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CODE OF CONDUCT: STRUCTURE CONTENT, SUBJECT

CODIFICATION REALITIES AND PROPOSALS

AGENCY FOR LEGISLATIVE INITIATIVES
KIEV, 2017

ANALYTICAL REPORT

This report has been prepared under the Agency for Legislative Initiatives Project "Support of the Democratic Political Culture in the Verkhovna Rada of Ukraine via Political Dialogue and Ethical Standards" backed by the Matra Programme (the Netherlands Embassy) in partnership with the OSCE/ODIHR "Strengthening Dialogue among Civil Society and with Key Government Stakeholders in Ukraine on Human Dimension Issues" Project, the Netherlands Institute for Multiparty Democracy (NIMD), and with the assistance of the USAID "RADA: Responsibility, Accountability, Democratic Parliamentary Representation".

The Agency for Legislative Initiatives (ALI) project aims at improving the quality of the parliamentary process through the support of the interparty dialogue and promotion of ethical standards in the parliament, which includes:

- Establishment of the multiparty dialogue platform to discuss ethical dilemmas;
- Support of the World Caf  format discussions with participation of the OSCE/ODIHR and NIMD leading experts to facilitate the dialogue;
- Promotion of an inclusive process to develop the Parliamentary Code of Conduct or any other regulation mechanism that would be owned by the members of parliament;
- Conduct of interactive training sessions on the parliamentary ethics and political parties, as well as consultations with the stakeholders and the public;
- Preparation of analytical reports upon the discussions to form the basis for the Parliamentary Code of Conduct.

The project shall help to improve the culture of the political communication, to strengthen the interparty cooperation, to move closer to the international standards as suggested by the Cox Mission recommendations, and to restore trust in the Verkhovna Rada of Ukraine.

This document summarises the discussions held among the Ukrainian MPs, international and OSCE/ODIHR experts, as well as other stakeholders on the basis of the dialogue platform. In addition, proposals are made to codify the existing legislation in the areas related to the Code of Conduct.

The reports based on the dialogue platform discussions should form the basis for the Parliamentary Code of Conduct and should become subject to the broader debate.

1. INTRODUCTION

The codes of conduct have long existed as instruments aiming to regulate the behaviour of the members of conventional professional groups. They contain and record what today is called “the best practices”. Such practices aim to ensure harmonious and efficient functioning of every individual in a group, as well as the group itself as a union of such individuals. In the old democracies, the parliamentary code of conduct is indeed a result of a certain evolution of the legislative institution. The new parliaments, however, still keep appearing, and not only in the process of globalisation. One of the most prominent examples of such newest institutions which emerged practically from scratch in the 1950s is the European Parliament. Its Code of Conduct was adopted in 2012.

The need to adopt as soon as possible the latest representative democracy principles came about also in the ex-USSR countries, as well as those of the Soviet bloc in general. As to the code of conduct, its implementation as special statutes is still high on the agenda of many states (e.g. in Sweden it was passed only in 2016). Codification and adoption of the norms of conduct for members of parliament as a package is quite a hot trend today. Due to the well-known historic events, Ukraine has a relatively young democratic parliament, and thus there are hardly any doubts that everything should be done to support and improve its work. The urgency of this task for the Ukrainian politicians is confirmed both by the incessant scandals at the Verkhovna Rada intensively covered by the media, and the absolute lack of public trust in this institute.

This raises quite a justified question: can adoption of the code of conduct indeed change the “harmful” habits and traditions of the Ukrainian members of parliament? The research of the code of conduct efficiency began rather recently¹. It would be naive to expect that just adoption of such a document can have an immediate impact on the situation. Everybody agrees, however, that the very code of conduct drafting when the MPs themselves define the behaviour acceptable for themselves, look into the models adopted in the society, reflect

on their conduct expected by the public, as well as study the best world practices is an important stage on the way towards maturity and consolidation of the Ukrainian political system, political culture, and the state itself.

At the beginning, it would be expedient to clarify the terms. As a matter of fact, we deal with two notions: the ethical code and the code of conduct. The former one may appear to be more general and comprehensive. Sometimes, the code of conduct is considered to be a part of the ethical code. This is not a strict rule, however. Thus, the OSCE/ODHIR “Background Study: Professional and Ethical Standards for Parliamentarians” notes that “The terms “code of conduct” and “code of ethics” are sometimes used interchangeably and may have different connotations in different languages. This study uses the term “code of conduct”, but does not intend to exclude systems that prefer the other term”². The choice of the term may be an issue of not only usage or certain aesthetic reflections. Clearly, it is not by chance that the terms “ethics” and “ethical” were the first to surface having provoked a certain response in the Ukrainian society. Their critical and motivational potential should be taken into account. Since even when the adoption prospects of the Parliamentary Ethical Code were actively discussed in February 2017, it provoked a bit of a jostle between the members of the Bloc of Petro Poroshenko faction Ivan Melnychuk and Serhiy Leshchenko initiated by the former. Leshchenko's torn down jacket is yet another evidence that the ethical code, which will be the preferred term for this report, is necessary and timely.

Before discussing the content of the ethical code as a notion, it seems rather useful to look into the notion of the “code” as well. Its meaning may vary depending on the legal system. For the countries following the Roman civil law traditions (the Romano-Germanic legal system), it has legalistic connotations, in the sense that such rules should make up a single statute, i.e. a special document. In reality, however, ethical guidelines and rules of conduct are usually part of various regulations. In

¹ https://www.transparency.org/whatwedo/answer/the_effectiveness_of_codes_of_conduct_for_parliamentarians

² Background Study: Professional and Ethical Standards for Parliamentarians. – Warsaw: OSCE/ODHIR, 2012. – p. 8.

the Anglo-American legal system (common law), the code means something totally different: a certain arrangement within an institution not fixed in a single document³. On the one hand, Ukraine belongs to the Romano-Germanic family of legal systems, and even the ALI experts in their policy paper "Code of Conduct for Members of Parliament: European Best Practices, Ukrainian Realities, and Prospects" recommended in particular to develop, to adopt, and to implement a single legislative act on parliamentary ethics. On the other hand, the efforts taken so far to codify the current laws show that currently the anticorruption component is quite well developed in the new Corruption Prevention Law, just like certain general principles of ethical conduct also present there. In addition, the Code of Ukraine on Administrative Infringements and the Criminal Code of Ukraine have been amended to include the relevant sanctions. In this context, development and adoption of a totally new legislative may appear at first somewhat problematic. Certain key issues, however, that inevitably require attention and legislative regulation, e.g. lobbying, are still not

properly regulated in the Ukrainian legislation. In addition, since during the unofficial discussions of the code of conduct adoption prospects initiated by the ALI in February 2017, the MPs themselves noted that they were not fully informed of the legislative basis, the need for a single systemic collection of the ethical norms has become quite evident. In order to describe what a code of conduct is, it may be useful to look into its components and content, i.e. to do its structural and thematic analysis.

Starting with the latter, the two main issues that the ethical code is concerned with are (anti) corruption and the conduct of MPs at their working place and, more generally, in the public space⁴, while the structure of the code should ideally include the three following components:

- ethical principles;
- the rules on how to interpret and to apply such principles in the MPs' professional life;
- detailed instruction on the everyday conduct.

³ Power G. Handbook on Parliamentary Ethics and Conduct: A Guide for Parliamentarians / Greg Power // GOPAC-WFD. – 2010. – http://www.gpgovernance.net/wp-content/uploads/2013/09/HandbookonParliamentaryEthicsandConductFinal2010_EN.pdf.

⁴ Power G. Handbook on Parliamentary Ethics and Conduct: A Guide for Parliamentarians / Greg Power // GOPAC-WFD. – 2010. – http://www.gpgovernance.net/wp-content/uploads/2013/09/HandbookonParliamentaryEthicsandConductFinal2010_EN.pdf.

2. ETHICAL PRINCIPLES

The principles defining the ethical rules and standards are well illustrated by the following Seven Principles of Public Life ⁵ developed by the UK Committee on Standards in Public Life:

1. Selflessness
2. Integrity
3. Objectivity
4. Accountability
5. Openness
6. Honesty
7. Leadership

In the Ukrainian legislation, certain foundations are laid by Article 8 of the Law on Parliamentary Status which sets such norms as "observation of the generally recognised moral norms", "preservation of personal dignity at all times", "respect of the honour and dignity of other MPs, officials, and citizens" ⁶. The Corruption Prevention Law offers a few principles of conduct, such as impartiality, competence, and efficiency⁷. It is rather obvious that these principles are quite lop-sided in the sense that they characterise only one notion, professionalism, and even combined with the above Article 8 they are insufficient for a full-fledged chapter. Therefore, in the ALI-proposed codification initiative they had to be supplemented with the points on the behaviour in the session hall and certain other aspects. It is also rather noteworthy that due to insufficient development of the local philosophies of law and politics, the notation of "dignity" needs to be elucidated and explained.

⁵ The 7 principles of public life. – 1995. – <https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>.

⁶ Law of Ukraine on Parliamentary Status. – 1993. – <http://zakon3.rada.gov.ua/laws/show/2790-12>.

⁷ Law of Ukraine on Corruption Prevention. – 2014. – <http://zakon3.rada.gov.ua/laws/show/1700-18>.

2.1. PRIVATE AND PUBLIC

The issue of the MP's public obligations and their fulfilment in the public space needs to be covered separately. The thing is that in the Parliamentary Rules of Procedure (**the Rules**) (the famous Article 51) set that if an MP has used insulting words in relation to another MPs or a parliamentary faction/group, and the conflict has not been exhausted at the parliamentary sitting, upon a written request of the offended MP or faction and the Rules Committee conclusion, the Verkhovna Rada may decide to deprive the relevant MP of the right to participate in plenary sittings (up to five)⁸. There is nothing, however, in the Rules on the same conduct at, for example, committee meetings/hearings, press conferences, briefings, as well as the use of such words in the media or the Internet. This results in various incidents when MPs do not particularly care about the content of their words, e.g. while being live on TV, but the Rules can only offer a warning as a sanction in reply to the complaints made by their parliamentary colleagues. This has been the case with the parliamentary inquiry made by MPs Victoria Voytsitska, Olena Sotnyk, and Iryna Podolyak who complained about their colleague Oleh Barna's sexist words at the CHE Talk Show on Channel 24 on 12 February 2016, where he said, addressing other Members: "Ukrayina Hotel, Room 519. I am always there in the evening. Come, and it will be useful and pleasant". In the explanation to their decision, the Rules Committee argued that the ethical norms were violated not in the session hall, but outside the parliament, therefore there were "no legal grounds to deprive MP Barna of the right to participate in five plenary sittings in accordance with Article 51 of the Rules". As a matter of fact, the 8th Verkhovna Rada has deprived not a single MP of the right to participate in the plenary sittings, even though this issue has been repeatedly put up for voting. In relation to the Members like Barna, the question remains open as to the gravity of the damage, at least reputational, that could be caused to them by the prohibition to attend the Verkhovna

Rada.

It is not by chance that the above offensive quote has been mentioned. The gender issue is rather acute and standing quite high on the agenda in the Ukrainian political life. One of the participants of the debates on the introduction of the ethical code noted: "When we speak about the code of conduct, we cannot separate it from other principles of gender equality". In particular, at the unofficial consultations with the MPs and during the Dialogue on Parliamentary Ethics held to discuss the subject of the ethical code, the following reservations and fears have been expressed: sexism and lack of gender sensitive language; (under)representation of women in the parliamentary delegations; rare provision of the floor to women at the committee meetings. Today, the Ukrainian legislation is mainly gender neutral, which is justified by the fact that it prevents the narrowing of rights on the basis of the gender. At the same time, such legislation is blind and insensible to the situations that are more of a systemic, rather than sporadic nature. The issue can be solved not so much through direct introduction of the relevant provisions to the Parliamentary Rules or any other regulation, but through enhancement of the scope of Articles 51 and 52 of the Rules by introducing such notions as "the public sphere" or "the public space".

What else can be done to counteract the sexist behaviour inside and outside the parliament? To explain the legislation governing protection of the personal honour and dignity, the Supreme Court of Ukraine (SCU) pointed out (SCU Plenum Resolution No. 1 of 27.02.2009) that the notions of honour and dignity are currently not regulated through legislation, because they are moral and ethical categories, as well as, concurrently, personal intangible rights. The Court has proposed its own definition of dignity, which, quite noteworthy, contains the lines about the value of each individual as a unique biopsychosocial creature. We, however, would like to focus on the honour and dignity as

⁸ Law of Ukraine on Parliamentary Rules of Procedure. – 2010. – <http://zakon3.rada.gov.ua/laws/show/1861-17>.

personal intangible rights, since their protection is envisaged by the Civil and the Criminal Codes of Ukraine. Thus, Civil Code Art. 23 in Chapter 3 “Protection of Civil Rights and Interests” ensures the right to the indemnification of moral damage⁹, while Criminal Code Art. 161 establishes liability for the violation of the civil rights based on race, nationality, religion, disability, and other features¹⁰. Evidently, the “other features” formula needs to be properly interpreted and described in writing. It is considered insufficient in such cases to be limited by the appeals to the Rules Committee or by the hopes for a parliamentary ethical code to be introduced, but is rather advisable to go to the court. Since such, in a certain sense, basic activity will guarantee that, after the ethical code is approved, its provisions will be respected, while the public will monitor its enforcement, even if the case is tried in a Ukrainian court.

Introduction of the parliamentary ethical code brings up the issue of the correlation between the public and the private, in particular if it contains sanctions for the irrelevant (immoral) behaviour. As it has already been mentioned above, the conduct of members of parliament outside the institution cannot be equalled to their private life as individuals. The latter is also one of the points mentioned by the MPs during the discussion of the code content. The right to privacy usually means the right to somebody's private and family life to be respected and the government's non-interference into this area. The “Background Study: Professional and Ethical Standards for Parliamentarians” looks into these matters as well and emphasises that the Members' right to privacy should in no way be violated. The border where the private area ends is the moment when the existing private interest contradicts that of the society and the state. This results in the need for the MPs to declare their private interests, incomes and property.

The trust to the parliament is the key argument for the introduction of the ethical code.

The openness and accountability are considered to be important factors that may influence the attitude of the society to the operation of one of the most important public bodies. It should be recognised, however, that its very political weight already generates unjustified expectations and wrongly assigned obligations. Therefore, the functioning of the Verkhovna Rada requires not only ongoing monitoring, but also constant coverage of its operation, explanation of its status and functions with implementation of the relevant programmes and support of public education. When openness is mentioned, it means not only integral behaviour and anticorruption policy. Attention is also paid to the law-making process which undergoes certain modifications and deformations in the Ukrainian environment. While discussing the parliamentary code of conduct, the Members expressed their concern about these issues by mentioning such realities as appropriation of somebody else's bills and absence of the copyright, as well as monopolisation of certain topics. The former two problems should, most probably, be solved through amendment of the Parliamentary Rules. The latter case concerns the situation when certain Members become “experts” in some topics, and thus legislative initiatives from other MPs in the same field are considered to be doomed to failure during voting. This presumption is rather debatable, but, in any case, its solution is hardly possible in the format of an ethical code. Coming back to the principle of openness, it should be taken into account that the code of conduct itself, still waiting to be developed and adopted, needs to be open and accessible for the public. Should it fail to become a separate law, it is very important that it is posted on the Verkhovna Rada website and is accessible for downloading and copying. It is likewise essential that the public inquiries procedure is introduced in relation to the unethical behaviour of the members of parliament. Otherwise, the ethical code will be condemned to remain yet another declaration of good intents.

⁹ Code of Administrative Infringements – 1984. – <http://zakon3.rada.gov.ua/laws/show/80731-10>.

¹⁰ Criminal Code of Ukraine // 2001 – <http://zakon2.rada.gov.ua/laws/show/2341-14>.

3. RULES OF CONDUCT

The MPs' proper behaviour is today governed by the Ukrainian Constitution, the Parliamentary Rules of Procedure, and the Laws on the Parliamentary Status and on Corruption Prevention. The latter contains a provision stating that such law "is the legal basis for the codes or standards of professional ethics". The general principles have already been studied above. Under the codification custom, violation of the principles envisages no sanctions. The principles establish standards. Currently, the above laws contain the following prescriptions for the MPs' conduct:

- 1) liability for insult or defamation;
- 2) liability for attack at the MPs' honour and dignity;
- 3) observation of discipline at a plenary session;
- 4) obligation of personal voting at the sessions;
- 5) obligation of personal presence and participation in the parliamentary meetings.

This is a rather exhaustive list. It, however, does not in any way help to solve the poignant issues that the Members raised during the discussion of the possible introduction of the ethical code, among them the low culture of dialogue in the parliament; the Members voting upon getting a short message from the heads of factions; faction dictatorship against the faction discipline; LGBT rights, status shaming, i.e. when the voice and ideas of, for example, the Committee Chairman are presented as more important than the voice of an ordinary MP; political pressure; destruction of reputation; use of the parliamentary rostrum for self-promotion. Not all problems are, probably, solved through the implementation of the code of conduct, and not all of them will require the relevant provisions as part of it, but, as it is mentioned above, quite a number of issues are rather acute, in particular such as the Members' behaviour in the public space, gender aspects of such behaviour, as well as the law-making rules and procedures, with this list related to the MPs' rules of conduct being incomplete and insufficient.

Efforts taken to codify the existing regulations

laying the grounds for the anticorruption policy show that this side of the case is in a much better condition. To replace the two previous laws on Corruption Prevention and Counteraction (2011) and on the Rules of Ethical Conduct (2013), the Verkhovna Rada passed a single law on Corruption Prevention (2014). This law offers key definitions, in particular of such notions as "corruption", "private interest", "unlawful benefit", "a gift", "family members" etc. This law also establishes the National Corruption Prevention Agency with the powers to control, to monitor, and to regulate the conflict of interest issues. It sets the rules and procedure for the declaration of assets by the individuals authorised to fulfil the state functions, as well as it regulates the receipt of gifts by such individuals. The conflict of interest and the gift declaration were two key issues that the MPs were concerned with, even though both aspects have been defined and regulated by the current legislation already since 2014. Under the law, **the private interest means any property and non-property interest of an individual, including those caused by personal, family, friendship and other extra-service relations with individuals and legal entities, as well as those that emerge due the membership or activity in civil, political, religious, and other organisations**¹¹. Unfortunately, this wording is not very apt. But it looks like the private interest concerns not only the private area, in particular in the cases when, while fulfilling their representative or legislative obligations, the Members may become personally interested in influencing the situation or defending certain "political" positions for lucrative motives. This results in the conflict of interest, since the private interest is what, in this context, contradicts the interest of the society and the state. The conflict of interest can be potential and real. Both types are corruptogenic and require immediate notification (not later than the next working day), as well as subsequent resolution of the issue in accordance with a rather detailed procedure established by the law.

The same Law defines the gift as **the monies or other property, advantages, privileges, services, intangible assets provided/received**

¹¹ Law of Ukraine on Corruption Prevention – 2014. – <http://zakon2.rada.gov.ua/laws/show/1700-18>.

free of charge or at the price lower than the minimal market one. Receipt of such a gift results in at least a potential conflict of interest and requires its rejections and notification of the management/ leadership. The individuals authorised to fulfil public functions, however, may receive gifts within the "hospitality" concept proposed, but not construed by the law, defining only its boundary value, i.e. not more than one minimum subsistence level (**MSL**) for the able-bodied individuals established as of the date when a one-time gift is accepted, while the cumulative value of such gifts received from one person (or a group) over a year cannot exceed two MSLs established for the able-bodied individuals as of 1 January of the year when the gifts are accepted. As to the previously received gifts, they should be declared only if the value of gift is above 5 MSLs. Monetary gifts from one person or a group presented over a year and surpassing 5 MSLs should also be reported.

Members of Parliament have also been interested in the sanctions for the violation of the ethical code, stressing repeatedly during all consultations held that the efficiency of the code is directly dependent on the introduction of sanctions. Speaking at the Dialogue on Parliamentary Ethics, Mr Andriy Parubiy, Chairman of the Verkhovna Rada, noted that "impunity motivates continued violation of rules due to no alternative". The ALI experts have analysed all regulatory means available in the Parliamentary Rules of Procedure, the Code of Administrative Infringements, and the Criminal Code and dealing with unethical conduct, as well as fight against corruption. The main sanction proposed by the Rules of Procedure is deprivation of the right to speak at or participate in the plenary sittings. Such measures are supposed to apply when the speaker does not abide by the discipline or uses offensive language. When it comes to fight against corruption, the administrative and criminal sanctions are triggered by the following circumstances:

- 1) a failure to report a real conflict of interest;
- 2) taking actions or making decisions under the conditions of a real conflict of interest;
- 3) illegal use of the information learnt due to fulfilment of service duties;
- 4) violation of the restrictions set for the combination of office with other activities;
- 5) late submission of the declaration;
- 6) failure to report or late reporting on

the opening of a foreign currency account in a non-resident bank or on essential changes in the property status;

- 7) submission of deliberately untrue information in the declaration;
- 8) violation of the restrictions established by law for the receipt of gifts;
- 9) receipt of illegal benefit by an individual authorised to fulfil the state functions.

Numerous recommendations, including from the OSCE, suggest that the ethical code should include the "Expenses and Payments" section. In many countries, the national legislation guarantees financial support to the members of parliament for the fulfilment of their service duties. Such funding is coupled with the relevant reporting. The Law of Ukraine on Parliamentary Status contains provisions on the funding of certain expenses related to the parliamentary activities, such as indemnification of the travel expenses, accommodation rent or hotel room cost, as well as expenses related to the remuneration of the parliamentary duties in the form of a monthly salary. The Law also obliges the Members to submit by 1 April yearly declarations of property, incomes and expenses for the previous year. Among the issues that the MPs are interested in and which are not present in the current legislation are their charity activities, budget expenses for the regulation of conduct, funding of official visits and form of reporting in the cases when expenses are covered by the hosting side.

What the Ukrainian legislation does need indeed is the definition of lobbyism and introduction of this notion into the legislative field. The MPs have identified this problem as "hidden lobbyism". Since lobbyism regulation would be a real novelty in Ukraine, the ethical code with the "Lobbyism" section would acquire more weight. Other issues suggested by the Members for discussion include indecent behaviour at a session meeting (telephone conversations, no attention to the speaker); MPs' liability to one another; liability for the disclosure of information; opposition rights; and concerns that not all Members support the draft ethical code. Some of such issues, however, fall outside the code either due to a small scale of the problem, or, like the opposition rights, are more of a structural and institutional, rather than ethical nature.

CONCLUSIONS

The proposed report evidences that the current Ukrainian legislation already contains many norms which, as their, probably, main advantage, concern the parliamentary ethics and anticorruption policy. At the same time, the problem of lobbyism remains unregulated, just like the MPs behaviour outside the parliament. The ALI-held discussions and debates show that, firstly, the MPs lack knowledge on the existing provisions governing the ethical conduct and aiming at the fight against corruption, and secondly, they indeed have issues that need to be solved. Therefore, the ethical code could offer an opportunity to update the existing ethical standards, to introduce new aspects, like the gender issue, into the legislative field, as well as to mobilise the current legislation and to fill in its obvious gaps.

LEGISLATION CODIFICATION FOR THE CODE OF PARLIAMENTARY ETHICS

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1. ЗАСАДИ ЕТИЧНОЇ ПОВЕДІНКИ

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Law on Parliamentary Status

Article 8. Parliamentary Ethics

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Article 11. National Agency Powers

Article 37. Conduct Requirements

Article 38. Respect of the Law and Norms of Conduct

Article 39. Priority of Interests

Article 41. Impartiality

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b. Decent Behaviour in the Session Hall

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Article 51. Respect of Discipline and Ethics by Members at Plenary Sitzings

Article 52. Respect of Discipline and Ethics by Speakers at Plenary Sitzings

Article 53. Respect of Discipline by Individuals Present at Plenary Sitzings

Law on Parliamentary Status

Article 8. Parliamentary Ethics

Article 10. General Provisions

Article 24. Duties of the Member of Parliament

Article 37. Liability for the Insult of Honour and Dignity of the Members of Parliament and for Influence on Them, Their Family Members, Relatives, and Parliamentary Assistants

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Article 91.

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Code of Administrative Infringements <http://zakon.rada.gov.ua/go/80731-10>

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Article 172⁷. Violation of Requirements on Prevention and Settlement of the Conflict of Interest

Article 172⁸. Illegal Use of the Information that Has Become Known Due to the Exercise of Service Powers

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Article 11. National Agency Powers

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Article 52. Additional Financial Oversight Measures

Code of Administrative Infringements

Article 172⁶. Violation of the Financial Oversight Requirements

Criminal Code of Ukraine

Article 366¹. Declaration of Untrue Information

c. Gifts

Law on Prevention of Corruption

Article 23. Restrictions on the Receipt of Gifts

Article 24. Prevention of Receipt of Unlawful Benefits or Gifts and Treatment Thereof

Article 46. Information Presented in a Declaration

Code of Administrative Infringements

Article 1725. Violation of the Gift Restrictions Established by Law

Criminal Code of Ukraine

Article 368. Acceptance of a Proposal, Promise or Receipt of Unlawful Benefit by a Servant

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Not regulated

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Law on Parliamentary Status

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Article 28. Creation of Conditions for the Members of Parliament to Fulfil Their Parliamentary Powers

Article 32. Funding of the Expenses Related to the Parliamentary Activities

Article 33. Financial, Health Care, Social and Daily Support to Members of Parliament

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Law on Prevention of Corruption

Article 26. Restrictions After Termination of the Activities Related to the Fulfilment of the State or Local Self-Governance Functions

1. RULES OF ETHICAL CONDUCT

a. General Principles

Constitution of Ukraine

Article 79. The parliamentary oath: "... I swear to abide by the Constitution of Ukraine and the laws of Ukraine, to carry out my duties in the interests of all compatriots".

Law on Parliamentary Status

Article 8. Parliamentary Ethics

1. In their activities, the Members of Parliament shall observe the generally recognised moral norms; always preserve their own dignity; respect the honour and dignity of other Members of Parliament, servants, officials, and citizens; abstain from the actions, statements, and deeds discrediting them, voters, the Verkhovna Rada of Ukraine, and the state.

2. The use of the parliamentary mandate by the Member of Parliament contrary to the generally recognised moral norms, human and civil rights, legal interests of the society and the state shall be inadmissible.

Law on Prevention of Corruption

Article 11. National Agency Powers

1. The National Agency shall have the following powers:

6) to monitor and to oversee the fulfilment of the legislative acts on ethical behaviour, prevention and settlement of the conflict of interest in the activities of the individuals authorised to fulfil the state or local self-governance functions or other individuals equalled to them;

15) to provide explanations, methodological and advisory assistance on the application of the legislative acts on ethical behaviour, prevention and settlement of the conflict of interest in the activities of the individuals authorised to fulfil the state or local self-governance functions or other individuals equalled to them;

Article 37. Conduct Requirements

1. General requirements to the conduct of the individuals mentioned in Clause 1, Subclause 2.a, Part 1, Art. 3 hereof for them to be governed thereby while exercising their service or representative powers, the grounds and the procedure for inflicting liability for the violation of these requirements are established by this Law, which is the legal basis for the professional ethics codes and standards.

Article 38. Observance of the Requirements of the Law and Ethical Norms of Conduct

1. While exercising their service powers, the individuals mentioned in Clause 1, Subclause 2.a, Part 1, Art. 3 hereof shall strictly observe the requirements of the law and the generally recognised ethical norms of conduct, be polite in the relations with citizens, leadership, colleagues, and subordinates.

Article 39. Priority of Interests

1. While representing the state or any territorial community, the individuals mentioned in Clause 1, Subclause 2.a, Part 1, Art. 3 hereof shall act exclusively in their interests.

Article 41. Impartiality

1. The individuals mentioned in Clause 1, Subclause 2.a, Part 1, Art. 3 hereof shall act impartially, despite of private interests, personal attitude to any individuals, their political views, ideological, religious

or any other personal views or convictions.

Article 42. Competence and Efficiency

1. The individuals mentioned in Clause 1, Subclause 2.a, Part 1, Art. 3 hereof shall be decent, competent, punctual, efficient and responsible when exercising their service powers and fulfilling their professional duties, decisions and instructions of the bodies and the persons they are subordinated to, accountable to or supervised by. They shall avoid abuses and inefficient use of the state and communal assets.

b. Decent Behaviour in the Session Hall

Constitution of Ukraine

Article 80. People's Deputies of Ukraine are guaranteed parliamentary immunity. People's Deputies of Ukraine are not legally liable for the results of voting or for statements made in Parliament and in its bodies, with the exception of liability for insult or defamation.

Parliamentary Rules of Procedure

Article 36. Requirements to the Interventions at Plenary Sitting.

1. The speakers shall speak only on the issue for which the floor has been granted to them and observe the time period allocated to their intervention. Under usual circumstances, the speaker's intervention shall not be interrupted.

Article 51. Respect of the Discipline and the Ethical Norms by the Members at Plenary Sitting

1. The Members are prohibited from bringing to the session hall and using during the plenary sitting such objects as posters, slogans, loudspeakers, and other objects unrelated to the legislative activities.

2. During the plenary sitting, the Members shall not hinder the presentation or perception of the intervention (by shouts, applause, standing up, talking on mobile phones etc), use offensive expressions and indecent words, call on illegal actions.

3. If the Member considers that the speaker or the chair of the plenary sitting construe their words or actions in a wrong way, they can file a written appeal with the chair requesting the floor to for explanations or comments. The chair shall provide the floor to the Member immediately or at the end of the debate, but before the voting. In the latter case, the chair shall notify other Members of the receipt of such an appeal from the Member and defined the time when the floor will be provided to such Member.

6. If during the plenary sitting the Member has taken actions featuring crime, the debate shall stop. The chair of the plenary sitting shall notify the Verkhovna Rada of the fact that has occurred and shall announce a break in the sitting or shall close it and shall appeal to the Committee in charge of the Parliamentary Rules of Procedure with a proposal to consider this issue and to provide proposals on the relevant measures to be taken. If the actions in questions were taken before the opening of the plenary sitting, during a break or after the closure, the chair shall inform the Verkhovna Rada thereof after the break or after the opening of the nearest plenary sitting.

7. If consideration of the Verkhovna Rada plenary sitting agenda items results in different understanding by the Members of how the norms of the Rules of Procedure should apply, which results in the disruption of the plenary sitting, upon a written appeal from two parliamentary factions (groups) on violation of these Rules of Procedure, the chair shall announce a break.

Article 52. Respect of Discipline and Ethical Norms by the Speakers at the Plenary Sitings

2. If the chair of the plenary sitting addresses the speaker, the latter shall immediately stop speaking. Should the speaker fail to do it, the chair shall terminate their intervention.

3. The chair shall provide the speaker with additional time for their termination of the same duration for which their intervention has been interrupted, excluding the cases when the influence measures stipulated by these Rules of Procedure apply.

4. If the speaker speaks without the chair's permit, the microphone can be switched off without

warning.

5. If the speaker exceeds the time provided for the intervention or speaks not on the topic of the issue debated or speaks not on the grounds for which the floor has been provided, the chair of the plenary sitting shall warn them thereof, and should the requirements of these Rules of Procedure be violated, – deprive the speaker of the floor. The part of the speaker's intervention expressed after the deprivation of the floor shall not be included into Verkhovna Rada plenary sitting transcript.

Article 53. Respect of Discipline by the Individuals Present at the Plenary Sitzings

1. The individuals present at the Verkhovna Rada plenary sitting are prohibited from bringing and using during the plenary sitting such objects as posters, slogans, loudspeakers and other objects that may hinder the sitting. Such individuals shall respect the discipline, abstain from violating the order and public demonstration of their attitude to what is happening at the plenary sitting.

2. On the proposal of the chair or a Member supported by no less than a third of the Members making up the Verkhovna Rada constitutional composition, the individuals who have violated the requirements of Part 1 of this Article shall be obliged to leave the plenary sitting.

Law on Parliamentary Status

Article 8. Parliamentary Ethics

1. In their activities, the Members of Parliament shall observe the generally recognised moral norms; always preserve their own dignity; respect the honour and dignity of other Members of Parliament, servants, officials, and citizens; abstain from the actions, statements, and deeds discrediting them, voters, the Verkhovna Rada of Ukraine, and the state.

Article 10. General Provisions

5. The Members shall not be legally liable for the voting results or for statements made in the Verkhovna Rada and in its bodies, with the exception of liability for insult or defamation.

Article 24. Duties of the Member of Parliament

The Members shall [...] (7) observe the labour discipline and the parliamentary ethics.

Article 37. Liability for the Insult of Honour and Dignity of the Members of Parliament and for Influence on Them, Their Family Members, Relatives, and Parliamentary Assistants

1. Insult or defamation of a Member, as well as influence of any form on a Member to obstruct fulfilment of their parliamentary powers, the threat of the murder, violence, assets destruction or damage in relation to a Member, their close relative and parliamentary assistant due to fulfilment of their service duties, intentional injury of a Member, as well as their close relatives and parliamentary assistance, beating and other violent actions taken against them due to exercise of their parliamentary powers shall be subject to liability in accordance with the law.

2. For the purpose hereof, the close relatives shall include the parents, spouses, children, siblings, grandparents and grandchildren of the Member of Parliament.

c. Attendance of Sitzings

Constitution of Ukraine

Article 84. Meetings of the Verkhovna Rada of Ukraine are conducted openly. A closed meeting is conducted on the decision of the majority of the constitutional composition of the Verkhovna Rada of Ukraine.

Voting at the meetings of the Verkhovna Rada of Ukraine is performed by a National Deputy of Ukraine in person.

Article 91. The Verkhovna Rada of Ukraine adopts laws, resolutions and other acts by the majority of its constitutional composition, except in cases envisaged by this Constitution.

Parliamentary Rules of Procedure

Article 26. Registration of the Participants and Conduct of the Plenary Sitzings

1. Before opening each plenary sitting, the Members shall get personally registered by presenting their parliamentary ID and confirming their presence by their autograph. In the session hall, the Member shall get registered through the electronic system in the way that makes it impossible for another person to get registered instead of the Member.

2. At the beginning of the morning and evening plenary sitting, the Verkhovna Rada Secretariat shall provide the chair of the plenary sitting with the list of the Members absent based on the instructions of the Verkhovna Rada Chairman or First Deputy Chairman (absence due to a mission or leave). Such list shall also at the same time appear on the chair's monitor.

3. The grounds for the Member's absence at the plenary sittings held in accordance with the Verkhovna Rada plenary session calendar plan shall include fulfilment of the parliamentary instructions and other serious reasons, such as temporary inability to work, pregnancy and child delivery leave, maternity/paternity leave, marriage leave, leave due to the death of a relative, documented transport obstacles. Other circumstances used as the grounds for a leave in accordance with the legislation are also regarded as serious reasons for the Member's absence from a plenary sitting.

Law on Parliamentary Status

Article 24. Duties of the Member of Parliament

The Member shall have the following duties:

3) to be present and to participate personally in the sittings of the Verkhovna Rada and its bodies to which they are elected;

4) to participate personally in the voting on the issues considered by the Verkhovna Rada and its bodies;

10) to inform the Verkhovna Rada and its bodies leadership in advance of the impossibility to be present at the sittings of the Verkhovna Rada or its bodies;

Article 33. Financial, Health Care, Social and Daily Support to the Member of Parliament

5. For the days when the Member does not exercise their parliamentary powers envisaged by law without any serious reason, such Member shall receive no payments related to the exercise of the parliamentary powers upon the submission of the Committee in charge of the parliamentary ethics issues.

2. INTERESTS AND ASSETS

a. Conflict of Interest

Law on Prevention of Corruption

Article 1. Definitions

The private interest shall mean the tangible or intangible interest of an individual, including the one caused by the personal, family, friendly or other extra-service relations with individuals or legal entities, including those emerging from the membership or activities in civil society, political, religious or other organisations;

The potential conflict of interest shall mean any private interest in the area where its holder exercises their service or representative powers, which may influence the objectivity or impartiality of their decisions or performance/non-performance of actions while exercising the above powers;

The real conflict shall mean the discrepancy between the private interest and the service or representative powers which influences the objectivity or impartiality of their decisions or performance/non-performance of actions while exercising the above powers;

Article 3. Subjects Covered by the Law

1. The subjects covered by the Law include the following:

1) individuals authorised to fulfil the state or local self-governance functions:

a) the President of Ukraine, the Chairman of the Verkhovna Rada of Ukraine, the First Deputy Chairman and the Deputy Chairman of the Verkhovna Rada of Ukraine, the Prime Minister of Ukraine, the First Vice Prime Minister of Ukraine, Vice Prime Ministers of Ukraine, ministers, heads of other central executive authorities who are not members of the Cabinet of Ministers of Ukraine and their deputies, the Head of the Security Service of Ukraine, the Prosecutor General of Ukraine, the Governor of the National Bank of Ukraine, the President and other members of the Accounting Chamber, the Ombudsperson, the Chairman of the Verkhovna Rada of the Autonomous Republic of Crimea, and the Head of the Council of Ministers of the Autonomous Republic of Crimea;

6) members of Parliament of Ukraine, members of the Verkhovna Rada of the Autonomous Republic of Crimea, members of local councils, village/settlement and town/city mayors;

b) civil and local self-government servants;

r) the military servicemen of the Armed Forces of Ukraine, the State Service of Ukraine for Special Communications and Information Protection, and other military formation established in accordance with the law, excluding the fixed period military servicemen, cadets of higher learning military schools, cadets of higher learning schools comprising military institutes, cadets of the military training faculties, departments, and divisions;

r) judges, judges of the Constitutional Court of Ukraine, the Head, the Deputy Head, members and inspectors of the High Council of Justice, officials of the High Council of Justice Secretariat, the Head, the Deputy Head, members and inspectors of the High Attestation Board of Judges, the Board Secretariat officials, officials of the State Judicial Administration of Ukraine, the jury (while fulfilling their duties in the court);

д) the staff and the leadership of the State Criminal Enforcement Service, the tax police, the leadership of the civil protection bodies and divisions, the State Investigation Bureau, the National Anticorruption Bureau of Ukraine;

e) the officials and servants of the prosecution bodies, the State Security Service, the State Investigation Bureau, the National Anticorruption Bureau, the diplomatic service, the state forestry protection service, the state service for protection of environment and natural reserves, the central executive authority for the formation and implementation of the state taxation and customs policies;

e) members of the National Corruption Prevention Agency;

ж) members of the Central Election Commission;

- 3) policemen;
 - 4) officials and servants of other public authorities, authorities of the Autonomous Republic of Crimea;
 - 5) members of the state collective bodies;
 - 6) individuals who, for the purpose hereof, are equalled to the individuals authorised to fulfilment of the state and local self-governance functions:
 - a) officials of the public law legal entities not mentioned in Clause 1 of Part 1 above who act as members of the supervisory board of a state bank, a state company, or a state for-profit organisation;
 - b) individuals who are not civil or local self-government servants, but provide public services (auditors, notaries, private enforcers, assessors, as well as experts, arbitration managers, independent mediators, members of the labour arbitration, arbiters while fulfilling their arbitration functions, other individuals defined by law);
 - c) representatives of civic unions, educational institutions, relevant qualification experts, other individuals as members of the selection boards established in accordance with the Laws of Ukraine on Civil Service and on Service in Local Self-Government Bodies, the Public Integrity Council established in accordance with the Law on Judiciary and the Status of Judges, public council and public oversight councils established under the public authorities and participating in the development of the staffing decisions, preparation, monitoring, and assessment of the anticorruption programmes implementation, not being the individuals referred to in Clause 1, Subclause 2.a of Part 1 of this Article;
 - d) individuals who permanently or temporarily occupy the posts related to the organisation, managerial, administrative or commercial duties or specially authorised to fulfil such functions in the private law legal entities independently of their organisation legal form, as well as other individuals who are not servants and who fulfil their work or provide services on the basis of a contract with the company, institution, or organisation in the cases envisaged by this Law;
 - e) parliamentary candidates registered in accordance with the procedure established by the Law of Ukraine on Parliamentary Elections, presidential candidates registered in accordance with the procedure established by the Law of Ukraine on Presidential Elections, candidates into the members of the Verkhovna Rada of the Crimean Autonomous Republic, regional, district, city/town, village/settlement councils, mayoral and eldership candidates;
 - f) individuals who:
 - receive funds and assets for implementation of technical and other assistance programmes (projects) in Ukraine, including irrevocable, assistance, in the area of corruption prevention and counteraction (both directly and through any third parties or in any other way envisaged by the relevant programme (project));
 - systemically, over a year, fulfil works or provide services on implementation of the anticorruption policy standards, monitoring of the anticorruption policy in Ukraine, preparation of the proposals on formation and implementation of such policy if funding (remuneration) of such works and services is done directly or through any third parties at the expense of the technical or any other, including irrevocable, assistance in the area of corruption prevention and counteraction;
 - act as heads or members of the highest management body, other management bodies of the civic unions, other non-profit societies involved in the activities associated with corruption prevention and counteraction, implementation of the anticorruption policy standards, monitoring of the anticorruption policy in Ukraine, preparation of proposals on such policy formation and implementation, and/or participate or are involved in the implementation of the measures related to the corruption prevention and counteraction.
- Note. The individuals referred to in Subclause “r” of Part 1, Clause 1 of this Article shall be relieved from the obligation to submit their declaration if they do not occupy the positions referred to in Clause 1, Subclause “a” of Clause 2, Part 1 of Article 3 hereof.

Article 11. National Agency Powers

1. The National Agency shall [...] (6) monitor and oversee fulfilment of the legislative acts on ethical conduct, prevent and settle the conflict of interest in the activities of the individuals authorised for fulfilment of the state or local self-governance functions or individuals equalled thereto.

Article 25. Restriction on Combination of Jobs

1. The individuals referred to in Clause 1 of Part 1 of Article 3 hereof shall be prohibited from:

1) any other paid activities (excluding the pedagogical, research, and artistic activities, medical practice, sport instructor or referee practice) or entrepreneurship, unless otherwise established by the Constitution or laws of Ukraine;

2) being a member of the board, other executive or oversight bodies, supervisory board of companies or for-profit organisations (excluding the cases when such individuals manage the shares owned by the state or a territorial community and represent the state or a territorial community in the board (supervisory board), the auditing board or a commercial organisation), unless otherwise established by the Constitution or the laws of Ukraine.

2. The restrictions stipulated by Part 1 above shall not extend to the members of the Verkhovna Rada of the Crimean Autonomous Republic and local councils (excluding those who exercise their powers in the relevant council on a permanent basis), the juries.

Article 26. Restrictions After Termination of the Activities Related to the Fulfilment of the State or Local Self-Governance Powers

1. Individuals authorised to fulfil the state or local self-governance functions referred to in Clause 1, Part 1 of Article 3 hereof who resigned or in any other way terminated their activities related to the fulfilment of the state or local self-governance functions are prohibited from:

1) concluding any labour agreements (contracts) over a year upon the termination of the above activities or make any legal business deals with private law legal entities or private entrepreneurs if, one year before the termination of fulfilment of the state or local self-governance powers, the individuals referred to in Clause 1 of this Part exercise control, oversight, or preparation powers or were involved in the preparation and adoption of the decisions related to the operation of such legal entities or private entrepreneurs;

2) disclosing or using in any other way the information that has become known to them due to the fulfilment of the service powers, excluding the cases established by law;

3) representing the interests of any individuals over one year in the cases (including those considered by the courts) where another party is the body, a company, an institution, or an organisation where they worked at the moment when they terminated the activities in question.

Article 27. Restriction of the Joint Work with Family Members

1. The individuals referred to in Subclauses "a", "b"–"z" of Clause 1, Part 1 of Article 3 hereof cannot directly supervise or be directly subordinated to their family members due to the exercise of powers by their family members.

The individuals aspiring for the posts referred to in Subclauses "a", "b"–"z", Clause 1 of Part 1 of Article 3 hereof shall notify the leadership of the body offering the aspired post of the family members working in such a body.

The provisions of Clauses 1 and 2 of this Part do not extend to:

1) people's assessors and juries;

2) family members who are directly subordinated to one another due to occupation by one of them of the elected office;

3) individuals who work in villages (excluding district centres) and mountainous inhabited localities;

2. Should any circumstances violating the requirements of Part 1 of this Article arise, the relevant individuals and their family members shall take measures to remove such circumstances within a 15-day period.

Should such circumstances not be removed within the established period of time on a voluntary basis, the relevant individuals or their family members shall be transferred within one month in accordance with the procedure established by law to any other position excluding the direct subordination.

Should such transfer be impossible, the subordinated person shall be dismissed from the occupied post.

Article 28. Prevention and Settlement of the Conflict of Interest

1. The individuals referred to in Clauses 1, 2 of Part 1 of Article 3 hereof shall:

- 1) take measures to prevent the emergence of a real or potential conflict of interest;
 - 2) not later than the next working day after the day when the individual learnt or should have learnt of the real or potential conflict of interest, notify their direct supervisor, and in case of occupying the position without a direct supervisor, or in a collective body – the National Agency or any other body or collective body defined by law where the conflict of interest emerged accordingly;
 - 3) to abstain from taking any actions or making any decisions under the conditions of the real conflict of interest;
 - 4) to take measures to settle the real or potential conflict of interest.
2. The individuals authorised to fulfil the state or local self-governance functions cannot directly or indirectly encourage their subordinates to make decisions, take actions or omit actions contrary to the law for the benefit of their private interests or private interests of any third parties.
3. Within two days after being notified that a subordinated individual has a real or potential conflict of interest, the direct supervisory of the individuals or head of the body in charge of dismissing/initiating dismissal shall decide on the settlement of such conflict of interest having notified the relevant individual thereof.
- In case of getting a notification from a certain individual that they have a real or potential conflict of interest, the National Agency shall within seven working days explain the procedure of their action to such an individual to settle the conflict of interest.
4. The direct supervisory of the individuals or head of the body in charge of dismissing/initiating dismissal who has learnt that a subordinated individual has a conflict of interest shall take measures envisaged hereby to prevent and to settle the conflict of interest of such an individual.
5. Should any individual have any doubts about whether they have a conflict of interest, they shall request explanation from the National Agency territorial body. If the individual gets no confirmation of the absence of the conflict of interest, they shall act in accordance with the requirements set by this section of the Law.
6. If the individual has received a confirmation of no conflict of interest, such individual shall be free from liability should later the conflict of interest be found in the actions, explanation for which has been sought.
7. The laws and other regulations that define the powers of the public bodies, authorities of the Autonomous Republic of Crimea, local self-governance bodies, the procedure for the provision of certain types of public services and performance of other types of activities related to the fulfilment of the state or local self-governance functions shall envisage the procedure and the ways to settle the conflict of interest of the servants whose activity they govern.

Article 29. Measures of the External and Self-Regulation of the Conflict of Interest

1. External regulation of the conflict of interest is done by the following means:
 - 1) discharge of the individuals from the fulfilment of the tasks, performance of actions, making decisions or participating therein under the conditions of the real or potential conflict of interest;
 - 2) external supervision of the fulfilment by the individual of the relevant task, performance of certain actions or adoption of decision;
 - 3) restriction of the access of individuals to certain information;
 - 4) revision of the individual's service powers;
 - 5) the individual's transfer to another position;
 - 6) dismissal.
 2. The individuals referred to in Clauses 1, 2 of Part 1 of Article 3 hereof with a real or a potential conflict of interest may themselves take measures to settle the relevant private interest with submission of the confirming documents to the direct supervisor or the head of the body in charge of dismissal or its initiative.
- Discarding of the private interest shall exclude any possibility of its concealing.

Article 30. Discharge from the Fulfilment of the Task, Action, Decision Making or Participation Therein

1. The individual authorised to fulfil the state or local self-governance functions or the individual equalled thereto are discharged from fulfilment of tasks, performance of actions, making decisions or participating therein under the conditions of the real or potential conflict of interest on the decision of

the head of the relevant authority, company, institution, or organisation in the cases when the conflict of interest does not have a permanent nature and provided it is possible to involve other staff of the relevant authority, company, institution or organisation into the adoption of such decisions or performance of actions.

2. The individual authorised to fulfil the state or local self-governance functions or the individual equalled thereto are discharged from fulfilment of tasks, performance of actions, making decisions or participating therein under the conditions of the real or potential conflict of interest, as well as other staff of the relevant authority, company, institution, or organisation are involved into the adoption of such decision or performance of action on the decision of the head of the body or the relevant structural unit where the individual works.

Article 31. Information Access Restriction

1. Access of the individual authorised to fulfil the state or local self-governance functions or the individual equalled thereto to certain information is restricted on the decision of the head of the body or the relevant structural unit where the individual works in the case when the conflict of interest is associated with such access and has a permanent nature, as well as if it is possible for the individual to continue exercising their powers in their position with such restriction and a possibility to assign the work with the relevant information to another member of staff of the authority, company, institution or organisation.

Article 32. Revision of the Scope of Service Powers

1. The scope of the service powers of the individual authorised to fulfil the state or local self-governance functions or the individual equalled thereto shall be reviewed on the decision of the head of the authority, company, institution or organisation or the relevant structural unit where the individual works if the conflict of interest in its activity is of permanent nature and is related to the individual's specific powers, as well as provided it is possible for such individual to continue fulfilling their service duties in a proper way upon such revision and to assign the relevant powers to another staff member.

Article 33. Exercise of Powers under External Supervision

1. The service powers shall be exercised by the individual authorised to fulfil the state or local self-governance functions or the individual equalled thereto under the external supervision if the discharge of individuals from the fulfilment of tasks, performance of actions, adoption of decision or participation therein under the conditions of the real or potential conflict of interest, restriction of access to information or revision of the scope of their powers is impossible and there are no grounds to transfer such individual to another position or to dismiss them.

2. The external supervision is exercised in the following forms:

1) the member of staff defined by the head of the authority, company, institution or organisation shall verify the status and results of the tasks fulfilled by the individual, the actions performed, the content of the decisions or draft decisions to be adopted or being developed by the individual or the relevant collective body dealing with the issues related to the subject of the conflict of interest;

2) the individual shall fulfil the tasks, perform actions, consider cases, prepare and adopt decisions in the presence of the staff member defined by the head of the authority;

3) the National Agency authorised individual shall participate in the work of the collective body as an observer without the right to vote.

3. The external supervision decision shall define the form of such supervision, the member of staff authorised to exercise it, as well as the individual's duties due to the introduction of the external supervision of their fulfilment of the relevant task, performance of actions or adoption of decisions.

Article 34. Transfer/Dismissal Due to the Conflict of Interest

1. The individual authorised to fulfil the state or local self-governance functions or the individual equalled thereto shall be transferred to another position due to the real or potential conflict of interest on the decision of the head of the authority, company, institution or organisation if the conflict of interest in the activity of such individual is of a permanent nature and cannot be settled through the discharge of such individual from the fulfilment of the task, performance of actions, making decisions or participation therein, restriction of their access to information, revision of the scope of their powers and function, deprivation of the private interest, provided there is a vacant position with the characteristics that cor-

respond to the individual's personal and professional qualities.

Such transfer to another position can be done only upon the consent of the individual authorised to fulfil the state or local self-governance functions or the individual equalled thereto.

2. The individual authorised to fulfil the state or local self-governance functions or the individual equalled thereto shall be dismissed from their position due to the conflict of interest in case the real or potential conflict of interest in their activity has a permanent nature and cannot be settled in any other way, including due to no individual's consent to be transferred or to be deprived of the private interest.

Article 35. Settlement of the Conflict of Interest That Arose in the Activities of Certain Categories of Individuals Authorised to Fulfil the State or Local Self-Governance Functions

1. The rules for the settlement of the conflict of interest in the activities of the President of Ukraine, members of Parliament, members of the Cabinet of Ministers of Ukraine, heads of the central executive authorities which are not members of the Cabinet of Ministers of Ukraine, judges, judges of the Constitutional Court, heads, deputy heads of the regional and district council, city/town, village/settlement mayors, secretaries of the city/town, village/settlement councils, members of local councils shall be defined by the laws which regulate the status of the relevant individuals and the principles of organisation of the relevant bodies.

2. In case of real or potential conflict of interest y individual authorised to fulfil the state or local self-governance functions or the individual equalled thereto, which is part of the collective body (the committee, the commission, and the college etc), she has no right to participate in the decision made by this body.

Any member of the relevant collective body or participant of the meeting dealing with the relevant issue can make a statement about such individual's conflict of interest. The statement on the conflict of interest made by a member of the collective body shall be entered into the minutes of such collective body meeting.

If nonparticipation of the individual authorised to fulfil the state or local self-governance functions or the individual equalled thereto, who is a member of the collective body, may result in the loss of such body's competence, such individual's participation in the decision-making shall be done under an external control. The decision on the external control shall be made by the relevant external body.

Article 36. Prevention of the Conflict of Interest Due to Possession of a Company or Corporate Rights

1. The individuals referred to in Clause 1, Subclause 2.a of Art. 3.1 hereof shall, within 30 days upon their appointment (election) to their post, shall pass the management over their companies and corporate rights to another individual in accordance with the procedure established by law.

In this case, the individuals referred to in Clause 1, Subclause 2.a of Art. 3.1 hereof are prohibited from passing the management over their companies and corporate rights to their family members.

2. If by the establishment (founding) method and formation of the authorised capital the companies are the unitary entities, their owners referred to in Clause 1, Subclause 2.a of Art. 3.1 hereof shall pass them over on the basis of the assets management contract with a business operator.

3. The individuals referred to in Clause 1, Subclause 2.a of Art. 3.1 hereof shall use one of the following methods to pass over their corporate rights:

1) conclusion of an assets management contract with a business operator (excluding contracts on management of securities and other financial instruments);

2) conclusion of an agreement on the management of securities, other financial instruments and funds aimed to be invested into securities and other financial instruments with the securities trader licensed by the National Commission for Securities and Stock Exchange Market for securities management;

3) conclusion of an agreement for establishment of a venture unit investment fund to manage the transferred corporate rights with an assets management company licensed by the National Commission for Securities and Stock Exchange Market for assets management.

The transfer of the corporate rights as payment for the value of the securities of the venture unit investment fund shall be made after the National Commission for Securities and Stock Exchange Market registers the issue of the securities of such joint investment institute.

4. The individuals referred to in Clause 1, Subclause 2.a of Art. 3.1 hereof cannot conclude agree-

ments mentioned in Parts 2 and 3 of this Article with business operators, securities traders, and assets management companies if their family members are working there.

5. The individuals referred to Clause 1, Subclause 2.a of Art. 3.1 hereof, appointed/elected to their post, shall, within one day after they have transferred their companies and corporate rights, send a written notification thereof to the National Agency along with a notarised copy of the concluded agreement.

Code of Administrative Infringements

Article 172⁴. Violation of Restrictions on Combination of Jobs

Violation of the restrictions set by law for doing any other paid job (apart from the pedagogical, research, and creative activities, medical and judicial practice, instructor practice in sport) or entrepreneurial activities shall be subject to a fine in the amount ranging from three to five hundred untaxed limits (ULs) with confiscation of the income received from the business activities and from the combined work.

Violation of the restrictions set by law as to the participation in the management boards, other executive or oversight bodies, or supervisory boards of companies or for-profit organisations (apart from the cases when an individual performs functions on the management of the shares owned by the state or a territorial community and represents the interests of the state or a territorial community in the board (supervisory board), auditing board of a commercial organisations), shall be subject to a fine in the amount ranging from three to five hundred ULs with confiscation of the income received from such activities.

The actions envisaged by Part 1 or 2 committed by the individual who over a year has been subject to an administrative charge for the same violations, shall be subject to a fine in the amount ranging from five to eight hundred ULs with confiscation of the income received or remuneration and deprivation of the right to occupy certain offices or to be involved in certain activities for the period of one year.

Note. For the purpose of this Article, the violators are the individuals referred to in Clause 1 of Art. 3.1 of the Law on Prevention of Corruption, excluding Members of the Verkhovna Rada of the Crimean Autonomous Republic, members of local councils (excluding those exercising their powers in the relevant council on a permanent basis), members of the High Council of Justice (excluding those who work for the High Council of Justice on a permanent basis), people assessors and juries.

Article 172⁷. Violation of Requirements on Prevention and Settlement of the Conflict of Interest

The failure to report on the real conflict of interest in the case and in accordance with the procedure established by law shall be subject to a fine in the amount ranging from one to two hundred ULs.

Taking actions or making decisions under the conditions of the real conflict of interest shall be subject to a fine in the amount ranging from two to four hundred of ULs.

The actions envisaged by Part 1 or 2 and committed by an individual who has already been subject to an administrative charge for the same violations shall be subject to a fine in the amount ranging from four to eight hundred ULs with deprivation of the right to occupy certain offices or to be involved in certain activities for the period of one year.

Note.

1. For the purpose of this Article, the violators are the individuals referred to in Clauses 1 and 2 of Art. 3.1 of the Law of Ukraine on Prevention of Corruption".

2. For the purpose of this Article, the real conflict of interest shall mean the conflict between the individual's private interest and their service or representative powers, which affects the objectivity or impartiality of the decision-making or actions taken/omitted during the exercise of such powers.

Article 172⁸. Illegal Use of the Information that Has Become Known Due to the Exercise of Service Powers

Illegal disclosure or use in any other way for the personal interests of the information that has become known due to the exercise of the service powers shall be subject to a fine in the amount ranging from one hundred to one hundred fifty ULs.

Parliamentary Rules of Procedure

Article 31¹. Restriction of Participation in the Parliamentary Plenary Sitting Due to the Conflict of Interest

1. At the plenary sittings, the Member shall participate in the discussion of the issues where they have a conflict of interest provided this is publicly announced at the Verkhovna Rada plenary sitting where such an issue is considered.

Article 37. Voting Types and Means Voting Types and Means:

6. The Member shall participate in the voting on the issues where they have a conflict of interest provided this is publicly announced at the Verkhovna Rada plenary sitting where such an issue is considered;

Article 85. Ad Hoc Commission Establishment Procedure Ad Hoc Commission Establishment Procedure

The Member, who, in case of election, will have a real or potential conflict of interest in certain issues, cannot be elected to an Ad Hoc Commission established for preparation and preliminary consideration of such issues. The Member proposed by a parliamentary faction/group to join an Ad Hoc Commission shall inform the Verkhovna Rada of impossibility to participate such Commission's work in case of the above grounds.

Article 87. Establishment of the Parliamentary Temporary Investigation Commissions

5) will have, in case of election, another real or potential conflict of interest, for the investigation of which the relevant Commission is established.

The Member, who, in case of election, will have a real or potential conflict of interest in certain issues, cannot be elected to a Temporary Investigation Commission established for preparation and preliminary consideration of such issues.

b. Declarations

Law on Prevention of Corruption

Article 11. The National Agency Powers

1. The National Agency shall have the following powers:

8) supervision, and verification, in accordance with this Law, of the declaration submitted by the individuals authorised for the fulfilment of the state or local self-governance functions, storage and publication of such declaration, monitoring of the way of life of the individuals authorised to fulfil the state or local self-governance functions;

9) maintenance of the Unified State Register of the Declarations by the Individuals Authorised to Fulfil the State or Local Self-Governance Functions and the Unified State Register of the Individuals Who Have Committed Corruption or Corruption Related Crimes;

Article 45. Submission of Declarations by Individuals Authorised to Fulfil the State or Local Self-Governance Powers

1. The individuals referred to in Clause 1, Subclause 2.a of Art. 3.1 hereof shall annually, before 1 April, submit a declaration of an individual authorised to fulfil the state or local self-governance functions (the declaration) for the previous in accordance with the form defined by the National Agency by filling in a form on the National Agency's website.

2. The individuals referred to in Clause 1, Subclause 2.a of Art. 3.1 hereof who terminate their activities related to the fulfilling of the state or local self-governance functions shall submit the declaration of the individual authorised to fulfil the state or local self-governance functions for the period not covered by the previously submitted declarations.

The individuals who have terminated their activities related to the fulfilment of the state or local self-governance functions shall, next year upon termination of their activities submit, in accordance with the procedure established by Part 1 of this Article, submit a declaration of the individual authorised to

fulfil the state or local self-governance functions for the previous year.

3. The individual aspiring to occupy the post referred to in Clause 1, Subclause 2.a of Art. 3.1 hereof shall, before their appointment or election to the relevant post, submit, in accordance with the procedure established by this Law, a declaration of the individual authorised to fulfil the state or local self-governance functions for the previous year.

4. During seven days upon submission of their declaration, the declarants may submit a corrected declaration.

Should a declarant be brought to liability for the failure to submit, late submission of the declaration or should any untrue information be revealed therein, the declarant shall submit the relevant declaration with true information.

Article 48. Declarations Control and Verification

1. The National Agency shall undertake the following types of supervision in relation to the declarations submitted by the declarants:

- 1) as to the timeliness of submission;
- 2) as to the correctness and completeness of the declaration completion;
- 3) logic and arithmetic control.

2. In accordance herewith, the National Agency shall undertake full verification of the declarations.

Article 49. Establishment of the Timeliness of the Declaration Submission

3. Should the verification results show that the declarant has not submitted their declaration, the National Agency shall notify such declarant in writing of their failure to submit the declaration, while the declarant shall within ten days upon receiving such a notification submit their declaration in accordance with the procedure established by Art. 45.1 hereof.

At the same time, the National Agency shall send a written notification to the heads of the public authority, public body of the Autonomous Republic of Crimea, the local self-governance body, their secretariat, the public law legal entity where the relevant declaration is working and to the specially authorised anticorruption subjects.

Article 50. Full Verification of Declarations

1. The full verification of the declaration shall mean establishment of the truthfulness of the declared information, precision of the assessment of the declared assets, verification of the conflict of interest and features of the illegal enrichment. Such verification can be done in the period when the declarant is involved in the activities related to the fulfilment of the state or local self-governance functions, as well as during three years upon termination of such activities.

The declaration of the servants occupying the position of responsibility or particularly high responsibility and the declarants occupying the positions with high level of corruption risks, the list of which is approved by the National Agency, shall be subject to mandatory full verification.

The declarations submitted by other declarants shall also be subject to mandatory full verification if the logic and arithmetic control reveals discrepancies therein.

The National Agency shall undertake full verification of the declaration, as well as shall itself verify fully the information to be declared in relation to the declarant's family members in the cases envisaged by Art. 46.7 hereof.

The National Agency shall verify the declarations on the basis of the information received from individuals and legal entities, from the media and other sources in terms of the possible declaration of untrue information.

2. Should full verification establish that the declared information is untrue, the national Agency shall send a written notification to the head of the relevant public authority, public body of the Autonomous Republic of Crimea, the local self-governance body, their secretariat, the public law legal entity where the relevant declaration is working and to the specially authorised anticorruption subjects.

Note. For the purpose of this Article, the servants occupying the position of responsibility or particularly high responsibility shall mean the President of Ukraine, the Prime Minister of Ukraine, a member of the Cabinet of Ministers of Ukraine, the first deputy or deputy minister, a member of the National Council for TV and Radio Broadcasting, the National Commission for State Regulation of the Financial

Service Markets, the National Commission for Securities and Stock Exchange Market, the Antimonopoly Committee of Ukraine, the Head of the State Committee for TV and Radio Broadcasting, the Head/ First Deputy/Deputy Head of the State Property Fund of Ukraine, a member of the Central Election Commission, a member/inspector of the High Council of Justice, a member/inspector of the High Qualification Board of Judges of Ukraine, a member of Parliament, the Ombudsman, the Director of the National Anticorruption Bureau of Ukraine, the General Prosecutor, First Deputy/Deputy General Prosecutor, the Governor/ First Deputy/Deputy Governor of the National Bank of Ukraine, a member of the National Bank of Ukraine Board, the Secretary/ First Deputy/Deputy Secretary of the National Security and Defence Council, the Permanent Representative/ First Deputy/Deputy Representative of the President of Ukraine in the Autonomous Republic of Crimea, an advisor or assistant to the President of Ukraine, the Chairman of the Verkhovna Rada of Ukraine, the Prime Minister of Ukraine, the individuals belonging to the "A" or "B" civil service post categories, and individuals whose positions are attributed by Art. 14.1 of the Law of Ukraine on Local Self-Governance Service to Categories 1 to 3, as well as judges, prosecutors, and investigators, heads/deputy heads of public authorities with their competence covering entire Ukraine, their secretariats and autonomous structural units, heads/deputy heads of the public authorities, public bodies of the Autonomous Republic of Crimea, those with their competence covering one or a few regions, the Autonomous Republic of Crimea, the Cities of Kyiv or Sevastopol, heads of public authorities, public bodies of the Autonomous Republic of Crimea, those with their competence covering one or a few districts, the cities of republican subordination in the Autonomous Republic of Crimea or those of regional subordination, brought in a city, a town of district subordination, military officer corps officials.

Article 51. Monitoring of the Declarants' Way of Life

1. The National Agency shall perform a selective monitoring of the declarants' way of life in order to establish the compliance of their level of life to the assets owned by them and their family members and the income received thereby in accordance with the declaration of the individual authorised to fulfil the state or local self-governance functions submitted in accordance herewith.

2. The National Agency shall monitor the declarants' way of life on the basis of the information received from individuals and legal entities, as well as from the media and other open sources of information containing data on the incompliance of the declarants' way of life with the declared assets and incomes.

3. The way of life monitoring procedure shall be established by the National Agency.

The way of life shall be monitored with respect of the legislation on the protection of personal data and shall not mean excessive interference into the right to the inviolability of the personal and family life of an individual.

4. Establishment of the incompliance of the declarant's way of life with the declared assets and income shall be the grounds for the full verification of their declaration. If incompliance of the way of life is established, the National Agency shall provide the declarant with a possibility to provide written explanation of such fact within ten working days.

Should a corruption or corruption related offence be revealed on the results of the way of life monitoring, the National Agency shall notify the authorised anticorruption subjects.

Article 52. Additional Financial Oversight Measures

1. Should the declarant or their family member open a foreign currency account in a non-resident bank, the relevant declarant shall notify the National Agency thereof in writing in accordance with the established procedure within ten days within indication of the account number and the location of the non-resident bank.

2. In case of essential change in the property status of the declarant, in particular receipt of income or acquisition of assets for the amount exceeding 50 minimum subsistence levels (MSLs) established for the able-bodied individuals as of 1 January of the relevant year, the declarant concerned shall notify the National Agency thereof in writing within ten days upon received the income or acquisition of assets. Such information shall be included into the Unified State Register of the Declarations by the Individuals Authorised to Fulfil the State or Local Self-Governance Functions and shall be published on the National Agency's website.

3. The procedure for the notification of the National Agency of the opening of the foreign currency account in a non-resident bank, as well as of any essential changes in the property status shall be established by the National Agency.

Code of Administrative Infringements

Article 172⁶. Violation of the Financial Oversight Requirements

The late submission of the declaration of the individual authorised to fulfil the state or local self-governance functions shall be subject to a fine ranging from fifty to one hundred ULs.

The failure to notify or late notification of the opening of the foreign currency account in a non-resident bank or of the essential changes in the property status shall be subject to a fine ranging from one to two hundred ULs.

The actions envisaged by Part 1 or 2 and committed by an individual who has already been subject to an administrative charge for the same violations shall be subject to a fine in the amount ranging from one to three hundred ULs with confiscation of the income or remuneration and deprivation of the right to occupy certain offices or to be involved in certain activities for the period of one year

Submission of intentionally wrong information in the declaration of the individual authorised to fulfil the state or local self-governance functions, shall be subject to a fine in the amount ranging from one thousand to two thousand five hundred ULs.

Note. For the purpose of this Article, the violators are the individuals who, in accordance of Parts 1 and 2 of Art. 45 of the Law of Ukraine on Prevention of Corruption, shall submit the declaration of the individual authorised to fulfil the state or local self-governance functions.

Liability under this Article for the submission of deliberately untrue information in the declaration of the individual authorised to fulfil the state or local self-governance functions as to the assets or any other valuable object subject to declaration shall arise if such information is different from the true data for the amount ranging from 100 to 250 MSLs for the able-bodied individuals.

Criminal Code of Ukraine

Article 366¹. Declaration of Untrue Information

Submission of deliberately untrue information in the declaration of the individual authorised to fulfil the state or local self-governance functions envisaged by the Law on Prevention of Corruption intentional non-submission of the above declaration by the declarant shall be subject to the deprivation of freedom for up to two years with deprivation of the right to occupy certain offices or be involved in certain activities for the period of up to three years.

Note. The declarants are the individuals who are obliged to submit the declaration of the individual authorised to fulfil the state or local self-governance functions by Parts 1 and 2 of Art. 45 of the Law of Ukraine on Prevention of Corruption.

Liability under this Article for submission of deliberately untrue information in the declaration on the property or any other valuable object subject to declaration shall arise if such information is different from the true data for the amount exceeding 250 MSLs for the able-bodied individuals.

c. Gifts

Law on Prevention of Corruption

Article 23. Restrictions on the Receipt of Gifts

1. The individuals referred to in Clauses 1, 2 of Art. 3.1 hereof are prohibited to demand, to request, or to receive gifts directly or through other individuals for themselves or for their family members from legal entities or individuals:

1) due to the exercise by such individuals of the activities related to the fulfilment of the state or local self-governance functions;

2) if the presenter is subordinated to such individuals.

2. The individuals referred to in Clauses 1, 2 of Art. 3.1 hereof can accept the gifts which meet the generally recognised ideas of hospitality, excluding the cases envisaged by Part 1 of this Article, if the value of such gifts does not exceed one MSL the able-bodied individuals established on the day when the gift is received on time, while the cumulative value of such gifts received from one individual (a group) over a year shall not exceed two MSLs established for the able-bodied individuals as of 1 January of the year when the gifts are accepted.

The restriction established by this part for the values of the gifts does not extend to the gifts:

- 1) presented by family members;
- 2) received as the generally accessible discounts for goods and services, the generally accessible winnings, prizes, premia, and bonuses.

3. The gifts received from the individuals referred in Clauses 1, 2 of Art. 3.1 hereof as gifts to the state, the Autonomous Republic of Crimea, a territorial community, state- and community-owned companies, institutions, and organisations shall be the state or communal property and shall be passed over to the authority, companies, institutions, or organisations in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

4. The decisions made by an individual referred to in Clauses 1, 2 of Art. 3.1 hereof for the benefit of anybody from whom such individual or their family members have received a gift shall be considered to have been made under the conflict of interest conditions and shall be subject to the provisions of Article 67 hereof.

Article 24. Prevention of Receipt of Unlawful Benefits or Gifts and Treatment Thereof

1. Should the individuals authorised to fulfil the state or local self-governance functions or the individuals equalled thereto receive a proposal of unlawful benefit or gift, despite of the private interests, shall take the following measures:

- 1) reject the proposal;
- 2) identify, if possible, the proposal maker;
- 3) involve witnesses if possible, including from among the colleagues;
- 4) notify their immediate supervisor (if any) or the head of the relevant authority, company, institution or organisation, the specially authorised anticorruption subjects in writing of the proposal.

2. If the individual subject to the restrictions on the abuse of office and receipt of gifts reveals in their office or acquires the assets that may be unlawful benefit or a gift, such individual shall urgently, but not later than one working day, notify their immediate supervisor or the head of the relevant authority, company, institution or organisation of the above in writing.

The discovery of the assets that may be an unlawful benefit or a gift shall be recorded in an act signed by the individual who has discovered the unlawful benefit or gift and their immediate supervisor or the head of the relevant authority, company, institution or organisation.

If the assets that can be an unlawful benefit or a gift is discovered by the individual being the head of the authority, company, institution or organisation, the act on the discovery of the property that can be the unlawful benefit or gift shall be signed by such individual and by the individual authorised to fulfil the duties of the head of the relevant authority, company, institution or organisation in case of their absence.

3. The unlawful benefit objects, as well as gifts received or revealed shall be stored by the authority before their transfer to the specially authorised anticorruption subjects.

4. The provisions of this Article do not extend to the cases when the gift is received under the circumstances described by Art. 23.2/

6. Should the individuals referred to in Clauses 1, 2 of Art. 3.1 have any doubts about the possibility of receiving a gift, they may send a written request to get consultations on this issues from the National Agency territorial office to provide the relevant explanation.

Article 46. Information Presented in a Declaration

Such information shall include data on the type, source, and volume of income. Information on the gift shall be noted only if its cost exceeds five MSLs established for the able-bodied individuals as of 1 January of the year under report, while for monetary gifts – if the size of such gifts received from an individual (a group) over a year exceeds five MSLs established for the able-bodied individuals as of 1 January of the year under report.

Code of Administrative Infringements

Article 172⁵. Violation of the Gift Restrictions Established by Law

Violation of the restrictions established for the gifts shall be subject to a fine ranging from one to two hundred ULs with confiscation of such a gift.

The same action committed by the individual who has been subject to an administrative charge

for the violation envisaged by Part 1 above shall be subject to a fine ranging from two to four UKs with confiscation of such a gift (donation) and deprivation of the right to occupy certain positions for the period of one year.

Note. For the purpose hereof, the violators are the individuals referred to in Clauses 1, 2 of Art. 3.1 of the Law of Ukraine on Prevention of Corruption”.

Criminal Code of Ukraine

Article 368. Acceptance of a Proposal, Promise or Receipt of Unlawful Benefit by a Servant

1. Acquisition by an individual authorised to fulfil the state or local self-governance functions of the assets with the value considerably exceeding the incomes of such individual from the legal sources or the transfer thereby of such assets to their close relative shall be subject to the deprivation of freedom for the period of up to two years with deprivation of the right to occupy certain offices or to be involved in certain activities for the period of up to three years with special confiscation and confiscation of assets.

2. The actions envisaged by Part 1 above committed by a servant in the position of responsibility shall be subject to the deprivation of freedom for the period from two to five years with deprivation of the right to occupy certain offices or to be involved in certain activities for the period of up to three years with special confiscation and confiscation of assets.

3. The actions envisaged by Part 1 above committed by a servant in the position of particular responsibility shall be subject to the deprivation of freedom for the period from five to ten years with deprivation of the right to occupy certain offices or to be involved in certain activities for the period of up to three years with special confiscation and confiscation of assets.

3. PAYMENTS AND EXPENSES

Law on Parliamentary Status

Article 23. Member of Parliament's Right to Transportation Support

2. The expenses envisaged to support the operation of the Verkhovna Rada of Ukraine shall envisaged funds for the Members of Parliament to be able to use all means of transportation. The estimates of the Verkhovna Rada of Ukraine shall approve the limit of the funds provided on a monthly basis to each Member of Parliament to reimburse them for the transportation costs on the territory of Ukraine.

Article 28. Creation of Conditions for the Members of Parliament to Fulfil Their Parliamentary Powers

1. The Chairman/ First Deputy/ Deputy Chairman of the Verkhovna Rada of Ukraine shall be provided with the premises for official events, transport, a secretariat, security, as well as with funds for the representation costs not exceeding 40% of their relevant basic salary.

5. The local executive authorities or the local self-governance bodies managing the relevant public or communal property of the territorial community where the relevant one-seat constituency is situated shall provide the Member of Parliament elected in such one-seat constituency, for the period of their parliamentary mandate, with a separate technical equipped service premises with a permanent desk for the parliamentary assistant. The relevant costs shall be subsequently reimbursed within the established limits and at the expense of the budget assignments allocated to support the operation of the Verkhovna Rada of Ukraine.

The local executive authorities or the local self-governance bodies managing the relevant public or communal property of the territorial community shall provide the Member of Parliament elected in the nationwide multi-seat constituency in the regional centre or (at the Member's request) in the districts, cities/town of the region assigned to the MP by the parliamentary faction (group) with a permanent desk for the parliamentary assistant. The relevant costs shall be subsequently reimbursed within the established limits and at the expense of the budget assignments allocated to support the operation of the Verkhovna Rada of Ukraine.

The amount of the expenses for the maintenance of the office, purchase of the necessary technical equipment shall be annually defined by the Verkhovna Rada of Ukraine proceeding from the amount of the budget assignments allocated to support the operation of the Verkhovna Rada of Ukraine upon the submission of the Verkhovna Rada committees in charge of supporting the operation of the Members of Parliament, as well as state development and local self-governance.

8. The expenses related to the organisation and conduct of the Member's meeting with the voters and the Member's reports shall be made at the expense of the budget assignments allocated to support the operation of the Verkhovna Rada of Ukraine.

Article 32. Funding of the Expenses Related to the Parliamentary Activities

3. The expenses of the public authorities and the local self-governance bodies, companies, institutions and organisations related to the exercise by the Member of Parliament of their powers shall be reimbursed at the expense of the State Budget of Ukraine.

4. In accordance with Articles 23 and 35 of this Law, over the entire period of their mandate, the Members shall receive monthly indemnification for the cost of travel, accommodation, hotel room rent. They shall also be reimbursed for the expenses related to the exercise of the parliamentary powers in the amount of a monthly parliamentary salary not subject to taxation.

4. EMPLOYMENT AFTER PARLIAMENTARY SERVICE

Law on Prevention of Corruption

Article 26. Restrictions After Termination of the Activities Related to the Fulfilment of the State or Local Self-Governance Functions

1. The individuals authorised to fulfil the state or local self-governance functions referred to in Clause 1 of Art. 3.1 who resigned or terminated their activities related to the fulfilment of the state or local self-governance functions are prohibited from the following:

1) to conclude over a year upon termination of their relevant activities any employment agreements/contracts or make any other commercial deals with private law legal entities or private entrepreneurs if, one year before having terminated fulfilment of the state or local self-governance functions, the individuals mentioned in Para 1 of Part 1 above exercised the oversight, supervision or decision-making powers in relation to such legal entities or private entrepreneurs;

2) to disclose or to use in any other way the information that has become known to them due to the exercise of the service powers, excluding the cases established by law;

3) over one year upon termination of their relevant activities, to represent the interests of any party in the cases (including the ones considered in courts) with the body, company, institution or the organisation where they used to work as a litigant.

Table 1. SANCTIONS

	Provisions	Rules of Procedure	Code of Administrative Infringements	Criminal Code
1	<p>Rules of Procedure</p> <p>Article 51. Respect of the Discipline and the Ethical Norms at the Plenary Sitting</p> <p>2. During the plenary sitting, the Members shall not hinder the presentation or perception of the intervention (by shouts, applause, standing up, talking on mobile phones etc), use offensive expressions and indecent words, call on illegal actions.</p>	<p>Article 51. Respect of the Discipline and the Ethical Norms at the Plenary Sitting</p> <p>4. If a Member uses insulting words in relation to another Member or parliamentary faction/group, the chair of the plenary sitting shall warn such Member on inadmissibility of such expressions or terminate their intervention. The insulted Member or representative of the parliamentary faction/group may address the chair with a request to provide the floor for a comment. The chair shall provide the floor for a comment to the Member or representative of the parliamentary faction/group immediately after the request is made or after the end of the debate of the issue.</p> <p>5. If the Member or parliamentary faction/group that have been subject to the insulting words consider that the conflict has not been exhausted and the understanding among the Members has not been reached, they may address in writing the Committee in charge of the Rules of Procedure, which shall consider the issue at its sitting. In such cases, on the conclusions of the Committee in charge of the Rules of Procedure, the Verkhovna Rada may, without discussion, make a decision to deprive the Member of the right to participate in the plenary sitting (up to five plenary sittings) This decision shall be announced to the voters through the Holos Ukrayiny newspaper.</p>		
2	<p>Rules of Procedure</p> <p>Article 52. Respect of Discipline and Ethical Norms by the Speakers at the Plenary Sitings</p> <p>1. During the plenary sitting, the speaker shall not use offensive expressions, indecent words, or call on illegal actions.</p>	<p>Article 52. Respect of Discipline and Ethical Norms by Speakers at Plenary Sitings</p> <p>1. If the speaker violates such request, the chair of the plenary sitting shall warn them of inadmissibility of such expressions and calls or stop their intervention. Should the speaker commit a repeated violation, the chair shall deprive them of the right to speak at such plenary sitting.</p>		

3	<p>Law on Prevention of Corruption Article 23. Restrictions on the Receipt of Gifts</p> <p>The individuals referred to in Clauses 1, 2 of Art. 3.1 hereof are prohibited to demand, to request, or to receive gifts directly or through other individuals for themselves or for their family members from legal entities or individuals:</p> <p>1) due to the exercise by such individuals of the activities related to the fulfilment of the state or local self-governance functions;</p> <p>2) if the presenter is subordinated to such individuals.</p> <p>2. The individuals referred to in Clauses 1, 2 of Art. 3.1 hereof can accept the gifts which meet the generally recognised ideas of hospitality, excluding the cases envisaged by Part 1 of this Article, if the value of such gifts does not exceed one MSL the able-bodied individuals established on the day when the gift is received on time, while the cumulative value of such gifts received from one individual (a group) over a year shall not exceed two MSLs established for the able-bodied individuals as of 1 January of the year when the gifts are accepted.</p>	<p>Article 172⁵. Violation of the Gift Restrictions Established by Law</p> <p>Violation of the restrictions established for the gifts shall be subject to a fine ranging from one to two hundred ULs with confiscation of such a gift. The same action committed by the individual who has been subject to an administrative charge for the violation envisaged by Part 1 above shall be subject to a fine ranging from two to four ULs with confiscation of such a gift (donation) and deprivation of the right to occupy certain positions for the period of one year.</p>	<p>Article 368. Acceptance of a Proposal, Promise or Receipt of Unlawful Benefit by a Servant</p> <p>Acquisition by an individual authorised to fulfil the state or local self-governance functions of the assets with the value considerably exceeding the incomes of such individual from the legal sources or the transfer thereby of such assets to their close relative shall be subject to the deprivation of freedom for the period of up to two years with deprivation of the right to occupy certain offices or to be involved in certain activities for the period of up to three years with special confiscation and confiscation of assets.</p> <p>2. The actions envisaged by Part 1 above committed by a servant in the position of responsibility shall be subject to the deprivation of freedom for the period from two to five years with deprivation of the right to occupy certain offices or to be involved in certain activities for the period of up to three years with special confiscation and confiscation of assets.</p> <p>3. The actions envisaged by Part 1 above committed by a servant in the position of particular responsibility shall be subject to the deprivation of freedom for the period from five to ten years with deprivation of the right to occupy certain offices or to be involved in certain activities for the period of up to three years with special confiscation and confiscation of assets.</p>
4	<p>Law on Prevention of Corruption Article 25. Restriction on Combination of Jobs</p> <p>1. The individuals referred to in Clause 1 of Part 1 of Article 3 hereof shall be prohibited from:</p> <p>1) any other paid activities (excluding the pedagogical, research, and artistic activities, medical practice, sport instructor or referee practice) or entrepreneurship, unless otherwise established by the Constitution or laws of Ukraine;</p> <p>2) being a member of the board, other executive or oversight bodies, supervisory board of companies or for-profit organisations (excluding the cases when such individuals manage the shares owned by the state or a territorial community and represent the state or a territorial community in the board (supervisory board), the auditing board or a commercial organisation), unless otherwise established by the Constitution or the laws of Ukraine.</p>	<p>Article 172⁴. Violation of Restrictions on Combination of Jobs</p> <p>Violation of the restrictions set by law for doing any other paid job (apart from the pedagogical, research, and creative activities, medical and judicial practice, instructor practice in sport) or entrepreneurial activities shall be subject to a fine in the amount ranging from three to five hundred ULs with confiscation of the income received from the business activities and from the combined work. Violation of the restrictions set by law as to the participation in the management boards, other executive or oversight bodies, or supervisory boards of companies or for-profit organisations (apart from the cases when an individual performs functions on the management of the shares owned by the state or a territorial community and represents the interests of the state or a territorial community in the board (supervisory board), auditing board of a commercial organisations),</p>	

			<p>shall be subject to a fine in the amount ranging from three to five hundred ULs with confiscation of the income received from such activities.</p> <p>The actions envisaged by Part 1 or 2 committed by the individual who over a year has been subject to an administrative charge for the same violations, shall be subject to a fine in the amount ranging from five to eight hundred ULs with confiscation of the income received or remuneration and deprivation of the right to occupy certain offices or to be involved in certain activities for the period of one year.</p>	
5	<p>Law on Prevention of Corruption</p> <p>Article 26. Restrictions After Termination of the Activities Related to the Fulfilment of the State or Local Self-Governance Powers</p> <p>2) disclosing or using in any other way the information that has become known to them due to the fulfilment of the service powers, excluding the cases established by law;</p>		<p>Article 172⁸. Illegal Use of the Information that Has Become Known Due to the Exercise of Service Powers</p> <p>Illegal disclosure or use in any other way for the personal interests of the information that has become known due to the exercise of the service powers shall be subject to a fine in the amount ranging from one hundred to one hundred fifty ULs.</p>	
6	<p>Law on Prevention of Corruption</p> <p>Article 28. Prevention and Settlement of the Conflict of Interest</p> <p>2) not later than the next working day after the day when the individual learnt or should have learnt of the real or potential conflict of interest, notify their direct supervisor, and in case of occupying the position without a direct supervisor, or in a collective body – the National Agency or any other body or collective body defined by law where the conflict of interest emerged accordingly;</p> <p>3) to abstain from taking any actions or making any decisions under the conditions of the real conflict of interest;</p>		<p>Article 172⁷. Violation of Requirements on Prevention and Settlement of the Conflict of Interest</p> <p>The failure to report on the real conflict of interest in the case and in accordance with the procedure established by law shall be subject to a fine in the amount ranging from one to two hundred ULs.</p> <p>Taking actions or making decisions under the conditions of the real conflict of interest shall be subject to a fine in the amount ranging from two to four hundred of ULs.</p>	

7	<p>Law on Prevention of Corruption</p> <p>Article 45. Submission of Declarations by Individuals Authorised to Fulfil the State or Local Self-Governance Powers</p> <p>1. The individuals referred to in Clause 1, Subclause 2.a of Art. 3.1 hereof shall annually, before 1 April, submit a declaration of an individual authorised to fulfil the state or local self-governance functions [the declaration] for the previous in accordance with the form defined by the National Agency by filling in a form on the National Agency's website.</p>	<p>Article 172⁶. Violation of the Financial Oversight Requirements</p> <p>The late submission of the declaration of the individual authorised to fulfil the state or local self-governance functions shall be subject to a fine ranging from fifty to one hundred ULs.</p> <p>The failure to notify or late notification of the opening of the foreign currency account in a non-resident bank or of the essential changes in the property status shall be subject to a fine ranging from one to two hundred ULs.</p> <p>The actions envisaged by Part 1 or 2 and committed by an individual who has already been subject to an administrative charge for the same violations shall be subject to a fine in the amount ranging from one to three hundred ULs with confiscation of the income or remuneration and deprivation of the right to occupy certain offices or to be involved in certain activities for the period of one year</p> <p>Submission of intentionally wrong information in the declaration of the individual authorised to fulfil the state or local self-governance functions, shall be subject to a fine in the amount ranging from one thousand to two thousand five hundred ULs.</p>	<p>Article 366¹. Declaration of Untrue Information</p> <p>Submission of deliberately untrue information in the declaration of the individual authorised to fulfil the state or local self-governance functions envisaged by the Law on Prevention of Corruption intentional non-submission of the above declaration by the declarant shall be subject to the deprivation of freedom for up to two years with deprivation of the right to occupy certain offices or be involved in certain activities for the period of up to three years.</p>
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