grant the permit, findings or international import certificate or not;
- Implementation of international transfers of the goods which infringe the conditions determined in the permits, findings or international import certificates, including after introduction without the coordination with the specially authorized organ of executive power on issues of state export control

of amendments to the foreign economic contract on issues of the names and requisites of exporters, importers, intermediaries and ultimate consumers, and also names of the goods, obligations about their ultimate use and granting of relevant documents on guarantees;

- Conducting of negotiations connected with foreign economic contracts on the export of military goods, and also dual-use goods subject to partial embargo without obtaining the relevant authorisation by the specially authorized organ of executive power on issues of state export control;
- Default or untimely submission to the specially authorized 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 actually carried out international transfers of military and dual-use goods on the basis of the obtained permits or findings, and also about the use of these goods for the declared purposes;
- Obstructing the performance of official duties of the officials of the specially authorized organ of executive power on issues of state export control and other state organs carrying out state export control or non-compliance with the legitimate requirements of these persons;
- Groundless refusal to grant the information and documents demanded by the specially authorized organ of executive power on issues of state export control or other state organ carrying out state export control within their competence, their deliberate distortion or concealment;
- Deliberate destruction of the documents on the conclusion and fulfilment of the foreign economic contracts for implementation of international transfers of the goods on the basis of which the permits, findings or international import certificates were received before the expiry date of the term of their storage 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 authorized organ of executive power on issues of state export control imposes on subjects of international transfers of the goods - legal persons the following penalties:

- For infringements stipulated by paragraphs 2-3 of Article 24 of this Law - at the rate of 150 percent of the cost of the goods – objects of the corresponding international transfer;
- For infringements stipulated by paragraphs 5-7 of Article 24 of this Law, - at the rate of 100 percent of the cost of the goods - object of the corresponding international transfer;
- For infringements stipulated by paragraphs 8 and 12 of Article 24 of this Law - at the rate of 1000 non-taxable minimum income of citizens;
- For infringements stipulated by the paragraph 9 of Article 24 of this Law - at the rate of 500 non-taxable minimum income of citizens;
- For infringements stipulated by paragraphs 10 and 11 of Article 24 of this Law - at the rate of 100 non-taxable minimum income of citizens.

Except for imposing penalties specified in this Article, the specially authorized organ of executive power on issues of state export control can cancel or suspend the permit, findings or international import certificate issued to such subject of foreign trade activity, or to cancel its registration with this organ as the subject of international transfers of the goods.

When the subject of international transfers of the goods - the legal person having the right to export and import military goods or goods containing data constituting state secret – commits offences stipulated by paragraphs 2-7 of Article 24 of this Law or in case if such offences caused significant damage to the political or economic interests, national security or defence of the state, the Cabinet of ministers of Ukraine upon submission of the specially authorized organ of executive power on issues of state export control can cancel the specified powers given to the person before.

The subject of international transfers of the goods can appeal against the decision taken by the specially authorized organ of executive power on issues of state export control on imposing penalties, cancelling or upholding the permit, findings or international import certificate or cancelling of registration of the subject of foreign trade activity in court.

The state is not accountable to the subject of international transfers of goods for losses incurred due to the cancelling or upholding the permit, findings or international import certificate, and also cancelling of the powers on the right to export and import military goods or goods containing data constituting state secret if such a person infringed the legislation determined by Article 24 of this Law or in case such actions are caused by the necessity to protect the national interests or observe the international obligations of Ukraine about non-proliferation of weapons of mass destruction, means of their transportation and restriction of transfers of conventional goods of military purpose.

#### **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 authorized organ of executive power on issues of state export control are imposed by the head of the specially authorized organ of executive power on issues of state export control or his/her assistant.

The authorized official of the specially authorized organ of executive power on issues of state export control which has revealed 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 together with the documents, are submitted within three days to the officials specified in Part 1 of this Article.

The head or deputy head of the specially authorized 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 2 of this Article.

The decision of the head or deputy head of the specially authorized organ of executive power on issues of state export control to impose the penalty is legalized by the decision about imposing on the subject of foreign trade activity the penalty 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 authorized representative of the subject of foreign trade activity or sent by registered

mail. The second and third copies remain with the specially authorized organ of executive power on issues of state export control which has imposed the penalty.

Forms of the report and decision are approved by the specially authorized organ of executive power on issues of state export control.

The penalty is subject to payment by the subject of foreign trade activity, within fifteen days from the date of its imposition. In case of non-payment of the penalty within the specified term it is collected by the state executor according to the procedure determined by legislation.

The decision to impose the penalty for the 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 - the physical persons - breaking the legislation in the sphere of state export control are subject to administrative, criminal and civil liability stipulated by 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 authorized 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 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 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**

The payment is collected for issuance of documents on registration of subjects of international transfers of the goods, permits, findings, international import certificates or certificates of receipt. The means obtained go to the State Budget of Ukraine. The Central Executives do not need to pay to obtain the specified documents.

The size of the payment specified in Part 1 of this Article is determined by the Cabinet of ministers of Ukraine depending on cost of the contract but should not exceed 500 non-taxable minima of income of citizens.

## **PART VI. FINAL PROVISIONS**

1. This Law enters into force from the date of its publication.

2. The laws adopted before this Law comes into force are applied in part so as not to contradict this Law.
3. The Cabinet of Ministers of Ukraine, within a six-month term after this Law comes into force, is obliged to:
  - Submit for consideration of the Verkhovna Rada of Ukraine the proposal on introducing amendments to the laws of Ukraine apparent from this Law;
  - Bring their normative-legislative acts in conformity with this Law;
  - Ensure reviewing and cancellation by the ministries and other Central Executives of their normative-legal acts contradicting this Law.

**Presidential Decree on the Concept of Ukrainian  
Military-Technical Cooperation with Foreign States for  
the Period to 2010**

913/2003 of 27.08.2003

To approve the Concept of military-technical cooperation of Ukraine with foreign states for the period to 2010 (is attached).

APPROVED

The decree of the President of Ukraine  
Of 27 August, 2003 NO. 913/2003

# Concept of Ukrainian Military-Technical Cooperation with Foreign States for the Period to 2010

Military-technical cooperation of Ukraine with foreign states (further - military-technical cooperation) as a component of the state's external policy is a set of well-directed measures on the development, manufacture, repair, modernization, destruction (utilization) and international transfers of military goods.

Military-technical cooperation is based on the current legislation of Ukraine in compliance with the relevant international norms about the non-proliferation of weapons of mass destruction and restriction of transfers of certain kinds of military and dual-use goods. With the purpose of the non-proliferation of conventional armaments, nuclear weapons and materials, missile technologies, chemical and biological weapons, an effective system of state export control operating within the limits of international regimes is created in Ukraine.

Military-technical cooperation is considered to be one of the major factors of scientific and technological development of the domestic defence industry (DI), source of receipt of means for the development of the newest technologies, creation and purchase of arms and military equipment for the needs of the Armed Forces of Ukraine, other military formations and the law enforcement organs of Ukraine.

## **1. Overall performance of military-technical cooperation**

Ukraine successfully develops military-technical cooperation with foreign states. The majority of exported military goods go to the CIS countries, mainly to the Russian Federation. Other perspective regions of military-technical cooperation are the states of South-East Asia, Africa and the Near East.

For the few last years Ukraine has expanded the range of exported military goods. The gradual increase in the structure of the export of goods manufactured by the DI of Ukraine and the reduction of the export of superfluous arms and military equipment have become the objective.

At the same time, the condition of military-technical cooperation is affected by the slow reform of the DI in Ukraine which, under the destruction of traditional scientific, technical and industrial cooperation, is not effective enough for state regulation and has found itself in a state of crisis.

Volumes of defence scientific research and manufacturing of military high technology production have decreased, total amounts of manufactured goods have considerably decreased and some production associations have closed. The share of manufactured goods directed on the execution of the state defence procurement order for the last several years has not exceeded five percent from the total amount produced by the DI.

At the same time individual hi-tech manufactures of DI, as a result of introduction of the export-oriented management and intra-market diversification, have managed to preserve their potential, though their share in the total defence manufacture is insignificant.

Thus, today, under the conditions of rigid restriction of budgetary financing of military research and development projects and development programmes of defence manufacture, the main source of financing the preservation and development of domestic DI are earnings from international transfers of military goods.

Significant changes on the financing of modern weapons systems accelerate the consolidation of the defence industries of the countries-partners, allowing for the optimization of their state defence procurement order and reducing total expenditures on creation of weapons. Ukraine should respond to these tendencies by the relevant reforms of the domestic DI.

Reforming the DI in the direction of consolidation of defence enterprises, first of all around the lead exporters, and the formation of new integrated structures orientated on export, should promote the increase of the competitiveness of defence production and the growth of volumes of export of military goods.

At the formation of strategy of military-technical cooperation, it is necessary to take into account the main global tendencies and external factors which within the next years will influence the development of the arms market, namely:

- Significant excess of supply of military goods over real demand and a shift in the domination of military-technical cooperation from exceptionally economic to political;
- Narrowing of capacity of the world arms market and its traditional segments, especially in the sphere of reception of direct commercial profit;
- Significant strengthening of competitive struggle for preservation and repartition of the commodity market of military goods, active application of methods of implementation of “information war” directed on the replacement of the competitors from this market;
- Increase in the amount of international associations in the sphere of development and production of war materiel;
- Updating of questions of international non-proliferation regimes of arms, in particular conventional, in light of the creation of world-wide and regional security systems;
- Increase of the role of political dialogue at the highest level at the settlement of questions of military-technical cooperation;
- Transformation of military-technical cooperation from priority trade in the completed samples of military equipment to internationalization of their manufacture and transfers of technologies with wide use of offset and leasing schemes;
- Centralization of the government in the sphere of international transfers of military goods;
- Transformation of behaviour of importers of weapons directed on reception from its purchase of the maximum profit into political, economic and social spheres;
- Development of forms of mutual clearings-off for the delivered arms, attempt to transfer military-technical cooperation with the concrete consumer to a long-term and complex basis.
- The essential internal factors having direct influence on the development of military-technical cooperation are the following:
- Exhaustion of the design, technological and technical projects created in DI for the last years;
- Absence of the integral system of research into the tendencies of development of the market of arms and DI of foreign states;

- Ambiguity of mechanisms and imperfection of normative-legal base of crediting of development of high technologies, support of the use of intellectual property right;
- Absence of closed cycles of manufacture of the majority of kinds of military equipment;
- Insufficient coordination of efforts by special exporters participating in international transfers of military goods reflected in the competition between them and dumping of prices;
- Unsatisfactory support of the target direction and use of the means obtained from military-technical cooperation;
- Imperfection of mechanisms of definition of the market (including final prices of realization of the goods of military purpose);
- Unsatisfactory use of the mechanism to get rid of military equipment no longer in demand;
- Absence of effective system of information support of implementation of important political and economic projects in the sphere of military-technical cooperation and counteraction to the influence of destructive information.

Military-technical cooperation should be brought about taking into account the necessity of priority development of the manufacturing branches of crucial importance for ensuring the proper standards of defence capability of the state and maintenance of leader provisions of existing domestic technologies in the arms market.

## **2. The purpose and principles of military-technical cooperation**

The purpose of military-technical cooperation is assistance to the accomplishment of tasks of Ukraine in foreign policy, increase of scientific and technical, defence-industrial potential of Ukraine, its military formations and the law enforcement organs.

The state policy in the sphere of military-technical cooperation with foreign states is based on following main principles:

- Priority of national interests of Ukraine;
- Monopoly of the state for the regulation of activity in the sphere of military-technical cooperation;
- Observance of the international obligations of Ukraine concerning the non-proliferation of weapons of mass destruction, means of their transportation and establishment of state control over international transfers of military goods;
- Conformity with the priorities and goals of the external policy of Ukraine;
- Precise distribution of powers and interaction of organs of state power;
- The state support of subjects of military-technical cooperation, protection of their rights and legitimate interests;
- Openness and transparency within the limits of the legislation of Ukraine while preserving state secrets;
- Concentration of efforts on priority areas;
- Respect for partners and diligent fulfilment of obligations.

## **3. The main directions of military-technical cooperation**

Implementation of this Concept will promote the consolidation of positive tendencies of military-technical cooperation, its transformation to an optimal, flexible system of

inter-state relations capable of independent development and adaptation to the needs of the national security and the world arms market. Taking into account the condition of modern military-technical cooperation, existing mechanisms of state regulation in this sphere, structures of capacities of DI and institution of special exporters, the priority areas of the state policy in the sphere of military-technical cooperation shall be the following:

- To continue the course of increasing the efficiency of state regulation of military-technical cooperation, exclusion of the shift of emphasis from the state to local level;
- Creation of effective system of information support of military-technical cooperation and effective counteraction to the influence of destructive information from foreign states;
- Formation of an integrated system of research into the tendencies of development of the world arms market and DI of foreign states;
- Consolidation of provisions of Ukraine in the traditional regional arms markets, transition from single contracts to implementation of perspective regional development programmes of military-technical cooperation;
- Implementation of coordinated and well-directed measures for the consolidation in the markets of countries which do not belong to the regular consumers of products of the domestic DI, an efficient use for these purposes of intergovernmental bilateral commissions on issues of military-technical cooperation;
- Strengthening of state protectionism with the purpose of increasing the productivity of measures on the promotion of domestic defence production, technologies and services on perspective segments of the world arms market by supporting marketing activity, coordination, and financing of participation of national delegations in international exhibitions;
- First of all, updating the state system of export control to increase the effectiveness of consideration of applications on reception of permits by the subjects of military-technical cooperation while excluding any infringements of the international obligations and legislation of Ukraine in this sphere;
- Scientific and technological integration of DI into the international associations on development and manufacture of the newest military equipment, assistance to purchasing measures of the rights to intellectual property and protection of these rights;
- Creation of favourable conditions for engagement in the promotion and financing of projects in the sphere of military-technical cooperation of domestic and foreign financial and industrial groups, development of investment mechanisms of implementation of the international projects of development and modernization of military equipment;
- Development of mutually advantageous bilateral cooperation with the Russian Federation and other CIS countries by intensification of cooperation links; extending relations with the countries of NATO and the European Union;
- Extending and updating the normative-legal base of military-technical cooperation with hi-tech developed countries, and also with the states, of which the Armed Forces are equipped with military equipment manufactured in the former USSR and which can be considered to be perspective markets;

- Development of military-technical cooperation with the countries of Asia, Africa and Latin America;
- Strengthening the potential of DI in the sphere of repair and modernization, build-up of volumes of delivery of spare parts, rendering of services on the creation of technical repair base and transfer of repair and modernization technologies, and also in training of experts for the countries - importers of the Ukrainian military equipment;
- Introduction of practice of purchase and sale (exchange) of licenses for manufacture of perspective military equipment and the newest military technologies;
- Implementation of the measures connected with state protectionism in the sphere of military-technical cooperation, creation of a favourable (preferential) economic regime, granting of political and organisational support;
- Creation of effective system of protection of the rights of domestic and foreign subjects of foreign trade activity in the sphere of military-technical cooperation while increasing the liability for infringement of the established procedure of export-import transactions;
- Support of guarantees of insurance of export-import transactions and the credits given by the Ukrainian and/or international banks, banks of foreign states or with the assistance of foreign capital, specialized insurance joint-stock companies of which controlling interest belongs to the state;
- Application during the implementation of military-technical cooperation of offset and leasing schemes;
- Extending the forms and updating the coordination of export activity by formation of international alliances, trading companies, exchange of share holdings between cooperative partners, organisations of counter trade, and also updating the mechanism of:
  - Transfers of military goods to leasing, delivery on credit and against public debt;
  - Carrying out a flexible price policy including on issues of free-of-charge transfer of a part of obsolete military equipment with obligatory consolidation of the rights to its technical maintenance, repair and modernization, provided that pre-selling preparation and transportation (in particular to counter offset programmes);
  - Deliveries of military goods by application of schemes of their partial payment with strategic mineral resources by the consumer countries, and also implementation of trade-in contracts;
  - Applications of schemes of the use of consignment structures of military equipment in the regions (countries) being the potential markets;
  - Carrying out of certification of enterprises and establishments of DI with the purpose of definition of the rational structure of each sector of defence manufacture proceeding from the internal needs and demand on the external market, and also the perspective nomenclature of export and import of military goods and high technologies;
  - Implementation of structural reorganisation of DI on the basis of improvement of the existing nomenclature of production in the direction of reduction of production of non-competitive products and building-up of volumes of high technology production fit for export;

- Revision of principles of organisation of manufacture with the purpose of maintenance of its flexibility and ability to rapidly introduce new high technologies and to increase the efficiency of the use of capacities;
- Stimulation of the processes of integration of export oriented special exporters into uniform economic associations either with the state share of the property or without it, but with their introduction into the supervisory boards of the representatives of the Central Executives.

#### **4. Support of implementation of the Concept**

The conceptual areas for development of military-technical cooperation are subject to registration at formation and updating of legislative and normative-legal base of state regulation in this sphere and in the defence industry of Ukraine.

#### **5. Legal maintenance**

For updating of normative-legal base of state regulation in the sphere of military-technical cooperation, it is necessary to develop and present to the Verkhovna Rada of Ukraine the drafts of laws about:

- Military-technical cooperation of Ukraine with foreign states;
- The state trust fund for financing the creation of modern weapons systems and "know-how" of the competition in the world market of military and dual-use goods;
- Introducing the practice of offsets into the defence industry of Ukraine;
- Introducing amendments to the laws of Ukraine "On the purchase of goods, works and services for public funds" and "On the state defence procurement order" regarding the potential to determine quota for tenders at the international purchases and granting of the preferential amendment for ensuring the fulfilment offset obligations;
- Introducing amendments to the Law of Ukraine "On licensing of the certain kinds of economical activity" regarding updating of licensing of activity in the sphere of development, test, production of war materiel and ammunition, and also about rendering of the relevant services.

#### **6. Financial provision**

The following should become the main source of financing of activities on implementation of the Concept:

- Own means of subjects of military-technical cooperation, development contractors/manufacturers of military goods;
- The means of the State Budget allocated for these purposes, including means received from international transfers of military goods within the limits determined by legislation;
- The banking capital, means of external and internal investments under programmes of innovative development of enterprises of DI;
- Other sources not forbidden by legislation.

**7. Expected results**

Implementation of the package determined by this Concept will give the opportunity to provide radical shifts in the development of military-technical cooperation and improvement of this sector of the domestic economy and will promote:

- Creation of necessary conditions for cooperation between domestic and foreign financial and industrial groups;
- Effective carrying out of internal and external marketing and rational regulation of export-import activity;
- Counteraction and prevention of the influence of destructive information;
- Scientific and technological integration of domestic DI into international associations on the development and manufacture of the newest systems of military equipment, preparation of common projects of their development and modernization;
- Increase of the standard of defence capability of the state at the expense of equipment of the Armed Forces of Ukraine with modern high-performance military equipment;
- Increase of workplaces in the DI;
- Purchase and proper protection of intellectual property rights.

# Presidential Decree on the Distribution of Powers Across Central Executives in the Sphere of Military-Technical Cooperation with Foreign States

276/2002 of 20.03.2002; Includes changes made by Decrees of the President No. 1207/2002 of 24.12.2002, No. 586/2003 of 09.07.2003, No. 947/2003 of 29.08.2003, No. 1368/2004 of 04.11.2004

With the purpose of the establishment of limits on the powers of the Central Executives in the sphere of military-technical cooperation with foreign states and elimination of the duplication in their work, I decree:

1. To determine, that the Ministry of Foreign Affairs of Ukraine, the Ministry of Defence of Ukraine, the Ministry of industrial policy of Ukraine, the Security Service of Ukraine, the State Service of Export Control of Ukraine, the National space agency of Ukraine, the State customs service of Ukraine and the Ministry of Economics and European integration take part in military-technical cooperation with foreign states.

*(Article 1 includes changes made by Decrees of the President No. 586/2003 of 09.07.2003, No. 947/2003 of 29.08.2003)*

2. The abovementioned Central Executives execute their powers in the sphere of military-technical cooperation with foreign states according to the Service regulations, laws, other normative-legal acts, international obligations of Ukraine and this Decree and report quarterly to the President of Ukraine on their performance. Heads of these organs are personally accountable for the completeness and objectivity of information reported to the President of Ukraine.

*(Article 2 includes changes made by the Decree of the President No. 1207/2002 of 24.12.2002)*

3. The following powers in the specified field are common for all Central Executives listed in Article 1 of this Decree:
  - i). Development of proposals for:
    - Development and implementation of a uniform state policy in the sphere of military-technical cooperation;
    - Increase of efficiency and maintenance of state support of military-technical cooperation, development of the export potential of defence industry;
    - Establishment, termination (suspension) and renewal of military-technical cooperation with foreign states;
    - Cooperation of Ukraine with foreign states in the sphere of organisation of scientific and technical, industrial cooperation, carrying out of research and development projects, manufacture and realization of the goods of military purpose;
  - ii). Participation in:
    - Negotiations with representatives of foreign states and work of the relevant international organisations, intergovernmental commissions on issues of military-technical cooperation;
    - Activities ensuring the protection of the products developed and manufactured by the defence industry and their intellectual property;

- Formation within their competence of the state defence procurement order on export and import of military goods against the international treaties of Ukraine about military-technical cooperation, and maintenance of its fulfilment;
- iii). Drafting laws, other normative-legal acts and international treaties on issues of military-technical cooperation;
  - iv). Organisation of the work of Ukrainian units of intergovernmental commissions on issues of military-technical cooperation with the head appointed from the relevant central executive organ;
  - v). Consideration of applications to grant subjects of foreign trade activity the powers to export and import military goods and proposals on the termination of these powers;
  - vi). Implementation, within the limits of their authority, control over the execution of the international treaties on issues of military-technical cooperation;
  - vii). Assistance and carrying out of checks and other activities over international transfers of goods subject to state export control, and use of these goods for the declared purposes.
4. Individual Central Executives, except for the powers stipulated by Article 3 of this Decree, also execute the following powers:
- i) the Ministry of Foreign Affairs of Ukraine:
    - Observes the foreign-policy interests of Ukraine, its international obligations and agreements in the sphere of military-technical cooperation, and also diplomatic support of establishment and development (implementation) of such cooperation;
    - Brings to notice of foreign states official statements and directives of the President of Ukraine and the Cabinet of ministers of Ukraine on issues of military-technical cooperation;
    - Develops together with the Security Service of Ukraine and presents to the authorized state organs proposals on the prohibition or restriction of delivery of military goods to individual states with the purpose of maintenance of performance of the relevant Resolutions of the Security Council of the United Nations, international obligations of Ukraine and protection of its national interests;
    - Gives help to foreign branches and representative offices of Ukrainian subjects in the implementation of military-technical cooperation;
    - Represents according to the established procedure to international organisations information on the volumes of export and import of military goods, and also carries out an exchange of other information in the sphere of military-technical cooperation with the relevant organs of foreign states and international organisations;
  - ii) the Ministry of Defence of Ukraine:
    - Observes the military-political interests of Ukraine during the implementation of military-technical cooperation;
    - Participates in the realization of military products to foreign customers through specially authorized enterprises and organisations;
    - Develops the proposals on the list of military property of the Armed Forces of Ukraine offered for disposition and planned for sale, including to foreign customers;

- Controls the observance by subjects of economic activity belonging to its field of control of the requirements of legislation in the sphere of military-technical cooperation and export control;
  - Gives expert, consulting and information help to the subjects of military-technical cooperation;
  - Carries out, according to the established procedure, preparation and training of the military personnel and military-technicians of foreign states;
  - Organizes the display of military goods, participates in preparation and carrying out exhibitions of arms, military equipment and other military property;
  - Ensures according to the established procedure the support of development and production of war materiel and the arms carried out against the concluded international treaties;
- iii) the Ministry of industrial policy of Ukraine:
- Concludes, in conformity with its powers and on the basis of the international treaties of Ukraine on issues of military-technical cooperation, the contracts with establishments and organisations of foreign states on issues of development and production of war materiel and arms;
  - Carries out economic and organisational measures on the efficient use and development of the export potential of the defence industry belonging to the sphere of its management;
  - Promotes the enterprises of defence industry in the settlement of questions of marketing and forecasting of market conditions of the arms market, military equipment, other military property, and also works and services with a military purpose;
  - Controls the observance by the enterprises - subjects of foreign trade activity belonging to the sphere of its management - of the legislation in the sphere of military-technical cooperation, export control and preservation of the state secret;
  - Prepares and conducts together with other Central Executives, enterprises, establishments and organisations exhibitions of arms, military and special military equipment, military and dual-use technologies and services;
- iv) *excluded on the basis of the Decree of the President 586/2003 of 09.07.2003*
- v) the Security Service of Ukraine:
- Reveals and determines the degree of threat to national security, political and economic interests of Ukraine as a result of military-technical cooperation;
  - Determines the character and amount of information on issues of military-technical cooperation which can be transferred to foreign states and international organisations;
  - Prepares together with other Central Executives and submits to the Cabinet of ministers of Ukraine the projects of the international treaties of Ukraine on issues of mutual protection of classified information;
  - Carries out information-analytical military-technical cooperation;
  - Controls, within the limits of its authority, the observance by subjects of military-technical cooperation of legislation in the sphere of military-technical cooperation, export control and preservation of the state secret;
  - Carries out operative support to the operation of the National system of export control, fulfilment of the international obligations of Ukraine on

- prohibition or restriction of military-technical cooperation with certain states according to the Resolutions of Security Council of the United Nations, decisions of other international organs and organisations;
- v) a) Service of External intelligence of Ukraine:  
Reveals external threats to the national security, political and economic interests of Ukraine in the sphere of military-technical cooperation;  
Participates in the drafting of international treaties of Ukraine on issues of mutual protection of classified information;  
Carries out the provision of intelligence information to subjects of military-technical cooperation defined by the President of Ukraine;  
Participates in the activities of export control, and also control over fulfilment of international obligations for the prohibition or restriction of military-technical cooperation with certain states according to the Resolutions of the Security Council of the United Nations, decisions of other international organs and organisations, and about the non-proliferation of weapons of mass destruction, and also technologies and components of their manufacturing;  
Promotes by special forces and means the realization of military products to foreign customers.
- vi) the State Service of Export Control of Ukraine:  
Controls the observance of legislation on export control, fulfilment of the international obligations of Ukraine in the implementation by the subjects of military-technical cooperation of international transfers of military goods;  
Participates in implementation of the state policy in the sphere of export control over the support of the interests of national security, observance of the international obligations of Ukraine connected with non-proliferation of weapons of mass destruction, means of their transportation and restriction of transfers of conventional armaments;  
Carries out the measures directed on the establishment of the state control over international transfers of the goods of military purpose;  
Registers, according to the legislation, the legal and physical persons whose activity is connected with the international transfers of military goods;  
Issues, according to the established procedure, to subjects of foreign trade activity the permit (findings) on international transfers of military goods and conducts negotiations connected with the conclusion of the relevant foreign economic contracts, takes, using the results of expert examination in the sphere of export control, decisions on the cancelling or upholding of these permits (findings);  
Prepares and coordinates the proposals to grant to subjects of foreign trade activity the powers to export and import military goods and the termination of these powers;
- vii) the National Space Agency of Ukraine:  
Concludes within the limits of its powers and on the basis of the international treaties of Ukraine on issues of military-technical cooperation, the agreements with the establishments and organisations of foreign states on issues of development and production of war materiel and arms;

Carries out the economic and organisational measures directed toward the maintenance of the efficient use and development of the export potential of enterprises of which the management belongs to the sphere of its competence;

Promotes the enterprises of the defence industry in the settlement of questions of marketing and forecasting of market condition of the market of arms, military equipment, other military property, military works and services both in Ukraine and abroad;

Controls the observance by the enterprises - subjects of foreign trade activity belonging to the sphere of its management of the legislation on issues of military-technical cooperation, export control and preservation of the state secret;

Conducts together with the relevant organs, enterprises, establishments and organisations exhibitions of arms, military and special military equipment, military and dual-use technologies and services.

*(Article 4 includes changes made by the Decree of the President No. 1368/2004 of 04.11.2004)*

# Presidential Decree on Additional Measures to Update Control Over International Military-Technical Cooperation

1207/2002 of 24.12.2002; Includes changes made by Decrees of the President No. 947/2003 of 29.08.2003, No. 214/2004 of 23.02.2004, No. 208/2005 of 08.02.2005

With the purpose to increase the efficiency of military-technical cooperation with foreign states, strengthening of control over international transfers of military and dual-use goods, I decree:

1. To approve changes which were introduced to the Decrees of the President of Ukraine (appendix 1).
2. In order to accelerate the enacting or cancelling in Ukraine of sanctions of the United Nations on international transfers of certain categories of the goods to certain states, to determine that the State Service of Export Control of Ukraine and others central executive organs carrying out the tasks on international military-technical cooperation and export control, upon reception of the statement of the Ministry of Foreign Affairs of Ukraine, can apply or terminate these permits before the adoption of the acts of the Cabinet of ministers of Ukraine.
3. That drafts of Decrees of the President of Ukraine on issues of military-technical cooperation and export control shall be submitted according to the established procedure for consideration upon agreement with the Committee on the policy of military-technical cooperation and export control at the President of Ukraine.

*(Article 4 became invalid on the basis of the Decree of the President 214/2004 of 23.02.2004)*

4. With the purpose of partially changing Article 3 of the Decree of the President of Ukraine of 8 July, 2000 No. 868, to establish that the preparation of sessions of the Committee on the policy of military-technical cooperation and export control at the President of Ukraine, information, expert and other support of its activity is carried out by the Staff of this Committee – a separate structural unit of the Staff of the Council of National Security and Defence of Ukraine.  
In this regard to increase the regular numeric strength of the Staff of the Council of National Security and Defence of Ukraine by 27 people.
5. That the Cabinet of Ministers of Ukraine:
  - Shall speed up the work directed toward the expansion of commodity markets of military and dual-use goods, search for enterprises, institutions and organisations of the defence industry of interested partners, engage investments, including foreign, increase the profit gained from operations on export, import and realization of the specified goods in the home market;
  - Shall examine, within a two-month term, the question on introducing changes to the Regulations about the procedure of concluding a labour contract with the Head of a state-owned enterprise, provided that the Head of the enterprise which is the subject of international military-technical cooperation observes the international obligations, laws, other normative-legal acts of Ukraine;

- Shall present on a quarterly basis to the President of Ukraine the reports on actual international transfers of military and dual-use goods by the State customs service of Ukraine and the State committee of statistics of Ukraine.
6. That the secretary of the Council of National Security and Defence of Ukraine shall submit within two weeks the proposal on changes in the structure of the Staff of the Council of National Security and Defence of Ukraine.
  7. That the State Administrative Department:
    - Shall take appropriate measures to ensure the financing of the Staff of the Council of National Security and Defence of Ukraine taking into account the increase in the regular numeric strength stipulated by this Decree;
    - Shall provide, according to the established procedure, for the accommodation of the relevant structural units of the Administration of the President of Ukraine, the Staff of the Council of National Security and Defence of Ukraine.
  8. To declare invalid the Decrees of the President of Ukraine according to the list (appendix, item 2).

**Appendix to the Decree of the President of Ukraine of 24 December, 2002 No. 1207/2002**

Changes introduced to the Decrees of the President of Ukraine:

1. To supplement item 8 of the Regulations about the National Space Agency of Ukraine approved by the Decree of the President of Ukraine of 22 July, 1997 No. 665 after paragraph 7 with the new paragraph to the following effect: “Appoints upon agreement with the President of Ukraine the heads of enterprises, institutions, organisations subject to international military-technical cooperation which belong to the sphere of management of the National Space Agency of Ukraine”.  
In this connection to consider paragraphs 8-10 accordingly to be paragraphs 9-11.
2. *Declared invalid on the basis of the Decree of the President 947/2003 of 29.08.2003.*
3. To supplement Part 2 of Article 4 of the Decree of the President of Ukraine of 12 June, 1999 No. 640 “On measures to increase the efficiency of the activity of the State company on export and import of products and services of military and special purpose” (includes changes made by the Decree of 22 October, 2002 No. 937) after paragraph 3 with the new paragraph to the following effect: “Appoints to office and dismisses from office the heads of structural units of the Company, heads of the branches upon agreement with the President of Ukraine”.  
In this connection to consider paragraphs 4 and 5 to be paragraphs 5 and 6.
4. In sub item 8 of item 8 of the Regulations about the Ministry of industrial policy of Ukraine approved by the Decree of the President of Ukraine of 21 September, 2001 No. 849 (includes changes made by the Decree of 27 March, 2002 No. 304) to replace the words “belonging to the sphere of management of the Ministry” with the words “which are in management of the Ministry. The Head of the establishment, organisations being the subject of international military-technical cooperation is appointed to office and dismissed from office upon agreement with the President of Ukraine”.

5. *Declared invalid (in connection with lapse of the Decree of the President of Ukraine of 04.12.2001 No. 1184/2001 according to the Decree of the President of Ukraine of 08.02.2005 No. 208/2005)*
6. In Article 2 of the Decree of the President of Ukraine of 20 March, 2002 No. 276 “On division of powers of the Central Executives in the sphere of military-technical cooperation with foreign states” to replace the words “other normative-legal acts and this Decree” with the words “laws, other normative-legal acts, international obligations of Ukraine, this Decree and report quarterly to the President of Ukraine on their performance. Heads of these organs are personally accountable for the completeness and objectivity of information reported to the President of Ukraine”.
7. In item 4 of the Regulations about the State Service of Export Control of Ukraine approved by the Decree of the President of Ukraine of 17 April, 2002 No. 342:  
To supplement sub item 13 after the words of “foreign affairs of Ukraine” with the words “and the Administration of the President of Ukraine”;  
To supplement the item with sub item 22.1 to the following effect:  
“22.1) submits quarterly up to the 15<sup>th</sup> of the first month of the next quarter and annually until 1 March of next year to the President of Ukraine, the Cabinet of ministers of Ukraine and the Council of the National Security and Defence of Ukraine reports according to the established form about the activity for the relevant period, and also proposals on the further updating of export control”.
8. Declared invalid on the basis of the Decree of the President 214/2004 of 23.02.2004  
*(The composition of the Committee on the policy of military-technical cooperation and export control at the President of Ukraine was declared invalid on the basis of the Decree of the President 214/2004 of 23.02.2004)*

## **Presidential Decree on Issues of the State Export Control Service of Ukraine**

342/2002 of 17.04.2002; Includes changes made by Decrees of the President No. 1207/2002 of 24.12.2002, No. 947/2003 of 29.08.2003, No. 280/2004 of 05.03.2004, No. 1483 of 14.12.2004

1. To approve the Regulations on the State Service of Export Control of Ukraine (attached).
2. To establish that the State Service of Export Control of Ukraine is the assignee of the rights and duties of the State service of export control – a governmental organ of state management in the structure of the Ministry of Economics and on issues of European integration of Ukraine.
3. That the Cabinet of ministers of Ukraine shall bring, within a three-month term, their decisions in conformity with this Decree.

Approved  
by the decree of the President of Ukraine  
of 17 April, 2002 No. 342/2002

## Regulations Governing the State Service of Export Control of Ukraine

1. The State Service of Export Control of Ukraine (Derzhexportcontrol of Ukraine) is the central executive organ with special status whose activity is guided and coordinated by the Cabinet of ministers of Ukraine.

Derzhexportcontrol of Ukraine is the specially authorized organ of executive power on issues of state export control.

Derzhexportcontrol of Ukraine submits according to the established procedure proposals on the formation of state policy in the sphere of state export control and provides its implementation, executes management in this sphere and also engages in inter-branch coordination and functional regulation on issues of its competence.

*(Item 1 includes changes made by the Decree of the President 947/2003 of 29.08.2003)*
2. Derzhexportcontrol of Ukraine in its activity is guided by the Constitution and laws of Ukraine, Decrees of the President of Ukraine, the Cabinet of ministers of Ukraine, and also these Regulations.

Derzhexportcontrol of Ukraine generalizes the practice of the application of legislation on issues of its competence, develops proposals on updating this legislation and, according to the established procedure, submits them for consideration by the President of Ukraine and the Cabinet of ministers of Ukraine. Within the limits of its authority, Derzhexportcontrol of Ukraine organizes the acts of legislation and carries out regular control over their implementation.
3. Major tasks of Derzhexportcontrol of Ukraine are the following:
  - Participation in the formation and support of implementation of the state policy in the sphere of state export control to protect the interests of national security, fulfilment of the international obligations of Ukraine connected with the non-proliferation of weapons of mass destruction, means of their transportation and restriction of transfers of conventional arms and the strengthening of the international authority of Ukraine;
  - Implementation of the measures directed toward the establishment and maintenance of state control over the implementation of international transfers of military and dual-use goods (further - the goods subject to state export control), control over the use of these goods for the declared purposes, including exclusion of the use of the goods subject to state export control for terrorist and other illegal purposes;
  - Participation in the drafting of legislative and other normative-legal acts connected with the regulation of the activity in the sphere of state export control;
  - Implementation, within the limits of its competence, measures on the development of cooperation with the relevant organs of foreign states and organisation of international regimes of export control.
4. Derzhexportcontrol of Ukraine according to the tasks assigned to it:
  - 1) develops proposals on the formation of state policy in the sphere of state export control and provides its implementation;

- 2) participates in the drafting of the State Budget of Ukraine, the State programme of economic and social development of Ukraine;
- 3) develops, together with the relevant ministries and other Central Executives, the main directions of development of the system of state export control, proposals on updating this system and submits them according to the established procedure for consideration of the President of Ukraine and the Cabinet of ministers of Ukraine;
- 4) develops and carries out according to the legislation of Ukraine the maintenance of protection of the interests of the state at implementation by subjects of implementation of international transfers of the goods subject to state export control, and also measures to exclude the use of such goods for terrorist and other illegal purposes;
- 5) develops and submits, according to the established procedure, for consideration of the Cabinet of ministers of Ukraine the drafts of laws and other normative-legal acts regulating activity in the sphere of export control, prepares together with the interested ministries and other Central Executives the Lists of the goods of which the international transfers are subject to state export control, submits them for consideration by the Cabinet of ministers of Ukraine and provides revision of these Lists according to the established procedure;
- 6) administers expert examination according to the established procedure in the sphere of state export control;
- 7) according to the established procedure, issues to subjects of international transfers of the goods the permit (findings) on the right to international transfers of the goods subject to state export control and conducts negotiations connected with the conclusion of foreign economic contracts for international transfers of the specified goods, settles the question on cancelling, the temporary suspension, prolongation of these permits (findings);
- 8) according to the legislation, issues, after carrying out the expert examination in the sphere of state export control, the international import certificates and other documents containing the state guarantees on the use of the goods for the declared purposes, settles the question on recall of such guarantees;
- 9) registers, according to the established procedure, the subjects of international transfers of the goods subject to state export control;
- 9.1) carries out the state certification of the systems of in-house export control created by subjects of international transfers of the goods, and issues certificates on such certification;
- 9.2) calls, in the cases and according to the procedure stipulated by the law, to account the subjects of international transfers of the goods for infringing the requirements of legislation in the sphere of state export control;
- 10) carries out measures to prevent infringements in the sphere of export control, as well as ensuring that the goods subject to state export control are used for the declared purposes, and registers legal persons, citizens of Ukraine and their foreign partners which have broken the legislation of Ukraine and/or international treaties of Ukraine during the implementation of international transfers of the goods subject to state export control;

- 11) controls observance of legislation of Ukraine about state export control, fulfilment of the international obligations of Ukraine at implementation of international transfers of the goods subject to state export control;
- 12) participates in the development of mechanisms to carry out investigations, and the prevention of unauthorized implementation of international transfers of goods subject to state export control;
- 13) develops and submits to the Ministry of Foreign Affairs of Ukraine and the Administration of the President of Ukraine the information on international transfers of the goods subject to state export control stipulated by the international obligations of Ukraine, and also carries out according to the established procedure an exchange of other information in the sphere of state export control with the relevant organs of foreign states and international organisations within the limits of the international treaties of Ukraine which have entered into force according to the established procedure;
- 14) participates in the creation and maintenance of operation and updating of the automated system of state export control and creates the relevant database for carrying out analytical work;
- 15) organizes training and improvement of professional skill of experts of export control, their training in the relevant organisations and establishments of foreign states;
- 16) participates, according to the established procedure, in the development of cooperation in the sphere of state export control with the relevant organs of foreign states, and also in the work of international organisations and intergovernmental organs (commissions, committees and so on), conferences, congresses, symposiums and seminars on these questions;
- 17) develops and coordinates according to the established procedure the proposals on granting subjects of international transfers of goods the right to export and import military goods and goods containing data constituting state secret, registers the subjects of international transfers of the goods entrusted with such powers, issues to them the relevant confirming documents, provides the control over the use of the given powers and develops the proposals on their upholding, cancelling;
- 18) *declared invalid according to the Decree of the President 1483 of 14.12.2004*
- 19) *declared invalid according to the Decree of the President 1483 of 14.12.2004*
- 20) Seeks to attract to Ukraine, within the limits of its competence, technical, financial and other kinds of help from foreign states and international organisations;
- 21) implements, within the limits of its authority determined by the legislation, state policy in the sphere of the protection of state secret, carries out according to the established procedure the control over its preservation;
- 22) develops, according to the legislation, the proposals on conclusion, denunciation of international treaties of Ukraine, within the limits of its competence concludes interdepartmental international treaties of Ukraine, provides fulfilment of obligations of Ukraine against international treaties;
- 22.1) submits quarterly to 15<sup>th</sup> of the first month of the next quarter and annually to 1 March of the next year to the President of Ukraine, the Cabinet of ministers of Ukraine and the Council of the National Security and Defence of Ukraine the reports according to the established form about the activity

- during the relevant period, and also proposals on the further updating of export control;
- 23) carries out other functions apparent from the tasks assigned to it.  
*(Item 4 includes changes made by the Decree of the President No. 1207/2002 of 24.12.2002, No. 947/2003 of 29.08.2003, No. 1483 of 14.12.2004)*
5. Derzhexportcontrol of Ukraine has the right:
- 1) to involve experts of central and local executive organs, enterprises, establishments and organisations (upon agreement with their heads) for examination of the questions on issues of its competence;
  - 2) to represent the Cabinet of ministers of Ukraine on its commission in international organisations and at the conclusion of international treaties of Ukraine;
  - 3) to create if necessary upon agreement with other interested Central Executives commissions, councils and expert groups;
  - 4) to receive according to the procedure established by legislation, from the central and local executive organs, enterprises, establishments and organisations the information, documents and materials necessary for the fulfilment of the tasks assigned to it;
  - 5) to use according to the established procedure databases which are created and conducted by executive organs;
  - 6) to convoke according to the established procedure the meetings on issues of its competence.
6. Derzhexportcontrol of Ukraine, during accomplishment of the tasks assigned to it, cooperates with other central and local executive organs, the Committee on the policy of military-technical cooperation and export control at the President of Ukraine, institutions of local self-government, and also with the relevant organs and organisations of foreign states and international organisations.
7. Derzhexportcontrol of Ukraine, within the limits of its authority, on the basis of and in pursuance of the legislative acts of Ukraine issues orders, organizes and controls their performance.  
Derzhexportcontrol of Ukraine if necessary issues together with other central and local executive organs joint acts.  
Normative-legal acts Derzhexportcontrol of Ukraine are subject to registration according to the procedure established by the legislation.  
In the cases stipulated by legislation, the decisions of the Derzhexportcontrol of Ukraine adopted within the limits of its competence are obligatory for central and local executive organs, institutions of local self-government, enterprises, institutions, organisations of all forms of ownership and citizens.
8. Derzhexportcontrol of Ukraine is headed by the Chairman appointed to office and dismissed from office by the President of Ukraine according to the procedure established by legislation.  
The Chairman is personally accountable to the President of Ukraine and the Cabinet of ministers of Ukraine for fulfilment of the tasks and implementation of the functions assigned to Derzhexportcontrol of Ukraine.  
The Chairman has assistants appointed to office and dismissed from office according to the legislation.  
The Chairman manages Derzhexportcontrol of Ukraine, distributes duties between assistants, determines the degree of responsibility of vice-chairmen and heads of structural units of Derzhexportcontrol of Ukraine, appoints to office

and dismisses from office the employees of the Central Staff of Derzhexportcontrol of Ukraine including upon agreement with the Cabinet of ministers of Ukraine – of the heads of structural units of the Central Staff of Derzhexportcontrol of Ukraine.

*(Item 8 includes changes made by the Decree of the President 280/2004 of 05.03.2004)*

9. For the coordinated settlement of issues of competence of Derzhexportcontrol of Ukraine, the discussion on the major directions of its activity, there is within the structure of Derzhexportcontrol a Board composed of the Chairman (Chairman of Board), vice-chairmen (ex officio), heads of departments (services), governmental organs of the state management, and also executives of structural units of the Derzhexportcontrol of Ukraine.

If necessary the structure of the Board of Derzhexportcontrol of Ukraine can include other persons according to the established procedure.

Members of the board are appointed to office and dismissed from office by the Cabinet of ministers of Ukraine upon submission of the Chairman of Derzhexportcontrol of Ukraine.

Decisions of the Board are enacted by the orders of Derzhexportcontrol of Ukraine.

*(Item 9 includes changes made by the Decree of the President 280/2004 of 05.03.2004)*

10. The Cabinet of ministers of Ukraine can create within the structure of Derzhexportcontrol of Ukraine the governmental organs of state management (departments, services, inspections).

11. For consideration of scientific recommendations, proposals on the development of the system of state export control, discussion of the major programmes and other questions, the scientific and technical council, other consultative and advisory organs can be created at Derzhexportcontrol of Ukraine.

The composition of these organs and regulations about them are approved by the Chairman of Derzhexportcontrol of Ukraine.

12. The maximum numeric strength of Derzhexportcontrol of Ukraine is approved by the Cabinet of ministers of Ukraine.

The structure of the Central Staff of Derzhexportcontrol of Ukraine is approved by its Chairman upon agreement with the Cabinet of ministers of Ukraine.

The list of members of the staff and the estimate of expenditures of Derzhexportcontrol of Ukraine are approved by its Chairman upon agreement with the Ministry of Finance of Ukraine.

Regulations about structural units of the Central Staff of Derzhexportcontrol of Ukraine are approved by the Chairman.

*(Item 12 includes changes made by the Decree of the President 280/2004 of 05.03.2004)*

13. Derzhexportcontrol of Ukraine has legal personality, has independent balance, accounts in organs of the State Treasury of Ukraine, seals with the image of the State Emblem of Ukraine and the name.

*(Item 13 includes changes made by the Decree of the President 280/2004 of 05.03.2004)*

## **Presidential Decree on the State Programme for Implementation of The Open Skies Treaty**

1097/2000 of 29.09.2000

1. To approve the State programme for the implementation of the Open Skies Treaty (attached).
2. That the Cabinet of ministers of Ukraine shall take measures to ensure financial support since 2001 from the State Budget of Ukraine of the State programme to implement the Open Skies Treaty at the rate determined by it.

Approved  
by the Decree of the President of Ukraine  
of 29 September, 2000 No. 097/2000

# State Programme for Implementation of The Open Skies Treaty

The Open Skies Treaty (further - the treaty) signed by Ukraine on 24 March 1992 is directed on the maintenance of openness and transparency, assistance to supervision of the implementation of arrangements in the sphere of arms control, development of the potential for settlement of crises that confirms the aspiration of Ukraine to contribute to the strengthening of peace, stability and security in the world.

## PART I CONCEPTUAL PROVISIONS

The implementation of the Treaty is based on a number of conceptual provisions.

1. The state customers of execution of the State programme to implement the Open Skies Treaty (further - the Programme) is the Ministry of Defence of Ukraine, and also other Central Executives according to the tasks determined by this Programme.
2. To ensure an active position of Ukraine at implementation of the Treaty, the reception of missions of observation flights of foreign states in Ukraine and observation flights of Ukraine above the territories of other states are carried out.
3. Observation flights are considered to be the means for obtaining authentic data about the declared military activity by the state-parties of the Treaty. For this purpose the results of own observation flights, as well as the flights of other states, are used.
4. Planning of missions of observation flights abroad is carried out on the basis of the relevant proposals of the interested ministries and other Central Executives. The report on changes in last year's division of Ukraine's active quota in relation to other state-parties of the Treaty is submitted for consideration by the Advisory commission on the open sky (further - the Commission) on the basis of proposals by the interested ministries and other Central Executives.
5. During observation flights above the territory of Ukraine, the necessary measures on protection of state interests and maintenance of appropriate security of flights are taken.
6. For the fulfilment of observation flights at the first stage of implementation of the Treaty, the two planes An-30B of the "Blakytyna Stezha" squadron of the Armed Forces, equipped with the relevant equipment for the supervision and for flights on international air lines in conformity with standard practice of International Civil Aviation Organisation (ICAO), are used.
7. At the second stage of implementation of the Treaty, the modern aviation complex of supervision (plane, equipment for supervision, equipment for processing of materials of supervision and measuring range) complying with the requirements of the Contract is created.
8. For the units involved in the implementation of the Treaty the relevant organisational-staff structure is developed.
9. The regular work directed on the maintenance of state interests of Ukraine during the development of decisions by the Commission is conducted.

10. The “the open sky” regime is considered to be fit for carrying out ecological monitoring of the environment in Ukraine.  
Supervision over crisis regions is carried out on the basis of documents, which regulate the relevant conditions and procedures of application.
11. The first stage of implementation of the Treaty by Ukraine is on 31 December 2000, and the second stage is in three years after the Programme takes effect.

## **PART II. MEASURES ON THE PROTECTION OF STATE INTERESTS OF UKRAINE**

1. Definition by the ministries and other Central Executives of the list of installations of which information is collected during observation flights is subject to protection according to the Law of Ukraine “On state secret” (further - confidential installations).  
The ministries, other Central Executive organs  
December, 2000
2. Definition by means of analytical calculations and by control flights with the use of observation planes of the Ministry of Defence of Ukraine of the degree of detection by the observation equipment stipulated by the Treaty of the data on the most “sensitive” confidential installations.  
Development on the basis of calculations and results of control flights of the measures directed on technical protection of information on specified installations.  
The Ministry of Defence of Ukraine, the Security Service of Ukraine, other central organs of Executive authority  
December, 2000
3. Creation of the nation-wide system of the notice of confidential installations and definition of the units responsible for their operative notice.  
The Ministry of Defence of Ukraine, the Security Service of Ukraine, other central organs of Executive authority  
December, 2000
4. Development of technical procedures for inspection of foreign observation planes with the use of special equipment of control by non-destructive means.  
The Security Service of Ukraine  
December, 2000
5. Preparation according to the requirements of the Treaty of three air fields “open sky”.  
The Ministry of Defence of Ukraine, the Ministry of Transport of Ukraine, the state Committee on the border of Ukraine  
December, 2000
6. Creation of nation-wide monitoring system over the carrying out of measures on technical protection of information during fulfilment of observation flights according to the Treaty.  
The Security Service of Ukraine  
December, 2000
7. Provision with the necessary checking equipment, equipment and means of transportation of the units responsible for fulfilment of pre-flight procedures and control over the use of inspection equipment during observation flights.  
The Security Service of Ukraine,

The state Committee on industrial policy of Ukraine, the Ministry of Finance of Ukraine  
March, 2001

### **PART III. PREPARATION OF THE “BLAKYTNA STEZHA” AVIATION SQUADRON**

1. The completion of preparation for the first stage of implementation of the Treaty of crews and observation planes, the centre of data processing, measuring range.  
The Ministry of Defence of Ukraine, The state Committee on industrial policy of Ukraine, the Ministry of Finance of Ukraine  
On 31 December, 2000
2. Preparation of observation planes An-30B for certification according to the requirements of the Treaty.  
The Ministry of Defence of Ukraine, the State Committee on industrial policy of Ukraine, The Ministry of transport of Ukraine, the National academy of sciences of Ukraine, the Ministry of Finance of Ukraine  
April, 2001
3. The provision of the “Blakytna Stezha” aviation squadron according to the procurement orders of the Ministry of Defence of Ukraine with the necessary amount of aero-photographic materials, chemicals, etc. used during observation flights, and ensuring the relevant level of training of experts of the centre of data processing.  
The Ministry of Defence of Ukraine, the State Committee on industrial policy of Ukraine, the Ministry of Economics of Ukraine, the Ministry of Finance of Ukraine  
January, 2001
4. Creation in “open sky” air fields and air fields of refuelling of planes and further maintenance of the determined amount of target stocks of combustible and oil materials, special liquids and gases used by observation planes of the state-parties of the Treaty.  
The Ministry of Defence of Ukraine, the Ministry of Power Systems of Ukraine, the Ministry of transport of Ukraine  
February, 2001
5. Creation in the Borispol aviation garrison of administrative and household complexes for the fulfilment of procedures according to the Treaty at the first stage of its implementation by means of redistribution of installations of the service zone of the garrison and organisation of measuring range with the purpose of carrying out checks of the declared minimal heights of the use of the equipment of supervision.  
The Ministry of Defence of Ukraine, the Ministry of Economics of Ukraine, the Ministry of Finance of Ukraine, the Ministry of transport of Ukraine  
31 December, 2000
6. Development of the plan of construction in the Borispol aviation garrison of administrative and household complexes for the fulfilment of procedures according to the Contract at the second stage of its implementation.

The Ministry of Defence of Ukraine, the Ministry of Economics of Ukraine, the Ministry of Finance of Ukraine, the Ministry of transport of Ukraine  
February, 2001

#### **PART IV. CREATION OF THE OBSERVATION AVIATION COMPLEX AND THE MEASURING RANGE EQUIPMENT FOR THE SECOND STAGE OF IMPLEMENTATION OF THE TREATY**

1. Definition of the main customer and main executor of observation aviation complex and the measuring range equipment.  
The Ministry of Defence of Ukraine, the State Committee on industrial policy of Ukraine after the introduction of the Programme takes effect.
2. Development and submission for approval by the Cabinet of ministers of Ukraine of the programme of creation of observation aviation complex and measuring range equipment.  
The Ministry of Defence of Ukraine, the Ministry of Economics of Ukraine, the Ministry of Finance of Ukraine, the State Committee on industrial policy of Ukraine, the Ministry of transport of Ukraine within three months after this decree takes effect
3. Development of the necessary technical and economical justifications for additional equipment of the observation aviation complex based on the results of the first year of its operation, and also in case of the introduction of changes by the Commission into the categories of the observation equipment, material objects of information and the ground equipment of processing of the results of observation flights.  
The Ministry of Defence of Ukraine, the State Committee on industrial policy of Ukraine
4. Participation at examination during the sessions of the Commission of the developed techniques and procedures of certification and pre-flight inspection of optical, radio-location, video- and infra-red observation equipment.  
The Ministry of Defence of Ukraine, the State Committee on industrial policy of Ukraine, the National academy of sciences of Ukraine
5. Development of proposals on the use of equipment for carrying out ecological monitoring.  
The Ministry of Ecological Resources of Ukraine, the National Space Agency of Ukraine, the National academy of sciences of Ukraine  
March, 2003

#### **PART V. AIR TRAFFIC MANAGEMENT SUPPORT DURING OBSERVATION FLIGHTS ABOVE THE TERRITORY OF UKRAINE**

1. Development of the Instructions on issues of organisation and fulfilment of observation flights above the territory of Ukraine.  
The Ministry of Defence of Ukraine, the Ministry of transport of Ukraine  
November, 2000

2. Development of new wording of the Regulations about the use of air space of Ukraine (taking into account the results of the fulfilment of observation flights according to the Treaty).  
The Ministry of transport of Ukraine, The Ministry of Defence of Ukraine  
January, 2001
3. Determination of the necessary structural units of the Ministry of Defence, Ministry of Transport and ensuring the training of the personnel for air traffic management of observation planes.  
The Ministry of Defence of Ukraine, the Ministry of transport of Ukraine  
December, 2000
4. Development of the programme of creation of a uniform aeronautical field in the air space of Ukraine which would correspond to the norms of ICAO.  
The Ministry of transport of Ukraine, the Ministry of Defence of Ukraine  
January, 2001
5. Preparation of information on the air space of Ukraine according to the requirements of ICAO and the Treaty, organisation of its promulgation in the Collection of aeronautical information of Ukraine.  
The Ministry of transport of Ukraine  
January, 2001
6. Ensuring the granting of free-of-charge services on air navigation, air traffic management, landing and takes-off at the airports, organisation of parking and guard of observation planes of the state-parties of the Treaty, development of the mechanism of covering the expenses for the specified services.  
The Cabinet of ministers of Ukraine after the Treaty takes effect

## **PART VI. THE TECHNICAL, ECONOMIC AND FINANCIAL JUSTIFICATION OF THE IMPLEMENTATION OF THE PROGRAMME**

1. Financial provision of implementation of activities of the Programme will be financed by means allocated by the state customers in the State Budget of Ukraine for the relevant year with engagement of extra-budgetary means and sources of financing not forbidden by the legislation, and also the financial and technical help of foreign states.  
The programme will be carried out step-by-step:  
The first step - within three years from the moment the Treaty takes effect;  
The second step - after completion of the first stage of implementation of the Treaty.  
Approximate calculations of necessary assignments are given in appendices 1-7.  
To ensure implementation of the first stage of the Treaty it is necessary to allocate 2,710,880 grivnas (2,354,733 grivnas and 65,953 US dollars).  
Conditions of implementation of the Treaty assume, that the expenditures on technical and commercial service of planes, combustible and oil materials, aero-film, other material object of information and chemicals, additional services connected with observation flights will be covered by the party is carrying out observation.  
Besides, the same party covers expenses on accommodation and meals of personnel at the rate of 75 euros on each person per day. That is, during

preparation and implementation of the first stage of the Treaty, Ukraine should get from the states-parties 125,140 US dollars.

At the first stage the advanced preparation of the observation plane on the basis of the serial Ukrainian plane will be brought about as well.

For fulfilment of these activities 96,039,333 grivnas annually are needed. The estimated cost of the works connected with preparation of the plane necessary for the second stage is 288,118,000 grivnas.

At the second stage for the implementation of the Treaty 522,000 grivnas are needed annually, including for the first year – 722,000 grivnas (taking into account preparation and carrying out of certification of the plane), 226,800 grivnas of which will be provided annually to Ukraine by the state-parties.

The total amount of assignments for the implementation of the programme takes 291,550,880 grivnas.

2. Means coming from other states for renting Ukrainian planes with the purpose of the fulfilment of observation flights will enter the State Budget of Ukraine and will be used in support of the implementation of the programme.

## **PART VII. ORGANISATION OF CONTROL OVER IMPLEMENTATION OF THE PROGRAMME**

The general control over the implementation of the Programme is carried out by the Cabinet of ministers of Ukraine.

Expert checks of the course of implementation of the Programme will be conducted by the Ministry of Economics of Ukraine, the Security Service of Ukraine and other Central Executives.

**Presidential Decree on the Programme for the Fulfilment  
of the Chemical Weapons Convention for the Period  
1999-2008**

50/99 of 25.01.1999

1. To approve the Programme of fulfilment of the Chemical Weapons Convention for the period of 1999-2008 (further - the Programme) approved by the Cabinet of ministers of Ukraine (attached).  
To empower the Cabinet of ministers of Ukraine in case of the need to introduce and supplement this Programme.
2. That the Cabinet of ministers of Ukraine:  
Shall ensure during the development of the draft of the State Budget of Ukraine the allocation of means to finance the measures stipulated by the Programme by the ministries and other Central Executives;  
Shall provide for the development of the drafts of normative-legal acts on issues of implementation of the programme.
3. To assign control over implementation of the Programme to the Cabinet of ministers of Ukraine.

Approved  
by the decree of the President of Ukraine  
of 25 January 1999 No. 50/99

## **Programme for the Fulfilment of the Chemical Weapons Convention for the Period 1999-2008**

On 13 January 1993 Ukraine signed the Chemical Weapons Convention (further - CWC). The convention ratified by the Verkhovna Rada of Ukraine on 16 October 1998 entered into force for Ukraine on 15 November 1998.

To ensure the fulfilment of international obligations the Programme of implementation of the Chemical Weapons Convention for the period of 1999-2008 (further - the Programme) was developed.

CWC forbids the development, manufacture, accumulation and application of one of the weapons of mass destruction and establishes a regime of the international control over the activity of the relevant military installations and enterprises of chemical industry (further - installations and enterprises). In Ukraine such installations and enterprises are subordinated to several ministries and other Central Executives which requires the interdepartmental coordination during the implementation of CWC.

The state-parties of the CWC, for the implementation of the Convention, control over fulfilment of its provisions and support of the forum for consultations and cooperation, have created the Organisation for the Prohibition of Chemical Weapons (further - OPCW).

The convention stipulates the creation in Ukraine of a special laboratory for carrying out the relevant analytical work and its international certification by OPCW.

The primary intent of the Programme is to support the fulfilment of the international obligations of Ukraine to the CWC.

The general management of the implementation of the programme is carried out by the national organ of Ukraine on implementation of the CWC.

The programme determines the procedure and sequence of implementation of the CWC. The Implementation of the programme is calculated on 1999 - 2008.

### **MEASURES FOR THE IMPLEMENTATION OF THE PROGRAMME**

#### **1. Development of National joint declarations**

According to provisions of the Convention each state-party should submit at a stated time to the OPCW the generalized national declarations on the activity and installations subject to international control. It should state the data connected with chemical weapons and installations of their manufacture, other objects and chemical means of disturbances control. Activity of enterprises of chemical industry connected with the manufacture, processing, consumption, export and import of chemicals determined by the Convention is subject to declaration as well.

For fulfilment of these requirements, it is envisaged to provide development, check, bringing together, interdepartmental coordination and submission to the OPCW primary, annual declarations of Ukraine according to the requirements of the CWC, introduction of an automated system of development of declarations, creation and storage of the relevant database and operative response to inquiries of OPCW about granting information, including the carrying out of investigations of possible infringements of the CWC.

Term of fulfilment of these measures is the period of validity of the Programme.

The Ministry of Agricultural Policy, the Ministry of Internal Affairs of Ukraine, MZEZ-Torg of Ukraine, the Ministry of Emergencies of Ukraine, the Ministry of Science and Technology of Ukraine, the Ministry of the Industrial Policy of Ukraine, Derzhexportcontrol of Ukraine, the State Committee of Medical and Biological Industry of Ukraine, the Security Service of Ukraine, the National Guard of Ukraine, the National academy of sciences of Ukraine, the Academy of medical sciences of Ukraine are engaged in the implementation of the Programme.

The expenditures on the fulfilment of the measures stipulated by this section is given in Table 1 of Appendix 1.

## **2. Support of inspection teams of OPCW**

CWC provides for the international control over its fulfilment, including by carrying out inspections on installations and enterprises. For these purposes, within the competence of the OPCW, the inspectorate – a Technical Secretariat of OPCW which carries out inspection activity in the state-parties of CWC - is created. Primary, current, and regular inspections, and inspections on demand can be carried out.

Members of the inspection team of OPCW enjoy immunity given to diplomatic agents according to Article 29 of the Vienna convention on diplomatic relations of 18 April 1961. Tests and equipment transported by the inspection team are exempt from any custom duties. Each state-participant should determine the relevant points of entrance-departure of the inspection team of OPCW.

The purpose of these measures is to support the inspections of OPCW in Ukraine.

During the validity of the Programme, the coordinated proposals on the list of inspectors and assistants to inspectors of OPCW are developed as well detailed procedures of support of inspections with development of the relevant recommendations to the national organ of Ukraine on implementation of CWC; escort patrols of inspections OPCW; proposals by definition in Ukraine of points of entrance-departure of the inspection team of OPCW, organisation of its work, etc are being prepared.

The Ministry of Internal Affairs of Ukraine, the Ministry of Emergencies of Ukraine, Ministry of Science and Technology of Ukraine, the Ministry of ecological safety of Ukraine, the Ministry of Industrial Policy of Ukraine, the Ministry of Transport of Ukraine, the State Customs Service of Ukraine, Derzhexportcontrol of Ukraine, the State Committee on Communication, the State Committee of the Secrets of Ukraine, the Security Service of Ukraine, the National Guard of Ukraine, the National academy of sciences of Ukraine are engaged in the implementation of the Programme.

The expenditures on the fulfilment of the measures stipulated by this section are given in Table 2 of Appendix 1.

## **3. Export control support**

To fulfil the provisions of the Convention, it is necessary to establish the relevant regime of export control over the activity of enterprises of chemical industry connected with reception and transfer of chemicals, equipment and technologies, including goods included in the List of the kinds of products, equipment, materials, software and technologies which can be used for creation of arms, military or special military equipment of which international transfers are subject to state control.

The purpose of the measures is support the export control over the handling of dual-use chemicals, equipment and technologies.

During 1999-2002 it is necessary to develop the normative base for control over export of dual-use chemical goods; to improve the system of export control of the trade in chemicals.

The Ministry of Defence of Ukraine, the Ministry of Internal Affairs of Ukraine, the Ministry of Foreign Affairs of Ukraine, the Ministry of Emergencies of Ukraine, the Ministry of Transport of Ukraine, the Security Service of Ukraine the Ministry of ecological safety of Ukraine, the Ministry of the Industrial Policy of Ukraine, MZEZ-Torg of Ukraine, the State Customs Service of Ukraine are involved in the fulfilment of the individual tasks.

The expenditures on fulfilment of the measures stipulated by this section are given in table 3 of appendix 1.

#### **4. Training of personnel**

Fulfilment of the Convention demands the implementation of measures directed on training of personnel, including the heads of enterprises of chemical industry, declaration of the relevant activity and installations, support of inspection teams, protection of confidential information, etc.

The purpose of the measures is the creation of a standing system of training of the personnel for implementation of CWC.

Between 1999-2002 it is supposed to determine the number of experts in ministries and other Central Executives of Ukraine; to develop methodical materials for the training of personnel; and to prepare educational establishments to train the personnel necessary for the fulfilment of the Convention.

The Ministry of Defence of Ukraine, the Ministry of Internal Affairs of Ukraine, the Ministry of Foreign Affairs of Ukraine, the Ministry of Emergencies of Ukraine, the Ministry of ecological safety of Ukraine, the State Committee of Customs Service of Ukraine, Derzhexportcontrol of Ukraine, the State Committee of the State Border of Ukraine, the National Guard of Ukraine, the National Academy of Science of Ukraine can be involved in fulfilment of individual measures.

The expenditures on fulfilment of the measures stipulated by this section are given in table 4 of appendix 1.

#### **5. Creation of State analytical laboratory**

OPCW determines the state-parties authorized to participate in the laboratory analyses of samples selected during inspection activity. Each state-party has the right to prepare one or several laboratories for fulfilment of the functions determined by OPCW. The specified laboratories should be equipped with the relevant analytical equipment standardized and certified by OPCW.

The purpose of measures is the definition, equipping, certification of the State analytical laboratory which should carry out the functions stipulated by OPCW.

The major tasks of these measures are the definition of the laboratory capable to carry out the necessary functions; it additional equipping, certification and preparation to fulfil the tasks of the OPCW; creation and storage of the relevant analytical database.

The management of the implementation of measures of this section is carried out by the Ministry of Ecological Safety of Ukraine.

The Ministry of Foreign Affairs of Ukraine, the Ministry of Emergencies of Ukraine, Ministry of Science and Technology of Ukraine, Ministry of Defence of

Ukraine, the Ministry of Industrial Policy of Ukraine, the National academy of sciences of Ukraine can be involved in the fulfilment of individual measures.

The expenditures on fulfilment of the measures stipulated by this section are presented in table 5 of the appendix 1.

#### **6. Protection of confidential information**

Each state-party to the CWC is obliged to consider as confidential the information and data received from OPCW in connection with the fulfilment of the Convention, and also to establish the special regime of handling such information. It concerns the examination of civilian and military enterprises and installations. The state-parties can undertake for this purpose the measures they find necessary, under the condition that they observe the obligations on the implementation of the CWC.

The purpose of measures is the prevention of publication of information and other data connected with implementation of CWC.

The creation of a standing system of prevention of publication of confidential information, development of the relevant normative base; control over preparing of installations for international inspections; implementation of practical measures directed on maintenance of confidentiality of information, equipment and installations; protection of confidential information in places of its storage, its analysis and transfer to OPCW is envisaged.

The management of implementation of measures is carried out by the State Committee of the Secrets of Ukraine.

The Ministry of Foreign Affairs of Ukraine, Ministry of Defence of Ukraine, the Ministry of Industrial Policy of Ukraine, the Security Service of Ukraine, other Central Executives can be involved in the fulfilment of individual measures.

The expenditures on fulfilment of the measures stipulated by this are given in table 6 of appendix 1.

#### **7. International cooperation**

The convention assumes the development of broad international cooperation under the framework of OPCW as well as mutual relations between individual state-parties of the Organisation.

To fulfil the obligations of the Convention, each state-party determines or creates the national organ carrying out the function of the coordination centre for ensuring effective communication with the Organisation and with other subjects of CWC. Working organs of the OPCW are Conference of the states-parties, Executive Council and Technical Secretariat. Expenditures in connection with the activity of the Organisation are covered by the state-parties in conformity with the scale of payments of the United Nations and taking into account the provisions of Article IV and V of CWC.

The purpose of measures is to support the fulfilment of obligations of Ukraine on CWC in the sphere of international cooperation.

The support of the National organ of Ukraine on implementation of CWC is envisaged, as well as creation and support of diplomatic representatives of Ukraine at OPCW; payments of Ukraine in the budget of OPCW; development and carrying out of measures directed on development of bilateral and multilateral international cooperation in the sphere of prohibition of chemical weapons; collection of information on the candidates from Ukraine for work in the Technical secretariat of

OPCW; maintenance of participation of Ukraine in the work of the Executive Council OPCW.

The management of implementation of measures of this section is carried out by the Ministry of Foreign Affairs of Ukraine.

The Ministry of Emergencies of Ukraine, Ministry of Science and Technology of Ukraine, Ministry of Defence of Ukraine, the Ministry of Ecological Safety of Ukraine, the Ministry of the Industrial Policy of Ukraine, the Ministry of Justice of Ukraine, the State Customs Service of Ukraine, Derzhexportcontrol of Ukraine, the State Committee of the Secrets of Ukraine, the Security Service of Ukraine, the National academy of sciences of Ukraine, MZEEZ-Torg of Ukraine can also be involved in fulfilment of individual measures.

The expenditures on fulfilment of the measures stipulated by this section are given in table 7 of appendix 1.

## **FINANCIAL PROVISION OF THE IMPLEMENTATION OF THE PROGRAMME**

### **Volume and sources of financing**

The implementation of the programme requires 345,845,000 grivnas and 43123000 US dollars which will be allocated from the State Budget of Ukraine at the expense of the means provided in it for the ministries and other Central Executives, which will manage the implementation of the relevant measures. Calculations of means for implementation of the programme will be specified annually during the development of the drafts of the State Budget of Ukraine for the relevant year.

The generalized estimate of expenditures on implementation by ministries and other Central Executives of the measures of the Programme upon sections and years are presented in appendix 2.

Engagement of means from extra-budgetary and other sources of financing, financial and technical help of foreign states are expected as well.

### **Management and control over the implementation of the programme**

The general control over the implementation of the programme is carried out by the Cabinet of ministers of Ukraine. Expert checks of implementation of the measures of the Programme are carried out by Ministry of Economics of Ukraine, the Ministry of Finance of Ukraine, Ministry of Defence of Ukraine, the Ministry of Emergencies of Ukraine, the Ministry of Ecological Safety of Ukraine, the State Committee of the Secrets of Ukraine.

[Appendix 1 & its relevant Tables 1-7 can be accessed on line at [http://www.dcaf.ch/docs/legal\\_foundations/129.%20Chapter\\_115.pdf](http://www.dcaf.ch/docs/legal_foundations/129.%20Chapter_115.pdf) , pp. 822-827]

# **Presidential Decree on Implementation of the Chemical Weapons Convention**

1080/99 of 26.08.1999

According to the Programme of the implementation of the Chemical Weapons Convention for the period of 1999-2008 approved by the Decree of the President of Ukraine of 25 January 1999 No. 50, I decree:

1. To assign to the Ministry of Foreign Affairs of Ukraine the implementation of the functions of the National organ on the fulfilment of the Chemical Weapons Convention by Ukraine.
2. That the Cabinet of ministers of Ukraine:  
Shall determine the ministries and other Central Executives which will carry out the concrete obligations of Ukraine stemming from the requirements of this Convention;

To assist the fulfilment of the functions assigned to the Ministry of Foreign Affairs of Ukraine, the coordination of the activities of interested ministries and other Central Executives in this sphere shall settle the question on formation of an interdepartmental coordination organ, and also the relevant secretariat in the structure of the Central Staff of the Ministry of Foreign Affairs of Ukraine.

## **Law on Adopting the Protocol on Explosive Remnants of War**

2281-IV of 22.12.2004; (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).

## **Part VIII**

# **The Legislative Framework for the Social Protection of Servicemen and Members of Their Families**



## Commentary to Part VIII

The implementation of constitutional requirements for the social protection of servicemen of the Armed Forces of Ukraine and their families is considered a major duty of the state and an important legislative activity.

The adoption on 20 December 1991 of the Law of Ukraine “On Social and Legal Protection of Servicemen and Members of Their Families” initiated the creation of the system of state guarantees for the Armed Forces. The law defines the persons who can be considered servicemen: officers, ensigns, warrant officers, servicemen in active and additional service and contractual military service of the Armed Forces of Ukraine, the State Border Service of Ukraine, Security Service of Ukraine, and also other military formations created according to the laws of Ukraine and cadets of military educational establishments. This law applies to the servicemen serving on Ukrainian territory, and to servicemen performing military duty outside Ukraine, and also to the members of families of the servicemen who are missing or dead, were reported missing or became invalids during military service, and on reservists called up for to periodic training, and also their families.

The law determines the measures of legislative protection of the civil rights and freedoms of servicemen, and also establishes concrete types of social guarantees for servicemen to be provided by the state. It concerns, first of all, protection of the health of servicemen (in particular, free medical aid in military medical institutions), provision of housing for servicemen and members of their families, right to education, pension support after discharge from military service and implementation at the expense of public funds of personal insurance of servicemen and reservists periodically called-up to train.

The provisions of this act were developed and elaborated in the Law of Ukraine “On Pensions of Military Men, Commanders and Lower Ranks of Law-Enforcement Organs and Other Persons”.

The increased prestige of service in the military and law enforcement, the strengthening state policy on social protection of citizens discharged from military and law-enforcement service, as well as members of their families, are promoted by the adoption of the law of Ukraine “On the Status and Social Protection of Veterans of Military Service, Veterans of Law-Enforcement Organs and Other Persons”.

According to this law, veterans of military service, veterans of law-enforcement organs and veterans of the state fire department are considered to be the citizens of Ukraine with a record of continuous service during the term established by the Law, and are automatically transferred to the reserve or discharged according to the legislation of Ukraine or the former USSR or the CIS states, and according to the legislation of former USSR are conferred a medal “the Veteran of the Armed Forces of the USSR”. The same process applies to military pensioners and invalids (classified into two groups) who became handicapped due to reasons determined by the Law, and military pensioners.

The state’s major tasks in the sphere of social protection of veterans of military service, veterans of law-enforcement organs and veterans of the state fire department are determined by the Law and warrant them equal opportunities as other citizens in various spheres of vital activity (economic, social, political); the right to work according to their vocational level, and the creation of conditions for the provision and

improvement of health and improvement of living conditions; for control over the observance of the terms, norms and procedure of pension support of veterans of military service, law-enforcement organs, and state fire department.

The adoption by the Verkhovna Rada of Ukraine of the Law of Ukraine "On the Status of War Veterans and Guarantees of Their Social Protection" was of great importance. The law determines the concept and the status of war veterans, and outlines the limits of the applicability of this Law. War veterans are defined to be the persons who participated in the protection of Ukraine or who participated in operations in the territory of other states. All groups of war veterans - participants in combat operations, invalids of war, participants of the war - are granted privileges given by the state to ensure their health and active longevity, and provided with other measures of social protection. The law also defines the status and privileges of the persons having made special merits for Ukraine.

A number of decrees to improve the financial and social situation of servicemen and public order guards have been issued by the President of Ukraine. Some of them are included in this collection.

A number of changes and additions to strengthen the social protection of servicemen, employees of law-enforcement organs, war veterans, and members of their families have been put forward for future implementation in the abovementioned legal acts. This was not an easy task due to the limited financial resources of the state during the prior economic crises.

The elimination of discrepancies between pensions between citizens discharged from military service at different times is also an extremely acute problem. The Verkhovna Rada repeatedly drew the attention of the Government to the necessity to accelerate the elimination of these discrepancies, to double the social protection of servicemen, employees of law enforcement organs, war veterans and members of their families and to improve their pension, and medical, housing and transport provisions. The Decisions of the Verkhovna Rada of Ukraine adopted after the Parliamentary hearings "Reforming of the Armed Forces: political-legal and social-economic aspects" (on 29 June 1999), Day of the Government "On the course of execution of requirements of the current legislation and the measures adopted by the Cabinet of ministers of Ukraine on strengthening of social protection of servicemen, pensioners of the Armed Forces and veterans of military service, members of their families, on improvement of their pension, medical, housing, transport support" (on 28 November 2002), and information of the Government "On implementation of the constitutional powers by the Cabinet of ministers of Ukraine in the sphere of defence" (on 22 June 2004) were meant to settle these questions and were manifested (sequentially) in the Laws on 'On the State Guarantees of Social Protection of Servicemen and their Families when Discharged from Service during Armed Forces' Reform', 'Introducing Amendments to the Law of Ukraine 'On the Status of War Veterans and Guarantees of Their Social Protection', and 'On the Information of the Cabinet Ministers of Ukraine On the Course of Execution of the Requirements of Current Legislation and Measures To Be Taken By the Cabinet of Ministers to Strengthen Social Protection of Servicemen, Retired Law-Enforcement Staff, Armed Forces Pensioners, Veterans of Military Service and Their Family Members, Improvement of Their Pension, Medical, Housing and Transport Provision'.

The problems connected with the social protection of servicemen and members of their families have become especially serious at a new stage of reform of the Armed Forces of Ukraine, especially in connection their reduction in numeric strength. This

led to the adoption by the Verkhovna Rada on 15 June 2004 of the Law "On the State Guarantees of Social Protection of Servicemen and their Families when Discharged from Service during Armed Forces' Reform". This is the first time that reform of the Armed Forces in Ukraine is accompanied by the adoption of such a law. It has smoothed the social discontent which took place in the military in the past.

With the adoption and implementation of the Law of Ukraine "On the State Budget of Ukraine for 2006", the discrepancies in pensions for those discharged from military service before 1992 will be eliminated.

And until the level of payment of servicemen, employees of law enforcement organs, war veterans and members of their families fail to correspond to the demands of our time. As the financial capacity of the state increases, these problems will be solved and the level of payment and social protection of these citizens will come closer to European standards.

# Law on Social and Legal Protection of Servicemen and Members of Their Families

2011-XII of 20.12.1991 (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.; with changes made by the 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. 505-IV of 25.03.2005, BVR, No. 17, 18-19, p. 267. The statutory interpretation of the Law see in the Decision of the Constitutional Court No. 5-пІІ/99 of 03.06.99

## PART I. GENERAL PROVISIONS

### **Article 1. Legislation about social and legal protection of servicemen and members of their families**

The legislation about social and legal protection of servicemen and members of their families includes this Law, other legislative acts of Ukraine, and also the Military Regulations of the Armed Forces of Ukraine.

### **Article 2. Prohibition of restriction of the rights of servicemen**

No one has the right to limit the rights and freedoms of servicemen and members of their families determined by the legislation of Ukraine.

### **Article 3. Persons considered to servicemen**

The servicemen are: officers, ensigns, warrant officers, servicemen in active and additional service and contractual military service of the Armed Forces of Ukraine, the State Border Service of Ukraine, the Service of National security of Ukraine, troops of civil defence, and also other military formations created by the Verkhovna Rada of Ukraine, the strategic deterrent forces deployed in the territory of Ukraine, service-women, and cadets of military educational establishments.

*(Article 3 includes changes made by Laws No. 2171-III of 21.12.2000, No. 662-IV of 03.04.2003.*

### **Article 4. Persons this Law is applicable to**

This Law is applicable to:

- The servicemen serving in the territory of Ukraine and servicemen performing military duty outside Ukraine;

- Members of families of servicemen lost, dead, reported missing or who have become invalid during military service;
- Reservists called to periodical training and members of their families.

## **PART II. THE RIGHTS OF SERVICEMEN**

### **Article 5. Safeguarding the civil rights and freedoms of servicemen**

Servicemen - the citizens of Ukraine serving in the territory of Ukraine - take part in National and local referenda, take part 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 servicemen who are candidates for People's Deputies, and deputies of local councils should create the appropriate conditions for the exercise of this right.

Servicemen elected to office in local councils where they work on a permanent basis are attached to the relevant local councils while keeping their military service. The period in elected office (on a permanent basis) in a local Council is included in the term of duty. After expiration of the term of authority in a local Council the servicemen returns to the military formation where he/she served before the election for further service of the former post, and at its absence - of other equivalent post.

The People's Deputy of Ukraine, being a servicemen during the term of deputy duty, forms part of the Verkhovna Rada of Ukraine while continuing his/her military service. After the expiration of the powers of the People's Deputy of Ukraine, he/she, according to the established procedure, returns to the relevant military formation for further service of the former post or, by his/her consent, of another post which is not lower than the previous post held.

Servicemen have the right to create public associations according to the legislation of Ukraine. Servicemen cannot be members of any political parties or organisations and movements. Servicemen are not allowed to organise and participate in strikes.

Servicemen have the right to appeal against unlawful actions of military officials and organs of military management in court.

Servicemen have the same right as all citizens of Ukraine to trips abroad.

*(Article 5 includes changes made by the Law 1519-IV of 19.02.2004.*

### **Article 6. Liberty of conscience**

Servicemen have the right to profess any religion or not to profess any, to perform religious rites and ceremonial rituals, and to openly express their religious or atheistic beliefs.

No one has the right to interfere with servicemen exercising their religious practices.

The persons whose religious beliefs prevent them from doing active military service are granted the right to alternative service according to the Law of Ukraine "On alternative (non-military) service".

### **Article 7. Immunity of servicemen**

The servicemen are guaranteed personal immunity. He/she cannot be arrested other than on the basis of a court decision or by authority of the public prosecutor or the commander's order, issued according to the Disciplinary Regulations of the Armed Forces of Ukraine.

**Article 8. Fundamental rights of servicemen connected with service**

1. The use of servicemen for tasks not connected with military service is forbidden and entails liability according to the law. Servicemen can be called on to alleviate the consequences of catastrophes, accidents, natural disasters and in other individual cases only upon the decision of the Verkhovna Rada of Ukraine.

Term of duty is included into their general and continuous record of service and also in the record of service on specialty.

The servicemen are guaranteed the freedom of scientific, technical and artistic creativity.

Servicemen cannot be engaged in entrepreneurial activity.

In case of temporary fulfilment by a serviceman of a higher command post, the payment is made according to the established procedure in the post replaced.

2. Servicemen, except for active service, cannot be discharged from military service before qualifying for long-service pension, except for cases when they voluntarily choose to terminate their service, in connection with the state of health, the termination or default on the terms of the contract, regular failure to meet requirements of the Military Regulations, reduction of numeric strength or staff of servicemen, and in case a serviceman is found guilty by verdict.

3. The servicemen of active service, who before the call-up worked in enterprises, institutions and organisations (irrespective of the forms of ownership and economic activity), have their right to reemployment in the same enterprise, establishment or organisation or their assignment to a post no lower than the one they had before the call to military service within three-month after dismissal from service. They are granted welfare at the rate of monthly wages at the expense of the State Budget. They enjoy, under other equal conditions, the right to priority to hold a position of employment at reduction of the staff in connection with change in the organisation of manufacture and can work within two years from the date of dismissal.

Servicemen of active service, whose family has lost its bread-winner and whose family has no other able-bodied members, and members of family with independent earnings, are discharged from military service pre-term.

4. The job-security programme of the persons discharged from military service without the right to pension is implemented according to the legislation of Ukraine on employment.
5. The state provides for the social and professional reintegration of servicemen discharged in connection with the reduction in numeric strength of the personnel or for health reasons, and also for servicemen in active service who did not have a job before call-up to service.

The servicemen having a record of positive military service of a duration no less than 10 years are allowed, since 1 January 2005, during the last year before dismissal to do professional re-training (duration no less than 500 hours) free of charge, with the preservation of all kinds of allowance according to the procedure and on terms determined by the Ministry of Defence of Ukraine, in

the centres of retraining and employment assistance of all forms of ownership during working hours.

*(Article 8 includes changes made by the Laws No. 1763-IV of 15.06.2004, No. 1768-IV of 15.06.2004.)*

#### **Article 9. Payment of servicemen**

The state guarantees the servicemen material and other support at a competitive rate to stimulate the interest of citizens of Ukraine in military service.

Servicemen receive at the expense of the state a monetary allowance, and also clothing and food rations or, by request of the servicemen, financial compensation instead.

*(Validity of Part 2 of Article 9 is suspended regarding reception by servicemen of food rations or by request financial compensation instead and instead of clothing (except for servicemen of the Ministry of Defence of Ukraine, the Security Service of Ukraine, the State Border Service of Ukraine, the Department of State Guard and the Central administrative board of internal troops of the Ministry of Internal Affairs of Ukraine using civil clothes which encode the person and departmental affiliation of servicemen) according to Laws No. 1459-III of 17.02.2000, No. 1577-III of 23.03.2000, No. 2463-III of 29.05.2001, No. 3111-III of 07.03.2002.)*

The monetary allowance is determined depending on the post, military rank, qualification, scientific degree and academic status, duration and conditions of military service.

The procedure and amount of monetary allowance and payment of servicemen and indemnities instead of clothing and food rations are established by the Cabinet of ministers of Ukraine taking into account the factor of indexation of monetary income.

Servicemen and members of their families lost due to the accident on the Chernobyl nuclear powers station enjoy all privileges stipulated by the Law of Ukraine "On the status and social protection of the citizens suffering from Chernobyl accident".

The officers attached for work to state organs, enterprises, institutions, organisations and higher educational establishments keep all the kinds of payment, guarantees and privileges at the expense of the budget of the Ministry of Defence of Ukraine, the State Border Service of Ukraine and other military formations. The list of posts held by officers is established by the Cabinet of ministers of Ukraine.

*(Article 9 includes changes made by the Laws No. 2171-III of 21.12.2000, No. 662-IV of 03.04.2003.)*

#### **Article 10. Working hours and time of rest of servicemen. Holidays**

1. A 41-hour working week is established for servicemen. Duration and distribution of working hours and time of rest of servicemen are determined according to the Military Regulations and manuals of the Armed Forces of Ukraine.
2. Military exercises, ship campaigns, battle shooting and duties are conducted in any days of week without restriction of the general duration of working hours.
3. The officers, ensigns, warrant officers, servicemen of additional service and service-women who perform duties of military service during days off, holidays and nonworking days are given another day of rest. The time of rest of the servicemen of active service performing duties of military service in the specified days is established by the relevant commander (chief).

Duties of servicemen are conducted according to the Military Regulations and manuals of the Armed Forces of Ukraine.

4. The servicemen, except for servicemen of active service, are given annual holidays with preservation of payment. Duration of such holiday for servicemen having a record of service shorter than 10 calendar years - 30 days, from 10 to 20 years - 35, from 20 to 25 years - 40, 25 and more calendar years - 45 days without taking into account the time necessary for travel to the place of holiday and back.

The servicemen doing special service and working a harmful working conditions are given annual additional holiday with preservation of payment according to the procedure established by the Cabinet of ministers of Ukraine.

Additional holidays with preservation of payment on family circumstances, in connection with study in educational establishments and for other valid reasons, can be given to servicemen upon the commander's (chief) decision.

The servicemen of active service for the whole period of military service are given holidays by duration: soldiers and sailors - 20 days, sergeants and foremen - 25 days, without taking into account the time necessary for travel to the place of holiday and back.

Annual holidays are given to servicemen-invalids, and also participants in combat operations and the persons equal to them without taking into account the term of duty for the period of 45 days in the time convenient for them.

#### **Article 11. Health protection**

1. The necessary sanitary, hygienic and life conditions for servicemen are created taking into account the specific character of service and ecological conditions. They are provided with free qualified medical aid in military hospitals. In the absence of military hospitals in the place of service, and also in urgent cases, the medical aid to the servicemen is rendered in treatment and prophylactic establishments of the Ministry of Health of Ukraine at the expense of the Ministry of Defence of Ukraine, the Ministry of Internal Affairs of Ukraine, Service of the National security of Ukraine, the State Border Service of Ukraine and other military formations.

The servicemen injured due to Chernobyl accident are rendered medical aid according to the legislation of Ukraine.

2. Medical aid to members of families of servicemen is provided in accordance with general practice. In case of impossibility of rendering medical help in treatment and prophylactic establishments of Ministry of Health of Ukraine medical aid is offered in the relevant military hospitals .
3. Servicemen (except for servicemen of active military service) and members of their families have the right to sanatorium treatment and rest in sanatoria, rest houses, boarding houses and on tourist bases of the Ministry of Defence of Ukraine, Security Service of Ukraine, the State Border Service of Ukraine and other military formation created according to the laws of Ukraine. Members of the families of the servicemen lost (died) or reported missing during military service enjoy the same rights. They are: parents, wife (husband), minor children, and also children - invalids since childhood (irrespective of their age).

The servicemen working in harmful working conditions and doing special services, the servicemen who became invalids due to operations, participants in combat operations and the persons equal to them are the first to receive sanatorium treatment.

The servicemen who became invalids due to battle operations, and also participants of combat operations, are equated in the rights to invalids and participants of World War Two.

4. Servicemen of active service, cadets of military educational establishments and service women in the presence of medical indications are provided with free sanatorium treatment.
5. Service-women enjoy all privileges stipulated by the acts of Ukraine on issues of social protection of women, guard of motherhood and childhood. These privileges are granted to servicemen who are parents educating children without a mother (in case of her death, annulment, for a period of stay in medical establishment and in other cases of absence of parental care).

#### **Article 12. Housing support to servicemen and members of their families**

1. The state provides servicemen with housing on the bases, according to the procedure and according to the requirements established by the Housing Code of Ukrainian Soviet Socialist Republic and other normative-legal acts.

Servicemen of active military service are placed in barracks (on the ships) according to the Interior service regulation of the Armed Forces of Ukraine. They have the housing they lived in before the call-up preserved for them. They cannot be struck off the register of the citizens requiring improvement of living conditions.

Servicemen (except for servicemen of active military service), and the members of their families living together with them, are provided with service housing which should correspond to the requirements of the housing legislation.

The servicemen who have served 20 years and more and members of their families are given housing for permanent residence. Such housing are given to them once during all term of duty.

In the absence of service housing, privates, sergeants and sergeants-major doing contractual military service and not married, are placed free of charge in specially adapted barracks in the position of the military unit, and family - in family hostels. Living conditions in such barracks should correspond to the requirements of the hostels intended for residing single citizens. As for other servicemen, the military unit is obliged to rent housing for them and members of their family or by their request - to pay financial compensation for rent of housing.

The cadets of higher military educational establishments and military educational departments of the higher educational establishments having families are provided with accommodation in family hostels. In the absence of such hostels they are paid a financial compensation for rent of housing in the place of military service.

The procedure of providing servicemen and members of their families with housing, and also the size and the procedure of payment to the servicemen of financial compensation for rent of housing, are determined by the Cabinet of ministers of Ukraine.

2. The servicemen of contractual military service have the right to the accommodation they had before enrolment. They cannot be struck off the register of the citizens requiring improvement of living conditions on the place of previous residence.

3. The persons discharged from military service and declared invalids due to injury, contusion, and mutilation, received at the performance of military service, or due to disease received during military service, are provided, taking into account the established procedure, with housing in the 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 improvement of living conditions.

In case of the need to improve the living conditions of the families of servicemen lost (dead) or reported missing during military service, housing in a place of registration as the citizens requiring improvement of living conditions is provided.

4. The servicemen having served 20 years or more outside Ukraine or transferred to service in the area of intensive radioactive pollution as a result of Chernobyl accident have the housing occupied by them and members of their families reserved for them for the whole period of stay outside Ukraine or in the specified area.
5. The servicemen and also the persons discharged from military service who became invalid during military service and the members of their families supported by them, to parents and members of families of servicemen, the disadvantaged (died) or reported missing during military service, are given a 50 percent discount for housing and public utilities (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.

The persons discharged from military service who became invalids during military service are given a 50 percent discount for instalment and using of home phones.

6. The servicemen having served 17 years and requiring improvement of living conditions have the right to reception of the ground area for construction and service of an apartment house in the settlements selected by them for residing, taking into account the established procedure.

Institutions of local self-government are obliged to provide the ground areas and within the limits of their authority determined by the law to help the servicemen, parents and members of families of the servicemen lost (died) or reported missing during military service, and also the persons discharged from military service who became invalids during military service if they have expressed the desire to construct individual apartments.

7. The servicemen having served 20 years and more and requiring improvement of living conditions have the right to credits for individual housing or purchase of an individual apartment house (apartment) for the term under 20 years with repayment of the total sum and interest rates against the credits at the expense of the means intended in the State Budget on support of the Armed Forces of Ukraine, Security Service of Ukraine, other military formations created according to the laws of Ukraine. The specified credit is given to the servicemen only once during all term of duty.

The procedure and conditions to grant the servicemen credits for individual housing building or purchase of an individual apartment are determined by the Cabinet of ministers of Ukraine.

8. The servicemen having served 20 years or more, dismissed for reasons of health, age, in connection with staff reduction, and also the persons discharged from military service who became invalids I or II groups, members of families of the

servicemen lost (died) or reported missing during military service, have the right to free reception in the private property of premises which they hold in houses of the state available housing fund.

9. The servicemen registered as citizens requiring improvement of living conditions at the transfer to the reserve or resignation for reasons of age, state of health, and also in connection with staff reduction or other organisational measures remain registered with the military unit until reception of housing from the state available housing fund, and in case of its deactivation - with military commissariats and housing-operational units of the regions and use the right to out-of-turn reception of housing.

In case of death of the person transferred from military service to the reserve or in resignation on the bases specified in paragraph 1 of this unit having according to the legislation the right to out-of-turn reception of housing, his/her family keeps the right to reception of housing according the same procedure.

*(Article 12 includes changes made by the Law 533/97-BP of 18.09.97; in the wording of the Law 1865-IV of 24.06.2004.*

### **Article 13. The right to educational support**

Servicemen can study in military educational establishments. They, except for servicemen of active service, are allowed to study in other higher educational establishments part-time for the development of professional and cultural knowledge.

Servicemen of active service can enter military educational establishments.

The persons called to active military service during study, at a dismissal are enlisted for continuation of study in the same educational establishment where they studied before call-up.

### **Article 14. Privileges to servicemen and to members of their families on travel, transportation of luggage, mail, and also taxation**

1. The servicemen and members of their families are provided with free travel to holiday, and also free travel and transportation of luggage by railway, air, water and motor transport at moving to a new place of service and are granted compensation according to the procedure, established is paid by the Cabinet of ministers of Ukraine.

*(Validity of paragraph 1 of Part 1 of Article 14 is suspended regarding the provision of the servicemen (except for servicemen of active service) and members of their families with free travel to holiday according to the Law 1459-II of 17.02.2000)*

The servicemen performing duty connected with business trips to other settlements are reimbursed according to the procedure established by the Cabinet of ministers of Ukraine.

2. Servicemen of active service use the right to free travel by all kinds of city passenger transport (except for taxi) and public motor transport in the countryside, and also by local bus, railway and water transport.

The servicemen who became invalids due to battle operations, participants of combat operations and the persons equal to them, and also parents of the servicemen lost, died or reported missing during service use the right to free travel by all kinds of public transport within the limits of administrative region of the residence, local bus, railway and water transport.

They have the right to a 50 percent discount at using long-distance railway, air, water and motor transport.

3. Servicemen, and also parents of the servicemen lost, died or reported missing during service, are exempt from income-tax from all income received by them. *(Validity of item 3 is suspended according to the Decree No. 43-93 of 30.04.93.)*
4. Servicemen of active service have the right to send and receive letters free of charge as well as receive free post parcels with personal clothes.

#### **Article 15. Pensions and help**

1. The provision with pensions of servicemen after their dismissal from military service is made according to the Law of Ukraine “On pensions of military men, command and privates of law-enforcement organs and other persons”.
2. The servicemen, except for servicemen of active service, at a pre-term dismissal for reasons of age, state of health, in connection with staff reduction or with organisational measures are paid compensation at a rate of 50 percent of monthly allowance for each full calendar year of service.

The servicemen discharged from military service at their own request, due to family circumstances or other valid reasons determined by the Cabinet of ministers of Ukraine are paid a monthly allowance at the rate of 25 percent for each full calendar year of service.

The servicemen discharged from military service for reasons of non compliance or in connection with a guilty verdict by court, are not paid the compensation stipulated by this item.

3. The servicemen are paid an allowance for improvement of health and the state helps families with children according to the procedure and at the rate determined by the legislation of Ukraine.
4. The military formations of a serviceman lost or having died during military service provides the serviceman’s family and parents with help in carrying out the funeral and indemnify material charges on ritual services and on the organisation of monuments at the rate established by the Cabinet of ministers of Ukraine.

The parents and minor children, and also children - invalids since childhood (irrespective of their age) - of the servicemen lost, died or reported missing during military service are paid by the state an extraordinary financial compensation at the rate of the sum of the state insurance of servicemen taking into account the factor of indexation of monetary income.

*(Article 15 in the wording of the Law 64/97-BP of 12.02.97; includes changes made by the Law 1082-XIV of 21.09.99.)*

#### **Article 16. The State obligatory personal insurance**

*(To establish, that in 2004 accruing of the insurance sum on the state obligatory insurance of servicemen is carried out proceeding from 85 grivnas according to the Law 1344-IV of 27.11.2003.)*

*(To establish, that in 2005 accruing of the insurance sum on the state obligatory personal insurance of servicemen is carried out proceeding from 85 grivnas according to Laws No. 2285-IV of 23.12.2004, No. 2505-IV of 25.03.2005.)*

Servicemen, and also reservists called to periodical training, are subject to the state obligatory personal insurance in case of loss or death at the rate of 100% minimal living level of the population of Ukraine established in the period of loss or death, and also in

case of injury (a contusion, a trauma or mutilation), the diseases received during service (periodical training) at the rate of, depending from the degree of disability, determined in percentage terms from the total sum of insurance in case of loss or death.

Conditions of insurance and the procedure of payment of the insurance to servicemen and reservists called to periodical training and members of their families are established by the Cabinet of ministers of Ukraine.

#### **Article 17. Damage Reparation**

Reparation to the servicemen for moral and material damage caused is made according to the procedure established by the legislation.

#### **Article 18. Social guarantees of the rights of members of families of servicemen**

1. Members of families of servicemen of active service receive priority for employment and reservation of the place of employment at reduction of the staff, and also full-time vocational training, improvement of professional skill and retraining with payment for the period of study of average wages.
2. The wives (husbands) of servicemen, except for servicemen of active service, are paid the allowance at the rate of average monthly earnings in a place of work at cancellation of the labour contract by them in connection with transfer of the husband (wife) to service in another district. Temporary disability hospital certificates are paid to wives (husbands) of servicemen at the rate of 100 percent of the official salary irrespective of the insurance record.  
*(Validity of the second sentence of Part 2 is suspended for 2002 according to the Law 2905-III of 20.12.2001.*  
*(Validity of the second sentence of Part 2 is suspended for 2004 according to the Law 1344-IV of 27.11.2003.*
3. The wives (husbands) of servicemen, except for servicemen of 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 included in the general record of service necessary for qualifying for retirement pension.
4. By request of wives (husbands) of servicemen the annual holiday is given to them simultaneously with the holiday of the husband (wife).
5. Local councils:  
Ensure out-of-term employment for wives of servicemen of active service in case of their dismissal at reduction of numeric strength or the staff, at liquidation, reorganisation or changing of the type of enterprises, institutions, organisations;  
Give out of turn places to children of servicemen and children of servicemen lost, dead or reported missing during service in children's establishments in a place of residence;  
Provide resettlement from the military garrisons closed and remote from settlements of the servicemen transferred to the reserve or resigned.
6. The widow (widower) of the lost or dead servicemen, and also the wife (husband) of the servicemen reported missing during service, in case she/he has not remarried and has minor children, has the right to the privileges stipulated by this Law.

7. The Cabinet of ministers of Ukraine, local councils, enterprises, institutions and organisations can establish other privileges and guarantees of social protection of families of servicemen as well.

*(Article 18 includes changes made by the Law 2459-IV of 03.03.2005.)*

### **PART III. LIABILITY OF OFFICIALS FOR INFRINGEMENT OF THIS LAW**

#### **Article 19. Liability of officials**

The officials found guilty of infringement of the legislation about social and legal protection of servicemen and members of their families are brought to account according to the legislation of Ukraine.

## Law on Pensions of Military Men, Commanders and Lower Ranks of Law-Enforcement Organs and Other Persons

2262-XII of 09.04.1992 (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; 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; 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; 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.

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*(In the text of the Law the words “privates and commanding personnel of law-enforcement organs” in all cases are 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.*

This Law determines the conditions, norms and procedure of pension support for citizens of Ukraine - servicemen of the Armed Forces of Ukraine, the State Border Service of Ukraine, Security Service of Ukraine, The State Guard Administration of Ukraine, other military formations created according to the laws of Ukraine and the State special service of transport (further - servicemen), lower rank officers and commanders of law-enforcement organs of Ukraine, persons of command personnel of tax militia, privates and commanding personnel of criminally-executive system of Ukraine, privates and commanding personnel of the state fire department , organs and units of civil defence and members of their families, servicemen of the former Armed Forces of the USSR, state security organs and internal affairs of the USSR, National Guard of Ukraine, servicemen who during World War Two served in the structure of I Czechoslovak army under L. Svoboda's command, and members of their families, and also citizens of other states from among servicemen of the Armed Forces and other military formations formed according to the current legislation of these states, and members of their families permanently residing in Ukraine, and according to the international treaties concluded by Ukraine with other countries about pension support of such citizens agreed to be binding by the Verkhovna Rada of Ukraine, their pension support according to the legislation of the state in which they live (further - the persons having the right to pension under this Law).

*(A preamble includes changes made by the Laws 3946-XII of 04.02.94, 103/96-BP of 25.03.96, 85/98-BP of 05.02.98, 312-XIV of 11.12.98, 2171-III of 21.12.2000; in the wording of the Law 51-IV of 04.07.2002, includes changes made by the Laws 662-IV of 03.04.2003, 1889-IV of 24.06.2004; in the wording of the Law 2505-IV of 25.03.2005.)*

## **PART I. GENERAL PROVISIONS**

### **Article 1. Types of pension support**

Officers, ensigns and warrant officers, servicemen of additional service and contractual military service, the persons having the right to pension according to this Law if they have served the period established by this Law in military service, service in law-enforcement organs and in the state fire department, and in organs and units of civil defence, tax militia, criminally-executive system of Ukraine have the right to long-service pension.

Servicemen, persons having the right to pension according to this Law who became invalids under the conditions stipulated by this Law, acquire the right to the disability pension.

Members of families of servicemen, persons having the right to pension according to this Law lost, dead or reported missing persons, have the right to loss of the supporter pension.

*(Article 1 includes changes made by the Laws 3946-XII of 04.02.94, 103/96-BP of 25.03.96, 1889-IV of 24.06.2004, 2505-IV of 25.03.2005.*

### **Article 2. Conditions of pension support**

The servicemen, persons having the right to pension according to this Law, who have the right to pension support, pensions according to this Law are granted and paid after their dismissal from service.

The pensioners from among servicemen and persons receiving pension under this Law, 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 and the State special service of transport, service in law-enforcement organs, organs and units of civil defence, tax militia and criminally-executive system of Ukraine have the payment of pensions for the period of their service suspended. At the subsequent dismissal from service of these persons the payment of pensions is carried out taking into account the total term of duty at the date of last dismissal.

The disability pension to servicemen, persons having the right to pension according to this Law, and loss of the supporter pensions to members of their families are granted irrespective of the term of service.

*(Article 2 is supplemented with Part 2 according to the Law 2505-IV of 25.03.2005.*

### **Article 3. Persons having the right to pension on a level with servicemen of active service and members of their families**

Conditions, norms and procedure for pension support established by this Law for servicemen of active service and members of their families are also applied to (if not otherwise stipulated):

- a. Partisans and members of underground organisations recognised by the legislation of Ukraine who did not hold command posts, and members of their families;
- b. Employees and workers of the relevant categories determined by the Cabinet of ministers of Ukraine which became invalids in connection with injury, mutilation or due to the disease connected with military service during World

- War Two or work in the battle areas (on front-lines of railways, construction of defensive boundaries, Navy bases, air fields, etc.), and members of their families;
- c. The citizens who became invalids in connection with injury, mutilation or due to disease connected with service in pursuit battalions, platoons and detachments of protection of the people, and members of their families;
  - d. Reservists called to refresher courses, special or testing periodical training, or became invalids due to injury, contusion or mutilation received on duty, and members of their families;
  - e. The employees of the militarised guard who are not subject to the state social insurance, and members of their families.

**Article 4. The Persons having the right to pensions on a level with officers, servicemen of additional service and contractual military service and members of their families**

The pension support for persons who held command posts, the relevant posts of the officer personnel in partisan detachments and troop formations, underground organisations and their detachments recognised by the legislation of Ukraine, in the structure of I Czechoslovak army case under L. Svoboda's command and members of their families, is carried out on the bases established by this Law for officers and members of their families.

The pension support for women enrolled on a voluntary basis on active military service as soldiers, sailors, sergeants and foremen, and members of their families, is carried out in the bases established by this Law for servicemen of additional service and contractual military service and members of their families.

*(Article 4 includes changes made by the Law 103/96-BP of 25.03.96.*

**Article 5. Granting of pensions on the bases established by the Law of Ukraine “On pension support”**

Officers, ensigns and warrant officers, servicemen of additional service and contractual military service, the persons having the right to pension according to this Law, and members of their families, can be granted pensions on terms and on the norms established by the Law of Ukraine “On pension support” (by request). Alongside with wages, for the calculation of the pension, all kinds of monetary allowances received by these servicemen and persons having the right to pension according to this Law before dismissal from service are taken into account.

On the bases established by the Law of Ukraine “On pension support”, the pension to servicemen, and persons having the right to pension according to this Law, disgraced and discharged from service in connection with the deliberate misuse of official position, or due to corruption and to members of their families is also established.

*(Article 5 includes changes made by the Law 358/95-BP of 05.10.95.*

**Article 6. Pensions to families of dead pensioners**

Families of dead pensioners from among servicemen, persons having the right to pension according to this Law, have the right to loss of supporter pension on a level equal to members of families of servicemen and persons having the right to pension according to this Law.

**Article 7. Option of pension**

Servicemen, persons having the right to pension according to this Law, and members of their families who have the right to different state pensions are granted the pension of their choice.

**Article 8. Means of payment for pensions. Tax exemption of pensions**

Payment of pensions to the servicemen, persons having the right to pension according to this Law, and members of their families is provided at the expense of the State Budget of Ukraine.

Pensions are not subject to taxation.

**Article 9. Payment of the grant**

The servicemen, except for servicemen in active service, persons having the right to pension according to this Law upon dismissal from service for the reasons of qualification for pension, age, state of health, in connection with staff reduction or organisational activities are paid an allowance at the rate of 50 percent of a monthly monetary allowance for each full calendar year of service.

Servicemen, persons having the right to pension according to this Law upon dismissal from service at their own will, due to family circumstances or other valid reasons determined by the Cabinet of ministers of Ukraine, are paid monetary allowance at the rate of 25 percent of a monthly allowance for each full calendar year of service.

Servicemen, persons having the right to pension according to this Law upon dismissal from service for the reasons of non-compliance, or found guilty in a court of law, are not paid the allowance stipulated by this Article.

Servicemen, persons having the right to pension according to this Law in case of their repeated dismissal from service are not paid a replacement cash benefit stipulated by this Article, except for those persons who at their first dismissal did not have the right to its reception.

The members of families of servicemen, persons having the right to pension according to this Law and pensioners from among them who lost the supporter, are paid the grant according to the procedure and at the rate determined by the Cabinet of ministers of Ukraine.

*(Article 9 in the wording of the Law 2505-IV of 25.03.2005.*

**Article 10. The Organs of pension support**

The pension support of servicemen of active service and members of their families according to this Law is carried out by the organs of the Pension fund of Ukraine. The same procedure is applied at fixing pensions for officers, ensigns and warrant officers, servicemen of additional service and contractual military service, persons having the right to pension according to this Law, and members of their families on terms and norms established by the Law of Ukraine "On pension support".

The pension support of officers, ensigns and warrant officers, servicemen of additional service and contractual military service, persons having the right to pension according to the present Law, and members of their families is carried out according to this Law by the Ministry of Defence of Ukraine, the specially authorised central organ of executive power on affairs of protection of the state border of Ukraine, Department of State Guard, management organs of other military formations, Security Service of Ukraine and the Ministry of Internal Affairs of Ukraine, the State tax administration of Ukraine, the state department of Ukraine on issues of the Administration of

Punishment, the Ministry of Ukraine on issues of emergencies and protection of the population from consequences of Chernobyl accident according to the procedure determined by the Cabinet of ministers of Ukraine.

*(Article 10 includes changes made by the Laws 3946-XII of 04.02.94, 85/98-BP of 05.02.98, 312-XIV of 11.12.98, 1081-XIV of 21.09.99, 2171-III of 21.12.2000, 2981-III of 17.01.2002, 662-IV of 03.04.2003, 1889-V of 24.06.2004.*

#### **Article 11. Pensions to the persons who have suffered from Chernobyl accident**

Conditions, norms and procedure of pension support of servicemen, persons having the right to pension according to this Law lost due to the Chernobyl accident determined by the Law of Ukraine "On the status and social protection of the citizens suffering from Chernobyl accident" and this Law.

## **PART II. LONG-SERVICE PENSIONS**

*(The name of Part II includes changes made by the Laws 3946-XII of 04.02.94, 103/96-BP of 25.03.96.*

#### **Article 12. Conditions of granting of long-service pensions**

The following have right to long-service pension:

- a. Officers, ensigns and warrant officers, servicemen of additional service and contractual military service, persons having the right to pension according to this Law who have served 20 years or more;
- b. Officers, ensigns and warrant officers, servicemen of additional service and contractual military service, persons having the right to pension according to this Law discharged from service irrespective of the bases and time of dismissal and having attained 45-years of age, except for the persons disgraced and also discharged from service in connection with a deliberate misuse of official position, or commitment of corruption, and those from among them who are invalids of war, - irrespective of age, and having 25 or more calendar years record of service and no less than 12 calendar years and 6 months of which was military service, service in law-enforcement organs or service in the state fire department.

*(Article 12 includes changes made by the Laws 3946-XII of 04.02.94, 103/96-BP of 25.03.96, 51-IV of 04.07.2002, 1889-IV of 24.06.2004.*

#### **Article 13. Sizes of long-service pensions**

Long-service pensions are fixed at the following rates:

- a. To officers, ensigns and warrant officers, servicemen of additional service and contractual military service, persons having the right to pension according to this Law, having 20 or more years of service (item "a" of Article 12.: for 20 years of service - 50 percent, and retired for the reasons of age or state of health - 55 percent of the relevant sum of monetary allowances (Article 43.; for every year of service over 20 years - 3 percent of the relevant sum of monetary allowance;
- b. To officers, ensigns and warrant officers, servicemen of additional service and contractual military service, persons having the right to pension according to this Law, having a total record of service of 25 or more calendar years and no less than 12 years and 6 months of which was military service, service in law-

enforcement organs or service in the state fire department (item “b” of Article 12.: for the total record of service of 25 years - 50 percent and for every year of service over 25 years - one percent of the relevant sum of monetary allowances (Article 43);

- c. To the persons specified in items “a” and “b” of this Article who have taken part in the alleviation of consequences of the Chernobyl accident doing service and ascribed to category 1, the size of long-service pension increases by 10 percent, and ascribed to categories 2, 3 - by 5 percent of the relevant sum of monetary allowance.

The total size of pension calculated according to this Article should not exceed 90 percent of the relevant sum of monetary allowance, and to the persons participated in the alleviation of consequences of the Chernobyl accident doing service and ascribed to category 1, - 100 percent, to category 2, - 95 percent.

*(Article 13 includes changes made by the Laws 3946-XII of 04.02.94, 103/96-BP of 25.03.96, 51-IV of 04.07.2002, 1889-IV of 24.06.2004.*

#### **Article 14. Minimal size of long-service pension**

The long-service pensions fixed according to this Law cannot be lower than the minimum pension on the age established the Law of Ukraine “On pension support”.

*(Article 14 includes changes made by the Laws 3946-XII of 04.02.94, 103/96-BP of 25.03.96.*

#### **Article 15. Increase of long-service pensions**

The officers, ensigns, warrant officers, servicemen of additional service and contractual military service, persons having the right to pension according to this Law, war veterans, and the persons the Law of Ukraine “On the status of war veterans, guarantees of their social protection” is applied to, are subject to a long-service pensions increase at the following rate:

- a. By 400 percent of the minimal pension on age - to invalids of war of I group;
- b. By 350 percent of the minimal pension on age - to invalids of war of II group;
- c. By 200 percent of the minimal pension on age - to invalids of war of III group;
- d. by 150 percent of the minimal pension on age - to participants of combat operations, the members of families specified in item 1 of Article 10 of the Law of Ukraine “On the status of war veterans, guarantees of their social protection”, and also to wives (husbands) of the dead invalids of World War Two who have not remarried;
- e. By 75 percent of the minimal pension on age - to participants of the war, conferred awards and medals of the former USSR for self-denying work and faultless military service in the home front within World War Two; by 50 percent of the minimal pension on age - to other participants of the war and wives (husbands) of the dead participants of the war and battle operations, partisan and underground organisations recognised during their lifetime invalids of a systemic disease, labour mutilation and for other reasons who have not remarried, parents and the wives (husbands) who have not remarried repeatedly, servicemen, persons having the right to pension according to this Law lost, dead or reported missing during service.

*(Article 15 includes changes made by the Law 3946-XII of 04.02.94, in the wording of the Law 103/96-BP of 25.03.96.*

#### **Article 16. Increments to long-service pension**

The following increments are accrued to a long-service pension granted to officers, ensigns and warrant officers, servicemen of additional service and contractual military service, persons having the right to pension according to this Law (including to calculated in the minimal size):

- a. To nonworking pensioners supporting invalid members of their family belonging to the persons provided with loss of the supporter pension (Article 30) - on each invalid member of the family at the rate of the social pension established by the Law of Ukraine "On pension support" for the relevant category of invalidity. At that, increments are accrued to those members of family which do not receive labour or social pension. In the presence of the right to social pension and increment on an invalid member of family simultaneously the social pension or increment on this member can be accrued at the choice of the pensioner;
- b. To the pensioners being invalids of I group for the reasons specified in item "b" of Article 20 of this Law, or due to labour mutilation, professional or systemic disease, and also to single pensioners who are upon the findings of medical institutions requiring care, except for invalids (Part 1 of Article 15., - at the rate of the social pension established by the Law of Ukraine "On pension support" for the relevant categories of pensioners;
- c. To the pensioners having special merits (Article 11 of the Law of Ukraine "On the status of war veterans, guarantees of their social protection") - at the rate of 250 percent of the minimal pension on age, and the pensioners having special labour merits (Article 8 of the Law of Ukraine "On the main principles of social protection of veterans of work and other citizens of old age in Ukraine"), - at the rate of 200 percent of the minimal pension on age.

The increments stipulated by this Article can be fixed simultaneously.

*(Article 16 includes changes made by the Laws 3946-XII of 04.02.94, 103/96-BP of 25.03.96).*

#### **Article 17. Calculation of the term of duty**

The procedure of calculation of the term of duty for the purpose of fixing of pensions according to this Law to officers, ensigns and warrant officers, servicemen of additional service and contractual military service, persons having the right to pension according to this Law is determined by the Cabinet of ministers of Ukraine.

*(Article 17 includes changes made by the Laws 3946-XII of 04.02.94, 103/96-BP of 25.03.96).*

### **PART III. DISABILITY PENSIONS**

#### **Article 18. Conditions of establishment of disability pensions**

Disability pensions are granted to servicemen, persons having the right to pension according to this Law who become invalids, if their invalidity is the result of doing military service or developed no later than 3 months after dismissal from service or if invalidity developed after this term, but due to injury, contusion, mutilation or disease received during service.

#### **Article 19. Establishment of invalidity**

The categories and reasons of invalidity, and also the time of its approach 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.

Depending on a degree of disability invalids are divided into three categories.

**Article 20. The reasons of invalidity**

Depending on the reason of invalidity the invalids from among servicemen, persons having the right to pension according to this Law, are divided into the following categories:

- a. Invalids of war - invalidity due to injury, contusion, mutilation, disease resulting from the protection of Ukraine, the performance of duties of military service (official duties) or connected with field service, in partisan detachments and troop formations, underground organisations, detachments and other formations recognised by the legislation of Ukraine, in battle area, on front-lines of railways, construction of defensive boundaries, Navy bases and 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 invalids from among servicemen, persons having the right to pension according to this Law, - invalidity due to mutilation received as a result of accident not connected with the performance of duties of military service (official duties), or due to disease connected with service.

*(Article 20 includes changes made by the Law 103/96-BP of 25.03.96.*

**Article 21. Sizes of disability pensions**

Disability pensions to servicemen, persons having the right to pension according to this Law, are fixed at the following rates:

- To invalids of war of I group - 100 percent, II group - 80 percent, III group - 60 percent of the relevant monetary allowance (earnings);
- To other invalids of I group - 70 percent, II group - 60 percent, III group - 40 percent of the relevant monetary allowance (earnings).

**Article 22. Minimal sizes of disability pensions**

The following minimum disability pensions are established:

- To invalids of war from among the soldiers and sailors of active service of I group - at the rate of four minimal pensions on age, II group - three and a half of the minimal pensions on age, III group - two minimal pensions on age, other invalids from among the soldiers and sailors of active service of I group - 200 percent, II group - 100 percent and III group - 50 percent of the minimal size of pension on age;
- To invalids from among corporals (seniors soldiers) and sergeants, senior sailors and foremen of active service - at the rate of 110 percent, from among ensigns and warrant officers, servicemen of additional service and contractual military service, persons of junior commanding personnel and privates of law-enforcement organs and the state fire department - 120 percent, and from among officers and the command personnel (except for junior) of law-enforcement organs and the state fire department - 130 percent of the relevant minimal size of pension stipulated by this Article for invalids from among the soldiers and sailors of active service.

*(Article 22 includes changes made by the Laws 456/95-BP of 23.11.95, 1889-IV of 24.06.2004.*

**Article 23. Establishment of disability pensions at the rate of long-service pension**

If the invalid from among officers, ensigns and warrant officers, servicemen of additional service and contractual military service, persons having the right to pension according to this Law, have qualified for 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 23 includes changes made by the Laws 3946-XII of 04.02.94, 103/96-BP of 25.03.96.

**Article 24. Increments to the disability pension**

The disability pension granted to the servicemen, persons having the right to pension according to this Law (including to the calculated at the relevant minimal size), can be supplemented with the following increments:

- a. To the nonworking invalids supporting invalid members of their family, - on each invalid member of the family (Article 30) at the rate of the social pension established by the Law of Ukraine "On pension support" for the relevant category of the invalid. At that, the increment is granted only to those members of family which do not receive labour or social pension. In the presence of the right to social pension and increment to the disability pension on an invalid family member, the increment or social pension is fixed at their choice;
- b. To invalids of I group, single invalids of II group requiring constant care or having attained the pension age, and also to single invalids of III group who have attained the pension age, - on the care after them at the rate of social pension;
- c. To the invalids having special merits (Article 11 of the Law of Ukraine "On the status of war veterans, guarantees of their social protection"), - at the rate of 250 percent of the minimal pension on age, and to the invalids having special labour merits (Article 8 of the Law of Ukraine "On the main principles of social protection of veterans of work and other citizens of old age in Ukraine"), - at the rate of 200 percent of the minimal pension on age).

The increments stipulated by items "a", "b", "c" of this Article can be fixed simultaneously.

Increments and increases to disability pensions due to Chernobyl accident can be fixed according to the procedure established by the Law of Ukraine "On the status and social protection of the citizens suffering from Chernobyl accident" as well.

(Article 24 includes changes made by the Law 103/96-BP of 25.03.96.

**Article 25. Disability pensions rise**

Disability pensions are increased at the following rates:

- a. By 400 percent of the minimal pension on age - to invalids of war of I group;
- b. By 350 percent of the minimal pension on age - to invalids of war of II group;
- c. By 200 percent of the minimal pension on age - to invalids of war of III group;
- d. By 150 percent of the minimal pension on age - to the participants of combat operations receiving disability pensions, if the disability has developed due to the reasons specified in item "b" of Article 20 of this Law, to the members of families specified in item 1 of Article 10 of the Law of Ukraine "On the status of war veterans, guarantees of their social protection", and also to wives (husbands) of the dead invalids of World War Two if they remained single;

- e. By 75 percent of the minimal pension on age - to participants of the war, who received awards and medals of the former USSR for self-denying work and faultless military service in the home front during World War Two, receiving the disability pension if their disability developed due to the reasons specified in item "b" of Article 20 of this Law; by 50 percent of the minimal pension on age - to other participants of the war receiving the disability pensions, if their disability developed due to the reasons specified in item "b" of Article 20 of this Law, and also to the wives (husbands), who remained single, of the died participants of the war and battle operations, partisans and members of underground organisations declared during their lifetime invalids of a systemic disease, labour mutilation, etc., parents, and also the wives (husbands), who remained single, of the servicemen, persons having the right to pension according to this Law lost, died or reported missing during service.

*(Article 25 in the wording of the Law 103/96-BP of 25.03.96.*

#### **Article 26. Terms of establishment and payment of disability pensions**

Disability pensions to servicemen, persons having the right to pension according to this Law, are established for the whole period of invalidity fixed by a commission of medical-social experts, and to invalids - to men of 60 years of age or older and to women of 55 years of age or older - for life. Repeated examination of these invalids is made only by the latter's request.

In case of recognition of the pensioner who has not attained the able-bodied pension age, the pension is paid to him/her up to the end of the month when he was recognised able-bodied, but no longer than to the date upon which the invalidity was established.

#### **Article 27. Recalculation of pension at change of the group of invalidity**

At the change of the group of invalidity which takes place after the establishment of pension, the size of pension changes accordingly. If the state of health of the invalid deteriorates in connection with a systemic disease, a labour mutilation or occupational disease, the pension is recalculated according to the new group of invalidity, with preservation of its reason.

#### **Article 28. Conditions of renewal of payment of pension at interruption of invalidity**

In case of infringement by the invalid from among servicemen, persons having the right to pension, according to this Law of the term of a repeated examination by commissions of medical-social experts the payment of pension is suspended, and at his/her recognition invalid again - renews from the date of suspension, but no more than within one month prior to day of repeated examination.

In case of infringement by the invalid of the term of repeated examination for a valid reason, the payment of pension is renewed from the date of suspension, but no more than 3 years prior to the day of repeated examination if the commission of medical-social experts recognises the invalid for this period. If under these conditions upon repeated examination another group of invalidity is established (lower or higher), the pension for the specified time is paid according to former group of invalidity.

### **PART IV. LOSS OF SUPPORTER PENSIONS**

**Article 29. Conditions of establishment of loss of supporter pensions**

Loss of supporter pensions to families of servicemen, persons having the right to pension according to this Law, are fixed if the supporter died during service or no later than 3 months after dismissal from service or after this term, but due to injury, contusion, mutilation or disease received during service, and to families of pensioners from among these servicemen, persons having the right to pension according to this Law, if the supporter died during reception of pension or no later than 5 years after the termination of its payment. At that, families of the servicemen reported missing during operations are equated to families of the ones killed at the front.

**Article 30. The Members of family which have the right to loss of supporter pension**

Loss of supporter pensions are granted to the invalid members of families of the lost, dead or reported missing servicemen, persons having the right to pension according to this Law, who supported them (Article 31).

Irrespective of dependence of the supporter the pension is granted: to invalid children; to invalid parents and wife (husband) if they have after the death of the supporter lost their source of subsistence, and also invalid parents and the wife (husband) of servicemen, persons having the right to pension according to this Law, who were lost, died or reported missing during service or later due to injury, contusion, mutilation or disease developed during service.

To parents of servicemen, persons having the right to pension according to this Law, who were lost, died or reported missing at the front, at the performance of duties of military service (official duties) or at service, the pension is granted on the terms determined by the Law of Ukraine "On pension support" (Article 16).

The following are considered to be invalid members of family:

- a. Children, brothers, sister and grandsons/-daughters who have not attained the age of 18 or more when they became invalids. At that, the right to 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 attained the pension age (the man - 60 years, the woman - 55 years) or are invalids;
- c. Parents and wives (if they remain single) of servicemen, persons having the right to pension according to this Law, who were lost, dead or reported missing during service or died after dismissal from service but due to injury, contusions, mutilation received during military service (official duties), the disease connected with active service, alleviation of the consequences of the Chernobyl accident or fulfilment of the international duty, have the right to pension after attainment by men of 55 years of age, women - 50 years of age or if they are invalids;
- d. The grandfather and grandmother, in the absence thereof 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 age and capacity for work if he/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 Articles 20 of this Law irrespective whether he/she works.

Pupils, students, cadets (except for cadets of military schools and educational establishments of law-enforcement organs and the state fire department ), trainees have the right to loss of supporter pension until they graduate from educational establishments, but no longer than before attainment of 23 years of age.

For parents and wives (husbands) of individual categories of the lost servicemen, persons having the right to pension according to this Law, the Cabinet of ministers of Ukraine can establish other conditions of establishment of loss of the supporter pension.

*(Article 30 includes changes made by the Laws 3946-XII of 04.02.94, 103/96-BP of 25.03.96, 1889-IV of 24.06.2004.*

**Article 31. Members of the family considered to be dependents**

Members of family of the dead are considered to be his/her dependents if they fully depended on him/her or received from him/her help which was permanent and constituted their basic source of subsistence.

Members of the family 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**

The children who have lost both parents are paid pension in full during the whole period of full state maintenance.

Other children under full state maintenance are paid 50 percent of the pension.

**Article 33. Right to loss of supporter pension of step-parent and the adopted**

Step-parents have the right to pension on a level equal to parents, and the adopted – on a level equal to children.

The minors having the right to 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 pension on a level equal to the father and mother provided that they educated or supported the dead stepson or the stepdaughter for no less than 5 years.

The stepson and the stepdaughter if they do not receive alimony from parents have the right to pension on a level equal to native 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 remarriage of the other.

**Article 36. Sizes of loss of supporter pensions**

Loss of supporter pensions are fixed at the following rates:

- a. To members of families of servicemen, persons having the right to pension according to this Law, dead due to injury, contusion or mutilation received at protection of Ukraine, alleviation of the consequences of Chernobyl accident or performance of other duties of military service (official duties), or due to disease connected with service at the front, in partisan detachments and troop formations, the underground organisations and detachments recognised by the legislation of Ukraine, consequences of consequences of Chernobyl accident or participation in peacetime operations, - 40 percent of earnings of the supporter on each invalid member of family. The pensions to members of families of the dead invalids of war and members of families having children who have lost both parents are fixed at the same rates irrespective of the reason of death of the supporter;
- b. To families of servicemen, persons having the right to pension according to this Law, who died due to mutilation received as a result of accident, not connected with the performance of duties of military service (official duties), or due to disease connected with service, - 30 percent of earnings of the supporter on each invalid member of family.

*(Article 36 includes changes made by the Law 51-IV of 04.07.2002.*

#### **Article 37. Minimal sizes of loss of supporter pensions**

Loss of supporter pensions granted to members of families of servicemen, persons having the right to pension according to this Law, calculated upon each invalid member of family cannot be lower than:

- a. At calculation of pensions according to item "a" of Article 36 of this Law: for members of families of the soldiers and sailors of active service - 150 percent, members of families of sergeants and foremen, corporals (seniors soldiers) and senior sailors of active service - 165 percent, members of families of ensigns and warrant officers, servicemen of additional service and contractual military service, persons of junior commanding personnel and privates of law-enforcement organs and the state fire department - 180 percent, and for members of families of the officer personnel and the command personnel (except for junior) of law-enforcement organs and the state fire department - 195 percent of the minimal size of pension on age;
- b. At calculation of pensions according to item "b" of Articles 36 of this Law - 75 percent of the sizes stipulated by item "a" of this Article for members of families of the relevant categories of servicemen, persons having the right to pension according to this Law.

*(Article 37 includes changes made by the Law 1889-IV of 24.06.2004.*

#### **Article 38. Calculation of loss of supporter pensions to orphans**

The families of servicemen of active service having children who have lost both parents (orphans) are granted loss of supporter pension calculated from the total sum of earnings of both parents on the norms established by the Law of Ukraine "On pension support".

#### **Article 39. Increase of loss of supporter pensions**

Increase of loss of supporter pensions:

- a. The members of families specified in item 1 of Article 10 of the Law of Ukraine "On the status of war veterans, guarantees of their social protection", and also

- to wives (husbands) of the dead invalids of World War Two who remained single - by 150 percent of the minimal pension on age;
- b. The wives (husbands) of the died participants of war and battle operations, partisans and member of underground organisations recognised during their lifetime invalids of a systemic disease, labour mutilation, etc. who remained single, parents, and also the wives who remained single of servicemen, persons having the right to pension according to this Law, who were lost, have died or were reported missing during service, - by 50 percent of the minimal pension on age;
- c. The members of families of the lost (died) servicemen, persons having the right to pension according to this Law (pensioners), who are participants of combat operations, - by 150 percent; participants of the war, conferred awards and medals of the former USSR for self-denying work and faultless military service in the home front during World War Two, - by 75 percent; other participants of the war, - by 50 percent of the minimal pension on age, and those who are invalids of war, - at the rate specified in items “a” and “b” of Article 15 of this Law.

*(Article 39 in the wording of the Law 103/96-BP of 25.03.96.*

**Article 40. Period to which the loss of supporter pension is fixed. Change of the size of pension**

The loss of supporter pension is established for all period during which the member of family of the dead is considered to be invalid (Article 30), and to the members of the family who attained: men - 60 years, women - 55 years, - for life.

Change of the size of pension if the family subject to the loss of the supporter pension underwent changes due to which individual members of family or family as a whole lose the right to pension, its recalculation or cancellation are made from the first date of the month following the month in which the change took place.

**Article 41. Establishment of one loss of supporter pension for all members of family. Allocation of a share of pension**

All members of the family having the right to pension are granted common pension.

On demand of a member of family his/her share of pension can be allocated and paid to him/her individually.

Allocation of a share of pension is made from the first of the month following the month when the relevant application was issued.

**Article 42. The Procedure and terms of establishment of invalidity to members of family**

The members of the family being invalids are subject to the rules about the procedure and terms of an establishment the invalidity stipulated in Articles 19, 26-28 of this Laws.

**PART V. CALCULATION OF PENSIONS**

**Article 43. Earnings (monetary allowance) for calculation of pensions**

The pensions granted according to this Law to the servicemen of active service and members of their families are calculated in accordance with the established norms in

percentage to monthly average earnings which servicemen received up to the call-up to military service or after dismissal up to the claim for pension, or in the monthly average monetary allowance received by servicemen doing contractual military service. At that, monthly average earnings (monetary allowance) for calculation of pensions is determined according to the procedure, established by the Law of Ukraine "On pension support".

Servicemen of active service who before the call-up and after dismissal did not work and did not do contractual military service and members of their families, are granted pension in the minimal sizes stipulated accordingly by Articles 22 and 37 of this Law.

Pensions to officers, ensigns and warrant officers, servicemen of additional service and contractual military service, persons having the right to pension according to this Law and members of their families, are calculated proceeding from the size of monetary allowance on the last post before dismissal taking into account the salaries on the post, military (special) rank, the percentage of long-service bonus, monthly additional kinds of monetary allowance (increments, etc.) and bonuses at the rate established by the legislation.

The total sum of monetary allowance for calculation of the pensions granted according to this Law should not exceed the maximal size of actual charges on payment wages, the taxable income (profit), the cumulative taxable income - the limiting sum of wages (income) from which insurance payments (the periodical training) in the social funds are raised determined by the legislation for the period of granting of pension.

In case if the size of pension (taking into account increments, increases, additional pensions, the target monetary help, pensions for special merits to Ukraine and other additional payments to the pensions established by the legislation) fixed according to this Law exceeds 90 percent of the maximal size of actual charges on wages, the taxable income (profit), the cumulative taxable income (the limiting sum of wages (income) from which insurance payments (the periodical training) in the social funds are raised determined by the legislation for the period of payment of pension), the pension is paid to such persons in the sum which does not exceed the specified size.

The officers, ensigns and warrant officers, servicemen of additional service and contractual military service transferred for reasons of health or age from air work, submarines (underwater cruisers), nuclear surface ships and mine-sweepers on the post with a lower official salary, the pensions are fixed by request of the pensioner, proceeding from the official salary of the last permanent appointment occupied before discharge or from the posts specified in this unit which they held before transfer if at the date of transfer they have qualified for long-service pension. The same procedure is applied to fixing the pensions to officers and persons of command personnel of law-enforcement organs with the military rank of the colonel or the special rank of colonel of militia or internal service, the colonel of tax militia, and also equal to them and above if they under such circumstances and conditions are transferred in the interests of service from posts which they held for no less than three years before transfer and at the date of transfer had the right to long-service pension.

The officers, ensigns and warrant officers, servicemen of additional service and contractual military service, persons of command personnel of law-enforcement organs and some other persons having the right to pension according to this Law, who have been recalled for work in organs of state power and institutions of local self-government or in the organs formed by them at enterprises, institutions, organisations, higher educational

establishments and received wages according to the procedure and the sizes established for employees of these organs and organisations, pensions are estimated proceeding from the official salary established on the similar post accordingly for officers, ensigns and warrant officers, servicemen of additional service and contractual military service, persons of command personnel of law-enforcement organs and some other persons having the right to pension according to this Law.

To the officers discharged from military service before assuming permanent office after graduation from a military educational establishment or after call-up from the reserve, pension is fixed according to the procedure, stipulated in this Article, from the sums of a monetary allowance paid by them at the date of discharge.

To warrant officers and servicemen of additional service and contractual military service, transferred from nuclear underwater cruisers, nuclear submarines and diesel submarines equipped with nuclear energy installations, on the relevant equivalent posts on other ships, vessels or in coastal military units of the Navy with preservation of their official salary on the day of transfer, the pension are fixed according to the procedure, stipulated in this Article, proceeding from the official salary paid at the date of discharge.

At calculation of pensions according to units 5-8 of this Article the calculation includes monthly additional kinds of monetary allowance (increment, additional payment, rise) and bonuses at the rate established by the legislation at date of granting of these pensions.

Servicemen and certified employees of the organs of the Ministry of Internal Affairs of Ukraine, Security Service of Ukraine, organs and establishments of punishments administration, other law enforcement organs elected People's Deputies of Ukraine, at attainment by them during the term of deputy the pension age or the term of duty entitling to pension, established by this Law, have the right to pension which is fixed proceeding from earnings of a working People's Deputy of Ukraine.

*(Article 43 includes changes made by Laws 3946-XII of 04.02.94, 126/95-BP of 06.04.95, 103/96-BP of 25.03.96, 3111-II of 07.03.2002, 1519-IV of 19.02.2004, 1769-IV of 15.06.2004, 2285-IV of 23.12.2004, 2505-IV of 25.03.2005.*

#### **Article 44. Recalculation of pensions proceeding from higher earnings of servicemen of active service**

The pensioners from among servicemen of active service who have worked after establishment of the disability pension for no less than 2 years with higher earnings, than those the pension was calculated at, is granted upon their application a new pension taking into account the earnings determined according to the procedure stipulated by the Law of Ukraine "On pension support". The same conditions are applied to the recalculation of pension fixed in the minimal size in connection with absence of earnings.

In case of further growth of earnings of the pensioner a new recalculation of pension under its application is made. Each subsequent recalculation of pension is made no earlier than in 2 years of work after the previous recalculation.

#### **Article 45. Calculation of loss of supporter pensions to members of families of pensioners**

The families of pensioners from among servicemen, persons having the right to pension according to this Law are granted the pension on the occasion of loss of the supporter which is calculated proceeding from the same monetary allowance (earnings) from which the pension to the supporter was calculated.

The members of families of pensioners from among the servicemen of active service who have the right to recalculation of pension according to the procedure stipulated in Article 44 of this Law are granted loss of the supporter pension calculated proceeding from the earnings on the basis of which the specified recalculation of pension was made or could have been made.

**Article 46. Increase of the minimal sizes of pensions and the limiting sizes of earnings**

The minimal sizes of pensions (Articles 14, 22, 37) which are granted to the servicemen, to the persons having the right to pension according to this Law, and members of their families, additions to these pensions determined according to the minimal pension age, and also the limiting sizes of earnings which are taken into account at the calculation of pensions are increased in parallel with the increase of the minimal consumer budget.

**Article 47. Increase of pensions to some categories of pensioners**

All the kinds of pensions fixed according to this Law are additionally increased to the pensioners who underwent political reprisals and at a later time were rehabilitated, - by 50 percent, and to members of their families which were forced to relocate, - by 25 percent of the minimal pension age.

*(Article 47 in the wording of the Law 103/96-BP of 25.03.96.*

## **PART VI. ESTABLISHMENT OF PENSIONS**

**Article 48. Application for pensions**

Applications for establishment of pensions to the servicemen of active service and members of their families are handed in the district (city) organ of the Pension fund of Ukraine at the place of residence, and to officers, ensigns, warrant officers, servicemen of additional service and contractual military service, the persons having the right to pension according to this Law, and members of their families, to organs of pension support of the Ministry of Defence of Ukraine, the specially authorised central organ of executive power on affairs of protection of the state border of Ukraine, Department of State Guard, other military formations, Security Services of Ukraine, the Ministry of Internal Affairs of Ukraine, the State tax administration of Ukraine, the state department of Ukraine on issues of the Administration of the punishment, the Ministries of Ukraine on issues of emergencies and protection of the population from consequences of Chernobyl accident.

*(Article 48 includes changes made by Laws 3946-XII of 04.02.94, 1081-XIV of 21.09.99, 2171-III of 21.12.2000, 2981-III of 17.01.2002, 51-IV of 04.07.2002, 662-IV of 03.04.2003, 1889-V of 24.06.2004.*

**Article 49. The Organs granting pensions, and terms for consideration of documents on the granting of pensions**

Pensions to the servicemen of active service and members of their families are granted by district (city) organs of the Pension fund of Ukraine, and to officers, ensigns and warrant officers, servicemen of additional service and contractual military service, the persons having the right to pension according to this Law and members of their families, by organs of pension support of the Ministry of Defence of Ukraine, the specially authorised central organ of executive power on affairs of protection of the state border of Ukraine, Department of State Guard, other military formations, Security Services of Ukraine, the Ministry of Internal Affairs of Ukraine, the State tax

administration of Ukraine, the state department of Ukraine on issues of the Administration of the punishment, the Ministries of Ukraine on issues of emergencies and protection of the population from consequences of Chernobyl accident.

Documents on the establishment of pensions are examined by the organs granting pensions within time no longer than 10 days from the date of their receipt.

The notice on refusal to establish pension with the indication of the reasons of refusal is issued by the organ of pension support to the applicant no later than 5 days after adoption of the relevant decision.

*(Article 49 includes changes made by the Laws 3946-XII of 04.02.94, 1081-XIV of 21.09.99, 2171-III of 21.12.2000, 2981-III of 17.01.2002, 51-V of 04.07.2002, 662-IV of 03.04.2003, 1889-IV of 24.06.2004.*

#### **Article 50. Terms of establishment of pensions**

Pensions according to this Law are established:

- a. To servicemen of active service - from the date of discharge from hospital, but not earlier than from the date of dismissal if the establishment of invalidity by a commission of medical-social experts and application for pension took place no later than 3 months from the date of discharge from hospital or from the date of dismissal, and to families of servicemen of active service and pensioners from among these servicemen - from the date of death of the supporter or occurrence of the right to pension, but no more than for 12 months before the application for pension. To parents or the wife (husband) of the specified servicemen and the pensioners who obtained the right to pension in connection with loss of the source of subsistence, the pension is fixed from the date of application for pension;
- b. To officers, ensigns and warrant officers, servicemen of additional service and contractual military service, the persons having the right to pension according to this Law, from the date of dismissal from service, but not earlier than the day up to which they had monetary allowance, and to members of families of these servicemen, the persons having the right to pension according to this Law, and also pensioners from among them - from the date of death of the supporter, but not earlier than the day up to which the monetary allowance or pension is paid , except for cases of establishment of pensions from later terms.

To the specified servicemen, persons having the right to pension according to this Law recognised invalids after 3 months from the date of dismissal from service or due to accident or disease developed after dismissal, from the date of establishment of invalidity.

To members of families of the specified servicemen, persons having the right to pension according to this Law, and pensioners from among them who obtained the right to pension after the death of the supporter, - from the date of occurrence of the right to pension, and to parents or the wife (husband) who obtained the right to pension in connection with loss of a source of subsistence, - from the date of the application for pension.

The pension covering the past time in case of untimely application is granted from the date of occurrence of the right to pension, but no more than for 12 months before the application for pension.

#### **Article 51. Terms of recalculation of the granted pensions**

In case of circumstances ensuing the change of the size of pensions granted to the servicemen of active service and to their families, the recalculation of these pensions is made in conformity with the terms established by Article 84 of the Law of Ukraine "On pension support".

Recalculation of pensions granted to the officer personnel, ensigns and warrant officers, servicemen of additional service and contractual military service, the persons having the right to pension according to this Law, and members of their families, is made from the first day of the month following the month of occurrence of the circumstances ensuing the change of the size of pensions. If at that the pensioner has obtained the right to increase of pension, the difference in pension can be paid to him/her but for no more than for 12 months.

## **PART VII. PAYMENT OF PENSIONS**

### **Article 52. Organs paying pension**

The pensions to pensioners from among servicemen of active service and members of their families are paid by organs of the Pension fund of Ukraine in a place of actual residence of the pensioner, irrespective of registration.

The pension to persons from among officers, ensigns and warrant officers, servicemen of additional service and contractual military service, the persons having the right to pension according to this Law and members of their families, are paid by the establishments of Savings bank of Ukraine in a place of actual residence of the pensioner, irrespective of registration, on the basis of the relevant documents which are issued by organs of pension support of the Ministry of Defence of Ukraine, the specially authorised central organ of executive power on affairs of protection of the state border of Ukraine, Department of State Guard, other military formations Security Services of Ukraine, the Ministry of Internal Affairs of Ukraine, the State tax administration of Ukraine, the state department of Ukraine on issues of the Administration of the punishment, the Ministries of Ukraine on issues of emergencies and protection of the population from consequences of Chernobyl accident.

*(Article 52 includes changes made by the Laws 3946-XII of 04.02.94, 1081-XIV of 21.09.99, 2171-III of 21.12.2000, 2981-III of 17.01.2002, 51-IV of 04.07.2002, 662-IV of 03.04.2003, 1889-IV of 24.06.2004.*

### **Article 53. Payment of pensions by proxy**

The pension can be paid by proxy; the procedure of the certificate and the term of validity are determined by legislation.

### **Article 54. Payment of pensions to pensioners in the presence of earnings (profit)**

The pensions fixed according to this Law are paid without taking into account the received earnings (profit).

### **Article 55. Payment of pensions for past time**

The sum of the pension added to the pensioner from among servicemen, the persons having the right to pension according to this Law, and members of their families and not duly taken by them, are paid for no longer than 3 years before the application for its reception.

The sum of the pension which has not been received by the pensioner in time due to the fault of the organ granting or paying the pension are paid without restriction.

**Article 56. Payment of pensions to the persons living in homes for the elderly or invalids**

The single pensioners from among the servicemen, persons having the right to pension according to this Law and members of their families, living in homes for the elderly or invalids are paid 25 percent of the pension, but not less than 20 percent of the minimal size of pension age per month. If the pensioner living in homes for the elderly or invalids has invalid members of family dependant of him/her and are subject to loss of the supporter pensions he/she is paid pension according to the following procedure: 25 percent of pension, but no less than 20 percent of the minimal size of pension age are paid to the pensioner, and other part of pension, but no more than 50 percent of the fixed size - to the specified members of his/her family.

*(Article 56 includes changes made by the Law 103/96-BP of 25.03.96.*

**Article 57. Payment of pension during hospitalisation**

During hospitalisation (in hospital, clinic, hospital and other medical establishments) of the person having the pension according to this Law the pension is paid in full.

*(Article 57 includes changes made by the Law 1081-XIV of 21.09.99.*

**Article 58. Payment of pension for the period of imprisonment**

In case of imprisonment of the person having the pension according to this Law its payment is carried out in accordance with general practice.

*(Article 58 includes changes made by the Law 1081-XIV of 21.09.99.*

**Article 59. Deduction from pensions**

Deduction from pensions of servicemen, the persons having the right to pension according to this Law and members of their families are made according to the procedure established by Article 90 of the Law of Ukraine "On pension support".

**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 the circumstances ensuing change of the size of pension or its cancellation.

In case of default on this duty and reception in this connection of excessive sums of pension, the pensioners should return the excessive payment to the organ of pension support.

The recollecting of pension unduly paid to the pensioner due to the misrepresentation of data in documents, non-submission of data on changes in his/her family, etc. is made according to the procedure established by Article 103 of the Law of Ukraine "On pension support".

**Article 61. Payment of pension and aid in case of death of the pensioner**

The pension which was subject to payment to the pensioner from among servicemen, the persons having the right to pension according to this Law, members of their families and remained half-received in connection with his/her death do not enter the inheritance and are paid to those members of his/her family who are subject to loss of supporter pension. However, parents and the wife (husband), and also the members of family who lived together with the pensioner at the date of his/her death have the right to reception of the pension if they are not subject to loss of supporter pension as well.

At the application by several members of family the sum of pension due to them is shared equally between them.

The specified sums are paid, if the relevant application was submitted no later than 6 months after the death of the pensioner.

In case of the death of the pensioner, the members of his/her family or the person who carried out the burial is paid at the rate of a three-month pension, but no less than fivefold the size of minimum wage.

The aid to burial is not paid, if the burial of the pensioner is carried out at the expense of the state.

*(Article 61 includes changes made by the Laws 3946-XII of 04.02.94, 1081-XIV of 21.09.99).*

#### **Article 62. Payment of pensions to citizens who went abroad**

The servicemen, persons having the right to pension according to this Law, and the members of their families who left for permanent residence abroad are not granted pensions.

The pensions fixed for the specified persons in Ukraine before their departure for permanent residence abroad are paid according to the procedure established by the Law of Ukraine "On pension support".

### **PART VIII. THE PROCEDURE OF RECALCULATING PENSIONS**

#### **Article 63. Recalculation of the pensions fixed before**

Recalculation of the pensions fixed before to servicemen, the persons having the right to pension according to this Law and members of their families in connection with implementation of this Law is made against the documents which are available in pension record, and also the additional documents presented by pensioners for the period of recalculation.

If the pensioner presents additional documents entitling a further increase of pension after a while the pension is recalculated according to the norms of this Law. At that, the recalculation covers the past time but no more than 12 months from the date of submission of additional documents and no earlier than from the date of implementation of this Law.

The pensions granted to the servicemen, persons having the right to pension according to this Law and members of their families, are recalculated along with the increase of monetary allowance of the relevant categories of servicemen, persons having the right to pension according to this Law.

*(Article 63 includes changes made by the Law 3946-XII of 04.02.94).*

#### **Article 64. Increase of pensions in connection with indexation of monetary income of the population**

The pensions granted to the servicemen, persons having the right to pension according to this Law and members of their families, are increased according to the Law of Ukraine "On indexation of monetary income of the population".

*(Article 64 includes changes made by the Decree 7-92 of 09.12.92, the Law 534/96-BP of 21.11.96; in the wording of the Law 1081-XIV of 21.09.99).*

#### **Article 65. The Liability for untimely registration or submission of doubtful pension documents**

The organs which carry out pension support of servicemen, the persons having the right to pension according to this Law and other organs and establishments are accountable within the limits established by the legislation of Ukraine for untimely registration or representation of pension documents, and also for delivery for registration of pensions of doubtful data and documents.

**Article 66. Appeal against the decisions of the organ granting pensions**

The decision on refusal to grant pension, infringement of terms and understating of the size of pension can be appealed against in the relevant supreme organs or in court.

# **Law on the Status and Social Protection of Veterans of Military Service, Veterans of Law-Enforcement Organs and Other Persons**

203/98-BP of 24.03.1998 (Bulletin of the Verkhovna Rada of Ukraine (BVR), 1998, 40-41, p. 249. Includes changes made by Laws 2171-III of 21.12.2000, BVR, 2001, 9, p. 38; 2373-III of 05.04.2001, BVR, 2001, 24, p.127; 662-IV of 03.04.2003, BVR, 2003, 27, p. 209; 1763-IV of 15.06.2004, BVR, 2004, 36, p. 444; 1889-IV of 24.06.2004, BVR, 2004, 50, p. 536. For statutory interpretation this Law see the Decision of the Constitutional Court No. 4-пн/2003 of 27.02.2003

In the title and the text of the Law the references “veterans of military service”, “the veteran of military service” are replaced with references “veterans of military service and veterans of law-enforcement organs”, “the veteran of military service and the veteran of law-enforcement organs” according to the Law 2373-III of 05.04.2001.

In the text of the Law the words “the veteran of military service and the veteran of law-enforcement organs” in all cases and numbers are replaced with the words “the veteran of military service, the veteran of law-enforcement organs and the veteran of the state fire department ” in the relevant case and number, and words “in law-enforcement organs” are replaced with the words “in law-enforcement organs and the state fire department ” according to the Law 1889-IV of 24.06.2004.

This Law establishes the status of veterans of military service, veterans of law-enforcement organs and veterans of the state fire department , determines the main principles of state policy on social protection of the citizens discharged from military service, service in law-enforcement organs and the state fire department , and members of their families.

The preamble includes changes made by the Law 2373-III of 05.04.2001, in the wording of the Law 1889-IV of 24.06.2004.

## **PART I. GENERAL PROVISIONS**

### **Article 1. Main principles of state policy towards veterans of military service, veterans of law-enforcement organs and veterans of the state fire department**

The state guarantees to each veteran of military service, the veteran of law-enforcement organs and the veteran of the state fire department equal opportunities as other citizens in the economic, social, political spheres, and also renders various kinds of the help by:

- Implementation of the right to work according to professional fitness and special programmes of social adaptation;
- Creation of conditions for protection and improvement of health with the purpose of maintenance of active longevity;
- Granting of privileges, advantages and social guarantees during labour activity and holidays;
- Implementation of special programmes of improvement of living conditions;
- Organisations of social service;
- Pension support according to the legislation.

**Article 2. The Legislation of Ukraine on the status of veterans of military service, veterans of law-enforcement organs and veterans of the state fire department**

The legislation of Ukraine on the status of veterans of military service, veterans of law-enforcement organs and veterans of the state fire department 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 of veterans of military service, veterans of law-enforcement organs and veterans of the state fire department and members of their families**

Veterans of military service, veterans of law-enforcement organs and veterans of the state fire department and members of their families on a level with other citizens have all social and economic rights and freedoms consolidated by the Constitution of Ukraine, laws and other normative-legal acts of Ukraine.

Veterans of military service, veterans of law-enforcement organs and veterans of the state fire department, if there is a basis in the legislation of Ukraine, can also be declared war veterans and veterans of work.

**Article 4. Support of performance of the legislation on social protection of veterans of military service, veterans of law-enforcement organs and veterans of the state fire department and members of their families**

Support of performance of this Law, other normative-legal acts about social protection of veterans of military service, veterans of law-enforcement organs and veterans of the state fire department and members of their families is assigned to the Cabinet of ministers of Ukraine, the Ministry of Defence of Ukraine, the Ministry of Ukraine on issues of emergencies and protection of the population from consequences of Chernobyl accident, the specially authorised central organ of executive power on affairs of protection of the state border of Ukraine, Security Service of Ukraine, the State Guard Administration of Ukraine, the Ministry of Internal Affairs of Ukraine, the Ministry of work and social policy of Ukraine, other central and local executive organs and institutions of local self-government.

*(Article 4 includes changes made by the Laws 2171-III of 21.12.2000, 2373-III of 05.04.2001, 662-IV of 03.04.2003.*

**PART II. CONCEPT AND NATURE OF THE STATUS OF VETERANS OF MILITARY SERVICE, VETERANS OF LAW-ENFORCEMENT ORGANS AND VETERANS OF THE STATE FIRE DEPARTMENT**

**Article 5. Persons who are declared veterans of military service, veterans of law-enforcement organs and veterans of the state fire department**

The following citizens of Ukraine are declared veterans of military service, veterans of law-enforcement organs and veterans of the state fire department :

1. those who did military service, served in law-enforcement organs and the state fire department for 25 or more calendar years or 30 or more years in preferential calculation (no less than 20 years of which was the period of service in calendar calculation) and were transferred to the reserve or resigned according to the legislation of Ukraine or former USSR or CIS states;

2. invalids groups I and II whose invalidity developed due to injury, contusions, mutilation or disease connected with the performance of duties of military service or duties on guard of public order, struggle against criminality and alleviation of consequences of emergencies;
3. invalids groups I and II whose invalidity developed due to disease received during military service, service in law-enforcement organs and the state fire department and which have a period of military service, service in law-enforcement organs and service in the state fire department of 20 years or more;
4. military pensioners conferred a medal "the Veteran of the Armed Forces of the USSR" according to the legislation of the former USSR;
5. those who did military service for 20 or more calendar years or 25 or more years in preferential calculation and were discharged from military service due to reforming of the Armed Forces of Ukraine.

*(Article 5 includes changes made by the Laws 2373-III of 05.04.2001, 1763-IV of 15.06.2004, 1889-V of 24.06.2004.*

**Article 6. Social protection of veterans of military service, veterans of law-enforcement organs and veterans of the state fire department and members of their families**

The following privileges are given to veterans of military service, veterans of law-enforcement organs and veterans of the state fire department :

1. free use of establishments of public health services of the Ministry of Defence of Ukraine, Security Service of Ukraine, the Ministry of Internal Affairs of Ukraine, other Central Executives and military formations;
2. priority free purchase of medicine prescribed by doctors;
3. priority medical examination, prophylactic medical examination and hospitalisation;
4. priority free prosthetic dentistry (except for prosthetics from precious metals), free provision with artificial limbs and orthopaedic products;
5. the right to priority sanatorium treatment in sanatoria of the Ministry of Defence of Ukraine, Security Service of Ukraine, the Ministry of Internal Affairs of Ukraine, other Central Executives and military formations with payment of 25 percent of cost of a place by veterans of military service, veterans of law-enforcement organs and veterans of the state fire department and 50 percent by members of their families;
6. a 50 percent discount for housing rent and public utilities (water supply, gas, electric, central heating and hot water and other services), use of home phone by the veterans of military service, veterans of law-enforcement organs and veterans of the state fire department and the members of their families living together with them in apartment of all forms of ownership within the limits of the norms stipulated by the legislation, or the 50 percent discount for fuel, including liquid fuel, within the limits of the norms established for the persons living in houses with no central heating;
7. priority, but no later than one year after dismissal from military service or from service in law-enforcement organs and the state fire department and arrival to the place of chosen residence taking, into account the existing procedure of registration, provision of housing for persons requiring improvement of living conditions, or extraordinary granting of the interest-free credit for individual housing (cooperative) building or purchase of housing taking into account the

norm of the accommodation established by the legislation per family and its repayment in the full at the expense of the Ministry of Defence of Ukraine, the State Border Service of Ukraine, Security Service of Ukraine, the Ministry of Internal Affairs of Ukraine, The State Guard Administration of Ukraine, other Central Executives formed according to the laws of Ukraine of military formations, and also provision with the ground areas for building and 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 at their dismissal handed over their homes (on military premises) to the state organs and who have not been provided with other housing, and attained by 1 January 2001 60 or more years of age, and also families of deceased veterans of military service, are subject to out of turn provision with housing.

The procedure of granting to veterans of military service, veterans of law-enforcement organs and veterans of the state fire department of interest-free credits for individual housing (cooperative) building or purchase of housing is established by the Cabinet of ministers of Ukraine.

8. right to free reception in the property occupied by them and members of their families housing 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 members of their families 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) within the limits of Ukraine once a year 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 transport (except for taxi), public motor transport in the countryside, and also by local railway and sailing transport and buses within the limits of Ukraine;
12. the right to priority purchase of tickets of all types of transportation;
13. use of the annual holiday in a place of work when it is convenient for them, and also reception of additional holiday without preservation of wages up to 14 calendar days per year;
14. the right to annual holiday of full duration prior to six-month term of continuous work in the first year of work at the given enterprise, establishment or organisation;
15. the right to priority preservation of the place of employment they were taken on for the first time after dismissal due to reduction of numeric strength of staff;
16. the right to priority to enter garage, garden, housing and other cooperative Societies.

*(Article 6 includes changes made by the Laws 2373-III of 05.04.2001, 662-IV of 03.04.2003.*

**Article 7. Exercise of the right to privileges by veterans of military service, veterans of law-enforcement organs and veterans of state fire department and members of their families**

Veterans of military service, veterans of law-enforcement organs and veterans of the state fire department and members of their families alongside with the privileges stipulated by this Law 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 veteran of military service, the veteran of law-enforcement organs and the veteran of the state fire department .

Widows (widowers) of the dead (lost) veterans of military service, veterans of law-enforcement organs and veterans of the state fire department and the members of their families dependent on them enjoy the privileges stipulated by items 6-9 of Article 6 of this Law.

In case of death of the veteran of military service, the veteran of law-enforcement organs and the veteran of the state fire department his/her family or the person who is carrying out the burial is granted aid for carrying out the funeral at the rate of three-month salary of the died (lost), but no less than fivefold the size of 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, the veteran of law-enforcement organs and the veteran of the state fire department at the expense of the means allocated in the State Budget of Ukraine on social protection of the population given at the disposal of the relevant Central Executives and military formations.

The Central Executives and institutions of local self-government and military commissariats are obliged to give to veterans of military service, veterans of law-enforcement organs and veterans of the state fire department free of charge legal aid on issues of the exercise of the rights determined by this Law.

*(Article 7 includes changes made by the Law 2373-III of 05.04.2001.*

#### **Article 8. Deprivation of the right to privileges**

Veterans of military service, veterans of law-enforcement organs and veterans of the state fire department and members of their families lose the right to privileges when imprisoned.

### **PART III. FINAL PROVISIONS**

#### **Article 9. Financing the expenditures connected with implementation of the present Law**

Reimbursement of expenses connected with implementation of this Law is carried out at the expense of the State Budget of Ukraine and local budgets.

#### **Article 10. Awards and decorations of veterans of military service, veterans of law-enforcement organs and veterans of state fire department**

Veterans of military service, veterans of law-enforcement organs and veterans of the state fire department are conferred awards and decorations.

Samples of awards, decorations and the procedure of their manufacturing and conferring are determined by the Cabinet of ministers of Ukraine.

#### **Article 11. Public organisations of veterans of military service, veterans of law-enforcement organs and veterans of state fire department**

Veterans of military service, veterans of law-enforcement organs and veterans of the state fire department according to the legislation 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, veterans of law-enforcement organs and veterans of the state fire department**

The persons guilty of infringement of the legislation on the status of veterans of military service, veterans of law-enforcement organs and veterans of the state fire department are accountable according to the legislation of Ukraine.

**Article 13. The Procedure of implementation of the Law**

1. This Law enters into force from the date of enacting the Law of Ukraine “On the State Budget of Ukraine for 1999”.
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. The Cabinet of ministers of Ukraine, within a month after the coming into force of the present Law, is obliged:
  - To submit to the Verkhovna Rada of Ukraine the proposal on introducing amendments to the laws of Ukraine apparent from this Law;
  - To develop and bring their normative-legal acts in conformity with this Law;
  - To ensure revision and cancelling by the ministries and other Central Executives of Ukraine of their normative-legal acts contradicting this Law.

# Law on the Status of War Veterans and Guarantees of Their Social Protection

3551-XII of 22.10.1993 (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 3898-XII of 01.02.94, BVR, 1994, 20, p. 120; 458/95-BP of 23.11.95, BVR, 1995, 44, p. 329; 488/95-BP of 22.12.95, BVR, 1996, 1, p. 1; 498/95-BP of 22.12.95, BVR, 1996, 3, p. 11; 608/96-BP of 17.12.96, BVR, 1997, 8, p. 62; 367-XIV of 25.12.98, BVR, 1999, 24, p. 209; 944-XIV of 14.07.99, BVR, 1999, 38, p. 342; 2349-III of 05.04.2001, BVR, 2001, 22, p. 106; 52-IV of 04.07.2002, BVR, 2002, 35, p. 263; 231-IV of 21.11.2002, BVR, 2002, 52, p. 379; 662-IV of 03.04.2003, BVR, 2003, 27, p. 209; 760-IV of 15.05.2003, BVR, 2003, 30, p. 245; 968-IV of 19.06.2003, BVR, 2003, 45, p. 359; 1109-IV of 10.07.2003, BVR, 2004, 7, p. 52; 1219-IV of 02.10.2003, BVR, 2004, 10, p. 106; 1770-IV of 15.06.2004, BVR, 2004, 37, p. 450; 2010-IV of 10.09.2004, BVR, 2005, 1, p. 19; 2202-IV of 18.11.2004, BVR, 2005, 4, p. 98; 2212-IV of 18.11.2004, BVR, 2005, 4, p. 101; 2285-IV of 23.12.2004, BVR, 2005, 7-8, p. 162; 2505-IV of 25.03.2005, BVR, 2005, 17, 18-19

This Law determines the legal status of war veterans, provides the creation of appropriate conditions for their life-support, and promotes the formation of respect of the society for them.

## PART I. GENERAL PROVISIONS

### Article 1. Major tasks of the Law

The law seeks to protect war veterans by:

- Creation of appropriate conditions for ensuring their health and active longevity;
- Organisation of social and other kinds of service, strengthening of material base of the establishments created for this purpose and services, and training of the relevant experts;
- Fulfilment of special programmes of social and legal protection of war veterans;
- Granting of privileges, advantages and social guarantees during their labour activity according to vocational training and taking into account the 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 act of Ukraine.

The rights and privileges of war veterans and the members of their families established earlier by the legislation of Ukraine and by legislation of the former USSR cannot be cancelled without their equivalent replacement.

Statutory acts of organs of state power and organs of local self-government the limiting the rights and privileges of war veterans stipulated by this Law are invalid.

Local Councils, enterprises and organisations have the right to establishment at their own expense and using charitable receipts of additional guarantees the social protection of war veterans.

*(Article 2 includes changes made by the Law 488/95-BP of 22.12.95.*

### **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, norms of the international treaty or agreement are applied.

## **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 the persons who took part in protection of Ukraine or took part in operations in the territory of other states.

The following are considered to be war veterans: participants in combat operations, invalids of war, participants of the war.

### **Article 5. Participants in combat operations**

Participants in combat operations are the persons who participated in the fulfilment of battle tasks on protection of Ukraine in the structure of military units, troop formations, associations and branches of arms of the Armed Forces of a field army (fleet), in partisan detachments and underground organisations, 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 to be participants in combat operations**

The following are considered to be participants in combat operations:

1. servicemen who served in military detachments, units, army headquarters and establishments which formed part of a field army during the civil and Great Patriotic War, during other battle operations on protection of Ukraine, partisans and underground organisations members of the civil and World War Two;
2. participants in combat operations in the territory of other countries - servicemen of the Soviet Army, Navy, Committee of state security, privates, command personnel and servicemen of the Ministry of Internal Affairs of the former USSR (including military, technical experts and advisers), 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 the states where during this period operations took place, and participated in operations or supported battle activity of troops (fleet).

Servicemen of the Armed Forces of Ukraine, Security Service of Ukraine, privates, command personnel and servicemen of the Ministry of Internal Affairs of Ukraine, other military formations created by the Verkhovna Rada of Ukraine who upon the decision of the relevant state organs were directed for fulfilment of peace-keeping missions or to business trips in the states where during this period operations took place.

The list of the states specified in this item, the periods of operation and categories of employees are determined by the Cabinet of ministers of Ukraine;

3. servicemen, and also privates and commanding personnel of organs of the Ministry of Internal Affairs and organs of Committee of state security of former USSR, during World War Two which served in cities participation in the defence of which is included in the term of duty for fixing of pension on preferential terms established for servicemen of the units of a field army;
4. the civilian personnel of the Armed Forces, troops and organs of the Ministry of Internal Affairs and Committee of state security of the former USSR who held established posts in military detachments, units, army headquarters and establishments which formed part of a field army during World War Two and other periods during the conduct of operations, or were - during these periods - in the cities, of which participation in the defence of which is included in the term of duty for fixing of pension on preferential terms established for servicemen of the units of a field army;
5. former servicemen, civilian personnel, and also former fighters of fighting battalions, platoons and detachments of protection of the people and other formations which participated directly in battle operations on 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 the public health services, fleet personnel of industrial and transport vessels and flight personnel of aircraft of the National commissariat of fishing industry of former USSR, sea and river fleet, flight personnel of aircraft of Central administrative board of Northern sea way, transferred during World War Two to the position of the commissioned personnel of the Red Army and carried out the tasks in the interests of army and fleet within the limits of administrative borders of working fronts or operative zones of working fleet, and also members of crews of vessels of transport fleet which were captured in the ports of fascist Germany on 22 June 1941 in infringement of the Convention on position of enemy trading vessels at the commencement of hostilities (the Hague, 1907);
7. persons who during World War Two belonged to elements and units of a field army and fleet as sons, cadets of regiments and sea cadet before attainment of majority;
8. the persons who participated in operations against fascist Germany and its allies within World War Two in the territory of other states in the structure of armies of allies of the former USSR, partisan detachments, underground detachments and other anti-fascist formations;
9. employees of cultural service who during World War Two or during operations conducted in other states performed for soldiers of field armies, fleet, military formations and contingents;
10. persons who for the period from 8 September 1941 until 27 January 1944 worked at enterprises, institutions and organisations of Leningrad and conferred a medal "For defence of Leningrad", and persons conferred a sign "To the Inhabitant of the blockade Leningrad", and also the persons who from 30 October 1941 until 4 July 1942 took part in defence of city of Sevastopol and conferred a medal "For defence of Sevastopol";
11. persons who were involved by the command of military units, state and public organisations to demine the fields and installations of the national economy, and

- demining personnel which participated in the sweeping of battle mines in the territorial and neutral waters during military and post-war time;
12. Minors who were called to the Soviet Army and Navy during the military calls-up of 1941-1945;
  13. reservists called to refresher courses and were sent to Afghanistan during operations conducted there;
  14. servicemen of automobile battalions who went to Afghanistan to deliver cargoes during operations conducted there;
  15. servicemen of the flight personnel who carried out 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 are rehabilitated according to the Law of Ukraine "On rehabilitation of the lost of political reprisals in Ukraine";
  17. servicemen and persons who were enlisted to local air defence units of the National Commissariat of internal affairs of the former USSR and participated directly in repelling enemy raids, alleviation of consequences of bombings and the artillery firings which were carried out by specially formed units.
- Equal to participants in combat operations are considered those former minors (which at the moment of imprisonment did not attain 16 years) who were prisoners of concentration camps, ghetto and other places of detention created by fascist Germany and its allies during World War Two, and also children who were born in the specified places of compulsory keeping.

*(Article 6 includes changes made by Laws 488/95-BP of 22.12.95, 2349-III of 05.04.2001, 2202-IV of 18.11.2004.*

#### **Article 7. The Persons considered to be invalids of war**

Persons considered to be invalids of war are servicemen of field army and fleet, partisans, underground organisations members, workers who became invalids due to injury, contusion, mutilation, disease received at protection of Ukraine, the performance of duties of military service (official duties) or connected with service at the front, in partisan detachments and troop formations, underground organisations and detachments and other formations recognised by the legislation of Ukraine, in battle areas, on front-lines of railways, on the building of defence boundaries, Navy bases and air fields during civil and World War Two or during participation in peacetime operations.

The following invalids are also considered invalids of war:

1. servicemen, the civilian personnel who became invalids due to injury, contusion, mutilation or disease received at protection of the Ukraine land, performance of other duties of the military service connected with service at the front during other periods, with alleviation of consequences of Chernobyl accident, nuclear catastrophes, nuclear-weapon tests, with participation in military nuclear warfare exercises, other injury with nuclear materials;
2. privates and commanding personnel of organs of the Ministry of Internal Affairs and organs of Committee of state security of former USSR, the Ministry of Internal Affairs of Ukraine, Security Service of Ukraine and other military formations which became invalids due to injury, contusion, mutilation or disease received on duty, at alleviation of consequences of Chernobyl accident, nuclear

- catastrophes, nuclear-weapon tests, participation in military nuclear warfare exercises, other injuries with nuclear materials;
3. juvenile (who at the moment of the capture did not attain 14 years of age) prisoners of fascist concentration camps and other places of detention recognised as invalids of a systemic disease, labour mutilation and for other reasons;
  4. the persons who became invalids due to injuries or other damage of health received in the areas of battle operations during World War Two and from explosives, ammunition and military arms in a post-war period, and during demining of ammunition of the times of World War Two irrespective of when the demining took place;
  5. the persons who became invalids due to military activities of the civil war and World War Two or became civil and Great Patriotic War invalids for the specified reasons at minor age in military and post-war years;
  6. servicemen, civilian personnel, and also former fighters of fighting battalions, platoons and detachments of protection of people and other persons who participated directly in battle operations on liquidation of subversive and terrorist detachments and other unlawful formations in the territory of former USSR and became invalids due to injury, contusion or mutilation received on duty in these battalions, platoons and detachments for the period from 22 June 1941 until 31 December 1954;
  7. participants in combat operations in the territory of other states which became invalids due to injury, contusion, mutilation or disease connected with service in these states;
  8. participants in combat operations during World War Two and war with Japan who became invalids due to systemic disease or the disease received at doing of military service or service in law-enforcement organs, state security, other military formations;
  9. the persons of formations of the Civil defence who become invalids due to diseases connected with alleviation of consequences of Chernobyl accident.

*(Article 7 includes changes made by the Laws 488/95-BP of 22.12.95, 1770-IV of 15.06.2004.*

#### **Article 8. Participants of the war**

The participants of war are considered to be the servicemen who did military service during the war in the Armed Forces of the former USSR, workers of the home-front, and also other persons stipulated by this Law.

#### **Article 9. Persons who are participants of war**

The following are considered the participants of the war:

1. the servicemen who did military service in the Armed Forces, troops and organs of the Ministry of Internal Affairs, Committee of state security of former USSR or in armies of its allies during World War Two and war with imperialist Japan of 1941-1945 or studied during this period in military schools, schools and on rates;
2. persons who during World War Two and the wars with imperialist Japan of 1941-1945 worked in the home-front at enterprises, institutions, organisations, collective farms, state farms, individual agriculture, on the building of defence boundaries, stocking-up of fuel, products, overtook cattle, studied during this period in vocational, railway schools, and schools of factory training and other

establishments of vocational training, courses of vocational training or during training at schools, secondary and higher special educational establishments, worked in the national economy and on restoration of installations of economic and cultural purpose.

The participants of the war are considered to be the persons who during World War Two worked on territories which after 1944 formed part of the former USSR, and also citizens sent by the state organs of the former USSR to work in the states - allies of the USSR as well.

The persons who were born up to 31 December 1932 and for valid reasons did not have the opportunity to submit the documents confirming that they worked during the war are granted the status of participant of war upon proposals of the relevant commissions according to the procedure determined by the Cabinet of ministers of Ukraine.

The persons who were born after 31 December 1932 are granted the status of participant of war only in the presence of documents and other proofs confirming that they worked during the war.

Participants of the war who were conferred awards and medals of former USSR for self-denying work and faultless military service in the home-front during World War Two and war with imperialist Japan;

3. members of detachments of self-defence and crash teams of local air defence, and the national home guard which operated during World War Two;
4. persons who were during World War Two in the army and fleet as sons, cadets of regiments and sea cadets before attainment of majority;
5. former prisoners of concentration camps, ghetto and other places of detention during World War Two; persons who were taken against their will from the territory of former USSR during World War Two to states which were at war with the USSR or were occupied by fascist Germany, if they did not commit during this period crimes against Ukraine.

Persons who during the second world war were taken against their will from territories of other states which were included after 1944 in the structure of the former USSR are considered to be participants of war, as well as those who after liberation from concentration camps, ghetto and other places of detention were moved on the territory of the former USSR;

6. employees who on a contractual basis who went to work in states where operations (including in the Republic of Afghanistan for the period since 1 December 1979 until December 1989) were conducted, and were not part of the limited contingent of the Soviet troops;
7. the wives (husbands) of servicemen who worked for a wage in the states specified in item 6 of this Article during operations conducted in them and did not form not part of the limited contingent of the Soviet troops;
8. persons who during World War Two of 1941-1945 served sentences in places of imprisonment or were deported and are rehabilitated according to the current legislation of Ukraine and the former USSR;
9. children of partisans, underground organisations members, other participants of the struggle against fascist aggressors in the enemy rear who, in connection with patriotic activity of their parents, were subjected to reprisals, physical violence, persecutions;
10. persons who during World War Two voluntarily rendered material, financial or other help to military units, hospitals, partisan detachments, underground

- detachments, other formations and individual servicemen in their struggle against fascist aggressors under the stipulation of confirmation of these facts;
11. persons who after 9 September 1944 were moved to the territory of Ukraine from other countries;
  12. persons who during the defence of Sevastopol from 30 October 1941 to 4 July 1942 lived in its territory.

*(Article 9 includes changes made by the Laws 488/95-BP of 22.12.95, 1219-IV of 02.10.2003, 2202-IV of 18.11.2004.*

#### **Article 10. Persons this Law is applicable to**

This Law is applicable to:

1. families of servicemen, partisans, members of underground organisations, participants in combat operations in the territory of other states, persons equal to them specified in Articles 6 and 7 of this Law who were lost (reported missing) or died as a result of contusions or mutilation received due to injury at protection of Ukraine or performance of other duties of military service (official duties), and also due to the disease connected with service at the front or received during military service or in the territory of other states during military activities and conflicts;

Families of servicemen, privates and commanding personnel called to periodical training of reservists of the Ministry of Defence, law-enforcement organs and organs of state security of former USSR and who were lost (died) during fulfilment of tasks on guard of public order at the emergencies connected with antisocial displays;

Families of those lost during World War Two from among the staff of detachments of self-defence and crash teams of local air defence, families of killed employees of hospitals and Leningrad, Stalingrad, Odessa, Sevastopol.

The members of families of lost (reported missing) servicemen, partisans and other persons specified in this Article are considered to be:

- Dependents of the disadvantaged or reported missing person who are granted pension in this connection;
  - Parents;
  - One of the spouses who remained single irrespective whether he receives pension or not;
  - Children who do not have (and never had) families;
  - Children having families but those who became invalids before attaining adulthood;
  - Children of whom both parents were lost or reported missing;
2. wives (husbands) of the died invalids of World War Two, and also wives (husbands) of the died participants of war and battle operations, partisans and the members of underground organisations recognised during their lifetime as invalids of a systemic disease, labour mutilation and for other reasons, and who remained single.

This Article is applicable to wives (husbands) of the died invalids of war, participants in combat operations, partisans, members of underground members and participants of the war who were conferred awards and medals of former USSR for self-denying work and the faultless military service recognised during their lifetime invalids irrespective of the time of death of the invalid.

*(Article 10 in the wording of the Law 488/95-BP of 22.12.95.*

**Article 11. Persons having special merits for Ukraine**

The persons having special merits for Ukraine are considered to be the Heroes of Soviet Union, full knights of the award of Glory, the person conferred four and more medals “For courage”, and also Heroes of the Socialist Work awarded this rank for the work during World War Two of 1941-1945.

*(Article 11 in the wording of the Law 488/95-BP of 22.12.95.*

**PART III. PRIVILEGES TO WAR VETERANS AND  
GUARANTEE OF THEIR SOCIAL PROTECTION**

(To establish, that privileges on payment to the participants in combat operations, invalids of war, persons having special merits for Ukraine, and persons the Law of Ukraine “On the status of war veterans extends, guarantees of their social protection” is applicable to are granted within the limits of fifteen non-taxable minima of income for each full month according to the Law 3898-12 of 01.02.94.)

(To establish, that in 2005 the payment of the annual single aid is carried out at the following rates: to invalids of war of I group - 400 grivnas, to invalids of war of II group - 330 grivnas, to invalids of war of III group - 270 grivnas, to participants in combat operations - 250 grivnas, to the persons having special merits for Ukraine - 400 grivnas, to members of families of the lost and wives (husbands) of died participants in combat operations and the participants of the war recognised during their lifetime invalids - 130 grivnas, to participants of the war - 50 grivnas according to Laws 2285-IV of 23.12.2004, 2505-IV of 25.03.2005.)

**Article 12. Privileges to participants in combat operations and to persons equal to them**

The following privileges are given to participants in combat operations (Articles 5, 6):

1. free reception of medicines prescribed by doctors;
2. priority free prosthetic dentistry (except for prosthetics from precious metals);
3. free annual sanatorium treatment, and also compensation of cost of independent sanatorium treatment;
4. 75 percent discount 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 living in housing(house) and having the right to the discount, and in increment 10,5 square meters on family);
5. 75 percent discount for public utilities (gas, electricity, powers and other services) within the limits of average norms of consumption.

The area of housing discount is given at calculation of central heating charges makes 21 square meters of the heating area on each person permanently living in housing(house) and having the right to discount and in increment 10,5 square meters on family.

For the families consisting only of invalid persons the 75 percent discount for using gas for heating the home for the double size of the normative- heating area (42 square meters per each person having the right to discount, and 21 square meters per family);

6. the 75 percent discount on cost of fuel, including liquid, within the limits of the norms established for the population for persons who live in houses which do not have central heating;
7. free travel by all kinds of city passenger transport, local motor transport, and also suburban railway, and buses within the limits of the oblast (The Autonomous Republic of Crimea) domiciliary;
8. using at retirement (irrespective of the time of retirement) or change of the place of work the polyclinics and hospitals to which they have been attached in a former place of work;
9. annual medical examination and prophylactic medical examination with engagement of necessary experts;
10. priority service in treatment-and-prophylactic establishments, drugstores and priority hospitalisation;
11. payment of the temporary disablement allowance at the rate of 100 percent of average wages irrespective of the record of service;
12. use of the next annual holiday during the time convenient for them, and also reception of additional holiday without preservation of wages for two weeks in a year;
13. the right to priority on preservation of the place of employment at reduction of numeric strength or of employees in connection with changes in the organisation of manufacture and work and the next employment in case of liquidation of the enterprise, establishment, the organisation;
14. priority provision with accommodation of the persons requiring improvement of living conditions, and allocation of the ground areas for individual house-building, gardening and truck farming, priority repair of apartment houses and apartments of these persons and provision with fuel.

The participants of the operations who have received injury, contusion or mutilation during participation in operations or at the performance of duties of military service are provided with accommodation, including housing expenses transferred by the ministries, other central organs of the state executive authority, enterprises and organisations according to the procedure to local Councils and state administrations, - within two years from the date of registration in the waiting list;

15. reception of the loan for individual (cooperative) house-building with its repayment within 10 years beginning from the fifth year after the completion of building, and also reception of the loan for building or purchase of country houses and development of garden sites;
16. priority right to enter building (housing) cooperative society, cooperative Society on building and operation of collective garages, parking for vehicles and their maintenance service, in gardening companies, on purchase of materials for individual house-building and garden houses building;
17. free travel in alternate years (two-way) by railway, water, air or long-distance motor transport irrespective of availability of railway communication, or travel once a year (two-way) by the specified types of transport with the 50 percent discount;
18. exemption from income tax on all income received by them, the tax on owners of vehicles (no more than one vehicle), land tax;
19. out-of-turn using of all communication services and out-of-turn installation on preferential terms of home phones (payment at the rate of 20 percent from

- tariffs of the cost of the wires and 50 percent - additional works). The subscription payment for using phone is established at the rate of 50 percent from the approved tariffs;
- 20) priority service by enterprises, establishments and organisations of consumer services, public catering, housing and communal services, long-distance transport;
  21. extraordinary enrolment to institutions of social protection of the population, and also service by in-home social protection of the population services. In case of impossibility of rendering such service the establishments of social protection of the population refund the expenditures connected with care of the war veteran according to the procedure and sizes established by the current legislation;
  22. participants in combat operations in the territory of other states have the right to *bors concours* entering of higher educational establishments and the right to priority to entering professional educational establishments and on rates for reception of the relevant trades.

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 members of their families living together with them, irrespective of the kind of housing or a form of ownership.

The area of housing subject to 75 percent discount stipulated by items 4 and 5 units of Part 1 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 presence in the structure of family of the persons who are not having the rights to the discount of a payment. If in the structure of family there are the persons having the right to the discount at the rate smaller than 75 percent, the 75 percent is the first to be charged in the greatest possible size.

The participants in combat operations have their pensions or monthly lifelong cash allowance or the state social help which is paid instead of pension increased at the rate of 150 percent of the minimal pension on age.

Annually until 5 May the replacement cash benefit at the rate of five minimal pensions on age is paid to participants in combat operations.

*(Article 12 includes changes made by Laws 458/95-BP of 23.11.95, 488/95-BP of 22.12.95, 367-XIV of 25.12.98, 52-IV of 04.07.2002, 2212-IV of 18.11.2004.*

### **Article 13. Privileges to invalids of war**

The following privileges are given to invalids of war and the persons equal to them (Article 7):

1. free reception of medicines prescribed by doctors;
2. out-of-turn free prosthetic dentistry (except for prosthetics from precious metals), free provision with other artificial limbs and orthopaedic products;
3. free extraordinary annual provision with sanatorium treatment.

Invalids of war are provided with places in sanatoriums by the organs of social protection of the population, public health services, the Ministry of Defence of Ukraine, the Ministry of Internal Affairs of Ukraine, Security Service of Ukraine, the specially authorised central organ of executive power on affairs of protection of the state border of Ukraine and other organs in the place of registration or work.

At the request of invalids, instead of receiving a place in sanatorium, dispensary or rest house, they can receive financial compensation in alternate years: invalids of war I-II groups - at the rate of average cost of the place, invalids of war of III group - 75 percent of average cost of the permit. Financial compensation is given irrespective of the availability of the medical prescription about necessity of sanatorium treatment or medical contra-indications;

4. the 100 percent discount of housing (rent) within the limits of the norms stipulated by the current legislation (21 square meters per of the total area of housing on each person permanently living in housing(house) and having the right to the discount, and in increment 10,5 square metes for the family);
5. the 100 percent discount for public utilities (gas, electricity, powers and other services) within the limits of average norms of consumption.

The area of housing on which the discount is given, at calculations of a payment for heating makes 21 square meters of the heating area on each person permanently residing in housing(house) and having the right to the discount of a payment, and in increment 10,5 square meters on family.

For the families consisting of invalid persons only, a 100 percent discount for using gas for heating housing for the double size of the normative-heating area (42 square meters on each person having the right to the discount, and 21 square meters on family);

6. the 100 percent discount for cost of fuel, including liquid, within the limits of the norms established for the population, for persons who live in houses which without central heating;
7. free travel by all kinds of city passenger transport, local motor transport, and also suburban railway and water transport and buses within the limits of oblast (The Autonomous Republic of Crimea) of residence. This right is applied to the person accompanying the invalid of I group;
8. out-of-turn free major overhaul of own apartment houses and priority operating repair of apartment houses and apartments;
9. extraordinary service by out-patient-polyclinic establishments, and also extraordinary hospitalisation.

Liquidation of hospitals for invalids of World War Two is carried out only upon agreement with the Cabinet of ministers of Ukraine;

10. out-of-turn free installation of home phones and out-of-turn using of all communication services. The subscription payment for using of home phone is established at the rate of 50 percent from the approved tariffs;
11. using at retirement (irrespective of time of retirement) or change of the place of work the polyclinics and hospitals to which they have been attached in a former place of work;
12. the right to annual medical examination and prophylactic medical examination with engagement of necessary experts;
13. an out-of-turn provision of employment on a specialty according to training and the findings of medical-social examination.

Work of invalids of war is regulated by the relevant norms of the legislation of Ukraine about work and social protection of invalids;

14. the right to priority on preservation of the place of employment at reduction of numeric strength or the of employees in connection with changes in the organisation of manufacture and work and the next employment in case of liquidation of the enterprise, establishment, the organisation;

15. payment of the temporary disablement allowance to working invalids of war at the rate of 100 percent of average wages irrespective of the record of service;
16. payment to working invalids of the temporary disablement allowance for up to 4 months on end or until 5 months within a calendar year, and also the grant on the state social insurance for all period of stay in sanatorium taking into account travel (two-way) in case when the annual and additional holidays are not enough for treatment;
17. use of the next annual holiday during the time convenient for them, and also reception of an additional holiday without preservation of wages for two weeks in a year;
18. out-of-turn provision with housing of the persons requiring improvement of living conditions, including at the expense of the accommodation transferred by the ministries, other central organs of the state executive authority, enterprises and organisations according to the procedure to local Councils and the state administrations. The persons specified in this Article are provided with accommodation within two years from the date of registration in the waiting list, and invalids of I group from among participants in combat operations in the territory of other countries - within a year.

Organs of the state executive authority, executive committees of local Councils are obliged to assist invalids of war in building individual apartment houses. The ground areas for individual house-building, gardening and truck farming are given to the specified persons in the priority procedure;

19. reception of the loan for individual (cooperative) house-building with repayment within 10 years since the fifth year after the completion of building, and also the loan for building or purchase of country houses and development of garden sites;
- 20) the priority right to entering building (housing) cooperative societies, cooperative society on building and operation of collective garages, parking for vehicles and their maintenance service, in gardening companies, on purchase of materials for individual house-building and garden houses building. Garages, parking for the vehicles of invalids of war having medical indications for transport support, as a rule, are constructed near to houses;
21. the invalids of I and II group are granted the right to free travel once a year (two-way) by railway, water, air or long-distance transport, and the persons accompanying invalids of I group (no more than one) - the 50 percent discount per person once a year (two-way) by 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 availability of railway communication or travel once a year (two-way) by the specified types of transport with the 50 percent discount by invalids of III group.

Invalids of war and the persons accompanying on trips the invalids of I group (no more than one accompanying) have the right to use long-distance transport for the period from 1 October until 15 May with the 50 percent discount of a fare without restriction of the number of trips;

22. out-of-turn free provision with the car with manual control (in the presence of medical indications) according to the procedure determined by the Cabinet of ministers of Ukraine;
23. exemption from all kinds of taxes and duties and from land tax;

*(Item 23 of Part 1 of Article 13 became invalid regarding the exemption from import customs duty, customs and excise duties and value added tax on the goods imported (sent) to the customs territory of Ukraine on the basis of the Law 608/96-BP of 17.12.96.)*

*(Item 23 of Part 1 of Article 13 became invalid regarding the exemption from import customs duty, customs and excise duties and value added tax on the imported excise goods on the basis of the Law 498/95-BP of 22.12.95. )*

24. exemption from rent for the uninhabited housing rented by invalids of war as garages for special means of transportation (cars, motorised carriages, etc.) and free granting for these means of garages-parkings irrespective of their form of ownership;
25. the extraordinary placement in institutions of social protection of the population, and also service by social protection of the population in-home services. In case of impossibility of rendering of such service by establishments of social protection of the population they refund the expenditures connected with care of this invalid according to the procedure and the sizes established by the current legislation;
26. extraordinary service by enterprises, institutions, organisations of a consumer services, public catering, housing and communal services, long-distance transport;
27. the right to out-of-turn provision with articles of food of the improved assortment and the industrial goods of the increased demand according to the list and the norms established by the Government of the Autonomous Republic of Crimea, regional, Kiev and Sevastopol city state administrations.

There are specialised shops, section, departments and other kinds of preferential trading services created for the sale of these goods. Sale of the 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 invalids and war veterans are freed from payment of value added tax.

Privileges on payment for housing, public utilities and fuel, stipulated by items 4-6 of this Article are given to invalids of war and the members of their families living together with them, irrespective of the kind of housing or form of ownership.

The area of housing, on which the 100 percent discount stipulated by items 4 and 5 units of Part 1 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 presence in the structure of family of the persons not having the rights to the discount. If the family includes the persons having the right to the discount at the rate smaller than 100 percent than 100 percent the relevant discount is the first to be established in the greatest possible size.

The invalids of war's pension or monthly lifelong cash allowance or state social help paid instead of pension increases: to invalids of I group - at the rate of 400 percent of the minimal pension on age, II group - 350 percent of the minimal pension on age, III group - 200 percent of the minimal pension on age.

Annually until 5 May the replacement cash benefit to invalids of war is paid at the following rates: to invalids of I group - ten minimal pensions on age; II groups - eight minimal pensions on age; III group - seven minimal pensions on age.

*(Article 13 includes changes made by the Laws 458/95-BP of 23.11.95, 488/95-BP of 22.12.95, 367-XIV of 25.12.98, 52-IV of 04.07.2002, 662-IV of 03.04.2003, 1109-IV of 10.07.2003, 2010-IV of 10.09.2004, 2212-IV of 18.11.2004.*

#### **Article 14. Privileges for participants of war**

The participants of the war (Articles 8, 9) are given the following privileges:

1. free reception of medicines prescribed by doctors;
2. free priority prosthetic dentistry (except for prosthetics from precious metals);
3. free provision with sanatorium treatment – in alternate years, and also compensation of the cost of independent sanatorium treatment;
4. the 50 percent discount for using of housing (rent) within the limits of the norms stipulated by the current legislation (21 square meters of the total area of housing on each person permanently residing in housing(house) and having the right to the discount, and in increment 10,5 square meters on family);
5. the 50 percent discount for using public utilities (gas, electricity, powers and other services) within the limits of average norms of consumption.

The area of housing on which the discount is given at calculations of a payment for heating makes 21 square meters of the heating area on each person permanently residing in housing(house) and having the right to the discount, and in increment 10,5 square meters on family.

The families consisting from invalid persons only are granted the 50 percent discount for using of gas for heating housing for the double size of the normative- heating area (42 square meters on each person having the right to the discount, and 21 square meters on family);

6. the 50 percent discount of cost of fuel, including liquid, within the limits of the norms established for the population for persons who live in the houses without central heating;
7. free travel by all kinds of city passenger transport, local motor transport in the countryside, and also suburban railway and water transport, buses within the limits of the oblast (The Autonomous Republic of Crimea) of residence;
8. using at retirement (irrespective of time of retirement) or change of the place of work of polyclinics and hospitals to which they have been attached in a former place of work;
9. annual medical examination and prophylactic medical examination with engagement of necessary experts;
10. priority service in treatment-and-prophylactic establishments, drugstores and prime hospitalisation;
11. payment of the temporary disablement allowance at the rate of 100 percent of average wages irrespective of the record of service;
12. use of the next holiday during the time convenient for them; additional holiday without preservation of wages for two weeks in a year;
13. priority provision with accommodation of the persons requiring improvement of living conditions, and prime allocation of the ground areas for individual house-building, gardening and truck farming, priority repair of apartment houses and apartments of these persons and provision with fuel;
14. reception of the loan for individual (cooperative) house-building with its repayment within 10 years since the fifth year after the completion of building, and also reception of the loan for building or purchase of country houses and development of garden sites;

15. the priority right to entering building (housing) cooperative societies, cooperative societies on building and operation of collective garages, in gardening companies, on purchase of materials for individual house-buildings and garden houses building, maintenance service and provision with parking of vehicles;
16. free travel in alternate years (two-way) by railway, water, air or long-distance motor transport irrespective of availability of railway communication or travel once a year (two-way) by the specified types of transport with the 50 percent discount;
17. exemption from payment of income tax on all received income, the tax on the owners of vehicles (no more than one vehicle), and tax;
18. out-of-turn using of all communication services and out-of-turn installation of phones (payment at the rate of 20 percent from tariffs of cost of the wires and 50 percent - additional works). The subscription payment for using phone is established at the rate of 50 percent from the approved tariffs.  
The procedure of using services and payments for installation of home phones is determined by the Cabinet of ministers of Ukraine;
19. out-of-turn service by enterprises, establishments and organisations of consumer services, public catering, housing and communal services, long-distance transport;
- 20) out-of-turn placement in institutions of social protection of the population, and also service by social protection of the population in-home services. In case of impossibility of rendering of such service by establishments of social protection of the population, the expenditures connected with care after the participant of the war are refund according to the procedure and the sizes determined by the Cabinet of ministers of Ukraine.

Privileges on a payment for housing, public utilities and fuel, stipulated by items 4-6 of this Article, are given to participants of the war and the members of their families living together with them irrespective of a kind of housing or form of ownership.

The area of housing subject to the 50 percent discount stipulated by items 4 and 5 units of Part 1 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 presence in the structure of family of the persons not having the rights to the discount.

The participants of the war conferred awards and medals of former USSR for self-denying work and faultless military service in home-front during World War Two have their pension or monthly lifelong cash allowance or state social help paid instead of pension increased by 75 percent of the minimal pension on age, other participants of the war - by 50 percent of the minimal pension on age.

Annually until 5 May the participants of the war conferred awards and medals of the former USSR for self-denying work and faultless military service in home-front during World War Two are paid an replacement cash benefit at the rate of four minimal pensions on age, other participants of the war - at the rate of three minimal pensions on age.

*(Article 14 includes changes made by Laws 458/95-BP of 23.11.95, 488/95-BP of 22.12.95, 367-XIV of 25.12.98, 52-IV of 04.07.2002, 2212-IV of 18.11.2004.*

#### **Article 15. Privileges to persons this Law is applied to**

To persons this Law is applied to (Article 10) are given the following privileges:

1. free reception of medicines prescribed by doctors;
2. free out-of-turn prosthetic dentistry (except for prosthetics from precious metals);
3. free provision with sanatorium treatment in alternate years, and also compensation of cost of independent sanatorium treatment;
4. the 50 percent discount for using housing (rent) within the limits of the norms stipulated by the current legislation (21 square meters of the total area of housing on each person permanently residing in the housing(house) and having the right to the discount, and in increment 10,5 square meters on family);
5. the 50 percent discount for using public utilities (gas, electricity, powers and other services) within the limits of average norms of consumption.

The area of housing on which the discount is given at calculations of a payment for heating makes 21 square meters of the heating area on each person permanently residing in housing(house) and having the right to the discount, and in increment 10,5 square meters on family.

The families consisting of invalid persons only are granted the 50 percent discount for using of gas for heating the housing for the double size of the normative- heating area (42 square meters on each person having the right to the discount, and 21 square meters on family);

6. the 50 percent discount of the cost of fuel, including liquid, within the limits of the norms established for the population, for persons who live in the houses without central heating;
7. free travel by all kinds of city passenger transport, public motor transport in the countryside, and also suburban railway and water transport and buses within the limits of the oblast (The Autonomous Republic of Crimea) of the residence;
8. out-of-turn free major overhaul of own apartment houses and priority operating repair of apartment houses and apartments;
9. using at retirement (irrespective of time of retirement) or change of a place of work the polyclinics and hospitals to which they were attached in a former place of work;
10. annual medical examination and prophylactic medical examination with engagement of necessary experts;
11. out-of-turn service in treatment-and-prophylactic establishments, drugstores and prime hospitalisation;
12. payment of temporary disablement allowances at the rate of 100 percent of average wages irrespective of the record of service;
13. use of the next annual holiday during the time convenient for them; additional holiday without preservation of wages for two weeks in a year;
14. the right to priority on preservation of the place of employment at reduction of numeric strength or the of employees in connection with changes in the organisation of manufacture and work and the next employment in case of liquidation of the enterprise, establishment, the organisation;
15. out-of-turn provision with accommodation of the persons requiring improvement of living conditions, including at the expense of the accommodation transferred by the ministries, other central organs of the state executive authority, enterprises and organisations according to the procedure to the local Councils and the state administrations. The persons specified in this

Article are provided with accommodation within two years from the date of registration in the waiting list.

Organs of the state executive authority, executive committees of local Councils are obliged to assist invalids of war and families of the lost servicemen in building of individual apartment houses. The ground areas for individual house-building, gardening and truck farming are allocated to the specified persons in the priority procedure;

16. reception of loans for individual (cooperative) house-building with its repayment within 10 years since the fifth year after the completion of building, and also reception of the loan for building or purchase of country houses and development of garden sites;
17. the prime right to entering building (housing) cooperative societies, cooperative societies on organisation and operation of collective garages, in gardening companies, on purchase of materials for individual house-building and garden houses building, maintenance service and provision with parking for vehicles;
18. free travel in alternate years (two-way) by railway, water, air or long-distance motor transport irrespective of availability of railway communication or travel once a year (two-way) by the specified types of transport with the 50 percent discount;
19. exemption from income tax on all received income, the tax on owners of vehicles (no more than one vehicle), the land tax;
- 20) out-of-turn using of all communication services and out-of-turn installation on preferential terms of home phones (payment at the rate of 20 percent from tariffs of cost of wires and 50 percent - additional works). The subscription payment for using phone is established at the rate of 50 percent from the approved tariffs.

The procedure of using communication services and payment for installation of home phones is determined by the Cabinet of ministers of Ukraine;

21. out-of-turn service by enterprises, establishments and organisations of a consumer services, public catering, housing and communal services, long-distance transport;
22. out-of-turn placement in the institutions of social protection of the population, and also service by social protection of the population in-home services. In case of impossibility of rendering of such service by establishments of social protection of the population they are refund the expenditures connected with care of the war veteran, according to the procedure and the sizes determined by the Cabinet of ministers of Ukraine;
23. entering *hors concours* state and municipal higher educational establishments on the specialties training on which is carried out at the expense of accordingly state and local budgets.

Privileges on payment for housing, public utilities and fuel stipulated by items 4-6 of this Article are given to the persons this Law is applied to and members of their families living together with them irrespective of a kind of housing or form of ownership.

The area of housing subject to the 50 percent discount stipulated by items 4 and 5 units of Part 1 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 using (consumption) established by these items, irrespective of presence in the structure of family of the persons not having the rights to the discount.

The members of families specified in item 1 of Article 10 of this Law, and also wives (husbands) of the died invalids of World War Two, who remained single, have their pensions or monthly lifelong cash allowance or state social help paid instead of pension increased by 150 percent of the minimal pension on age. The wives (husbands) of the died participants of the war and battle operations, partisans and underground organisations members recognised during their lifetime invalids of a systemic disease, labour mutilation, etc, who remained single, have their pensions or monthly lifelong cash allowance or state social help paid instead of pension increased by 50 percent of the minimal pension on age.

Annually until 5 May the members of the families specified in item 1 of Article 10 of this Law, and also wives (husbands) of the died invalids of the war, who remained single, are paid an replacement cash benefit at the rate of five minimal pensions on age. The wives (husbands) of the died participants in combat operations, the participants of the war recognised during their lifetime invalids of a systemic disease, labour mutilation, etc, who remained single, are paid an annual replacement cash benefit at the rate of three minimal pensions on age.

The privilege on receipt of higher educational establishments stipulated by item 23 of this Article is given to the specified in item 1 of Article 10 of this Law children of participants in combat operations in the territory of other states which were lost (reported missing) or died of contusion or mutilation received during military activities and conflicts in the territory of other states, and also due to the disease connected with service in the territory of other states during these activities and conflicts.

*(Article 15 includes changes made by the Laws 458/95-BP of 23.11.95, 488/95-BP of 22.12.95, 488/95-BP of 22.12.95, 367-XIV of 25.12.98, 944-XIV of 14.07.99, 52-IV of 04.07.2002, 2212-IV of 18.11.2004.*

#### **Article 16. Privileges for the persons having special merits for Ukraine**

The persons having special merits for Ukraine (Article 11) are given the following privileges:

1. increments to received pensions or monthly lifelong cash allowance or state social help paid instead of pension at the rate of 250 percent of the minimal pension on age, an replacement cash benefit at the rate of eight minimal pensions on age which is paid annually until 5 May;
2. exemption from all kinds of taxes, dues, duties and other payments in the budget;  
*(Item 2 of Article 16 became invalid regarding exemption from import customs duty, customs and excise duties and value added tax on the goods imported (sent) on the customs territory of Ukraine on the basis of the Law 608/96-BP of 17.12.96.*  
*(Item 2 of Article 16 became invalid regarding exemption from import customs duty, customs and excise duties and value added tax on imported excise goods on the basis of the Law 498/95-BP of 22.12.95.*
3. out-of-turn free personal and free for the members of family (the wife (husband) and children in the age under 18 years) service in out-patient-polyclinic establishments of all types and kinds, out-of-turn free personal and

- free for members of family (the wife (husband) and children in the age under 18 years) hospitalisation and treatment in hospitals, and also preservation of free service of the specified persons in polyclinics and other medical institutions to which were attached during work before retirement. The specified privileges are kept for one of the surviving spouses and children in the age under 18 years;
4. out-of-turn free provision with the medicines prescribed by the doctor, delivery upon medical certificate of medicines to the house;
  5. free manufacturing and repair of dentures (except for those made of precious metals);
  6. priority reception in a polyclinic or in a place of the last work of the free place in a sanatorium, dispensary or rest house once a year, and to members of the families (to the wife (husband) and children in the age under 18 years) - for 25 percent of cost. At that places for sanatorium treatment in sanatoria, dispensaries and rest houses are allocated for the reduced prices stipulated for the employees of those ministries and other central organs of the state executive authority in charge of which there are specified sanatorium establishments. All kinds of health services in sanatoria, dispensaries and rest houses, and also meals are given free of charge. The 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 of fast and passenger trains, air or water transport in cabins of I class. Specified privileges are kept for one of the surviving spouses;
  7. exemption of the persons stipulated by this Article and members of their families living together with them from the rent irrespective of form of ownership of the housing, from payment of public utilities (water supply, water drain, gas, electric power, hot water supply, central heating, and in the houses without central heating - granting of the fuel within the limits of norms established for the population, and other kinds of public utilities), from payment for using of home telephone and security system of the housing irrespective of the kind of the housing. The specified privileges are kept for the wife (husband), parents of the died Heroes of Soviet Union, full knights of the award of Glory, persons conferred four and more medals "For courage", and also Heroes of Socialist Work irrespective of the time of their death;
  8. priority improvement of living conditions by granting housing in state homes, including departmental, and public available housing fund with granting of additional living space up to 20 square meters;
  9. clearing of payment of services for official registration of papers on the right to property to an apartment at its privatization;
  10. free major overhaul of the apartment houses (apartments) which are being in their property according to Regulations about the system of maintenance service, repair and re-building of apartment houses;
  11. priority purchase of local building materials on building of individual apartment houses and major overhaul of housing;
  12. out-of-turn using of all kinds of communication services, out-of-turn and free installation of home telephones, out-of-turn and free installation of security system;
  13. priority purchase of shares on their face value for the sum and at the expense of the privatization property certificates given to the Hero of Soviet Union, full knight of the award of Glory, the person conferred four and more medals " For

- courage ”, to the Hero of Socialist Work, members of their families living together with them;
14. priority purchase at the expense of own means of shares on their face-value on half of sum given to the persons specified in this Article and the members of their families living with them of privatization property certificates;
  15. free travel once a year (two-way) by railway transport in a double compartment of sleeping-cars of fast and passenger trains, water transport in cabins of first class of express and passenger lines, air or long-distance motor transport;
  16. free use of city transport (tram, bus, trolley bus, underground, water ferries) and suburban, and in the countryside - buses within the limits of the oblast;
  17. out-of-turn purchase of tickets for all kinds railway, water, air and motor transport;
  18. monthly payment of financial compensation of charges on automobile fuel at the rate of 50 litres of high-octane gasoline a month according to established prices for fuel in the presence of a personal vehicle;
  19. out-of-turn use of all kinds of services of enterprises of trading-consumer services, at visiting cultural-entertainment and sport establishments;
  - 20) the right to priority on preservation of the place of employment at reduction of numeric strength or the of employees in connection with changes in the organisation of manufacture and work and the next employment in case of liquidation of the enterprise, establishment, the organisation;
  21. free training and re-training to new trades in a place of work in educational establishments of the system of the state training and retraining of the personnel, and also in paid educational establishments and on courses;
  22. granting to the specified persons of annual paid holiday, and also additional holiday without preservation of wages for three weeks in a year during time convenient for them;
  23. free burial with military honours of the died (lost) Hero of Soviet Union, full knight of the award of Glory, the person conferred four and more medals “ For courage ”, Hero of Socialist Work;
  24. the organisation on a grave of the died (lost) irrespective of time of death of a gravestone according to the established by the Government of Ukraine sample. The additional charges connected with the change of the established by the Government of Ukraine sample of a gravestone are paid by the family of the died (lost) or the organisation-sponsor;
  25. payment to the wife (husband) and to children under 18 years of age in case of death (loss) of an extraordinary grant at the rate of five living wages approved by the law at date of death (loss) per month per person.

*(Article 16 includes changes made by Laws 458/95-BP of 23.11.95, 488/95-BP of 22.12.95, 367-XIV of 25.12.98, 231-IV of 21.11.2002, 2212-IV of 18.11.2004.*

## **PART IV. FINAL PROVISIONS**

### **Article 17. Financing the expenditures connected with implementation of this Law**

Reimbursement of expenses connected with implementation of this Law is carried out from the state and local budgets.

Enterprises and organisations allocating charitable means for the needs of social protection of war veterans are exempt from taxation of their production activity for the sum of this help.

Charges on burial of the war veterans specified in this Law are taken from the State Budget according to the procedure established by the Cabinet of ministers of Ukraine.

Enterprises, establishments and organisations where war veterans worked assist the organisation and financing of ritual services at burial of veterans.

Graves of veterans are inviolable and are protected by the law. Disrespect for the state awards, monuments, communal graves, graves of war veterans is punished under the law.

#### **Article 17.1. Payment of replacement cash benefit**

Annual payment of replacement cash benefit until 5 May at the rate stipulated by Articles 12-16 of this Law is carried out by organs of work and social protection of the population through post-offices or through establishments of banks (by transfer to the personal account of the addressee) to pensioners - in a place of reception of pension, and the persons not being pensioners - in a place of their residence or reception of the cash allowance.

The serving servicemen, privates and commanding personnel of law-enforcement organs of Ukraine, privates and commanding personnel of criminally-executive system of Ukraine (except for pensioners) are paid a replacement cash benefit by transfer of the means by organs of work and social protection of the population to special accounts of military units, establishments and organisations in a place of their service.

The persons serving sentence in places of imprisonment or medical-labour dispensaries (except for pensioners) are paid a replacement cash benefit by transfer of the means by organs of work and social protection of the population to special accounts of establishments of criminally-executive system of Ukraine.

The persons who have not received a replacement cash benefit until 5 May have the right to address for it and to receive it until 30 September of the year of payment.

The citizens belonging to several categories of persons, according to this Law, one replacement cash benefit - in the greater size - is paid.

The replacement cash benefit is not paid in case of death of the addressee before 5 May or obtaining by the citizen of the status according to Articles 6, 7, 9, 10, 11 this Laws after 5 May 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/her death does not enter the inheritance and is paid to his/her parents, husband (wife), or to the relatives who lived together with him/her.

*(The law is added with Article 171 according to the Law 968-IV of 19.06.2003.*

#### **Article 18. Awards and decorations for persons this Law is applied to**

Veterans are issued awards and conferred decorations. The procedure of manufacturing and issuance of signs is established by the Cabinet of ministers of Ukraine and international treaties of Ukraine.

*(Article 18 includes changes made by the Law 488/95-BP of 22.12.95.*

**Article 19. Application of this Law to the citizens of other states**

Citizens of other states of the former USSR, being war veterans, use all privileges and advantages stipulated by this Law in case of permanent residence in Ukraine.

**Article 20. Public organisations and other associations of war veterans**

Public organisations and other associations of war veterans within the limits of their authority assist the development of decisions by organs of legislative and executive authority, represent and defend legitimate interests of the members in the state organs and public organisations, execute other powers stipulated by the legislation of Ukraine about associations of citizens.

Organs of the state executive authority, local organs of the state executive authority and self-government, the Government of the Autonomous Republic of Crimea within the limits of their competence give to the veteran organisations financial support, credits from means of the relevant budgets, and also gratuitously give houses, premises, equipment and other property necessary for accomplishment of their authorised tasks. The veteran organisations are exempt from payment for public utilities (gas, electricity and other services) within the limits of average norms of consumption (granting), phone in housing and houses which they hold.

Enterprises of war veterans where not less than 60 percent of the average number of workers are participants in combat operations and participants of war are exempt from payment of profits tax.

*(Article 20 in the wording of the Law 488/95-BP of 22.12.95.*

**Article 21. Supervision of performance of this Law**

Supervision of observance and correct application of this Law by all enterprises, establishments, organisations, officials and citizens is carried out by the General Prosecutor of Ukraine and public prosecutors subordinated to him/her.

**Article 22. Appeal against the decisions of enterprises, establishments and organisations giving privileges**

Decisions of enterprises, establishments and organisations giving privileges can be appealed against in district state administrations, executive committees of city council or in district (city) court.

War veterans and persons this Law is applied to are exempt from payment for official registration of papers, legal consultations, and also from the court costs connected with consideration of questions on their social protection.

*(Article 22 in the wording of the Law 488/95-BP of 22.12.95.*

**Article 23. Liability officials and citizens**

Officials and citizens guilty of infringement of the legislation on social protection of war veterans and their families are accountable according to the legislation of Ukraine.

# Law on the State Guarantees of Social Protection of Servicemen and their Families when Discharged from Service during Reform of the Armed Forces

1763-IV of 15.06.2004 (Bulletin of the Verkhovna Rada of Ukraine (BVR), 2004, 36, p. 444., Includes changes made by the Law 2505-IV of 25.03.2005, BVR, 2005, 17, 18-19, p. 267.

This Law establishes the legal bases for maintenance of social protection of servicemen who will be discharged on grounds of the reduction of numeric strength of the Armed Forces of Ukraine during its reform, and for the social protection of members of their families.

## Article 1.

The persons discharged from military service on the basis of normative-legal acts adopted in connection with the reform of the Armed Forces of Ukraine are given the following guarantees of social protection:

1. the servicemen discharged from military service are paid a cash benefit at the rate of and according to the procedure determined by the Law of Ukraine “On social and legal protection of servicemen and members of their families”;
2. the persons who upon dismissal change their place of residence, and to members of their families, are paid fare and transportation charges to the new residence;
3. the persons discharged from military service, not having the right to pension, for the period of employment, no longer than one year, are paid the monthly allowance at the rate of the official salary and the salary of a military rank.

Upon registration with the public service of employment by these persons, according to the established procedure, the specified payment stops;

4. the servicemen registered according to the established procedure with the public service of employment, within a month from the date of registration with the military commissariat, are paid the payment on account of and according to the procedure determined by the law of Ukraine “On obligatory state social insurance in case of unemployment” without taking into account the restriction stipulated by this Law.

Welfare during vocational training, retraining or improvement of professional skill is given at the rate of payment on account of and according to the procedure stipulated by the Law of Ukraine “On obligatory state social insurance in case of unemployment” on the day of beginning of training, and is not subject to reduction.

Payment according to this item of the payment and welfare during vocational training, retraining or improvement of professional skill over the size established by the Law of Ukraine “On obligatory state social insurance in case of unemployment” is made at the expense of the means of the Fund of obligatory state social insurance of Ukraine in case of unemployment with the subsequent compensation from the State Budget of Ukraine. The procedure of compensation of additional charges to Fund of obligatory state social insurance of Ukraine in case of unemployment from the State Budget of Ukraine is established by the Cabinet of ministers of Ukraine;

5. the servicemen who are subject to discharge on grounds of staff reduction and who will be recognised as veterans of military service or qualify for long-service pension in less than six months, by request, can be enlisted for this period at the disposal of a relevant commander (chief) with preservation of a monthly money cash benefit on last permanent appointment;
6. the pensions of the persons having the right to pension according to the Law of Ukraine “On pensions of military men, command and privates of law-enforcement organs and other persons” are fixed at the rate of and according to the procedure determined in the Law of Ukraine “On pensions of military men, command and privates of law-enforcement organs and other persons”;
7. the persons who retired from military service are granted the right to use establishments of public health services of the Ministry of Defence of Ukraine;
8. the persons who retired from military service and require improvement of living conditions, within three years after retirement, are provided with housing according to the procedure stipulated by the legislation or have the right to credits for building or purchasing housing with their repayment at the expense of the State Budget of Ukraine.

Before provision with housing on terms specified in this item the payment of indemnities for residing in employed shelter at the rate of cost of housing in the regions of Ukraine approved by the specially authorised central executive organ in the sphere of organisation and architecture is guaranteed;

9. the servicemen subject to discharge have the right to free social and professional adaptation, including consultations and retraining on the civil specialties elected at the expense of the State Budget of Ukraine;
10. cadets of higher military educational establishments and military educational departments of higher educational establishments, in case of liquidation of a higher military educational establishment or military educational department of a higher educational establishment or reduction of volumes of the state procurement order, are enlisted in higher educational establishments to continue their training on related specialties (directions) at the relevant educational level. Continuation of training is carried out at the expense of the State Budget of Ukraine within the limits of budgetary assignments for the relevant year;
11. the servicemen discharged from The Armed Forces of Ukraine in connection with reform at attainment of 45-years of age and in the presence of the period of service of 15 years, have their pension fixed at the rate of 40 percent of the monetary allowance, with an increase by 2 percent each year, but to no more than 50 percent of the relevant monetary allowance;
12. the servicemen discharged from The Armed Forces of Ukraine due to reform are granted the status of veteran of military service for the period of service of 20 years or more in calendar calculation or 25 or more years in preferential calculation;
13. the guarantees listed in items 1, 2, 5, 6, 7, 8, 11, 12 of this Article are applied to the members of families of servicemen which were lost or died or were reported missing during transfer to the reserve or resignation on grounds of reform of the Armed Forces of Ukraine.

#### **Article 2.**

Reimbursement of expenses connected with the reform of the Armed Forces of Ukraine is carried out at the expense of the State Budget of Ukraine, whereas in the

cases stipulated by item 4 of Article 1 of this Law, at the expense of the Fund of obligatory state insurance of Ukraine in case of unemployment.

### Article 3. Final Provisions

1. This Law enters into force from the date of its publication.
2. To apply item 6 of Article 1 of this Law to the persons discharged from service (died) after 1 January 2004, items 2, 3, 4, 6, 7, 8, 9, 11, 12 of this Articles - to the servicemen discharged from military service on grounds of reforming of the Armed Forces of Ukraine after this date.
3. to introduce amendments to the following laws of Ukraine:
  - i) to supplement item 5 of Article 8 of the Law of Ukraine "On social and legal protection of servicemen and members of their families" (Bulletin of the Verkhovna Rada of Ukraine, 1992, 15, p. 190) with paragraph 2 to the following effect: "Servicemen having the period of military service no less than 10 years and positive service characteristics are allowed starting from 1 January 2005 within the last year before discharge to do professional retraining (duration no less than 500 hours), without tuition fees and with preservation of allowance of all kinds according to the procedure and on terms determined by the Ministry of Defence of Ukraine in the centres of retraining and employment assistance of all forms of ownership during working hours";
  - ii) to supplement Article 5 of the Law of Ukraine "On the status of veterans of military service and veterans of law-enforcement organs and their social protection" (Bulletin of the Verkhovna Rada of Ukraine, 1998, 40-41, p. 249; 2001, 24, p. 127) with item 5 to the following effect: "5. faultlessly served for 20 or more calendar years or 25 or more years in preferential calculation and discharge from military service on grounds of reforming of the Armed Forces of Ukraine";
  - iii). to supplement Article 26 of the Law of Ukraine "On the universal military duty and military service" (Bulletin of the Verkhovna Rada of Ukraine, 1999, 33, p. 270; 2003, 15, p. 108) with Part 9 to the following effect: "9. On grounds of reform of the Armed Forces of Ukraine the servicemen who have qualified for long-service pension, and also those who are war veterans or participants of alleviation of the accident on the Chernobyl nuclear power station and if five or less years remain before the attainment of the established age limit of their military service, by their request, can be discharged from military service on the bases determined in item "b" of Part 6 and item "a" of Part 7 of this Article".
4. The Cabinet of ministers of Ukraine is obliged:
  - i). within three months from the date of this law coming into force to bring their normative-legal acts in conformity with this Law;
  - ii). to ensure in conformity with their powers the adoption of the normative-legal acts necessary for implementation of this Law;
  - iii). to allocate annually in the drafts of the laws of Ukraine about the State Budget of Ukraine:

The assignments necessary for implementation of measures determined by this Law and the State programme of reform and development of the Armed Forces of Ukraine;

Financing by an individual budget line of the programmes on provision with housing of the servicemen requiring improvement of living conditions, the

- persons who were transferred to the reserve or resigned, including those subject to resettlement from the closed and remote settlements military stations;  
Financing of activities on disposition of ammunition, excessive and unsuitable military property;
- iv). to carry out measures on:  
Conversion of military stations and other infrastructure installations liberated during the reform of the Armed Forces of Ukraine;  
Social and professional adaptation of the discharged on grounds of staff reduction or carrying out of organisational measures of servicemen, and also members of their families;  
appropriate financing of establishments of public health services, sanatorium treatment of the Ministry of Defence of Ukraine and exclusion of reduction of their amount;
- v). to correct provisions of the Programme of maintenance of housing of the servicemen who were transferred to the reserve or resigned taking into account the requirements of this Law;
- vi). to develop, and until 1 September 2004 submit for consideration of the Verkhovna Rada of Ukraine the draft law of Ukraine on conversion of former military installations;
- vii). to determine until 1 September 2004 the terms and procedure for the elimination of discrepancies in pension support of the servicemen fixed depending on the time of their discharge from military service and to inform the Verkhovna Rada of Ukraine.
5. Before bringing the legislation of Ukraine in conformity with this Law, the laws and other normative-legal acts adopted before this law comes into force are applied in part so as not to contradict this Law.

# Law on Introducing Amendments to Some Laws of Ukraine on Issues of Social Protection for Servicemen

Bulletin of the Verkhovna Rada of Ukraine (BVR), 2005, 4, p. 107.

The Verkhovna Rada of Ukraine decrees:

## **PART I. TO INTRODUCE AMENDMENTS TO FOLLOWING LAWS OF UKRAINE**

In the Law of Ukraine “On pension support of servicemen, privates and commanding personnel of law-enforcement organs and some other persons” (Bulletin of the Verkhovna Rada of Ukraine, 1992, No. 29, p. 399; 1993, No. 5, p. 34; 1994, No. 24, p. 178; 1995, No. 16, p. 111, No. 34, p. 268, No. 44, p. 327; 1996, No. 17, p. 73; 1997, No. 4, p. 23; 1998, No. 26, p. 149; 1999, No. 4, p. 35, No. 48, p. 409; 2001, No. 9, p. 38; 2002, No. 17, p. 125, No. 33, p. 236, No. 35, p. 262; 2003, No. 27, p. 209; 2004, No. 23, p. 320, No. 36, p. 447, No. 50, p. 536.

1. to supplement Part 1 of Article 4 with the sentence to the following effect: “Specified persons are granted pension irrespective of whether they have officer military (special) ranks”;
2. to state Part 1 Articles 8 in the following wording: “Payment of pensions, including additional pensions, additional payments, increments and rises to them, entitlement payments established by the legislation to the servicemen discharged from service, to the persons having the right to pension according to this Law, and members of their families is provided at the expense of the State Budget of Ukraine ”;
3. to supplement with Article 11.1 to the following effect:

### **Article 11.1. Social help to pensioners**

Institutions of local self-government, within the limits of the authority given to them by law, can at their own initiative establish at the expense of the local budget additional payments to the pensions granted according to this Law, additional entitlement payments to pensioners from among the persons determined by this Law, and to members of their families ”;

4. To state Articles 48 and 52 in the following wording:

### **Article 48. Application for granting of pensions**

Applications for granting of pensions to the servicemen of active service discharged from military service, and to members of their families are submitted to the district (city) organ of the Pension Fund of Ukraine, and the officers discharged from service, ensigns, warrant officers, servicemen of additional service and contractual military service, the persons having the right to pension according to this Law, and members of their families - to organs of pension support of the Ministry of Defence of Ukraine, the specially authorised central organ of executive power on affairs of protection of the state border of Ukraine, Department of State Guard, other military formations created

according to the laws of Ukraine, Security Services of Ukraine, the Ministry of Internal Affairs of Ukraine, the Ministry of Ukraine on emergencies, the State tax administration of Ukraine, the state department of Ukraine on issues of the Administration of punishment. The day of submission to the relevant pension organ of the written application for the pension, including all necessary documents, and in case of transfer of the application and documents by mail - date of their sending are considered to be the day of the application for the pension.

In case not all necessary documents are enclosed within the application for granting the pension, the applicant is explained what other documents he/she should submit. If these documents are submitted before the expiration of the three-month term from the date of reception of the explanation, the day of the application for the pension is considered to be the day of submission of the application or the date of sending the documents by mail specified in Part 1.

The person applying for the pension presents his/her passport or other identification document”;

**Article 52. General procedure of payment of pensions and pension-paying agency**

The pensioners from among the servicemen of active service and members of their families are paid pension by organs of the Pension fund of Ukraine in a place of an actual residence of the pensioner, irrespective of registration.

The pensioners from among officers, ensigns and warrant officers, servicemen of additional service and contractual military service, the persons having the right to pension according to this Law, and members of their families, are paid the pensions by establishments of Savings bank of Ukraine in the place of actual residence of the pensioner, irrespective of registration, on the basis of the relevant documents which are issued by organs of pension support of the Ministry of Defence of Ukraine, the specially authorised central organ of executive power on affairs of protection of the state border of Ukraine, Department of State Guard, other military formations created according to the laws of Ukraine, to the State tax administration of Ukraine, the state department of Ukraine on issues of the Administration of the punishment, Security Services of Ukraine, the Ministry of Internal Affairs of Ukraine, the Ministry of Ukraine on emergencies.

Payment of pensions is conducted for the current month by the total sum according to the established procedure, but no later than the last date when the pension was paid.

By request of the pensioner the delivery of pension can be delivered through post offices in the place of his/her actual residence, irrespective of registration.

Transfer of pension by mail or its transportation in a place of actual residence of the pensioner is carried out at the expense of the State Budget of Ukraine”;

5. To state Part 3 of Article 60 in the following wording:  
“The sums of pensions unduly paid due to infringements committed by the pensioner (misrepresentation of data in documents, non-compliance of data with changes in the structure of his/her family, etc.), can be returned by the pensioner voluntarily or are claimed on the basis of decisions of the organ granting pension or by courts”;
6. In Article 63, to state Part 3 in the following wording:

“All the pensions fixed in accordance with this law are subject to recalculation in connection with change of the size of even one of the kinds of monetary allowance of the relevant categories of servicemen, persons having the right to pension according to this Law, or in connection with the introduction for the specified categories of persons of new monthly additional kinds of monetary allowances (increments, additional payments, increases) and bonuses at the rate established by legislation. Recalculation of pensions is carried out at the moment of occurrence of the right to recalculation of pensions and is made in the terms established by Part 2 of Article 51 of this Law”;

To supplement Part 4 to the following effect:

“The servicemen discharged from service, persons having the right to pension according to this Law, promoted in rank during their service in reserve or resignation do not have the earlier fixed pensions recalculated”.

In the Law of Ukraine “On the status of veterans of military service, veterans of law-enforcement organs and some other persons and their social protection” (Bulletin of the Verkhovna Rada of Ukraine, 1998, No. 40-41, p. 249; 2001, No. 9, p. 38, No. 24, p. 127; 2003, No. 27, p. 209; 2004, No. 36, p. 444, No. 50, p. 536):

1. To supplement the preamble with the words “determines the guarantees ensuring their worthy life, vigorous activity, honour and respect in the society”;
2. To state Article 1 in the following wording:

**Article 1. Main principles of state policy towards veterans of military service, veterans of law-enforcement organs and veterans of the state fire department**

The state policy towards veterans of military service, veterans of law-enforcement organs and veterans of the state fire department is implemented within the limits of the obligatory special purpose state and local programmes of social protection of veterans of military service, veterans of law-enforcement organs and veterans of the state fire department directed to support the implementation of guarantees and privileges established by this Law and other normative-legal acts for veterans of military service, veterans of law-enforcement organs and veterans of the state fire department and members of their families.

Implementation of obligatory special purpose state and local programmes of social protection of veterans of military service, veterans of law-enforcement organs and veterans of the state fire department is carried out at the expense of state and local budgets.

Organs of the state power and institutions of local self-government with the use of mass media carry out propagation of importance of virtuous military service, service in law-enforcement organs and the state fire department, values of the state awards for feats of arms and outstanding merits in defence of the Motherland, the state sovereignty, strengthening of the defence capability and security of Ukraine, guard of constitutional rights of citizens, courage and heroism in struggle against criminality, alleviation of consequences of emergencies, diligent and devoted service to the Ukrainian people.

The responsibility for implementation of the state policy on issues of veterans of military service, veterans of law-enforcement organs and veterans of the state fire department is assigned to organs of the state power and institutions of local self-government”;

3. In Article 3:

To supplement the name after words “Guarantees of the rights” with the words “and social protection”;

To supplement with a new Part 1 to the following effect:

“The state guarantees to each veteran of military service, veteran of law-enforcement organs and veteran of the state fire department equal opportunities as other citizens in the economic, social and political spheres, and also gives different kinds of help by:

Implementation of the right to work according to professional fitness and special programmes of social adaptation;

Creation of conditions for support and improvements of health with the purpose of maintenance of active longevity;

Granting of privileges, indemnities and social guarantees during labour activity and holidays;

Implementation of special programmes of improvement of living conditions;

Organisation of social service;

Pension support according to the legislation”.

In this connection to consider Parts 1 and 2 to be Parts 2 and 3 accordingly;

4. To state Article 4 in the following wording:

**Article 4. Maintenance of performance of the legislation on social protection of veterans of military service, veterans of law-enforcement organs and veterans of the state fire department and members of their families**

Maintenance of performance of this Law, other normative-legal acts on social protection of veterans of military service, veterans of law-enforcement organs and veterans of the state fire department and members of their families is assigned to organs of the state power and institutions of local self-government”;

5. to supplement section I “General provisions” with Article 41 to the following effect:

**Article 4.1. Applicability of this Law**

This Law is applied to the citizens of Ukraine ascribed to the categories of veterans of military service, veterans of law-enforcement organs and veterans of the state fire department according to this Law and permanently living on the territory of Ukraine.

The rights and privileges specified in Article 6 of this Law can be given to foreign citizens and persons without citizenship ascribed to categories of veterans of military service, veterans of law-enforcement organs and veterans of the state fire department and legally staying on the territory of Ukraine according to procedure and conditions determined by the international treaties of Ukraine agreed to be binding by the Verkhovna Rada of Ukraine”.

To supplement Item 2 of Final provisions of the Law of Ukraine “On introducing amendments to Article 43 of the Law of Ukraine “On pension support of servicemen, privates and commanding personnel of law-enforcement organs and some other persons ” (Bulletin of the Verkhovna Rada of Ukraine, 2004, No. 36, p. 447. after the first sentence with a new sentence to the following effect: “The persons ascribed according to the procedure established by the law to war veterans for participation in World War Two of 1941-1945 and in the war with imperialist Japan in August -

September 1945 and the persons who participated in other operations which preceded the mentioned wars and to wives of the lost (died) specified persons have the earlier fixed pensions recalculated and paid since 1 January 2005 in the 100 percent of the fixed pension”.

## **PART II. FINAL PROVISIONS**

1. This Law enters into force on 1 January, 2006, except for item 3 of section I which enters into force on 1 January 2005.
2. The Cabinet of ministers of Ukraine is obliged to:
  - a. Until 1 January 2007 to sort out monetary allowance of servicemen of the Armed Forces of Ukraine, Security Service of Ukraine, the State Border Service of Ukraine and other military formations created according to the laws of Ukraine, and also privates and commanding personnel of law-enforcement organs and some other persons having the right to pension according to the Law of Ukraine “On pension support of servicemen, privates and commanding personnel of law-enforcement organs and some other persons”;
  - b. From 2005 to provide during development of the draft of the law on the State Budget of Ukraine for next year the allocation of means necessary for implementation of this Law;
  - c. Within two-month term from the date of this Law coming into force:
    - i. To develop and approve new edition of the procedure of calculation of the term of duty, fixing and payment of pensions and cash benefits to officers, ensigns, warrant officers, servicemen of additional and contractual military service, privates and commanding personnel of law-enforcement organs both some other persons and members of their families;
    - ii. To ensure recalculation of the pensions fixed before appointed to servicemen, persons having the right to pension according to the Law of Ukraine “On pension support of servicemen, privates and commanding personnel of law-enforcement organs and some other persons” according to the requirements of this Law, taking into account the changes of the sizes and introductions of new kinds of monetary allowance of the relevant categories of servicemen, persons having the right to pension in accordance with the Law of Ukraine “On pension support of servicemen, privates and commanding personnel of law-enforcement organs and some other persons ” on the basis of which the pensions are being fixed, which took place or were introduced after granting of pension. In case if the sizes of pensions estimated according to this Law are lower there are kept the sizes of pensions fixed before;
    - iii. To bring their normative-legal acts in conformity with this Law;
    - iv. To ensure the ministries and other Central Executives bring their normative-legal acts in conformity with this Law.

# **Law on Introducing Amendments to Some Ukrainian Laws Including on Preferential Terms for the Term of Military Service in the Record of Service Entitlement to a Pension**

2636-IV of 02.06.2005 (Bulletin of the Verkhovna Rada of Ukraine (BVR), 2005, No. 27, p. 361)

The Verkhovna Rada of Ukraine decrees:

## **PART I. TO INTRODUCE AMENDMENTS TO THE FOLLOWING LAWS OF UKRAINE:**

1. To supplement paragraph 2 of item 1 of Article 8 of the Law of Ukraine “On social and legal protection of servicemen and members of their families ” (Bulletin of the Verkhovna Rada of Ukraine, 1992, No. 15, p. 190; 2004, No. 36, p. 446) with two sentences to the following effect: “ The term of active military service is included in the record of service entitling to pension on age on preferential terms if at the moment of the call to active military service the person studied in a professional educational establishment, worked or held the post providing for the right to pension on preferential terms before the Law of Ukraine “On pension support” coming into force or to pension on age on preferential terms before the Law of Ukraine “On obligatory state pension insurance” coming into force. Time of training in a professional educational establishment and the term of active military service included in the preferential experience, should not exceed the available record of service entitling to pension on preferential terms”.

2. To supplement Part 1 of Article 2 of the Law of Ukraine “On the universal military duty and military service” (Bulletin of the Verkhovna Rada of Ukraine, 1999, No. 33, p. 270) with paragraph 2 to the following effect: “The term of active military service is included in the record of service entitling to pension on age on preferential terms if at the moment of the call to active military service the person studied in a professional educational establishment, worked or held the post providing for the right to pension on preferential terms before enactment of the Law of Ukraine “On pension support ” or to pension on age on preferential terms before the Law of Ukraine “On obligatory state pension insurance” coming into force. Time of training in a professional educational establishment and the term of active military service included in the preferential experience should not exceed the available record of service entitling to pension on preferential terms”

## **PART II. FINAL PROVISIONS**

1. This Law enters into force on 1 January 2006.
2. To establish, that persons whose pensions were fixed earlier according to the Law of Ukraine “On pension support” have the right to calculation of the length of experience, taking into account the provisions of this Law and to the corresponding recalculation of pensions.
3. The Cabinet of ministers of Ukraine is obliged:

To bring its normative-legal acts in conformity with this Law;  
To ensure revision and cancelling by the ministries and other Central Executives  
of normative-legal acts contradicting this Law.

# **Law on Introducing Amendments to the Law ‘On the Status of War Veterans and Guarantees of Their Social Protection’**

2344-IV of 13.01.2005 (Bulletin of the Verkhovna Rada of Ukraine (BVR), 2005, No. 9, p. 185)

The Verkhovna Rada of Ukraine decrees:

## **PART I. To Introduce to the Law of Ukraine “On the Status of War Veterans and Guarantees of their Social Protection ” (Bulletin of the Verkhovna Rada of Ukraine, 1993, No. 45, p. 426; 1995, No. 44, p. 329; 1996, No. 1, p. 1, No. 3, p. 11; 1997, No. 8, p. 62; 1999, No. 24, p. 209; 2002, No. 52, p. 379; 2003, No. 27, p. 209; 2004, No. 7, p. 52; 2005, No. 4, p. 101) the Following Changes:**

1. To replace in items 1 and 2 of Article 9 the words and figures “and the war with imperialist Japan of 1941-1945” with the words and figures “1941-1945 and the war with imperialist Japan of 1945”.
2. To supplement Article 10 with item 3 to the following effect: “3. wives (husbands) of died partisans, underground organisations members and the servicemen who served in military units, elements, army headquarters and establishments which formed part of the field army during World War Two (1941-1945) and war with imperialist Japan of 1945, and conferred for this period awards and medals of former USSR (except for anniversary), who remained single”.
3. In Part 1 of Article 12: to supplement item 1 after words “reception of medicines” with the words “medical products, immune-biological preparations and products of medical purpose”;  
To state items 7 and 15 in the following wording:
  - “7. free travel by all kinds of city passenger transport, public motor transport in the countryside, and also suburban railway and water transport, suburban and long-distance buses including district, intra- and interregional irrespective of distance and residence ”;
  - “15. loan for building, re-building or major overhaul of apartment houses and household buildings, their connection to engineering networks, communications, and also loans for building or purchase of country houses and for the development of garden sites with its repayment within 10 years from the fifth year after the completion of building. The specified loans are given according to the procedure determined by the Cabinet of ministers of Ukraine”
4. In Part 1 of Article 13: to supplement item 1 after words “reception of medicines” with the words “medical products, immune-biological preparations and products of medical purpose”;  
To supplement paragraph 1 of item 3 with the words “with compensation of fare to sanatorium establishment and back”;

To state items 7, 19 and 22 in the following wording:

- “7. free travel by all kinds of city passenger transport, public motor transport in the countryside, and also suburban railway and water transport and suburban and long-distance including district, intra- and interregional irrespective of distance and residence. This right is applied to the person accompanying invalid of I group as well”;
- “19. loan for building, re-building or major overhaul of apartment houses and household buildings, their connection to engineering networks, communications, and also loans for building or purchase of country houses and for the development of garden sites with its repayment within 10 years from the fifth year after the completion of building. The specified loans are given according to the procedure determined by the Cabinet of ministers of Ukraine”;
- “22. out-of-turn free provision with a car with manual control (in the presence of medical indications) for the term of operation of up to ten years (with the subsequent replacement with a new one); compensation on fuel, repair, maintenance service of cars or on transport service according to the procedure which is determined by the Cabinet of ministers of Ukraine”.

5. In Part 1 of Article 14: to supplement item 1 after words “reception of medicines” with the words “medical products, immune-biological preparations and products of medical purpose”;

To state items 7 and 14 in the following wording:

- “7. free travel by all kinds of city passenger transport, public motor transport in the countryside, and also suburban railway and water transport and suburban and long-distance including district, intra- and interregional irrespective of distance and residence”;
- “14. loan for building, re-building or major overhaul of apartment houses and household buildings, their connection to engineering networks, communications, and also loans for building or purchase of country houses and for the development of garden sites with its repayment within 10 years from the fifth year after the completion of building. The specified loans are given according to the procedure determined by the Cabinet of ministers of Ukraine”.

6. In Part 1 of Article 15: to supplement item 1 after words “reception of medicines” with the words “medical products, immune-biological preparations and products of medical purpose”;

To state items 7 and 16 in the following wording:

- “7. free travel by all kinds of city passenger transport, public motor transport in the countryside, and also suburban railway and water transport and suburban and long-distance, including district, intra- and interregional irrespective of distance and residence”;
- “16. loan for building, re-building or major overhaul of apartment houses and household buildings, their connection to engineering networks, communications, and also loans for building or purchase of country houses and for the development of garden sites with its repayment within 10 years from the fifth year after the completion of building. The

specified loans are given according to the procedure determined by the Cabinet of ministers of Ukraine”.

7. In Part 1 of Article 16: to supplement item 4 after the words “provision with medicines” with the words “medical products, immune-biological preparations and products of medical purpose”;

To supplement with item 10.1 to the following effect:

- “10.1. loan for building, re-building or major overhaul of apartment houses and household buildings, their connection to engineering networks, communications, and also loans for building or purchase of country houses and an development of garden sites with its repayment within 10 years since the fifth year after the completion of building. The specified loans are given according to the procedure determined by the Cabinet of ministers of Ukraine”;

To state item 16 in the following wording:

- “16. free use of city transport (tram, bus, trolley bus, underground, water ferries) and suburban rains, and in the countryside - suburban and long-distance buses, including district, intra- and interregional irrespective of distance and residence”.

## **PART II. FINAL PROVISIONS**

1. This Law enters into force on 1 January 2006.
2. Expenditures on free travel for war veterans stipulated by this Law are covered from the State Budget of Ukraine according to the procedure and on terms determined by the Cabinet of ministers of Ukraine.
3. The Cabinet of ministers of Ukraine is obliged:
  - Within three-month term from the date of promulgation of this Law to bring its normative-legal acts in conformity with this Law;
  - To ensure bringing by the ministries and other Central Executives of their normative-legal acts in conformity with this Law.

# **Decision of the Verkhovna Rada on the Information the Cabinet Ministers on the Course of Execution of the Requirements of Current Legislation and Measures to Be Taken by the Cabinet of Ministers to Strengthen Social Protection of Servicemen, Retired Law-Enforcement Staff, Armed Forces Pensioners, Veterans of Military Service and Their Family Members, Improvement of Their Pension, Medical, Housing and Transport Provision**

278-IV of 28.11.2002 (Bulletin of the Verkhovna Rada of Ukraine (BVR), 2003, No. 2, p. 11)

Having heard the Cabinet of ministers of Ukraine on the specified questions, the Verkhovna Rada of Ukraine decrees:

- I. To recognise the work of the Cabinet of ministers of Ukraine on maintenance of performance of requirements of the Constitution and the laws of Ukraine on social protection of servicemen, veterans of military service, pensioners of the Armed Forces and members of their families as unsatisfactory.
- II. The Verkhovna Rada of Ukraine considers any attempts to restrict the maintenance or contents of the existing rights, to limit or cancel the established social and legal guarantees for servicemen, veterans of military service and pensioners of the Armed Forces by the current legislation as inadmissible, violating the Constitution of Ukraine, and demands from the Cabinet of ministers of Ukraine to immediately cancel the normative-legal acts violating the requirements of the Constitution of Ukraine adopted by it and by executive organs subordinated to it.
- III. That, being guided by the provision of Article 17 of the Constitution of Ukraine, that the state provides social protection of citizens of Ukraine serving in the Armed Forces of Ukraine and in other military formations, and also members of their families, the Cabinet of ministers of Ukraine is obliged:
  1. To strengthen the responsibility of executive organs and their superiors for the settlement of all questions connected with the social and legal protection of servicemen, veterans of military service, pensioners of the Armed Forces and members of their families;
  2. To provide full allocation of the assignments for settlement of questions connected with social protection of servicemen, veterans and pensioners of the Armed Forces, maintenance and development of social sphere of the Armed Forces of Ukraine allocated by the State Budget of Ukraine;
  3. To take urgent measures to fulfil the international obligations of Ukraine and eliminate the discrepancy in pension support between the servicemen discharged from The Armed Forces of the USSR and the pensioners of the Armed Forces of Ukraine, and also the discrepancies in pension support between military pensioners depending on the terms of their discharge from The Armed Forces of Ukraine;

4. To speed up the work on fulfilment of the Complex programme to provide servicemen and members of their families housing to reduce this problem during the next two - three years;
  5. To provide for servicemen, veterans of military service and pensioners of the Armed Forces the compensation of losses caused by non-compliance with the requirements of Part 2 of Article 62 of the Law of Ukraine "On the State Budget of Ukraine for 2000" about the reimbursement for sanatorium treatment, payment for housing and public utilities, electricity, gas and fuel due to suspension of the privileges established by the legislation and social guarantees;
  6. To ensure in accordance with the requirements of the Constitution of Ukraine the availability of medical services and granting of free medical aid to the servicemen, pensioners of the Armed Forces, veterans of military service, members of their families and financing of medico-sanitary and preventive activities. To consider it necessary to preserve in the system of the Ministry of Defence of Ukraine military-sanatorium establishments intended for treatment and health-improvement of servicemen, veterans and pensioners of the Armed Forces.  
To address the President of Ukraine with the request to cancel the decisions on transfer of military sanatoria to other departments;
  7. Within a three-month term to submit to the Verkhovna Rada of Ukraine the proposal to adopt new laws and on introducing amendments to the laws in force with the purpose of maintenance of implementation of constitutional rights and freedoms, reliable social and legal protection of servicemen, pensioners of the Armed Forces and veterans of military service.
- IV. The committee of the Verkhovna Rada of Ukraine on issues of national security and defence together with other committees of the Verkhovna Rada of Ukraine, Secretariat of the Cabinet of ministers of Ukraine, the Ministry of Defence of Ukraine, other state organs is obliged to duly provide development of the relevant draft laws for consideration by the Verkhovna Rada of Ukraine.  
The Verkhovna Rada of Ukraine brings to the notice of the Cabinet of ministers of Ukraine and all state organs that unsatisfactory performance of requirements of the Constitution of Ukraine, laws in force on social and legal protection of servicemen, veterans and pensioners of the Armed Forces of Ukraine creates social unrest among military men and veterans, damages the prestige of military service, authority of the military profession, leads to the decrease in fighting efficiency and combat readiness of troops, defence capability and security of the state. Such a position is inadmissible and demands urgent correction.
- V. To assign the control over performance of this Decision to the Committee of the Verkhovna Rada of Ukraine on issues of national security and defence.

# Presidential Decree on Improving the Social Protection of Servicemen, Commanders and Lower Ranks of Law-Enforcement Organs

173/2002 of 23.02.2002; Includes changes made by the Decrees of the President 289/2002 of 22.03.2002, No. 308/2002 of 29.03.2002

With the purpose to improve the social protection of servicemen, the lower rank officers and commanding management personnel of law-enforcement organs, I decree:

1. To establish to the servicemen (except for servicemen of the Security Service of Ukraine, the State Guard Administration of Ukraine and servicemen of active military service) monthly increments at the rate of 100 percent of monetary allowance (salary and long-service pension increase).

To pay the specified increment to servicemen of the Navy from 1 July 2002 within the limits of the means allocated in the State Budget of Ukraine on maintenance of the Ministry of Defence of Ukraine, other servicemen - since 1 January 2003.

*(Article 1 includes changes made by the Decrees of the President No. 289/2002 of 22.03.2002, No. 308/2002 of 29.03.2002.*

2. The Cabinet of ministers of Ukraine is obliged:
  - During the development of the drafts of the State Budget of Ukraine for 2003 and for the next years to allocate assignments on provision of military formations taking into account the norms of Article 1 of this Decree;
  - To prepare and present proposals to increase the level of pension support to servicemen, privates and the command personnel of law-enforcement organs, according to the established procedure;
  - To bring its decisions in conformity with this Decree.
3. To recognise invalid the Decree of the President of Ukraine of 14 July 1999 No. 847 "On additional measures to sort out monetary allowance of servicemen of the Armed Forces of Ukraine" regarding the Navy servicemen since 1 July 2002, other servicemen - since 1 January 2003.

*(Article 3 includes changes made by the Decree of the President No. 308/2002 of 29.03.2002.*

4. Excluded according to the Decree of the President of Ukraine No. 308/2002 of 29.03.2002.

## **Presidential Decree on Increments to Armed Forces, Ministry of Internal Affairs, State Border Service and State Guard Servicemen for Continuous Service**

389/2003 of 05.05.2003; Includes changes made by the Decree of the President No. 1227/2003 of 29.10.2003

*(Since 1 January 2005 this Decree is applied to servicemen of the State special service of transport according to the Decree of the President of Ukraine of 5 January 2005 No. 4/2005.)*

*(In the name and the text of the Decree the words "the State committee on affairs of protection of the border", "Chairman of the State committee on affairs of protection of the border" in all cases and "and border troops" are replaced accordingly with the words "Administration of the State Border Service", "Head of the State Border Service" in the relevant cases and "troops, in the State Border Service" according to the Decree of the President of Ukraine of 29 October 2003 No. 1227/2003.)*

With the purpose to increase the level of social protection of servicemen of the Ministry of Defence of Ukraine, the Ministry of Internal Affairs of Ukraine, Administration of the State Border Service of Ukraine and The State Guard Administration of Ukraine, I decree:

1. To give to the Minister of Defence of Ukraine, Minister of Internal Affairs of Ukraine, Head of the State Border Service of Ukraine and the Head of department of the state Guard of Ukraine the right to give servicemen of The Armed Forces of Ukraine, internal troops of the Ministry of Internal Affairs of Ukraine, Administration of the State Border Service of Ukraine and The State Guard Administration of Ukraine monthly increments for continuous military service in the Armed Forces of Ukraine, internal troops, in the State Border Service and The State Guard Administration of Ukraine having a high level of performance and depending on their experience, accordingly in percentage of the monetary allowance, at the following rates:

- Over 5 years - up to 10;
- Over 10 years - up to 30;
- Over 15 years - up to 50;
- Over 20 years - up to 70;
- Over 25 years - up to 90 percent.

The procedure and conditions of payment of the specified increments are determined by Minister of Defence of Ukraine, Minister of Internal Affairs of Ukraine, Head of the State Border Service of Ukraine and the Head of department of the state Guard of Ukraine.

2. To carry out the payment of the increments according to this Decree from 1 May 2003 at the expense of the means allocated in the State Budget of Ukraine on provision of the Armed Forces of Ukraine, the Ministry of Internal Affairs of Ukraine, Administration of the State Border Service of Ukraine and The State Guard Administration of Ukraine.

3. The Cabinet of ministers of Ukraine is obliged to provide during the development of draft laws on the State Budget of Ukraine for 2004 and the next years expenditures on the monetary allowance of servicemen of the Armed Forces of Ukraine, the Ministry of Internal Affairs of Ukraine, Administration of the State Border Service of Ukraine and The State Guard Administration of Ukraine, taking into account the increments established by this Decree.

## **Presidential Decree on the Rate of Insurance Payments for Obligatory Personal State Insurance of Servicemen and Reservists Called for Training**

610/95 of 12.07.1995

With the purpose to improve the social protection of servicemen and reservists called to periodic training, and members of their families, I decree:

1. To establish, that from 1 January 1995 and for the period before legislative determination of the minimum standard, the insurance for the state obligatory personal insurance of servicemen and reservists called to periodical training, in case of occurrence of the insured accident in conformity with Article 16 of the Law of Ukraine "On social and legal protection of servicemen and members of their families", are paid proceeding from the monthly average cumulative income established for the period of insured accident per one member of family (average cumulative income per person), that entitles to reception of the allowance: in January, 1995 - 1100 thousand karbovanets, February - May - 1730 thousand karbovanets, from 1 June 1995 - 2100 thousand karbovanets.
2. This Decree enters into force upon the date of its signing.

# **Presidential Decree on Additional Measures to Improve Care of Defenders of Ukraine, Their Legal and Social Protection, and Improvement of Military-Patriotic Education**

157/2002 of 21.02.2002

Taking into account the role of defenders of Ukraine in maintenance of defence of Ukraine, protection of the sovereignty, territorial integrity and inviolability of its borders, with the purpose to increase the level of legal and social protection of war veterans and servicemen, improvement of military education of the youth, I decree:

1. To the Cabinet of Ministers of Ukraine:
  - i) to take into account as much as possible at the development of the drafts of the State Budget of Ukraine since 2003 the need to ensure the social and economic protection of war veterans, military service and law enforcement organs and members of their families;
  - ii) To consider in the first quarter of 2002 paying the arrears to the Society Assisting the Defence of Ukraine for training of recruits in military-technical specialties in 2001 and to simplify the mechanism for financing the Society's organisations which are carrying out the state order;
  - iii) To provide observance of requirements of Article 7 of the Law of Ukraine "On the universal military duty and military service" on the prohibition to introduce for employees, irrespective of the place of work, uniforms and insignias similar to the uniform and insignia of servicemen, and to take measures to cancel those that have already been introduced;
  - iv) To prepare and present in the second half-year of 2002 for approval of the President of Ukraine the project of the Concept of Pre-conscription training and Military Education of Youth;
  - v) To consider the problem on establishment of the annual premium named after Bogdan Khmelnytskyi for the best coverage of military subjects in literary works and arts;
  - vi) To submit for consideration of the Verkhovna Rada of Ukraine the proposal about:
    - Reduction, from 2005, the term of active military service to 12 months;
    - Creation of concessionary terms for the banks allocating credits to the servicemen and pensioners from among former servicemen and privates and commanding personnel of law-enforcement organs to purchase or build own housing;
  - vii) To arrange on the guaranteed completion of the manufacture in 2002 of the state awards for decoration of participants in combat operations during World War Two (1941-1945) conferred according to the Decree of the President of Ukraine from 14 October 1999 No. 1329.
2. The Ministry of Defence of Ukraine, the state committee on issues of protection of the state border of Ukraine, Security Service of Ukraine, the Ministry of Ukraine on

issues of emergencies and protection of the population from consequences of Chernobyl accident, to the Ministry of Internal Affairs of Ukraine, The State Guard Administration of Ukraine, within a two-month term, are obliged to submit to the Commission on state awards and heraldry the proposal on the establishment of departmental incentive insignia for decoration of servicemen and privates and the command personnel of law-enforcement organs for the period of service of 10, 15 and 20 calendar years, veterans of military service and veterans of law-enforcement organs.

3. The Ministry of Education and sciences of Ukraine is obliged:

- To consider in the first half-year of 2002 the question on introduction of concessionary terms for admission to higher educational establishments of citizens of Ukraine who served active or contractual military service and have certificates of good conduct issued by the command of military units, and *bors concours* reception in these institutions of children of servicemen of the Armed Forces of Ukraine, other military formations, employees of the law enforcement organs who were lost on duty;
- To complete until 1 September 2002 the programme of pre-conscription training of youth taking into account today's requirements.

4. The Ministry of culture and arts of Ukraine is obliged to consider the problem on creation on a voluntary basis of military-patronage commissions at the Ministry and the relevant units of regional, Kiev and Sevastopol city state administrations for the organisation of military education, cultural service of servicemen and members of their families.

5. The state committee of information policy, TV and broadcasting of Ukraine is obliged:

- To arrange coverage of celebrations of the Day of the defender of the Fatherland, professional military holidays, and to advertise military service among the youth;
- To assist the development of military audiovisual mass media, giving them broadcasting time for screening of military programmes within the limits of the state order;
- To conduct once in two years a competition among journalists on the best coverage of the activity of the Armed Forces of Ukraine and other military formations.

6. The Council of Ministers of the Autonomous Republic of Crimea, regional, Kiev and Sevastopol city state administrations are obliged:

To render help to war and military service veterans, participants of the National-liberation struggle of Ukraine, international peace-keeping and rescue operations, servicemen and members of their families in the settlement of housing, household and other social problems;

To organize and conduct in military units on the eve of state and military professional holidays, with the assistance of representatives of organs of the state power, veterans of military service and work, public organisations and youth of call age, actions devoted to heroes - to the participants of World War Two and struggle for independence of Ukraine, distinguished servicemen - with the purpose of improving military education for the youth;

To strengthen attention to the maintenance of monuments, communal graves and other military graves.

## **Part IX**

# **The Legislative Framework for the Maintenance of Law in the Armed Forces and other Security Formations**



## Commentary to Part IX

The creation in the Armed Forces of Ukraine of a Military Law Enforcement Service has been of great importance for the consolidation of discipline and legal order in the troops. According to the law *'On the Military Law Enforcement Service In the Armed Forces'* (7 March 2002), this Service is entrusted with the tasks of revealing the reasons, preconditions and circumstances of crimes and other offences committed in military units and inside military installations, in particular; searching persons absent without leave; preventing crimes and other offences in the Armed Forces; participating in the safeguarding of military installations; maintaining public order and discipline among servicemen in wherever stationed and in public places; carrying out investigations into crimes committed by servicemen and reservists when performing training, performing official duties or whilst in military units; and protecting the property of the Armed Forces against theft and other criminal activities.

The creation of the Military Law Enforcement Service, staffing it with qualified personnel, exempting commanders of the military units from law-enforcement functions they are not trained for, contributes to the strengthening of legal bases in this important sphere of state life, guarantees the constitutional rights and freedoms of citizens exercising crucial duties which protect Ukraine.

The law *'On Detective-Investigative Activity'* (18 February 1992) with numerous changes and additions introduced to it, determines the conditions and procedure of such activity in the sphere of national security and defence, among others, in particular by the relevant units of Military Law Enforcement Service, the Security Service of Ukraine, and the State Border Service.

The spread of corruption to different spheres of the state led to the adoption of the law *'On the Fight Against Corruption'* (Verkhovna Rada of Ukraine, 5 October 1995) aimed at creating a purposeful, systemic character to the activity of law-enforcement and other state organs in the fight against this shameful behaviour.

The law *'On Liability for Airline Passenger Transportation Without Appropriate Entry Documents for Crossing Ukraine's State Border'* (10 January 2002) establishes the liability (in the form of penalty) of international air transport companies and their personnel for infringement of established procedures. The law was initiated, first of all, by the necessity to protect the national interests of Ukraine, manage migratory processes, counteract the increase in undocumented migration, and to create a legal basis for countering the illegal use of air transportation by criminal groups. It is very important for Ukraine - which is the centre of migratory processes - to act as a buffer zone between Western Europe and the countries of the Far East, South-East Asia and Africa. At the same time, by adoption of this law, Ukraine has carried out its obligations following from the Convention on the International Civil Aviation ratified by the Verkhovna Rada of Ukraine, and in particular provisions of appendix 9 to the Convention on the 'simplification of formalities'.

*'Regulations on the Liability of Servicemen for Damage Caused to the State'*, approved the Verkhovna Rada of Ukraine on 23 June 1995, establish the bases and the procedure of bringing servicemen and reservists guilty of causing damage to state assets or personnel to account.

The legislation of Ukraine creates appropriate organisational-legal conditions to ensure the strict observance of legality in the activity of the Armed Forces, other parts of the military organisation, and law enforcement organs of the state.

Section XIX of the '*Criminal Code of Ukraine*', adopted on 5 April 2001, establishes the criminal liability for commitment of war crimes - crimes against the established procedure of performance of the military service.

The concept "war crimes", except for the general signs of criminal acts, the specific signs of this category of crimes, namely:

- Object of the crime is the procedure of performance or doing of military service established by legislation;
- The special object of the crime is a servicemen or reservist when performing refresher courses (or test) or special periodical training;
- Punishment of acts arises according to the norms determined in the section of the Criminal code of Ukraine about war crimes.

For the first time, in the Criminal code of Ukraine of 2001, the crimes against peace, security of mankind and international law and order were codified in a separate section (XX). It establishes the relevant constitutional provisions, and also contributes to the fulfilment of obligations taken by Ukraine to establish in its national criminal legislation liability for acts determined as criminal by international law.

# **Law on the Military Law Enforcement Service in the Armed Forces**

3099-III OF 07.03.2002; (Bulletin of the Verkhovna Rada of Ukraine (BVR), 2002, No 32, p. 225); Includes changes made by the Law 1420-IV of 03.02.2004, BVR, 2005, No 3, p. 76

This Law with the purpose of the further consolidation of legality, legal order and military discipline in the Armed Forces of Ukraine and assurance of constitutional rights of servicemen, determines the status, major tasks, organisation and principles of activity of the Military Law Enforcement Service in the Armed Forces of Ukraine, its rights, duties, measures of social and legal protection, and the liability of its servicemen.

## **PART I. GENERAL PROVISIONS**

### **Article 1. The Status and purpose of Military Law Enforcement Service in the Armed Forces of Ukraine**

Military Law Enforcement Service in the Armed Forces of Ukraine (further - Military Law Enforcement Service) is special law-enforcement formation in the structure of the Armed Forces of Ukraine intended to ensure the legal order and military discipline among servicemen of the Armed Forces of Ukraine in places of stationing of the military units, in military educational establishments, establishments and organisations (further - military units), military stations, in streets and public places; for the prevention of crimes, other offences in the Armed Forces of Ukraine, their disclosure and suppression; for protection of life, health, rights and legitimate interests of servicemen, reservists during periodical training, employees of the Armed Forces of Ukraine, and also for protection of property of the Armed Forces of Ukraine against theft and other illegal activities, as well as to participate in counteraction to subversive displays and acts of terrorism on military installations.

### **Article 2. The Legal basis and principles of activity of Military Law Enforcement Service**

The Military Law Enforcement Service in its activity is guided by the Constitution of Ukraine, this Law and other published according to their normative-legal acts.

Activity of Military Law Enforcement Service is based on principles of legality, respect for the person, his/her rights and freedoms, social justice, centralized management and undivided authority, interaction with the public.

### **Article 3. Major tasks of Military Law Enforcement Service**

The major tasks of Military Law Enforcement Service are the following:

- Revealing the reasons, preconditions and circumstances of crimes and other offences committed in military units and at military installations; search of the persons who are absent without leave from the military unit (place of service);
- The prevention of commitment and suppression of crimes and other offences in the Armed Forces of Ukraine;

- Participation in guarding military installations and maintenance of public order and military discipline among servicemen in places of stationing of military units, military stations, in streets and in public places;
- Instruction in accordance with the procedure of an inquiry into the crimes committed by servicemen of the Armed Forces of Ukraine and reservists during periodical training, employees of the Armed Forces of Ukraine at performance of official duties or in the location of the military unit, as established by the law ;
- Protection of property of the Armed Forces of Ukraine against theft and other criminal activities;
- Assurance of security of military vehicles traffic;
- Participation in garrison activities;
- Execution of decisions in cases stipulated by law on keeping of servicemen in guardrooms;
- Administering criminal punishment related to servicemen sentenced to undergo service in a discipline battalion;
- Assistance, within the limits of their competence, to other organs of investigation, organs of preliminary (pre-judicial) investigation and court, organs of the state authority, institutions of local self-government, military management organs, enterprises, institutions, organisations in performing duties assigned to them in conformity with laws ;
- Counteracting subversive displays and acts of terrorism at military installations.

Upon adoption of the decision on the introduction of martial law or state of emergency in Ukraine or in its particular areas, the Military Law Enforcement Service is additionally entrusted with:

- Participation in the struggle with alien subversive-intelligence detachments on the territory of Ukraine;
- Assembly, support to and surveillance of prisoners of war;
- Maintaining observance of curfew in garrisons;
- Guarding military installations, military stations and their population, assistance in its evacuation;
- Restoration and maintenance of order and discipline in military units;
- Control over movement of vehicles and transportation of cargoes of the Armed Forces of Ukraine.

It is forbidden to assign the Military Law Enforcement Service with the tasks not stipulated by this Law to. No emergency, orders or commands of officials can be the basis for any unlawful actions or acts of omission of servicemen belonging to the Military Law Enforcement Service.

*(Article 3 includes changes made by the Law 1420-IV of 03.02.2004)*

#### **Article 4. Assistance to Military Law Enforcement Service in accomplishment of their tasks**

Military command and military management organs of the Armed Forces of Ukraine and other military formations created according to the laws of Ukraine, and also other organs of the state power and institutions of local self-government, servicemen and citizens are obliged to assist the Military Law Enforcement Service in accomplishment of their tasks.

**Article 5. The Organisation of Military Law Enforcement Service**

The numerical composition of management organs, units of Military Law Enforcement Service, and their location are determined by the Minister of Defence of Ukraine proceeding from the conditions of the distribution of troops (Forces).

The maximum numeric strength of servicemen and employees of Military Law Enforcement Service cannot exceed 1, 5 percent of the total numeric strength of the Armed Forces of Ukraine.

Financing of Military Law Enforcement Service is carried out at the expense of the State Budget of Ukraine allocated for provision of the Armed Forces of Ukraine and envisaged in the estimate of the Ministry of Defence of Ukraine as an individual line.

The Military Law Enforcement Service is created on the basis of relevant structural units and services of the Ministry of Defence of Ukraine whose functions by this Law are assigned to Military Law Enforcement Service.

The Military Law Enforcement Service is comprises:

1) management organs:

- Central Administrative Board of Military Law Enforcement Service of the Ukrainian Armed Forces ;
- The central administration of Military Law Enforcement Service in the city of Kiev and Kiev environs and territorial departments of Military Law Enforcement Service;
- Zone departments (branches) of Military Law Enforcement Service;

2) units of Military Law Enforcement Service:

- Guard of military installations;
- Patrol-sentry duty;
- traffic security;
- Investigation;
- Special purpose;

3) the Educational centre of Military Law Enforcement Service.

The decision on the creation of relevant units of Military Law Enforcement Service is adopted by the Minister of Defence of Ukraine.

The general management of Military Law Enforcement Service is carried out by the Minister of Defence of Ukraine through the Chief of the General Staff of the Armed Forces of Ukraine.

The direct management of Military Law Enforcement Service is carried out by the Central administrative board of Military Law Enforcement Service of the Ukrainian Armed Forces.

Zones of activity of management organs and units of Military Law Enforcement Service are determined by the Minister of Defence of Ukraine.

The Head of Central administrative board of Military Law Enforcement Service of the Armed Forces of Ukraine and his/her assistants, chiefs of Central and territorial departments of Military Law Enforcement Service and their assistants are appointed to office by the Minister of Defence of Ukraine upon submission of the Ukrainian Armed Forces Chief of General Staff.

Chiefs of departments of Central administrative board of Military Law Enforcement Service of the Armed Forces of Ukraine and chiefs of departments Central and territorial departments, chiefs of zone departments (branches) of Military

Law Enforcement Service, their assistants, the commander of the discipline battalion, heads of the investigation units, guard of military installations, patrol-sentry duty units, security of the traffic, special purpose units, the chief of the Educational centre of Military Law Enforcement Service are appointed to office by the chief of the General Staff of the Armed Forces of Ukraine upon submission from the chief of Central administrative board of Military Law Enforcement Service.

**Article 6. Engagement in commitment of individual tasks on assurance of legal order and military discipline of servicemen of other military units of the Armed Forces of Ukraine.**

Sometimes other military units of the Armed Forces of Ukraine can be temporarily recruited to fulfil of the tasks of Military Law Enforcement Service to guard military installations, maintain military discipline among servicemen in streets and public places, to prevent offences made by servicemen, and their suppression servicemen. Upon commitment of the specified tasks they are granted the rights, guarantees of social and legal protection stipulated for servicemen of the Services of legal order. The direct supervision over the accomplishment of these tasks is assigned to the relevant official of Military Law Enforcement Service.

The procedure of engagement of servicemen belonging to other Armed Forces military units of Ukraine regarding the accomplishment of individual Military Law Enforcement Service tasks specified in Part 1 of this Article, is determined by the Minister of Defence of Ukraine.

Participation of servicemen of Military Law Enforcement Service and other military units of the Armed Forces of Ukraine regarding the implementation of legal regime of martial law and state of emergency measures is regulated by the relevant laws.

## **PART II. RIGHTS AND FUNCTIONS OF MILITARY LAW ENFORCEMENT SERVICE**

**Article 7. Rights of servicemen of Military Law Enforcement Service**

The servicemen of Military Law Enforcement Service when accomplishing the designed tasks are given the following rights:

1. to demand from servicemen of the Armed Forces of Ukraine and other military formations created according to the laws of Ukraine, from reservists during periodical training and from other persons wearing uniform as well as those transferred to the reserve or resigned with the right to wear it the observance of public order, rules of wearing military uniform, suppression of offences and actions interfering with the accomplishment of the tasks and functions of Military Law Enforcement Service, and at non-compliance with the specified requirements to apply the measures of compulsion stipulated by Articles 9-11 of this Law;
2. to check, during periodical training, and in the territory of military units (military installations), at servicemen and reservists as well as at other persons the identification documents and other documents necessary for inquiries within the limits of competence of Military Law Enforcement Service, and also in case of their suspicion in commitment of crimes or other offences;
3. to summon the persons specified in item 2 of this Article to provide evidence and explanations on crimes and offences they instituted legal proceedings against. On

- evasion of these persons without valid excuse from attendance on the giving evidence on criminal cases to subject them to arrest according to the procedure established by the law;
4. to detain and keep the servicemen of the Armed Forces of Ukraine and other military formations created according to the laws of Ukraine, reservists during periodical training at guardrooms of Military Law Enforcement Service with the purpose of administration of a provisional measure of suppression, except for the cases determined by Military Regulations of the Armed Forces of Ukraine, for the terms established by the law;
  5. The suspects in committing a crime, the accused or defendants who abscond the organs of investigation, preliminary (pre-judicial) investigation or the court, convicted who evade from performance of criminal punishment;
  6. The persons who committed the actions posing real threat to the people around them, or showed insubordination to the lawful requirement of the servicemen of Military Law Enforcement Service;
  7. to detain persons wearing uniform having the expressed signs of mental frustration and creating in this regard real danger to the people around them, along with the immediate notice to medical establishment or commanders (chiefs) of servicemen for settlement of the question about their immediate examination in the relevant medical establishments;
  8. according to the requirements of the present and other laws of Ukraine to conduct personal inspection or search of the detained persons specified in items 2 and 4 of this Articles, followed by the examination of their belongings, vehicles and to withdraw documents and belongings, which can serve as evidence or are dangerous to the people around them;
  9. to draw up a statement on administrative offences against servicemen in case of and according to the procedure stipulated by the laws of Ukraine, and also at commitment of administrative offences by other persons specified in item 2 of this Article;
  10. in cases and according to the procedure stipulated by the Code of Ukraine on administrative offences to hand over materials about administrative offences to the organs (officials) authorized to try cases about such administrative offences;
  11. to hand over materials about discipline offences committed by servicemen and reservists during periodical training to be considered by the relevant commanders (chiefs) of military units;
  12. to institute an inquiry according to the requirements of the Criminal Code of Ukraine;
  13. to keep records of crimes and other offences in the Armed Forces of Ukraine and to conduct periodic data verifications of the relevant military Procurer;
  14. in the urgent cases related to rescue of life of people and property or with direct pursuit of persons caught at the scene of the crime to enter inhabited and other premises belonging to citizens, on the territory and in premises of the state organs, enterprises, establishments and organisations irrespective of form of ownership with the subsequent notice on it of the public prosecutor within 24 hours;
  15. according to the established procedure to enter the territory and premises of military units and to examine them;
  16. to enter military installations and the sites guarded by sentry with the purpose of suppression of crimes, pursuit of servicemen and other persons suspected of

- commitment of a crime by authority of persons the sentries subordinate to and in the presence of the person on duty of military unit or his assistant;
17. to be at military installations, territories and in premises of military units according to the procedure established by law to secure servicemen and other citizens, prevent or suppress crimes, reveal and detain persons;
  18. to receive, on the letter of enquiry from military units, and also from enterprises, establishments and organisations, irrespective of their subordination and the form of ownership including public organisations, the data necessary for legal proceeding of crimes and in connection with materials about offences the Military Law Enforcement Service instituted legal proceedings against;
  19. to submit within the limits of their competence to the relevant executive organs, military command, military management organs, institutions of local self-government, public organisations or officials of enterprises, establishments and organisations irrespective of their subordination and form of ownership of proposals on elimination of violations of law, reasons and conditions promoting them. No later than in a month upon the submission necessary measures should be taken while the person who submitted it should be informed;
  20. within the limits of the competence, if necessary, to temporarily limit or forbid access of servicemen and other persons access to individual sites of district or installations to ensure state secret, public order and security, guard of life and health of people, preservation of exhibits;
  21. at carrying out detention measures of persons suspected of commitment of a crime, and also, under the circumstances threatening life and health of people, to limit or forbid movement of transport and pedestrians on individual sites of streets and highways; to stop and examine vehicles, to check licenses on drivers;
  22. to stop military vehicles of the Armed Forces of Ukraine and of other military formations created according to the laws of Ukraine upon infringement of the rules of traffic by their drivers, in the presence of the signs testifying to technical malfunction of transport or pollution of the environment, and also data that are used illegally or not for the designed purpose, with the aim of their examination and check licenses, route cards, conformity of transported cargoes to commodity-transport documents on drivers. To conduct checkups of vehicles of the Armed Forces of Ukraine;
  23. to regulate traffic on highways and streets at movement of columns of military vehicles; to organize and provide support to these columns and vehicles of special purpose;
  24. to request the drivers of military vehicles ,if required, to undergo medical examination. To detain and discharge from driving of military vehicles the persons in the condition of alcoholic or drug intoxication, and also those not possessing documents on the right to drive or using vehicles, to undertake other measures stipulated by the legislation on the issue of drivers;
  25. to use the means stipulated by the relevant normative-legal acts for revealing and fixing of breaches related to the rules of traffic, to forbid the use of military vehicles whose technical condition endangers the security of traffic or the environment or if the numbers of the units mismatch the records in registration documents; to detain and deliver military vehicles for placement on special platforms or parking places in accordance with the procedure established by the legislation;

26. to check the exercise of control and preventive measures on ensuring security of traffic in military units;
27. to take part in investigation of the road and transport incidents committed by the drivers of vehicles belonging to the Armed Forces of Ukraine, or the persons driving the vehicles of the Armed Forces of Ukraine upon commitment of road and transport incident;
28. to assist commanders of military units in elimination of breaches of rules of maintenance of the roads in territories where military units are stationed, to limit or forbid execution of construction and other works or activities on the specified roads if the requirements of traffic rules are not observed;
29. to submit to the relevant law-enforcement organs the proposal on annulation of permits to purchase, store and carry weapons and ammunition, as well as special means of self-defence issued to the servicemen and other citizens living on territories of stationing of the military units, who abuse alcohol, use drugs, psychotropic substances and their analogues without doctor's prescription, those, who are mentally ill, and in other cases stipulated by the law. The management organs of Military Law Enforcement Service that put forward the proposals will be informed on results of its consideration no later than in a month;
30. subjects and things forbidden or limited in circulation, and also documents with signs of a fake will be withdrawn from servicemen and other persons who are illegally present in the territory of a military unit or military object or carrying out unlawful acts, within the limits of their competence and the procedure established by the law, and will be delivered to the relevant executive organs;
31. data and written explanations on the facts of breaches of the legislation will be demanded from the relevant persons of military units at times of investigation; documents, samples of raw material and products will be withdrawn and premises and places of storage of documents as well as commodity and material assets will be sealed up, if required.
32. to exercise an uninterrupted use of vehicles belonging to military units (except for vehicles of special purpose) for travel to the place of incident, delivery into medical establishments of the persons requiring urgent medical aid, pursuit of offenders and their delivery to the relevant unit of Military Law Enforcement Service or in law-enforcement organ;
33. during official journeys servicemen of the Military Law Enforcement Service have the right to book and obtain tickets for all types of transport out of order, to be placed in hotels upon presentation of the service certificate and the certificate of business trip. In case of urgent service trips the servicemen of Military Law Enforcement Service are provided with tickets for all types of transport irrespective of availability of places;
34. to store, carry and apply special means and weapons according to the procedure established by the law.

#### **Article 8. Functions of the Military Law Enforcement Service**

The Military Law Enforcement Service is entrusted with implementation of following functions:

1. to prevent, reveal, detect and stop crimes and other offences committed by the servicemen, reservists during periodical training and employees of the Armed Forces of Ukraine at performance official duties in military units, and also in other places.

2. to accept and register applications and messages on crimes and other offences committed by the persons specified in item 1 of this Article in military units, and also in other places, and, in due time, to apply towards them well-grounded and lawful decisions;
3. to institute, according to the procedure established by the law, inquiries into the crimes committed by servicemen, reservists during periodical training and employees of the Armed Forces of Ukraine when performing their official duties or in position of military unit or on military installations;
4. to stop administrative offences and to institute inquiry into the administrative offences ascribed to the competence of Military Law Enforcement Service by the “Code of Ukraine on administrative offences”;
5. to reveal the reasons and the conditions leading to the commitment of crimes and other offences in the Armed Forces of Ukraine, to take measures on their elimination, to participate in legal education of servicemen, employees of the Armed Forces of Ukraine;
6. to search and detain servicemen of the Armed Forces of Ukraine and other military formations created according to the laws of Ukraine, who are absent without leave from military units or places of service or who have not arrived in time without valid excuse to the military service, and also those absconding from the organs of investigation, preliminary (pre-judicial) investigation or court, or those convicted, evading criminal punishment;
7. to take part in carrying out preventive work among the servicemen inclined to commit offences, to assist military command, military management organs regarding the maintenance of military discipline among servicemen;
8. to provide in cases stipulated by the law the administration of criminal punishments on issues of servicemen sentenced to service in a discipline battalion or to criminal punishment in the form of arrest;
9. to abstain from displaying subversive and terrorist acts at military installations;
10. to cooperate with the military formations created according to the laws of Ukraine, law-enforcement organs, including the mutual exchange of information for detecting crimes in a fast and comprehensive way;
11. to conduct search of fire-arms and their battle supplies, or explosives stolen or lost in military units;
12. to carry out, in accordance with the procedure established by the law and within the limits of their competence the rulings commissions of the investigator, public prosecutor, court decision and the judges’ rulings;
13. to carry supervision of traffic of military vehicles within the limits of their competence, to undertake the control over the fulfilment of requirements of legislation regarding the issues of accident-free use of military equipment; registration and issuance of license plates, registration of military vehicles of the Armed Forces of Ukraine;
14. to coordinate according to the procedure established by the legislation with the relevant organs the transportation of large-sized, super-sized and dangerous cargoes by the vehicles of the Armed Forces of Ukraine, to provide their support and control over observance of special conditions, rules, norms and standards of the organisation of transportation of the specified cargoes;
15. to take part in accomplishment of the tasks by military units at their engagement according to the procedure established by the law, to fulfil duties under the martial law or state of emergency in Ukraine or in its particular areas;

16. to guard the of found, withdrawn at arrest persons and the arrested persons on a guardroom documents, to store belongings, values and other property, as well as to hand over to law-enforcement organs the documents and things of the civilians who were detained in the territory of military units (military installations);
17. to protect and escort the servicemen detained or taken into custody and reservists during periodical training, as well as those serving time in a discipline battalion;
18. to help, within the limits of their competence, to the organs of the state authority, institutions of local self-government, military command, military management organs and their representatives, public organisations in carrying out of their lawful activity in case of counteraction to them or danger from offenders - servicemen of the Armed Forces of Ukraine;
19. to inform commanders (chiefs) of military units no later than in a three-day term on a commitment of a crime and other offences by servicemen and reservists of the military units such persons belong to, while the military public prosecutor should be informed immediately;
20. to inform state authorities and institutions of local self-government, military command, military management organs, the public on place of service or employment of the person including the civilians who were illegally on the territory of a military unit or military object and committed unlawful acts, about the commitment of an offence by them whose proceedings lie within the competence of the Military Law Enforcement Service;
21. to take part in preparation and carrying out of garrison activities.

*(Article 8 includes changes made by the Law 1420-IV of 03.02.2004)*

### **PART III. USE OF FORCE, SPECIAL MEANS AND FIRE-ARMS**

#### **Article 9. Conditions and limits of force, special means and fire-arms use.**

The Military Law Enforcement Service has the right to use force, special means and fire-arms in cases and according to the procedure stipulated by the present and other laws of Ukraine.

The use of force, special means and fire-arms should only be undertaken after the prior warning on the intention of its use .. The use of force, special means and weapons can be applied without prior warning only in life or health threatening situations

It is forbidden to use force, special means and fire-arms towards women with obvious signs of pregnancy, towards elderly persons or towards those with the expressed signs of invalidity and towards minors, except for cases of gang attack threatening life and health of people, servicemen of Military Law Enforcement Service, or the armed attack or resistance.

Servicemen of Military Law Enforcement Service have the right to apply force including hand-to-hand fight to suppress offences, resisting the counteraction to legitimate requirements of servicemen of Military Law Enforcement Service if all else has failed to ensure the adequate performance of the duties assigned to them.

In case of impossibility to avoid application of force it should not exceed the limit necessary for the commitment of the assigned tasks and functions to Military Law Enforcement Service, and should be reduced to the least possible harm to health of offenders and other citizens. Upon causing harm the servicemen of Military Law

Enforcement Service render necessary first medical aid to the injured within the shortest term.

The servicemen of the Military Law Enforcement Service is obliged to report within 24 hours and in the written form to the immediate superior for the notice of the public prosecutor according to the procedure established by the law, about the use of force, special means, injury or death which occurred, owing to application of force and special means, and also about all cases of the use of weapons .

The exceeding the given authority concerning the use force, special means and weapons entails liability established by the law.

#### **Article 10. Application of special means at implementation of service duties**

Servicemen of Military Law Enforcement Service at performing official duties have the right to apply handcuffs, rubber sticks, means of binding, substance of teargas and irritating action, light-noise devices of distracting action adapted for locking out premises and forced stop of transport, water cannons, armour vehicles and others special and transport vehicles and also to use service dogs in the following cases:

1. for protection of servicemen, other persons and in self-defence from an attack and other activities creating threat to their life or health;
2. for suppression of mass riots in military units, and also mass disruption of public order by servicemen;
3. for repelling of an attack on military stations, military installations, buildings, premises, installations and vehicles of the Armed Forces of Ukraine without the use of weapons, or their liberation in case of capture;
4. for detention, and convoy of persons who committed offences, taking them to the location of management organs or units of Military Law Enforcement Service, law-enforcement organs, and also detaining of the persons taken into custody if the specified persons resist the servicemen of Military Law Enforcement Service or there are grounds to consider that they can escape or harm the people around them or themselves;
5. for liberation of hostages captured in the territory of the military unit.

The type of special means, time of its start and intensity of its application are determined taking into account the developing circumstances, character of the crime or other offence and the person committing it.

The list of special means and rules of their application is approved by the Cabinet of the Ministers of Ukraine upon submission of the Ministry of Defence of Ukraine coordinated with the Ministry of Internal Affairs of Ukraine, Ministry of Health of Ukraine and General Procurer of Ukraine.

#### **Article 11. Use of fire-arms**

Use of fire-arms is an extreme measure and is considered in case other measures have appeared to be inefficient or if the conditions make it impossible the application of other measures.

Servicemen of Military Law Enforcement Service, except for those determined by the Military Regulations of the Armed Forces of Ukraine procedure and rules of the use of weapons and physical strength have the right to apply fire-arms in the following cases:

1. for protection of servicemen, other citizens against the attack threatening their life and health, and also liberation of the hostages taken in the territory of a military unit;

2. for repelling group or armed attacks on the servicemen of Military Law Enforcement Service or members of their family or other attacks if their life or health are endangered;
3. for repelling the attack on the installations under guard, escorts, premises, constructions, vehicles of military units, and also their liberation in case of seizure;
4. for detention of the person caught at the scene of grave or especially grave crimes and trying to abscond;
5. for detention of the person rendering armed resistance, trying to run from under guard, and also the armed person threatening to use weapons and other subjects dangerous for life and health of the servicemen of Military Law Enforcement Service;
6. for stopping a vehicle by means of damaging it in case, if the driver' actions create threat to the life or to health of citizens or the servicemen of Military Law Enforcement Service.

Servicemen of active service in the cases specified in this Article apply fire-arms following the order of the direct commander (chief), except for cases when used for direct threat to the life and to health of a servicemen.

It is forbidden to apply and use fire-arms if it can cause suffering to extraneous persons.

Servicemen of Military Law Enforcement Service have the right to use weapons also for giving an alarm signal or call for help, for neutralisation of the animal threatening life and health of citizens and the servicemen of Military Law Enforcement Service.

Servicemen of Military Law Enforcement Service have the right to take up fire-arms and clear them for action if they think that in the existing conditions there can be bases stipulated by the law for its application.

Attempts of the person detained by the servicemen of Military Law Enforcement Service having fire-arms cleared for action to come nearer to him having reduced the distance determined by him or touch the weapon give the servicemen of the Military Law Enforcement Service the right to apply fire-arms according to this Law.

#### **PART IV. STAFFING OF THE MILITARY LAW ENFORCEMENT SERVICE, UNDERGOING MILITARY SERVICE IN THE MILITARY LAW ENFORCEMENT SERVICE**

##### **Article 12. The personnel of the Military Law Enforcement Service**

The Military Law Enforcement Service is staffed with the officer personnel, ensigns, sergeants and privates in accordance with the Law of Ukraine “On a universal military duty and military service”, as well as employees of the Armed Forces of Ukraine.

The servicemen selected for military service in the Military Law Enforcement Service for the officer posts, ensigns, sergeants and privates undergo selection and examination on professional fitness for this Service. After professional selection undertaken according to the requirements approved by the Ministry of Defence of

Ukraine, the candidates receive vocational education in professional specialisations in the Educational centre of Military Law Enforcement Service.

**Article 13. Undergoing military service in the Military Law Enforcement Service**

The procedure and terms of undergoing military service, promoting them to the consecutive military rank and discharging from military service - are determined by the relevant regulations about undergoing military service and the Law of Ukraine “On universal military duty and military service”.

**PART V . SOCIAL AND LEGAL PROTECTION OF SERVICEMEN AND EMPLOYEES OF MILITARY LAW ENFORCEMENT SERVICE. LIABILITY OF SERVICEMEN OF MILITARY LAW ENFORCEMENT SERVICE**

**Article 14. Social and legal protection of servicemen and employees of Military Law Enforcement Service**

Social and legal protection of servicemen and employees of the Military Law Enforcement Service and members of their families is carried out according to the Law of Ukraine “On social and legal protection of servicemen and members of their families” and other normative-legal acts adopted in accordance with them.

**Article 15. Liability of servicemen of Military Law Enforcement Service**

The servicemen of the Military Law Enforcement Service takes decisions independently, within the limits of his/her authority given by this Law and other laws, except for the cases stipulated by this Law, and is accountable for the unlawful acts or acts of omission according to the procedure established by the law.

**PART VI. CONTROL AND OVERSIGHT OF MILITARY LAW ENFORCEMENT SERVICE ACTIVITY**

**Article 16. Control over the activity of Military Law Enforcement Service**

The control over the activity of Military Law Enforcement Service, its observance of the legislation is carried out by the Minister of Defence of Ukraine.

The parliamentary control over the observance of constitutional rights and freedoms of the person by the Military Law Enforcement Service is carried out by Verkhovna Rada of Ukraine according to the Constitution of Ukraine and the laws of Ukraine.

**Article 17. Supervision over the observance of legality in the activity of Military Law Enforcement Service**

Supervision over the observance of legality in the activity of Military Law Enforcement Service is carried out by the Procurer organs of Ukraine.

**PART VII. FINAL PROVISIONS**

1. The Law enters into force from the date of its publication.

Before legislation of Ukraine is brought in conformity with the existing Law, the laws and other normative-legal acts adopted before this law come into force within the parts not contradicting this Law.

2. The Cabinet of the Ministers of Ukraine within a month time is obliged to:
  - a. To prepare and submit for consideration of the Verkhovna Rada of Ukraine the proposals on bringing of legislative acts of Ukraine in conformity with this Law;
  - b. To develop and adopt the normative-legal acts stipulated by the present law;
  - c. To ensure development and adoption of the legal acts necessary for implementation of this Law by the Ministry of Defence of Ukraine;

To carry out the relevant measures in connection with the creation of Military Law Enforcement Service in the Armed Forces of Ukraine.

# Law on Detective-Investigative Activity

2135-XII of 18.02.1992; (Bulletin of the Verkhovna Rada of Ukraine (BVR), 1992, No 22, p. 303), 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.

(To replace in the text of the Law the phrases “the Service of the National security”, “Higher Officials Guarding Administration of Ukraine” in all cases with the words “Security Service”, “The State Guard Administration of Ukraine” in the relevant cases according to the No Law 2246-III of 18.01.2001) accordingly.

## **Article 1. Tasks of detective-investigative activity**

The task of detective-investigation activity is search and registration of the facts about 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 special services of foreign states and organisations with the purpose of suppression offences and in the interests of criminal legal proceedings, and also receiving information in the interests of security of citizens, society and the state.

*(Article 1 includes amendments made by the Laws No 1381-XIV of 13.01.2000, No 2246-III of 18.01.2001)*

## **Article 2. Concept of detective-investigative activity**

Detective-investigative activity is a system of the public and secret search, intelligence and counter-intelligence measures carried out with the application of operative and detective-technical means.

## **Article 3. Legal basis for detective-investigative activity**

Legal basis for detective-investigative activity is the Constitution of Ukraine, the Law, Criminal and Criminal-procedural Codes of Ukraine, laws of Ukraine on Procurer, militia, Security Service, State Border Service of Ukraine, state guard over the organs of the state authority and officials, on the status of judges, on ensuring security of persons participating in criminal legal proceedings, on the state protection of employees of court and law enforcement organs, on other acts as well as international legal agreements and treaties of Ukraine.

*(Article 3 includes changes made by the Laws No 1381-XIV of 13.01.2000, No 662-IV of 03.04.2003)*

## **Article 4. Principles of detective-investigative activity**

Detective-investigative activity is based on principles of legality, observance of human rights and freedoms, interaction with the 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 Ministry of Internal Affairs of Ukraine – by criminal, transport and special militia, special units on fight against organized crime, judicial militia;

The Security Services of Ukraine – by investigation, counter-intelligence, military counter-intelligence, protection of statehood, special units on the fight against corruption and organized crime, detective-technical, internal security, detective documenting, fight against terrorism and protection of participants of criminal legal proceedings and employees of law enforcement organs;

The State Border Service of Ukraine – by intelligence organ of the specially authorized central organ of executive power on border protection affairs, detective-investigative units of the specially authorized central organ of executive power on border protection affairs and on the protection of its territorial organs accordingly, units on the state border and the organs of state border and Sea guard protection, internal security, own security, detective documenting and detective-technical;

The Department of State Guard – by the unit of detective support of guard exclusively with the purpose of ensuring security of persons and installations -subjects to the state guard;

Organs of the state tax service – by detective units of tax militia;

Organs and establishments of the state department of Ukraine on issues of the administration of punishment – carried out by detective units;

Intelligence organ of the Ministry of Defence of Ukraine – by detective, detective-technical, personal security.

It is forbidden to carry out detective-investigative activity by other units of the specified organs, units of other ministries, departments, public, private organisations and persons.

*(Article 5 includes changes made by the Laws No 2932-XII of 26.01.93, No 3784-XII of 23.12.93, No 85/98-BP of 05.02.98, No 312-XIV of 11.12.98, No 2246-III of 18.01.2001, No 3111-III of 07.03.2002, No 662-IV of 03.04.2003, No 762-IV of 15.05.2003, No 2600-IV of 31.05.2005)*

**Article 6. Bases for carrying out detective-investigative activity**

The bases for carrying out detective-investigative activity are:

1. Presence of sufficient and legally obtained information, which demands scrutiny by means of detective-investigative measures and 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 organs of investigation, courts or evading from serving criminal punishment;
  - Missing persons;
  - intelligence-subversive activity against Ukraine conducted by special services of foreign states, organisations and individual persons;
  - real threat to life, health, dwelling, property of employees of the court and the law enforcement organs in relation to their employment activity,

- and also to the persons participating in criminal legal proceedings, members of their families and close relatives, with the purpose of creation of necessary conditions for appropriate administration of justice; of intelligence organs of Ukraine's employees 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 members of their families with the purpose of performing implementation of intelligence activity;
2. inquiries of plenipotentiary state organs, establishments and organisations on the scrutiny of persons regarding their admittance to the state secret and works with nuclear materials and on nuclear installations;
  3. necessity to receive intelligence information for the interests of public and state security.

The specified bases can be mentioned in applications, messages of citizens, officials, public organisations, mass media, in written commissions and investigator resolutions, public prosecutor instructions, court decisions on criminal cases he/she institutes legal proceedings against, materials of investigation organs, other law enforcement organs, in inquiries of detective units of the international law enforcement organs and organisations of other states, and also inquiries of plenipotentiary state organs, establishments and organisations determined by the Cabinet of the Ministers of Ukraine, about the check on persons regarding their admittance to the state secret and to work with nuclear materials and on nuclear installations.

It is forbidden to take the decision on carrying out detective-investigative measures in the absence of the bases stipulated in this Article.

*(Article 6 includes changes made by the Laws 1381-XIV of 13.01.2000, 2246-III of 18.01.2001, 3111-III of 07.03.2002)*

#### **Article 7. Duties of the detective-investigative units.**

Units carrying out detective-investigative activity are obliged:

1. to 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 on the prevention, duly reveal, suppression and detection of crimes as well as revealing the reasons and conditions leading to commitment of crimes;
2. to execute written commissions of the investigator, instructions of the public prosecutor and court decisions as well as inquiries of plenipotentiary state organs, establishments and organisations concerning the fulfilment of detective-investigation measures;
3. to satisfy queries of the relevant international law-enforcement organisations and law enforcement organs of other states on the basis of contracts and agreements;
4. to inform the relevant state organs on the facts and data known to them and the data testifying to the threat to public and state security, as well as on the infringements of the legislation related to the service activity of the officials;
5. to carry out interaction with each other and other law enforcement organs, including the relevant organs of foreign states and international antiterrorist organisations with the purpose of rapid and full detection of crimes and conviction of the guilty;

6. to provide, engaging other units, the security of employees of courts and law enforcement organs, the persons assisting, promoting detective-investigation activity, the persons participating in criminal legal proceedings, members of their families and close relatives of these persons;
7. to take part in implementation of measures on physical protection of nuclear installations, nuclear materials, radioactive waste, other sources of ionizing radiation, and also in carrying out special scrutiny on issues of admission to special works.

*(Article 7 includes changes made by the Laws No 1381-XIV of 13.01.2000, No 2246-III of 18.01.2001, No 747-IV of 15.05.2003, No 965-IV of 19.06.2003)*

#### **Article 8. Rights of the units carrying out detective-investigative activity**

The detective units, under 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, to use their voluntary help;
2. to carry out control and detective purchase and delivery of goods, subjects and substances including those forbidden for turnover, from physical and legal entities, irrespective of the forms of ownership and with the purpose of revealing and documenting the facts of illegal acts. The procedure of carrying out detective purchase and controlled delivery is determined by the statutory acts of the Ministry of Internal Affairs of Ukraine, tax militia, Security Service of Ukraine 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 economical activity of enterprises, institutions, organisations irrespective of the forms of ownership as well as the persons engaged in entrepreneurial or other kinds of economical activity individually, and to take part in their execution;
4. to familiarize yourself with the documents and the data describing 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 court - to obtain on demand documents and the data describing activity of enterprises, institutions, organisations, and also the way of life of the individual persons suspected of preparation or commitment of a crime, the source and sizes of their income, leaving of copies of such documents and inventories of the withdrawn documents to the persons from whom they were obtained on demand, as well as guaranteeing their security and return according to the established procedure;
5. to conduct operations on capturing criminals, suppressing crimes, intelligence-subversive activities of special services of foreign states, organisations and individual persons;
6. to visit inhabited and other premises upon the consent of their proprietors or tenants for finding out circumstances of a committed or prepared crime, and also to collect data on illegal activity of the suspects or persons subject to 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 crime, or to receive intelligence information including the means of penetration of the operating officer into premises, vehicles, on the ground areas;
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 the authentic identity data.
9. The necessity of such penetration is legalized by the decision approved by the chief of the relevant organ;
10. to get information from communications channels, to apply other means of information reception;
11. to control of cables and post letters through individual selection;
12. to carry out visual supervision in public places employing photo-, film-and video recording, optical and radio sets, other means;
13. to have public and secret regular and non-staff employees;
14. to establish confidential cooperation with persons on the voluntary basis;
15. to receive from legal and individual persons information on the preparing or committed crimes and threat to security of the society and the state on remunerative or non-remunerative basis.;
16. office accommodation, vehicles and other property of enterprises, institutions, organisations can be used upon the consent of Administration, while personal accommodation, other premises, vehicles and property can also be used upon the consent from individuals;
17. to create undercover enterprises, organisations, to use documents encoding persons' identity or the departmental affiliation of employees, premises and vehicles of detective units;
18. to create and apply the automated information systems;
19. to use force, special means and fire-arms on the grounds and in accordance with the procedure established by the laws on militia, Security Service, State Border Service of Ukraine, state guard over organs of the state authority of Ukraine and officials.

Secret penetration into dwellings or other property of the person, getting information from communications channels, control over correspondence, telephone conversations, cable and other correspondence, application of other means of receiving information are made upon the decision of the court adopted upon submission of the head of the relevant detective unit or his/her assistant. The specified persons inform the public prosecutor on the reception or refusal of such court permit within a day. Application of these measures is made exclusively with the aim to prevent a crime or to find out truth during the investigation of criminal case, should an alternative way to receive the information be impossible. Upon the results of the specified detective-investigation measures implementation a report is drawn containing relevant appendices, is the report being subject to the use as a source of evidence in criminal legal proceedings.

The specified measures can be carried out exclusively for receiving intelligence information, ensuring external security of Ukraine, preventing and suppressing acts of terrorism, intelligence-subversive activities of special services of foreign states and foreign organisations in accordance with the procedure coordinated with the General Prosecutor of Ukraine and Chairman of the Supreme Court of Ukraine.

For fulfilment of individual commissions during the performance of detective-investigative activity there can be recruited officers of other units as well.

When accomplishing the tasks of the detective-investigative activity related to 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 co-ordination of activity on exercise of the rights of the units conducting detective-investigative activity with the goal of struggling with terrorism is carried out by the Security Service of Ukraine.

*(Article 8 includes changes made by the Laws No 2549-XII of 07.07.92, No 2181-III of 21.12.2000, No 2246-III of 18.01.2001, No 662-IV of 03.04.2003, No 965-IV of 19.06.2003, No 1130-IV of 11.07.2003, No 2322-IV of 12.01.2005)*

#### **Article 9. Guarantees of legality at implementation of detective-investigation activity**

In each case when the reasons for carrying out of detective-investigation activity are present, the detective-investigative case is opened. The decision about an initiation of such cases is subject to approval by the chief of internal affairs organ, Security Service, State Border Service of Ukraine, Guard of higher officials, detective unit of tax militia, an organ, establishment of administration of punishments of an intelligence organ of the Ministry of Defence of Ukraine or its authorized assistant.

Control over detective-investigative activity is carried out by the Ministry of Internal Affairs of Ukraine, Security Service of Ukraine, specially authorized central organ of executive power on affairs of protection of the border, State Guard Administration of Ukraine, State tax administration of Ukraine, state department of Ukraine on issues of administration of punishments, intelligence organ of the Ministry of Defence of Ukraine.

Only one detective-investigative case can be instituted against the person suspected of preparation or commitment of a crime, absconding from organs of investigation, courts or evading from serving the criminal punishment, reported missing. Without an institution of detective-investigation cases it is forbidden to carry out detective-investigative measures, except for the case stipulated by Part 4 of this Article. The decision about the institution of detective-investigative cases is approved by the chief or the authorized deputy chief of law-enforcement organ, Security Service, Border Service, The State Guard Administration of Ukraine, intelligence organ of the Ministry of Defence of Ukraine, detective unit of tax militia, organ or the institution for administration of punishments. The decision specifies the place and time of its compilation, the position of the person who adopted the decision, his/her surname, the basis and the purpose of the institution of detective-investigative case.

The scrutiny of persons regarding their admission to the state secret, and also to work with nuclear materials and on nuclear installations doesn't require the initiation of a detective-investigation case. Such scrutiny should previous no longer than one month.

When undertaking detective-investigative activity it is not allowed to violate the rights and freedoms of the individual and legal persons. Individual restrictions of these rights and freedoms have exclusive and temporary nature and can be applied only upon the decision of the court regarding the individual, whose activities show the signs of grave or very grave crime and in cases reflected by the legislation of Ukraine with the aim to protect the rights and freedoms of other persons, security of the society.

If there are sufficient grounds, the permission to carry out detective-investigative activity is given by the head of the relevant detective unit, who is responsible for the legality of the performed measures in accordance with the 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 of criminal activities and threat to the interests of society and the state.

In cases of violation of rights and freedoms of the individual or legal persons during implementation of detective-investigation activity and also in case if the participation in an offence of the person-subject to detective-investigation measures has not been proved, the Security Service of Ukraine, the Ministry of Internal Affairs of Ukraine, the specially authorized central organ of executive power for affairs on protection of the border, The State Guard Administration of Ukraine, the State tax administration of Ukraine, the state department of Ukraine on issues of the Administration of the punishment or intelligence organ of the Ministry of Defence of Ukraine are obliged to urgently restore the violated rights and to compensate the caused material and moral damages in full.

Citizens of Ukraine and other persons have the right to receive according to the procedure established by the law from organs empowered to implement detective-investigation activity a written explanation on occasion of restriction of their rights and freedoms and to appeal against these actions.

It is forbidden to hand over and disclose data on security measures and defended persons, undetected crimes or those, which can damage the investigation or interests of the individual, security of Ukraine.

The units using automated information systems in their detective-investigative activity should provide the opportunity to give data about the person upon inquiry from organs of investigation, Procurer or court. In places of storage of information its reliability and the reliability of guard should be guaranteed.

The data obtained in the result of detective-investigation activity concerning private life, honour, dignity of the person and not containing information on commitment of the 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.

Results of detective-investigation activity which, according to the legislation of Ukraine represent the state secret, as well as data concerning private life, honour, dignity of the person are not subject to transfer and divulcation. The transfer and divulcation of these data by employees of detective units and also by persons who were provided with these data while executing detective-investigation activity or persons who came to know it on service or work, entails liability according to the current legislation, except for cases of divulcation of information on the unlawful actions violating human rights.

The detective-investigative measures related to temporary restriction of human rights are conducted with the purpose of preventing grave or very grave crimes, their suppression and detecting, search of the persons evading from serving criminal punishment or the persons reported missing, protection of life, health, dwelling and property of employees of court and the law enforcement organs and the persons participating in criminal legal proceedings, suppression of intelligence-subversive activities against Ukraine. In case of operative necessity of urgent implementation of

these measures detective-investigation units are obliged to inform within 24 hours the court or the public prosecutor on application and the bases for their execution.

Visual supervision can be conducted with the purpose of establishing data about the person and about his/her contacts in case when there are facts confirming that he/she is preparing or has committed a grave crime, for receiving the data showing at the signs of such crime, and also for ensuring security of law enforcement organs employees and the persons participating in criminal legal proceedings, members of their families and close relatives of these persons.

It is forbidden to apply psychotropic, chemical and other substances oppressing will or harming health of people and the environment in order to receive information.

*(Article 9 includes changes made by the Laws No 85/98-BP of 05.02.98, No 312-XIV of 11.12.98, No 1381-XIV of 13.01.2000, No 2246-III of 18.01.2001, No 3111-III of 07.03.2002, No 662-IV of 03.04.2003, No 965-IV of 19.06.2003, No 1130-IV of 11.07.2003)*

### **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, and also the persons absconding from investigation, courts or evading from serving criminal punishment - until their establishment or search, but no longer than statute of limitation of liability or administration of verdict of guilty;
2. on issues of persons in connection with the investigation of their criminal case - until the verdict enters into force, until the decision of court about closing of cases, definition (decision) of court about application of measures of medical or educational character or until the criminal case is closed by the court, public prosecutor, investigator, an organ of investigation;
3. on issues of missing persons - until their search or until the decision of court about their recognition as missing or dead comes into force;
4. on issues of persons who are known to have participated in preparing or committing a crime - about six months;
5. on implementation of intelligence activities in the interests of security of society and the state - before the completion of intelligence activities or exhaustion of opportunities for their implementation;
6. on issues of persons who are known to have participated in terrorist activity or terrorist detachment or terrorist organisation as well as to have rendered material, organisational or other assistance to creation of terrorist detachment or terrorist organisation - up to 5 years.

In the presence of the data received during the execution of detective-investigation cases about participation of the person in preparation and commitment of a grave and very grave crime, the term of conducting cases can be prolonged to 12 months by chiefs of the main, independent departments of the Ministry of Internal Affairs of Ukraine, the Central administration of the Security Service of Ukraine, central administrative boards, departments of the Ministry of Internal Affairs of Ukraine and tax collection service of the State tax administration of Ukraine in the Autonomous Republic of Crimea, environs, the cities of Kyiv and Sevastopol, district organs and organs of military counter-intelligence of the Security Service of Ukraine, territorial organs of the specially authorized central organ of executive power on affairs of

protection of the border, Head of the State Border Service of Ukraine or their assistants.

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 Minister of Internal Affairs of Ukraine, the Head of the Security Service of Ukraine, the first deputy chief of the State tax administration of Ukraine - the chief of tax militia, and also Head of the State Border Service of Ukraine and the head of department of the state Guard of Ukraine.

Prolongation of terms for conducting detective-investigation cases on issues of foreigners and persons without citizenship suspected of intelligence-subversive activities against Ukraine, preparation or commitment of the acts of terrorism for the period over 18 months is carried out by the Head of the Security Service of Ukraine upon agreement with the General Prosecutor of Ukraine.

Calculation of the term for conducting detective-investigation cases begins from the date of approval by the chief of the relevant organ or his/her assistant of the decision about then institution of the case and terminates in the day of the approval of the decision about closing of the detective-investigation case.

Calculation of the term can be stopped if the person-subject to detective-investigation case, has temporarily left Ukraine or fallen seriously ill and there is no opportunity as a result of this to institute the detective-investigation activity.

The termination and renewal of calculation of the term for conducting detective-investigation cases is legalized by the motivated decision approved by the chief of the relevant organ or his/her assistant.

*(The law is supplemented with Article 9.1 according to the Law No 2246-III of 18.01.2001; includes changes made by the Laws No 3111-III of 07.03.2002, No 965-IV of 19.06.2003, No 2600-IV of 31.05.2005)*

#### **Article 9.2. Closing of detective-investigation cases**

A detective-investigation case should be closed in case of:

1. search of the person, who absconded from the organs of investigation, the court, or who evaded from serving of criminal punishment, and also the missing person;
2. the verdict's entry into force, legal resolution or court decision;
3. closing of criminal case by the court, public prosecutor, investigator or the organ of investigation;
4. termination of intelligence, counter-intelligence activities or exhaustion of opportunities for their implementation;
5. refutation of materials about criminal activity of the person in accordance with the established procedure ;
6. departure of the person for permanent residence outside Ukraine if the execution of detective-investigation measures towards him is no longer impossible;
7. failure to establish the data specifying the signs of a crime in the actions of the person within the terms stipulated by this Law;
8. it is revealed by the public prosecutor that a case was opened illegally in case of carrying out of detective-investigation measures against it;
9. death of the person-subject to detective-investigation case.

The closing of detective-investigation cases is legalized by the motivated decision approved by the chief of the relevant organ or his/her assistant. If such case presupposed the execution of detective-investigation measures upon the decision of the court the notice on its closing goes to court within the three-day term.

Terms of preservation of the closed detective-investigation cases are established according to the legislation of Ukraine.

*(The law is supplemented with Article 9.2 according to the Law No 2246-III of 18.01.2001)*

#### **Article 10. Use of materials of detective-investigation activity**

Materials of detective-investigation activity are used:

1. as the ground for opening of criminal case or executing urgent investigatory activities;
2. for receiving factual data, which can serve as the evidence in a criminal case;
3. for the prevention, suppression and investigation of crimes, intelligence-subversive activities against Ukraine, search of criminals and the persons reported missing;
4. for ensuring security of employees of the court, law enforcement organs and the persons participating in criminal legal proceedings, members of their families and close relatives, and also intelligence organs of Ukraine employees and their close relatives, the persons who are confidentially cooperating or have cooperated with intelligence organs of Ukraine and members of their families;
- 5) for mutual information exchange among the units authorized to carry out detective-investigation activity, and other law enforcement organs;
6. for informing the state organs in accordance with their competence.

*(Article 10 includes changes made by the Laws No 1381-XIV of 13.01.2000, No 3111-III of 07.03.2002)*

#### **Article 11. Assistance in the implementation of detective-investigation activity**

Organs of the state authority, enterprises, establishments, organisations irrespective of the form of ownership are obliged to assist detective units in accomplishment of detective-investigation activity tasks.

The cooperating the individuals (upon their request) with detective units can be legalized through the written agreement with warranting confidentiality of cooperation. The agreement on assistance to detective units in detective-investigation activity can be concluded with the capable person. The procedure of conclusion of an agreement is determined by the Cabinet of the Ministers of Ukraine.

The persons involved in accomplishment of the tasks of detective-investigation activity are obliged to preserve the secrets which became known to them. Divulgence of the secret entails liability in accordance with the current legislation, except for cases of divulgence of information on the unlawful actions violating human rights.

It is forbidden to involve in commitment of detective-investigation tasks doctors, clerics, lawyers if the person subject towards whom they should execute detective-investigation measures is their patient or client.

*(Article 11 includes changes made by the Law 965-IV of 19.06.2003)*

#### **Article 12. Social and legal protection of employees of detective units**

The employees carrying out detective-investigation activity are guaranteed legal and the social protection stipulated by the laws of Ukraine on these organs.

The employees carrying out detective-investigation activity are given benefits social and financial benefits according to the procedure established by the Cabinet of Ministers of Ukraine.

Should there be valid data on the threat to life, health or property of the employee and his/her close relatives in connection with implementation of detective-investigation activity by him/her in the interests of the security of Ukraine, or on detecting of a grave and very grave crime or the organized criminal group, the detective unit is obliged to take special measures to ensure their security - change of the identity, residence, work and study, other data according to the procedure determined by the Cabinet of Ministers of Ukraine.

The employee of a detective unit is not accountable for damaging the rights, freedoms of the person, interests of the state when executing detective-investigation activity in the condition of necessary defence, emergency or professional risk as well as in connection with detention of the person whose actions show signs of a crime.

*(Article 12 includes changes made by the Law 965-IV of 19.06.2003)*

### **Article 13. Social and legal protection of the person involved in accomplishment of the tasks of detective-investigation activity**

The person involved in the accomplishment of the detective-investigation activity tasks is under the state protection

Cooperating the person with the detective unit is included in his/her record of service should a labour contract be concluded with him/her. If invalidity or death is followed as a result of the person's detective-investigative activity while performing the assigned tasks, the privileges stipulated in such cases for employees of detective units are applied to him/her.

In case of threat to life, health or property of the person involved in executing the tasks of detective-investigative activity his/her protection is provided according to the procedure stipulated by Part 3 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/her assistants, public prosecutors of the Autonomous Republic of Crimea, environs, cities of Kyiv and Sevastopol and the public prosecutors equal to them and their assistants, as well as by the chiefs and public prosecutors of units, departments of General Procurer of Ukraine and Procurer of the Autonomous Republic of Crimea, environs, cities of Kiev and Sevastopol acting upon the authorisation coming from the order of the General Prosecutor of Ukraine.

The public prosecutor, within the limits of his/her competence:

1. enters into all premises of the organs conducting detective-investigation activity freely;
2. demands for check of the order, instruction, resolutions and other acts on detective-investigation activity, detective-investigation cases, registration, accounting, statistical, analytical documents and other data on implementation of detective-investigation measures;
3. charges to heads of the relevant organs with the tasks to carry out checks aimed at eliminating violations of the law;

4. gives written instructions on carrying out of detective-investigation measures in the interests of criminal legal proceedings, about search of missing persons;
5. agrees to prolong the term of executing detective-investigation activity;
6. receives explanations about infringements of requirements of the law from officials of the organs conducting detective-investigation activity;
7. checks complaints on violation of laws by the organs conducting detective-investigation activity familiarizing himself in necessary cases with detective-investigation materials;
8. cancels unlawful decisions about an opening or closing of detective-investigation cases, termination or renewal of detective-investigation activity or about other decisions contradicting the law;
9. takes measures on elimination of offences against the law when carrying out detective-investigation activity and on bringing the guilty to account established by the law;
10. appeals against unlawful decisions of courts on 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 the persons who are confidentially cooperating or have cooperated with intelligence organs of Ukraine, their permanent staff of intelligence organs affiliation and also forms, methods and means of intelligence activity and organisational-staff structure of intelligence organs are not subject to public prosecutor's supervision.

*(Article 14 includes changes made by the Laws No 2246-III of 18.01.2001, No 3111-III of 07.03.2002)*

# Law on the Fight Against Corruption

356/95-BP of 05.10.1995; (Bulletin of the Verkhovna Rada of Ukraine (BVR), 1995, No 34, p. 266), Enacted by the Resolution of the Verkhovna Rada of Ukraine No BP 357/95-BP of 05.10.1995, (Bulletin of the Verkhovna Rada of Ukraine (BVR), 1995, No 34, p. 267), Includes changes made by the Laws No 171/97-BP of 03.04.97, BVR, 1997, No 19, p. 136; No 85/98-BP of 05.02.98, BVR, 1998, No 26, p. 149; No 460-XIV of 02.03.99, BVR, 1999, No 16, p. 97; No 622-XIV of 05.05.99, BVR, 1999, No 26, p. 213; No 1594-III of 23.03.2000, BVR, 2000, No 24, p. 185; No 90-IV of 11.07.2002, BVR, 2002, No 40, p. 289; No 148-IV of 12.09.2002, BVR, 2002, No 43, p. 315; No 743-IV of 15.05.2003, BVR, 2003, No 29, p. 233; No 2459-IV of 03.03.2005, BVR, No 16, p. 263

This Law determines the legal and organisational principles of the prevention of corruption, its disclosure and suppression, restoration of legitimate rights and interests of physical and legal persons, and the elimination of consequences of corruption.

The fight against corruption is carried out on the basis of precise legal regulation of activity of the state organs, services and the persons authorized to perform state functions, providing guarantees of the rights and interests of physical and legal persons.

## PART I. GENERAL PROVISIONS

### Article 1. Concept of corruption and acts of corruption

Corruption shall be understood in this Law as activity undertaken by persons authorized to perform state functions which encompass the illegal use of the powers given to them to receive material benefits, services, privileges or other advantages.

Corruption acts are considered to be the following:

- a. Unlawful reception by the person authorized to perform state functions in connection with performance of such functions, of material benefits, services, privileges or other advantages, including acceptance or reception of subjects (services) by purchasing them at the price (tariff), which is essentially lower of its actual cost;
- b. Reception by the person authorized to perform state functions credits or loans, purchase of securities, real estate or other property through the use of privileges or the advantages stipulated by the current legislation.

The gift (compensation) received by specified persons under circumstances stipulated by item "a" of Part 2 of this Article including the one, which was granted without his/her knowledge as well as the cost of the illegally received services are subject to compensation towards the income of the state.

The note. The activity of the persons authorized to perform state functions includes the activity of local self-government officials aimed at implementing the powers of local self-government.

1. *(Article 1 is added by the note according to the No Law 90-IV of 11.07.2002)*

### Article 2. Subjects of corruption and other offences connected with corruption

The following persons authorized to perform state functions are accountable on the basis of the Law for corruption and other offences connected with corruption:

- State employees;

- Public Deputies of Ukraine, deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, deputies of village, settlement, city, district, regional councils;
- Officials of local self-government.

*(Article 2 includes changes made by the Laws No 171/97-BP of 03.04.97, No 90-IV of 11.07.2002)*

### **Article 3. Applicability of the Law**

The subjects specified in Article 2 of this Law are subject to administrative liability for commitment of corruption and other offences connected with corruption. Questions on criminal, civil and material liability for corruption and offences connected with corruption are settled according to the requirements of the current legislation.

Servicemen and other persons, who, according to the current legislation are brought to account for administrative offences according to Disciplinary Regulations, are accountable for the corruption and other offences connected with corruption as stipulated by this Law and committed by them.

*(Article 3 includes changes made by the No Law 2459-IV of 03.03.2005)*

### **Article 4. Organs fighting corruption**

Fight against corruption is conducted by the relevant units:

1. The Ministry of Internal Affairs of Ukraine;
  - 1a) Tax collection service;
2. Security Services of Ukraine;
3. Procurer Organs of Ukraine;
4. Military Law Enforcement Service in the Armed Forces of Ukraine;
5. Other organs and units created to fight corruption according to the current legislation.

*(Article 4 includes changes made by the No Laws 85/98 of 05.02.98, No 743-IV of 15.05.2003)*

## **PART II. PREVENTION OF CORRUPTION**

### **Article 5. Special restrictions on issues of state employees and other persons authorized to perform state functions aimed at preventing corruption**

The civil servant or other person authorized to perform state functions does not have the right:

- a. To assist individual and legal entities, using the service position with the implementation of entrepreneurial activity, as well as obtaining grants, subventions, credits or privileges with the purpose of unlawful reception for it of material benefits, services, privileges or other advantages;
- b. To undertake entrepreneurial activity either directly or through intermediaries or figureheads, to be the attorneys of third parties in state affairs where he/she works, and also hold more than one office (except for scientific, teaching, creative activity and also medical practice);
- c. To enter either independently (except for cases when a civil servant carries out functions on administration of shares belonging to the state, and represents interests of the state in the Council of the society (the supervisory board) or revision committees of economic societies), or through a representative or figurehead, into the structure of board or other executive organs of enterprises,

- credit and financial establishments, economic societies, etc., organisations, unions, associations, cooperative societies carrying out entrepreneurial activity;
- d. To refuse to grant individual and legal entities information stipulated by legal acts, to detain it intentionally, and to give doubtful or incomplete information.

The restrictions stipulated in items "b" and "c" of Part 1 of this Article are not applied to deputies of village, settlement, city, district, regional councils carrying out deputy authority along with industrial or service activity.

A civil servant functioning as an official has no right:

- a. To assist, using the official position, physical and legal entities in implementing their foreign-economic, credit-bank and other activity with the aim to unlawfully receive material benefits, services, privileges or other advantages;
- b. to unlawfully interfere with, using the official position, into the activity of other state organs or officials with the aim to prevent the performance of their powers;
- c. To be the law agent of third parties in affairs of the state organ whose activity is controlled by him/her;
- d. To give unlawful privileges to physical or legal entities during the drafting process and adoption of normative-legal acts or decisions.

The persons applying for appointment to office in the system of public service or on performance of other functions of the state are warned about the established restrictions.

*(Article 5 includes changes made by the Laws No 171/97-BP of 03.04.97, No 622-XIV of 05.05.99)*

#### **Article 6. Financial control**

Declaring of income of the persons authorized to perform state functions is carried out according to the procedure and on the bases stipulated by Article 13 of the Law of Ukraine "On public service".

In case of the opening of a foreign currency account in a foreign bank, the civil servant or other person authorized to perform state functions is obliged to inform the tax service about this matter in written form within a ten-day period, indicating the account number and location of the foreign bank.

Data on income, securities, estate and valuable movables as well as bank accounts of the officials specified in Part 1 of Article 9 of the Law of Ukraine "On public service", and members of their families are subject to the annual publication in official editions of the state organs of Ukraine. Before election or appointment of a candidate for relevant posts these data are preliminary handed over to the organ or the official carrying out election or appointment to the office.

*(Article 6 includes changes made by the Law 171/97-BP of 03.04.97)*

### **PART III. LIABILITY FOR ACTS OF CORRUPTION AND OTHER OFFENCES RELATED TO CORRUPTION**

#### **Article 7. Liability for commitment of corruption**

Commitment by the person authorized to perform state functions, except for the persons specified in Part 2 of this Article, of any of the acts of corruption stipulated in

Article 1 of this Law, if they do not contain *corpus delicti*, leads to administrative liability in the form of a penalty from twenty five up to fifty non-taxable minimum income .

Commitment of the corruption stipulated by this Law by the People's Deputy of Ukraine, the deputy of the Verkhovna Rada of Ukraine of the Autonomous Republic of Crimea, the deputy or head of local Council or village, settlement, city head, chairman of regional, circuit, district Council within the city (in case of its creation), their assistants or the secretary of the relevant agricultural, settlement, city council, in case of implementation by them of the powers of agricultural, settlement, city heads if they do not contain the structure of a crime, entails administrative liability in the form of penalty from fifty up to a hundred non-taxable minimum income .

*(Article 7 includes changes made by the Law No 171/97-BP of 03.04.97; in the wording of the Law No 2459-IV of 03.03.2005)*

**Article 8. Liability for breaching special restrictions established for the persons authorized to perform functions of the state**

Infringement by the person authorized to perform state functions of any of the restrictions specified in Article 5 of this Law, if it doesn't contain *corpus delicti*, entails official commission in the form of a penalty from fifteen to twenty five non-taxable minimum income.

Repeated breaches within the year of any of the restrictions specified in Article 5 of this Law, entails administrative liability in the form of a penalty from twenty five up to fifty non-taxable minimum income.

*(Article 8 includes changes made by the No Law 2459-IV of 03.03.2005)*

**Article 9. Liability for breaching requirements of financial control**

Breaches by the person authorized to perform state functions regarding the requirements on income declaration (failure to present it, presentation of incomplete or false data on income and obligations of financial character) entails administrative liability in the form of a penalty from fifteen up to twenty five non-taxable minimum income, and also serves as the basis for dismissal from office or other deprivation of the right to represent the state can be the basis for the refusal to appoint to office and go to people's deputies or hold elective offices in the state organs.

Failure to present or untimely presentation by a civil servant or other person authorized to perform state functions of data on opening of a foreign currency account in a foreign bank entails administrative liability in the form of a penalty from fifteen up to twenty five non-taxable minimum income.

*(Article 9 includes changes made by the No Law 2459-IV of 03.03.2005)*

**Article 10. Liability of Heads for not taking anti-corruption measures**

Heads of ministries and departments, state enterprises, establishments and organisations or their structural units, upon receiving information on an act of corruption or a breach of special restrictions established by Article 5 of the Law committed by the subordinates, are obliged to take measures, within the limits of their competence, on suppressing such acts and immediately inform the state organs specified in items "a", "a.1" and "b" of Article 4 of the Law on the commitment of the act.

Deliberate non-acceptance of the measures by the heads stipulated by Part 1 of this Article entails administrative liability in the form of a penalty from twenty five up to fifty non-taxable minimum income.

Repeated commitment of the acts stipulated by Part 2 of this Article within the year, entails administrative liability in the form of a penalty from twenty five up to fifty non-taxable minimum income.

*(Article 10 includes changes made by the Laws No 148-IV of 12.09.2002, No 2459-IV of 03.03.2005)*

**Article 11. Liability for deliberate failure to perform the duties in the fight against corruption**

Deliberate non-compilation or untimely compilation of the report on the commitment of an act of corruption or other offence related to corruption in the presence of the bases for this purpose, or deliberate non-submission of the report to the court on the commitment of an act of corruption or other offences connected with corruption by the person entrusted with these duties, entails administrative liability in the form of a penalty from fifty up to hundred non-taxable minimum income.

*(Article 11 includes changes made by the Law 2459-IV of 03.03.2005)*

**Article 12. Bases and procedure of pleading administrative cases on corruption acts or other offences connected with corruption**

The procedure of pleading administrative cases on corruption or other offences connected with corruption, and also execution of decisions about imposing official penalties is determined by the Code of Ukraine on administrative offences, except for the provisions established by this Law.

The report on commitment of corruption or other offence connected with corruption is drawn up by the organs specified in items "a", "a.1" and "b" of Article 4 of this Law, and in case when the commitment of corruption act or other offence connected with corruption not containing *corpus delicti* is established by the public prosecutor's check or preliminary investigation - also the investigator or the public prosecutor.

Sufficient data testifying to the presence in the person's act of signs of corruption or other offences connected with corruption are the basis for drawing up of a report. The organ of investigation, in case of refusal to open or termination of the criminal case on the bases stipulated by the current legislation under the presence in the person's act of signs of corruption act or other offence connected with corruption, is obliged to direct within a three-day period the materials of check or preliminary investigation of the act of corruption or other offence connected with corruption to the organ specified in items "a", "a.1" and "b" of Part 1 of Article 4 of this Law.

The report on the commitment of corruption or other offence connected with corruption, together with materials of check within a three-day period from the moment of its compilation, is sent to the district (city) court, the organ, which has made the report. The official penalty for corruption or other offences connected with corruption can be imposed no later than in six months from the date of its commitment. Consideration of administrative cases on corruption acts and other legal offences connected with corruption is carried out by the relevant courts within a 15-day period upon their receipt by the court. The period for the consideration of administrative cases on corruption is impeded by the court in case if the person subject to administrative report on corruption intentionally absconds the court or cannot be present for valid reasons (disease, business or medical treatment trip, leave, etc.).

The decision of the court on imposing administrative commission in the form of a penalty for corruption or other offences connected with corruption within a three-

day period is sent to the relevant state or elective organ for the settlement of question according to the current legislation.

*(Article 12 includes changes made by the Laws No 148-IV of 12.09.2002, No 2459-IV of 03.03.2005)*

## **PART IV. ELIMINATION OF CONSEQUENCES OF CORRUPTION AND OTHER CORRUPTION-RELATED OFFENCES**

### **Article 13. Compensation of damage**

The damage caused to the state, enterprise, establishment, organisation through the unlawful use of premises, automobiles and communication, other state property or money resources, is subject to compensation by the guilty persons authorized to perform state functions in accordance with general practice and conditions of liability of employees and servicemen.

Failure of the person authorized to perform state functions to voluntarily return illegally received loans, securities, real estates and other property or credits results in their confiscation (or confiscation of their monetary value) by the state, according to the judicial procedure upon the application of the public prosecutor.

Reception of grants, subventions, credits and privileges as a result of the activities stipulated by item “a” of Part 1 of Article 5 of this Law entails recognition of the concluded transaction invalid with the consequences stipulated by the Civil code of Ukraine.

### **Article 14. Cancellation of unlawful normative-legal acts and decisions adopted as a result of corruption**

The unlawful normative-legal acts and decisions adopted as a result of corruption are subject to cancellation by the organ or official authorized to adopt or cancel the relevant acts and decisions, or are declared unlawful.

### **Article 15. Restoration of the rights and compensation of damage to individual and legal entities**

Physical and legal persons whose rights are violated as a result of corruption and who have borne moral or material damage, have the right to restore these rights and compensate the damage according to the procedure established by the law.

## **PART V. CONTROL AND SUPERVISION OVER THE PERFORMANCE OF LAWS IN THE SPHERE OF THE FIGHT AGAINST CORRUPTION**

### **Article 16. Control over performance of laws in the sphere of the fight against corruption**

Control over performance of laws in the sphere of the fight against corruption is directly carried out by the Verkhovna Rada of Ukraine and also by the Committee of the Verkhovna Rada of Ukraine on issues of the fight against organized crime and corruption.

*(Article 16 includes changes made by the Laws No 460-XIV of 02.03.99, No 1594-III of 23.03.2000)*

**Article 17. Public prosecutor's supervision**

Supervision of performance of laws in the sphere of the fight against corruption is carried out by the General Prosecutor of Ukraine and the public prosecutors authorized by him/her.

# **Law on Liability for Airline Passenger Transportation Without Appropriate Entry Documents for Crossing Ukraine's State Border**

2920-III of 10.01.2002; (Bulletin of the Verkhovna Rada of Ukraine (BVR), 2002, No 16, p. 113),  
Includes changes made by the Law No 661-IV of 03.04.2003, BVR, 2003, No 27, p. 208

This Law, according to the Convention on International Civil Aviation, establishes the liability of enterprises (their associations), establishments and organisations irrespective of the forms of ownership carrying out international air passenger activity for transportation of passengers across the state border of Ukraine without appropriate documents for entrance to Ukraine, and also determines the procedure of application of this responsibility.

## **Article 1. Liability for air passenger activity across the state border of Ukraine without appropriate entrance documents to Ukraine**

Enterprises (their associations), establishments and organisations irrespective of the forms of ownership carrying out international air passenger activity (further - air conveyors) are accountable for penalty from two hundred twenty up to two hundred fifty non-taxable minimum income for moving across the state border of Ukraine alien or stateless persons without entrance documents for Ukraine or with documents issued in violation of the requirements established by the legislation of Ukraine.

The appeal of an alien or stateless passenger to grant him/her the status of refugee or for granting asylum according to the procedure established by the law does not relieve the air conveyor from the liability stipulated by the Law for his/her transportation across the state border of Ukraine without appropriate documents.

Payment of the penalty does not free the air conveyor from the duty to transfer the passenger, who was refused entry into Ukraine, to the point of embarkation on the aircraft or to any other place where entrance for him/her is allowed.

## **Article 2. Organs authorized to consider cases on offences**

Cases regarding offences stipulated by Article 1 of this Law are considered by the relevant organs for protection of the state border of Ukraine.

- a. The chiefs of organs of protection of the state border of Ukraine carrying out border controls in check points across the state border of Ukraine open for the international air service, have the right to consider cases about an offence and to impose penalties on behalf of organs for the protection of the state border of Ukraine.;

## **Article 3. Report on an offence**

The official of the relevant organ for the protection of the state border of Ukraine executing functions on implementation of border control draws up a report of commitment of an offence.

The report should contain:

- Date and place of its compilation;
- Surname, name, patronymic, position of the person who compiled the report;

- The name of the air conveyor, its legal address, account, identification code, date and place of registration;
- Surname, name, patronymic of the representative of the air conveyor in whose presence the report was made;
- Surname, name, patronymic of witnesses (present);
- Date and place where the offence was committed.;
- The normative-legal act providing the liability for the given offence;
- Other data necessary for a decision on the case.

The report is signed by the person who made it and the representative of an air conveyor in whose presence the report was drawn up; in the presence of witnesses, the report can be signed by these persons.

The denial of the representative of an air conveyor to sign the report is fixed with a special record. The representative of an air conveyor has the right to submit explanations and remarks on the content of the report which are attached to the report, and also to state motives for refusal to sign it.

The report is made in duplicate. The first copy together with other documents related to the case, within three days from the date of commitment of an offence, is sent to the official, authorized to impose the penalty. The second copy is handed over to the representative of an air conveyor on receipt.

#### **Article 4. Circumstances excluding legal proceeding on the offence**

Legal proceeding on the case about an offence cannot be initiated, and if already initiated, are subject to termination under the following circumstances:

- 1) absence of an offence;
- 2) cancelling of the liability established by this Law;
- 3) liquidation of an air conveyor.

#### **Article 5. The Persons participating in consideration of cases about an offence**

The following are the persons participating in consideration of cases:

- Representative of an air conveyor;
- Witnesses;
- Expert;
- Translator;
- Defender.

#### **Article 6. Representative of an air conveyor**

Cases about an offence are considered in the presence of the representative of an air conveyor. At his/her absence the case can be considered only when there are data on the duly notice of the representative regarding the place and time for reviewing the cases and if he/she did not send the petition for postponement of the consideration.

The representative of an air conveyor participating in the review of cases has the right:

- To get familiarized with materials of the case and abstract them;
- To give an explanation;
- To submit proofs and to take part in their research;
- To declare the petition;

- To use legal aid;
- To speak the native language and to use a translator if he/she does not know the language of the legal proceeding;
- To appeal against the decision on the case to the court.

**Article 7. Defender**

The defender can take part in considering the cases about an offence.

- The defender has the right:
- To get familiarized with materials of cases;
- To declare the petition;
- By proxy of the person who invited him/her, to submit on his/her behalf the complaint on the decision of the official of the organ of protection of the state border of Ukraine considering the case;
- Has other rights stipulated by the law.

**Article 8. Witness**

Any person known to have information about any circumstances related to the given case can be summoned as a witness on the case about an offence.

Having received the summon of the official considering the case the witness is obliged:

- To be present at the appointed time;
- To give truthful explanations;
- To share the information known to him/her on the case and answer the questions.

**Article 9. Expert**

For research on and elaboration of questions arising during case considerations and requiring special knowledge, the official of the organ for protection of the state border of Ukraine appoints the expert.

The expert is obliged to appear upon the summon of the official and to draw up objective written findings on the questions he/she is asked.

The expert has the right:

- To get familiarized with materials of the case subject of examination;
- To declare the petition for granting additional materials necessary for the findings;
- To be present during the consideration of the case;
- Upon the consent of the official considering the case about an offence, to set questions on the subject to the representative of an air conveyor and witnesses

**Article 10. Translator**

The translator is appointed by the official of the organ for protection of the state border of Ukraine considering the case about an offence. He/she should appear when summoned by the official and execute accurate and comprehensive translation.

**Article 11. Reimbursement to witnesses, experts and translators**

Witnesses, experts and translators are refunded for the expenses incurred in relation to their visit to the official of the organ for protection of the state border of Ukraine

considering the case about an offence ,according to the established procedure. The persons summoned as witnesses, experts and translators have their average earnings kept in the place of work during their absence in relation to their visit to the official of the organ for protection of the state border of Ukraine considering the case about an offence.

#### **Article 12. Decision on the case about an offence**

The official of the organ for protection of the state border of Ukraine authorized to impose penalties, adopts the relevant decision within fifteen days after the receipt of the report on an offence and other materials of the case. The decision is legalized by the conclusion of the relevant person.

The official of the organ for protection of the state border of Ukraine draws up one of the following decisions on the case about an offence:

- 1) on imposing the penalty;
- 2) on the closure of the case.

The decision about closing the case is adopted under the circumstances stipulated by Article 4 of this Law.

The decision on the case about an offence should contain:

- The post, surname, name, patronymic of the official who adopted the decision;
- Date of consideration of cases;
- Data on an air conveyor subject to case;
- Account of the circumstances established during the consideration of the case;
- The indication of the Law providing the liability for such offence;
- The decision enlisted in the case;
- The account and establishment of a bank where the penalty can be paid;
- The indication of the procedure and the period of its appeal in the court.

The decision is signed by the official of the organ for protection of the state border of Ukraine which considered the case.

The decision is promulgated immediately upon the termination of consideration of the case.

The copy of the decision about imposing the penalty is handed over within three days or sent to the conveyor.

A copy of the decision on bringing to account the foreign air conveyor can be submitted through its branch or the authorized representative in Ukraine.

#### **Article 13. Appeal against the decision about imposing the penalty**

The decision about imposing the penalty adopted by the official specified in Article 2 of this Law can be appealed against within ten days from the date of its adoption in the local court domiciliary of the relevant organ for protection of the state border of Ukraine whose decision is final.

The complaint is filed to the chief of the organ for protection of the state border of Ukraine, which adopted the decision on the case about an offence stipulated by Article 1 of this Law. The complaint, which arrived within three days is submitted together with the case to the local court. At that the execution of the decision about imposing the penalty is terminated until the relevant decision by court is adopted.

**Article 14. Execution of decisions on bringing to account**

Payment of the penalties imposed according to this Law is made in national currency of Ukraine.

Foreign air conveyors can pay penalties in foreign currency recalculated at the rate of the National bank of Ukraine at the date of commitment of the offence.

Payment of the penalty is made by the air conveyor, who was made answerable according to this Law within one month from the date of imposing the penalty, and in case of the appeal against the decision on imposing of the penalty - within a month from the date of refusal of the court to satisfy the complaint.

The penalty which has not been paid within the term established by Part 3 of this Article, will be collected compulsorily on terms and according to the procedure determined by the law of Ukraine "On executive practice".

The sums of the collected penalties go into the State Budget of Ukraine.

**Article 15. Final provisions**

1. This Law enters into force upon the date of its publication.

2. Becomes invalid from 01.08.2003 on the basis of the Law No 661-IV of 03.04.2003.

3. The Cabinet of Ministers of Ukraine is obliged:

- Within three months after promulgation of this Law to submit to the Verkhovna Rada of Ukraine the proposals on introducing amendments to the laws of Ukraine apparent from this Law;
- To bring its normative-legal acts in conformity with this Law;
- Within the limits of its competence, to ensure adoption of the normative-legal acts stipulated by this Law;
- To ensure revision and cancellation of their normative-legal acts contradicting this Law by the ministries and other Central Executives.

## Presidential Decree on Military Service Regulations for Different Categories of Servicemen

1053/2001 of 07.11.2001; Includes changes made by the Decrees of the President No 381/2002 of 25.04.2002, No 469/2002 of 17.05.2002, No 1182/2003 of 15.10.2003, No 9/2004 of 05.01.2004, No 106/2004 of 28.01.2004, No 373/2004 of 29.03.2004, No 1474/2004 of 13.12.2004

In addition see the Decree of the President No 1227/2003 of 29.12.2003

In conformity with Article 2 of the Law of Ukraine “On universal military duty and military service”, I decree:

1. To adopt and enact from 1 January 2002 the following:

- Regulations on undergoing military service by officers and ensigns (warrant officers) of the Armed Forces of Ukraine;
- Regulations on undergoing military service by soldiers (seamen), sergeants and sergeants-major of the Armed Forces of Ukraine;
- Regulations on undergoing military service (training) on a contractual basis in the Armed Forces of Ukraine by cadets (students) of higher military educational establishments and military educational departments of higher educational establishments;
- Regulations on undergoing contractual military service and regular military service in the Security Service of Ukraine;
- Regulations on undergoing active military service by soldiers and seamen, sergeants and sergeants-major of the Security Service of Ukraine;
- Regulations on undergoing military service (training) on a contractual basis by cadets (students) of higher military educational establishments of the Security Service of Ukraine..

2. To establish, that the provisions specified in paragraphs 2-4 of Article 1 of this Decree, are applied to servicemen of internal troops of the Ministry of Internal Affairs of Ukraine, other military formations created according to the laws of Ukraine, except for the State Guard Administration of Ukraine servicemen subject to the provisions specified in paragraphs 5 and 7 of this Article.

*(Article 2 includes changes made by the Decree of the President No 9/2004 of 05.01.2004)*

3. To recognize invalid as of January 1 2002:

- The decree of the President of Ukraine dated 13 May 1993 No 174 “On the temporary provision about undergoing military service by the citizens of Ukraine”;
- The decree of the President of Ukraine of 7 October 1993 No 429 “On prolongation of validity of Article 2 of the Presidential Decree as of 13 May 1993”;
- The order of the President of Ukraine dated 29 April 1994 No 34 “On the terms for submitting the draft Provision on undergoing military service by the citizens of Ukraine”;

- The decree of the President of Ukraine dated June 1995 No 418 “On the introduction of amendments to the temporary provision on undergoing military service by officers”;
- The decree of the President of Ukraine dated 20 March 1996 No 200 “On introducing additions and amendments to the Decree of the President of Ukraine of 13 May 1993 No 174”;
- Article 1 of the Decree of the President of Ukraine dated 10 December 1996 No 1187 ‘On introducing amendments to the Decree of the President of Ukraine of 13 May 1993 No 174’;
- The decree of the President of Ukraine dated 27 June 1997 No 587 “On introducing amendments to the temporary provision on undergoing military service by the officers”.

APPROVED

By the decree of the President of Ukraine  
of 7 November 2001 No 1053/2001

# Regulations on the Performance of Military Service by Officers and Ensigns (Warrant Officers) of the Armed Forces

## PART I. GENERAL PRINCIPLES

1. These Regulations determine the procedure of performing military service by officers and ensigns (warrant officers) of the Armed Forces of Ukraine, their rights and duties, the procedure of performance of military duty in the reserve.

Undergoing military service by officers and ensigns (warrant officers) starts with enrolment in contractual military service of reservists, for women from the date of their registration with muster rolls of a military unit (a military institution, establishment, etc.), or a call-up for military service of reserve officers from the date of arrival in the military commissariat for sending to the military unit, and finishes at transfer to the reserve or retirement on the day determined in item 74 of these Regulations.

When undergoing military service the following is carried out:

- Performance by servicemen of military service;
- Appointment to military posts and service transfers;
- Training, retraining and improvement of professional skills;
- Awarding and reduction to the ranks, disrating and restoration in military ranks;
- Carrying out of certification;
- Granting of leave.

2. The officers of the Armed Forces of Ukraine include the citizens of Ukraine promoted to the rank of junior lieutenant and above, and ensigns (warrant officers) to the military ranks of ensign (warrant officer), senior ensign (senior warrant officer).

3. The following forms of service are established for officers and ensigns (warrant officers):

- Contractual military service of officers;
- Call-up military service of officers;
- Regular military service for officers enlisted in the Armed Forces of Ukraine before introduction of contractual military service;
- Contractual military service of ensigns (warrant officers).

4. In conformity with Article 5 of the Law of Ukraine “On universal military duty and military service”, the officers - depending on the awarded military rank - are subdivided into:

- Junior officers (junior officers);
- Field officers (field officers);
- Supreme officers (supreme officers).
- Officers and ensigns (warrant officers) are awarded the following military ranks:
  - Army: Non-commissioned officers (ensigns and warrant officers) - ensign, senior ensign;

- Junior officers - junior lieutenant, lieutenant, senior lieutenant, captain; Field officers - major, lieutenant-colonel, colonel; Supreme officers - major-general, lieutenant-general, colonel-general, general of the army of Ukraine.
- Navy: Non-commissioned officers (ensigns and warrant officers) - warrant officer, senior warrant officer; Junior officers - junior lieutenant, lieutenant, senior lieutenant, captain; Field officers - captain, 3<sup>rd</sup> rank, captain, 2<sup>nd</sup> rank, captain, 1<sup>st</sup> rank; Supreme officers - rear-admiral, vice-admiral, admiral.

The words “of medical service” and “of justice” are added to the military ranks of commissioned officers of medical service and Judge Advocate General’s Corps of the Armed Forces of Ukraine and other military formations, court-martials and procurers having corresponding establishments.

The words “in the reserve” and “retired” are added to the military ranks of citizens transferred to the reserve or retired.

5. The Armed Forces of Ukraine are staffed with officers and ensigns (warrant officers):

a. On a contractual basis:

- Graduates of higher military educational establishments, and also higher educational establishments having faculties of military training (faculties, branches, institutes of military training) with programmes of training for the post of officers (further - military educational establishments), from among the cadets (students) who undertook training for the post of officers and were commissioned - military service of officers;
- The reserve officers who have not attained the military service age limit, including women under 30 years of age;
- Officers who do call-up military service or regular military service and have expressed a desire to serve on a contractual basis;
- Servicemen, and also reservists and women 19 up to 30 years of age, awarded the military rank of ensign (warrant officer) according to item 15 of these Regulations;

b. Call-up military service - reserve officers under 30 years of age, in number and according to the military specialisation determined by the Cabinet of the Ministers of Ukraine by order of the Minister of Defence of Ukraine;

c. Officers who do regular military service.

6. The age limit for military service has been established as follows:

- For ensigns (warrant officers) and junior officers - up to 45 years;
- For field officers with the ranks of major (the captain, 3<sup>rd</sup> rank) and lieutenant colonel (the captain, 2<sup>nd</sup> rank) - up to 50 years, colonel (the captain, 1<sup>st</sup> rank) - up to 55 years;
- For supreme officers awarded military ranks from major-general (rear admiral) up to (and including) general of army of Ukraine - up to 60 years.

7. Officers and ensigns (warrant officers) who have reached the military service age limit are subject to transfer to the reserve or retirement according to the procedure determined by these Regulations.

The officers who have reached high professional standard, have experience of practical work on the post and are recognized by the military-medical commission as fit for the reasons of health to undergo military service can be left, upon their request, on

service by the Minister of Defence of Ukraine above the age limit up to 5 years, and up to 10 years for doctors of science and professors.

Officers and ensigns (warrant officers) who are attached to executive organs or other civil establishments, performing work in the interests of the defence of the state and its security (further - executive organs, other civil establishments) and who have reached the military service age limit, can, upon their consent, have their military service prolonged under the petition of heads of the relevant executive organs, enterprises and organisations.

Officers and ensigns (warrant officers) performing military service and who are over the military service age limit can be discharged from military service before the expiration of the term of military service on the bases stipulated in items 63, 67 of these Regulations.

Servicemen can be trained part time in higher educational establishments.

Upon the consent of the commander (chief) - from the force commander and above - officers, ensigns and warrant officers who on the verdict of court were sentenced to punishment in the form of service restriction cannot be promoted to the next post, military rank, while the term of punishment does not enter the term of service necessary for the promotion to the next military rank.

Servicemen sentenced to criminal punishment in the form of arrest do military service taking into account the restrictions applied to them according to the rules of keeping servicemen in a guardroom stipulated by Garrison and Guard Duty Regulations of the Armed Forces of Ukraine.

## **PART II. ENROLMENT IN MILITARY SERVICE. CONCLUSION OF A CONTRACT**

8. The contract for undergoing military service in the Armed Forces of Ukraine is a written agreement concluded between the citizen of Ukraine and the state on behalf of which the Ministry of Defence of Ukraine acts for establishment of legal relations between the parties in the process of military service.

The contract is concluded according to the standard form in duplicate, signed by the person joining military service or continuing contractual military service and the official of the Armed Forces of Ukraine specified in item 9 of these Regulations, sealed with the official stamp of the military unit, organ of military management, establishment, organisation, military educational establishment (further - military unit) and stored by each of the parties. The contract is the basis for the issuance of the personnel order on enrolment in the Armed Forces of Ukraine and his/her appointment to office.

In case of appointment of ensign (warrant officer) to officer post and commissioning him/her, the relevant record is introduced to both copies of the contract.

9. The right to sign the contract on behalf of the Ministry of Defence of Ukraine is given:

- With the persons appointed to the posts, which, according to the staff regulations (list of members of staff) presuppose military ranks of supreme officer - to the Minister of Defence of Ukraine;
- With the persons appointed to the posts, which, according to the staff regulations (list of members of staff) presuppose military ranks from junior

lieutenant up to (and including) colonel (captain, 1<sup>st</sup> rank) - to the commander (chief) empowered with appointment to the relevant posts;

- With the persons appointed to the posts of ensigns (warrant officers) - to the commander (chief) who has the right to issue personnel orders;
- With cadets (students) trained in military educational establishments and going into military service upon graduation from educational establishment for the post of the officer - to the chief of a military educational establishment.
- Validity of the contract is calculated from the date of its entry into force.
- The first contract enters into force:
- With officers and ensigns (warrant officers) in the reserve - from the date the contract is signed by them and the relevant official, but no earlier than the day of their registration with the muster rolls of a military unit;
- With graduates of military educational establishments, and also with persons awarded the military rank of ensign (warrant officer) - from the date of awarding of officer rank, a rank of ensign (warrant officer);
- With other servicemen - from the date of signing the contract.

The date of enacting the first contract is fixed in both copies of the contract, one of which is stored in the personal records.

The contract for doing military service in posts of the officer with cadets of military educational establishments is concluded at transferring them to the last year of study.

10. The first contract for doing military service is concluded for the term of:

- With ensigns (warrant officers) - no less than 5 years;
- With officers - from 5 up to 10 years;
- With cadets of military educational establishments doing military service in the posts of officers upon graduation from military educational establishment - 5 years.

After the expiration of the terms established by this item the military service can be prolonged against a new contract for the term from 3 up to 5 years each time after attainment of this service age limit which is legalized with the relevant personnel order.

Officers and ensigns (warrant officers) whose term of contract has expired and who have attained the military service age limit can remain in service by request after conclusion of a new contract for the term of no more than 5 years.

Term of the contract is calculated in full years.

The new contract is concluded no later than two months prior to the expiration of the term of the contract in force and enters into force after the day of the expiration of validity of the previous contract.

11. The term of validity of the last contract is determined according to the period which remained prior to the serviceman of the military service reaching the age limit, or by the period he/she remains in military service over the age limit.

Validity of the contract stops:

- On the day of the expiration of its term;
- On the day specified in the order on exclusion of the serviceman from muster rolls of military unit in case of preterm cancellation of the contract;
- The next day after the death of the serviceman, and also at his/her recognition by the court as missing or dead;

- On the day the contract concluded by the ensign (warrant officer) to undergo military service (training) in a higher military educational establishment comes into force.

In case of cancellation of the contract, a record is made in a copy, which is stored in the personal records about the basis and date of cancellation of the contract.

12. With the serviceman who are enlisted in units of the Armed Forces of Ukraine on a voluntary basis sent to foreign states, an individual contract on terms and the procedure of doing military service in the structure of these units on a sample approved by the Ministry of Defence of Ukraine is concluded.

13. The serviceman attached to the military Procurer, executive organs, enterprises and organisations conclude the contract in accordance with general practice.

Validity of the contract stops when the serviceman is transferred from The Armed Forces of Ukraine to other military formations with exclusion from muster rolls of the Armed Forces of Ukraine.

The contract with the serviceman, attached to the Armed Forces of Ukraine from other military formations with exclusion from muster rolls of these formations, is concluded in accordance with general practice.

The period of validity of the contract of female servicemen on maternity leave is prolonged until the child reaches three years of age.

### **PART III. MILITARY RANKS**

14. The military ranks of officers and ensigns (warrant officers) are awarded to the servicemen and persons liable to military service taking into account their professional-business qualities, organisational abilities, military and special training, experience of service, the position, which they hold, and other conditions stipulated by these Regulations.

15. The persons, for the first time taken on contractual military service for the post of ensigns (warrant officers), are awarded the military rank of ensign (warrant officer):

a. to privates, sergeants and sergeants-major who:

- Have done active military service for no less than one year, have completed secondary education and have finished schools of ensigns, technical schools or other educational establishments, which carry out trainings of ensigns (warrant officers) on military-registration specialisations;
- Have done active military service for no less than one year, have a higher education related to the relevant military-registration specialties, have no military ranks of officer upon completion of special courses;
- Are appointed to the posts of ensigns (warrant officers) and successfully serve on these posts in wartime;

b. To reservists and women having higher education related to the relevant military-registration specialisations, not having military ranks of officer, upon completion of special courses;

c. To women with the relevant special training having completed secondary education, been called up for military service and appointed to the posts of ensigns (warrant officers) in the wartime.

The military rank of the senior ensign (the senior warrant officer) is awarded to ensigns (warrant officers) who have served on the posts manned with senior ensigns (the senior warrant officers), or officer posts for 5 or more

years continuously, and also to ensigns (warrant officers) who occupied posts of sergeants-major of the units and commanders of platoons for 3 years.

The military rank of senior ensign (the senior warrant officer) can also be awarded to ensigns (warrant officers):

- For high professional-fighting qualities demonstrated by them during the performance of duties within peace-keeping forces, during the performance of duties and battle service irrespective of the term of duty in the rank of ensign (warrant officer) and the post;
- For faultless and continuous service as ensigns (warrant officers) within 15 years - irrespective of the post.

In wartime the military rank of senior ensign (the senior warrant officer) can be awarded to ensigns (warrant officers) who have served on the posts subject to staffing with senior ensigns (senior warrant officers), or officer posts for no less than 3 months, and to ensigns (warrant officers) who have occupied posts of ensigns (warrant officers) and who have faultlessly performed them within a year.

16. The military rank of junior lieutenant is awarded:

- a. to the privates, sergeants and sergeants-major with a higher education having completed refresher courses and passed examinations under the programme of training for reserve officers before the expiration of active military service (the military rank is junior lieutenant in the reserve);
- b. To reservists with a higher education and having done active military service, after doing refresher courses and passing examinations under the programme for reserve officers;
- c. To reservists and women with a higher education related to the relevant military specialty by results of certification as officer in the reserve;
- d. To the students who have done a complete course of military training under the programme of reserve officers, passed established examinations and were qualified for the post of officer upon graduation from a higher educational establishment;
- e. To the serviceman who have graduated from educational establishments under the reduced programme of military training in the wartime military;
- f. To ensigns (warrant officers) with a higher education related to the relevant military specialty, appointed to the posts of officer, who have passed the established examinations and are successfully executing official duties, taking into account age and the needs of officers of the given specialisation;
- g. To ensigns (warrant officers) who are doing military service on posts of ensigns (warrant officers) for no less than 5 years, successfully executing official duties and have a higher education related to the relevant military specialty, passed the established examinations at their transfer to the reserve;
- h. The privates, sergeants and sergeants-major, to ensigns (warrant officers) appointed to the posts of officer in wartime and successfully executing official duties.

17. The military rank of lieutenant is awarded:

- a. To junior lieutenants who completed the period of service in this rank;
- b. To graduates of higher educational establishments preparing on contractual basis of specialists for needs of the Armed Forces of Ukraine;
- c. To the graduates of higher military educational establishments not having officer ranks, and those, who get transferred from military service to the reserve directly

upon graduation from a military educational establishment for family or health reasons, and also to graduates of the military educational establishments specialist training for executive organs, enterprises and organisations (the military rank of lieutenant in the reserve).

18. The primary officer rank (the junior lieutenant, the lieutenant) is awarded to the serviceman (reservists) by the Minister of Defence of Ukraine.

The military rank of ensign (warrant officer), the senior ensign (the senior warrant officer) is awarded by the commander of the corps, the person equal to him and above, and in wartime – by the division commander, the person equal to him and above.

19. The following military ranks of junior and field officer in peace and wartime are awarded:

- a. Up to (and including) captain (captain-lieutenant) - the commanders of corps, persons equal to them and above;
- b. Up to (and including) major (the captain, 3<sup>rd</sup> rank) – by commanders of troops of operational commands, and in wartime, – by the officials determined by the Minister of Defence of Ukraine;
- c. Up to (and including) lieutenant colonel (the captain, 2<sup>nd</sup> rank) - the first assistants, deputy ministers of defence of Ukraine, the chief of the General Staff of the Armed Forces of Ukraine, commanders of the fighting services of the Armed Forces of Ukraine, the commander of military unit A 0515;
- d. Up to (and including) colonel (the captain, 1<sup>st</sup> rank) – by the Minister of Defence of Ukraine.

*(Item 19 includes changes made by the Decree of the President 1474/2004 of 13.12.2004)*

20. Military ranks of supreme officer are awarded to servicemen by the President of Ukraine upon submission of the Minister of Defence of Ukraine.

21. The next military ranks of junior and field officer are awarded consistently upon positive references and conformity of the next ranks to the military ranks stipulated by the established posts, upon completion of the target period of service in the previous military ranks.

22. The next military rank of officer up to (and including) colonel (the captain, 1<sup>st</sup> rank) can be awarded ahead of schedule by the Minister of Defence of Ukraine as an encouragement for high professional-fighting and moral qualities demonstrated at defence of Ukraine or during performance of other duties of military service, upon expiration of, as a rule, of no less than half of the target period of service in the previous military rank, under the stipulation that service on the post was no less than one year.

23. The next military rank of officer up to (and including) colonel is awarded to students, adjuncts and doctoral post-graduate students of military educational establishments with the observance of requirements of item 21 of the Regulations and upon a positive reference:

- a. During the study - in case of conformity of the next military rank with the rank of the permanent appointment, which the officer held before entering educational establishment without taking into account the changes (promotion or demotion) introduced into the staff list on this post after enrolling in the educational establishment;
- b. Upon graduation from the educational establishment (post-graduate studies) - in case of conformity of the next military rank with the rank of the permanent appointment, the officer is appointed upon graduation.

Officers in the military rank of lieutenant colonel, who are appointed to the posts of division commander are awarded the next rank without taking into account the period of service in the previous military rank.

24. Awarding of next military ranks to the serviceman attached to executive organs or other civil establishments, is carried out upon the submission of heads of the specified organs (establishments) observing the requirements stipulated by item 21 of these Regulations, under the condition that the next military rank is in conformity with the military rank of regular military post according to the list of posts, which can be filled by servicemen in these organs (establishments).

*(Item 24 includes changes made by the Decree of the President 1474/2004 of 13.12.2004)*

25. Submitting a list on awarding military ranks according to the requirements of these Regulations is carried out according to the procedure determined by the Minister of Defence of Ukraine.

Submitting a list on awarding the next military rank from (and including) colonel (the captain, 1<sup>st</sup> rank) and further, and also the next military rank ahead of schedule, is considered by the military councils of troops of operational commands, fighting services of the Armed Forces of Ukraine.

Submitting a list on awarding a military rank of supreme officer, among others, is considered by a higher certifying commission and the board of the Ministry of Defence of Ukraine.

The procedure of awarding military ranks of supreme officer is determined by the President of Ukraine.

Submitting a list on awarding military ranks of officer of medical service and justice is carried out if the officer possesses a higher education in medicine or law and under the condition that he/she has permanent appointment with medical or legal military-registration specialisation.

Servicemen not presented for awarding of the next military rank are those who have been sentenced to punishment not connected with imprisonment or those left in military service according to item 68 of these Regulations, and also those subject to prejudicial investigation or stay in this connection at the disposal of the commander (chief) for the relevant terms.

26. For the officers doing military service (except for officers of flight personnel of aircraft and navigation personnel of submarines) the following periods of service in the corresponding military rank are established:

- The junior lieutenant, the lieutenant 2 years
- The senior lieutenant, the captain (captain-lieutenant) 3 years
- The major (the captain, 3<sup>rd</sup> rank) 4 years
- The lieutenant colonel (the captain, 2<sup>nd</sup> rank) 5 years.

The period of service in the military rank of lieutenant for the officers who graduated from military educational establishments with Honours, and also with five or more years of training, makes one year.

The officers of flight personnel of aircraft and navigation personnel of submarines have the following periods of service in the military rank established:

- The junior lieutenant 1 year
- The lieutenant, senior lieutenant, captain (captain-lieutenant) 2 years
- The major (the captain, 3<sup>rd</sup> rank) 3 years
- The lieutenant colonel (the captain, 2<sup>nd</sup> rank) 4 years.

The period of service in military ranks of colonel (the captain, 1<sup>st</sup> rank) and above has not been established.

The period of service in the rank awarded to the officer is calculated from the date the order on awarding the rank is issued.

The officers called up for (enlisted in) military service from the reserve have the time spent in reserve included in the period of service in the military rank.

The period of serving a punishment by the servicemen convicted to punishment in the form of arrest, service restriction, restriction of freedom, exemption from serving punishment with probation and those left on military service, is not included into the period of service in the military rank.

27. In case of introduction of the representation on the servicemen having army military ranks regarding the appointment to posts envisaging naval military ranks, the representation about awarding of the relevant naval military rank is made at the same time. The same procedure is applied towards servicemen having naval military ranks and appointed to the posts, which presuppose army ranks.

28. A one-degree reduction of senior ensigns (the senior warrant officers), junior (except for the junior lieutenant) and field officers undergoing military service can be applied as a disciplinary punishment according to the Disciplinary Regulations of the Armed Forces of Ukraine.

The persons reduced in military rank as a disciplinary punishment are restored to the former military rank, irrespective of the post occupied by them no earlier than in one year after being disgraced by the order of those commanders (chiefs) who imposed it, or by the order of their direct chiefs.

Time in the lowered military rank is not included in the period of service in the restored military rank.

29. Servicemen can be disgraced upon a court verdict for committing a crime, and also as a disciplinary punishment by officials empowered by the Disciplinary Regulations of the Armed Forces of Ukraine.

The disgraced persons are awarded military rank of the private (seaman) in the reserve at registration with military commissariat.

30. The disgraced persons can be restored to the former military rank:

- In connection with the cancellation or change of the verdict of the court or in case of impunity on the basis of the law on amnesty or act of remission;
- Upon the decision of the officials who disgraced this person in the course of disciplinary punishment.

The persons disgraced in the course of disciplinary punishment can be awarded military ranks equal to or below their former military ranks provided they prove worthy to fill the posts of officer, but not within one year after having been disgraced, by the orders of the commanders (chiefs) who imposed the punishment or by the orders of their direct chiefs; the persons disgraced in connection with condemnation can only be awarded these military ranks after cancellation or removal of previous condemnation.

In case of restoration of the serviceman's previous military rank on the basis of the law on amnesty or the act of remission, the personnel order about such restoration is issued by the official who issued the order on exclusion from the serviceman from muster-rolls. In the absence of such an official as a result of deactivation, liquidation of the organ of military management, etc., the order is issued by a higher official having the authority to issue personnel orders.

#### **PART IV. APPOINTMENT TO POSTS AND SERVICE TRANSFERS**

31. The posts subject to be filled by officers and ensigns (warrant officers), and the relevant military ranks are determined by the list of staff members. The list of the posts to be filled with persons of supreme officer is approved by the President of Ukraine upon submission of the Minister of Defence of Ukraine, and the posts subject to filling with ensigns (warrant officers), junior and field officer - by the Minister of Defence of Ukraine.

32. The Minister of Defence of Ukraine is appointed to and dismissed from office by the President of Ukraine according to the procedure established by the legislation.

Appointment to office of other heads of the Ministry of Defence of Ukraine, the chief of the General Staff of the Armed Forces of Ukraine, commanders of fighting services of the Armed Forces of Ukraine, commanders of troops of operational commands, is carried out by the President of Ukraine upon submission from the Minister of Defence of Ukraine.

The posts of the Minister of Defence of Ukraine and other heads of the Ministry of Defence of Ukraine can be filled by both servicemen, and civilians.

*(Item 32 includes changes made by the Decree of the President 1474/2004 of 13.12.2004)*

33. Officers are appointed to regular vacant military posts by the direct commanders (chiefs) according to the Nomenclature for officer posts by the orders on personnel approved by the Minister of Defence of Ukraine.

Appointment of ensigns (warrant officers) for posts is carried out upon the orders of commanders of regiments (brigades), persons equal and above them having the right to issue orders on personnel.

Ensigns (warrant officers), taking into account business and moral qualities, can be appointed to the vacant post of junior officer if there are no officers to fill the vacancy, and dismissed from them by orders of commanders (chiefs) empowered to appoint them to these posts. In case of the need to appoint the officers to the specified posts, ensigns (warrant officers) are transferred to the post of ensigns (warrant officers).

34. At appointment of servicemen to military posts and their service transfers, the following requirements are observed:

a. Posts of officer are staffed with the officers doing military service by professional selection on a competitive basis.

Temporary replacement of these posts by ensigns (warrant officers) or civilians is allowed according to the procedure determined by the Nomenclature of vacant posts for officers;

b. Officers are appointed to the posts and are transferred based on their specialisation or experience. In case of the need to use servicemen on posts on a new specialty the relevant training should precede their appointment;

c. The officers, who graduated from higher military educational establishments or who have been called up for military service from the reserve, are sent to troops (forces) for appointment to the posts according to the specialisation they have.

d. Officers, who, upon graduation from military educational establishments received an operatively-strategic or operational and tactical level of training are appointed to offices manned with persons with the relevant level of training;

e. Female servicemen are appointed to the posts of the officer and ensigns (warrant officers) determined by the Minister of Defence of Ukraine;

f. Service transfers of officers and ensigns (warrant officers) not connected with organisational activities, study transfers, appointment to the posts of graduates of military educational establishments, discharge, is conducted, as a rule, upon

- termination of the winter and summer training periods in the Armed Forces of Ukraine, while persons of command and faculty of military educational establishments - upon the termination of an academic year;
- g. Service transfers of officers and ensigns (warrant officers) is conducted, as a rule, without transfer at the disposal of the relevant commanders (chiefs);
  - h. Appointment to the posts of officer at the disposal of the relevant commanders (chiefs) is conducted in the shortest term possible but no later than within two months from the date of discharge from the previous post;
  - i. Graduates of military educational establishments are appointed to the relevant vacant posts directly upon graduation from military educational establishments, whereas those enlisted at the disposal of the relevant commanders (chiefs) join the troops (forces) after taking their leave given the graduates from the military educational establishment, but no later than one month after graduation. The officers called up for and enlisted in military service from the reserve are appointed to the posts no later than within a month from the date they retired to the place of the service specified in the instruction of the military commissariat, and ensigns (warrant officers) - after the arrival in military unit;
  - j. Necessity and promptness to transfer officers and ensigns (warrant officers) who have not attained the military service age limit and recognized by the military-medical commission as partially fit for military service, are transferred to other posts where the duties of military service can be executed taking into account the state of health, training and experience of service are determined by direct chiefs beginning from the commander of a individual battalion and above on the basis of the findings (decision) of the military-medical commission;
  - k. The servicemen, who have not reached the military service age limit and recognized as unfit for air work, service on submarines, surface ships or work in special organisations for the reasons of health, but partially fit for military service, are appointed to the posts not connected with commitment of air work, service on submarines, surface ships or work in special organisations. In the absence of such vacant posts the specified servicemen is discharged from military service according to the established procedure;
  - l. service transfers to other district of officers and ensigns (warrant officers) who have not attained the military service age limit and recognized as fit or partially fit for military service, but who due to health reasons or due to reasons of members of their families need to change the place of service (residence), is carried out on the basis of the findings (decision) of the military-medical commission;
  - m. It is not allowed to appoint officers and ensigns (warrant officers) who share kinship (parents, spouses, brothers, sisters, sons, daughters, and also brothers, sisters, parents and children of the other of spouses) to posts in one military unit, one connection, or association which includes operational command if the military service implies direct subordination or accountability of one of them to another;
  - n. It is forbidden to combine more than one post by officers and ensigns (warrant officers), except for the posts connected with scientific and pedagogical and scientific activity;
  - o. Representations on appointment to executive positions from the regiment commander, the commander equal to him and above are considered by the

relevant military councils according to the procedure determined by the Minister of Defence of Ukraine.

35. Service transfers of officers and ensigns (warrant officers) are carried out:
- a. to the supreme posts - according to service development;
  - b. to equal posts:
    - i. In connection with staff reduction or execution of organisational activities;
    - ii. In case of replacements in districts with limited periods of service;
    - iii. For more expedient use according to the specialisation or operational experience;
    - iv. For the reasons of health - on the basis of the findings (decision) of the military-medical commission;
    - v. For the reasons of family circumstances - upon personal request;
    - vi. With a smaller volume of work proceeding from professional, business and moral qualities on the basis of the findings of the certification commission;
  - c. On the lower posts:
    - i. In connection with staff reduction or carrying out of organisational activities, in case of impossibility of transfer to an equal post;
    - ii. For the reasons of health - on the basis of the findings (decision) of the military-medical commission;
    - iii. Proceeding from professional, business and moral qualities - on the basis of the findings of the certification commission;
    - iv. In the course of implementation of disciplinary punishment - according to the Disciplinary Regulations of the Armed Forces of Ukraine;
    - v. For reasons of age or family circumstances upon personal request;
  - d. In connection with enrolment in a military educational establishment with dismissal from the post, and also in case of appointment to the post after graduation;
  - e. In connection with the expiration of the term of stay on the post (except for persons belonging to the supreme officer who are appointed and dismissed by the President of Ukraine). The list of the specified posts, terms of their stay and procedure of priority of service are determined by the Minister of Defence of Ukraine.

The post is considered to be higher if the list of members of staff stipulates a higher military rank for it, and in case of equal military ranks – a higher official salary; lower - the list of members of staff stipulates a lower military rank for it, and in case of equal military ranks – a lower official salary. In case the list of members of staff stipulates for two military ranks or differentiation of official salaries, a higher military rank or higher official salary is taken into account.

At service transfers of officers and ensigns (warrant officers) suffering from the aftermath of the Chernobyl accident, they are offered compensation and privileges stipulated for employees according to the Law of Ukraine “On the status and social protection of the citizens suffering from Chernobyl accident”.

36. Service transfers of officers and ensigns (warrant officers) are carried out according to the procedure established by the Minister of Defence of Ukraine.

The decision on transfer of an officer or ensign (warrant officer) is adopted by the relevant commander (chief) taking into account the findings and recommendations of his/her immediate superior.

37. Promotion of servicemen is carried out taking into account the professional qualities, results reached, ability to fulfil the task in difficult conditions of service as well as the state of health.

For replacement of vacant posts, promotion and sending of servicemen for study, a reserve of candidates for promotion and direction to study has been created in military units, troop formations, associations, operational commands, commands of fighting services of the Armed Forces of Ukraine, the General Staff of the Armed Forces of Ukraine and the Central Staff of the Ministry of Defence of Ukraine.

38. Transfer of officers and ensigns (warrant officers) from supreme to lower posts on the bases stipulated in paragraphs 2-4 and 6 and sixth of sub-item "c" of item 35 of these Regulations is carried out by the direct chiefs within the limits of the rights given to them for appointment to the post in case there is no opportunity to appoint the serviceman to an equal post in the relevant fighting service of the Armed Forces of Ukraine, and paragraph 5 of this sub-item - by the commanders (chiefs) having such right according to the Disciplinary Regulations of the Armed Forces of Ukraine.

The officers dismissed from posts are enlisted at the disposal of the commander having the right to issue orders on appointment to these posts.

39. Officers and ensigns (warrant officers) reduced from supreme to lower posts advance in the service with the observance of the requirements stipulated by item 37 of these Regulations, and those reduced from supreme to lower posts in the course of disciplinary punishment, besides - after remitting of disciplinary punishment.

40. Officers and ensigns (warrant officers) reduced to a lower post in connection with staff reduction or execution of organisational activities have the right to priority in promotion.

Officers and ensigns (warrant officers) transferred on service should arrive to a new place of service after handing over their duties and post, but no later than within a month from the date of reception of the order or other written notice of service transfers by military unit, and those from them who at this time are on vacation or treatment - after returning from leave (from treatment) taking into account the time for handing over their duties and the post.

41. In connection with service necessity, the officer, ensign (warrant officer) can be assigned to temporary performance of duties of other equal or supreme post:

- a. Vacant (free) military post - by his/her consent (acting post);
- b. Not vacant (held) military post - in case of temporary absence of the serviceman who occupied it, or discharges of the serviceman who occupied it (temporary performance of duties).

The continuous period of occupying an acting post should not exceed six months, and temporary performance of duties - four months.

The officer, ensign (warrant officer) can be assigned upon his/her consent to perform duties of a no-vacant military post for the period of maternity leave of a serviceman who occupied it.

42. Officers and ensigns (warrant officers) can be directed to undergo military service:

- To other military formations excluding muster rolls of the Armed Forces of Ukraine;
- From other military formations to the Armed Forces of Ukraine - with their inclusion in muster-rolls.

The direction of officers and ensigns (warrant officers) is carried out upon agreement between the Ministry of Defence of Ukraine and the Central Executives who manage

the relevant military formations, upon consent from the serviceman, and is officially registered:

- For officers – the orders of the Minister of Defence of Ukraine and heads of the relevant Central Executives;
- Ensigns (warrant officers) – by orders of the chief of the General Staff of the Armed Forces of Ukraine, assistants to heads of the relevant Central Executives.

43. Officers and ensigns (warrant officers) of the Armed Forces of Ukraine can be attached to executive organs, other civil establishments with stay on military service upon their consent.

Heads of executive organs or other civil establishments inform, in written form, the Central administrative board for personnel selection of the Ministry of Defence of Ukraine when servicemen are appointed to posts or move on within the service.

Dismissing servicemen from posts by a decision of the head of the organ of executive power or other civil establishment is carried out upon agreement by the Ministry of Defence of Ukraine with the subsequent direction according to the procedure of the Defence Ministry of Ukraine:

- After completion of works of defence character;
- Upon address of the serviceman;
- Should the serviceman fail to fulfil duties according to the post.

If necessary, the Minister of Defence of Ukraine has the right to withdraw the servicemen at any time from the organ of executive power, other civil establishment upon agreement with the head of the organ of executive power or other civil establishment. Dismissal of the servicemen is sent at the disposal of the Ministry of Defence of Ukraine with the reference and order of dismissal. After returning at the disposal of the Ministry of Defence of Ukraine the serviceman is appointed to the post from which he was attached, or to an equal post.

## **PART V. CERTIFICATION**

44. For ensuring the correct selection, arrangement, education, updating of training of the officer, ensigns (warrant officers), objective appraisal of professional level, business and moral qualities of each servicemen, their conformity with the post, definition of prospect of service use, creation of the reserve of candidates for promotion and sending for study, the certification of servicemen, except for the persons specified in item 45 of these Regulations, is conducted.

45. Officers and ensigns (warrant officers) attached to executive organs, enterprises and organisations are not subject to certification.

A certification is not conducted for appointment of the serviceman to a supreme post, sending for study or nominating him for an award ahead of schedule of the next military rank during the inter- attestation period. In such cases a reference is drawn up.

46. The procedure and terms for carrying out the certification of officers and ensigns (warrant officers) are determined by the Minister of Defence of Ukraine.

## **PART VI. LEAVE**

47. Officers and ensigns (warrant officers) have the right to go on leave:

- a. Annual leave:

- i. The next leave, including the one taken during study at a military educational establishment;
- ii. Additional leave for special type of service and for harmful and heavy conditions of service;
- iii. Other additional leave stipulated by the legislation;
- b. Additional leaves in connection with part-time study in higher educational establishments;
- c. Creative leave;
- d. Social leave;
- e. Maternity leave;
- f. Child care leave (before the child reaches three years of age);
- g. Treatment leave related to illness;
- h. Leave the reasons of family circumstances and other valid reasons.

48. Duration of annual consecutive leave of officers and ensigns (warrant officers) having the period of service in calendar calculation of less than 10 years is 30 calendar days; from 10 to 20 years - 35 calendar days; from 20 to 25 years - 40 calendar days; over 25 years - 45 calendar days without taking into account the time necessary for travel to the place of leave and back.

An annual consecutive leave of 45 calendar days during a time convenient for them, irrespective of the duration of the term of duty, is given to handicapped servicemen, and also those who participated in combat operations and the persons equal to them.

Annual consecutive leave should be given within a calendar year. In special cases, by authority of the direct chief - the commander of the corps, commander equal to him or above, 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.

40 or more calendar days leave, upon request of the serviceman, can be given in two steps, provided its basic unit makes no less than 30 calendar days.

The rights of commanders (chiefs) on granting leave, and also the procedure of granting leave are determined by the Minister of Defence of Ukraine taking into account the necessity of maintenance of constant combat readiness of military units, troop formations, associations and military management organs.

For the period of study in military educational establishments during holidays stipulated by curriculum the following leaves are given to officers:

- Winter – up to 14 calendar days;
- Summer - 30 calendar days.

Summer educational leave is the core, and winter is additional. Time necessary for travel to the site of the specified leave and back is not provided.

49. The annual consecutive leave is given to servicemen sent for study or outside Ukraine taking into account its full use prior to the beginning of study or departure from Ukraine, and for those trained in military educational establishments - upon termination of the academic year.

Officers and ensigns (warrant officers) at business trips outside Ukraine are allowed upon their request to combine annual leave for two years. The total duration of the combined leave should not exceed 90 calendar days taking into account the time necessary for travel to the place of leave and back.

In case of service transfer of the specified persons the combined leave not used by them (part of leave) for the last and current years is given in a new place of service (new post).

50. The persons who graduated from military educational establishments and who were commissioned, and also the officers called-up or enlisted in contractual military service from the reserve directly upon graduation from a higher educational establishment, are awarded 30 calendar days annual consecutive leave before sending them to the place of service.

The duration of annual consecutive leave for the servicemen called up for or enlisted in contractual military service from the reserve in the first year of military service is calculated at the rate of 1/12 durations of leave they are entitled to according to item 48 of these Regulations per each full month of service prior to the completion of the calendar year. At that, the serviceman having the right to 10 calendar days or more leave have their travel to the place of leave and back paid for and additional time for travel given. At the request of the officer or ensign (warrant officer), less than 10 calendar days of leave can be given simultaneously with the consecutive leave in the following year.

51. Officers and ensigns (warrant officers) who leave military service, except for the persons discharged for reasons of age, health and in connection with staff reduction, are given annual consecutive leave at the rate of 1/12 durations of leave they are entitled to according to item 48 of these Regulations per each full month of service prior to the year of discharge. At that, if duration of the leave makes more than 10 calendar days, the 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 given.

52. Officers and ensigns (warrant officers) leaving military service for reasons of age, health and in connection with staff reduction are given annual consecutive and additional leave for the term established by items 48 and 54 of these regulations.

Officers and ensigns (warrant officers) whose orders of dismissal were signed in the past year, but who are not excluded from the muster rolls of military unit are not given leave for the period of service in the current year.

53. The call of officers and ensigns (warrant officers) from annual consecutive leave is authorized only in case of announcement of mobilisation, introduction of martial law or state of emergency in Ukraine or its particular areas, and in other cases - upon the decision of the Minister of Defence of Ukraine.

In case of recall from annual consecutive leave the part, which was not used is given to servicemen in the current year. If the unused part of leave makes 10 calendar days or more, the officer, ensign (warrant officer) is paid the fare to the place of leave and back, but no further than the place he was called from, and also time for travel to the place of leave and back is given.

54. Annual additional leave to officers and ensigns (warrant officers) doing special service or serving under harmful and heavy conditions can be taken simultaneously with the consecutive leave or during another period, taking into account both the desire of the serviceman and the interests of the service .

The list of posts entitling the persons who occupy them to annual additional leave for special service or for work in harmful and heavy conditions of service is determined by the Ministry of Defence of Ukraine.

The serviceman having the right to annual additional leave stipulated by this item, and to annual additional leave on other bases established by the legislation are given the choice on which basis to take their leave.

55. The serviceman admitted to entrance examinations in higher educational establishments with evening and long-distance training are given leaves for 15 calendar days without taking into account the time necessary for travel to the location of the educational establishment and back. The document entitling to the specified leave is the notice signed by the head of an educational establishment about admittance to entrance examinations.

The serviceman who successfully study in higher educational establishments part time are given additional leave:

- a. For the period of orientation sessions, laboratory work, credits and examinations for first and second-year students:
  - i. I-II levels of accreditation with evening training - 10 calendar days;
  - ii. III-IV levels of accreditation with evening training - 20 calendar days;
  - iii. Irrespective of the level of accreditation with long-distance training - 30 calendar days;
- b. For the period of orientation sessions, laboratory work, credits and examinations for third and forth-year students:
  - i. I-II levels of accreditation with evening training - 20 calendar days;
  - ii. III-IV levels of accreditation with evening training - 30 calendar days;
  - iii. Irrespective of the level of accreditation with long-distance training - 40 calendar days;
- c. For the period of graduation examinations in higher educational establishments irrespective of the level of accreditation - 30 calendar days;
- d. For the period of development and defence of a degree paper (work) by the serviceman trained in higher educational establishments of I-II levels of accreditation with evening and long-distance training - two months, and III-IV levels of accreditation - four months.

Duration of additional leaves of the serviceman receiving the second (consecutive) higher education in the correspondence (evening) form of training at an educational establishments having departments of graduate studies is determined as for persons of the third and subsequent years of a higher educational establishment of the relevant level of accreditation.

56. Creative leave is given to officers, except for post-graduate students, for the completion of theses, writing of textbooks and in other cases stipulated by the legislation.

57. On the basis of medical findings the servicewomen are given maternity leave:

Before delivery - 70 calendar days;

After delivery - 56 calendar days (70 calendar days - in case of birth of two and more children and in case of complication of delivery), since the day of delivery.

Upon termination of maternity leave by request of the serviceman-woman she is granted child care leave (before the child reaches three years of age).

Servicewomen use all privileges stipulated by the legislation on issues of social protection of women, guard of motherhood and childhood. These privileges are applied to parents from among servicemen who educate children without mother (in case of her death, annulment, for the period of stay in medical institution and in other cases of absence of parent care of children).

58. Treatment leave in connection with illness are given on the basis of the findings of the military-medical commission. Duration of such leave is determined by the nature of the disease. As a whole, the time of continuous stay in medical institutions and in treatment leave in connection with illness should not exceed four months (except for

cases when the legislation stipulates longer terms of stay on treatment). This term can be prolonged by the decision of direct chiefs from the commander of corps, the person equal to him and above on the basis of the findings of medical institution. Upon termination of the established unbroken stay on treatment and in treatment leave in connection with illness, servicemen are subject to examination by the military-medical commission to determine whether they are fit for military service or not.

After the issuance of the order on discharge of the serviceman from military service, treatment leave in connection with illness is not provided.

Officers and ensigns (warrant officers) who are ill during the next annual leave have their leave prolonged for the period of unused days after recovery.

59. Additional leave for reasons of family circumstances and for other valid reasons can be given for up to 10 calendar days without taking into account the time necessary for travel to the place of additional leave and back.

## **PART VII. PERFORMING MILITARY SERVICE BY OFFICERS CALLED FROM THE RESERVE**

60. In peace time reserve officers less than 30 years of age and according to the military-registration specialisations determined by the Cabinet of the Ministers of Ukraine, by order of the Minister of Defence of Ukraine can be called to military service to the posts of officer. When undergoing military service they act and have the rights, privileges and the kinds of support stipulated for officers who do contractual or regular military service.

When called from the reserve, the officers who are positively certified, and in the presence of a need for officers of the relevant specialty upon termination of their service, can if they wish be prolonged by concluding a contract for military service for the term of no less than 5 years.

61. The officers called from the reserve are discharged from military service:

- a. Upon termination of term of duty;
- b. For reasons of health - on the basis of the findings (decision) of the military-medical commission on being unfit or partially fit for military service;
- c. For reasons of family circumstances or for other valid reasons determined by the Cabinet of the Ministers of Ukraine;
- d. In connection with a guilty verdict by court, which has entered validity.

The discharge of the officers called from the reserve is carried out by the persons specified in item 72 of these Regulations.

## **PART VIII. DISCHARGE FROM MILITARY SERVICE**

62. Discharge of officers and ensigns (warrant officers) from military service is carried out:

- a. To the reserve if they have not attained reserve age limit and for the reasons of health are fit for military service in peace or wartime;
- b. Retirement if they have reached the reserve age limit or are recognized by the military-medical commission as unfit for military service for reasons of health with them being struck off the military registration.

Officers and ensigns (warrant officers) who have attained the reserve age limit or recognized by the military-medical commissions as unfit for military service with them

being struck off the military registration and who are imposed a penalty according to the Disciplinary Regulations of the Armed Forces of Ukraine in the form of “dismissal for service non-compliance” retire from military service for reasons of service-non-compliance.

63. The contract is terminated (cancelled), and officers and ensigns (warrant officers) who serve on a contractual basis, get discharged from military service:

- a. Upon expiration of the term of contract;
- b. For reasons of age - in case of reaching the military service age limit;
- c. For reasons of health - on the basis of the findings (decision) of the military-medical commission on unfitness or partial fitness for military service;
- d. In connection with staff reduction - in case of impossibility of use on service in connection with staff reduction or carrying out of organisational activities;
- e. For reasons of family circumstances or other reasons determined by the Cabinet of the Ministers of Ukraine;
- f. On service-non-compliance;
- g. In connection with a regular default of terms of the contract by the serviceman;
- h. In connection with a regular default of terms of the contract by command;
- i. In connection with a guilty verdict by court which has entered validity.
- j. Day of the termination of the contract is determined by item 11 of these Regulations.

64. Upon the initiative of the command of military unit, the contract can be terminated ahead of schedule and the officer and ensign (warrant officer) is discharged from military service under the bases stipulated by subitems “b-d”, “f”, “g”, “i” of item 63 of these Regulations. Under the initiative of the serviceman the contract can be terminated on the bases specified in subitems “b”, “c”, “e” and “h” of this item.

The command should warn the serviceman about the premature cancellation of the contract no later than one month before the submission of documents on the discharge from service. The serviceman should inform the command on the intention to cancel the contract prematurely on the same term.

65. The serviceman subject to the decision on premature cancellation of the contract has the right to appeal against the order on preterm cancellation of the contract and discharge according to the procedure established by the legislation. The appeal does not stop the implementation of the order.

In case of recognition of the decision on preterm cancellation of the contract and the unlawful discharge, the serviceman is reinstated to the post he/she had held earlier, or to an equal post with payment of money allowance during the enforced prooar.

66. The question on cancellation of the contract on the basis stipulated by the subitem “h” of item 63 of these Regulations can be settled by the consent of the parties, and in the absence of such consent - upon the decision of the special commissions created by commands of fighting services of the Armed Forces of Ukraine, operational commands, the Ministry of Defence of Ukraine and the General Staff of the Armed Forces of Ukraine.

67. The officers doing regular military service get discharged from military service:

- a. For reasons of age - in case of reaching the military service age limit;
- b. For reasons of health - when the military-medical commission finds (decides) the officer is unfit or partially fit for military service;
- c. In connection with staff reduction - in case of impossibility of use at the service in connection with staff reduction or execution of organisational activities;

- d. For reasons of family circumstances or for other valid reasons, whose list is determined by the Cabinet of the Ministers of Ukraine;
- e. At one's own will - officers in case of period of service of no less than 5 calendar years;
- f. On service-non-compliance;
- g. In connection with a guilty verdict by court which has entered validity.

68. Officers and ensigns (warrant officers) sentenced to punishment not connected with imprisonment or who are exempt from serving punishment on probation remain in military service upon the decision of commanders (chiefs) entitled to discharge the specified persons from military service according to the procedure determined by the Minister of Defence of Ukraine.

Officers and ensigns (warrant officers) subject to investigation, pre-judicial investigation or criminal case consideration by court are not subject to discharge before adoption of the final decision by the court.

Officers and ensigns (warrant officers) who according to the Law of Ukraine "On struggle against corruption" have an official penalty imposed on them by the court presupposing dismissal from the post or other discharge from performance of functions of the state are subject to dismissal on the bases stipulated by subitem "F" of item 63 or subitem "F" of item 67 of these Regulations.

69. Officers and ensigns (warrant officers) dismissed from military service in connection with a guilty verdict or dismissed from the posts in connection with criminal liability, in case of a repeal of the sentence or closing of cases are restored to military service or in posts, according to the established procedure.

In case of a change of the court verdict and sentencing, the person undergoing military service in the post of officer or ensign (warrant officer) to the punishment specified in paragraph 1 of item 68 of these Regulations, he/she on commander's decision (chief) entitled to discharge this person from military service can be restored on military service according to the procedure determined by the Minister of Defence of Ukraine.

70. Officers and ensigns (warrant officers) who died, were lost or recognized by court as missing or declared dead, as well as disrated persons- are excluded from muster rolls of the officer, ensigns (warrant officers) of the Armed Forces of Ukraine according to the procedure determined by the Minister of Defence of Ukraine.

At that, exclusion from the muster rolls of the Armed Forces of Ukraine of officers recognized as missing or declared dead is carried out by the Minister of Defence of Ukraine, and ensigns (warrant officers) – by the commanders of corps, persons equal to them and above on the basis of decisions of the court about such recognition or declaration.

71. Discharge of the attached servicemen from military service is carried out according to the procedure established by these Regulations upon submission of the heads of executive organs, other civil establishments they were attached to, without transfer at the disposal of the Minister of Defence of Ukraine, by the persons specified in items 72 and 73 of these regulations according to their powers.

72. Discharge of officers from military service on the bases stipulated by items 61, 63 and 67 of these regulations is carried out:

- In military ranks of colonel-general (admiral), the general of army of Ukraine – by the President of Ukraine;

- In military ranks up to (and including) lieutenant-general (vice-admiral) on all bases - Minister of Defence of Ukraine;
- In military ranks up to (and including) lieutenant colonel (the captain, 2<sup>nd</sup> rank) on all bases, except for discharge on service-non-compliance - by the first assistants, deputy ministers of defence of Ukraine, the chief of the General Staff of the Armed Forces of Ukraine, the commander of military unit A 0515, and also commands if fighting services of the Armed Forces of Ukraine, except for discharge on ground of staff reduction.

*(Item 72 includes changes made by the Decree of the President 1474/2004 of 13.12.2004)*

73. Discharge of ensigns (warrant officers) from military service is conducted by the commanders of corps, persons equal to them and those above.

74. The day of discharge of officers and ensigns (warrant officers) from military service to the reserve or retirement is the day when they were excluded from muster-rolls.

75. the serviceman having a period of service of 20 years or more (in preferential calculation) and a positive service certificate, and also having special merits before the state - irrespective of the term of duty, in case of transfer to the reserve or retirement are given the right to wear military uniform by the decision (order) of persons executing discharge.

## **PART IX. FEATURES OF UNDERGOING MILITARY SERVICE BY OFFICERS AND ENSIGNS (WARRANT OFFICERS) ATTACHED TO EXECUTIVE ORGANS, OTHER CIVIL ESTABLISHMENTS**

76. The list of posts in executive organs and other civil establishments which can be replaced by servicemen for supreme officer is approved by the President of Ukraine, for other servicemen – by the Cabinet of the Ministers of Ukraine.

The muster rolls specify the number and limit of military ranks of established posts on which servicemen can be attached.

77. The selection of officers and ensigns (warrant officers) for posts in executive organs and other civil establishments is carried out by the heads of the relevant executive organs and other civil establishments together with the Ministry of Defence of Ukraine.

The decision on sending officers is adopted by the Minister of Defence of Ukraine, and ensigns (warrant officers) – by the Chief of the General Staff of the Armed Forces of Ukraine according to inquiries of heads of the relevant executive organs and other civil establishments.

78. The attached servicemen and members of their families have the guarantees and privileges stipulated by the legislation kept.

Payment of official salaries, salaries according to the military rank, long-service bonuses, welfare, and also awarding bonuses to the attached servicemen are carried out at the expense of executive organs and other civil establishments they are attached to, at the rate established by legislation.

Extraordinary monetary compensation for ensuring high combat readiness of troops, exemplary performance of official duties and faultless discipline are not paid to the servicemen.

79. The servicemen, except for the servicemen specified in paragraph 2 of this item, are granted appropriate kinds of support (clothing, food ration or compensation instead, payment of travel to leave, health services, rent compensation) at the expense of the

Ministry of Defence of Ukraine according to the norms and procedure established for the relevant categories of servicemen in the previous place of service or military commissariats in the place of performance of the duties.

The servicemen attached to the National Space Agency of Ukraine receive appropriate kinds of support at the expense of the National control centre and tests of spacecraft.

*(Item 79 includes changes made by the Decree of the President 469/2002 of 17.05.2002)*

80. The pension support to the servicemen transferred to the reserve or retired is carried out in accordance with general practice stipulated by the legislation for servicemen.

## **PART X. PERFORMANCE OF MILITARY DUTY IN THE RESERVE**

81. Performance by officers and ensigns (warrant officers) of military duty in the reserve in peace time is concluded in observance of the procedure and rules of the military registration undergoing periodical training, preservation and updating by reservists of knowledge, skills necessary for performance of duties of military service in the wartime according to military-registration or civil specialties.

The reserve of the officer , ensigns (warrant officers) comprises:

- a. Officers and ensigns (warrant officers) transferred from military service to the reserve;
- b. Persons awarded the military rank of the reserve officer according to sub-items "a"- "d", "g" of item 16 and the subitem "b" of item 17 of these Regulations.

82. Categories of the reserve, reserve age limits, classes of the reserve, the procedure of doing periodical training and the procedure of retirement of reservists are determined by Section V of the Law of Ukraine "On universal military duty and military service".

83. Terms of military ranks for reserve officers are established as follows:

- The junior lieutenant, the lieutenant - 3 years;
- The senior lieutenant, the captain (captain-lieutenant) - 4 years;
- The major (the captain, 3<sup>rd</sup> rank) - 5 years;
- The lieutenant colonel (the captain, 2<sup>nd</sup> rank) - 6 years.

84. The consecutive military ranks up to (and including) senior lieutenant are awarded upon termination of the terms established by item 83 of these Regulations of the previous rank in the presence of a positive reference.

The consecutive military ranks from the captain (captain-lieutenant) up to (and including) colonel (the captain of 1<sup>st</sup> rank) are awarded to reserve officers upon the termination of the terms established by item 83 of these Regulations of the previous rank in the presence of a positive reference and successful completion of refresher courses on the post of the next rank.

The reserve officers who has not done periodical training during the military rank, and also being on the special military registration, the next ranks from the captain (captain-lieutenant) also above are awarded in the presence of necessary operational experience on related with their military-registration specialties or experience of service on posts of the officer taking into account the posts they can be appointed to in the wartime.

85. The next military ranks to reserve officers are awarded:

- Up to (and including) colonel (the captain of 1 rank) – by the Minister of Defence of Ukraine;
- Up to (and including) lieutenant colonel (the captain, 2<sup>nd</sup> rank) – by the chief of the General Staff of the Armed Forces of Ukraine, other heads of the Ministry of Defence of Ukraine, command of Land Forces and the Navy of the Armed Forces of Ukraine;
- Up to (and including) major (the captain, 3<sup>rd</sup> rank) – by commander of the troops of operational commands.

*(Item 85 includes changes made by the Decree of the President 1474/2004 of 13.12.2004)*

86. The following military ranks to reserve officers are awarded in a consecutive procedure. Individual reserve officers with a high professional standard and wide experience of service within the specialisation employed in military service, can be awarded, by the Minister of Defence of Ukraine, one or two higher degrees then the officer currently has, irrespective of the term of the military rank stipulated by item 83 of these Regulations, but not above the rank stipulated by the post they can be appointed for in wartime.

The reserve officers enrolled in military service can be awarded by the Minister of Defence of Ukraine the rank of officer one degree above the rank they have, irrespective of term of the military rank stipulated by item 83 of these Regulations, but not above the rank stipulated by the post they can be appointed.

87. The persons disgraced by a court verdict in connection with the commitment of grave or very grave crimes can be restored in the former military rank on the bases and according to the procedure stipulated by item 30 of these Regulations.

## **PART XI. FEATURES OF UNDERGOING MILITARY SERVICE AND PERFORMANCE OF MILITARY DUTY IN THE RESERVE DURING THE SPECIAL PERIOD.**

88. In case of a mobilisation announcement:

- a. The officers and ensigns (warrant officers) doing military service in the Armed Forces of Ukraine will not be transferred to the reserve. Reserve officers are called up for periodical training and continue periodical training until further notice by the relevant military management organs according to their powers. Orders of discharge of the serviceman excluded from muster rolls of the units are subject to cancelling, except for orders on retirement to the reserve in connection with a guilty verdict by court resulting in imprisonment, restriction of exemption, service restrictions for the serviceman which has entered validity;
- b. All leave for servicemen, except for treatment leave in connection with illness, maternity and child care leave, get cancelled; officers and ensigns (warrant officers) on leave are obliged to return immediately to the place of service;
- c. Replacement of officers and ensigns (warrant officers) serving in districts with a limited period of service stops;
- d. Officers and ensigns (warrant officers) in the reserve should arrive to the places and on the terms specified in their mobilisation instructions, summons or orders of district (city) military commissariats;
- e. Officers doing military service are subject to transfer to other posts according to the demands of wartime staffing, and also the officers in the reserve attached to posts in military units, establishments and organisations start the performance of

duties on these posts from the moment of their appointment in accordance with the mobilisation.

Persons who have not returned from leave to the place of service in due time without valid excuse or who fail to arrive after the announcement of mobilisation and within terms determined for them are brought to account according to the legislation.

From the moment of the announcement of mobilisation, it is forbidden for officers and ensigns (warrant officers) in the reserve to depart from the place of permanent residence without the permission of the district (city) military commissioner.

89. In wartime, the subsequent calls to military service made to officers and ensigns (warrant officers) in the reserve are made by military commissariats on the basis of decrees of the President of Ukraine.

90. In wartime, the officers of the Armed Forces of Ukraine are re-staffed with reservists called up during mobilisation and with persons awarded the military ranks of officer according to items 16 and 17 of these regulations.

91. In wartime, the period of military service for officers is recalculated so that one month of military service equals three calendar months in the record of service.

92. Commanders and chiefs having the right to appoint officers for posts in wartime according to the Nomenclature of posts to be filled with officers by personnel orders should constantly have a reserve of candidates for promotion with the purpose of duly substitution of vacant posts. The officers who have demonstrated high moral and combat qualities, and organisational abilities in the command of troops and forces, maintenance of their battle activity, and initiative are subject to promotion first. The officers and ensigns (warrant officers) of units, troop formations, associations and the management organs directly taking part in operations are subject to a prime and fullest re-staffing.

The direction to military units and appointment to posts of officer who graduated from military educational establishments, called from the reserve, finished treatment in military medical institutions, and also officers transferred are carried out according to the procedure established by the Minister of Defence of Ukraine.

93. Certification of officers and ensigns (warrant officers) during the special period is not conducted. In case they are presented for appointment to higher posts, decorations and awards, these decisions are made on the basis of character certificates.

94. Leave, if needed, can be given up to 10 calendar days without taking into account the time necessary for travel to the place of leave and return:

- To generals and admirals occupying posts of commanders of corps, the persons equal to them and above - by the Minister of Defence of Ukraine;
- To generals, admirals and officers occupying posts of commanders of troop formations - by the commander of troops of operational command, the commander of the Navy of the Armed Forces of Ukraine;
- To the officers occupying posts of commanders of the units, the ships of 1 and 2 ranks - by the commander of corps, sea region and the person equal to them;
- To other officers and ensigns (warrant officers) – by direct chiefs from the division commander (individual brigade), the person equal to them and above.

*(Item 94 includes changes made by the Decree of the President 1474/2004 of 13.12.2004)*

95. Treatment of officers and ensigns (warrant officers) should be carried out in a medical institution. In exceptional cases, on the basis of the findings of the military-medical commission, the commander of military unit (and in case of exclusion from muster rolls of a unit - the chief of a military-medical institution) can grant treatment

leave in connection with illness for 30 calendar days. Upon termination of this term, according to the findings of the military-medical commission, the illness- treatment leave in can be prolonged for the same duration, and under the relevant medical indications – can be prolonged once again. Illness-treatment leave should not exceed three months. Upon termination of treatment leave, the military-medical commission decides on the degree of fitness of the serviceman to fulfil military service.

96. The officers undergoing military service and recognized by the military-medical commissions as unfit are struck off the military registration, are subject to retirement for reasons of health, and those recognized as unfit for military service with repeated medical examination in 6 or 12 months - to transfer to the reserve for reasons of health with the indication according to the order on discharge that these persons are subject to repeated medical examination after the relevant terms.

The discharge of officers and ensigns (warrant officers) recognized for reasons of health as unfit for military service and struck off the military registration or found unfit for military service after repeated medical examination in 6 or 12 months, is conducted as follows:

In ranks up to (and including) colonel (the captain, 1<sup>st</sup> rank) – by the chiefs having the right to discharge in peace time according to item 72 of these Regulations, and also by commanders of the troops of operational commands, by the commander of the Navy of the Armed Forces of Ukraine on the location of medical institutions irrespective of the post occupied by the officer and subordination;

In ranks of major-general (rear admiral) and the lieutenant-general (vice-admiral) – by the Minister of Defence of Ukraine and by his designation by other officials;

In ranks of colonel-general (admiral) and general of army of Ukraine – by the President of Ukraine upon submission of the Minister of Defence of Ukraine.

*(Item 96 includes changes made by the Decree of the President 1474/2004 of 13.12.2004)*

97. Officers and ensigns (warrant officers) also perform military service and execute military duty in the reserve during the special period according to the procedure stipulated by other normative-legal acts regulating military service during the special period.

## APPENDIX

**Regulations on undergoing military service by officers and ensigns (warrant officers) of the Armed Forces of Ukraine, approved by the Decree of the President of Ukraine of 7 November 2001 No 1053/2001**

**Sample**

**(The small State Emblem of Ukraine)**

**MINISTRY OF DEFENCE OF UKRAINE**

**CONTRACT for undergoing military service in the Armed Forces of Ukraine**

The Ministry of Defence of Ukraine on behalf of: \_\_\_ (post, name of military unit, military rank) \_\_\_, on the one hand and the citizen \_\_\_ (surname, name, patronymic, date, month, year of birth) \_\_\_, (military rank, post and army serial number if applicable) on the other hand, according to items 8-15 of Regulations about undergoing military service by officers and ensigns (warrant officers) of the Armed Forces of Ukraine have concluded this Contract about the following:

1. The citizen \_\_\_ (surname, name, patronymic) \_\_\_ has familiarized himself/herself with the laws and other normative-legal acts of Ukraine

regulating the procedure of doing military service and voluntarily assumes the obligations:

- a. To do military service in the Armed Forces of Ukraine for the period of validity of the Contract on terms established by laws and other normative-legal acts of Ukraine regulating the procedure for undergoing military service, and this Contract; to honestly fulfil the requirements, Military Regulations, orders of commanders and chiefs, official duties, to skilfully operate the entrusted military equipment (arms), to supervise the personnel.
2. The Ministry of Defence of Ukraine undertakes to provide to the citizen \_\_\_\_ (surname, name, patronymic) the observance of his/her rights and the rights of members of his/her family, including reception of privileges, guarantees and compensation established by laws and other normative-legal acts of Ukraine determining the status of servicemen and the procedure of doing military service, and also his/her appointment to military post according to vocational education, military rank and a military specialisation.
3. The contract is concluded for \_\_\_\_ years. (In words)
4. No later than 3 months before the expiration of validity of the Contract the parties undertake to inform each other on the intention to conclude the Contract for a new term or on its non-conclusion.
5. The contract is concluded in duplicate, one of which is given to the citizen, and the second is brought in his/her personal records.
6. Other conditions of the Contract \_\_\_\_ \_\_\_\_ (signature, surname and initials, home (post, name of military unit, address of the citizen) military rank, signature, surname and initials of the commander (chief)
7. Conditions of the Contract can be changed or added only by approbation of the parties in the written form.
8. Signatures and addresses of the parties: \_\_\_\_ \_\_\_\_ (signature, surname and initials, (post, name of the military unit, home address of the citizen) military rank, signature, surname and initials of the commander (chief) place for the seal “\_\_\_\_” \_\_\_\_ year “\_\_\_\_” \_\_\_\_ year
9. The contract enters into force in “\_\_\_\_” \_\_\_\_ year.
10. The contract is valid until “\_\_\_\_” \_\_\_\_ year in connection with: \_\_\_\_ (bases of the termination of the Contract, date of exclusion from the serviceman \_\_\_\_ from muster-rolls, number of the order) \_\_\_\_ (post, name of military \_\_\_\_ unit, military rank, \_\_\_\_ signature, surname and initials \_\_\_\_ of the commander (chief) \_\_\_\_ place for seal
11. The note. Item 6 of the Contract is filled in case of new circumstances or assumption by the parties of the additional obligations not contradicting the legislation arise.

Approved  
The decree of the President of Ukraine of 7 November 2001  
No 1053/2001

# **Regulations on the Performance of Military Service by Soldiers (Seamen), Sergeants and Sergeants-Major of the Armed Forces**

## **PART I. GENERAL PRINCIPLES**

1. These Regulations determine the procedure of doing military service by soldiers, seamen, sergeants and sergeants-major (further - privates, sergeants and sergeants-major) in the Armed Forces of Ukraine, their rights and duties.

The procedure of undergoing military service by privates, sergeants and sergeants-major from among cadets of higher military educational establishments and from higher educational establishments which have departments of military training (faculties, branches, institutes of military training) is determined by individual Regulations.

2. The following kinds of military service are established for privates, sergeants and sergeants-major:

- Active military service;
- Contractual military service.

The citizens called up for military service for a fixed period do active military service.

Active military service is also done by the male servicemen graduated from higher military educational establishments and higher military educational establishments, which have military educational departments (except for dismissal for the reasons of health) if they have not served the fixed period of active military service, and also the servicemen specified in item 11 of these Regulations. Inclusion of the term of previous military service in active military service is carried out according to legislation.

Servicemen of active service having served a fixed period; reservists and women, who voluntarily joined military service for the purpose of filling the posts of soldier, sergeants and sergeant-major, do contractual military service.

3. Privates, sergeants and sergeants-major are awarded the following military ranks:

- Army: Privates – soldier, senior soldier; Non-commissioned officers (sergeants and sergeants-major) - junior sergeant, sergeant, senior sergeant, sergeant-major.
- Navy: Privates – seaman, senior seaman; Non-commissioned officers (sergeants and sergeants-major) - sergeant-major of the second rank, sergeant-major of the first rank, petty officer, ship sergeant-major.

4. The following terms of military service are established for privates, sergeants and sergeants-major:

- a. For soldiers and sergeants undergoing active military service in the Armed Forces of Ukraine - up to 18 months;
  - For seamen and sergeants-major doing active military service on ships, vessels and in the coastal units of security of the Navy of Ukraine - up to 24 months;
  - For the persons having higher a education at the level of specialist or master training of - up to 12 months;
- b. For the soldiers (seamen), sergeants and sergeants-major from among servicemen of active military service, women and reservists enlisted in contractual military

service for the post of soldiers, sergeants and sergeants-major - no less than three years.

The commander of the military unit has the right according to the sub-item “a’ of this item to transfer to the reserve the serviceman of active service who, when doing it, mastered professional skills according to the posts are disciplined, exemplary execute official duties if they have served in calendar calculation accordingly no less than 16, 22 and 10 months, but no earlier of promulgation of the decree of the President of Ukraine about the next call-up to active military service and on transfer to the reserve of servicemen who have served the fixed period of active military service.

5. The military service age limit is established:

- a. For privates, sergeants and sergeants-major of active military service - up to 27 years;
- b. For privates, sergeants and sergeants-major doing contractual military service - up to 45 years.
  - Privates, sergeants and sergeants-major who have attained the military service age limit are subject to transfer to the reserve according to the procedure determined by these Regulations.
  - Servicemen, whose term of contract has expired and who have reached the military service age limit can remain in service upon their request after conclusion of a new contract for the term of no more than 5 years. The specified servicemen can remain in military service only after the military-medical commission has determined that they are physically fit for military service.
  - Servicemen who do contractual military service and who remain in military service over the military service age limit can be discharged from military service before expiration of the term of their prolonged military service on the bases stipulated by subitems “c” – “h” of item 85 of these Regulations.

6. The beginning of military service is:

- The day of arrival in the military commissariat for sending to the military unit - for recruits;
- The day of inclusion in muster rolls of military unit - for reservists and women doing contractual military service.

7. The day of termination of military service is the day when the serviceman is excluded from the muster rolls of the military unit by an order.

8. The citizens who were called up for or who voluntarily joined military service state the Military oath of allegiance to the Ukrainian people.

9. Female citizens, who, by the day of enrolment into the military unit have reached 18 years of age and are fit for reasons of health for military service, are called up for active military service in peace time.

10. The following citizens, if they expressed the desire to serve in the Armed Forces of Ukraine and meet the requirements of doing military service, are enlisted in contractual military service for the posts of soldiers, sergeants and sergeant-majors:

- a. Privates, sergeants and sergeants-major undergoing active military service for no less than one year and having the relevant specialisation;
- b. Reservists and women between 19 and 30 years of age not having military ranks of officers and ensigns and warrant officers, who have the relevant education and special training, in the age from 19 up to 30 years.

The reservists recognized by the military-medical commissions as fit for reasons of health to undergo military service and having the relevant physical fitness, as well as the women fit for reasons of health to undergo military service in peace time and, as a rule, not having children of preschool age, are enlisted in contractual military service.

*(Item 10 includes changes made by the Decree of the President 373/2004 of 29.03.2004)*

11. The servicemen of active service enlisted in contractual military service for the post of soldiers, sergeants and sergeant-majors, in case of cancellation of the contract, are transferred to the position of servicemen of active military service if they have not served the fixed period of active military service, except for the cases stipulated by subitem "h" of item 85 of these Regulations. At that, the period of contractual military service is included in the period of active military service in which two months of contractual military service equals one month of active military service.

## **PART II. CALL-UP AND ENROLMENT IN MILITARY SERVICE. CONCLUSION OF CONTRACT**

12. The call-up of citizens for active military service is conducted in the established term on the basis of the decree of the President of Ukraine announced through the mass media no later than a month prior to the beginning of the call-up. The procedure of preparation and carrying out of a call-up of citizens for active military service is determined by the Cabinet of the Ministers of Ukraine.

13. The contract for doing military service in the Armed Forces of Ukraine is a written agreement concluded between the citizen of Ukraine and the state which acts on behalf of the Ministry of Defence of Ukraine with the purpose to establish legal relations between the parties.

The contract is concluded according to the attached sample, in duplicate, is signed by the person joining contractual military service or continuing it, and the official specified in item 14 of these Regulations, sealed with the official stamp of the military unit and stored by each of the parties. The contract is the basis for the issuance of the order on military unit enrolment of the person for military service in the Armed Forces of Ukraine and appointment to the post.

14. The right to sign the contract on behalf of the Ministry of Defence of Ukraine with the persons joining military service and appointed to the posts of the soldier, sergeants and sergeant-major, is given to the commander (chief) who has the right to issue orders on a military unit.

15. Validity of the contract is calculated from the date of entering into force.

The first contract enters into force:

- With reservists and women - from the date of signing the contract, but no earlier than from the day of inclusion of the citizen into the muster rolls of the military unit;
- With servicemen of active military service - from the date of conclusion of a contract.

The date when the first contract entered into force is registered in both copies of the contract, one of which is stored in the personal records of the serviceman.

16. The first contract for doing military service with privates, sergeants and sergeants-major of active military service, reservists and women is concluded for the term of no less than three years.

After the term of military service is determined by the first contract, the military service can be prolonged against the new contract for the term from 3 up to 5 years each time before reaching the service age limit, which is officially registered in the order on military unit.

Term of the contract is calculated in full years.

The new contract is concluded no later than three months before the expiration of the current contract and enters into force after the day of expiration of validity of the previous contract.

17. Validity of the contract stops:

- On the day of the expiration of its term;
- On the day specified in the order on exclusion of the serviceman from muster rolls of military unit in case of preterm cancellation of the contract;
- From the next day after the death (loss) of the serviceman, and also upon recognition by court that the serviceman is missing or dead.

In case of cancellation of the contract the record about the basis and date of cancellation of the contract is introduced in the copy which is stored in the personal records.

18. Validity of the contract with the serviceman of the Armed Forces of Ukraine attached to other military formations stops after his/her exclusion from the muster rolls of the Armed Forces of Ukraine.

The contract with the serviceman of other military formations attached to the Armed Forces of Ukraine with exclusion from muster rolls of the relevant military formations is concluded in accordance with general practice and enters into force from the date of inclusion to the muster rolls of the military unit.

Female servicemen on maternity and child care leave have the term of their contract prolonged for the period of their specified leave.

In case of service transfers of the serviceman from one military unit to another the contract is not terminated. If necessary, individual provisions of the contract in the new place of service can be reconsidered and certified by signatures of the commander of the military unit and the serviceman.

19. The privates, sergeants and sergeants-major of active military service who expressed a desire to do contractual military service, after the conclusion of the contract are enlisted by the order on military unit in contractual military service with the simultaneous appointment to the relevant post.

20. Selection of candidates for enrolment in contractual military service from among reservists and women is conducted by district (city) military commissariats on the basis of applications of military units and directly by commanders of military units.

Applications include the code name and point of stationing of the military unit, military-registration specialisation, the post to which the candidate is to be selected for doing contractual military service, and monetary allowance on the post.

District (city) military commissariats set up records on the reservists and women who expressed a desire to join contractual military service and meet the requirements of service. Personal records come with track record, information on labour activity, curriculum vitae, character certificate from the place of work or study, official report (application) of desire to join the military service, findings of the military-medical (medical) commission on fitness for military service, copies of documents on the birth, education and marital status certified by a notary, inquiry from the housing-operational organisation about composition of the family and up-to-date residence.

Medical examination of reservists and women on their physical fitness for contractual military service is carried out by the military-medical commissions at district (city) military commissariats or in other medical institutions upon the decision of the military commissioner.

The drawn up personal records on reservists and women who have expressed a desire to join contractual military service are sent by military commissariats to commanders of military units for consideration and adoption of the decision.

In case of a positive decision by the commander of the military unit about enrolment in contractual military service, the military commissariat gets the inquiry on the basis of which the military commissariat issues the relevant instruction to the selected reservists and women and sends them to the place of service.

After arrival to the place of service, reservists and women who have expressed a desire to join contractual military service, conclude the contract for military service. When necessary, the commander of the military unit provides the servicemen with documents to allow their family members to travel to the new place of service and ensures the transportation of personal belongings.

After the contract is concluded, commanders of military units send an extract from the order on military unit to the military commissariat regarding the enrolment of the specified person into contractual military service, which serves as the basis for the military commissariat to strike them off the register of reservists. In case of denial to enrol in contractual military service, the command of military unit informs the military commissioner on the reasons for denial and returns the personal records to the military commissariat.

21. The servicemen who are enlisted on a voluntary basis in the units of the Armed Forces of Ukraine sent to other states, conclude an individual contract on terms and procedure for undergoing military service in the structure of these units, according to the form approved by the Ministry of Defence of Ukraine.

### **PART III. MILITARY RANKS**

22. The first military rank of soldier is awarded to the citizens called up for active military service on the day of arrival in the military commissariat to be further sent to a military unit by the order of the military commissioner; the women joining contractual military service are awarded the military rank of soldier or seaman when included in the muster rolls of the military unit.

The military rank of seaman is awarded to the servicemen of active military service, who were awarded the military rank of soldier by the commander of the military unit at appointment to the post as envisaged.

The citizens who, according to the legislation, are exempt from call-up for active military service and who are also deprived by court of the military rank are awarded the military rank of soldier by the order of the military commissioner at the same time with the transfer to the reserve.

Military ranks of senior soldier, senior seaman, sergeants and sergeant-major are awarded to the serviceman taking into account their professional and business qualities, organisational abilities, military and special training, experience in the post occupied by them and other conditions stipulated by these Regulations.

Servicemen of active military service, reservists and women enlisted in contractual military service have the military ranks of soldier, sergeants and sergeant-major kept for them up to their enrolment in contractual military service.

23. The following military ranks are awarded:

- a. Senior soldier (the senior seaman) - to privates (seamen) who execute their military duties well and have excellent parameters in combat training, exemplary military discipline and appointed to the posts the lists of staff stipulate the military rank of senior soldier (senior seaman) for, and also as a sign of encouragement;
- b. Junior sergeants (sergeants-major of second rank) - to privates who graduated from special courses in educational military units (centres) under the programme of training of sergeants (sergeants-major) and appointed to the posts of sergeants (sergeants-major);
- c. Sergeants (sergeants-major of the first rank) - to junior sergeants (sergeants-major of second rank) having served on the posts of sergeants (sergeants-major) for no less than 6 months, worthy of being awarded the next military rank and appointed to the posts presupposing the military rank of sergeants (sergeants-major of the first rank);
- d. Senior sergeants (petty officer) - to sergeants (sergeants-major of the first rank) who have served on the posts of sergeants (sergeants-major of first rank) for no less than 12 months, on results of tests and certifying commission are worthy of being awarded the next military rank and appointed to the posts presupposing the military rank of the senior sergeants (petty officer);
- e. Sergeant-major (navy sergeant-major) - to senior sergeants (petty officers) who have served on the posts of the senior sergeants (petty officers) for no less than 12 months, on results of tests and certifying commission are worthy of being awarded the next military rank and appointed to the posts presupposing the military rank of sergeant-major (petty officers).

24. Sergeants (sergeants-major) of active military service who get transferred to the reserve, as encouragement, can be awarded the next military rank one degree above the rank stipulated by the permanent appointment up to the rank of senior sergeant, including main sergeants-major.

25. Awarding of military ranks is carried out:

- a. Senior soldier (senior seaman) – by commanders of individual military units who use the disciplinary authority of the commander of a battalion (the ship of 3<sup>rd</sup> rank) and have the right to issue orders, and above;
- b. Junior sergeants (sergeant-major of second rank), sergeants (sergeant-major of first rank), senior sergeants (petty officer) – by commanders of brigades, regiments, the ships of 1 and 2 ranks, individual battalions and by the chiefs having the equal rights, and above;
- c. Sergeants-major (petty officers) – by commanders of divisions, brigades of the ships and chiefs having equal rights, and above.

26. the rank of ensign (warrant officer) or officer can be awarded by the privates, sergeants and sergeants-major according to the procedure established by Regulations on undergoing military service by officers and ensigns (warrant officers) of the Armed Forces of Ukraine.

27. The reduction to the military rank of seniors soldiers (senior seamen), sergeants and sergeants-major on one degree can be applied as a disciplinary punishment according to the Disciplinary Regulations of the Armed Forces of Ukraine.

Reduction to the military rank of senior soldiers (senior seamen), sergeants and sergeants-major can be carried out along with their simultaneous transfer to lower posts.

Reduction to the military rank of junior sergeants (sergeants-major of second rank) entails elimination of the sergeant (sergeant-major) rank.

The persons reduced in military rank as a disciplinary punishment can be restored to military rank irrespective of the position occupied, no earlier than 6 months after the reduction by procedures on removal of such punishment by those commanders (chiefs) who have applied it, or by procedures of their direct chiefs.

28. Servicemen can be reduced in military rank upon a guilty verdict by court and also according to the procedure of disciplinary punishment by officials who are given the right by the Disciplinary Regulations of the Armed Forces of Ukraine.

According to the disciplinary punishment procedure, the serviceman reduced in military ranks from that of senior soldier (senior seaman), sergeants and sergeants-major continue to do military service in the military rank of privates (seaman).

The serviceman reduced in military ranks can be restored to the former military rank:

- In connection with cancellation or change of the court verdict or in case of clearing of punishment on the basis of the law on amnesty or the act on pardon;
- Upon the decision of the officials who reduced this person in military rank, according to the procedure of disciplinary punishment.

The sergeant and sergeants-major reduced in military ranks in the course of disciplinary punishment can be awarded the military ranks equal or below the previous military ranks provided they prove worthy to replace the post of sergeants, sergeants-major, but no earlier than one year after they have been reduced in military rank, while the persons reduced in military ranks in connection with condemnation, among others – after the cancellation of the previous conviction.

In case of restoration of the serviceman to the former military rank on the basis of the law on amnesty or the act on pardon, the personnel order on such restoration is issued by the official, who issued the order on excluding the serviceman from muster rolls. If the official is not available as a result of deactivation from the military unit, the order is issued by a higher official who has the right to issue personnel orders.

#### **PART IV. TRAINING OF SERGEANTS (SERGEANTS-MAJOR) AND QUALIFIED SOLDIERS (SEAMEN)**

29. Training of sergeants (sergeants-major) and qualified soldiers (seamen) is carried out in educational military units (centres) of the Armed Forces of Ukraine (further - training units).

The serviceman having a higher education go, as a rule, to training units for training of sergeants, sergeants-major and qualified soldiers (seamen) to receive specialised training related to their education, or to military units for doing the relevant training and appointment to the posts related to their education.

The soldiers (seamen) trained in training units are called cadets.

30. Terms of training of sergeants (sergeants-major) and qualified soldiers (seamen) in training units, and the list of specialties on which their training is conducted are determined by the army headquarters of fighting services of the Armed Forces of Ukraine, operational commands, chiefs of departments of the Central Staff of the

Ministry of Defence of Ukraine and the General Staff of the Armed Forces of Ukraine the relevant training units are subordinated to.

The soldiers (seamen) who underwent training in training units or directly in military units and ships, upon termination of a course of training, take examinations on the relevant programmes.

31. Cadets of training units are exempt from procedures outside the military unit, and also from participation in the activities not related to the educational process, except for:

- Procedures on sentry with the purpose of reception of practical skills of guard duty within the limits of time stipulated for this purpose by the curriculum;
- Guard of honour and escort;
- The works connected with the alleviation of emergencies and their consequences if the staff of other military units do not suffice for this purpose, according to the procedure established by the legislation.

32. Dismissal of cadets from training units only takes place when a cadet becomes ill during the course of study and is found by the military-medical commission to be unable to continue the study.

Transfer of cadets to military units for further military service is carried out by an order of the army headquarters of the fighting service of the Armed Forces of Ukraine, operational command, management of the Central Staff of the Ministry of Defence of Ukraine, and the General Staff of the Armed Forces of Ukraine (further - the army headquarters (department)) the training unit is subordinated to.

The cadets trained against applications of other army headquarters (departments) are transferred to military units by the order of the chief of the main organisational-mobilisation management of the Armed Forces General Staff. Orders on graduation from training units are announced to cadets in solemn conditions, with the simultaneous delivery of certificates of which a sample is established in the Armed Forces of Ukraine.

The cadets who completed training at training units under the programmes of training for sergeants (sergeants-major) and who passed the examinations, are awarded the military rank of junior sergeants (sergeants-major of second rank) after their appointment to military units on the post of sergeants (sergeants-major).

33. Reservists and women who have expressed a desire to join contractual military service, go to training units (after conclusion of a contract with the unit commander) for training on the relevant specialisation.

## **PART V. APPOINTMENT TO MILITARY POSTS, SERVICE TRANSFERS. CERTIFICATION OF SERVICEMEN UNDERGOING MILITARY SERVICE ON CONTRACTUAL BASIS**

34. The military posts to be used by soldiers (seamen), sergeants and sergeants-major, and military ranks relevant to them are determined by the lists of members of the staff (lists of staff) of military units.

The list of soldiers, sergeants and sergeants-major to be filled with servicemen of active military service and servicemen enlisted in contractual military service, the

respective military ranks, and pay categories are determined by the Ministry of Defence of Ukraine.

Soldiers (seamen), who have undergone training in military-technical specialities in educational establishments of the Society assisting the defence of Ukraine and professional educational establishments before being called up for active military service, are appointed to regular military posts according to the obtained military-registration specialisations.

Privates, sergeants and sergeants-major who had trained in educational military units (centres) or who acquired practical skills during military service are appointed to established military posts according to the specialty they have and the awarded military rank.

35. The following equivalence for sergeants and sergeants-major with their standard military ranks of established military posts is applied:

- The squad (section) leader and equal to him - sergeant, the sergeant-major of the first rank;
- The deputy platoon leader - senior sergeant, petty officer;
- The sergeant-major of company, team and those relevant to him - sergeant-major, ship sergeant-major.

36. The right to appoint to posts belongs to:

- a. Commanders of the sections, deputy commanders of platoons and those relevant to them - to the commanders (chiefs) of individual military units having the disciplinary rights of the commander of a battalion (the ship of 3<sup>rd</sup> rank) and the right to issue orders, and above;
- b. Sergeants-major of companies, teams and those relevant to them - to commanders of brigades, regiments, individual battalions, the ships of 1 both 2 ranks and to the chiefs having equal rights, and above.

Appointment of the soldiers (seamen), sergeants and sergeants-major to the posts and discharge from posts is carried out by an order of the military unit.

37. Promotion of the soldiers (seamen), sergeants and sergeants-major is carried out depending on their service conformity, moral-business qualities, the state of health and the presence of vacancies.

Well-prepared and disciplined soldiers (seamen), who graduated from special courses in training units, can be appointed to the posts with regular categories of military ranks of sergeants (the sergeant-major of first rank), with simultaneous awarding of a military rank of junior sergeants (sergeants-major of second rank).

The posts with regular categories of military ranks of senior sergeants (petty officer) and sergeants-major (the petty officers) can be filled with well prepared and disciplined sergeants (the sergeants-major of first rank) and junior sergeants (the sergeants-major of second rank) who, upon the results of tests and certifying commission, are worth appointment to these posts.

Well-prepared and disciplined sergeants (sergeants-major), who upon the results of tests and certifying commission are worthy to be appointed to these posts, can be appointed to the posts with regular categories of military ranks of ensign (warrant officer). In case of necessity of appointment to the specified posts of ensigns, the contractual servicemen, who occupied the posts of ensigns are transferred to the post of soldier, sergeants or sergeant-major.

Privates, sergeants and sergeants-major undergo military service in the military units and on the ships they have been sent to during the call-up for active military service or where they arrived after training in educational military units (centres).

Seamen and sergeants-major who do military service on ships and vessels of the Navy of Ukraine and are recognized for reasons of health as unfit for military service, are subject to transfer to coastal units of the Navy of Ukraine.

38. Service transfers of servicemen of active service from one military unit to another are conducted:

- By service necessity;
- For reasons of family circumstances - as a result of a change of family circumstances when doing military service on the basis of the petition by the serviceman or a petition by the military commissariat by request of members of family of the serviceman and the act of inspection of the marital status of the serviceman, approved by the regional military commissioner;
- For reasons of health - on the basis of findings (decision) of the military-medical commission.

39. Service transfers of privates, sergeants and sergeants-major doing contractual military service are carried out:

- a. To supreme posts - according to the service promotion;
- b. To equal posts:
  - In connection with staff reduction or execution of organisational activities;
  - In case of carrying out replacement in districts with the established term of service;
  - For more expedient use on specialty or operational experience;
  - For reasons of health - on the basis of the findings (decision) of the military-medical commission;
  - For reasons of family circumstances - by personal request;
  - With a smaller volume of work proceeding from professional, business and moral qualities - on the basis of the findings;
- c. To lower posts:
  - In connection with staff reduction or carrying out organisational activities - in case of impossibility of transfer to an equal post;
  - For reasons of health - on the basis of findings (decision) by the military-medical commission;
  - Proceeding from professional, business and moral qualities - on the basis of findings;
  - As a disciplinary punishment - according to the Disciplinary Regulations of the Armed Forces of Ukraine;
  - For reasons of age or family circumstances - by personal request;
  - In connection with enrolment in a military educational establishment with the dismissal from the post, and also in case of appointment to the post after graduation.

The post is considered to be higher if the list of members of staff stipulates a higher military rank for it, and in case of equal military ranks – a higher official salary; lower - the list of members of staff stipulates a lower military rank for it, and in case of equal military ranks – a lower official salary. In case the list of members of staff stipulates for two military ranks or differentiation of official salaries, a higher military rank or higher official salary is taken into account.

In case of service transfers of privates, sergeants and sergeant-majors suffering from the Chernobyl accident, they are given indemnities and privileges stipulated for employees according to the Law of Ukraine “On the status and social protection of the citizens suffering from the Chernobyl accident”.

40. Service transfers of servicemen not connected with a reorganisation, sending them for study, appointment to other posts and discharge is conducted, as a rule, upon termination of the winter and summer periods of study in the Armed Forces of Ukraine. Transfers during other times is allowed only in case of emergency.

When carrying out organisational activities in the military units, if there is no opportunity to use the servicemen doing contractual military service on the posts relevant to their military ranks and level of training, the transfer of sergeants and sergeants-major upon their consent from higher to lower posts, including to the posts of soldiers and seamen, is allowed.

41. Service transfers of privates, sergeants and sergeants-major is carried out:

- a. Within the limits of military unit – by the military unit commander’s order;
- b. Within the limits of military formation from one military unit to another - the military formation headquarters’ order;
- c. Within the limits of operational command – by the order of the chief of organisational-mobilisation management of an army operational command headquarters.
- d. From one operational command to another – by the order of the chief of organisational-mobilisation management of army headquarters of the Armed Forces Land Forces command;
- e. Within the limits of a fighting service of the Armed Forces of Ukraine – by the order of the chief of organisational-mobilisation management of the army headquarters of the Armed Forces fighting service of Ukraine;
- f. From one fighting service of the Armed Forces of Ukraine to another – by the order of the Central organisational-mobilisation management of the General Staff of the Armed Forces of Ukraine Chief;
- g. From one military unit to another subordinated to the head of department of the Central Staff of the Ministry of Defence of Ukraine or the General Staff of the Armed Forces of Ukraine - by the order of the chief of the relevant management;
- h. In other cases – by the order of the General Staff of the Armed Forces Central organisational-mobilisation management Chief.

Transfer of privates, sergeants and sergeants-major from The Armed Forces of Ukraine to other military formations is carried out on the basis of orders of the General Staff of the Armed Forces Central organisational-mobilisation management Chief after coordination with the military management organs of these formations.

Privates, sergeants and sergeants-major of the Armed Forces of Ukraine, upon their consent, can be attached to executive organs and other civil establishments and remain in military service. The list of posts which can be replaced by servicemen in executive organs, other civil establishments, and limiting military ranks on these posts are approved by the Cabinet of Ministers of Ukraine.

Dismissal from posts of the attached servicemen is carried out upon the decision of the head of the organ of executive power and other civil establishment with the subsequent direction at the disposal of the Ministry of Defence of Ukraine upon agreement with this Ministry:

- After completion of works of defence character;

- Upon application of the servicemen;
- In case of failure to fulfil duties on the post.

When necessary, the Minister of Defence of Ukraine has the right to withdraw the attached servicemen at any time from executive organs or other civil establishments. The attached servicemen dismissed from posts are placed at the disposal of the Ministry of Defence of Ukraine with references and extracts from orders on dismissal from posts. After returning, at the disposal of the Ministry of Defence of Ukraine, the specified servicemen are appointed to the posts from which they have been attached, or to equal posts.

It is allowed to transfer servicemen of active military service being twin-brothers to one unit for common service.

It is forbidden to transfer female servicemen to lower-paid posts in connection with pregnancy, if they have children under the age of three, and also single mothers – if they have children under the age of 14 or a handicapped child.

42. To ensure the correct selection, arrangement, education, and training of privates, sergeants and sergeant-majors serving on a contractual basis, an objective and principled evaluation (certification) of their vocational education and moral qualities, their conformity with the post, and their prospect of service use is conducted.

Certification of privates, sergeants and sergeant-majors doing contractual military service is conducted when:

- The terminations of term of the contract (no later than two months);
- Transfer to higher or lower posts;
- Prolongation of term of duty on contractual basis over the military service age limit;
- Adoption of the decision of the command about discharge of the serviceman for reasons of service-non-compliance or in connection with regular failure on terms of the contract by him;
- Transfer to further military service in other military formations;
- Carrying out of organisational activities and impossibility to use the serviceman for contractual military service.

To carry out the certification in military units, certifying commissions are created, starting from an individual battalion, equal to and above. The composition of the certifying commission is specified in the military unit commander's order.

Privates, sergeants and sergeant-majors doing contractual military service are certified by their direct chiefs.

The materials containing the findings about non-compliance of the serviceman with the post or regular default on conditions of the contract, are examined by the certifying commission in the presence of the serviceman.

The results of the certification, approved by the commander of the military unit, are delivered to the serviceman within a seven-day term. Exception is made only when the serviceman is on a business trip, on leave or undergoing treatment, In such cases, the results of certification are announced after the serviceman returns to the military unit.

A complaint against a biased certification or a complaint against the procedure in which the certification was carried out can be submitted by the serviceman according to the established procedure no later than one month from the date of the announcement of its results.

## PART VI. BUSINESS TRIPS

43. Servicemen go on official journeys upon the unit commander's decision, with the announcement of the order on military unit, with indication of surnames, destination and term of business trip.

Official journeys of privates, sergeants and sergeant-majors take place in the following cases:

- a. For training in courses, periodical training, and enrolment in military educational establishment;
- b. To ensure the activities connected with combat training;
- c. To ensure the protection, support and delivery of military cargo, arms, military equipment and other material means;
- d. As couriers or as support couriers for classified documents and materials;
- e. To support individual servicemen (in case of need), patients or teams of servicemen and convoy of the arrested and convicted;
- f. For reception of state awards;
- g. For participation in sessions of court-martials or arrival in case of need in organs of investigation and pre-judicial investigation;
- h. For participation in sports and cultural activities;
- i. In other cases on a call (order) from senior commanders (chiefs).

It is not allowed to order pregnant female servicemen and female servicemen having children under fourteen years of age to go on business trips without their consent.

44. The serviceman sent on business trips are granted a certificate of business trip, of which the sample is approved by the Ministry of Defence of Ukraine.

Servicemen, upon reaching the destination of the business trip, are obliged to appear immediately to the official who they are attached to, and to get registered according to the established procedure in the military unit or in the military commissariat, and in case of their absence - in the local state administration or in the local self-government.

During the return travel, the servicemen are forbidden to deviate from the route specified in the certificate of business trip or to carry out unwarranted stops in intermediate points of the route.

In case of delay due to reasons not related to the serviceman, he/she should mark the certificate of business trip accordingly or receive the information on the reason of delay at the military commandant on transport (the military commandant of garrison, military commissioner) and if he is absent - in administration of communications or local state administration or in local self-government.

In case of loss en-route of service or personal papers, weapons, other military property the serviceman should immediately inform the military commandant on transport (the military commandant of garrison, the military commissioner), and if available – the law-enforcement organ, administration of communications or local state administration or local self-government.

45. In the presence of valid reasons preventing the servicemen from leaving the place of official journey and returning to the place of permanent service, the serviceman should inform the commander of military unit or the official in the place where he/she has been registered.

The valid reasons for delays during business trip over the terms specified in the certificate of business trip are the order of senior chiefs to prolong the term of the

business trip, illness which prevented the serviceman from returning home from the business trip, and obstacles of a spontaneous nature. The reasons for delay should be confirmed by the relevant documents.

About a delay of servicemen on business trip over the term specified in the certificate of business trip, the chief at whose disposal they have arrived, or the military commandant of garrison (the military commissioner) are obliged to inform the commander (chief) who has directed the serviceman to undertake the business trip, with the instruction of the reasons of its delay.

In case of infringement by the serviceman of military discipline during business trip the military commandant of garrison, the military commandant on transport or the military commissioner has the right to stop the business trip with the relevant mark about it in the certificate of business trip of the serviceman with the application of the time of its arrival in military unit.

In a military unit the military commandant (military commissioner) informs on the reasons for the termination of the business trip and terms of arrival of the serviceman the commander of military unit.

46. In case of a failure to return and absence of communication for reasons of delay, the commander of the military unit immediately makes an inquiry of the business trip to the chief at whose disposal the serviceman has been attached, or to the military commandant of garrison (the military commissioner). After receiving the answer that the attached person has not arrived to the destination or has left in due time the military unit, the unit commander organizes his/her search according to the established procedure.

47. In case of the announcement of mobilisation or reception of the relevant notice on it, the serviceman on business trips are obliged to follow the authority of chiefs at whose disposal they have arrived to immediately return to the military units.

If military units have changed the place of location, servicemen are obliged to go to the nearest military commandant or to a military commissariat.

## **PART VII. LEAVE**

48. Privates, sergeants and sergeants-major doing active military service have the right to the following kinds of leave:

- a. The basic leave;
- b. Additional leave - as encouragement;
- c. Treatment leave in connection with illness;
- d. Leave for reasons of family circumstances.

49. The basic leave is given to servicemen of active military service for the entire duration of military service by the following duration:

- To soldiers (seamen) - 20 calendar days;
  - To sergeants and sergeants-major - 25 calendar days.
- The serviceman of active military service ascribed to 2 or 3 categories of persons suffering from the Chernobyl accident, the basic leave is given by duration:
- For soldiers and sergeants, whose target date of service is up to 18 months - 30 calendar days for the first year of service and 15 calendar days for the second year of service;

- For seamen and sergeants-major with the target date of service of up to 24 months - 30 calendar days for the first year of service and 30 calendar days for the second year of service;
- For the soldiers and seamen, sergeants and sergeants-major whose target date of service is up to 12 months - 30 calendar days.

The basic leave is given to servicemen after they have completed no less than 6 months of active service.

50. Additional leave as encouragement for servicemen of active military service is given once for the entire period of service for a period up to 5 calendar days. Such leave is given for high parameters in combat training, exemplary military discipline, skilful operation of arms, combat materiel and by the order on military unit.

Additional leave is given, as a rule, together with the basic leave of the serviceman, and in case of use of the basic leave, the additional leave is given within a month from the date of the announcement of encouragement.

51. Treatment leave in connection with illness is given for a term no longer than two months on the basis of the findings of the hospital (garrison) military-medical commission, and also the military-medical commission at a military commissariat or the medical commission of a civil medical institution, if the rights of the hospital military-medical commission are given to such commissions.

In case of impossibility for valid reasons to use treatment leave in connection with illness outside the military unit, the serviceman can be left in the military unit with a clearing for the period of leave from all works, occupations, performance of duty and sentry. Seamen and sergeants-major of ships and vessels of the Navy of Ukraine in this case by order of the senior sea chief are placed in one of the coastal units (without exclusion from muster rolls of the ship or vessel) where they are enlisted for all kinds of support. Leave at a military unit is conducted, as a rule, in a medical aid station (infirmary) of a unit with implementation of necessary treatment-and-prophylactic and improving activities.

Servicemen during treatment leave in connection with illness by order of the commander of military unit or the military commandant of garrison, and also the military commissioner, can undergo medical examination on the site of leave.

Prolongation of treatment leave to such servicemen is determined according to the decision of the military-medical commission.

Privates, sergeants and sergeants-major who have to serve before the expiration of the target date of military service for less than one month, spend their treatment leave at the military unit.

52. Leave for reasons of family circumstances can be given:

- a. In case of serious illness or death of close relatives of the serviceman (father, mother, children, native brothers and sisters, wife, parents) or persons who brought him/her up before recruitment;
- b. In case of fire or natural disaster which has caused damage to property of family of the serviceman;
- c. In other cases when, in the opinion of the commander of the military unit, personal presence of the serviceman at family is necessary.

Necessity of granting leave for reasons of family circumstances should be confirmed by the military commissioner domiciliary, by the close relatives of the serviceman, and in the cases stipulated by the subitem "a" of this item also by the head physician of medical establishment. The relevant

documents should be gathered with the petition for granting leave or, as a last resort, after returning from leave.

Leave for reasons of family circumstances is given for the term of under 10 calendar days. The servicemen who go on leave stipulated by subitems “a” and “b” of this item, are given additional time for travel to the place of leave and back over the duration of leave.

53. Privates, sergeants and sergeants-major doing contractual military service have the right to leave:

a. Annual:

- Basic;
- Additional for special character of service and for work with harmful and heavy conditions of service;
- Other additional leave stipulated by the legislation;
- Additional in connection with part-time training in higher educational establishments;

b. Social:

- Maternity leave;
- Child care leave;

c. Treatment leave;

d. For reasons of family circumstances and for other valid reasons.

54. The duration of annual basic leave is established for the servicemen, who have the period of service in calendar calculation of up to 10 years - 30 calendar days; from 10 up to 20 years - 35 calendar days; from 20 up to 25 years - 40 calendar days; having the period of service over 25 calendar years - 45 calendar days without taking into account time necessary for travel to the place of leave and back.

Annual basic leave by duration of 45 calendar days during the time convenient for them irrespective of the term of duty is given to handicapped servicemen, and also participants in combat operations and the persons equal to them.

Annual basic leave should be given within a calendar year. In special cases by authority of the direct chief - the corps commander, the person equal to him/her and above, the next annual leave can be given for the last year in the first quarter of next year if the leave has not been given earlier by virtue of exclusive circumstances.

Leave by duration of 40 calendar days and more can be given by the request of the serviceman and in two steps provided that its basic part makes no less than 30 calendar days. Additional time for travel to the place of leave and back is given once.

The rights of commanders (chiefs) on granting leave, and also the procedure of granting the leave are determined by the Ministry of Defence of Ukraine taking into account the necessity of maintenance of constant combat readiness of military units, troop formations and management organs.

55. For the special nature of service and for work with harmful and heavy conditions of service, the privates, sergeants and sergeants-major doing contractual military service are given annual additional leave. These leaves can be used simultaneously with the basic leave or at another time, taking into account the wish of the serviceman and the interests of service.

The list of posts and works, which entitle persons occupying or doing them to annual additional leave for special nature of service and for work with harmful and heavy conditions of service is determined by the Ministry of Defence of Ukraine.

56. The servicemen admitted to entry examinations in higher educational establishments with evening and long-distance training are granted leave by duration of 15 calendar days without taking into account the time necessary for travel to the location of the educational establishment and back. The document entitling to the specified leave is a notice signed by the head of an educational establishment regarding admittance to entry examinations.

The servicemen, who successfully study part-time in higher educational establishments are given additional leave:

- a. For the period of orientation sessions, laboratory work, examinations sessions for the first and second year students of higher educational establishments:
  - I-II levels of accreditation with the evening training - 10 calendar days;
  - III-IV levels of accreditation with the evening training - 20 calendar days;
  - Irrespective of the level of accreditation with long-distance training - 30 calendar days;
- b. For the period of orientation sessions, laboratory work, examinations sessions for the third and above years of study at higher educational establishments:
  - I-II levels of accreditation with the evening training - 20 calendar days;
  - III-IV levels of accreditation with the evening training - 30 calendar days;
  - Irrespective of the level of accreditation with long-distance training - 40 calendar days;
- c. For the period of final examinations sessions in higher educational establishments irrespective of the level of accreditation - 30 calendar days;
- d. For the period of training and the defence of a degree project (work) by the servicemen studying at higher educational establishments with evening and long-distance training I-II of levels of accreditation - two months, and III-IV levels of accreditation - four months.

57. Additional leave for reasons of family circumstances, in connection with study, for illness treatment and for other valid reasons do not influence the duration of the basic leave.

Additional leave for reasons of family circumstances and for other valid reasons can be given by duration of up to 10 calendar days without taking into account the time necessary for travel to the place of additional leave and back.

58. Duration of annual basic leave for privates, sergeants and sergeants-major enlisted in contractual military service on the year of enrolment is calculated proportionally to the time since the day of enrolment in military service and up to the completion of calendar year at the rate of two days of leave for each full month of service. At that, if duration of leave makes more than 10 calendar days they are paid fare to the place of leave and back to the place of the previous service and are given additional time for road. Leave shorter than 10 calendar days can be given simultaneously with the next leave in the following year, upon request of the serviceman.

59. The duration of the next annual leave, which sergeants and sergeants-major doing contractual military service and discharged from military service have the right to, according to items 54 and 55 these regulations for privates, except for those who are discharged for the reasons of age, health or in connection with staff reduction or reorganisation, is determined at the rate of 1/12 duration of leave for each full month of service in the year of discharge. At that, if duration of leave exceeds 10 calendar days, they are paid the fare to the place of leave and back to the place of the previous service or place of residence and are given additional time for travel.

60. The privates, sergeants and sergeant-majors doing contractual military service and discharged from military service for the reasons of age, health and in connection with carrying out organisational activities are given annual basic leave in the year of discharge for the term established by items 54 and 55 of these regulations.

The servicemen who do contractual military service and whose orders of dismissal are signed in the last year but who are not excluded from the muster rolls of the military unit are not given the leave for the period of service in the current year.

61. Privates, sergeants and sergeant-majors doing contractual military service ascribed to 1 or 2 categories of the persons suffering from Chernobyl accident are given annual leave during the time convenient for them. They have the right to receive 14 working days additional leave in a year with the preservation of salary.

62. Additional treatment leave in connection with illness is given to servicemen who do contractual military service on the basis of findings by the military-medical commission. Duration of such leave is determined by the nature of disease. Continuous treatment in medical establishments and on leave in connection with illness should not exceed four months (except for cases when the legislation stipulates longer terms for treatment leave). This period can be prolonged upon the decision of direct chiefs from the corps commander, the person equal to him/her and above on the basis of the findings of medical establishment.

Upon termination of the established continuous treatment and treatment leave in connection with illness, the serviceman is subject to examination by the military-medical commission to determine whether he is fit for military service.

After the issuance of the order on discharge of the serviceman from military service, the treatment leave related to illness is not provided.

63. On the basis of the medical findings, the female servicemen are given maternity leave:

- Before delivery - 70 calendar days;
- After delivery - 56 calendar days (70 calendar days - in case of birth of two and more children and in case of complication of delivery), from the day of delivery.

Upon termination of maternity leave by request of the serviceman-woman she is granted child care leave (before the child reaches three years of age).

Female servicemen use all privileges stipulated by the legislation on issues of social protection of women, guard of motherhood and childhood. These privileges extend to parents from among servicemen who bring up children without mother (in case of her death, annulment, for the period treatment in medical establishment and in other cases of absence of parental care).

64. To temporarily fill the posts occupied by female servicemen for the period of maternity leave or leave for care of children under the age of three, the commanders of military units can temporarily employ employees having the relevant specialisations, concluding a labour contract for this period.

65. The right to grant leave to soldiers and seamen, sergeants and sergeants-major belongs to the commander of a military unit.

The departure of the soldiers and seamen, sergeants and sergeants-major on leave and their return from leave is announced in the order on the military unit.

The privates, sergeants and sergeant-majors subject to investigation or pre-judicial investigation or court proceedings are given leave upon agreement with the relevant organs of investigation, pre-judicial investigation or court.

Servicemen who depart for leave are granted leave passes of the established sample and military transportation documents or money resources for travel to the place of leave and back.

After arrival to the place of leave the servicemen are obliged to get registered, and in case of departure - to get struck off the register according to the procedure determined by the Garrison and Guard Duty Regulations of the Armed Forces of Ukraine.

In case of loss of the leave pass on the way or at the place of leave the serviceman should report to the military commandant on transport (the military commandant of garrison or the military commissioner on the place of leave).

The military commandant on transport (the military commandant of garrison or the military commissioner), according to data of military registration, and in absence of such data - after an identifying the serviceman, issues the special document certifying the legality of the serviceman's leave, informs the place of service of the serviceman and management organs about his/her returning to the military unit.

66. Leave can be prolonged in case of:

- a. Delays on the way to the place of leave or impossibility of depart from the place of leave due to obstacles in communication or illness of the serviceman who is on leave or coming back from leave, on the basis of the documents certified by officials specified in item 44 of these Regulations - to the actual term of delay confirmed by the relevant documents;
- b. Fire or natural disaster the family of the serviceman has suffered from, death or serious illness of relatives close to him/her (father, mother, children, native brothers and sisters, wife, parents) or persons who brought him up before the call-up - for the duration of under 10 calendar days.

67. After checking the reasons of the delay the leave can be prolonged, but for no longer than 10 calendar days. The right to prolong the leave to the serviceman belongs to the military commandant of garrison or the military commissioner on the place of leave.

The military commandant of garrison or the military commissioner should immediately inform the commander of the military unit the serviceman has arrived from on the terms and the reasons of delay, and to mark the leave pass accordingly.

If the serviceman has not returned from leave in due time, the commander of military unit takes the measures stipulated by item 46 of these Regulations.

68. In case of infringement by the serviceman of military discipline during leave, the military commandant of garrison has the right to take measures determined by the Disciplinary Regulations of the Armed Forces of Ukraine. The military commandant informs the commander of the military unit about the adopted measures, and informs the military commissioner about the committed offence if it took place outside the garrison.

69. In case of announcement of mobilisation the servicemen on leave, except for those on medical treatment leave, are obliged to get struck off the register and to leave for the military unit immediately. In case of change of stationing of the military unit, servicemen should arrive to the nearest military commandant or military commissariat. The servicemen on medical treatment leave are obliged to arrive to the military commissariat for re-examination (repeated examination), and in case of impossibility to arrive for reasons of health - to immediately inform the military commissioner in written form, submitting the certificate from a medical establishment (doctor).

## **PART VIII. FEATURES OF DOING MILITARY SERVICE BY THE SERVICEMEN SUBJECT TO INVESTIGATION, PRE-JUDICIAL OR COURT INVESTIGATION OR CONDEMNATION**

70. Privates, sergeants and sergeants-major, who have served the established term of active military service and are subject to investigation, pre-judicial investigation or court examination can retire only with the notice of the relevant organs of investigation, pre-judicial investigation or court.

The servicemen sentenced by court to imprisonment, and the servicemen of active military service sent to punishment in a disciplinary battalion, are, from the date of the entry into force of the verdict, excluded from the muster rolls of the military units where they had done military service before.

Servicemen doing contractual military service and sentenced to service restriction continue to do military service according to these Regulations.

Servicemen sentenced to arrest do military service taking into account the restrictions applied to them according to the rules of keeping the servicemen on a guardroom stipulated by the Garrison and Guard Duty Regulations of the Armed Forces of Ukraine.

71. Privates, sergeants and sergeant-majors doing active or contractual military service, if they were unlawfully convicted or unlawfully brought to account, in case of cancellation or a “not guilty” verdict by court, or adoption of the decision about closing of the criminal case by the organ of investigation or pre-judicial investigation, have the time of serving of punishment in places of imprisonment or custodial restraint and staying under guard, and for servicemen of active military service - time of service in a discipline battalion - included in the time of military service.

The specified persons go to the military units for further service where they have former military ranks (in case of their disrating) and posts restored or transfer to the reserve or retire with the restoration in former military ranks in case of their disrating.

72. The serviceman of active military service having served time in the disciplinary battalion, continue their service, as a rule, in the same military units where they served before condemnation, and those directed to a disciplinary battalion from military units connected with the state secret - to other military units by order of an army headquarters of operational command or the General Staff of the Armed Forces of Ukraine (if the military unit is in its submission).

The time of serving of punishment by servicemen of active military service in a disciplinary battalion is not included in the time of military service.

The servicemen exempt from a disciplinary battalion can have the time served in the battalion included in the time of service according to the procedure established by Regulations about a disciplinary unit in the Armed Forces of Ukraine.

73. Servicemen who do contractual military service and subject to pre-judicial investigation or court examination are not subject to discharge before adoption of the final decision on their case.

If during the pre-judicial or judicial investigation the term of contract of the serviceman doing contractual military service has expired, and the command of a unit or the serviceman has not expressed the desire to conclude a new contract, the serviceman leave military service upon the expiration of the term of the contract

according to the subitem “a” of item 85 of these Regulations with simultaneous notice about the dismissal of the person of the relevant organs of pre-judicial investigation or court.

74. Privates, sergeants and sergeant-majors doing contractual military service and convicted to punishment not related to imprisonment or custodial restraint stay on military service.

When serving punishment in the form of service restriction, the serviceman cannot be promoted to the next post, military rank, and the term of punishment is not included to the length of service for awarding the next military rank.

## **PART IX. THE RIGHTS, DUTIES AND LIABILITY**

75. The rights and duties of privates, sergeants and sergeants-major are determined by the Constitution and the laws of Ukraine, Military Regulations and the present Provision.

Servicemen receive monetary allowance and salary at the expense of the state and according to the norms established by legislation.

Conditions for retirement support of servicemen and reservists called up for periodical training who became handicapped as a result of injury, contusions, mutilation during these periodical trainings, and members of their families, are determined by legislation.

Servicemen, and also reservists called up for periodical training are subject to the state obligatory personal insurance. Conditions of insurance and the procedure of payment of the insurance sums to these persons and members of their families are established by the Cabinet of the Ministers of Ukraine.

76. Soldiers (seamen), sergeants and sergeants-major wear the established uniform with insignia according to military ranks.

Servicemen who do contractual military service, during time free from service have the right to wear civilian clothes.

Servicemen of active military service have the right to wear civilian clothes during leave.

The document identifying the soldier, sergeants or sergeant-major is the identity card (identification card), which the serviceman should have on him during the performance of duties of military service and should show it in cases established by the legislation, including on demand of the senior chief and the chief of patrol.

77. At infringement of military discipline and public order the privates, sergeants and sergeant-majors are brought to account according to the Disciplinary Regulations of the Armed Forces of Ukraine, and for the committed crimes, administrative offences and material damage - criminal, administrative liability according to the legislation.

78. The persons serving on a contractual basis on the posts of soldiers (seamen), sergeants and sergeant-majors are provided with accommodation according to the legislation.

79. The servicemen doing contractual military service have the right to study at correspondence and evening departments of higher educational establishments, including on specialisations related to their military specialties. Admittance to part-time study in higher educational establishments is carried out upon the consent of military unit commanders. The study should not interfere with the performance of official duties.

## PART X. DISCHARGE

80. Discharge of privates, sergeants and sergeants-major from military service is carried out:

- To the reserve - if they have not attained the reserve age limit and for reasons of health are fit for military service in peace and wartime;
- Retirement - if they have attained the reserve age limit or are unfit for reasons of health to military service with them being struck off the military registration.

81. Discharge from service is carried out:

- a. Servicemen of active military service who have served the established term - to the reserve by the commander of military unit according to the procedure determined by the Ministry of Defence of Ukraine, and terms according to the order of the Minister of Defence of Ukraine issued on the basis of the Decree of the President of Ukraine;
- b. Servicemen, who do contractual military service - on the bases stipulated by item 85 of these Regulations.

When necessary, and upon the decision of the President of Ukraine, servicemen of active military service from among those who have served the established term can be retained for further service for the term of about six months.

Privates, sergeants and sergeants-major in case of announcement of mobilisation continue to do military service, except for female servicemen, who have children under the age of 16 if they have not expressed a desire to continue service.

82. The servicemen of active military service transferred from military service to the reserve are obliged to register with district (city) military commissariats on the place of permanent residence within a seven-day term.

The servicemen transferred from active military service to the reserve are given, upon the command of the military unit, the registration-service form, injunction, recommendation and a medical book.

The servicemen, who got transferred from active military service to the reserve or retired are provided with the relevant military dress, according to the list established by the Ministry of Defence of Ukraine, travel papers to the place of residence, meals for the period of stay on the way, monetary allowance at the rate established by the Cabinet of Ministers of Ukraine.

Servicemen of active military service can be transferred to the reserve in their own civilian clothes upon request.

83. The servicemen of active military service, who are subject to transfer to the reserve but who are undergoing medical treatment or family leave, and whose term expires 5 days prior to the beginning of the next discharge, do not come back to the place of service, and after the coordination with commanders of the military units transfer to the reserve upon the decision of the relevant military commissioners on the place of leave. The adopted decision is communicated to commanders of military units who direct the necessary documents for application on the military registration of servicemen transferred to the reserve to the relevant military commissariats.

Servicemen of active military service having served the established term and being on treatment (inspection) in military medical establishments are subject to examination by the military-medical commissions upon the termination of treatment (inspection). Discharge of these persons from military service is carried out by the

order of the chief of military medical establishment upon the coordination with commanders of military units in which the servicemen served.

84. Servicemen of active military service can be discharged from military service ahead of schedule:

- For reasons of health;
- For reasons of family circumstances;
- In connection with imprisonment upon a court verdict which has entered into force.

The preterm discharge of servicemen of active military service for reasons of health is carried out by the commander of the military unit on the basis of the findings (decision) of the military-medical commission.

Servicemen of active military service retiring for reasons of family circumstances ahead of schedule, have the right to delay their retirement due to a change of family circumstances when undergoing military service, and also in case of the circumstances stipulated by the paragraph of the fourth unit of first Article 18 of the Law of Ukraine "On universal military duty and military service".

At receipt of the official report from the serviceman or applications from its relatives about a preterm transfer to the reserve for reasons of family circumstances the commander of the military unit is obliged to check his/her marital status by sending an inquiry to the relevant military commissariat domiciliary of family of the serviceman in a three-day term.

The regional military commissioner having received documents from the commander of the military unit or the application directly from the relatives of the serviceman about his preterm discharge, appoints the commission, which, within a ten-day term, checks the marital status of relatives of the serviceman. The results of the act of inspection are forwarded for the consideration by the regional military commissioner.

The regional military commissioner is obliged to examine the documents on preterm discharge of the serviceman of active service within three-day term and in the presence of the lawful bases to send to the commander of the military unit where the serviceman serves.

In the absence of the lawful bases for preterm discharge of the serviceman from active service for the reasons of family circumstances, the regional military commissioner gives the applicant the answer about the reasons for refusal and informs the commander of the military unit where the serviceman serves.

After the documents from the regional military commissioner have been received, the commander of military unit presents them together with the findings on subordination to the relevant army headquarters for an adoption of a decision. The commander of the military unit transfers the serviceman ahead of schedule to the reserve for the reasons of family circumstances. on the basis of the received permit 85. The contract is terminated (cancelled), and the serviceman doing contractual military service get discharged from the military service:

- a. Upon expiration of term of the contract;
- b. For reasons of age - in case of attainment of the military service age limit;
- c. For reasons of health - When the military-medical commission finds the serviceman unfit for military service;
- d. In connection with staff reduction - in case of impossibility of use on service, or reorganisation;

- e. For reasons of family circumstances or other valid reasons, the list of which is determined by the Cabinet of the Ministers of Ukraine;
- f. On service-non-compliance;
- g. In connection with regular failure of the serviceman to meet the terms of the contract;
- h. In connection with regular failure of command to meet the terms of the contract;
- i. In connection with condemnation to imprisonment, custodial restraint upon a court verdict which has entered into force.

86. Command of military unit has the right to terminate the contract ahead of schedule and to dismiss the serviceman undergoing contractual military service from military service under the bases stipulated by subitems, “b”, “d”, “f”, “g”, “i” of item 85 of these Regulations.

Under the initiative of the serviceman the contract can be terminated on the bases specified in subitems “b”, “c”, “e”, “h” of item 85 of these Regulations.

On the preterm cancellation of the contract, the command should warn the serviceman no later than a month before submission of documents on discharge from service. In the same term the serviceman should inform command if he/she expresses the intention to cancel the contract ahead of schedule.

The serviceman, towards whom the decision on preterm cancellation of the contract is adopted, has the right to appeal against this decision according to the procedure established by the legislation. The appeal does not stop performance of the decision.

In case the decision on preterm cancellation of the contract is recognised as unlawful, the serviceman is reinstated on the post which he held earlier, or in an equal post with payment of a monetary allowance during the enforced proroar.

87. The person having the bases for discharge for age or health reasons, dismiss according to one of these bases by request of the serviceman.

88. Privates, sergeants and sergeant-majors of contractual military service who died, were lost or are recognized by court as missing or dead, and also disrated persons, are excluded from muster rolls of the Armed Forces of Ukraine according to the procedure determined by the Ministry of Defence of Ukraine.

89. Discharge of the serviceman doing contractual military service for the reasons of service-non-compliance is carried out after an all-round estimation of their professional, business and moral qualities, studying of the offences committed by them, if educational measures and measures of discipline has not yielded positive results.

It is forbidden to accept reservists and women on contractual military service, before their being transferred with military service to the reserve from The Armed Forces of Ukraine according to subitems “f”, “g”, “i” of item 85 of these Regulations.

90. In case of preterm cancellation of the contract and discharge of the serviceman doing contractual military service on the bases stipulated by subitems “f”, “g”, “i” of item 85 of these Regulations, the cost of the clothing given out to him/her is subject to compensation in the sum calculated proportionally to the time remaining before expiry of the term of service (term of doing it).

91. The Discharge of pregnant women and women having children under three years of age, single mothers with children under the age of fourteen or a handicapped child is not allowed, except for cases of failure by them to meet the conditions of the contract. If a unit is completely disbanded or in case of reorganisation, such female servicemen are given posts in their or, upon the decision of the senior commander other military units.

The female servicemen on child care leave, whose posts are subject to reduction due to organisational activities and there is no opportunity to transfer such women to vacant posts, are kept out of the staff of a unit. Upon termination of child care leave the commander of military unit dismisses them from military service according to the subitem "d" of item 85 of these Regulations.

92. Before transfer to the reserve the serviceman doing contractual military service undergo examination by the military-medical commissions.

In case of preterm cancellation of the contract and discharge on the bases stipulated by subitems "e", "f", "g", "i" of item 85 of these Regulations the serviceman are not subjected to medical examination.

93. Discharge is conducted on the basis of the commander's (chief's) order specified in item 14 of these Regulations.

Validity of the contract stops on the day of the expiration of its term, and also ahead of schedule:

- On the day specified by the order on exclusion of the serviceman from muster rolls of military unit in case of preterm cancellation of the contract;
- From the next day after the death (loss) of the serviceman, and also his/her being recognised as missing or dead by the court.

The date and basis for cancellation of the contract is officially registered with the relevant record in the copy of the contract, which is stored in the personal records, and is mentioned in a military unit commander's order on exclusion of the serviceman from the muster rolls of the military unit.

Cancellation of the contract entails termination of the performance of duties stipulated by conditions of the contract.

# **Regulations on Military Service (Training) on a Contract Basis by Cadets (Students) of Higher Military Educational Establishments and Military Education Departments of Higher Education Establishments**

## **PART I. THE GENERAL PRINCIPLES**

1. These Regulations determine the procedure of doing military service (training) on contractual basis by cadets (students) of higher military educational establishments and higher educational establishments, which have faculties of military training (faculties, sections, institutes of military training) (further - higher military educational establishments, units) with programmes of training for citizens on the post of officers, their rights and duties.

2. Training of citizens on the post of officers includes theoretical and practical curriculum, practice and military training. The procedure of carrying out this training is approved by the Ministry of Defence of Ukraine and the Ministry of Education and sciences of Ukraine.

## **PART II. ENROLMENT IN MILITARY SERVICE (TRAINING)**

3. The citizens of Ukraine, who graduated from secondary educational establishments where they received the relevant preliminary training, passed entrance examinations, and also are fit for doing of military service for the health reasons and age, at their own will, are enlisted on military service (training) on the post of cadets (students) in higher military educational establishments, units:

- Persons in the age from 17 up to 21 years, including those who reached 17 in the year of transfer for training;
- Servicemen and reservists aged from 18 up to 23, who don't have military ranks of the officer personnel.

Service-women are admitted to higher military educational establishments and units on the relevant specialisations of training according to the list of posts of the officer personnel women can be appointed to, which are approved by orders of the Minister of Defence of Ukraine.

*(Item 3 includes changes made by Decrees of the President 381/2002 of 25.04.2002, 1182/2003 of 15.10.2003)*

4. Enrolment of citizens in higher military educational establishments and units is carried out according to the procedure determined by the rules of enrolment in the first year of study of the specified educational establishments, developed and approved by chiefs of higher military educational establishments and rectors of higher educational establishments having military educational departments, according to Conditions of enrolment on higher educational establishments of Ukraine approved by the Minister of Education and sciences of Ukraine.

5. Persons from among the civil youth who expressed desire to join higher military educational establishments and units should address the military commissariats at the

place of the military registration on issues of registration of the relevant documents address in district/city.

6. Privates, sergeants and sergeant-majors and ensigns (warrant officers) who expressed desire to join higher military educational establishments, units, submit the official report about this according to the procedure of subordination. According to the official report of the servicemen the documents, according to the procedure determined by rules of enrolment in the first year of study of the specified educational establishments, are issued and sent to higher military educational establishment, unit.

*(Item 6 includes changes made by the Decree of the President 1182/2003 of 15.10.2003)*

7. The citizens who are enlisted on military service (training) according to these Regulations and do not have military ranks of ensigns (warrant officers) are considered to be cadets, while those having such ranks - are considered to be students.

8. Cadets who, before entering higher military educational establishments, units did not do military service, ought take the Military oath of allegiance to the Ukrainian people.

### **PART III. THE PROCEDURE OF UNDERGOING MILITARY SERVICE (TRAINING). CONCLUSION OF THE CONTRACT**

9. The cadets doing military service (training) at higher military educational establishments, units, before being awarded the primary officer military rank have the right to social and legal protection stipulated by laws, other normative-legal acts for servicemen of active service.

10. For the citizens, who voluntarily join the military service, day of appointment to the post of the cadet (student) of higher military educational establishment or unit is considered to be the start of the military service (training).

The day of the issuance of the order on transfer to the military service (training) on contractual basis is the start of contractual military service of cadets (students) of higher military educational establishments or units.

11. All kinds of support according to norms of support for the relevant categories of servicemen are given to cadets (students) appointed to the post.

12. After inclusion in the muster-rolls of the higher military educational establishment, unit cadets do initial military-vocational education.

13. Cadets (students) when performing military service (training) can perform daily orders to ensure internal order, guard of personnel, arms, ammunition, military and other equipment, premises and property of higher military educational establishment, unit, a control over the state of affairs in units, duly acceptance of measures under the prevention offences and executions of other duties of internal service, and also for performance of garrison service and service of garrison sentries according to the procedure determined by the Military Regulations of the Armed Forces of Ukraine.

Female cadets (students), as a rule, do not perform daily orders, except for the cases determined by Military Regulations of the Armed Forces of Ukraine.

14. The contract for doing military service (training) by a cadet (student) is a written agreement concluded between the citizen of Ukraine and the Ministry of Defence of Ukraine on behalf of the state to ensure the establishment of legal relations between the parties during military service (training).

The contract is concluded with cadets (students) after the expiration of the first year of study and transfer to the second in case of attainment by cadets of 18-years age.

*(Item 14 includes changes made by the Decree of the President 1182/2003 of 15.10.2003)*

15. The contract is concluded according to the standard form, in duplicate, and is signed by the person, who is doing military service (training), and the chief of higher military educational establishment, unit having the right to sign the contract on behalf of the Ministry of Defence of Ukraine, sealed with the official stamp of the relevant educational establishment and stored by each of the parties.

After the contract for doing military service (training) is concluded by the cadet (student), the formerly concluded contract for doing military service by the servicemen gets terminated.

16. One of the conditions of the contract is the obligation of the cadet (student) to proceed with the military service in the posts of officers within 5 years after graduation.

17. The contract for doing military service (training) by the cadet (student) enters into force from the date of its conclusion and stops from the date when the primary officer rank is awarded to the cadet (student), and also on the bases determined in items 59 and 61 of these regulations.

*(Item 17 in the wording of the Decree of the President 1182/2003 of 15.10.2003)*

18. During the transfer of cadets (students) to the previous year of study the contract for doing military service on posts of the officer personnel after graduation from the higher military educational establishment, unit for the period of 5 years is concluded.

This contract enters into force from the date when the primary officer rank is awarded to cadets (students).

19. Terms of military service in calendar calculation for cadets (students) are determined by the duration of training.

20. Male cadets expelled from higher military educational establishments, units (except for dismissal for the health reasons), go to military units for further doing of the military service, if they have not served the target date of active military service.

At that the following is included in the time of military service:

- Duration of active military service before entrance to a higher military educational establishment, unit;
- Length of contractual military service before entering a higher military educational establishment, unit at the rate of two months of contractual military service for one month of active military service;
- Length of military service during the training at a higher military educational establishment, unit at the rate of two months of service (training) in the specified educational establishments for one month of active military service.

As exception, regular vacancies in units of maintenance of educational process can be filled with dismissed cadets, except for those dismissed for the infringement of military discipline.

Cadets from among the servicemen doing contractual military service, and students, and also the female cadets (students) expelled from higher military educational establishments, units, get discharged from the military service.

Cadets at the age of under 18 dismissed (expelled) from these educational establishments, get discharged from the military service and go to military commissariats in the place of their military registration before the start of training for military registration and call-up from 18 years to military service according to the procedure of doing military service determined by Regulations on the soldiers, seamen, sergeants and sergeant-majors of the Armed Forces of Ukraine.

In case of conviction and entering of the verdict of guilty of court on the issues of a cadet (student) in into force, the contract to perform military service (training) is cancelled ahead of schedule, and the cadet (student) leaves military service according to the procedure determined by the Minister of Defence of Ukraine, except for the cases stipulated by the verdict of the court.

*(Item 20 includes changes made by the Decree of the President 1182/2003 of 15.10.2003)*

#### **PART IV. MILITARY RANKS. APPOINTMENT TO THE POSTS**

21. Cadets when undergoing military service (training) on contractual basis in higher military educational establishments, units are awarded the military ranks stipulated by the Law of Ukraine “On a universal military duty and military service” for the soldiers, sergeants and sergeant-majors.

22. The cadets, who did not have the military rank before entering a higher military educational establishments, units are awarded the military rank of privates (seaman) after being transferred to study. Other cadets, and also students have the military ranks awarded before the admittance to the specified educational establishments kept.

23. The consecutive military ranks of sergeants and sergeant-majors are awarded to cadets according to the procedure established by Military Regulations of the Armed Forces of Ukraine and Regulations on undergoing military service by soldiers, seamen, sergeants and sergeant-majors of the Armed Forces of Ukraine. As an encouragement, the cadets with a military rank of private (seaman) can be awarded a military rank of the senior soldier (the senior seaman).

24. Disrating (reduction) of senior soldiers (senior seamen), sergeants and sergeant-majors is carried out in cases and according to the procedure stipulated by the Disciplinary Regulations of the Armed Forces of Ukraine.

25. The right to awarding and disrating of cadets to military ranks, appointment of cadets (students) for posts and their transfer to the lower posts of the soldier, sergeants and sergeant-majors belongs to chiefs of higher military educational establishments, units.

26. To fill the posts of sergeant-majors of courses (companies), batteries, deputy commanders of platoons (commanders of educational detachments), commanders of the sections cadets and students are appointed by the orders of chiefs of higher military educational establishments, units to the specified posts. Cadets (students) are appointed to the posts of sergeant-majors of courses (companies), batteries only in the cases stipulated in the list of staff members.

27. Military posts cadets (students) can be appointed to, and the relevant military ranks are determined by the lists of members of the staff of higher military educational establishments, units.

28. The following provisional conformity of standard established posts of sergeants and sergeant-majors with their military ranks is established:

- The squad (section) leader (educational branch) - sergeants(the sergeant-major of the first rank);
- The deputy platoon leader (the commander of educational detachment) - the senior sergeants( petty officer);
- The sergeant-major of company (course), the battery - sergeant-major (ship sergeant-major).

29. The consecutive military ranks to sergeants and sergeant-majors of higher military educational establishment, unit are awarded:

- Junior sergeants(the sergeant-major of second rank) - to cadets upon the termination of the first semester of training, worthy being awarded the consecutive military rank and appointed to the posts the list of members of staff stipulates the military ranks of sergeants(the sergeant-major of the first rank), the senior sergeants(petty officer), the sergeant-major (the petty officers);
- Sergeants(the sergeant-major of the first rank) - to junior sergeants (sergeant-majors of second rank), who served in the posts of sergeants (sergeant-majors) after having been awarded the previous military rank for no less than 6 months, worthy being awarded the consecutive military rank and are appointed to the posts the list of members of staff stipulates military ranks of sergeants(the sergeant-major of the first rank), the senior sergeants(petty officer), the sergeant-major (the petty officers);
- The senior sergeants( petty officers) - to sergeants (sergeant-majors of the first rank), who served on the posts of sergeants (sergeant-majors) after having been awarded the previous military rank for no less than 12 months, worthy being awarded the consecutive military rank and are appointed to the posts the list of members of staff stipulates the military ranks of the senior sergeants(petty officer), sergeant-majors (the petty officers);
- The sergeant-major (ship sergeant-major) - to the senior sergeants (petty officer), who served in posts of sergeants (sergeant-majors) after having been awarded the previous military rank no less than 12 months, worthy being awarded the consecutive military rank and are appointed to the posts the list of members of staff stipulates the military ranks of the sergeant-major (the petty officers).

The cadets and students convicted to service restriction for the servicemen, when serving this punishment consecutive military ranks are not awarded. The term of punishment is not included in period of service for awarding of the consecutive military rank.

*(Item 29 includes changes made by the Decree of the President 1182/2003 of 15.10.2003)*

30. The posts of sergeant-majors and deputy commanders of platoons (commanders of educational detachments) can be filled, to perform, with students from among ensigns and warrant officers.

31. Cadets, who have military ranks of sergeants and sergeant-majors and are reduced to the post in accordance with the discipline order can be restored in the former or equivalent post, but no earlier than in 6 months after the reduction to the post and upon the availability of vacant posts, upon the decision of the chief who imposed the specified punishment if it has played an educational role and servicemen have corrected the behaviour and exemplary does military service.

Should vacant posts be unavailable, the disciplinary punishment can be cancelled without reinstatement.

Service transfers to supreme posts of the cadets (students) convicted to service restriction for servicemen, when serving this punishment is not carried out.

## **PART V. LEAVE**

32. Cadets and students are annually given 14 calendar days term-break (winter) leave and 30 calendar days basic (summer) leave. Cadets and students having educational debts, leave after liquidation of debts within the limits of the terms established by the schedule of educational process. At that annual basic (summer) leave should proceed no less than 15 calendar days.

33. Leaves are given to cadets and students subject to whom investigation or pre-judicial investigation is conducted, upon agreement with the relevant organs of investigation or pre-judicial investigation.

34. Except for term-break (winter) and core (summer) leaves additional treatment leaves in connection with illness or for family reasons can be given to cadets and students. These additional leaves are given according to the procedure for undergoing the military service stipulated by regulations about by soldiers, seamen, sergeants and sergeant-majors of the Armed Forces of Ukraine and about service of officers, ensigns (warrant officers) of the Armed Forces of Ukraine.

35. In case of departure of cadets (students) for leave they leave passes and other documents of the established sample.

36. After arrival to the place of leave cadets (students) should get registered no later than on the consecutive day with the military commandant's office or in the nearest military commissariat, and on the day before departure for the place of study - to get struck off the register.

37. If the place of stay of the cadet (student) is located over 30 kilometres away from the military commandant's office of garrison or a military commissariat, the cadet (student) can get registered (struck off the register) in local self-government organs.

38. In case of loss of the leave pass on the way or at the place of leave, the cadet (student) is obliged to report the military commandant on transport, the military commandant of garrison or the military commissioner on the place of leave. The specified officials according to registration data, and in the absence of such data - after an identification of the person, issue him/her the certificate on legality of stay on leave, inform the place of study of the cadet (student) and control his/her returning to an educational establishment.

39. Leave can be prolonged in case of:

- a. Delays on the way up to the place of leave or impossibility of departure from the place of leave owing to obstacles in the communications or illness of the cadet (student) who comes on leave or back from the leave, on the basis of the documents certified by the military commandant on transport or the head physician of medical institution where the cadet (student) was on treatment - to the actual term of delay confirmed by the relevant documents;
- b. Fire or natural disaster the family of the cadet (student) has suffered from, death or serious illness of his/her close relatives (father, mother, children, native brothers, sisters, wife and his/her close relatives) or other persons who brought him up - for 10 calendar days.

40. The right to prolong the leave is given to the military commandant of the garrison or the military commissioner on the place of leave.

The military commandant of garrison or the military commissioner should immediately inform the chief of higher military educational establishment, unit the cadet (student) has arrived from on the terms and reasons for delay and mark the leave pass accordingly.

41. If the cadet (student) has not returned from leave in due time and the chief of higher military educational establishment, units do not know the valid reasons for the

failure to return, the chief applies measures to organize the search of the cadet (student) according to the procedure determined by the Ministry of Defence of Ukraine.

42. In case of infringement by the cadet (student) of military discipline during the leave, the military commandant of garrison, the military commandant on transport or the military commissioner has the right to take measures of disciplinary influence within the limits determined by the Disciplinary Regulations of the Armed Forces of Ukraine. The commandant (the military commissioner) informs the chief of higher military educational establishment, unit on the measures taken.

43. In case of the mobilisation announcement:

- The cadets (students) on leave, except for medical treatment leave are obliged to get struck off the register and leave for the educational establishment immediately. If educational establishments are transferred from the place of permanent stationing, cadets (students) should arrive to the nearest military commandant's office or a military commissariat and operate according to the order of the military commandant or the military commissioner;
- The cadets (students) on the medical treatment leave are obliged to arrive to the military commandant's office or the military commissariat for repeated examination to be conducted by the military-medical commission, and in case of impossibility of arrival for health reasons - to immediately inform the military commandant or the military commissioner in the written form with the certificate from a medical establishment (doctor) and to operate according to the orders of the military commandant or the military commissioner.

## **PART VI. BUSINESS TRIPS**

44. Cadets (students) can be sent to official journeys both independently, and within a team with the purpose of:

- Participation in events related to vital activity of higher military educational establishment, unit and organisation and carrying out teaching and educational process;
- Doing of practice and military training;
- Receptions of the state award;
- Participation in:
- Sessions of courts martial or on summons of organs of investigation or pre-judicial investigation;
- Planned activities (assemblies, seminars, sessions, meetings , etc.);
- Liquidations of consequences of emergencies;
- Sports and cultural-mass activities;
- Other cases on the appeal (order) of the senior commanders and chiefs.

45. Cadets (students) are sent to official journeys by chiefs of higher military educational establishments, units on the basis of orders of the senior chiefs or by own decision, which is officially registered with a special order.

46. In case the cadets are sent(students) to a business trip, their business and moral qualities, the state of health and military discipline should be taken into a consideration.

47. The cadets (students) sent to business trip are given the certificate of business trip.

Cadets (students) upon their arrival on the destination site are obliged to immediately present themselves to the official to whom they have been attached, and to carry out the tasks given by him/her.

On the way to the place of business trip and back it is forbidden for a cadet (student) to deviate from the route specified in the certificate of business trip or to carry out unwarranted stops in intermediate points.

48. In case of delay on the way for reasons for circumstances independent of him/her, the cadet (student) should mark the certificate of business trip accordingly or to receive the certificate on the reason of delay at the military commandant on transport, the military commandant of garrison or the military commissioner and if in their absence - in administration of communications or local state administration or in the local self-government.

In case of loss of personal papers, weapons, other military property given to the cadet (student) on the way to the service, he/she should inform the military commandant on transport, the military commandant of garrison or the military commissioner immediately, and in case of their absence – the officials of the Administration of communications or local state administration or local self-government. The cadet (student) is obliged to inform law-enforcement organs on the loss of the specified documents and property.

49. In the presence of valid reasons interrupting the duly departure from the place of business trip to the place of study, the cadet (student) should inform the military commandant of garrison or the military commissioner, and in case of their absence - officials of local state administration or local self-government who, in turn, should inform the chief who sent the cadet (student) to business trip, with indication of the reasons for delay.

The valid reasons for delay from a business trip, which go beyond the terms specified in the certificate of business trip are the order of the senior chiefs about prolongation of term of the business trip, the illness resulting in cadet's inability to arrive to the place of study in due time, an obstacle of spontaneous character and other major force. The reasons for delay should be confirmed by the relevant documents.

In case of delay of the cadet (student) sent to business trip, which exceeds the term specified in the certificate of business trip, the official at whose disposal he/she has arrived, either the military commandant of garrison or the military commissioner are obliged to inform the chief who has sent the cadet (student) for the business trip, instructing him on the reasons for delay.

In case of infringement by the cadet (student) of military discipline during the business trip, the military commandant of garrison, the military commandant on transport or the military commissioner have the right to stop the business trip and mark the certificate of business trip accordingly specifying the time of returning of the cadet (student) back to the educational establishment. The military commandant or the military commissioner informs the chief of higher military educational establishment, unit on the reasons for the termination of business trip and term of returning of the cadet (student).

50. In case the cadet (student) has not returned from the business trip according to the established procedure and there is no information on the reasons for his/her delay, the chief who sent the cadet (student) to the business trip, immediately makes inquiry to the official at whose disposal the cadet (student) has been attached, either to the military commandant of garrison or the relevant military commissioner. After the answer that the attached has not arrived to the destination or has in due time left for

the educational establishment has been received, the chief of higher military educational establishment, units organizes his/her search according to the procedure established by the Ministry of Defence of Ukraine.

51. In case of announcement of mobilisation the cadets (students) on business trip are obliged to return immediately to the educational establishments by authority officials at whose disposal they have arrived. In case of transfer of the educational establishment from the place of permanent stationing, the cadets (students) should arrive to the nearest military commandant's office or a military commissariat and operate according to the order of the military commandant or the military commissioner.

## **PART VII. PRACTICE AND MILITARY TRAINING**

*(In section VII the words "(ship) training" in all cases are replaced with the words "(Navy) training" in the relevant cases according to the Decree of the President of 15.10.2003 No 1182/2003)*

52. Practical training of cadets (students) is conducted by organizing of educational, industrial, repair, ship, other kinds of practice and military (Navy) training.

53. The educational practice is organized for junior cadets (students) with the purpose to acquire practical skills on the specialisation and is conducted in educational centres, training units and units (departments) of educational process support and other structural units of an educational establishment, and also on repair bases and enterprises belonging to the sphere of management of the Ministry of Defence of Ukraine.

54. Industrial, repair, ship, other kinds of practice and military (Navy) training is organized for cadets (students) of the senior classes in military units, at the educational and battle ships, and also on repair bases and enterprises, which belong to the departments of the Ministry of Defence of Ukraine.

Cadets (students) do military (Navy) training, as a rule, on the posts the relevant specialties for which they are trained.

55. The procedure of the organisation and execution of educational, industrial, repair, ship, other kinds of practice and military (Navy) training is determined by the Minister of Defence of Ukraine.

56. Misuse of cadets (students), and also on posts and works not related to specialist and military (Navy) training programmes is forbidden.

57. Cadets (students) upon completion of military (Navy) training draw up a written report on implementation of the Programme and the individual task approved by the commander (chief) of that military unit (unit, establishment , etc.) where cadets (students) did military (Navy) training.

Defence of written reports of cadets (students) takes place according to the procedure and in the terms determined by the chief of higher military educational establishment, unit.

The grading of cadets and students is determined by the results of defence of written reports.

## **PART VIII. DISMISSAL - PREMATURE TERMINATION (CANCELLATION) OF THE CONTRACT**

58. Dismissal from higher military educational establishment, unit, restoration on study of cadets (students) or their transfer from one higher military educational establishment

or unit to another is conducted according to the procedure and on terms determined by the Minister of Defence of Ukraine and Minister of Education and science of Ukraine according to the requirements of these Regulations.

Transfer of cadets (students) for the subsequent performance of military service (training) on contractual basis from higher military educational establishments, units of the Armed Forces of Ukraine to higher military educational establishments, units of other military formations and vice versa is carried out as agreed between the Ministry of Defence of Ukraine and the Central Executives, the relevant military formations carrying out management, upon the consent by these cadets (students) with consequent exclusion from muster-rolls of the Armed Forces of Ukraine, other military formations. The decision on transfer is issued:

- Students - according to the procedure determined by item 42 of Regulations on undergoing military service by officers, ensigns (warrant officers) of the Armed Forces of Ukraine, approved by this Decree;
- Cadets - according to orders of the first deputy chief of the General Staff of the Armed Forces of Ukraine, deputy heads of the relevant Central Executives.

*(Item 58 includes changes made by the Decree of the President 1182/2003 of 15.10.2003)*

59. The bases for the preterm termination (cancellation) of the contract for doing military service (training) by the cadet (student) of a higher military educational establishment, unit with the cadet (student) are as follows:

- a. Lack of discipline;
- b. Unwillingness to continue training;
- c. Refusal to do military service on the posts of the officer personnel upon completing the training;
- d. State of health according to the findings (decision) of the military-medical commission on unfitness or partial fitness for the military service (training);
- e. Family circumstances or other valid reasons determined by the Cabinet of the Ministers of Ukraine;
- f. Introduction into validity of the court verdict of guilty;
- g. Regular failure to fulfil the terms of the contract both on the part of the chief of higher military educational establishment, unit, and on the part the cadet (student).

60. The chief of higher military educational establishment or unit should warn the cadet (student) about the preterm cancellation of the contract no later than a month prior to it, except for the cases when the contract is cancelled in connection with the court's verdict of guilty, which has entered into force, and also taking into account the poor academic progress and lack of discipline. The cadet (student) should inform the chief of higher military educational establishment, units, following the procedure of subordination, in the same term about the intention to cancel the contract ahead of schedule if he/she expresses such intention.

61. Validity of the contract for undergoing military service (training) by the cadet (student) of higher military educational establishment, unit with the cadet (student) stops on the day of the expiration of its term, and also ahead of schedule:

- On the day specified by the order on exclusion of the cadet (student) from muster-rolls of higher military educational establishment, unit, in case of preterm cancellation of the contract;
- From the consecutive day after the death (loss) of the cadet (student), and also his/her being recognition by the court as missing or dead.

The date and basis for cancelling the contract are included in the order of the chief of higher military educational establishment; the rector of a higher educational establishment on exclusion of the cadet (student) of muster-rolls of an educational establishment and the copy of the contract stored in the personal records is marked accordingly.

Cancellation of the contract entails termination of the performance of duties stipulated by its conditions.

62. The cadet (student) subject to the decision on preterm cancellation of his/her contract, has the right to appeal against this decision according to the procedure established by the legislation of Ukraine. The appeal does not stop the implementation of the decision.

In case of recognition of the decision on preterm cancellation of the contract as unlawful, the cadet (student) is restored in the higher military educational establishment, unit.

## **PART IX. RIGHTS, DUTIES AND LIABILITY**

63. The rights and the duties of cadets (students) related to doing military service (training) are determined by the Constitution and the laws of Ukraine, Military Regulations of the Armed Forces of Ukraine and these Regulations.

64. Cadets (students) have the right to the social and economic, political and personal rights and freedoms and are obliged to act all as servicemen of the Armed Forces of Ukraine stipulated by the Constitution of Ukraine, laws and other normative-legal acts of Ukraine, except for the restrictions established by the legislation.

65. Conditions of pension support of the cadets (students) who became handicapped in the result of injury, contusion, mutilation or disease when undergoing military service (training), and members of their families in case of loss of the supporter are determined by the legislation of Ukraine.

66. Cadets (students) are subject to obligatory state personal insurance.

67. Granting to cadets (students) monetary, clothing, food, housing and other kinds of support is carried out at the expense of the State Budget.

The cadets of higher military educational establishments, units from among the persons who did military service before transfer to study are established official salaries depending on the year of study at the rate determined by the Cabinet of Ministers of Ukraine.

From among servicemen of active service, official salaries are paid to cadets according to the previous established posts occupied by them in the military units (establishments, institutions) before their transfer to study, but no lower than the official salaries stipulated for cadets from among persons not doing military service.

From among the servicemen doing contractual military service, and students, the money allowance according to the previous established posts is paid to cadets, which they held in military units (establishments, institutions) before their transfer to study.

68. Cadets (students) wear the established military uniform with the relevant insignia of servicemen.

69. Cadets of the first and second years are placed in barracks according to the procedure established by the Interior service regulation of the Armed Forces of Ukraine.

Cadets of the third and the subsequent years (students irrespective of the year) have the right to live in hostels arranged on the territories of higher military educational establishments, units, while families - in family hostels or, by authority of the chief of higher military educational establishment, unit, - in apartments outside the educational establishment.

For female cadets irrespective of curriculum individual hostels (sleeping premises) are equipped.

70. Cadets of the first and second year leave the place of higher military educational establishments, units according to the procedure established for servicemen of active service.

Cadets of the third and the subsequent years (students irrespective of the year) are exempt from daily routine and have the right to be outside of Location of higher military educational establishment, unit upon termination of classes and obligatory hours of independent work prior to the beginning of the classes the consecutive day.

71. The procedure of residence of cadets (students) in barracks and hostels, and also the creation for them of other social conditions are determined by Military Regulations of higher military educational establishments, units according to the requirements of Military Regulations of the Armed Forces of Ukraine and procedures of the Minister of Defence of Ukraine.

72. The right to wear civil clothes outside of location of higher military educational establishments, units is given:

- To cadets of the first - the third years - on leave;
- To cadets of the subsequent years (to students irrespective of the year) - on leave and in the free-form service (study) time.

73. Married cadets of the third and the subsequent years and students irrespective of the year in absence of a family hostel in the area of the higher military educational establishment, unit are paid pecuniary compensation in the place of study for temporary rent of premises outside of the area of higher military educational establishment, unit, according to the procedure and at the rate determined by the Cabinet of the Ministers of Ukraine.

74. Cadets of military educational departments of higher educational establishments (irrespective of the year of their training) upon the absence in the military educational department of barracks or hostels are paid pecuniary compensation in the place of study for temporary rent of premises according to the procedure and at the rate determined by the Cabinet of the Ministers of Ukraine.

75. The cadet (student) should always have on him/her the document of the established sample identifying him/her, and show them in all cases established by the legislation of Ukraine regarding passports or other documents.

76. The cadets of higher military educational establishments, units from among servicemen of the active military service and the persons who had not done military service before transfer to training are paid official salaries for excellent and good results in study upon the results of examinations according to the procedure and the sizes determined by Regulations about the procedure of payment of money allowance for the servicemen of the Armed Forces of Ukraine which is approved by the Ministry of Defence of Ukraine.

77. The honours cadets (students) can be awarded nominal grants of the Verkhovna Rada of Ukraine, the President of Ukraine, the Cabinet of the Ministers of Ukraine named after the heroes of The Great Patriotic War of 1941-1945.

*(Item 77 includes changes made by the Decree of the President 1182/2003 of 15.10.2003)*

78. The cadets (students) who did not take (pass) examination (credits) during exam sessions for the valid reasons (illness, family circumstances, etc.), confirmed by the relevant documents, are given the right to take examinations (credits) in the terms determined by the chief of higher military educational establishment, unit.

79. The cadets (students) upon graduation from higher military educational establishments, units are awarded qualification of the relevant educational-qualifying level and a primary officer military rank, as well as the diploma of the established sample and a breastplate.

80. The persons who received gold medal are paid extra cash benefit at the rate established by the Cabinet of the Ministers of Ukraine, and are granted the right to choose the place of service. Surnames of the persons who graduated with a gold medal or diploma with honours are registered with the honour roll of higher military educational establishment, unit.

81. Cadets (students) are obliged to observe the requirements of the Constitution and the laws of Ukraine, Military Regulations of the Armed Forces of Ukraine, other normative-legal acts and orders of commanders and chiefs.

Besides cadets (students) are obliged:

- To know the purpose and the tasks of training in a higher military educational establishment, unit;
- To carry out tasks of the curriculum, to work regularly and diligently over mastering knowledge, modern methods of research into the discipline studied, acquisition of practical and professional skills, increase of the general cultural level;
- To develop the abilities, to direct them at creative mastering of the military specialisation;
- To obtain and develop necessary military-professional qualities, to improve constantly the psychological and physical level;
- To bar from divulging the data constituting the state secret;
- To observe rules and security measures during classes and works with arms and military equipment, and also during leave or discharge;
- To develop high responsibility, adherence to principles, resoluteness and morally-ethical standard worthy behaviour in a group.

82. Cadets (students) are obliged to report urgently to the direct commanders (chiefs) on changes of the marital status confirming that with the relevant documents the copies of which are stored in the personal records of cadets (students).

83. Cadets (students), according to the legislation, are accountable, for breaching military discipline and public order, committing crimes and offences, causing material damage.

84. The cadets undergoing training on the post of the officer personnel, in case of preterm cancellation of the contract caused by the unwillingness to continue training or lack of discipline and refusing to do military service in the future on posts of the officer personnel upon graduation from higher military educational establishment, unit compensate to the Ministry of Defence of Ukraine and other military formations the expenses related to their training and maintenance in a higher military educational

establishment, unit. Compensation of means is carried out according to the procedure and at the rate established by the Cabinet of the Ministers of Ukraine.

In default on voluntary reimbursement such compensation is collected in the judicial procedure.

## APPENDIX

### **To Regulations on Military Service (Training) on a Contract Basis by Cadets (Students) of Higher Military Educational Establishments and Military Education Departments of Higher Education Establishments approved by the decree of the President of Ukraine of 7 November 2001 No 1053/2001**

#### **Sample**

#### **(The small State Emblem of Ukraine)**

#### **MINISTRY OF DEFENCE OF UKRAINE**

CONTRACT On undergoing military service (training) in the Armed Forces of Ukraine by cadets (students) of higher military educational establishments, military educational departments of higher educational establishments

The Ministry of Defence of Ukraine on behalf of: \_\_\_ (post, military rank) \_\_\_, (surname, name, patronymic) further referred to as “the chief of the higher military educational establishment, military educational department of a higher educational establishment”, on the one hand, and the citizen of Ukraine further referred to as \_\_\_ (military rank, surname, name, patronymic) \_\_\_ date, month, year of birth, home address, series and number of passport \_\_\_, (identification card), when and who issued it) further referred to as “cadet” (student), on the other hand, according to items 14-17 of Regulations on undergoing military service (training) on contractual basis in the Armed Forces of Ukraine by cadets (students) of higher military educational establishments, military educational departments of higher educational establishments, have concluded this Contract for the follows:

1. The cadet (student) \_\_\_ (military rank, surname, name, patronymic) has familiarized himself/herself the with laws and other normative-legal acts of Ukraine regulating the procedure of doing military service (training), and voluntarily assumes the obligation:
  - To do military service (training) in \_\_\_ the name of an educational establishment) \_\_\_ during the validity of the Contract according to the terms established by laws and other normative-legal acts of Ukraine regulating the procedure of doing military service (training), and this Contract;
  - To honestly fulfil the requirements of the Military Regulations of the Armed Forces of Ukraine, orders of commanders and chiefs, official duties, skilfully operate the military equipment (arms), supervise the staff;
  - To have positive results of study, to persistently acquire the knowledge necessary for the future military service in the post of the officer;
  - To continue doing military service on the posts of officers for no less than five years after graduation.
2. The chief of higher military educational establishment, military educational department of a higher educational establishment undertakes to ensure for the cadet (student) \_\_\_ (military rank, surname, name, patronymic);

- The observance of the personal rights and freedoms and the rights of members of his/her family, including receiving privileges, guarantees and indemnities established by the Constitution of Ukraine, laws of Ukraine, Military Regulations of the Armed Forces of Ukraine and other normative-legal acts determining the status of the cadet (student) and the procedure of doing military service (training);
  - The conditions necessary for the study determined by the orders of the Minister of Defence of Ukraine and Minister of Education and science of Ukraine, the Military Regulations of higher military educational establishment, military educational department of a higher educational establishment and other normative-legal acts;
  - Financial support and endowment according to the legislation of Ukraine.
3. The contract is concluded for \_\_\_ years from \_\_\_ (In words) (day, month, year) \_\_\_ Until \_\_\_ (day, month, year)
  4. The contract is concluded in duplicate each copy having equal force and are stored by each of the parties.
  5. Conditions of the Contract can be changed or added only upon consent of the parties in the written form.
  6. Other conditions of the Contract: \_\_\_
  7. 7. Signatures of the parties: \_\_\_ (signature, military rank) \_\_\_ (surname and initials of the cadet) \_\_\_ “\_\_\_” \_\_\_ year \_\_\_ (signature, military rank) \_\_\_ (signature, surname and initials (student) of the chief of higher military educational establishment) “\_\_\_” \_\_\_ year \_\_\_ place for the seal
  8. The contract becomes invalid “\_\_\_” \_\_\_ year (date, month) In connection with: \_\_\_ (The bases for termination of the contract, date of exclusion of the cadet \_\_\_ (student) from muster-rolls of the educational establishment, number of the order) \_\_\_ (post, military rank, signature) \_\_\_ (surname and initials of the chief of the higher military educational establishment) \_\_\_ place for seal

**The note.** Item 6 of the Contract is filled in case of acceptance by the parties of the additional obligations which are not contradicting the legislation.

APPROVED  
by the Decree of the President of Ukraine  
of 7 November 2001 No 1053/2001

# Regulations on Performing Contract and Regular Military Service in the Security Service of Ukraine

## PART I. THE GENERAL PRINCIPLES

1. The Regulation determines the procedure of doing the contractual military service by officers, ensigns and warrant officers, soldiers and seamen, sergeants and sergeant-majors and regular military service officers of the Security Service of Ukraine (further - servicemen), execution of military duty in the reserve and peculiarities of doing military service in the wartime.

2. The privates, sergeants and sergeant-majors doing contractual military service are the citizens enlisted in contractual military service who were awarded the relevant army or Navy military ranks.

Citizens awarded military ranks of the ensign or the warrant officer, the senior ensign or the senior warrant officer are ensigns and warrant officers.

Citizens awarded military ranks from the junior lieutenant and above (\*from this point on the army military ranks mentioned in these Regulations shall be understood ship (Navy) military ranks as well) are regarded as officers.

The officer personnel are subdivided into junior, field and supreme.

3. The servicemen and reservists (the persons enlisted on the reserve) of the Security Service of Ukraine are awarded the following military ranks:

- Army: Privates – soldier, senior soldier; Non-commissioned officers (sergeants and sergeant-majors) - junior sergeant, sergeant, senior sergeant, sergeant-major; Non-commissioned officers (ensigns and warrant officers) – ensign, senior ensign; Junior officers - junior lieutenant, lieutenant, senior lieutenant, captain; Field officers – major, lieutenant-colonel, colonel; Supreme officers - major-general, lieutenant-general, colonel-general, general of the army of Ukraine.
- Navy: Privates – seaman, senior seaman; Non-commissioned officers (sergeants and sergeant-majors) - sergeant-major of second rank, sergeant-major of first rank, petty officer, ship sergeant-major; Non-commissioned officers (ensigns and warrant officers) warrant officer, senior warrant officer; Junior officers - junior lieutenant, lieutenant, senior lieutenant, captain; Field officers – captain, 3<sup>rd</sup> rank, captain, 2<sup>nd</sup> rank, captain, 1<sup>st</sup> rank; Supreme officers - rear-admiral, vice-admiral, admiral.

Words “of medical service”, “of justice” are added to the military ranks of commissioned officers of medical service and Judge Advocate General’s Corps.

Words “reserve” and “retired” are added to the military ranks of citizens who were transferred to the reserve or retired.

4. Manning of the Security Service of Ukraine with servicemen according to these Regulations is carried out by:

- Enlistment of citizens on contractual military service;
- Call-up of citizens for the military service from the reserve of the Security Service of Ukraine during mobilisation.

5. According to these Regulations the following kinds of military service are established for Security Service of Ukraine’s servicemen:

- Contractual military service of soldiers and seamen, sergeants and sergeant-majors;
- Contractual military service of ensigns and warrant officers;
- Contractual military service of officers;
- Regular military service of the officer personnel enlisted in the military service of Security Service of Ukraine before introduction of contractual military service (further - regular military service of officers).

6. The military service age limit is established as follows:

- For privates, sergeants and sergeant-majors serving on contractual basis, ensigns and warrant officers, junior officers - up to 45 years;
- For field officers: majors, lieutenant colonels - up to 50 years; colonels - up to 55 years;
- For supreme officers - up to 60 years.

7. The servicemen who have reached the military service age limit are subject to transfer to the reserve or retirement according to the procedure determined by these Regulations.

The officers doing regular military service and having high vocational education, practical work experience on the posts, are recognized by the military-medical commission as physically fit on state of health to be able to undergo military service, and upon their request can be left by the Head of the Security Service of Ukraine on military service over age limit up to 5 years, and the doctor of sciences and professors - up to 10 years.

Servicemen whose term of the contract has expired and who have reached the military service age limit can be left on service upon request after the conclusion of a new contract for the term of no longer than 10 years.

The servicemen left on military service over the military service age limit, can be discharged from military service before the expiration of the term for which they are left on service, on the bases stipulated by items 66 and 67 of these regulations.

The decision to keep the servicemen in the military service after reaching the age limit the servicemen who, to perform are attached to executive organs, enterprises and organisations performing the state security- related tasks (further - executive organs, enterprises and organisations) is taken within the limits of the terms stipulated by this item by The Head of the Security Service of Ukraine under the petition of heads of the relevant executive organs, enterprises and organisations.

8. Servicemen, by the authority of direct chiefs (from the head of department of the Central administration, regional organ, the organ of military counter-intelligence and the supreme equal to them) can study part-time in higher educational establishments.

## **PART II. ENROLMENT IN MILITARY SERVICE. CONCLUSION OF CONTRACT**

9. The contract for doing military service in the Security Service of Ukraine is a written agreement concluded between the citizen of Ukraine and the state on behalf of which the Security Service of Ukraine acts for establishment of legal relations between the parties when undergoing the military service.

The contract is concluded according to the standard form in duplicate, is signed by the person joining the military service, and the relevant official of the Security

Service of Ukraine according to the items 11 and 14 of these regulations, sealed with an official stamp of the organ (unit, military unit) and is stored by each of the parties.

The contract is the basis for the issuance of the order on enrolment of the person on contractual military service and appointment to the post.

10. The following persons can be enrolled at the contractual military service in the Security Service of Ukraine:

- a. Military service of soldiers and seamen, sergeants and sergeant-majors:
  - Privates, sergeants and sergeant-majors of the Security Service of Ukraine, other military formations which have done active military service for no less than one year, have the relevant training on the specialisation (on the basis of completed secondary education);
  - Reservists and women in the age from 19 up to 30 years who have no military ranks of the officer personnel, ensigns and warrant officers, with the relevant special training (on the basis of completed secondary education), upon the completion of special courses;
- b. For the military service of ensigns and warrant officers:
  - Privates, sergeants and sergeant-majors of the Security Service of Ukraine, other military formations which have done active military service for no less than one year, have higher, completed secondary or vocational education and the relevant special training, upon the completion of special courses;
  - The Security Service of Ukraine, other military formations servicemen doing contractual military service and not having military ranks of the officer personnel, having higher, completed secondary or vocational education and the relevant special training and who have not reached military service age limit established for ensigns and warrant officers, upon the completion of special courses;
  - Reservists and women in the age from 19 up to 30, who have no military ranks of the officer personnel, have higher, completed secondary or vocational education and the relevant special education, upon the completion of special courses;
- c. On military service of the officer personnel:
  - Security Service of Ukraine, other military formations servicemen, who graduated from higher military educational establishments and higher educational establishments which have military educational departments (further - higher military educational establishments) and were awarded the officer rank;
  - The reserve officers who have not reached the military service age limit;
  - Women in the age under 30 years who have higher education according to the educational-qualifying level of training, not below the bachelor, and special education related to the service activity, and who for the first time got enlisted in military service on the voluntary basis;
  - The officers doing regular military service in the Security Service of Ukraine, other military formations and expressed desire to do contractual military service;
  - Privates, sergeants and sergeant-majors of the Security Service of Ukraine, who have done active military service for no less than one year, the servicemen of the Security Service of Ukraine, other military formations undergoing contractual military service, and reservists having higher

education on a educational-qualifying level of training being not lower than bachelor, related to a structure of service activity, and the conditions, which have not reached age limit on the military service, the officer personnel established for persons.

11. The right of signing the first contract on behalf of the Security Service of Ukraine is given:

- To the Head of the Security Service of Ukraine with the servicemen (reservists) appointed to the posts (doing military service on posts) where the staff presupposes the military ranks of the supreme officer personnel, and with officers in the military rank from the major-general and above;
- To the first deputy chief of the Security Service of Ukraine - with graduates of higher military educational establishments of the Security Service of Ukraine;
- To the relevant chief (commander) to whose powers belongs the appointment to the posts which they hold (on which they are appointed)-with officers in military ranks up to the colonel inclusive, except for specified in the subitem “a” of this item;
- To the chief (commander) to who is given the right by the Head of the Security Service of Ukraine to accept on military service of servicemen (reservists) of the specified categories- with the servicemen (reservists) appointed to the posts of ensigns (warrant officers), the soldier, sergeants and sergeant-majors.

12. The first contract enters into force from the date of:

- Putting the servicemen to the post;
- Issuance of the order on receiving the servicemen for contractual military service, if only he/she is not transferred to the other post - for the persons doing military service;
- Awarding the first officer rank - for graduates of higher military educational establishments of the Security Service of Ukraine.

13. The first contract for doing military service is concluded for the term of:

- No less than 3 years - with the persons enlisted in contractual military service soldiers and seamen, sergeants and sergeant-majors;
- No less than 5 years - with the persons enlisted in contractual military service of ensigns and warrant officers;
- From 5 up to 10 years - with the persons enlisted in contractual military service of officers;
- 5 years - with graduates of higher military educational establishments.

Term of the contract is calculated in full years.

Upon expiration of term of the contract the military service can be prolonged under the new contract for the term from 3 up to 5 years each time before reaching the military service age limit, and to the servicemen having reached the military service age limit - for the term of no longer than 10 years.

The new contract is concluded no later than 2 months before the expiration of term of the contract in force and enters into force from the day, following after day of the expiration of validity of the previous contract.

Validity of the contract stops:

- On the day of the expiration of its term - in case of prolongation to the servicemen of military service under the new contract;

- On the day specified by the order on exclusion of the servicemen from muster-rolls, in connection with discharge, death, recognition as missing or dead;
  - On the day of conclusion of the contract with the servicemen about doing military service (training) by him/her as a cadet (student) of higher military educational establishment of the Security Service of Ukraine.
14. The right to sign the new contract on behalf of the Security Service of Ukraine is given:
- a. To the Head of the Security Service of Ukraine - with the servicemen doing military service on posts, which presuppose the military ranks of supreme officer personnel, and also with the servicemen attached to executive organs, enterprises and organisations leaving them on military service are stipulated;
  - b. To the relevant chief (commander) to which has the powers of appointing persons for posts which they hold - with officers in military ranks up to the colonel inclusive, except for those specified in the subitem "and" this item;
  - c. To the chief (commander) having the right to issue personnel orders - with the servicemen doing contractual military service of ensigns and warrant officers, soldiers and seamen, sergeants and sergeant-majors.
15. The contract with the servicemen transferred from the Security Service of Ukraine to the Armed Forces of Ukraine and other military formations, with their exclusion from muster-rolls of the Security Service of Ukraine, is cancelled on the day, when the servicemen is excluded by the order on the organ (unit, military unit) from muster-rolls.
- The contract with the servicemen transferred from The Armed Forces of Ukraine and other military formations to the Security Service of Ukraine with their exclusion from muster-rolls of the relevant military formations, is concluded in accordance with general practice and enters into force from the date of its signing by the parties, but no earlier than they day when the servicemen was awarded for the post.
16. The term of the contact of female servicemen on maternity leave or on child care leave (if it expires after granting such leaves) is prolonged for the period of their stay on the specified leaves.

### **PART III. MILITARY RANKS**

17. Military ranks of the officer personnel, structure of ensigns and warrant officers, the soldier, sergeants and sergeant-majors are awarded by the servicemen and reservist taking into account their education, business and moral qualities, organizing abilities, vocational education, experience in carrying out the service occupied by them, the post and other conditions stipulated by these Regulations.

The servicemen convicted to service restriction for servicemen, when serving the punishment are not awarded the consecutive military ranks. The term of serving punishment is not included in time length of service for awarding of the consecutive military rank.

18. Military ranks of the soldier, sergeants and sergeant-majors are awarded to the persons, who expressed desire to voluntarily undergo contractual military service, soldiers and seamen, sergeants and sergeant-majors meeting the requirements of the military service.

The servicemen and reservists enlisted in contractual military service, soldiers and seamen, sergeants and sergeant-majors, have the military ranks of the soldier,

sergeants and sergeant-majors awarded before enrolment in contractual military service kept.

19. The citizens enlisted in contractual military service of soldiers and seamen, sergeants and sergeant-majors to whom the military rank earlier was not awarded, simultaneously with appointment to the posts as soldiers(seamen) are awarded the military rank of privates (seaman).

20. The military rank of the senior soldier (the senior seaman) is awarded to:

- a. privates (seaman) at their appointment to the posts, which are stipulated by the staff list as the rank of a senior soldier (the senior seaman);
- b. privates (seamen) as an encouragement.

21. The military rank of junior sergeants (the sergeant-major of second rank) is awarded:

- a. To privates and the women enlisted in contractual military service, along with their appointment to the posts of sergeants and sergeant-majors;
- b. To privates serving on contractual basis, along with their appointment to the posts of sergeants and sergeant-majors.

22. The consecutive military ranks of sergeants(the sergeant-major of the first rank), the senior sergeants(petty officer), the sergeant-major (the petty officers) to the servicemen serving on contractual basis are awarded in the consecutive procedure in case of the positive reference, conformity of a new rank to the military rank stipulated by a permanent appointment, after having performed the duty being in the previous(lower) rank for no less than 6 months.

23. The citizens enlisted in contractual military service of ensigns and warrant officers are awarded the military rank of ensign or the warrant officer if such military ranks had not been awarded earlier.

24. The military rank of the senior ensign (the senior warrant officer) is awarded to ensigns (warrant officers) having served as ensigns (warrant officers) for 5 and more years, no less than one year of which was on the posts staffed by the senior ensigns (the senior warrant officers) or officers.

The military rank of the senior ensign (the senior warrant officer) can also be awarded also ensigns (warrant officers):

- who have served as ensigns (warrant officers) for 3 and more years, no less than one year of which on the posts staffed by the senior ensigns (the senior warrant officers) or officers, and have reached high parameters in the services activity - ahead of schedule, as encouragement;
- For irreproachable and continuous service by the ensigns (warrant officers) during 15 years - irrespective of the post.

25. The rights of chiefs (commanders) to award military ranks of soldiers, sergeants and sergeant-majors, the structure of ensigns and warrant officers- are determined by the Head of the Security Service of Ukraine.

26. The military rank of the junior lieutenant is awarded to servicemen, reservists and the women who have higher education on an educational-qualifying scale of training for the bachelor, related to the structure of service activity, at attestation for the officer personnel.

27. The military rank of the lieutenant is awarded:

- To junior lieutenants whose term of the period of service in this rank has expired;
- To the servicemen who graduated from higher military educational establishments of the Security Service of Ukraine (full-time form of training);

- To the servicemen discharged from the military service directly upon graduation from higher military educational establishment of the Security Service of Ukraine for family or health reasons, the military rank of the lieutenant in the reserve is awarded;
- To servicemen, reservists and women who have higher education on an educational-qualifying scale for training and not below the level of a specialist related to a structure of service activity, at certification in the officer personnel.

28. The first officer rank is awarded to the servicemen (reservists) by the Head of the Security Service of Ukraine.

29. The consecutive military ranks of the junior and field officer personnel are awarded:
- a. Up to the lieutenant colonel inclusive – by the first deputy chief of the Security Service of Ukraine;
  - b. The colonel – by The Head of the Security Service of Ukraine.

30. Military ranks of supreme officer personnel are awarded to the servicemen by the President of Ukraine upon submission of the Head of the Security Service of Ukraine.

31. The consecutive officer ranks are awarded to the servicemen in the consecutive procedure in case of conformity of the consecutive rank to the military rank stipulated by the permanent appointment, and after the target date of the service period in the previous military rank.

The consecutive military rank up to the colonel inclusive can be awarded by the Head of the Security Service of Ukraine as encouragement ahead of schedule, after no less than half of target date of the period of service in the previous military rank has passed or after the target date of the period of service in the previous rank on one degree above the military rank stipulated by a permanent appointment has expired, to the officers who revealed high professional, business and moral qualities at performance of a conscription and have reached high parameters in the services activity.

32. The consecutive military ranks of the officer personnel up to the colonel inclusive are awarded to the post-graduate students (adjuncts) and doctoral students of higher military educational establishments of the Security Service of Ukraine taking into account the requirements of the item 31 of these Regulations:

During the study - in case of conformity of the consecutive military rank to the rank on a permanent appointment, which the officer held before entrance to the postgraduate study (master, doctor degree) without taking into account the subsequent changes (increase or reduction) brought to the staff on this post;

Upon completion of postgraduate study - in case of conformity of the consecutive military rank with the rank on a permanent appointment to which the officer got appointed to upon graduation.

33. Awarding of officer ranks to the servicemen is carried out according to these Regulations according to the procedure determined by the Head of the Security Service of Ukraine.

Submitting the candidatures to awarding the consecutive military rank of the colonel are examined by board of the Security Service of Ukraine.

If a staff member of the officer personnel is under the disciplinary punishment the consecutive military rank is not awarded.

The officers appointed to supreme posts, which correspond to two military ranks, the highest of them is awarded taking into account the requirements of the item 31 of these Regulations and under the condition that of obtaining skills by them on a

new post, but no later than in 6 months after the appointment for this post, upon the decision of the direct chief - from the head of department of the Central administration, the chief of regional organ or organ of military counter-intelligence, the chief (rector) of higher military educational establishment, the commander of a individual battalion and above.

34. Terms of the period of service in military ranks for the officers doing military service are established:

- The junior lieutenant, the lieutenant - 2 years
- The senior lieutenant, the captain - 3 years
- The major - 4 years
- The lieutenant colonel - 5 years.

The officers who graduated from higher military educational establishments with a gold medal or diploma with highest honours, and also higher military educational establishments with five years and more period of training are established the term of one year service in the military rank of the lieutenant.

Terms of the period of service in military ranks of the colonel and above are not established.

Term of the period of service in the awarded military rank is calculated from the day of issuance of the order on awarding this rank. Time the servicemen spent in the lowered military rank is not included into the period of service in the restored military rank.

The officers enlisted in the military service from the reserve have the time in the military rank time in the reserve included in the period of service proportionally as established in the item 84 of these Regulations.

35. In case of enrolment in the military service of persons of the field and supreme command personnel of the Ministry of Internal Affairs of Ukraine, tax collection service of the State tax administration of Ukraine, the Ministry of Ukraine on issues of emergencies and protection of the population from the consequences of Chernobyl accident and the State department of Ukraine on issues of performance of the punishments having special ranks, or employees of Procuracyorgans of Ukraine having class grades, for filling of posts of officers, are awarded specified military officer ranks according to the certification procedure and taking into account their special ranks or class grades.

The officers having army (Navy) military ranks, in case of appointment to the posts where the staff presupposes the Navy (army) military ranks, the relevant military ranks are awarded according to the procedure of certification. The same procedure of military ranks applies to the officers who have relevant education, in the case of appointment to the posts (dismissal from posts) the staff presupposes the military ranks adding the words of "medical service" or "justice".

*(Item 35 includes changes made by the Decree of the President 106/2004 of 28.01.2004)*

36. Term of the period of service in the military rank to the officer, re-certified on an equivalent military rank, is calculated from the date of issuance of the order on awarding it a military rank (a special rank, a class grade) which he/she had had before certification.

37. The servicemen, who are at disposal of the relevant chief (commander) in connection with a discharge from performing official duties, and also servicemen subject to investigation, pre-judicial investigation or court examination are exempt from being awarded the consecutive (consecutive) military ranks

38. Servicemen can be reduced to the military ranks on the verdict of the court in connection with commitment of crimes and as disciplinary punishment according to the Disciplinary Regulations of the Armed Forces of Ukraine.

39. Reduction to the military rank on one degree of persons of the junior and field officer personnel, the senior ensigns (the senior warrant officers), sergeants and the sergeant-majors doing military service, can be applied as a kind of disciplinary punishment according to the procedure stipulated by the Disciplinary Regulations of the Armed Forces of Ukraine. Servicemen who have been reduced to the military rank are restored as encouragement in the previous military rank, irrespective of the post, under the stipulation that of the positive characteristic, procedures of the chiefs who are made a decision reduction to the military rank, equal to them and above:

- Privates, sergeants and sergeant-majors - no earlier than in 6 months from the date of reduction;
- Officers, structure of ensigns (warrant officers) - no earlier than in one year from the date of reduction.

In other cases the servicemen reduced to the military rank according to the procedure disciplinary punishment are restored in the previous military rank according to the Disciplinary Regulations of the Armed Forces of Ukraine.

40. Disrating the officers, their reduction to the military rank to one degree according to the procedure of disciplinary punishment and restoration in the previous military rank up to the colonel inclusive is conducted by the Head of the Security Service of Ukraine.

The rights of chiefs (commanders) to reduce the military rank, reduce the military rank to one degree as disciplinary punishment and to restore in the previous military rank of the soldier, sergeants and sergeant-majors, ensigns (warrant officers) are determined by the Head of the Security Service of Ukraine.

#### **PART IV. APPOINTMENT TO THE POSTS AND SERVICE TRANSFERS**

41. The military posts subject to filling with servicemen, and military ranks relevant to these posts are determined by special muster-rolls and are provided in the lists of members of the staff.

The list of the military posts subject to filling with supreme officer personnel in the security service of Ukraine, is approved by the President of Ukraine upon the submission of the Head of the Security Service of Ukraine, and the posts of other servicemen – by the Head of the Security Service of Ukraine.

Individual military posts in the peace time (on terms of the urgent labour contract) can be replaced with civilians according to the procedure and by the rules established by the Head of the Security Service of Ukraine.

42. Appointment to the posts of deputy chiefs of the Security Service of Ukraine, chiefs of the units of the Central administration (according to the legislation), regional organs and the rector of the National academy of the Security Service of Ukraine is carried out by the President of Ukraine upon the submission from the Head of the Security Service of Ukraine.

43. Servicemen are appointed to the established posts by their direct chiefs according to the procedure established by the Head of the Security Service of Ukraine.

Appointment of servicemen for the posts and their service transfers is carried out with the observance of following requirements:

- a. Posts of officers are filled with officers doing military service, taking into account their experience by means of professional selection on a competitive basis. Replacement of these posts by ensigns and employees of the Security Service of Ukraine is allowed according to the procedure determined by the Head of the Security Service of Ukraine;
  - b. In case of appointment to the posts and in all cases of service transfers of servicemen, their basic or related specialisation or the obtained experience should be ensured and taken into a consideration when offered employment;
  - c. Service transfers of servicemen are carried out, as a rule, without enlisting them to the authority of the relevant chiefs (commanders). Appointment to the posts of the servicemen who are being at the disposal of the relevant chiefs (commanders), is conducted in possible short term and no later the terms specified in item 48 of these Regulations. Graduates of higher military educational establishments are appointed to the relevant vacant posts upon termination of these institutions, and enlisted according to the procedure of the relevant chiefs (commanders) - directly upon their arrival at the organ (unit) from the leave given in connection with the expiration of a military educational establishment. Reservists and women who are enlisted in military service are appointed to the posts from the date of their arrival at the organ (unit) for service, but no earlier than the day, following the day they get discharged from the previous place of work;
  - d. In case of the urgent need to replace a vacant post for the period of the servicewoman's leave in connection with pregnancy, delivery and on care of the child, and in other cases of a long absence of the servicemen, the direct chiefs having the right to issue personnel orders, can assign the performance of duties on the post to other servicemen on a temporary basis;
  - e. Necessity and promptness of moving of the servicemen, who have not reached the military service age limit and are regarded by the military-medical commissions as partially fit for military service, from the posts occupied by them on other posts, duties on which they can execute taking into account the state of health, training and experience of service, is determined by the relevant direct chiefs on the basis of the findings of the military-medical commission;
  - f. Service transfers in an other district of the servicemen who have not reached the military service age limit and are recognized by the military-medical commissions as fit or partially fit for military service, but requiring on the condition of health or for health reasons of their members in changing the place of service (residence), is carried out upon the decision of the relevant chiefs on the basis of the findings of the military-medical commission;
  - g. To the servicemen belonging to a family (parents, spouses, brothers, sisters, children, and also brothers, sisters, parents and children on the part of the other spouse), it is not allowed to serve in one unit (military unit) doing military service by them is related to the direct subordination of one of them to another;
  - h. Appointment of servicemen combining several posts in organs, units, military units, establishments, military educational establishments is forbidden, except for the cases determined by the Head of the Security Service of Ukraine.
44. Service transfers of servicemen are carried out:
- a. To the supreme posts - according to the service promotion;

- b. To the equal posts - in case of carrying out a planned replacement in locations with the established term of service, service necessity, in connection with staff reduction or carrying out of organisational activities, for more expedient use of servicemen - upon the decision of the relevant chiefs (commanders), for family reasons - under the request of the servicemen, and for health reasons - on the basis of the findings of the military-medical commission;
  - c. related to the entrance to a military educational establishment with dismissal from the post, and also in case of appointment to the post after graduation;
  - d. To the lower posts - on the bases stipulated by item 46 of these Regulations.
  - e. The post is considered higher if the post envisages a higher military, and in the case of equal military ranks - higher official salary, lower - if this post envisages lower military rank, and in case of equal military ranks - lower official salary. In case if the staff envisages two military ranks or if the official salary is differentiated, the higher military rank or official salary is taken to account.
45. Promotion of servicemen is carried out taking into account their professional, business and moral qualities, the reached results on the sites-in-charge, ability to carry out the task in difficult conditions of service, the state of health.

For replacement of vacant posts, promotion and sending of the servicemen for study in organs (units, military units) a reserve of candidates for promotion and directions for study is created.

Questions on issues of candidates who are recommended for appointment for supervising posts from the deputy chief of the management, equal to such post and above are examined by the board of the Security Service of Ukraine.

Service transfers of the servicemen convicted to service restrictions for servicemen to supreme posts doesn't take place.

46. Moving of servicemen from supreme posts to lower is carried out:

- a. In connection with staff reduction or carrying out of organisational activities;
- b. For health reasons - on the basis of the findings of the military-medical commission;
- c. Proceeding from professional and business qualities;
- d. According to the procedure disciplinary punishment according to the Disciplinary Regulations of the Armed Forces of Ukraine;
- e. For reasons for age, family circumstances or for other valid reasons – upon the request of the servicemen.

Moving of servicemen from supreme posts to lower according to subitems "a", "b", "c", "e" of this item is carried out by direct chiefs within the limits of the rights given to him/her to the appointment to the post provided there is no opportunity to appoint the servicemen on an equal post in the relevant organ (unit, military unit).

Moving of servicemen - participants of liquidation of consequences of the Chernobyl nuclear power station accident from supreme posts to lower without their consent is not allowed, except for the bases stipulated by subitems "c", "d" of this item. In case of staff reduction or carrying out of organisational activities these persons use the priority to stay in the place of service or the prime right to be appointed to vacant posts. If they are moved on the post with a lower official salary they keep the previous official salary in a new place of service, but no longer than for one year .

Appointment with the reduction to the post as disciplinary punishment is carried out by the chiefs to whom such right is given by the Disciplinary Regulations of the Armed Forces of Ukraine.

According to the personnel order on moving the servicemen to a lower post the basis for moving stipulated by this item is underlined.

The servicemen moved from supreme posts to lower, at a later time can move ahead on service taking into account requirements of item 43 of these Regulations and the state of health, and reduced to the post according to the procedure of disciplinary punishment, besides - after removal of disciplinary punishment. The servicemen who are moved to lower posts in connection with the staff reduction and meeting the requirements for filling the posts, equal to the previous posts, use the right to priority of promotion.

47. Servicemen who undergo service transfer, should leave to a new place of service after handing over their duties and the post, but no later than one month from the date of receiving the order on service transfers by the organ (unit, military unit), except for cases when the servicemen is on leave, on a business trip or on treatment.

48. The transfer of servicemen at the disposal of the relevant chiefs (commanders) is allowed:

- a. By the service necessity (upon graduation from higher military educational establishment of the Security Service of Ukraine, in case of transfer of servicemen to a new place of service, etc.) - up to 1 month;
- b. In case of staff reduction or carrying out of organisational activities - up to 3 months;
- c. In case if the servicemen is subject to investigation, pre-judicial investigation or criminal case examination by court - before closing the case by organ of investigation or pre-judicial investigation or through the decision of the verdict court;
- d. After the term of business trip of the servicemen in executive organs, the enterprise and the organisation has expired, upon the return from the long-term foreign official journey - up to 2 months;
- e. In case the servicemen is recognized by the military-medical commission as unfit for military service - for the period necessary for preparing the materials to discharge;
- f. In the absence of data on the stationing of the servicemen over one month - before its returning to the organ (unit, military unit) or about day of its exclusion from muster-rolls of the Security Service of Ukraine according to item 71 of these Regulations;
- g. In case of discharge of the servicemen from performing official duties for the infringement of military discipline - for the period necessary for carrying out service investigation (check) and adoption of the relevant decision.

After the term the servicemen has been at the disposal of the relevant chief expires (commander), and also in case when the bases for such transfer have disappeared, he/she is appointed to the post according to the procedure established by these Regulations.

Servicemen are exempt from posts and enlisted according to the procedure of the relevant chiefs (commanders) by personnel orders of those chiefs which have the right for appointment to these posts.

Time of stay of the servicemen on treatment, in consecutive and the additional leaves established by the legislation is excluded from the total duration of the period of stay at the disposal of the relevant chiefs (commanders).

The servicemen enlisted according to the procedure at the disposal of the relevant chiefs (commanders) have all kinds of material and fiscal allowance according to the positions they had had before, if other is not stipulated by the legislation.

49. Servicemen can be transferred from Security Service of Ukraine to the Armed Forces of Ukraine and other military formations with exclusion from muster-rolls of the Security Service of Ukraine as agreed between Security Service of Ukraine and the relevant military formation.

## **PART V. CERTIFICATION**

50. To ensure correct selection, arrangement, education, updating of training of servicemen, an objective and principled estimation of their vocational education, business and moral qualities, define the conformity to the posts and prospects of service use, the creation of the reserve of candidates for promotion and directions for study certification of servicemen is conducted.

51. Certification of servicemen in the peace time is conducted before the expiration of term of the contract (no later than 3 months), but no less than once in 5 years. Upon the decision of the Head of the Security Service of Ukraine certification of all servicemen or their individual categories can be conducted and in other terms.

Certification of graduates of higher military educational establishments of the Security Service of Ukraine, post-graduate students is conducted directly before the termination of study. On the year of graduation from the higher military educational establishment, postgraduate study at a new place of service they are not certified.

52. Servicemen are certified by their direct chiefs from among officers. Certifying commissions take part in the certification of servicemen.

The chiefs certifying the subordinates are personally accountable for objectivity of certifications and validity of the findings set up in them and recommendations.

The approved certifications are announced to the certified servicemen by their direct chiefs. The complaint regarding the procedure in which the certification was conducted and bias of certification can be submitted according to the established procedure no later than in a monthly term from the date of announcement of certification. The decision on the complaint is adopted by the chief who has approved certification. This decision can be appealed against by the servicemen according to the established procedure. In case of the complaint has been recognized as valid, alterations are brought in to the certification or a new certification is made.

Servicemen are obliged to eliminate the lacks specified in certifications. Direct chiefs should demand from servicemen to eliminate the lacks and help them in doing it, provide implementation of the attestative findings taking into account practical activities of the servicemen after certification.

The servicemen moving along in service are subject to information which states that awarding military ranks according to the procedure of certification according to item 35 of these Regulations, transfer to the reserve or retirement during the inter-attestative period, data which will characterize the servicemen, not displayed in previous certification, but necessary for an adoption of a decision are specified in representative offices to moving, awarding of military ranks or discharge. When sent for a study, and also in other cases, a new reference for the servicemen is drafted on demand from direct chiefs, should the time of the previous reference exceed a year or more.

The servicemen attached to executive organs, other enterprises and organisations, are not subject to attestation.

The procedure of carrying out the certification of servicemen is determined by the Head of the Security Service of Ukraine.

## **PART VI. LEAVE**

53. In the peace time the servicemen are given the following leaves:

a. Annual:

- Consecutive;
  - Additional for the special nature of service and work under harmful and heavy working conditions;
  - Other additional leaves stipulated by the legislation;
- c. In connection with the graduation from a military educational establishment;
- d. Additional in connection with part-time training in a higher educational establishments;

e. Creative;

f. Social:

- Maternity leave;
- Child care leave;
- Additional to the female servicemen having children;
- Related to illness;

g. For family and other valid reasons.

54. The duration of the consecutive leave for the servicemen, who have served up to 10 years in calendar calculation makes 30 calendar days, from 10 up to 20 years - 35 calendar days, from 20 up to 25 years - 40 calendar days, 25 and more years - 45 calendar days annually without taking into account the time necessary for travel to the place of leave and back.

The consecutive leaves are given to the handicapped servicemen, and also participants in combat operations and the persons equal to them irrespective of the term of duty by duration of 45 calendar days for the time convenient for them.

Holidays and days off specified in Article 73 of the Code of labour laws of Ukraine are not included in the calculation of the duration of leaves.

The servicemen who have fallen ill during the consecutive leave have their leave prolonged after the recovery for the period not used in connection with illness.

In case of granting to the servicemen of the consecutive leaves, leaves for family and other valid reasons, as well as those related to illness the time for travel to the place of leave and back is given in addition.

55. Annual leaves should be given within a calendar year. In special cases by authority of the Head of the Security Service of Ukraine the consecutive leave (or its part which was not used) can be given for the previous year in the following to year if it had not been given before by virtue of exclusive circumstances.

Leave by duration of 40 and more calendar days upon request of servicemen can be divided into two parts provided that the basic part makes no less than 30 calendar days.

The rights of chiefs (commanders) on granting leaves, and also the procedure of their granting are determined by the Head of the Security Service of Ukraine taking into account the necessity of maintenance of constant combat readiness of organs, elements and military units of the Security Service of Ukraine.

The servicemen whose candidatures are approved for long-term foreign official journeys or for study are given the consecutive leave taking into account its full use before the departure for business trips or entrance to an educational establishment.

The servicemen who are being on long-term foreign official journeys are allowed to join, upon their request, the consecutive and additional leaves for the previous and current years. At transfer of the specified persons on service the combined leave not used by them (or its not used part) is given in a new place of service (new post).

56. The duration of the leave in the year of enrolment in the military service is calculated proportionally to the time from the date of enrolment and up to the completion of the calendar year at the rate of 1/12 of duration of the leave to which they have the right according to item 54 of these Regulations per each full month of service. At that the servicemen having the right for the leave of 10 and more calendar days have the return fare paid and the time for the travel given in addition.

Servicemen who leave military service, except for the persons discharged for the reasons for age, health or in connection with staff reduction, the consecutive leave is given at the rate of 1/12 of duration of the leave they have the right to according to item 54 of these Regulations per each full month of service on the year of discharge. At that the return fare or the chosen residence is paid and time for road taking into account the requirements established by paragraph 1 of this item is given in addition.

The servicemen, who leave military service for the reasons for age, health or in connection with staff reduction on the year of discharge are given the consecutive leave by the duration established by item 54 of these Regulations.

The servicemen, whose orders of dismissal are signed in past to year, but who were not excluded from muster-rolls are not given the leave for the period of service in the current year.

57. The recall of servicemen from the consecutive leave is allowed only in case of extreme service necessity. The procedure of recall of servicemen from the consecutive leaves is determined by the Head of the Security Service of Ukraine. Not used part of leave is given to the servicemen, as a rule, in the current year. If the not used part of leave makes 10 and more calendar days the servicemen have the fare to the place of leave and back, but not further than the point from which he/she was recalled paid, and also time for road given in addition.

58. Annual additional leaves for special character of service and work with harmful and heavy working conditions are given to servicemen by duration and according to the procedure determined by the Head of the Security Service of Ukraine. These leaves can be used simultaneously with the consecutive leaves or in other term taking into account wish of the servicemen and interests of service.

The list of posts and duties entitling persons who occupy or execute them on annual additional leave for special character of service and work with harmful and heavy working conditions is determined by the Head of the Security Service of Ukraine.

The servicemen having the right for both annual additional leave for special character of service and work with harmful and heavy working conditions and for additional leave on other bases stipulated by the legislation are given leaves at their choice on one of the bases.

The servicemen ascribed to 1 and 2 categories of citizens suffering from Chernobyl accident are given an additional leave of 14 working days per year.

59. Leaves in connection with the graduation from military educational establishments to persons awarded the first officer rank are given until their direction to the place of service by duration of 30 calendar days without taking into account the time necessary for travel to the place of leave and back to the place of service. These leaves are included in the leave for the current year.

60. The servicemen admitted to entrance examinations in higher educational establishments with evening and correspondence forms of training are given leaves of 15 calendar days without taking into account the time necessary for travel to the educational establishment and back. The specified leave is given to the servicemen on the basis of the notice signed by the head of an educational establishment about admittance to entrance examinations.

The servicemen who successfully study in part-time higher educational establishments are given additional leaves:

- a. For the period of orientation section, laboratory works, credit and examination sessions for the first and second year in higher educational establishments:
  - of I-II levels of accreditation with the evening form of training - 10 calendar days;
  - of III-IV levels of accreditation with the evening form of training - 20 calendar days;
  - Irrespective of the level of accreditation with the correspondence form of training - 30 calendar days;
- b. For the period of orientation section, laboratory works, credit and examination sessions for third and subsequent years in higher educational establishments:
  - of I-II levels of accreditation with the evening form of training - 20 calendar days;
  - of III-IV levels of accreditation with the evening form of training - 30 calendar days;
  - Irrespective of the level of accreditation with the correspondence form of training - 40 calendar days;
- c. For the period of graduation examination sessions in higher educational establishments irrespective of the level of accreditation - 30 calendar days;
- d. For the period of training and defence of the degree project (thesis) for the servicemen studying in higher educational establishments with the evening and correspondence form of training of I - II levels of accreditation - two months, and in higher educational establishments of III - IV levels of accreditation - four months.

Duration of additional paid leaves to the servicemen receiving second (following) higher education in the correspondence (evening) educational establishments of advanced education and higher educational establishments having a unit of advanced education is determined as for the persons of the third and subsequent years of a higher educational establishment of the relevant level of accreditation.

The leaves stipulated by subitems “a” and “b” of this item are given within the academic year.

61. Creative leaves are given to officers who work for scientific degrees of the candidate of sciences or doctor of sciences for completion of dissertational works, writing of textbooks and in other cases stipulated by the legislation.

Duration, procedure and conditions of granting of creative leaves are established by the Cabinet of the Ministers of Ukraine.

62. Female servicemen are granted pregnancy and delivery leaves with preservation of money allowance and endowment of: up to the delivery - 70 calendar days; after the delivery - 56 calendar days (70 calendar days - in case of birth of two and more children and in case of complication of the delivery), since day of delivery.

Upon termination of maternity leave upon request of the service-woman she is granted the child care leave before he/she attains three years (with payment of the allowance on the state social insurance). In case if the child requires home care the service-woman are granted child care leave without preservation of money allowance and endowment by the duration determined in the medical findings, but no longer than before the attainment of six years by the child. The time of these leaves is included in the terms of service qualifying for military ranks, period of service qualifying for payment of the percentage long-service bonus, and also in the term of duty qualifying for pension.

Before maternity leave or directly after it female servicemen are given the consecutive leave for the current year.

The consecutive leave in the year of the expiration of the child care leave is calculated proportionally to the time from the date of the expiration of this leave and up to the end of the calendar year at the rate of 1/12 of duration of the leave they have the right for according to item 54 of these Regulations per each full month of service. At that if the duration of leave makes 10 and more calendar days the fare to the place of leave and back is paid and the time for road is given in addition.

The female servicemen having two and more children in the age under 15 years or child-invalid by their request are annually given an additional leave of 5 calendar days without taking into account days off. Such leave can be given to the service-woman who adopted the child, to the servicemen-father educating the child without mother (including in case of a long stay of mother in medical establishment), and also to the servicemen who have taken a child under trusteeship.

63. Leaves in connection with illness are given to servicemen on the basis of the findings of the military-medical commission.

Duration of leave in connection with illness is determined by the character of disease. As a whole the time of unbroken medical establishment stay and the stay on leave in connection with illness should not exceed four months, except for cases when the legislation stipulates longer terms of treatment on individual diseases. After the specified term of unbroken medical establishment stay and the stay on leave in connection with illness expires the servicemen are subject to examination by the military-medical commission for settlement of the question about their validity to military service. In case of recognition of servicemen unfit for military service in the peace time or unfit for military service with excluding from the military registration, they can be transferred to the reserve or in retirement before their discharge from the medical establishment.

There is not conducted the transfer to the reserve or in retirement of servicemen during their medical establishment stay and stay on leave in connection with illness within the limits of the terms stipulated by this item.

64. Leaves for family reasons and for other valid reasons are given to servicemen for 10 calendar days without taking into account the time necessary for travel to the place of leave and back.

## PART VII. DISCHARGE

65. Discharge of servicemen from military service is carried out:

- a. To the reserve of the Security Service of Ukraine – of officers if they have not reached reserve age limit and are fit for military service in peace or the wartime for the health reasons;
- b. To the reserve of the Armed Forces of Ukraine:
  - Ensigns (warrant officers), privates, sergeants and sergeant-majors if they have not reached the reserve age limit and for the health reasons are fit for military service in peace or wartime;
  - Officers if they have not reached the reserve age limit and for the health reasons are fit for military service in peace or wartime in case of inexpediency of their use in the reserve of the Security Service of Ukraine or by their request;
- c. Into retirement if they have reached the reserve age limit or are recognized by the military-medical commissions unfit for the health reasons for military service with striking off the military registration.

Discharge of servicemen from military service is carried out on the bases stipulated by items 66 and 67 of these regulations, as a rule, without transfer at the disposal of relevant chiefs (commanders).

The decision on transfer to the reserve or retirement is brought to the notice of servicemen, as a rule, no later than two months before discharge. Direct and other chiefs conduct personal meeting with them.

The procedure of discharge of servicemen from military service is determined by the Head of the Security Service of Ukraine.

66. The contract is terminated (cancelled), and the servicemen serving on contractual basis discharge from military service:

- a. After expiration of the term of the contract;
- b. For the reasons for age - in case of attainment of the military service age limit;
- c. For the health reasons - on the basis of the findings (decision) of the military-medical commission on unfitness or the partial fitness for military service;
- d. In connection with staff reduction - in case of impossibility to use on service in connection with staff reduction or carrying out of organisational activities;
- e. For family reasons or for other valid reasons determined by the Cabinet of the Ministers of Ukraine;
- f. For the reasons for service non-compliance;
- g. In connection with regular default on terms of the contract by the servicemen;
- h. In connection with regular default on terms of the contract by the command;
- i. In connection with the verdict of guilty of the court which have entered validity.

67. The officers doing regular military service discharge from military service:

- a. For the reasons for age - in case of attainment of the military service age limit;
- b. For the health reasons - on the basis of the findings (decision) of the military-medical commission on unfitness or partial fitness for military service;
- c. In connection with staff reduction - in case of impossibility to use on service in connection with staff reduction or carrying out of organisational activities;
- d. For family reasons or for other valid reasons determined by the Cabinet of the Ministers of Ukraine;

- e. At their own will - in case they have served no less than 5 years in calendar calculation;
  - f. For the reasons for service non-compliance;
  - g. In connection with the verdict of guilty of the court which have entered validity.
68. The servicemen has the right to institute the petition against discharge in case of essential or regular default on terms of the contract for doing of military service by the command.

The servicemen whose contract was cancelled preterm has the right to appeal against this decision according to the procedure established by the legislation. The appeal does not stop the execution of the decision.

In case of recognition of the decision on preterm cancellation of the contract (discharge) unlawful the servicemen are restored in the post occupied before or in the equal post.

69. Servicemen subject to investigation, pre-judicial investigation or criminal case examination by court are not liable for discharge according to subitems "P", "g" of item 66 and subitem "P" of item 67 if the bases for discharge are the activities of servicemen subject to investigation, pre-judicial investigation or criminal case examination by court before the termination of investigation or pre-judicial investigation by the organ conducting it or the verdict of the court.

The servicemen discharged from military service in connection with the verdict of guilty of court which entered validity in case of its cancelling according to the established procedure and the termination of the case are restored to military service.

70. Servicemen who died, were lost or are declared as missing according to the established procedure are excluded from muster-rolls of the Security Service of Ukraine according to the procedure determined by the Head of the Security Service of Ukraine.

Exclusion from the muster-rolls of the Security Service of Ukraine of persons belonging to the officer personnel recognized as missing or dead is carried out by the Head of the Security Service of Ukraine on the basis of the relevant court decision.

71. Discharge of servicemen from military service is carried out:

- a. Privates, sergeants and sergeant-majors serving on contractual basis – by the commanders of military units, chiefs of regional organs, organs of military counter-intelligence of the Security Service of Ukraine and other officials according to the rights determined by the Head of the Security Service of Ukraine;
- b. Ensigns (warrant officers) – by deputy chiefs of the Security Service of Ukraine, chiefs of regional organs, organs of military counter-intelligence of the Security Service of Ukraine and other officials according to the rights determined by the Head of the Security Service of Ukraine;
- c. Officers:
  - In the military ranks up to lieutenant colonel inclusive, except for discharge on the grounds of staff reduction – by the first deputy chief of the Security Service of Ukraine. Discharge of the specified officers related to staff reduction is carried out by the order of the Head of the Security Service of Ukraine;
  - In the military ranks from colonel up to lieutenant-general – by the Head of the Security Service of Ukraine;
  - In military ranks of colonel-general, general of army of Ukraine – by the President of Ukraine.

72. The officers, ensigns (warrant officers) who have irreproachably served for 20 and more years (in preferential calculation), and have special merits before the state, irrespective of the term of duty at transfer to the reserve or into retirement by the order of the chiefs carrying out the discharge are given the right to wear military uniform, except for the persons discharged from military service according to subitems “f”, “g”, “i” of the item 66, subitems “f”, “g” of the item 67 of these Regulations.

The day of discharge of servicemen from military service to the reserve or into retirement is considered to be the day from which they, by the order of the organ (element, military unit), are excluded from the muster-rolls.

## **PART VIII. FEATURES OF UNDERGOING THE MILITARY SERVICE BY OFFICERS, ENSIGNS AND WARRANT OFFICERS ATTACHED TO EXECUTIVE ORGANS, ENTERPRISES AND ORGANISATIONS**

73. Officers, ensigns and warrant officers of the Security Service of Ukraine can be attached to executive organs, enterprises and organisations to perform.

The list of posts in organs and establishments which can be replaced by servicemen, with the indication of their amount and limiting military ranks on these posts is approved: for persons of supreme officer personnel – by the President of Ukraine, for other servicemen – by the Cabinet of the Ministers of Ukraine.

74. Selection of officers, ensigns (warrant officers) for replacement of the posts specified in item 73 of these Regulations is carried out by the management of the Security Service of Ukraine together with the heads of the relevant executive organs, enterprises and organisations.

There can be attached only those persons who have not reached the military service age limit, have high professional, business and moral qualities and have positive character certificate.

The decision on attachment is adopted by the Head of the Security Service of Ukraine upon agreement with heads of the relevant organs, enterprises and organisations.

75. The attached servicemen and members of their families have the guarantees and privileges stipulated by the legislation kept for them.

Payment of official salaries, military rank salaries, welfare, all kinds of increments and compensations the servicemen have the right for, and also giving bonuses to the attached servicemen is carried out at the expense of executive organs, enterprises and organisations they are attached to, at the rate established by the legislation.

The servicemen attached to the Administration of the President of Ukraine, except for official salaries paid in the place of attachment, are paid all other kinds money allowance and bonuses at the expense of the budget of the Security Service of Ukraine.

Extraordinary pecuniary recompense for ensuring high combat readiness of troops, exemplary performance of official duties and irreproachable military discipline are not paid to the attached servicemen.

The attached servicemen enlisted at the disposal of the relevant chiefs (commanders) from the date of returning to the Security Service of Ukraine, but no earlier than the day from which they received money allowance or wages in the

previous place of work, and before appointment to the posts, transfer to study in educational establishments or discharge are paid money allowance according to the posts they held at the Security Service of Ukraine before attachment.

76. The attached servicemen receive appropriate kinds of material allowance (clothing, food or indemnities instead of them, payment of travel to the place of leave and back, health services, indemnification for rent of habitation) at the expense of the Security Service of Ukraine according to the norms and procedures established for the relevant categories of servicemen in the previous place of service or in the nearest organ (military unit) in the place of their work.

77. The pension of the servicemen transferred to the reserve or into retirement is granted in accordance with general practice stipulated by the legislation for servicemen. Calculation of pensions is carried out proceeding from the sum of money allowance on the posts the servicemen held in executive organs, enterprises and organisations, or, upon request of servicemen, from the money allowance on posts they had held before attachment.

## **PART IX. MILITARY DUTY IN THE RESERVE**

78. Performance of military duty in the reserve in the peace time is based on following the procedures and rules of the military registration, doing periodical training, preserving and updating by reservists of knowledge, skills and the skills necessary for performance of duties of military service in the wartime according to military-registration or civil specialties.

79. The reserve of the Security Service of Ukraine consists of:

- a. The security officers of Ukraine transferred from the military service to the reserve;
- b. The reserve officers transferred from the reserve of the Armed Forces of Ukraine to the reserve of the Security Service of Ukraine;
- c. Reservists transferred from the reserve of the Armed Forces of Ukraine to the reserve of the Security Service of Ukraine for the subsequent enrolment in the military service at the Security Service of Ukraine.

80. Reserve officers of the Security Service of Ukraine are registered with regional organs of the Security Service of Ukraine.

81. Officers stay in the reserve before attainment of the age limit established by the Law of Ukraine "On universal military duty and military service". The servicemen recognized by the military-medical commission unfit for the health reasons for military service in the peace time, partially fit in the wartime are registered with the reserve of the second category. The officers who have reached the age limit of the reserve of the second category or recognized by the military-medical commissions as unfit for military service for the health reasons in the wartime are excluded from the military registration by orders of relevant regional organs chiefs of the Security Service of Ukraine and transferred into retirement.

82. Reserve officers of the Security Service of Ukraine are called up to educational (or test) and special periodical training.

Officers of the reserve who did not do military service as officers, and also the reserve officers discharged from military service before gaining the right for long-service pension, during the stay in the reserve can be called up to refresher courses:

- The first category - three times for two months each time;

- The second category - twice for one month each time.

Time and terms of carrying out refresher courses of reserve officers are determined by the Head of the Security Service of Ukraine according to the Law of Ukraine “On universal military duty and military service”.

Reserve officers at the time between refresher courses according to the plan of the Security Service of Ukraine can be involved in the periodical training for 10 days both part-time and full-time.

The total term of the periodical training during the service in the reserve cannot exceed 10 months. At that, the overall time at study trainings is also included into the total term of the periodical training.

Should the President of Ukraine accept the decision on the introduction of state of emergency in specific areas in Ukraine, and announce individual districts of Ukraine as the zones of ecological emergency, reservists can be called up by the President of Ukraine for special periodical training for the term of no longer than two months.

Exemption of reserve officers from refresher courses is carried out in accordance with Article 30 of the Law of Ukraine “On the universal military duty and military service”.

83. The reserve officers called up for periodical training are provided with monetary and material means according to the procedure and at the rates established by the Cabinet of Ministers of Ukraine.

The reserve officers called up for the periodical training have the place of work, the post and average earnings kept for him/her for the whole period of periodical training, including the time of travel to the venue and back.

If the reserve officer fell ill during the periodical training and is still ill after the training is over, he/she has the place of work and the post kept for him/her, while, according to legislation, upon the termination of the training, the wages is substituted with allowance should the officer be temporarily invalid.

Reserve officers who at the date of the call up for the periodical training do not work are paid money allowance at the rate of minimal wages at the expense of the Security Service of Ukraine for the whole period of periodical training, including the time of travel to the venue and back.

84. Terms of service qualifying for military ranks for reserve officers are established as follows:

- junior lieutenant, lieutenant - 3 years
- senior lieutenant, captain - 4 years
- major - 5 years
- lieutenant colonel - 6 years.

85. The consecutive military ranks up to the senior lieutenant inclusive are awarded to reserve officers after expiration of the terms of service in the previous rank established by item 84 of these Regulations.

The consecutive military ranks from the captain up to the colonel inclusive are awarded to reserve officers after the expiration of service in the previous rank established by item 84 of these Regulations terms and under the stipulation of successful performance refresher courses on the post corresponding to the consecutive rank.

The reserve officers who have not done refresher courses during their stay in the military rank are awarded the consecutive ranks from the captain and above should they have necessary operational experience in specialties related to the service activity

or experience of service on the posts of the officer personnel taking into account the posts they are intended for in the wartime.

86. The consecutive military ranks are awarded to reserve officers by officials specified in item 29 of these Regulations.

87. The consecutive military ranks to reserve officers are awarded sequentially. Individual reserve officers with high professional standard and wide record of service on the specialisation applied in the activity of organs of the Security Service of Ukraine as an exception can be awarded once for the whole period of service in the reserve the consecutive military rank ahead of schedule after no less than half of the target period of service in the previous military rank or the military rank one degree above after no less than two established periods of service in the previous rank have been completed, but not above the rank stipulated on the posts to which they are intended for in the wartime.

Reserve officers while enrolment to the military service as an exception can be awarded, by the Head of the Security Service of Ukraine, a military rank one degree above the rank they already have irrespective of the period of service stipulated by item 84 of these Regulations but not above the rank stipulated they are intended to be promoted for.

88. Submissions on awarding consecutive military ranks to reserve officers are put forward:

- To the officers who on the wartime are intended for appointment to the units of the Central administration of the Security Service of Ukraine – by the chiefs of the relevant units of the Central administration from the head of department and above;
- To the officers who on the wartime are intended for appointment to regional organs, organs of military counter-intelligence, military units and establishments of the Security Service of Ukraine – by the chiefs of the relevant organs (elements, military units).

89. The Security Service of Ukraine officers who move for permanent residence outside Ukraine institute the petition for transfer to the reserve of the Armed Forces of Ukraine, and also the officers convicted of commitment of crimes and indemnified with test, or in case of occurrence of other circumstances interfering with the use of the reserve officer in organs of the Security Service of Ukraine are subject to striking off the military registration.

90. The following officers are subject to exclusion from the military registration with the Security Service of Ukraine:

- Recognized by the military-medical commissions as unfit for military service in the wartime;
- Those who have reached the reserve age limit;
- Those who have given up the citizenship of Ukraine;
- Convicted to imprisonment or custodial restraint for commitment of grave crimes;
- Those who died.

## **PART X. FEATURES FOR UNDERGOING MILITARY SERVICE IN THE WARTIME**

91. Servicemen do military service in the wartime taking into account the features stipulated by these Regulations and other relevant normative-legal acts.

92. In case of the announcement of mobilisation:

- a. Servicemen continue to do military service, except for the female servicemen who have children of under 16 years if they have not expressed the desire to continue service. The reserve officers on the periodical training continue to do it until further notice. Orders on discharge of the servicemen not excluded from muster-rolls of the organ (element, military unit) are subject to cancellation, except for orders on retirement for the health reasons. The specified servicemen start the performance of duties on the previous posts and if these posts are filled they are used under the instruction of chiefs (commanders) of organs (elements, military units). The discharge on the ground of expiration of the term of contract is suspended until further notice;
- b. All leaves, except for the leaves in connection with illness, pregnancy and delivery, child care are suspended and the servicemen on leaves are obliged to come back immediately to the place of service;
- c. Replacement of the servicemen serving in districts with the established term of service is suspended;
- d. Reservists arrive at points specified in mobilisation instructions or the received summonses to the determined terms;
- e. The servicemen doing military service and transferred to other posts according to the lists of members of the staff of the wartime, and also reservists attached to organs (elements, military units) of the Security Services of Ukraine start the performance of duties on these posts according to the mobilisation appointment.

The persons who have not come back from leave in due time without valid excuse or have not appeared after the announcement of mobilisation in the specified items within the determined terms are brought to account according to the legislation.

93. The call up of reservists for the military service in case of mobilisation and the subsequent call-ups are conducted by regional organs of the Security Service of Ukraine on the basis of the President's decrees

94. The ensigns and warrant officers personnel are re-manned with persons awarded the military ranks of ensigns or warrant officers during the wartime.

The military rank of the ensign or warrant officer in the wartime is awarded:

- a. To soldiers, seamen, sergeants and sergeant-majors with higher completed secondary and special education appointed to the posts of ensigns and warrant officers;
- b. To women with higher or complete secondary and special education appointed to the posts of ensigns (warrant officers).

The military rank of the senior ensign (the senior warrant officer) is awarded to ensigns (warrant officers) having served on the posts subject to filling with senior ensigns (senior warrant officers) or officers for no less than 3 months.

95. Military ranks of ensigns (warrant officers) in the wartime are awarded by direct chiefs from the chief of unit of the Central administration (who has the right to issue personnel orders) and above, chiefs of regional organs, organs of military counter-intelligence, military educational establishments of the Security Service of Ukraine and military educational departments of the Security Service of Ukraine at higher educational establishments.

96. The officer personnel of the Security Service of Ukraine in the wartime are re-manned with:

- a. The reserve officers of the Security Service of Ukraine called up for military service in conformity with Article 39 of the Law of Ukraine “On the universal military duty and military service”;
- b. The servicemen who graduated from the relevant military educational establishments of the Security Service of Ukraine and are awarded the officer rank;
- c. The officers of the Armed Forces of Ukraine and other military formations transferred to do service at the Security Service of Ukraine according to the established procedure;
- d. The servicemen appointed to officer posts, successfully performing duties on these posts and awarded the officer rank;
- e. The women who have higher education related to the relevant military specialisation, called up for or enlisted in the military service the Ukrainian Security Service and are awarded the officer rank.

97. The first and the consecutive military officer ranks in the wartime are awarded to the servicemen:

- a. From the junior lieutenant up to the captain inclusive – by chiefs of regional organs, organs of military counter-intelligence;
- b. Up to the lieutenant colonel inclusive – by deputy chiefs of the Security Service of Ukraine;
- c. Up to the colonel inclusive – by the Head of the Security Service of Ukraine.

98. The periods of service in military ranks qualifying for officers who perform the official duties are in the field army and in active troop formations and units of the Navy of Ukraine are established as follows:

- junior lieutenant, lieutenant - 1 year
- senior lieutenant, captain, major, lieutenant colonel - 1 year and 6 months.

At awarding of the consecutive military ranks in the wartime to the officers of the field army, working troop formations and units of the Navy of Ukraine the period of service in the military ranks established by item 34 of these Regulations are applied.

99. In the wartime certification of officers is conducted in case of their service transfers to other organs (elements, military units) of the Security Service of Ukraine, as well as on demand of direct chiefs. Certification is approved by the direct chief of the person who has signed the certification, but not lower than the chief of department or commander of military unit without its consideration by the certifying commission.

Certification of ensigns and warrant officers, privates, sergeants and sergeant-majors in the wartime is not conducted.

100. In the wartime, in cases of necessity there can be granted leaves for 10 calendar days without taking into account the time necessary for travel to the destination and back:

- Generals, admirals and officers occupying the posts of chiefs of the units of the Central administration, regional organs, organs of the military counter-intelligence, persons equal to them and above – by the Head of the Security Service of Ukraine;
- Other servicemen – by the direct chiefs from the head of the department of the Central administration, regional organ, organ of the military counter-intelligence, persons equal to them and above.

101. In the wartime the treatment of servicemen should be completed at the medical establishment. In exceptional cases on the basis of the findings of the military-medical

commission the serviceman is given a 30 day sick leave by the chiefs of organs of the Security Service of Ukraine (and in case of exclusion from muster-rolls – by the chief of a military-medical establishment). Upon the expiration of this term and referring to the findings of the military-medical commission, the sick leave can be prolonged for the same term, and upon the relevant medical indications it can be prolonged once again. As a whole the sick leave should not exceed three months. Upon termination of the sick leave the military-medical commission draws up the findings about the degree of fitness of the serviceman for the military service.

102. The servicemen recognized for the health reasons as partially fit for military service in the wartime, can be appointed to the relevant posts in organs (elements, military units) of the Security Services of Ukraine participating in combat operations. The servicemen doing military service and recognized by the military-medical commissions as unfit for military service with striking off the military registration are subject to retirement for health reasons, and those recognized as unfit for military service with repeated medical examination in 6 or 12 months transfer to the reserve for the health reasons with the indication in the order on discharge of the date of the repeated medical examination.

## APPENDIX

### To Regulations on Performing Contract and Regular Military Service in the Security Service of Ukraine approved by the Decree of the President of Ukraine of 7 November 2001 No. 1053/2001

#### Sample

#### (The small State Emblem of Ukraine)

#### SECURITY SERVICE OF UKRAINE

CONTRACT for undergoing military service in the Security Service of Ukraine by officers, ensigns and warrant officers, soldiers and seamen, sergeants and sergeant-majors Security Service of Ukraine

On behalf of \_\_\_ (post, military rank, surname, name, patronymic) \_\_\_, on the one hand, and the citizen of Ukraine \_\_\_ (surname, name, patronymic, day, month and year of birth, \_\_\_ military rank, military post, service serial number if applicable, residence, \_\_\_ series and number of passport (identification card), when and who issued it) \_\_\_, on the other hand, according to the items 9-16 of Regulations on undergoing contractual military service and regular military service in the security service of Ukraine have concluded this Contract about the following:

The citizen \_\_\_ (surname, name, patronymic) has familiarized himself/herself with laws and other normative-legal acts of Ukraine regulating the procedure of doing military service in the Security Service of Ukraine, and voluntarily assumes the following obligations:

1. To do military service \_\_\_ (kind of military service) \_\_\_ in the Security Service of Ukraine during validity of the Contract on terms and according to the procedure established by the laws and other normative-legal acts of Ukraine regulating military service in the Security Service of Ukraine;
  - To fulfil honestly the requirements of the Military Regulations of the Armed Forces of Ukraine, normative-legal acts of the Security Service of Ukraine, other acts of the legislation, official duties, orders of commanders and chiefs.

2. The Security Service of Ukraine undertakes to ensure \_\_\_\_ (surname, name, patronymic) the observance by him/her and members of his/her family of social and economic, political and personal rights and freedoms, including granting of privileges, guarantees and indemnities established by laws and other normative-legal acts of Ukraine determining the status of servicemen and the procedure of doing military service, in particular:
  - Financial, material and other support according to the norms and procedures established by the legislation of Ukraine and normative-legal acts of the Security Service of Ukraine;
  - The state obligatory personal insurance in case of loss, death or disability, which develops due to an injury (contusion, trauma or mutilation), diseases received during the service.
3. Other conditions of the Contract \_\_\_\_
4. Conditions of this Contract can be changed only upon consent of the parties in the written form.
5. The contract is concluded for \_\_\_\_ years (In words) from \_\_\_\_ until \_\_\_\_ (day, month, year)
6. No later than two months prior to the expiration of the validity of this Contract the parties undertake to inform each other on the intention to issue the new contract.
7. The contract is concluded in duplicate, which has equal force and is stored by each of the parties: The chief (commander) \_\_\_\_ (military rank) \_\_\_\_ (Signature) \_\_\_\_ (surname and initials) \_\_\_\_ “\_\_\_\_” \_\_\_\_\_ 20 \_\_\_\_ The Citizen \_\_\_\_ (military rank if applicable) \_\_\_\_ (Signature) \_\_\_\_ (surname and initials) \_\_\_\_ “\_\_\_\_” \_\_\_\_\_ 20 \_\_\_\_ Place for seal

APPROVED

By the decree of the President of Ukraine  
of November 2001 No. 1053/2001

# **Regulations on Undergoing Active Military Service by Soldiers, Seamen, Sergeants and Sergeant-Majors of the Security Service of Ukraine**

## **PART I. THE GENERAL PRINCIPLES**

1. These Regulations determine the procedure of doing active military service by soldiers and seamen, sergeants and sergeant-majors of the Security Service of Ukraine, their rights and duties.

2. Female citizens of Ukraine who on the day of being sent to military units have reached 18 years of age and are fit for it for health and age reasons are called for active military service in the Security Service of Ukraine in the peace time.

The persons called up for active military service in the Security Service of Ukraine should be characterized positively at the place of work (study) and residence, have completed secondary education, be physically fit, have command of the state language, and also have the access to the state secret. Advantage is given to persons who before the call-up received education related to the relevant military-registration specialisation.

3. The call-up of citizens for active military service is conducted within the established term on the basis of the Presidential Decree .

4. In the peace time the following citizens are not subject to call-up for active military service at the Security Service of Ukraine:

- a. Those exempt from the call-up in accordance with the Article 18 of the Law of Ukraine “On the universal military duty and military service”;
- b. Those subject to investigation or preliminary (pre-judicial) investigation or criminal case examination by court;
- c. Those having previous conviction.

5. The conscripts selected for doing active military service at the Security Service of Ukraine, relevant organs of the Security Service of Ukraine on the basis of the documents given by the military commissariats are granted access to the state secret according to form 2.

6. The registration of documents on the servicemen of active military service is carried out according to the normative-legal acts of the Armed Forces of Ukraine.

7. The following terms of duty in calendar calculation are established for the servicemen doing active military service:

- a. For soldiers and seamen, sergeants and sergeant-majors - up to 18 months;
- b. For seamen and sergeant-majors of sea units of the Security Service of Ukraine - up to 24 months;
- c. For the persons having higher education on the educational-qualifying scale of specialist or master - up to 12 months.

8. Active military service age limit for soldiers and seamen, sergeants and sergeant-majors makes 27 years. The servicemen having reached active military service age limit are subject to transfer to the reserve.

9. The start for doing active military service for conscripts is considered to be the day of arrival in the military commissariat for sending to the military unit of the Security Service of Ukraine.

10. The day of expiration of active military service is considered to be the day from which the servicemen are excluded by the order from muster-rolls of the military unit.

11. The citizens called up for military service take the Military oath of allegiance to the Ukrainian people. The servicemen, who have not taken the Military oath before, take it after the completion of the programme of training, studying the major provisions of the military legislation of Ukraine, Military Regulations about their rights and duties, doing exercises on shooting from small arms, but no later than after a month from the date of arrival in military unit.

## **PART II. MILITARY RANKS**

12. The soldiers, sergeants and sergeant-majors of the Security Service of Ukraine are awarded following military ranks:

- Army: Privates – soldier, senior soldier; Non-commissioned officers (sergeants and sergeant-majors) - junior sergeant, sergeant, senior sergeant, sergeant-major.
- Navy: Privates – seaman, senior seaman; Non-commissioned officers (sergeants and sergeant-majors) - sergeant-major of second rank, sergeant-major of the first rank, petty officer, ship sergeant-major.

13. The citizens called up for active military service and not awarded the military rank earlier are awarded the military rank of privates (seamen) simultaneously with being included into muster-rolls of the military unit.

14. The military rank of senior soldier (the senior seaman) is awarded to:

- a. The servicemen in the rank of privates (seamen) in case of their appointment to the posts, where the staff envisage the rank of a senior soldier;
- b. To privates (seamen) as an encouragement.

15. The military rank of junior sergeants (the sergeant-majors of second rank) is awarded to:

- a. the privates who have graduated from educational departments of military units of the Security Service of Ukraine (further - educational departments) having completed the programme of training of sergeants (sergeant-majors) and passed;
- b. The soldiers and seamen appointed to the posts of sergeants and sergeant-majors and exemplarily executing the official duties, having good and excellent parameters in combat training and exemplary discipline - after passing examinations of the established programme.

To carry out examination a special commission is appointed by the military unit commander's order. Results of examinations are reported to the chiefs, who have the right to award sergeant (sergeant-major) military ranks.

16. The military rank of sergeants (sergeant-majors of the first rank) is awarded to:

- a. The privates who have completed training in educational departments of the Security Service of Ukraine under the programmes for training of sergeants (sergeant-majors) with "perfect" grades;
- b. The junior sergeants (sergeant-majors of the second rank) worthy being awarded of the consecutive military rank who have served on the posts of sergeants (sergeant-majors) for no less than 3 months and are appointed to the posts the staff presupposes the military ranks of sergeants (sergeant-majors of the first rank), the senior sergeants (petty officers), the sergeant-majors (the petty officers).

17. The military rank of the senior sergeants (petty officers) is awarded to sergeants (sergeant-majors of the first rank) worthy being awarded of the consecutive military rank who have served on the posts of sergeants (sergeant-majors) for no less than 3 months and are appointed to the posts the staff presupposes the military rank of the senior sergeants (petty officers), sergeant-majors (petty officers).

18. The military rank of the sergeant-major (the petty officer) is awarded to the senior sergeants (petty officers) worthy being awarded the consecutive military rank who have served on the post of sergeants (sergeant-majors) for no less than 6 months and are appointed to the posts the staff stipulate as the military rank of the sergeant-major (the petty officer).

19. The sergeants and sergeant-majors of active military service who are transferred to the reserve as an encouragement can be awarded the consecutive military rank one degree above the military rank stipulated by the permanent appointment the servicemen had held before the transfer to the reserve, up to the sergeant-major (the petty officer) inclusive.

20. The rights of chiefs (commanders) on awarding military ranks of the soldier, sergeants and sergeant-majors are determined by the Head of the Security Service of Ukraine.

21. Senior soldiers (senior seamen) or sergeants (sergeant-majors) can be disgraced upon the verdict of the court related to the commitment of a crime and as a disciplinary punishment according to the Disciplinary Regulations of the Armed Forces of Ukraine.

The disgraced senior soldiers (senior seamen) or sergeants (sergeant-majors) continue to do military service in the military rank of privates (seaman).

22. Demotion to the previous military rank of sergeants (sergeant-majors) doing military service can be applied as a disciplinary punishment according to the procedure stipulated by the Disciplinary Regulations of the Armed Forces of Ukraine.

Demotion to the previous military rank of junior sergeants (sergeant-majors of second rank) is disgracing of the sergeant's (sergeant-majors') rank.

The demotion to the previous military rank as the disciplinary procedure and disgracing are carried out by chiefs (commanders) who are granted this right by the Disciplinary Regulations of the Armed Forces of Ukraine.

23. Restoration in the military rank of servicemen who were lowered to the previous military rank or disgraced, can be carried out as encouragement by the chiefs (commanders) who have disgraced them to the previous military rank no earlier than in 6 months from the date of demotion to the previous military rank or disgracing, or if disciplinary punishment has played an educational role and the servicemen has corrected the behaviour by exemplary performance of the duty, and also in case of cancelling or changing the verdict of the court on disgracing.

### **PART III. TRAINING OF SOLDIERS AND SEAMEN, SERGEANTS AND SERGEANTS-MAJOR**

24. Training of soldiers and seamen, sergeants and sergeant-majors of active military service is carried out in educational departments or during the practical work directly in the military units of the Security Service of Ukraine.

Terms of training for the active military service servicemen and the list of specialisations it is conducted on is determined by the Head of the Security Service of Ukraine or his/her assistants according to their powers.

Servicemen upon termination of a course of training in educational departments are obliged to pass the relevant examinations.

25. Soldiers and seamen trained in educational departments are cadets.

26. Cadets of educational departments are exempt from orders outside the military unit, and also from participation in the activities not related to educational process, except for:

- a. Sentry for guard and defence of installations and with the purpose of receiving practical skills of guard duty within the limits of time stipulated for by the curriculum;
- b. Guard of honour;
- c. Struggle against fires or natural disasters if the staff of other military units do not suffice for this purpose.

27. Cadets are expelled from educational departments for the health reasons, related to the low professional, business and moral qualities or lack of discipline.

Dismissal of cadets for the health reasons is carried out by commanders of military units on the basis of the findings (decision) of the military-medical commission.

Dismissal of cadets related to the low professional, business and moral qualities and lack of discipline is conducted by commanders of military units on the basis of written permission of chiefs these military units are subordinated to.

28. The cadets who upon the termination of the year of study in educational departments under programmes of training of sergeants (sergeant-majors) have passed the set examinations are awarded military ranks of sergeants (sergeant-majors).

Orders on the graduation from educational departments are brought to the attention of cadets during the solemn ceremony with a simultaneous presentation of certificates of the established sample, whereas the cadets who were awarded the military ranks of sergeants (sergeant-majors) are also given the relevant shoulder-straps.

29. Training of soldiers and seamen, sergeants and sergeant-majors can be conducted in educational departments of other military formations on contractual basis.

#### **PART IV. APPOINTMENT TO THE POSTS AND SERVICE TRANSFERS**

30. The military posts subject to filling with soldiers and seamen, sergeants and sergeant-majors of active military service and military ranks relevant to them are determined by the lists of staff members of the staff.

31. Soldiers and seamen who before the call up for active military service studied on military-technical specialties at educational establishments of the Society of assistance to defence of Ukraine, vocational and higher educational establishments, are appointed to the established posts, as a rule, according to the specialties they have obtained.

32. Soldiers and seamen, sergeants and sergeant-majors who were trained at educational departments or got experience during the practical work are appointed to the established posts according to the military-registration specialisation they'd obtained and the awarded military rank.

33. Appointment to the posts, service transfers, discharge of servicemen from active military service are carried out by officials according to the powers given to them by the Head of the Security Service of Ukraine.

34. Soldiers and seamen, sergeants and sergeant-majors serve, as a rule, in military units they were directed to during the call up for active military service or arrived after training at educational departments.

35. Appointment of soldiers and seamen, sergeants and sergeant-majors to the posts and dismissal from posts is carried out by the orders on military units.
36. Promotion of servicemen of the active military service is carried out taking into account their moral, business and professional qualities, the state of health and availability of vacant posts.
37. Moving of servicemen of the active military service from one military unit to another is conducted:
- a. By service necessity;
  - b. For family reasons - as a result of change of family circumstances when doing active military service on the basis of the act of inspection of the family and the property status of the family of the servicemen approved by the regional military commissioner;
  - c. For health reasons - on the basis of the findings (decision) of the military-medical commission.

Moving of servicemen of the active military service from one military unit to another is carried out on the basis of the written permission of the Head of the Security Service of Ukraine or his/her assistants.

38. The moving of the servicemen not related to the reorganisation of military units or reduction of the lists of members of the staff, sending to training, appointment to other posts, discharge are conducted, as a rule, upon termination of winter and summer training periods. Moving in other time is allowed only in case of emergency.

39. In case of reorganisation of military units or reduction of the staff when there is no opportunity to use servicemen of the active military service on the posts relevant to their military ranks and level of training the appointment of sergeants and sergeant-majors from higher posts to lower ones, including the post soldiers and seamen, is allowed.

40. It is allowed to transfer servicemen of the active military service being brothers-twins for joint service in one unit.

41. Moving of servicemen of the active military service between the Security Service of Ukraine and other military formations created according to the laws of Ukraine is conducted on the basis of the written order from the Head of the Security Service of Ukraine or his/her assistants after the coordination of this question with the higher command of the relevant military formation. Exclusion from muster-rolls is conducted by a military unit of the Security Service of Ukraine commander's order.

42. The posts of servicemen of the active military service with regular categories of military ranks "junior sergeants", "sergeant" ("sergeant-major of second rank", "sergeant-major of the first rank") in case of shortage of sergeants and sergeant-majors can be filled with well prepared and disciplined senior soldiers and privates (senior seamen and seamen), and the posts with regular categories of military ranks "senior sergeants" and "sergeant-major" ("petty officer", "ship sergeant-major") – with junior sergeants, sergeants (sergeant-majors of second rank, sergeant-majors of the first rank).

43. Demotion to the post of sergeants and sergeant-majors as a disciplinary punishment is carried out by the order of the chief (commander) given this right by the Disciplinary Regulations of the Armed Forces of Ukraine.

The sergeants and sergeant-majors demoted as a disciplinary punishment can be restored in the former or equal post by the order of the chief who penalized them, but no earlier than in 6 months from the date of imposing penalty and upon the availability of vacant posts.

In absence of vacant posts the disciplinary punishment - official demotion - can be cancelled without restoration in the former post.

## **PART V. BUSINESS TRIPS**

44. It is allowed to send servicemen of the active military service to official journeys:
- a. For training (for the courses, periodical training, etc.), entrance to military educational establishments;
  - b. To ensure the activities related to combat training;
  - c. To ensure the safety, support and delivery of military cargoes, arms, military equipment and other material means;
  - d. As couriers or for the support of couriers with classified documents and materials;
  - e. To support ill persons and sport teams;
  - f. On the call of the senior direct chiefs or for receiving the state awards;
  - g. To organs carrying out investigation or pre-judicial investigation, or to participate in judicial sessions;
  - h. To participate in sport and cultural-mass activities.
45. Servicemen are directed to official journeys by the commanders of military units on the basis of orders of the senior chiefs or upon their own decision in the cases stipulated by item 44 of these Regulations, with the indication in the order on military unit of surnames of the persons sent to business trip, the appointments and term of business trip.
46. The servicemen sent to business trip are given the certificate of business trip of the established form.
47. In the place of business trip servicemen are obliged to arrive immediately to the official at whose disposal they have been, and get registered according to the procedure established by the Garrison and Guard Duty Regulations of the Armed Forces of Ukraine.
48. On the way to the business trip destination and on the way back servicemen are not allowed to deviate from the route specified in the certificate of business trip or to stop without permission in intermediate items.
49. If a serviceman has delayed on the way to the place of the business trip as a result of unforeseen transport obstacles or in the result of illness or is unable to arrive to the place of service in due time for the same reasons, he/she should receive a remark in the certificate of business trip or the document indicating the reasons for delay from the military commandant on transport, the head of the organ of the Security Service of Ukraine, the military commandant of garrison or the military commissioner on the place of business trip, and in absence of those persons – from a local self-government organ.
50. In case of loss on the way of business or personal papers, weapons, other military property, the servicemen should immediately inform the military commandant on transport, the head of the organ of the Security Service of Ukraine, the military commandant of garrison or the military commissioner and if those are absent – the law-enforcement or local self-government organ. The relevant documents are handed in by the cadet (student) at institution of the petition for granting the leave or, as a last resort, upon returning from leave.

51. In the presence of the valid reasons interfering with the leave in due time from the place of official journey to the place of permanent service, the servicemen should inform the official in the place where he/she is registered.

52. The valid reasons for delay of the servicemen on business trip over the specified in the certificate of business trip terms are orders of the senior chiefs about prolongation of term of business trip, the illness interfering with movement, natural disaster and other force. The reasons for delay should be confirmed by the relevant documents.

53. In case of violation by the servicemen of military discipline during the business trip the chief of the organ of the Security Service of Ukraine, the military commandant of garrison or the military commissioner in the place of business trip have the right to stop the business trip and send the servicemen to the military unit.

All the measures taken towards the servicemen who broke military discipline the chief of the organ of the Security Service of Ukraine, the military commandant of garrison or the military commissioner on the place of business trip informs the commander of the military unit and marks the certificate of business trip accordingly.

54. Should the servicemen fail to return in due time and provide information on the reasons for his delay, the commander of military unit immediately enquires the chief at whose disposal the servicemen has been. Upon receiving the answer that the servicemen has not arrived to the place of destination or has in due time left the military unit, the commander of the military unit organizes his search.

55. In case of mobilisation announcement or receiving the relevant information, the servicemen on business trips are obliged by authority of chiefs at whose disposal they have arrived, to immediately return to the military units.

If the military unit is no longer stationed in the former place, the servicemen are obliged to arrive to the chief of the nearest organ of the Security Service of Ukraine, the military commandant or military commissariat.

## **PART VI. LEAVE**

56. In the peace time the following leaves are given to soldiers and seamen, sergeants and sergeant-majors of active military service:

- a. Basic;
- b. Additional – as an encouragement;
- c. Related to illness;
- d. For family reasons;
- e. For the special character of service and work in harmful working conditions.

57. The basic leave is given to servicemen of the active military service for the whole period of military service by duration:

- a. To soldiers and seamen - 20 calendar days;
- b. To sergeants and sergeant-majors - 25 calendar days.

The servicemen of the active military service suffering from Chernobyl accident are given the basic leave by duration:

For soldiers and seamen, sergeants and sergeant-majors whose period of service is fixed at 18 months - no less than 30 calendar days for the first year of service and no less than 15 calendar days for the second year of service;

For seamen and sergeant-majors whose period of service is fixed at 24 months - no less than 30 calendar days for the first year of service and 30 calendar days for the second year of service;

For soldiers and seamen, sergeants and sergeant-majors whose period of service is fixed at 12 months - no less than 30 calendar days.

The basic leave is given to servicemen after doing no less than 6 months of active military service.

*(Item 57 in the wording of the Decree of the President of 28.01.2004 No. 106/2004)*

58. Leave related to the illness is given for the period of two months on the basis of the findings (decision) of the military-medical commission.

59. In case of impossibility for any reasons to use leave related to illness outside the military unit the servicemen can be left in the military unit being exempted for the period of leave from all works, classes, daily orders and sentries.

Leave at military unit is spent, as a rule, at a medical aid station (infirmary) of a military unit carrying out necessary treatment-and-prophylactic and health-improving activities.

60. Upon termination of the illness-related leave illness servicemen, by order of the commander of military unit or the chief of the organ of the Security Service of Ukraine, the military commandant of garrison or the military commissioner, can be directed to the place of leave for medical examination. The subsequent military service of these servicemen is determined according to the findings of the military-medical or medical commission.

61. Leave related to illness at a military unit is given to soldiers and seamen, sergeants and sergeant-majors of the previous period of service who need to serve less than one month before expiration of the term of service.

62. Leave for family reasons can be given:

- a. In case of serious illness or death of close relatives of the servicemen (father, mother, children, native brothers and sisters, wife and parents) or other persons who brought him up;
- b. In case of fire or natural disaster from which the family of the serviceman may have suffered;
- c. In other unusual cases when, in the opinion of the commander of a military unit, personal presence of the serviceman in the family is really necessary.

The soldiers and seamen, sergeants and sergeant-majors who need to serve less than one month before the expiration of the term of service leave are given the leave for family reasons taking into account their transfer to the reserve without returning to the military unit.

63. Necessity to grant leave for family reasons should be confirmed by the chief of the organ of the Security Service of Ukraine, the military commissariat at the place of residence of close relatives of the servicemen or a medical establishment.

Documents are submitted by the servicemen to institute a petition for granting the leave or, as a last resort, after returning from leave.

64. Leave for family reasons is given for 10 calendar days without taking into account the time necessary for travel to the place of leave and back.

65. Leaves for special character of service and work with harmful working conditions are given to servicemen of the active military service according to the procedure established by the Head of the Security Service of Ukraine.

66. The servicemen leaving for leaves stipulated by these Regulations are given additional time for travel to the place of leave and back.

67. The right of granting the leave to soldiers and seamen, sergeants and sergeant-majors belongs to the commander of military unit.

68. The departure for leave by soldiers and seamen, sergeants and sergeant-majors and their returning from leave is announced by the order on military unit.

69. The servicemen of the active military service subject to criminal investigation, and also those involved in criminal legal proceedings as the disadvantaged, translators and other persons are given the leave only upon the agreement with the relevant law enforcement organs or court.

70. The servicemen leaving for the leave are granted the leave pass of the established form as well as military transportation documents or money for return travel.

If the servicemen leave for the leave, which is related to the death of close relatives or other persons who brought them up they are allowed to travel to the place of burial by plane at the expense of the budget of the Security Service of Ukraine.

71. After the arrival to the place of leave servicemen are obliged to get registered, and in case of leaving - to get struck off the register according to the procedure established by the Garrison and Guard Duty Regulations of the Armed Forces of Ukraine.

72. In case of loss of the leave pass on the way or on the place of leave the servicemen are obliged to report to the chief of the organ of the Security Service of Ukraine or the military commandant on transport, to the military commandant of garrison or the military commissioner.

The chief of the organ of the Security Service of Ukraine or the military commandant on transport, the military commandant of garrison, the military commissioner according to data of the registration, and in absence of the data - after identification of the servicemen, issues the document certifying legality of the leave, informs the place of service of the servicemen and controls his returning back in military unit.

73. Leave can be prolonged in case of:

- a. Delays of the servicemen on the way to the place of leave as a result of unforeseen obstacles on transport or in illness-related circumstances - on the basis of the documents certified by the military commandant on transport or the head doctor of medical institution where the servicemen was on treatment - for the actual term of delay;
- b. Death or serious illness of close relatives of servicemen (father, mother, children, native brothers and sisters, wife and parents) or other persons who brought them up, and also in case of a fire or natural disaster the family of the servicemen may suffer from - for 10 calendar days;
- c. Impossibility of departure from the place of leave as a result of unforeseen obstacles on transport or in illness-related circumstances of the servicemen interfering with departure - before the expiration of the reasons for delay.

74. The right to prolong the leave belongs to the chief of the organ of the Security Service of Ukraine or the military commandant of garrison or the military commissioner in the place of the leave.

The chief of the organ of the Security Service of Ukraine or the military commandant of garrison or the military commissioner should immediately inform the commander of the military unit the servicemen has arrived from on the terms and reasons for the delay, and to mark the leave pass accordingly.

75. If the servicemen has not come back from leave in due time, the commander of military unit takes the measures stipulated by item 54 of these Regulations.

76. In case of infringement by the servicemen of military discipline during the leave the chief of the organ of the Security Service of Ukraine or the military commandant of garrison, the military commandant on transport or the military commissioner inform

the commander of the military unit and mark the leave pass of the servicemen accordingly.

77. In case of the announcement of mobilisation the servicemen on leave, except for those on leave related to the illness, are obliged to get struck off the register and to immediately leave for the military unit. If the military unit is no longer stationed in the former place, servicemen should arrive to the nearest chief of the organ of the Security Service of Ukraine or the military commandant or the military commissioner.

The servicemen on leave, which is related to illness should arrive to the military commissariat for repeated medical examination and if there is no opportunity to do that for health reasons - to immediately inform the military commissioner in a written form presenting the certificate of medical establishment (doctor).

## **PART VII. FEATURES OF DOING ACTIVE MILITARY SERVICE BY SERVICEMEN SUBJECT TO CRIMINAL INVESTIGATION AND CONVICTED SERVICEMEN**

78. Soldiers and seamen, sergeants and sergeant-majors having served the established term of military service and subject to investigation, pre-judicial investigation or criminal case examination by court retire only after notification of the relevant law enforcement organ or court.

79. The servicemen sentenced by the court martial to imprisonment, and to discipline battalion are excluded from muster-rolls of the military units where they had done active military service before condemnation from the date of entering of the verdict into force.

80. The soldiers and seamen, sergeants and sergeant-majors of active military service and those unlawfully convicted or unlawfully brought to account in case of cancellation of the verdict and termination of the case or "not guilty" court's or an adoption of the decision about termination of criminal case by the organ of investigation or pre-judicial investigation have the time under guard and time of serving the punishment in places of imprisonment or in a discipline battalion included in the time military service.

81. The servicemen of the active military service freed from a discipline battalion on the bases stipulated by the legislation go for the further doing of active military service to military units of the Armed Forces of Ukraine.

82. Soldiers and seamen, sergeants and the sergeant-majors sentenced to preventive punishment not related to imprisonment are transferred for further service to the Armed Forces of Ukraine taking into account the requirements of the item 41 of these Regulations.

## **PART VIII. RIGHTS, DUTIES AND LIABILITY OF SERVICEMEN OF THE ACTIVE MILITARY SERVICE**

83. Soldiers and seamen, sergeants and sergeant-majors have the social and economic, political and personal rights and freedoms stipulated by the Constitution, laws of Ukraine and other normative-legal acts.

The rights and duties of servicemen following from conditions of military service are determined by the laws of Ukraine "On universal military duty and military service", "On social and legal protection of servicemen and members of their families

“, “On Security Service of Ukraine “, Military Regulations of the Armed Forces of Ukraine, these Regulations and other normative-legal acts.

84. Soldiers and seamen, sergeants and sergeant-majors receive at the expense of the state money allowance and endowment at the rates established by the legislation.

85. Conditions of pension support of the servicemen who became invalids owing to injury, contusion, mutilation or disease received when doing active military service and members of their families in case of loss of the supporter are determined by the Law of Ukraine “On pension support of servicemen and privates and commanding personnel of law-enforcement organs”.

Servicemen are subject to the state obligatory personal insurance in case of loss or death. Conditions of insurance and the procedure of payment of the insurance money to the specified persons and members of their families are established by the Cabinet of the Ministers of Ukraine.

86. The children of servicemen of the active military service are subject to allowance at the rates and on terms determined by the Law of Ukraine “On the state help paid to families with children”.

87. Soldiers and seamen, sergeants and sergeant-majors of active military service wear the military uniform of the established sample with insignia according to military ranks.

The servicemen of the active military service are allowed to wear civil clothes during the leave.

88. The document identifying the servicemen of the active military service is the military identity card which is shown by them in the cases established by the legislation.

89. Upon infringement of military discipline and public order, servicemen of the active military service are brought to account according to the Disciplinary Regulations of the Armed Forces of Ukraine.

90. Servicemen of the active military service are accountable for the crimes committed by them and the caused material damage according to the legislation.

91. The servicemen of the active military service should report about all changes in marital status to the immediate superiors and present the relevant documents for introducing amendments to registration data.

## **PART IX. THE DISCHARGE**

92. Soldiers and seamen, sergeants and sergeant-majors having served the terms of military service leave established by the Law of Ukraine “On the universal military duty and military service”:

- a. To the reserve of the Armed Forces of Ukraine if they are fit for military service in peace or wartime for health reasons;
- b. Into retirement if they are recognized by the military-medical commissions as unfit for health reasons to military service with striking off the military registration.

Discharge of servicemen of active service is carried out by the commander of the military unit on the basis of the order of the Head of the Security Service of Ukraine which is issued according to the relevant Decree of the President of Ukraine.

93. Servicemen of active service go into retirement ahead of schedule:

- a. For health reasons - on the basis of the findings (decision) of the military-medical commission;

- b. For family reasons - should they have the right to delay for the call-up owing to changes of family circumstances, and also in case if the circumstances are stipulated by the paragraph 4 of Part 1 of Article 18 of the Law of Ukraine “On universal military duty and military service”;
- c. Related to imprisonment.

The transfer of servicemen of active service who are disadvantaged or witnesses whose criminal cases are in progress to the reserve is carried out according to the procedure established by item 78 of these Regulations.

94. In case of need, upon the decision of the President of Ukraine servicemen of the active military service who have served the target date can be left on service for up to 6 months.

95. The servicemen transferred from active military service to the reserve or into retirement are provided with the relevant regimentals according to the list established by the Head of the Security Service of Ukraine, travel papers to the place of residence, meals on the way, cash benefits at the rate established by the Cabinet of the Ministers of Ukraine.

Servicemen of active service by their request can be transferred to the reserve in own civil clothes.

96. The servicemen of active service transferred to the reserve, are sent, as a rule, to military commissariats only domiciliary up to the call up for military service. It is allowed to direct the servicemen of active service transferred to the reserve to other districts (where they did not live before the call up for military service) only in case of change of residence by their families (parents) or marriage of the servicemen that is proved by the documents.

97. The servicemen of active service transferred to the reserve, after the arrival to the place of residence should arrive to the military commissariat for application on the military registration within no later seven-day term.

APPROVED

by the decree of the President of Ukraine  
of 7 November 2001 No. 1053/2001

# **Regulations on Military Service (Training) on a Contract Basis by Cadets (Students) of Higher Military Educational Establishments of the Security Services of Ukraine**

## **PART I. THE GENERAL PRINCIPLES**

1. These Regulations determine the procedure of doing military service (training) on contractual basis by the cadets (students) of higher military educational establishments of the Security Service of Ukraine and the higher educational establishments having military educational departments of the Security Service of Ukraine with programmes of training of citizens on the post of officers (further - higher military educational establishments) taking into account the features of educational process in higher military educational establishments, their rights and duties.

Training of citizens on the post of officers consists of theoretical and practical studies, practice and military training. The procedure of carrying out the specified training in higher military educational establishments is determined and approved by the Security Service of Ukraine and the Ministry of Education and science of Ukraine.

2. The citizens admitted to higher military educational establishments, trained at them and not having military ranks of the ensign or the warrant officer are considered cadets, and those having such ranks - students.

3. Cadets who before entering the higher military educational establishments had not done military service take the Military oath of allegiance to the Ukrainian people according to the procedure established by the Interior Service Regulations of the Armed Forces of Ukraine.

4. Terms for the military service in calendar calculation for cadets (students) of higher military educational establishments are established at 5 years and determined by years of study.

5. The start of the military service by the citizens who simultaneously with being admitted to higher military educational establishments are enlisted in the military service is considered to be the day of appointment to the post of the cadet (student) of higher military educational establishment.

The beginning of the contractual military service of cadets (students) of higher military educational establishments is considered to be the day when the order on transfer to the military service (training) on contractual basis is issued.;

## **PART II. ENROLMENT FOR MILITARY SERVICE (TRAINING). CONCLUSION OF CONTRACT**

6. Male and female citizens of Ukraine who have complete secondary education and meet the requirements for undergoing military service and professional selection for the working in the organs of the Security Service of Ukraine which are established by the relevant normative-legal acts, at the age from 17 to 21, including those who reached 17 years of age in the year of transfer to study, and also servicemen and reservists aged from 18 to 23 years not having military ranks of the officer personnel who successfully

passed entrance examination (credits), stood tests and competitive selection, are enrolled for military service (training) at higher military educational establishments.

7. The persons who expressed desire to join higher military educational establishments, receive assignment for training from units of the Central administration, regional organs, organs of military counter-intelligence, higher military educational establishments of the Security Service of Ukraine, and also the ministries and other Central Executives managing military formations and having concluded the relevant agreement with the Security Service of Ukraine about training of specialists.

8. Reception of citizens for study at higher military educational establishments is carried out on voluntary basis according to the procedure determined by the Conditions for enrolment for the first year of study in higher educational establishments of Ukraine approved by the Ministry of Education and science of Ukraine, and Rules of enrolment for the first year of study in higher military educational establishments of the Security Service of Ukraine approved by the Security Service of Ukraine.

9. The cadets who have reached 18 years of age, and also students upon the termination of the first year of study at a higher military educational establishment conclude the contract for training on the post of officers of the Security Service of Ukraine. One of the conditions of the contract is the obligation of the cadet (student) to do military service on the posts of officers in organs of the Security Service of Ukraine for 5 years after graduation. In case of refusal to conclude the contract the cadet (student) is expelled from the higher military educational establishment.

10. The contract for military service (training) is a written agreement concluded between the citizen of Ukraine and the state on behalf of which the Security Service of Ukraine acts for establishment of legal relations between the parties during military service (training).

11. The contract is concluded according to the attached sample, in duplicate, is signed by the person joining military service (training) on contractual basis and the representative of the Security Service of Ukraine on behalf of the chief (rector) of higher military educational establishment is sealed and stored by each of the parties.

The contract enters into force from the date of the issuance of the order on the higher military educational establishment about enrolment of the cadet (student) for contractual military service of cadets (students) in higher military educational establishments of the Security Service of Ukraine.

The copy of the contract is stored in the higher military educational establishment in the personal records of the cadet (student).

After conclusion of the contract for doing military service (training) by the cadet (student) of higher military educational establishment the previous contract with the servicemen for doing of military service is cancelled.

### **PART III. MILITARY RANKS**

12. The cadets when doing military service at higher military educational establishments are awarded the military ranks of the soldier, sergeant and sergeant-major stipulated by the Law of Ukraine "On universal military duty and military service".

13. The cadets who before the entrance to higher military educational establishments had no military ranks are awarded the military rank of soldiers simultaneously with the transfer to these educational establishments.

The cadets and students enlisted in higher military educational establishments from among servicemen and reservists have the military ranks awarded before entrance to higher military educational establishments kept.

14. The military rank of the senior soldier is awarded to cadets in the rank of soldiers as encouragement.

15. The military rank of junior sergeants is awarded to the cadets appointed to the post of sergeants, successfully executing the official duties and having exemplary military discipline, after receiving passing grades on the relevant programme according to the procedure established by the chief (rector) of the higher military educational establishment.

16. The consecutive military ranks of sergeant, senior sergeant, sergeant-major are awarded to cadets in the consecutive procedure under the stipulation of positive references, compliance of the consecutive rank to the military rank stipulated by the permanent appointment, and no less than 6 months of service in the previous rank.

17. Cadets and students can be reduced to the ranks on the verdict of the court related to the commitment of crimes and as disciplinary punishment according to the Disciplinary Regulations of the Armed Forces of Ukraine.

18. Demotion of senior ensigns (senior warrant officers), sergeants and sergeant-majors to the previous military rank can be applied as a kind of disciplinary punishment according to the procedure stipulated by the Disciplinary Regulations of the Armed Forces of Ukraine.

Cadets and students demoted to the previous military rank or reduced to the military ranks, can be restored in the previous military rank as an encouragement:

- In the ranks of the soldier, sergeant and sergeant-major - no earlier than 6 months after reduction;
- In the rank of the senior ensign (senior warrant officer) - no earlier than a year after reduction.

19. The right to awarding of military ranks of soldiers and sergeants, ensigns and warrant officers, reduction to the ranks of cadets and students, their demotion to the previous military rank as disciplinary punishment and restoration in the former military rank belongs to the chief (rector) of the higher military educational establishment.

The cadets and the students sentenced to service restriction for servicemen are not awarded the consecutive military ranks when serving this punishment. The term of punishment is not included in the term of service for awarding the consecutive military rank.

#### **PART IV. APPOINTMENT TO THE POSTS. SERVICE TRANSFERS**

20. Appointment to the posts of cadets (students) is carried out by orders of the chief (rector) of the higher military educational establishment.

21. Military posts cadets (students) can be appointed to and military ranks relevant to these posts are determined by the lists of members of the staff of higher military educational establishments.

22. There has been established the following provisional compliance of standard posts established by the staff with the military ranks:

- The commander of an educational sub-detachment (branch) - sergeant;

- The commander of educational detachment (the deputy platoon leader) - senior sergeant;
- The deputy chief of the course (the sergeant-major of company) - sergeant-major.

23. Students from among ensigns and warrant officers can be appointed to the posts of deputy chiefs of courses upon their consent.

24. Demotion of cadets and students for violation of military discipline is conducted according to the procedure established by the Disciplinary Regulations of the Armed Forces of Ukraine by the chief (rector) of higher military educational establishment.

25. The cadets (students) demoted as a disciplinary punishment, can be restored in the former or equal post by the chief (rector) of higher military educational establishment if disciplinary punishment has played an educational role and the serviceman has corrected his/her behaviour, exemplarily executes service duties, but no earlier than six months after demotion and upon the availability of vacant posts.

In absence of vacant posts the disciplinary punishment can be cancelled without restoration to the post.

Service transfers to higher posts of the cadets (students) sentenced to service restriction for servicemen are not conducted when serving this punishment.

## **PART V. BUSINESS TRIPS**

26. It is allowed to send cadets (students) to official journeys:

- a. For practice or training;
- b. To ensure the safety, support and delivery of military cargoes, arms, military equipment and other material means;
- c. As couriers or to support couriers with classified documents and materials;
- d. To support patients;
- e. To participate in scientific conferences;
- f. To the organs carrying out investigation or pre-judicial investigation, or to participate in judicial session;
- g. To participate in sport and cultural-mass activities;
- h. In other cases under the instruction (order) of the Head of the Security Service of Ukraine or his/her assistants.

27. At sending the cadets (students) for a business trip the state of health and results of study are taken into a consideration. Cadets (students) having unsatisfactory results in study, inclined to the violation of military discipline and requiring control over their behaviour from commanders, and having complaints about the state of health are not sent for the business trip. Female cadets (students) are not sent for business trips specified in the subitem "b" of item 26 of these Regulations.

28. Cadets (students) are sent to official journeys by the chief (rector) of a higher military educational establishment on the basis of orders of the senior chiefs or upon the own decision in the cases stipulated by item 26 of these Regulations, with indication in the order on the educational establishment of the persons sent to business trips, destination and the term of the business trip.

29. The cadets (students) sent for business trips are granted the certificate of business trip issued according to the established form.

30. After the arrival to the place of a business trip cadets (students) are obliged to immediately address the official at whose disposal they are sent, and to get registered

according to the procedure established by the Garrison and Guard Duty Regulations of the Armed Forces of Ukraine.

31. On the way to and from the business trip cadets (students) are not allowed to deviate from the specified in the certificate of business trip route or to stop on their own initiative in intermediate items.

32. If the cadet (student) has delayed on the way to the place of business trip as a result of unforeseen transport obstacles or because of illness or cannot arrive in due time to an educational establishment for the same reasons, he should receive a marking in the certificate of business trip or the document on the reasons for delay at the military commandant on transport, the head of the organ of the Security Service of Ukraine, the military commandant of garrison or the military commissioner in the place of business trip, and in absence of these persons - from the local self-government organ.

33. In case of loss on the way of service or personal papers, weapons, other military property the servicemen should immediately inform the military commandant on transport, the chief of the organ of the Security Service of Ukraine, the military commandant of garrison or the military commissioner and if there are not available - the law-enforcement or local self-government organ.

34. In the presence of the valid reasons interfering with leaving in due time from official journey to the place of service (study), the servicemen should inform the relevant official in the place of registration.

35. The valid reasons for delay of the cadet (student) on business trip over the terms specified in the certificate of business trip is the order of the senior chief about prolongation of the term of business trip, the illness interfering with movement, natural disaster and other major forces. The reasons for delay should be confirmed by the relevant documents.

36. In case of violation by the cadet (student) of military discipline during the business trip the chief of the organ of the Security Service of Ukraine, the military commandant of garrison or the military commissioner in the place of business trip have the right to interrupt the business trip and to send such cadet (student) to the place of service (study).

The chief of the organ of the Security Service of Ukraine, the military commandant of garrison or the military commissioner in the place of business trip informs about all measures taken towards the cadet (student) who broke the military discipline the chief (rector) of higher military educational establishment and introduces the relevant mark in the certificate of business trip of such cadet (student).

37. In case the cadet (student) fails to return from business trip according to the established procedure and in absence of the information on the reasons for the delay, the chief (rector) of higher military educational establishment immediately enquires the chief at whose disposal the cadet (student) was sent. After receiving the answer that the cadet (student) has not arrived to destination or has in due time left the place of service (study) the chief (rector) of higher military educational establishment organizes his/her own search.

38. In case of the announcement of mobilisation or receiving the relevant information the cadets (students) on business trips are obliged, by authority of chiefs at whose disposal they have arrived, to immediately return to the place of service (study).

## **PART VI. PRACTICE AND TRAINING**

39. Practical training of cadets (students) is conducted on detective, investigation and other kinds of practice and detective or investigation training.
40. The operative or investigation practice is conducted in the terms determined by the curriculum with the purpose of acquisition by cadets (students) of practical skills on the specialisation in organs (units) of the Security Service of Ukraine.
41. Detective or investigation training of cadets (students) of the senior courses in organs (units) of the Security Service of Ukraine is conducted, as a rule, on the posts they are intended for after graduation.
42. The procedure of the organisation and carrying out detective and other kinds of practice and training is determined by orders of the chief (rector) of the higher military educational establishment.
43. The misuse of cadets (students), and also on the posts and the works not related to programmes of training, is forbidden.
44. Cadets (students) upon the completion of training or practice represent the written report on implementation of the Programme and the individual task for training or practice approved by the chief of the organ (unit) of the Security Service of Ukraine in the place of doing training or practice.
45. Defence of reports of cadets (students) is conducted according to the procedure established by the chief (rector) of higher military educational establishment.

## **PART VII. LEAVE**

46. The cadets (students) are annually given the basic (summer) leave of 30 calendar days and term-break (winter) leave of 14 calendar days. The cadets (students) having academic debts are given leave after their liquidation within the limits of the terms established by the schedule of educational process, or in other terms established by the chief (rector) of the higher military educational establishment. At that, the basic leave should be given for no less than 15 calendar days.
47. Except for the basic and term-break leave the leave related to illness and for family reasons can be given to cadets (students).
48. Leave related to illness is given for up to two months on the basis of the findings (decision) of the military-medical commission.
49. Leave for family reasons can be given:
- a. In case of serious illness or death of close relatives of the cadet (student) (father, mother, children, native brothers, sisters, wife and parents) or other persons who brought him up;
  - b. In case of a fire or other natural disaster from which the family of the cadet (student) has suffered;
  - c. In other unusual cases when, in opinion of the chief (rector) of higher military educational establishment, personal presence of the cadet (student) at family is really necessary.
50. Necessity of granting the leave for family reasons should be confirmed by the chief of the organ (unit) of the Security Service of Ukraine who directed the cadet (student) for study or the military commissioner domiciliary of his/her close relatives or medical establishment.
- The relevant documents are represented by the cadet (student) when instituting the petition for granting a leave or, as a last resort, after returning from leave.
51. Leave for family reasons is given for up to 10 calendar days without taking into account the time necessary for travel to the place of leave and back.

52. The servicemen leaving for the leave stipulated by these Regulations are given additional time for travel to the place of leave and back.

53. The right to grant all kinds of leave to cadets (students) belongs to the chief (rector) of the higher military educational establishment or the acting chief (rector).

54. The cadets (students) leaving for the leave are given the leave pass of the established form and military transportation documents or money for travel to the place of leave and back.

55. After arrival to the place of leave cadets (students) are obliged to get registered, and in case of departure - to get struck off the register according to the procedure established by the Garrison and Guard Duty Regulations of the Armed Forces of Ukraine.

56. In case of loss of the leave pass on the way to or on the place of leave the cadet (student) is obliged to report to the chief of the organ of the Security Service of Ukraine or the military commandant on transport, the military commandant of garrison or the military commissioner on the place of leave.

The chief of the organ of the Security Service of Ukraine or the military commandant on transport, the military commandant of garrison or the military commissioner according to data of the registration, and in absence of these data - after identification of the cadet (student), issues the document certifying the legality of the leave, informs the chief (rector) of the higher military educational establishment and controls the return to the educational establishment.

57. Leave can be prolonged in case of:

- a. Delays on the way to the place of leave owing to unforeseen obstacles in transport or taking into account illness of the cadet (student) - on the basis of the documents certified by the military commandant on transport or the head doctor of the medical institution where the cadet (student) was on treatment - for the term of delay;
- b. Death or serious illness of close relatives of the cadet (student) (father, mother, children, native brothers, sisters, wife and parents) or other persons who brought him up, and also in case of a fire or natural disaster from which the family of the cadet (student) on leave has suffered - for 10 calendar days;
- c. Impossibility to depart from the place of leave owing to unforeseen obstacles on transport or taking into account illness of the cadet (student) - for the term of delay proved by the relevant documents.

58. The right for prolongation of the cadet (student)'s leave belongs to the chief of the organ of the Security Service of Ukraine or the military commandant of garrison or the military commissioner at the place of the leave.

The chief of the organ of the Security Service of Ukraine or the military commandant of garrison or the military commissioner should immediately inform the chief (rector) of the higher military educational establishment where the cadet (student) studies about the terms and reasons for delay, and to mark his/her leave pass accordingly.

59. In case the cadet (student) fails to return from leave according to the established procedure and in absence of information on the reasons for his/her delay, the chief (rector) of higher military educational establishment immediately enquires the chief of the organ of the Security Service of Ukraine on the place of leave (residence) or the military commandant of garrison or the military commissioner. After receiving the answer about non-arrival of the cadet to the place of leave or duly departure to the

educational establishment, the chief (rector) of higher military educational establishment organizes his/her own search.

60. In case of violation by the cadet (student) of military discipline during leave the chief of the organ of the Security Service of Ukraine or the military commandant of garrison, the military commandant on transport or the military commissioner inform the chief (rector) of higher military educational establishment and mark his/her leave pass accordingly.

61. In case of the announcement of mobilisation the cadets (students) on leave, except for those on leave related to illness, are obliged to get struck off the register and to immediately leave for higher military educational establishment. If the educational establishment is no longer stationed in the former place, cadets (students) should arrive to the nearest organ of the Security Service of Ukraine or to the military commandant of garrison or the military commissioner.

62. The cadets (students) on illness-related leave, in case of the announcement of mobilisation should arrive to the nearest organ of the Security Service of Ukraine or military commissariat for repeated medical examination and if it is not possible for health reasons – to inform immediately the chief of the organ of the Security Service of Ukraine or the military commissioner in the written form with representation of document of medical establishment (doctor).

## **PART VIII. RIGHTS, DUTIES AND LIABILITY OF CADETS (STUDENTS) OF HIGHER MILITARY EDUCATIONAL ESTABLISHMENTS**

63. Cadets (students) have social and economic, political both personal rights and freedoms stipulated by the Constitution, laws of Ukraine and other normative-legal acts.

64. The rights and duties of cadets (students) following from the conditions of military service (training) are determined by the laws of Ukraine “On universal military duty and military service”, “On social and legal protection of servicemen and members of their families”, “On Security Service of Ukraine”, “On education”, Military Regulations of the Armed Forces of Ukraine, Military Regulations of higher military educational establishments of the Security Service of Ukraine, regulations about higher educational establishments, which have military educational departments of the Security Service of Ukraine, these Regulations and other normative-legal acts. Cadets enjoy the rights and duties stipulated by the legislation for servicemen of active service, taking into account peculiarities of undergoing military service (training) at higher military educational establishments.

65. Providing cadets (students) with money allowance, meals, regimentals and habitation is carried out according to the legislation.

66. Cadets (students) wear the military uniform of the established sample with insignia according to the military ranks.

Cadets (students) of all years of study are allowed to wear civil clothes outside the location of the higher military educational establishments during leave or in the free from service (study) time.

67. Cadets of I and II years of study are placed in barracks (hostels) according to the procedure established by the Interior service regulations of the Armed Forces of

Ukraine and leave the location of the higher military educational establishments as servicemen of active service.

Cadets of the third and subsequent years are placed in the hostels located on the territory of the educational establishment. As exception, residence outside the location of the educational establishment can be offered to cadets of higher military educational establishments according to the procedure determined by the chief (rector) of the higher military educational establishment.

Cadets of the third and subsequent years and students of all years of study are allowed to stay outside the location of the higher military educational establishment upon the termination of classes and obligatory hours of independent work determined by the daily routine, prior to the beginning of the classes the following day.

68. The cadets of higher military educational establishments having family are given the accommodation in family hostels. In absence of hostels pecuniary compensation for temporary rent of premises at the rate determined by the Cabinet of the Ministers of Ukraine is paid to cadets in the place of service.

Students are given service housing or accommodation in a hostel during the period of study at higher military educational establishments.

69. The document identifying the cadet is a military identity card of the student – the service certificate shown by them in the cases established by the legislation.

70. The cadets (students) who demonstrate good progress in study, exemplary military discipline, special success at studying certain disciplines and scientific work can be granted by his/her chief money allowance increase at the rate established by the relevant normative-legal acts upon the decision of the chief (rector) of higher military educational establishment.

Individual cadets (students) - honours pupils can be granted nominal grants of the President of Ukraine, the Verkhovna Rada of Ukraine , etc.

71. The cadets (students) who did not pass examinations (credits) during the examination session for valid reasons (illness, family circumstances , etc.) proved by the relevant documents, have the right to take them within the terms defined by the chief (rector) of higher military educational establishment .

72. The cadets (students) upon graduation from higher military educational establishments are awarded qualification of the relevant educational-qualifying level, the diploma of the state sample and the breastplate as well as the officer rank of the lieutenant.

73. Female cadets (students) are exempt from performance of garrison, guard and internal service (except for the daily order in a female hostel, a dining room or a room of visitors).

74. Cadets (students) are obliged to observe the requirements of the Constitution and the laws of Ukraine, to execute honestly the requirements of Military Regulations of the Armed Forces of Ukraine, orders of commanders (chiefs), official duties, to acquire knowledge necessary for future service in the post of officers, to have positive results in study.

75. Cadets (students) during the official registration of the foreign exit permit for private visits are obliged to submit the relevant official report to the chief (rector) of the higher military educational establishment who takes the relevant decision.

76. Cadets (students) are obliged to report within 48 hours to the immediate superiors and to inform personnel units of higher military educational establishments and represent to them the relevant documents: about the changes in the marital status (marriage, divorce, birth of children, etc.); about cases of detention by law enforcement

organs or a military commandant's office; about departure of members of their families and close relatives abroad; about loss of military identity cards (service certificates); about cases of bringing the members of their families or close relatives or close relatives of wife (husband) to account - since the time when it became known to the cadet (student); about the circumstances interfering with preservation of state secret entrusted to him/her.

77. At violation of military discipline, commitment of administrative offences and crimes cadets (students) are brought to account according to the legislation.

78. In case of termination (cancellation) of the contract and dismissal of the cadet (student) from higher military educational establishment on the bases stipulated by subitems "f" – "g" of item 80 of these Regulations, he/she compensates to the Security Service of Ukraine or the ministries and other Central Executives which have concluded the relevant agreements with the Security Service of Ukraine for training of specialists, the charges related to the training and maintenance according to the procedure established by the legislation.

## **PART IX. DISMISSAL FROM A HIGHER MILITARY EDUCATIONAL ESTABLISHMENT. DISCHARGE FROM THE MILITARY SERVICE**

79. Dismissal from a higher military educational establishment of cadets (students) or their transfer to another military educational establishment are made according to the procedure and on terms determined by normative-legal acts of the Security Service of Ukraine.

80. Validity of the contract stops (the contract is cancelled), and the cadet (student) is expelled from the higher military educational establishment:

- a. For health reasons - on the basis of the findings (decision) of the military-medical commission on unfitness or partial fitness of the cadet (student) for military service;
- b. Related to the conclusion by the cadet (student) of a new contract for continuation of military service in the relevant organ (element, military unit) of the Security Services of Ukraine;
  - Related to the staff reduction - in case of impossibility to provide continuation of training of the cadet (student) on the specialisation he/she was trained on or related to it;
- c. For family reasons:
  - For cadets - in case of presence of the defined by the Law of Ukraine "On universal military duty and military service" bases for preterm discharge from service of servicemen of the active military service;
  - For female cadets, besides - in case of birth of a child or the child being at the age of under three years or the child at the age of under six years, which requires home care according to the findings of the military-medical commission, with the right for restoration to study at a higher military educational establishment for 3 years;
  - For students - for family reasons or other valid reasons determined by the Cabinet of the Ministers of Ukraine;
- d. Related to the regular failure to fulfil the terms of the contract by the chief (rector) of higher military educational establishment;

- e. Taking into account the poor academic progress;
- f. Related to the unwillingness to continue training;
- g. Related to the refuse to do military service on the posts of officers upon completion of training;
- h. Taking into account lack of discipline;
- i. Related to the verdict of guilty of the court, which has entered validity.

81. The cadet (student) before enrolment for contractual military service of cadets (students) of higher military educational establishments can be expelled from higher military educational establishment:

- a. For health reasons - on the basis of the findings (decision) of the military-medical commission on the cadet's (student's) being unfit or the partially fit for military service;
- b. Related to the staff reduction - in case of impossibility to provide continuation of training of the cadet (student) at the specialisation he/she was trained on or related to it;
- c. For family reasons:
  - For cadets - in the presence of the defined by the Law of Ukraine "On universal military duty and military service" bases for preterm discharge from service of servicemen of the active military service;
  - For female cadets, besides - in case of birth of child, with the right for restoration to study in higher military educational establishment within 3 years;

For students - for family reasons or other valid reasons determined by the Cabinet of the Ministers of Ukraine;

- a. Taking into account the academic poor progress;
- b. Related to the unwillingness to continue training;
- c. Related to the refusal to conclude the contract for doing of military service (training) in higher military educational establishment;
- d. Taking into account lack of discipline;
- e. Related to the verdict of guilty of the court which has entered validity.

82. The question on dismissal of cadets and students (except for dismissal for the health reasons, family circumstances, related to the verdict of guilty of the court which has entered validity) is examined by the Council of faculty (administration) of the higher military educational establishment.

83. Dismissal of cadets (students) from the higher military educational establishment according to subitems "b", "d", "e", "g" of the item 80 and subitems "c", "e" of the item 81 is made on the initiative of the cadet (student).

84. The male cadets expelled from higher military educational establishments (except for those expelled for health reasons, family circumstances and circumstances related to imprisonment) if they have not served the target date of active military service, are sent for further military service to the military units of the Security Service of Ukraine where the doing of active military service is stipulated.

At that, the time of the military service of servicemen includes:

- a. Duration of the active military service before entering the higher military educational establishment;
- b. Length of contractual military service before entering the higher military educational establishment at the rate of two months of contractual military service per one month of active military service;

- c. Length of military service during the training at a higher military educational establishment at the rate of two months of service (training) in the specified educational establishments per one month of active military service.

85. The cadets (students) expelled from higher military educational establishments (except for those attached for further military service to organs of the Security Service of Ukraine against the petition of these organs) who at date of dismissal from higher military educational establishment have served the target date of active military service, and also dismissed for health reasons or family circumstances, leave according to the established procedure from the military service and go to military commissariats domiciliary for military registration.

86. The female cadets expelled from higher military educational establishments leave the military service:

- If they have no military-registration specialisation - without military registration;
- If they have a military-registration specialisation - with transfer to the reserve and being sent to military commissariats domiciliary for military registration.

## APPENDIX

**To Regulations on Military Service (Training) on a Contract Basis by Cadets (Students) of Higher Military Educational Establishments of the Security Services of Ukraine approved by the Decree of the President of Ukraine of November 2001 No. 1053/2001**

### Sample

**(The small State Emblem of Ukraine)**

### **SECURITY SERVICE OF UKRAINE**

CONTRACT for doing military service (training) by the cadets (students) of higher military educational establishments of the Security Services of Ukraine

Security Service of Ukraine on behalf of \_\_\_ (post, military rank, surname, name, patronymic) \_\_\_, on the one hand and the citizen of Ukraine \_\_\_ (post, military rank, surname, name, patronymic) \_\_\_ day, month and year of birth, residence \_\_\_ series and number of passport (identification card), when and who issued it) \_\_\_, further referred to as “the cadet (student)”, on the other hand, according to items 6-11 of Regulations on undergoing military service (training) on contractual basis of cadets (students) of higher military educational establishments of the Security Service of Ukraine have concluded this Contract about the following:

1. The cadet (student) \_\_\_ (surname, name, patronymic) has familiarized himself/herself with laws and other normative-legal acts of Ukraine regulating the procedure for undergoing the military service in the Security Service of Ukraine, and voluntarily assumes the following obligations:
  - To do military service (training) on contractual basis at \_\_\_ (name of an educational establishment) of the Security Services of Ukraine during the validity of the Contract on terms established by laws and other normative-legal acts of Ukraine regulating the procedure for doing military service (training) at higher military educational establishments of the Security Service of Ukraine and this Contract;

- To execute honestly the requirements of Military Regulations of the Armed Forces of Ukraine, normative-legal acts of the Security Service of Ukraine, other acts of the legislation, official duties, orders of commanders and chiefs, to acquire knowledge necessary for further service on posts of officers, to have positive characteristics in study;
  - To continue military service on the posts of officers after graduation for no less than five years.
2. The Security Service of Ukraine undertakes to ensure the cadet (student) \_\_\_\_ (surname, name, patronymic)
- To observe his/her social and economic, political and personal rights and freedoms and members of his/her family, including granting of privileges, guarantees and indemnities established by the laws and other normative-legal acts of Ukraine, determining the status of servicemen and the procedure for doing military service (training) at higher military educational establishments of the Security Service of Ukraine, in particular:
  - Financial, material and other support according to norms and the procedure established by the legislation of Ukraine and normative-legal acts of the Security Service of Ukraine;
  - The state obligatory personal insurance in case of loss, death or disability which develops owing to injury (contusion, trauma or mutilation), disease received during service.
3. Other conditions of the Contract \_\_\_\_
4. Conditions of this Contract can be changed only upon consent of the parties in the written form.
5. The contract is concluded for \_\_\_\_ years (In words) From \_\_\_\_ (day, month, year) until \_\_\_\_ (day, month, year).
6. The contract is concluded in duplicate, both of which have equal force and are stored by each of the parties: The chief of higher military educational establishment \_\_\_\_ (military rank) \_\_\_\_ (Signature) \_\_\_\_ (surname and initials) \_\_\_\_ “\_\_” \_\_\_\_\_ 20 \_\_\_\_ The Cadet (student) \_\_\_\_ (military rank) \_\_\_\_ (Signature) \_\_\_\_ (surname and initials) \_\_\_\_ “\_\_” \_\_\_\_\_ 20 \_\_\_\_  
Place for the seal

## **Decision of the Verkhovna Rada on Adopting Regulations on the Liability of Servicemen for Damage Caused to the State**

243/95-BP of 23.06.1995; (Bulletin of the Verkhovna Rada of Ukraine (BVR), 1995, No. 25, p. 193), Includes changes made by the Law 2171-III of 21.12.2000, BVR, 2001, No. 9, p. 38

The Verkhovna Rada of Ukraine of Ukraine, decrees:

1. To approve Regulations about liability of servicemen for the damage caused to the state (see attached).
2. The Cabinet of the Ministers of Ukraine within three-month term is obliged:
  - To develop and approve the List of military property, shortage or theft of which is compensated by guilty persons in a multiple ratio to its cost;
  - To bring the decision of the government of Ukraine in conformity with the Regulations about liability of servicemen for the damage caused to the state;
  - To ensure revision and cancelling by the ministries and departments of Ukraine of their normative acts contradicting these Regulations.

To charge the Commissions of the Verkhovna Rada of Ukraine of Ukraine on issues of legality and legal order in case of the need to submit to the Verkhovna Rada of Ukraine of Ukraine the proposal on introducing changes and additions to the acts apparent from Regulations about liability of servicemen for damage caused to the state..

APPROVED

By Decree of the President of Ukraine  
17<sup>th</sup> April 2002, No 348/2002

# **Regulations on the Liability of Servicemen for Damage Caused to the State**

According to the Constitution (the Basic law) of Ukraine and other legislative act of Ukraine servicemen and reservists called up for the periodical training are obliged to handle the arms, military equipment and other military property entrusted to them with care, to take measures to prevent its damage.

The persons encroaching on the state ownership, carelessly handling arms, military equipment and other military property are brought to account. Bringing to account does not free from discipline, civil, administrative or criminal liability.

## **PART I. GENERAL PROVISIONS**

1. These Regulations determine the bases and the procedure of bringing to account of servicemen and reservists called up for the periodical training guilty for causing damage to the state at performance of the official duties stipulated by acts of the legislation, Military Regulations, directives, instructions and other statutory acts.

The specified persons are brought to account for the damage caused to the state not on duty according to the procedure stipulated by the civil legislation of Ukraine.

The servicemen are: soldiers, seamen, sergeants, sergeant-majors of active military service and those who do contractual military service, cadets (students) of military-training establishments, the women doing contractual military service on the posts of soldiers and seamen, sergeants and sergeant-majors, ensigns and warrant officers and the officer personnel, ensigns, warrant officers and officers of the Armed Forces of Ukraine, the Border troops of Ukraine, troops of the Civil defence, the State Guard Administration of Ukraine and other military formations created according to the legislation of Ukraine, Security Service of Ukraine, troops of internal and convoy guard of the Ministry of Internal Affairs of Ukraine, and also reservists called up for the periodical training.

These Regulations are applicable also to privates and the command personnel of the Ministry of Internal Affairs of Ukraine.

2. The damage subject to compensation is the straight real damage caused by theft, damage, loss or unlawful use of military property, deterioration or decrease of its value that has entailed additional charges for military units, establishments, organisations, enterprises and military schools (further - military units) for restoration, purchase of property or other material assets or excessive payments.

The military property is the state property assigned to the relevant military units. The following belongs to the military property: all kinds of arms, military and other equipment, ammunition, combustible and oil materials, foodstuffs, technical, aerodrome, skipper, ware, cultural and educational, medical, veterinary, household, chemical, engineering and other property, and also money resources.

In the cases stipulated by item 14 of these Regulations compensation by the servicemen and reservist called up for the periodical training of the straight real damage caused to the state is carried out in a multiple ratio to cost of property.

3. Servicemen and reservists called up for the periodical training are materially liable under the conditions of:

a. The straight real damage;

- b. Their illegal behaviour;
- c. Causal relationship between illegal behaviour and occurrence of damage;
- d. Fault in causing damage.

Illegal behaviour is the behaviour (actions or acts of omission) of the serviceman or a reservist called up for the periodical training when he/she fails to execute (carelessly executes) the official duties.

A verdict of guilty is brought against the servicemen or reservist called up for the periodical training for the caused damage if the illegal act is committed by him/her intentionally or through carelessness.

4. Compensation of damage by servicemen and reservists called up for the periodical training is made irrespective of whether they are called to discipline or criminal account for actions (acts of omission) which caused the damage to the state.

In case of bringing the person who caused material damage to the state to criminal account, the commander (chief) of military unit is obliged to institute a civil claim against him/her for the sum of not compensated damage.

5. Time while the guilty servicemen and reservists called up for the periodical training can be brought to account cannot exceed the limited period established by the current legislation.

6. Servicemen and reservists called up for the periodical training whose activities cause damage to the state can compensate it voluntarily in full or in part. These persons upon consent of the commander (chief) of military unit can restore the damaged property.

Compensation of damage with the natural equivalent property is not allowed in case of loss or damage to weapons, ammunition, special military equipment, etc., which cannot be in the property of citizens.

7. Servicemen and reservists called up for the periodical training in case of causing damage to the third parties upon their fault, which has been compensated according to the current legislation by the military unit, are obliged to compensate to its military unit according to the procedure stipulated by these Regulations and the civil legislation of Ukraine.

8. Depending on whether the damage was caused intentionally or through carelessness, and also taking into account public danger of the action (act of omission) of the guilty person and circumstances at which the damage was caused, and costs of property the servicemen and reservists called up for the periodical training are brought to full or limited account.

9. Supervision of observance and correct application of these Regulations is carried out by the General Prosecutor of Ukraine and the public prosecutors subordinated to him/her.

*(Section I includes changes made by the Law 2171-III of 21.12.2000)*

## **PART II. LIMITED LIABILITY**

10. Servicemen and reservists called up for the periodical training are accountable for the damage caused by negligent performance of their official duties stipulated by the Military Regulations, directives, instructions and other statutory acts at the rate of the caused damage, but no more than a monthly money allowance.

Military constructors of the military-construction units, individual battalions and companies in the cases stipulated by this item are accountable at the rate of the caused damage, but no more than a monthly average wages.

For damage, defacement or loss through carelessness of property entrusted to the servicemen and reservists called up for the periodical training for the period of the periodical training in the private use, they are accountable at the rate of the damage caused on their fault, but no more than three months money allowance.

11. Commanders (chiefs) of military units are accountable for the damage caused to the state by their subordinates at the rate of the caused damage, but no more than three months money allowance if they violated the established procedure of the account, of storages, uses, transportations of military property by their instructions.

In case commanders (chiefs) of military units have not taken the appropriate measures stipulated by the Military Regulations, directives, instructions and other statutory acts about the prevention of theft, destruction or damage of military property or about bringing the guilty to account they are accountable at the rate of the caused damage, but no more than a monthly money allowance.

12. Ensigns, warrant officers and the officer personnel are accountable for the damage caused on their fault because of stoppage of railway cars, vessels and cars at the rate of the caused damage but more than a three-months money allowance.

### **PART III. THE FULL AND INCREASED LIABILITY FOR DAMAGE**

13. Servicemen and reservists called up for the periodical training are accountable in the full size of the damage caused on their fault to the state in case of:

- Deliberate destruction, damage, defacement, theft, unlawful expenditure of military property or commitment of other deliberate unlawful acts;
- Upward distortions in orders and other documents of non-performed works, distortions of accounting data and other fraudulent behaviour towards the;
- Causing damage by the person in the state of intoxication;
- Actions (acts of omission) having signs of a crime;
- Shortage, and also destruction or damage to the military property entrusted to him/her for storage, transportation, use or for other purpose.

14. Servicemen and reservists called up for the periodical training assume liability for damage caused by theft, waste or loss of weapons and ammunition, optical devices, communication facilities, special military equipment, flight-technical, special sea and landing regimentals, mate equipment, special clothes and footwear, inventory things and some other kinds of military property, in 2-10-fold size of cost of this property. The list of military property shortage or theft of which is compensated by guilty persons in a multiple ratio to its cost is approved by the Cabinet of the Ministers of Ukraine.

15. The commanders (chiefs) of military units guilty of unlawful discharge or transfer of the employee or servicemen to other work completely compensate to the State the material damage related to the payment for the period of an enforced pro-rata or for the period of lower-paid work. Commanders (chiefs) of military units assume such liability also in case of detention of performance of court decision by them or the order of the higher on subordination commander (chief) about restoration of the employee or servicemen on work.

#### **PART IV. DEFINITION OF THE SIZE OF DAMAGE AND THE PROCEDURE OF ITS COMPENSATION**

16. The size of the damage caused to the state is determined on actual losses on the basis of data of the account proceeding from free wholesale-retail or the contractual prices for the period of consideration of the question on liability, and in the absence of such data - on the prices calculated according to the procedure determined by the Ministry of Economics of Ukraine.

Calculation of the size of the damage subject compensation is made taking into account the wear of military property according to the established norms.

In case of detection of shortage of property the term of operating the which at the date of audit (check) or inventory has expired, or in case of impossibility to establish the time of its loss compensation of the caused damage is made at the rate of 25 percent, and for the self-supporting enterprises, establishments and organisations - at the rate of 50 percent of initial cost of the property reported missing (taking into account the ratio rate).

The sum of the lost property can be reduced by the commander (chief) of military unit under the written permission of the higher commander (chief), and in the cases stipulated by the legislation of Ukraine – by court, depending on the circumstances at which the damage is caused, degrees of fault and financial position of the guilty person, except for cases of causing of damage by the criminal acts committed in the personal mercenary purposes.

17. Commanders of the units and other officials are obliged to immediately submit the official report to the commander (chief) of military unit about the facts of causing of material damage.

In case of revealing the fact of causing material damage, the commander (chief) of military unit institutes investigation to establish the reasons for damage, its size and guilty persons.

Investigation should be completed within one month from the date of detection of damage. In necessary cases this term can be prolonged by a higher commander (chief), but no longer than for one month.

Investigation is not conducted if the reasons, size of damage and guilty persons are established during the audit (check), inventory, investigation, preliminary investigation or by the court.

On the basis of findings of audit (check), inventory, organ of investigation, preliminary investigation or court the commander (chief) of military unit within five-day term from the date of receiving such findings issues the order on collecting from the guilty person of the relevant sum.

18. Investigation is instituted by the written order of the commander (chief) of military unit which has the right to take the decision on bringing the servicemen and reservists called up for the periodical training to account.

Investigation is conducted by the official competent in questions of account, storage and use of the relevant property or having higher juridical education.

It is forbidden to charge investigation to the official subordinated or being the immediate superior of the servicemen or reservist called up for the periodical training whose activities are subject to investigation, and also to officials who are participants of causing of material damage or are interested in the results of investigation.

19. The following should be established during the investigation:

- What is the material damage and what is its cost estimation;
- Which unlawful acts of servicemen or reservists called up for the periodical training caused damage;
- Requirements of which laws, Military Regulations, directives, instructions and other statutory acts have been broken at that;
- Intentionally or through carelessness and for what purpose the damage is caused;
- Whether the damage is caused by the guilty person on duty;
- Degree of fault of everyone in case of causing damage by several persons;
- Conditions and reasons leading to the damage, and its consequence.

20. The official appointed to carry out investigation has the right:

- To take written explanations from the persons involved in the fact of causing of damage;
- To receive documents, acts of audits (checks), inventories, invoices, extracts from registration-expenses books and journals, other documents and the materials necessary for objective and full investigation, and also the documents on the size of the caused damage;
- To examine property and premises where it is stored;
- To make control verifications, weighing and other control-verifying activities with the purpose of establishment of conditions and reasons promoted causing of damage.

21. The findings of investigation should include the facts established according to the requirements of items 3 and 19 of these regulations, and proposals on bringing the guilty person (guilty persons) to the limited, full or increased liability for damage, and in case of need - a substantiation of the possibility to reduce the sum subject to collecting from the guilty for compensation of the caused damage.

The following are attached to the findings:

- Written explanations of the person (persons) brought to account for the damage;
- Written explanations of other persons involved in causing the damage;
- Acts of audits (checks), inventories, waybills, extracts from registration-expenses books and journals and other materials of investigation;
- The document on the cost estimation of the caused damage signed by the chief of the relevant service and the financial organ (chief accountant) of the military unit.

The findings are signed by the officer who conducted investigation. All materials of investigation are submitted for consideration of the commander (chief) of military unit who approves it in case of adoption of the decision on collecting the established damage from the guilty.

22. Servicemen and reservists called up for the periodical training brought to account familiarize with materials of investigation about which the relevant record in the findings are made. They have the right to submit the objections and petitions to the commander (chief) of military unit.

23. The commander (chief) of military unit after the consideration of materials of investigation is obliged to conduct personal conversation with the servicemen or reservists called up for the periodical training brought to account. If the fault of the servicemen or reservists called up for the periodical training is completely proved the

commander (chief) of military unit no later than within a monthly term from the date of the completion of investigation issues an order on bringing the guilty person to liability for the damage indicating the sum subject to collecting.

In case when the damage is caused by several persons the order should indicate the exact size of the sum claimed individually from each person taking into account the degree of fault and concrete circumstances.

The order is brought to the notice of the guilty person (guilty persons) on receipt. The procedure can be appealed against to a higher commander (chief) according to the procedure established by the Disciplinary Regulations of the Armed Forces of Ukraine. In case when within a month from the date of completion of investigation the guilty person is not brought to liability for damage the reparation of the damages caused to the state is made by advancing the claim to the relevant court.

24. The higher commander (chief) checks validity of bringing the guilty person to liability for damage, and also the size of the claimed sum. In exceptional cases, taking into account financial position of the guilty person, his/her family circumstances, etc., the size of the sum subject to collecting can be reduced. The size of the claimed sums in this case cannot be less than the one stipulated by item 10 of these Regulations.

Appeal against the order on bringing to liability for damage higher to a higher commander (chief) does not stop the collecting of the sum.

In case of public prosecutor's protest the collection of the claimed sum is suspended up to an adoption of the decision on the protest.

If servicemen or reservists called up for the periodical training do not agree with the decision of a higher commander (chief), he/she according to Part 5 of Article 5 of the Law of Ukraine "On social and legal protection of servicemen and members of their families" has the right to appeal against such decision according to the judicial procedure.

In case of cancellation of the order the withheld sums are paid back.

The means deducted from servicemen or reservists called up for the periodical training according to the order on reparation of the damages caused to the state enter the budget of the ministry or department the military units of which they do military service or periodical training.

25. Deductions from money allowance according to the order on compensation of the caused damage are made monthly at the rate of 20 percent, and at reparation of the damages caused as a result of theft, deliberate damage to military property - at the rate of 50 percent of monthly money allowance (earnings).

If other deductions stipulated by the law are made from money allowance (earnings) the total amount of all deducted sums cannot exceed 50 percent of monthly money allowance (earnings). The procedure and sequence of collecting in these cases are determined according to the current legislation.

Monthly money allowance of officer (commanding) personnel and servicemen serving on contractual basis is the official salary together with the salary for a military (special) rank and the percentage long-service bonus, and of servicemen of the active military service - the official salary. Monthly money allowance of reservists called up for the periodical training is determined according to the current legislation of Ukraine.

26. The sizes of monthly money allowance are determined according to the basic official salaries and salaries for military (special) ranks and percentage long-service bonuses at the date of signing the order on bringing to liability for the damage.

27. The sums are deducted from servicemen of active service and cadets on a monthly basis and are claimed from their official salaries.

28. In case of bringing commanders (chiefs) of military units to liability for the damage according to item 11 of these Regulations collecting in the multiple size of cost of the military property specified in item 14 of these Regulations is not applied.

29. If the servicemen is transferred to a new place of service before adoption of the decision about reparation of the damages caused by him/her, the materials of investigation, decisions of organs of preliminary investigation and court or an extract from the act of audit, check, inventory are sent within a five-day term after the completion of investigation, audit, check or inventory on a new place of service of the guilty for his/her bringing to liability for damage. The commander (chief) of the military unit in a new place of service of the guilty person is obliged to issue the order on bringing of this person to liability for damage. within 15-day's term from the date of receipt of materials about causing damage

30. If the servicemen has left for a new place of service before full indemnification of the damage caused by him/her, the deduction of the sum of money in a new place of service is made on the basis of record in the monetary certificate. Amortisation of the sums of debts in the former place of service in this case is made only at receiving written confirmation on their collecting in a new place of service of the servicemen. Confirmation on acceptance of the sum of debts is signed by the commander (chief), the chief of financial organ (chief accountant) of military unit and sealed.

31. At transfer to the reserve or retirement or leaving from military unit of the guilty person (guilty persons) up to the adoption of the decision about collecting of the caused damage the commander (chief) of military unit according to the procedure established by the current legislation advance the civil claim to the court for the sum of the damage caused by this person.

32. Within 10-day's term after the day of leaving from military unit of the discharged servicemen and reservists after the expiration of the periodical training who were brought to liability for damage and did not compensate the caused damage the enforcement instruction of the organs executing activities of notaries are sent to the court in the place of their constant residence (work). For receiving the enforcement instruction the commander (chief) of military unit represents the organs executing activities of notaries the documents on the sum of the debts subject to collecting.

33. The sum of the not compensated damage which is registered for the transferred to the reserve or into retirement the servicemen or to reservists having done the periodical training is taken into account in military units in the former place of service or doing of periodical training before full receipt of the sum.

34. The size of damage exceeding the sum that can be deducted from the guilty person should be attributed to the state by the commander's decision (chief) of the military unit within the limits of the rights given to him/her.

35. Control over payment of the sum of the not compensated damage registered for the servicemen transferred to the reserve or into retirement is carried out by financial organs of military units, and on issues of reservists having done periodical training - except for the above-mentioned organs, by the military commissariat of the Autonomous Republic of Crimea, district, city and regional military commissariats as well.

36. The size of the damage caused to the state by theft, damage, loss and unlawful use of property, deterioration of its quality when doing military service abroad is determined in retail prices in currency of the host country, and in the absence of such prices - in retail prices of the host country for similar property.

Compensation of damage in this case is conducted in currency of the host country, and at leaving of servicemen to Ukraine - in national currency, with transfer of the sums subject to collecting to foreign currency at the rate of the National bank of Ukraine.

## **PART V. CIRCUMSTANCES EXCLUDING MATERIAL LIABILITY**

37. Material liability does not appear in the following cases:

- When the caused damage occur as a result of major force;
- Non-ascertainment of the guilty person;
- Death of the guilty person;
- When the damage is caused as a result of implementation of the order of the senior chief, or the service risk justified in concrete conditions, or lawful actions.

38. The facts of causing damage in the cases stipulated by item 37 of these Regulations are subject to investigation instituted by the commander (chief) of military unit, which is conducted according to items 17-23 of Regulations. By results of investigation the order on amortisation of the sum of the caused damage is issued.

## The Criminal Code of Ukraine (Extracts)

2341-III of 05.04.2001; (Bulletin of the Verkhovna Rada of Ukraine (BVR), 2001, 25-26, p. 131), Includes changes made by the Laws 2953-III of 17.01.2002, BVR, 2002, 17, p. 121; 3075-III of 07.03.2002, BVR, 2002, 30, p. 206; 430-IV of 16.01.2003, BVR, 2003, 14, p. 95; 485-IV of 06.02.2003, BVR, 2003, 14, p. 104; 662-IV of 03.04.2003, BVR, 2003, 27, p. 209; 668-IV of 03.04.2003, BVR, 2003, 26, p. 198; 669-IV of 03.04.2003, BVR, 2003, 26, p. 199; 744-IV of 15.05.2003, BVR, 2003, 29, p. 234; 850-IV of 22.05.2003, BVR, 2003, 35, p. 271; 908-IV of 05.06.2003, BVR, 2003, 38, p. 320; 1098-IV of 10.07.2003, BVR, 2004, 7, p. 46; 1130-IV of 11.07.2003, BVR, 2004, 8, p. 66; 1626-IV of 18.03.2004, BVR, 2004, 26, p. 361; 1723-IV of 18.05.2004, BVR, 2004, 36, p. 430; 2252-IV of 16.12.2004, BVR, 2005, 5, p. 119; 2276-IV of 21.12.2004, BVR, 2005, 6, p. 134; 2289-IV of 23.12.2004, BVR, 2005, 6, p. 139; 2308-IV of 11.01.2005, BVR, 2005, 6, p. 145; 2322-IV of 12.01.2005, BVR, 2005, 10, p. 187; 2456-IV of 03.03.2005, BVR, 2005, 16, p. 260; 2598-IV of 31.05.2005, BVR, 2005, 27, p. 359; the Decision of the Constitutional Court 15-пн/2004 of 02.11.2004

### **PART XIX. CRIMES AGAINST THE ESTABLISHED PROCEDURE OF PERFORMANCE OF MILITARY SERVICE (MILITARY CRIMES)**

#### **Article 401. Concept of military crime**

1. Military crimes are the crimes stipulated by this section against the procedure established by the legislation of performance of or doing military service committed by servicemen, and also reservists when undergoing educational (or testing) or special periodical training.
2. The relevant Articles of this section are applicable to the servicemen of the Armed Forces of Ukraine, Security Service of Ukraine, State Border Service of Ukraine, internal troops of the Ministry of Internal Affairs of Ukraine and other military formations created according to the laws of Ukraine, and also other persons determined by the law.
3. The persons not specified in this Article are subject to liability according to the relevant Articles of this section to participate in military crimes.
4. The person who has committed a crime stipulated by Articles of this section can be relieved according to the Article 44 of this Code with the application to him/her of the measures stipulated by the Disciplinary Regulations of the Armed Forces of Ukraine.

*(Article 401 includes changes made by the Law 662-IV of 03.04.2003)*

#### **Article 402. Disobedience**

1. Disobedience is the open refusal to perform the order of the chief, and also other deliberate non-execution of the order-punished by service restriction for the term under two years or assignment to a discipline battalion for the term under two years, or imprisonment for the term under three years.
2. The same acts accomplished by a group of persons or if it has entailed heavy consequences - punished by imprisonment for the term from three up to seven years.
3. The disobedience committed under martial law or in battle conditions - punished by imprisonment for the term from five up to ten years.

**Article 403. Non-execution of the order**

1. Non-execution of the order of the chief committed in the absence of the signs specified in Part 1 of Article 402 of this Code if it has entailed heavy consequences - punished by service restriction for the term under two years or assignment to a discipline battalion for the term under one year, or imprisonment for the term under two years.
2. The same act committed under martial law or in battle conditions - punished by imprisonment for the term from three up to seven years.

**Article 404. Resistance to the chief or his compulsion to infringement of official duties**

1. Resistance to the chief and also other person performing the duties of military service assigned to him/her, or their compulsion to infringement of these duties-punished by service restriction for the term under two years or assignment to a discipline battalion for the term under two years, or imprisonment for the term from two up to five years.
2. The same actions committed by a group of persons, or with the use of weapons, or if they entailed heavy consequences -punished by imprisonment for the term from three up to eight years.
3. The activities stipulated by the units 1 and 2 of this Article if they have been committed under martial law or in battle conditions - punished by imprisonment for the term from three up to twelve years.
4. The activities stipulated by Parts 2 and 3 of this Article if they have been combined with deliberate murder of the chief or other person doing military service - punished by imprisonment for the term from ten up to fifteen years or life imprisonment.

**Article 405. Threat or violence against the chief**

1. Murder, physical injuries or beating menace to the chief or destruction or damage to his/her property related to the performance of his/her duties of military service - punished by assignment to a discipline battalion for the term under two years or imprisonment for the same term.
2. Causing of physical injuries, beating or commitment of other violent actions against the chief related to the performance of his/her military service duties - punished by imprisonment for the term from two up to seven years.
3. The actions stipulated by the units 1 and 2 of this Article committed by a group of persons or with the use of weapons, or under martial law or in battle conditions - punished by imprisonment from five up to ten years.

**Article 406. Violation of statutory rules of relations between servicemen in the absence of relations of subordination**

1. Violation of statutory rules of relations between servicemen in the absence between them of relations of subordination in the form of battery or other violence - punished by arrest for the term of about six months or assignment to a discipline battalion for the term under one year, or imprisonment for the term under three years.
2. The same act committed against several persons or has caused trivial or medium physical injuries, and also having character of mockery or scoffing at the

servicemen - punished by assignment to a discipline battalion for the term under two years or imprisonment for the term from two up to five years.

3. The acts stipulated by the units 1 and 2 of this Article committed by a group of persons or with the use of weapons, or having entailed heavy consequences - punished by imprisonment for the term from three up to ten years.

**Article 407. Unwarranted leave of military unit or the place of service**

1. Unwarranted leave of the military unit or the place of service by the servicemen of active service, and also his absence without valid excuse at discharge from the unit, appointment or transfer, absence from business trip, leave or from medical establishment for over three days but no longer than month - punished by assignment to a discipline battalion for the term under two years or imprisonment for the term under three years.
2. Unwarranted leave of the military unit or the place of service by the servicemen (except for active service), and also his/her absence without valid excuse for over ten days but no longer than a month, or though less than ten days but more than three days committed repeatedly within the year - punished by the penalty up to hundred non-taxable minima of income of citizens or service restriction for the term under two years, or imprisonment for the term under three years.
3. Unwarranted leave of the military unit or the place of service, and also absence without valid excuse for over one month committed by the persons specified in units 1 and 2 of this Article - punished by imprisonment for the term from two up to five years.
4. Unwarranted leave of military unit or the place of service, and also absence without valid excuse committed under martial law or in battle conditions - punished by imprisonment for the term from five up to ten years.

**Article 408. Desertion**

1. Desertion is an unwarranted leave of the military unit or the place of service with the purpose to evade from the military service, and also absence with the same purpose from service at appointment, transfer, during a business trip, leave or from medical establishment - punished by imprisonment for the term from two up to five years.
2. Desertion with weapons or on preliminary arrangement by a group of persons - punished by imprisonment for the term from five up to ten years.
3. The act stipulated by Parts 1 and 2 of this Article committed under martial law or in battle conditions - punished by imprisonment for the term from five up to twelve years.

**Article 409. Evasion of military service by self-mutilation or other way**

1. Evasion of the servicemen from performance of duties of military service by self-mutilation or by simulation of illness, forgery of documents or other deceit - punished by assignment to a discipline battalion for the term under two years or imprisonment for the same term.
2. Refusal to perform duties of military service - punished by imprisonment for the term from two up to five years.
3. The acts stipulated by Parts 1 and 2 of this Article committed under martial law or in battle conditions - punished by imprisonment for the term from five up to ten years.

**Article 410. Theft, misappropriation, extortion by the servicemen of weapons, battle supplies, explosive or other battle substances, means of transport, military and special military equipment or other military property, and also their acquisition by swindle or abuse of the power**

1. Theft, misappropriation, extortion by the servicemen of weapons, battle supplies, explosive or other battle substances, means of transportation, military and special military equipment or other military property or their acquisition by swindle - punished by imprisonment for the term from three up to eight years.
2. The same actions committed by the military official with the abuse of authority, or repeatedly, or on preliminary arrangement by a group of persons, or caused essential damage - punished by imprisonment for the term from five up to ten years.
3. The actions stipulated by the units 1 or 2 of this Article if they are committed under martial law or in battle conditions, robbery with the purpose of seizure of weapons, battle supplies, explosive or other battle substances, means of transportation, military and special military equipment, and also the extortion of these subjects related to violence dangerous to life and health of the disadvantaged - punished by imprisonment for the term from ten up to fifteen years.

**Article 411. Deliberate destruction or damage of military property**

1. Deliberate destruction or damage of weapons, battle supplies, means of transportation, military and special military equipment or other military property - punished by the service restriction for the term of under two years or assignment to a discipline battalion for the same term, or imprisonment for the term of under three years.
2. The same actions committed by an arson or other socially dangerous way or if they have entailed loss of people or other heavy consequences - punished by imprisonment for the term from three up to eight years.
3. The actions stipulated by Part 2 of this Article committed under martial law or in battle conditions - punished by imprisonment for the term from five up to ten years.

**Article 412. Destruction or damage of military property through carelessness**

1. Careless destruction or damage of weapons, battle supplies, means of transportation, military and special military equipment or other military property caused damage in large sizes - punished by the penalty up to fifty non-taxable minima of income of citizens or service restriction for the term under two years, or assignment to a discipline battalion for the term under one year.
2. The same acts if they have entailed loss of people or other heavy consequences - punished by assignment to a discipline battalion for the term under two years or imprisonment for the term under three years.

**Article 413. Waste or loss of military property**

1. Sale, mortgage, transfer to the use by the servicemen of active service of the given to him for the private use subjects of regimentals or equipment (waste), and also loss or damage of these subjects owing to violation of rules of their

- storage - punished by arrest for the term of about six months or assignment to a discipline battalion for the term under two years.
2. Loss or damage of the entrusted for service using weapons, battle supplies, means of transportation, subjects of technical supply or other military property owing to violation of rules of their storage - punished by arrest for the term of about six months or assignment to a discipline battalion for the term under two years, or imprisonment for the same term.
  3. The acts stipulated by the units 1 or 2 of this Article committed under martial law or in battle conditions - punished by imprisonment for the term from two up to five years.

**Article 414. Infringement of the rules of handling weapons and also substances and subjects representing grave danger for the people around**

1. Violation of rules of handling weapons, and also ammunition, explosives, radioactive and other substances and subjects representing grave danger to the people around them if it has caused physical injuries - punished by service restriction for the term under two years or assignment to a discipline battalion for the same term, or imprisonment for the term under three years.
2. The same act which has caused physical injuries to several persons or death of the disadvantaged - punished by imprisonment for the term from two up to ten years.
3. The act stipulated by a unit 1 of this Article which entailed loss of several persons or other heavy consequences - punished by imprisonment for the term from three up to twelve years.

**Article 415. Violation of rules of driving or operating the machines**

1. Violation of rules of driving or operating the battle, special or transport machines caused to medium or heavy physical injuries or loss of the disadvantaged - punished by imprisonment for the term from two up to five years.
2. The act stipulated by unit 1 of this Article which entailed loss of several persons - punished by imprisonment for the term from five up to ten years.

**Article 416. Violation of rules of flights or training for them**

Violation of rules of flights or training for them, and also infringement of service regulations of the aircraft which entailed accident or other heavy consequences - punished by imprisonment for the term from five up to fifteen years.

**Article 417. Violation of rules of navigation**

Violation of rules of navigation which entailed loss of people, destruction of the ship or other heavy consequences - punished by imprisonment for the term from five up to fifteen years.

**Article 418. Violation of statutory rules of guard duty or patrol**

1. Violation of statutory rules of guard (watch) service or patrol which entailed heavy consequences for prevention of which the given sentry (watch) or patrol is intended for - punished by custodial restraint for the term from two up to five years or imprisonment for the same term.

2. The acts stipulated by Part 1 of this Article committed under martial law or in battle conditions - punished by imprisonment for the term from three up to eight years.

**Article 419. Violation of statutory rules of performance of the border service**

1. Violation of statutory rules of performance of the border Service by the person who is a part of by the order on protection of the state border of Ukraine - punished by assignment to a discipline battalion for the term under two years or imprisonment for the term under three years.
2. The act stipulated by Part 1 of this Article which entailed heavy consequences - punished by imprisonment for the term from three up to eight years.

**Article 420. Violation of statutory rules of performance of duties**

1. Violation of statutory rules of performance of duties (battle service) established for duly detection and repelling of the attack against Ukraine or for protection and security of Ukraine - punished by imprisonment for the term under three years.
2. The act stipulated by unit 1 of this Article which entailed heavy consequences - punished by imprisonment for the term from three up to eight years.
3. The acts stipulated by Part 1 and 2 of this Article committed under martial law or in battle conditions - punished by imprisonment for the term from five up to ten years.

**Article 421. Violation of statutory rules of internal service**

1. Violation by the person who is a part of the unit daily orders (except for sentry and watch) of the statutory rules of internal service if it has entailed heavy consequences prevention of which was the duties of the given person - punished by assignment to a discipline battalion for the term under two years or imprisonment for the term under three years.
2. The same act committed under martial law or in battle conditions - punished by imprisonment for the term under five years.

**Article 422. Divulgence of military information constituting the state secret or loss of documents or materials containing such data**

1. Divulgence of information of a military nature constituting the state secret, in the absence of signs of high treason - punished by imprisonment for the term from two up to five years.
2. Loss of documents or materials containing military information constituting the state secret, subjects data about which constitute the state secret, by the person they have been entrusted to if the loss has become the result of violation of the established rules of handling the specified documents, materials or subjects - punished by imprisonment for the term from two up to five years.
3. The acts stipulated by Parts 1 and 2 of this Article if they have entailed heavy consequences - punished by imprisonment for the term from five up to ten years.

**Article 423. Abusing by the military official of authority or service position**

1. Unlawful use by the military official of vehicles, constructions or other military property, and also unlawful use of the subordinate persons for personal services

or services to other persons, and also other abuse of the powers or the service position committed through lucrative impulse or in other personal interests or in the interests of the third parties if such act has caused essential harm - punished by the penalty from fifty up to hundred non-taxable minima of income of citizens or service restriction for the term under two years, or imprisonment for the term under three years.

2. The same acts if they have entailed heavy consequences - punished by imprisonment for the term from three up to eight years.
3. The acts stipulated by Parts 1 and 2 of this Article committed under martial law or in battle conditions - punished by imprisonment for the term from five up to twelve years.

The note 1. Military officials are military chiefs, and also other servicemen occupying constantly or temporarily the posts related to performance of organisational-administrative or administrative duties or carrying out such duties on the special commission of plenipotentiary command.

2. In Articles 423-426 of this Code the essential harm, if it lies in causing of material damage, is considered to be the harm which exceeds two hundred fifty and more times the non-taxable minimum of income of citizens, whereas heavy consequences under the same conditions are considered to be the harm which exceeds the non-taxable minimum of income of citizens in five hundred and more time.

**Article 424. Abuse by the military official of authority or service powers**

1. Abuse by the military official of authority or service powers, that is deliberate commitment of the actions which are obviously outside the limits of the rights given to the person or the powers, except for the stipulated by Part 2 of this Article if these actions have caused essential harm - punished by custodial restraint for the term from two up to five years or imprisonment for the same term.
2. Application of the unauthorized measures of influence towards the subordinate or abuse of discipline authority if these actions have caused essential harm, and also the use of violence towards the subordinate - punished by imprisonment for the term from three up to seven years.
3. The acts stipulated by Part 2 of this Article committed with the use of weapons, and also the acts stipulated by the units 1 or 2 of this Article if they have entailed heavy consequences - punished by imprisonment for the term from five up to ten years.
4. The acts stipulated by Parts 1-3 of this Article committed under martial law or in battle conditions - punished by imprisonment for the term from eight up to twelve years.

**Article 425. Negligent performance of military service**

1. Negligent attitude of the military official to service if it has caused essential harm - punished by the penalty of up to a hundred non-taxable minima of income of citizens or service restriction for the term under two years, or imprisonment for the term under three years.
2. The same act if it has entailed heavy consequences - punished by imprisonment for the term from three up to seven years.

3. The acts stipulated by Part 1 and 2 of this Article committed under martial law or in battle conditions - punished by imprisonment for the term from five up to eight years.

**Article 426. Acts of omission of military authority**

1. Deliberate non-suppression of a crime committed by the subordinates, or non-institution by the military official being the organ of investigation of criminal case against the subordinate who has committed a crime, and also other deliberate non-execution by the military official of actions which he/she should execute according to the official duties if it has caused essential harm - are punished by the penalty from fifty up to two hundred non-taxable minima of income of citizens or service restriction for the term under two years, or imprisonment for the term under three years.
2. The same acts if they have entailed heavy consequences - punished by imprisonment for the term from three up to seven years.
3. The acts stipulated by the units 1 or 2 of this Article committed under martial law or in battle conditions - punished by imprisonment for the term from seven up to ten years.

**Article 427. Surrender or leave to the opponent of means of warfare**

Surrender to the opponent by the chief of the military forces entrusted to him/her, and also not caused by battle conditions leave to the opponent of fortifications, military and special equipment or other means of warfare if the specified actions are committed not with the purpose of procurement for the enemy - punished by imprisonment for the term from three up to ten years.

**Article 428. Leave of perishing military ship**

1. Leave of the perishing military ship by the commander who has not completed his/her official duties, and also by a member of a crew of the ship without the order of the commander - punished by imprisonment for the term from three up to eight years.
2. The same act committed under the martial law or in battle conditions - punished by imprisonment for the term from seven up to ten years.

**Article 429. Unwarranted leave of battle fields or refusal to use weapons**

Unwarranted leave of battle fields during battle or refusal during the battle to use weapons - punished by imprisonment for the term from five up to ten years.

**Article 430. Voluntary yielding oneself prisoner**

Voluntary yielding oneself prisoner through cowardice or poor spirit - punished by imprisonment for the term from seven up to ten years.

**Article 431. Criminal acts of the servicemen in captivity**

1. Voluntary participation of the servicemen in captivity in the military works or in other actions most likely to cause damage to Ukraine or allied to it states in the absence of signs of high treason - punished by imprisonment for the term from three up to seven years.

2. Violence against other prisoners of war or cruel treatment of other prisoners of war senior to them - punished by imprisonment for the term from five up to eight years.
3. Commitment by the servicemen in captivity of the actions intended to harm other prisoners of war, under lucrative impulse or with the purpose of obtaining of indulgent treatment from the opponent - punished by imprisonment for the term under three years.

**Article 432. Pillage**

Abduction on the battle field of the things of killed or injured men (pillage) - punished by imprisonment for the term from three up to ten years.

**Article 433. Violence against the population in battle area**

1. Violence, illegal destruction of property, and also illegal seizure of property under the pretext of military necessity committed towards the population in the battle area - punished by imprisonment for the term from three up to eight years.
2. Robbery of the population in battle area - punished by imprisonment for the term from seven up to ten years.

**Article 434. The maltreatment of prisoners of war**

The maltreatment of prisoners of war which takes place repeatedly, or combined with special cruelty, or directed against patients and injured men, and also negligent performance of duties towards the patients and injured men by the persons their treatment and care about them are assigned to in the absence of signs of a more grave crime - punished by imprisonment for the term under three years.

**Article 435. Unlawful use of symbols of the Red Cross and Red Crescent and abusing them**

Carrying in the battle area of symbols of the Red Cross or the Red Crescent by the persons not having on the right to do that and also abusing under martial law of flags or signs on the Red Cross and the Red Crescent or coloration of sanitary-vehicles - punished by imprisonment for the term under two years.

**PART XX. CRIMES AGAINST PEACE, SECURITY OF MANKIND AND INTERNATIONAL LAW AND ORDER****Article 436. Propagation of war**

Public call-ups to aggressive war or to unleashing a military conflict, and also manufacturing of materials with call-ups to commitment of such actions with the purpose of their distribution or distribution of such materials - punished by corrective works for the term under two years or arrest for the term of about six months, or imprisonment for the term under three years.

**Article 437. Planning, preparation, unleashing and conducting of aggressive wars**

1. Planning, preparation or unleashing of the aggressive war or military conflict, and also participation in the plot directed on commitment of such actions - punished by imprisonment for the term from seven up to twelve years.
2. Conducting of aggressive wars or aggressive military actions - punished by imprisonment for the term from ten up to fifteen years.

**Article 438. Violation of laws and the customs of war**

1. Cruel treatment of prisoners of war or civilians, trafficking of civilians for forced hard labour, theft of national values on occupied territories, use of the means of warfare forbidden by international law, other violation of laws and customs of war stipulated by international treaties agreed to be binding by the Verkhovna Rada of Ukraine, and also issuance of the order to commit such actions - punished by imprisonment for the term from eight up to twelve years.
2. The same acts if they are combined with deliberate murder - punished by imprisonment for the term from ten up to fifteen years or life imprisonment.

**Article 439. Use of weapons of mass destruction**

1. Use of weapons of mass destruction forbidden by the international treaties agreed to be binding by the Verkhovna Rada of Ukraine - punished by imprisonment for the term from eight up to twelve years.
2. The same act if it has entailed loss of people or other heavy consequences - punished by imprisonment for the term from eight up to fifteen years or life imprisonment.

**Article 440. Development, manufacture, purchase, storage, selling, transportation of weapons of mass destruction**

Development, manufacture, purchase, storage, selling, transportation of weapons of mass destruction forbidden by the international treaties agreed to be binding by the Verkhovna Rada of Ukraine - punished by imprisonment for the term from three up to ten years.

**Article 441. Ecocide**

Mass destruction of flora or fauna, poisoning of the atmosphere or water resources, and also commitment of other actions which can entail ecological catastrophe - punished by imprisonment for the term from eight up to fifteen years.

**Article 442. Genocide**

1. Genocide, that is the act intentionally committed with the purpose of full or partial destruction of any national, ethnic, racial or religious group by killing the members of such group or inflicting heavy physical injuries on them, creation for the group of the conditions intended for its full or partial physical destruction, reduction of procreation or hindrance to it in such group or by forced transfer of children from one group to another - punished by imprisonment for the term from ten up to fifteen years or life imprisonment.
2. Public call-ups to genocide, and also manufacturing of materials with call-ups to genocide with the purpose of their distribution or distribution of such materials - punished by arrest for the term of about six months or imprisonment for the term under five years.

**Article 443. Encroachment on life of the representative of foreign states**

Murder or attempt of murder of representatives of foreign states or other persons having international protection with the purpose of influence on their activity or the activity of the states or organisations they represent, or with the purpose of provocation of war or international complications - punished by imprisonment for the term from eight up to fifteen years or life imprisonment.

**Article 444. Crimes against persons and establishments having international protection**

1. An attack on service or living quarters of persons having international protection, and also abduction or imprisonment of these persons with the purpose to influence their activity or the activity of the states or organisations they represent, or with the purpose of provocation of war or international complications - punished by imprisonment for the term from three up to eight years.
2. Threat of commitment of the actions stipulated by unit 1of of this Article - punished by corrective works for the term under two years or arrest for the term of about three months, or custodial restraint for the term under three years, or imprisonment for the term under two years.

**Article 445. Unlawful use of symbols of the Red Cross and Red Crescent**

Unlawful use of symbols of the Red Cross and Red Crescent, except for the cases stipulated by this Code - punished by the penalty of up to fifty non-taxable minima of income of citizens or arrest for the term of about six months.

**Article 446. Piracy**

1. The piracy, that is the use with the purpose of receiving material compensation or other personal benefit of the armed or unaided vessel for capture of other sea or river vessel, use of violence, robberies or other hostile actions towards the crew or passengers of such vessel - punished by imprisonment for the term from five up to twelve years with confiscation of property.
2. The same acts if they are committed repeatedly or have entailed loss of people or other heavy consequences - punished by imprisonment for the term from eight up to fifteen years with confiscation of property.

**Article 447. Hiring**

1. Recruitment, financing, endowment, training of mercenaries with the purpose of using them in confrontations with other states or in violent actions directed to overthrow the government or infringe on the territorial integrity, and also use of mercenaries in military conflicts or actions - punished by imprisonment for the term from three up to eight years.

Participation without the permission of the relevant organs of the state power in confrontations with other states with the purpose of receiving material compensation - punished by imprisonment for the term from five up to ten years.

APPROVED

By the Decree of the President of Ukraine  
Of March, 4th, 2003 N 188/2003



